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**EU Foreign Policy and the Uploading of National Preferences:  
The Case of Latvia**

**Doctoral Thesis**

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## Anotācija

Promocijas darbs pēta, kā dalībvalsts, kurai ir vitāli svarīgas nacionālās intereses kādā no Eiropas Savienības (ES) ārpolitikas jautājumiem, spēj ietekmēt ES lēmumus un panākt sev labvēlīgu iznākumu. Gadījuma analīzei tiek izmantota Latvija centienos ietekmēt tai stratēģiski nozīmīgās ES attiecības ar austrumu kaimiņvalstīm. Balstoties uz eiropeizācijas konceptu un uz racionālās izvēles institucionālisma teorētisko pieeju, darbs argumentē, ka dalībvalsts spēj panākt ietekmi ES ārpolitikā ar šādiem mehānismiem: argumentu sniegšana, kooperatīvā kaulēšanās, kontaktēšanās ar citām dalībvalstīm, koalīciju izmantošana, lobēšana ES institūcijās un valsts iekšējās kapacitātes stiprināšana. Empīriskie pierādījumi apstiprina šo mehānismu nozīmīgumu. Jo izteiktākas bijušas Latvijas nacionālās intereses, jo vairāk no minētajiem mehānismiem tikuši izmantoti, lai panāktu sev vēlamo ES lēmumu.

*ATSLĒGAS VĀRDI: Eiropēizācija, ārpolitika, racionālās izvēles institucionālisms, nacionālās intereses, ietekmes mehānismi, Latvija.*

## **Abstract**

This study explores how a member state with high intensity of national preferences in some European Union (EU) foreign policy issue can influence EU decision-making and achieve a preferable outcome. Latvia is used as a case study. The study analyses how Latvia seeks to influence EU relations with its Eastern neighbours, which is great strategic interest for the country. Drawing on the concept of Europeanization and a rational choice institutionalism this study argues that a member state can better attain the preferable outcome through the following uploading mechanisms: presenting arguments, cooperative bargaining, contacting other member states, using coalitions, lobbying the EU institutions and bolstering domestic uploading capacity. Empirical evidence confirms the relevance of the suggested mechanisms. The higher the intensity of preference the more of these mechanisms have been used.

**KEYWORDS:** *Europeanization, foreign policy, rational choice institutionalism, national preferences, uploading mechanisms, Latvia*

## ABBREVIATIONS

CFSP	Common Foreign and Security Policy
COEST	Eastern Europe and Central Asia working group of the EU Council
COREPER	Committee of Permanent Representatives of the EU
DG	Directorate General of the EU
DCFA	Deep and Comprehensive Free Trade Agreement
ECFR	European Council of Foreign Relations
EEAS	European External Action Service of the EU
EEC	European Economic Community
ESDP	European Security and Defence Policy
EU	European Union
EP	European Parliament
FAC	Foreign Affairs Council of the EU
GAERC	General Affairs and the External Relations Council of the EU
HR	High Representative for the CFSP
JHA	Justice and Home Affairs
MFA	Ministry of Foreign Affairs
NATO	North Atlantic Treaty Organization
OSCE	Organization for Security and Cooperation in Europe
TEU	Treaty of the European Union
UN	United Nations

## LIST OF TABLES AND FIGURES

Table 1	Research design	16
Table 2	The uploading mechanisms in the Europeanization literature on foreign policy	21
Table 3	Conceptualization and operationalization of the uploading mechanisms	68
Table 4	Chronology of EU decision-making (January 2011 – March 2012)	86
Table 5	Chronology of EU policy on visa-free travel with Russia (middle 2010 – beginning 2014)	116
Table 6	Chronology of the EU decision-making (October 2011 – November 2013).	155
Table 7	Intensity of preference and the employed uploading mechanisms.	190
Figure 1	Europeanization dimensions	32
Figure 2	A causal theory of uploading dimension of Europeanization	62
Figure 3	Case selection in mechanism-centred designs (Beach & Pedersen, 2013)	69
Figure 4	Evolution of the number of C visas applied for in Russia and other countries. Source: European Commission, DG of Home Affairs, Overview of Schengen Visa Statistics 2009-2012	105

## Contents

1. INTRODUCTION .....	8
2. LITERATURE REVIEW: UPLOADING DIMENSION OF EUROPEANIZATION IN FOREIGN POLICY .....	17
3. THEORETICAL FRAMEWORK .....	26
3.1. Various Concepts of EU Foreign Policy Analysis .....	27
3.1.1. National and EU Foreign Policy .....	27
3.1.2. Actor-based and EU-as-actor Approaches .....	28
3.1.3. Using the Europeanization Concept in Foreign Policy .....	30
3.1.4. Defining Europeanization and its Uploading Dimension .....	31
3.1.5. Uploading Embedded in Rational Choice Institutionalism .....	33
3.2. Uploading Process and its Components .....	37
3.2.1. Concepts of Influence and Power .....	37
3.2.2. National Preferences .....	39
3.2.3. EU Policy-making Environment .....	42
3.2.4. The Uploading Mechanisms .....	45
4. METHODOLOGY .....	56
4.1. Case Study Methods and Process-tracing .....	57
4.2. Operationalization of Variables and Causal Mechanisms .....	59
4.3. Case Selection .....	68
4.4. Empirical Material – Collection and Evaluation of Observations .....	70
5. WITHIN-CASE STUDY ON LATVIA .....	71
5.1. Determinants of Latvia’s Foreign Policy .....	71
5.2. Selection of the Sub-cases .....	74
5.3. Case I: EU Sanctions Towards Belarus (2011-2012) .....	75
5.3.1. Empirical Background .....	76
5.3.2. Latvia’s Intensely Held Preference: “No Economic Sanctions” .....	80
5.3.3. The EU Policy-making Environment .....	83
5.3.4. Observed Latvia’s Influence on EU Decision Outcome .....	85
5.3.4. The Uploading Mechanisms in Practice .....	86
5.3.5. Conclusions .....	102
5.4. CASE II: EU-Russia Visa-free travel perspective (2010-2014) .....	103
5.4.1. Empirical Background .....	105
5.4.2. Latvia’s National Preference – Politically ‘Yes,’ but With Conditions .....	109
5.4.3. The EU Policy-making Environment .....	112
5.4.4. Observed Latvia’s Influence on EU Decision Outcome .....	115
5.4.5. The Uploading Mechanism in Practice .....	116
5.4.6. Conclusions .....	141

5.5. Case III: the EU-Ukraine Association Agreement (2011-2013).....	142
5.5.1. Empirical Background .....	144
5.5.2. Latvia’s Preference: Political Support to the Association Agreement.....	147
5.5.3. EU Policy-making Environment.....	150
5.5.4. Observed Latvia’s Influence .....	153
5.5.5. The Uploading Mechanism in Practice.....	154
5.5.7. Conclusions.....	184
6. CONCLUSIONS.....	185
6.1. Case I: The EU Sanctions on Belarus (2011-2012) .....	186
6.2. Case II: The EU-Russia Visa-free Travel (2010-2014) .....	187
6.3. Case III: The EU-Ukraine Association Agreement (2011-2013) .....	188
6.4. Overall Results Concerning the Research Questions.....	190
6.3. Shortcomings .....	195
6.4. Prospects for Future Research .....	196
REFERENCES .....	199
ANNEX I List of Interviews.....	221
ANNEX II Questionnaire to the Latvian respondents .....	222
ANNEX III Questionnaire to the EEAS and the Commission’s respondents .....	224

## 1. INTRODUCTION

A typical description is that the big member states exert much more influence in the European Union (EU) than the small ones (Moravcsik 1998). This means that the small states are left with little choice other than to follow the ‘rules of the game’ set by the big member states. However, it would be difficult to capture the development of the Union’s “special relationship with neighbouring countries” (Art 8 (1) TEU) without taking into account the contributions of the smaller members. Even they can use the EU “to correct the imbalance which exists in their relations with...countries like Russia” (Schmidt-Felzmann 2008:171). Such EU initiatives as the Eastern Partnership or the Northern Dimension are largely advanced by smaller states. It indicates that not only the size (material power) matters. A member state with limited resources, but a higher intensity of preference, may achieve greater influence (Cox & Jacobson 1973). By utilizing immaterial power assets such as using skills to promote ideas, bargaining national preferences, building coalitions and employing lobbying a small state may attain the preferred outcome (see, e.g. Tallberg 2006, 2010, Björkdahl 2008, Bunse 2009, Jakobsen 2009, Panke 2010, 2012, Howard Grøn & Wivel 2011, Nasra 2011).

This study explores how ‘the smallest of the small’ in the EU seek to influence the Union’s foreign policy. In so doing, it examines Latvia as a case study. It looks at how Latvia seeks to project its national preferences in the EU relations with its Eastern neighbours, which is the foreign policy dimension that is of the greatest strategic interest for the country. Latvia represents an interesting case in EU policy-making. On the one hand, it is one of the smallest member states, which joined the EU in 2004. Hence, Latvia faces ‘double structural disadvantages’ in the EU (a ‘smallness’ and a ‘newness’<sup>1</sup>), suggesting that it may be among the least likely to have an influence on EU policy decisions. On the other hand, its geographical location at the EU ‘frontline’ (external border) indicates that it has specific interests pertaining to its immediate neighbourhood. This means that it cannot simply free-ride in developing the EU’s special relationship with its neighbours, but instead it needs to put an effort into influencing EU policy to align closer to its own preferences.

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<sup>1</sup> The concept ‘newness’ is often used in the case of the ten member states, which joined the 2004 EU enlargement. However the concept needs to be reviewed, because more than ten years have already passed since their joining. They have adjusted to the EU working procedures and gained experience in EU policy-making, for instance, through their rotating EU Presidencies.

Through investigation a member state's influence, this study contributes to the scholarship on Europeanization of foreign policy. A member state's influence or uploading, as it is often called in EU policy-making literature, is an important part of Europeanization (for a discussion see Chapter 2). Through uploading a state projects its national preferences to the EU level (Börzel 2003, Wong 2005, Miskimmon 2007). Europeanization is an "on-going, interactive and mutually constitutive process of change" (Börzel 2003), linking the national and the EU levels, where uploading is its essential part: a member state first proactively seeks to project its preferences to the EU (Major 2008) and afterwards downloads them (adapts to the EU).

### Research Problem

This study addresses the puzzle for existing explanations of a member state's influence on EU foreign policy, which, viewed through the Europeanization framework, can offer additional interpretations on how a member state can influence EU foreign policy. To date, Europeanization in foreign policy has been preoccupied mainly with downloading, with less attention being paid to uploading. The leading scholars have "identified this deficiency as the most pressing question" in future research on EU governance (Bulmer & Lequesne 2002, cited in Copsey & Pomorska 2010). A need to pay more scholarly attention to uploading increases even more after the Lisbon Treaty becoming operational in 2009, which substantially advanced cooperation in the foreign policy area.

While the recent scholarship on Europeanization in foreign policy has focused also on uploading, these studies compared a larger group of states without an in-depth analysis on the process itself with its causal mechanisms. As a result, the dominating mechanism of Europeanization in foreign policy is 'socialization,' meaning inducing a member state into the "norms and rules of a given community" through e.g. 'normative suasion' (Checkel 2005)<sup>2</sup>. However, the empirical evidence shows that the effects of socialization are weak or even absent (Schimmelfennig 2005, Bailer 2009:13, Pollack 2010:25), arguably because it "suffer[s] from the long-time need to produce results" (Falkner 2011:15). Indeed, today's EU foreign policy-making involves highly complex issues, such as the EU economic sanctions against the third

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<sup>2</sup> Socialization has mostly been attributed to downloading (adaptation), yet its meaning is unclear. E.g. one proposed mechanism of socialization in CFSP is 'normative suasion' of actors 'persuading' others (Checkel 2005, cited in Juncos and Pomorska 2006). Persuasion indicates on the pro-active behaviour. Some scholars mentioned socialization as an uploading mechanism (Müller and Alecu de Flers 2009)

countries, demanding the Union's swift reaction. Arguably, there should be more efficient mechanisms than socialisation involved. This shows how current scholarship on Europeanization of foreign policy may need to be refined to address the uploading process.

Another problem is that the existing literature on Europeanization of foreign policy has only marginally focused on Latvia. With some exceptions of very general studies (see e.g. Galbreath 2013), no systematic academic research has been carried out on Europeanization of Latvia's foreign policy or on Latvia's uploading efforts in EU relations with its Eastern neighbours.

Finally, better understanding of Latvia's ability to influence the EU policy towards its Eastern neighbours is of relevance because in the first half of 2015 Latvia assumes the role of the EU Presidency. It has put forward the task of advancing the EU Eastern Partnership as its key foreign policy priority. Hence, its ability to pursue the EU's common preferences becomes something more than only a matter of its own uploading issue. This study aims to stimulate the scholarly interest in this direction.

#### Scientific Importance of the Study

The significance of this study lies in its contribution to the existing research. First, the Europeanization scholarship in foreign policy often focuses on the big old, or the small old member states. This study fills this gap by exploring a small new member state Latvia. In this way it addresses the task put forward by the prominent scholars Wong and Hill (2011) to include in the research on Europeanization of foreign policy also the new members to know the roles played by these 'frontline states'.

Second, to date Europeanization scholarship in foreign policy has been predominantly concerned with downloading. To fill this gap, this study provides empirical evidence on the uploading dimension of Europeanization.

Third, the scholars examining uploading in foreign policy used to focus on the outcome, and there is little evidence about the process itself with the causal mechanisms. If mentioned, these mechanisms are mainly drawn from a constructivism approach with socialization as the key mechanism<sup>3</sup>. The novelty of this study is that it introduces additional mechanisms from the rational choice institutionalism theoretical

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<sup>3</sup> While socialization has been presented as following the logic of appropriateness, the empirical evidence shows the opposite: in CFSP working parties socialization followed the rational calculus (Juncos & Pomorska 2006)

perspective. It empirically demonstrates that such mechanisms as cooperative bargaining, lobbying, and coalition building are of critical importance for uploading. Thereby this study contributes in providing more comprehensive picture of Europeanization of national foreign policies.

Fourth, the existing scholarship on Europeanization of foreign policy has only marginally focused on Latvia. Although there have been studies on Latvia's foreign policy interests in the EU, highlighting its geographical preferences in the Eastern neighbourhood, the question on how exactly Latvia uploaded them and whether it has been successful in achieving its preferences remains unanswered. The novelty of this study is that it explores in what ways Latvia pursues its interests in EU foreign policy.

Fifth, by looking at Latvia's uploading in EU foreign policy under the Lisbon Treaty, this study contributes to a better understanding of how the member states operates within this new EU institutional environment.

Finally, through exploring Latvia's uploading in EU policy towards Eastern neighbours, it contributes to a better understanding of this trajectory of EU policy vis-à-vis its Eastern neighbours. Given today's changing geopolitical realities in the EU's Eastern neighbourhood, and the role the EU seeks to play there, exploring the individual member states contribution in this EU policy direction is an urgent task.

### Research Aim and Questions

The aim of this study is to explore how a member state, with limited resources but greater intensity of preferences, can influence EU foreign policy. I use Latvia's projection of its preferences as a case study.

The research questions are the following:

- 1) *Given its intensely held preferences, how can a member state influence EU foreign policy-making and its outcome?*
- 2) *In what ways can a member state project its preferences into EU foreign policy, in situations where member states have conflicting interests?*

The main interest here is to capture *how* the uploading process occurs. I draw on the preliminary knowledge that there has been a correlation between the national preferences and their reflection in EU decision outcome, and trace the process, showing how uploading took place and what mechanisms were involved, allowing Latvia to attain the preferable outcome.

## Framework for Analysis

This study engages in explanations of a member state's influence on EU foreign policy, viewed through the Europeanization framework and institutionalism's theoretical perspective. The hypotheses draw on rational choice institutionalism assumptions that member states in pursuit of their preferences act as goal-seeking actors ('rational utility maximizers').

Uploading deals with a member state's influence. In International Relations, influence is used together with the concept of 'power' (for a discussion see Chapter 4.3.) Power is the potential, which a person or group has "to realize their own will in a social action even against the resistance of others" (Weber 2007/1914). Thereby power focuses on influencing 'social' or collective actions, i.e. content of EU decisions (Thomson 2011:189). Influence is a proportion of the used potential of power, where this proportion depends on the preference intensity (ibid). In the case of high preference intensity, a member state puts in enormous mobilising efforts to attain its goal (Tallberg *et al.* 2011:9). Thus, a state with limited resources but higher intensity of preference may achieve greater influence (Cox & Jacobson 1973:4).

In this study, the intensely held national preferences is an independent variable, understood as arising from a member state's geographic proximity with a respective third country (for a discussion see Chapter 3.4), creating interdependence in terms of economic welfare and security, that is, so-called 'first order' core national interests (Mearsheimer 2001:46). Consequently, in EU policy-making a member state is not expected to sacrifice its 'first order' national interests if they conflict with other's preferences or 'lofty European ideals' (Thomson 2011).

In the uploading process, a member state projects its preferences. Influence exists when preferences are reflected in EU policy decision. But how exactly does the uploading process occur? Here, causal mechanisms help to "provide an ordering system that describes the potential cause-effect relationship" (Scharpf 1997:31). Contrary to the constructivism advocated mechanism of socialization, uploading "shares many similarities with rational choice, interest based accounts" (Wong 2005:9), allowing for the capturing of uploading with its mechanisms (for discussion see Chapter 3.2.). The most recent studies on Europeanization in foreign policy identified important uploading mechanisms such as bargaining, lobbying, and coalition building (e.g. Sepos 2008, Fiott 2010, Alecu De Flers 2012, Baun & Marek

2013). These uploading mechanisms can be attributed to a strategic action. However, while these studies singled out the above mechanisms, they have not traced how exactly they operate in practice.

In this respect, extensive scholarship on the decision-making in the EU Council offers useful mechanisms. The most prominent of them are ‘arguing’ and ‘bargaining.’ Arguing seems to be of particular importance in EU foreign policy – in the CFSP working parties member states reportedly use arguing 71% of the time and bargaining only 29% of the time (Naurin 2007:25). Smaller states can successfully influence the EU through persuasive advocacy, by building coalitions, and by using their EU Presidency (see, e.g. Tallberg 2008, Bunse 2009, Jakobsen 2009, Panke 2010). In addition, a ‘small state’s ideal behaviour’ is acting as a lobbyist, a self-interested mediator, and a norm entrepreneur (Hovard Grøn & Wivel 2011:523).

Accordingly, this study borrows the above mechanisms to trace the uploading process in EU foreign policy. First, two important uploading mechanisms – ‘presenting arguments’ and ‘cooperative bargaining’ – are introduced and used here synonymously to a member state’s formal interventions in EU working parties. While these two are highly important mechanisms, practitioners recognize that “the formal EU working groups are only the surface, while the real work happens behind the scenes” (Interview No. 28.12.2012, PermRep). Thereby, the formal uploading mechanisms should be complemented by the informal ones. Informal contacts with other member states, using like-minded coalitions, and lobbying the EU institutions can be effective informal means of influence. Also, bolstering the domestic uploading capacity indirectly helps to influence the EU level (for discussion see Chapter 3.4).

First, ‘presenting arguments’ or arguing is an effort to persuade others by giving reasons (Elster 2007:405). From the constructivist ‘logic of appropriateness,’ actors “present arguments and try to persuade each other” and “their preferences are open for redefinition” (Checkel 2007:13). Actors are expected to be sincere and never use arguments as a strategic asset. But then EU foreign policy-making would be purely a ‘truth seeking’ exercise. By contrast, rationalists consider that arguing can be used strategically. ‘Competitive arguing’ (Naurin 2007:11) or ‘rhetorical action’ Schimmelfennig’s (2001) have been singled out as a strategic use of arguments to persuade opponents. I use ‘presenting arguments’ to mean strategic action, which involves giving reasons based on scientific evidence or on shared values to persuade others (Panke 2010).

Second, ‘bargaining’ is a prominent mechanism in EU Council negotiations. It means reaching agreement through credible threats and promises (Elster 2007:419). At the first glance, EU foreign policy-making does not resemble this type of interaction: usually, the national representatives use “very elegant rhetoric, referring to the EU common norms and values” (Interview No 1. . However, bargaining can also have a soft or cooperative form, involving a great deal of ‘give-and-take.’ Recent studies show that in EU foreign policy cooperative bargaining helps to reach a compromise decision (Thomas 2011). The rational choice institutionalism scholars single out cooperative bargaining is the most typical mode in EU Council negotiations (Thomson & Holsti 2006). I use ‘cooperative bargaining’ to mean justifying the national position, ‘voicing national concerns,’ hinting towards ‘red lines’ as implicit threats (Panke 2010:31), and at the same time signalling for flexibility to compromise.

Third, ‘contacting other member states’ is an important uploading mechanism. It involves informal exchange on preferences and seeking others’ support on an *ad hoc* basis (Börzel 1998). Member state’s well-developed contacts with other states, the so-called ‘network capital,’ allows for accessing others through informal channels (Naurin & Lindhal 2014). Member states can gain influence in the EU/ESDP by using consultations and identifying like-minded supporters (Björkdahl 2008:138). Furthermore, informal pre-negotiation consultations can help to improve the capacity of strategic reasoning, and at the later phase, consultations may be important for building coalitions (Engelbrekt 2008:13). Small states in particular seek contacts with big member states to gain support (Panke 2010:28).

Fourth, ‘building or joining like-minded coalitions’<sup>4</sup> is another informal mechanism that may increase influence, particularly attractive for smaller member states (see, e.g. Naurin & Lindahl 2008). Joining coalitions is especially popular among smaller states, while initiators are the bigger countries (Panke 2010:205). Coalition building is a form of strategic action. It means joining or initiating a like-minded group of states, coordinating activities and defending the same position in EU policy formats at various levels.

Fifth, ‘lobbying EU institutional actors’ is frequently used by member states (Panke 2012). Lobbying is a ‘unilateral action’ where formal institutional rules are absent (Scharp 1997:47). Member states directly contact EU institutions, which set

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<sup>4</sup> The term ‘like-minded coalition’ is widely used in practice. It means that member states establish coalitions based on similar/ like-minded views on specific issues.

agenda or chair (Panke 2012). In EU foreign policy, lobbying the High Representative (HR) for the CFSP and the European External Action Service (EEAS) is relevant. Lobbying is particularly important for small states – while EU institutions consult with big members on their preferences towards third countries such as Russia, smaller states need to lobby pro-actively to be successful (Schmidt-Felzmann 2008:173).

Sixth, ‘bolstering the domestic uploading capacity’<sup>5</sup> is of crucial importance indirectly helping a member state to influence the outcome (Panke 2010:20). For uploading a state needs a high-quality national position, otherwise “even the most enlightened preferences will fail to make a practical difference” (Scharpf 1997:51).

Subsequently, in line with rational choice institutionalism and drawing on the scholarship on the decision-making in the EU Council and the studies on small state influence in the EU this study introduces the following **hypotheses**:

***H1:** Given intensely held national preferences, a member state Latvia can influence EU foreign policy through six uploading mechanisms: (1) presenting arguments, (2) cooperative bargaining, (3) contacting other member states, (4) using coalitions, (5) lobbying the EU institutions and (6) bolstering the domestic uploading capacity.*

***H2:** The higher the intensity of preference, the more of the above mechanisms are mobilised in helping Latvia to attain its preferred EU decision outcome.*

In exploring preference projection, this study introduces the following variables: the independent variable – intensely held national preferences, the dependent variable – a member state’s influence on EU foreign policy outcome, the conditions – EU foreign policy-making environment. As the main focus is on how Latvia seeks to influence the EU level, there should be correlation between the variables, i.e. “positive value in both the independent and the dependent variables” (Beach & Pedersen 2013).

The national preferences with variation on the degree of intensity are an independent variable. The distinction is made across the variation in terms of the degree of intensity of preference, which ranges from high to low. A high intensity of preference exists when there is strong domestic pressure on foreign policy-makers. A medium intensity exists when there are clear domestic interests, but no immediate pressure on policy-makers to secure a particular outcome. A low intensity of

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<sup>5</sup> Bolstering the domestic capacity “sits on the fence” between the mechanism and the condition for successful uploading (Major 2008:64). It can also be seen as a prerequisite of the previous five.

preference equals a political preference – the issue ranks highly in a government’s political statements, but there is no domestic pressure on foreign policy-makers. Research design is illustrated in the following way:

Independent variable	Causal mechanism of uploading	Dependent variable
Intensely held national preferences (high, medium, low intensity).	<ol style="list-style-type: none"> <li>1. Presenting arguments;</li> <li>2. Cooperative bargaining;</li> <li>3. Lobbying the EU institutions;</li> <li>4. Consulting with other member states;</li> <li>5. Building or joining coalitions;</li> <li>6. Bolstering domestic uploading capacity.</li> </ol>	Influence on EU policy outcome.
	Within-case study on Latvia (3 sub-cases).	
	Europeanization concept & rational choice institutionalism.	

*Table 1: Research design*

### Outline of the Study

The study proceeds as follows. After the literature review (Chapter 2) the theoretical framework is introduced in Chapter 3, providing reasons for using the Europeanization concept. Rational choice institutionalism is outlined as a theoretical basis through which uploading can be explained. Further, determinants of national preferences are discussed. The chapter proceeds by looking at EU institutional environment with policy-making rules and key actors. It then addresses the issue of a member state’s influence in EU, as well as different uploading mechanisms.

Methodology is presented in Chapter 4, consisting of the operationalization of the variables and uploading mechanisms. The reasons are provided for selecting a qualitative analysis. It explains using the within-case study on one country and process-tracing in order to recreate how the three cases unfolded in practice. It also describes case selection, as well as the ways of collecting empirical observations.

Chapter 5 provides empirical findings from the within-case studies on Latvia. They draw upon three EU foreign policy dossiers: 1) the EU economic sanctions towards Belarus (2011-2012); 2) the EU-Russia visa-free travel regime (2011-2014); and 3) the EU-Ukraine Association Agreement (2011-2013). The findings are interpreted in the context of the hypothesized uploading mechanisms. Conclusions are presented in Chapter 6, also outlining the shortcomings and prospects for further research.

## **2. LITERATURE REVIEW: UPLOADING DIMENSION OF EUROPEANIZATION IN FOREIGN POLICY**

First, I review academic literature related to Europeanization of the foreign policy. I focus in particular on its uploading dimension, as it deals with member state's influence on the EU. Second, I review literature related to member state's influence on decision-making process in the Council of the EU. Third, I look at the studies on smaller and new member state's foreign policy experiences in EU, since Latvia also belongs to this category. I identify gaps in literature, which this study seeks to fill in.

### Literature on Europeanization of Foreign Policy

In literature on Europeanization foreign policy is a newcomer. For a long time Europeanization studies excluded foreign policy due to the lack of EU cooperation in this policy area. In contrast to many sector policies, foreign policy was perceived as *domaine réservé* of the member states, which were not willing to transfer to the EU level. Scholarly interest appeared with an increase of EU foreign policy cooperation, especially with the establishment of the Common Foreign and Security Policy (CFSP) in 1993. However, the most remarkable growth in the academic literature followed the entering into force of the EU Lisbon Treaty that substantially enhanced EU-level cooperation in the foreign policy.

In the 1990s, significant studies were published on foreign policies of member states operating within the EU. Hill (1996) explored the interaction of national and EU foreign policies in the context of creation of the CFSP. Manners and Whitman (2000) introduced a framework for comparative analysis in studying the national foreign policies within the EU. They suggested three elements to form part of a comparative analysis framework: foreign policy change, foreign policy process, and foreign policy action. Many studies followed this approach. Among others, Tonra (2001) compared the Netherlands, Denmark and Ireland, Aggestam (2004) – the UK, France and Germany, Major (2008) – the UK, France and Germany, Müller (2012) – the UK, France and Germany, Alecu de Flers (2012) – Austria and Ireland.

Notwithstanding these contributions, the first comprehensive study on Europeanization of foreign policy was edited by Wong and Hill (2011), which in a systematic way compared a large group of member states, including big and small,

old and new countries.<sup>6</sup> Yet, the authors were not “able to provide detailed data on a number of later entrants,” among others, Latvia (2011: 212). Hence, they put forward the task to include also these states in the studies on Europeanization of foreign policy to know “what are the roles played by ‘frontline states’” (ibid). In this context, a substantial contribution is a recent study on Europeanization of foreign policies of new member states edited by Baun and Marek (2013), which captures the twelve newcomers. However, given the broad coverage, the authors could evaluate Europeanization of foreign policies only in a general way.

While the comparative studies mentioned above significantly developed our understanding of Europeanization of foreign policy, including the uploading dimension, they examined Europeanization without going into detail of how the causal process occurred. This shortage has been addressed by a number of in-depth studies on single cases, among others, Torreblanca – on Spain (2001), Economides (2005) – on Greece, Wong (2006) – on France, Miskimmon (2007) – on Germany, Pomorska (2007, 2011a, 2011b) – on Poland. Notwithstanding these contributions, there is a need to add new in-depth case studies on individual states given the dynamic changes in the conceptualization of Europeanization.

Together with the rapid growth in studies of the Europeanization of foreign policy, scholars have developed an understanding on conceptualizing Europeanization in foreign policy. Today there is a general consensus that Europeanization is a two-way process, consisting of uploading and downloading. Yet, for a long time scholars investigated only downloading (see, e.g. Tonra, 2001, Torrebanca 2001, Denca 2010, Moumotzis 2011). Only recent studies captured uploading. Important here have been the efforts of Wong (2005, 2007), who conceptualized Europeanization in foreign policy as an interactive on-going process between national and EU levels. Hill and Wong (2011) consolidated this conceptualization by providing empirical evidence on a large part of member states. This pattern has been further used, for instance, by Baun and Marek (2013) on foreign policy Europeanization of new member states.

### The Uploading Dimension with its Mechanisms

With regards to the uploading dimension, such authors as Economides (2005), Edwards (2006), Miskimmon (2007), and Major (2008) analysed exclusively

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<sup>6</sup> F.Charillon and R.Wong on France, P.Daehnhardt on Germany, E.Brigi on Italy, M.Aktipis and T.Oliver on the UK, H.Larsen on Denmark, C.Tsardanidis and S.Stavridis on Greece, E.Barbé on Spain, H.Haukkala and H.Ojanen on Finland, K.Pomorska on Poland, S.Kajnc̃ on Slovenia.

uploading. Miskimmon (2007) focused on Germany, Major (2008) – on France, the UK and Germany, and Müller (2011) on France, the UK and Germany.

Uploading with its causal mechanisms has been underexplored in the existing literature. One way of explaining uploading in foreign policy has been to use indicators, introduced by Hill (1996), who focused on member states' attitudes and public opinion, and the impact of socialization. Scholarship that is more recent further advanced the indicator-based approach (Wong 2005, Gross 2009, Hill & Wong 2011, Müller 2011). Yet these studies have not 'opened the black box' of the causal process, and thus it does not help to understand how exactly a state projects its preferences.

Important uploading mechanisms have been introduced by Miskimmon in his study on Europeanization of Germany's foreign policy, i.e. (1) discursive influence, (2) institutional export, (3) example setting, (4) and agenda setting (2007:192). Miskimmon's approach was further developed by Major in her study on uploading in the European Security and Defence Policy (ESDP) by Germany, France and UK – from a constructivist perspective. She proposed six mechanisms: (1) agenda setting, (2) example setting, (3) multilateral cooperation, (4) ideational export and preference shaping, (5) administrative commitment, (6) and political capacities.

Furthermore, Alecu de Flers (2012:121-122) in her recent study on Europeanization of foreign policies of Austria and Ireland, empirically showed instances of bargaining, when these small, neutral member states "participation in the CFSP can be understood as [having] been based on cost/benefit analyses and the maximization of utilities." Relevant for this study is the author's findings on the cases of bargaining (ibid, 122), describing this as its cooperative form: "While the notion of national interests has been retained, Irish and Austrian policy-makers have been actively seeking to reach common positions with the other EU partners" (ibid).

Similarly, Kavakas (2001:143) showed that a state's ability to influence EU foreign policy is related to constructive participation and reputation as a promoter of common EU interests. He underlined in this context the importance of (1) a good reputation as a cooperative partner that cares for the Union as a whole, (2) well-prepared policy initiatives, (3) and extensive consultations and preparative diplomacy with fellow member states to prepare them for initiative (Kavakas 2001:143).

With regards to the new member states, Baun and Marek (2013) demonstrated that they gradually moved from unsophisticated methods, e.g. blocking the common EU decisions, towards smarter uploading mechanisms: persuasive advocating,

cooperative behaviour and showing flexibility to compromise. Moreover, while their national preferences remained the same, they improved their ways of uploading. Copsey and Pomorska (2010, 2014) contributed to the scholarship of uploading Europeanization by studying Poland’s influence in the EU Eastern neighbourhood policy. They advanced such important variables of a member state’s influence in EU as skilled alliance building, administrative capacity, persuasive advocacy, and domestic political strength (Copsey and Pomorska 2014).

The table below shows uploading mechanisms and their expressions singled out by the existing scholarship on Europeanization in foreign policy.

<i>Mechanism</i>	<i>Observed actions</i>
<b>Socialization</b>	- “Projection of national preferences, policy models and ideas to the EU level” (Checkel 2005; Müller & Alecu de Flers 2009).
<b>Discourse/ Ideational influence</b>	- Ideational export (Germany): promoting German ideas on the EU in conjunction with its key partners (Miskimmon 2007:129). - A vital component of ideational export is the influence of policy discourse in shaping the options open to policy-makers (ibid). - Discourse influence (Germany): emphasizing the need for Europe to deal with its own backyard (ibid). - Ideational export (‘Big three’ – the UK, Germany, and France) is essential of discourses with the goal to shape policy options (Major 2007).
<b>Persuasion</b>	- France’s uploading involved leadership and persuading others to come along (Charillon & Wong 2011:25); Paris focused on convincing others to show its intellectual superiority rather than to reach consensus (ibid). - New member states improved argumentation skills by more convincing reasoning, technical justifications, and better presenting of their individual assistance for the sake of common benefit (Raik & Gromadzki 2006: 21).
<b>Institutional export</b>	In the case of Germany “most clearly visible in the export of the Fischer plan which became the Stability Pact for South-Eastern Europe” (Miskimmon 2007).
<b>Example- setting</b>	- Germany, France, the UK – ‘Big three’ outward oriented positioning in ideational or material questions (Major 2008). - Germany - commitments to the Capabilities (Miskimmon 2007).
<b>Agenda-setting</b>	- The ‘Big three’ – advancing of particular ideas; use of opportunities of the EU Presidency; usually at the beginning of policy cycle (Major 2008). - Germany – a great success in the European Council; consistency, pro-activity (Miskimmon 2007). - Germany helped decisively to set agenda to move ahead the Eastern Partnership in 2009 (Daehnhardt 2011:49).
<b>Coalition- building</b>	- The ‘Big three’ – coalition-building (Major 2008). - “France started to explore the tracks of coalition building before expressing national preferences” (Charillon & Wong 2011:30). - Germany was successful in building bilateral alliances with Poland and Sweden to move ahead the Eastern Partnership in 2009. Berlin built coalitions with willing partners to forge secure neighbourhood (Daehnhardt 2011:49). - Poland together with the Visegrad Group promoted Eastern Dimension, and together with Sweden tabled a proposal at EU Council (Pomorska 2011a:176). - Finland, Sweden, Austria and Ireland hampered the idea of EU common

	<p>defence by changing the Constitutional Treaty (Haukkala &amp; Ojanen 2011:162)</p> <ul style="list-style-type: none"> <li>- New member states actively used coalitions, succeeding to keep the Eastern neighbourhood on the EU agenda. In the energy policy, the Baltic common approach has been highly important (Galbreath <i>et al.</i> 2008: 48).</li> <li>- Cyprus pressured Turkey by using a coalition with Greece (Sepos 2008: 124).</li> </ul>
<b>Lobbying</b>	<ul style="list-style-type: none"> <li>- The Baltic politicians “did important lobbying efforts” to include the South Caucasus countries in the European Neighbourhood Policy (Kesa 2011: 93);</li> <li>- Poland’s lobbying led to the Eastern Dimension concept being discussed in mid-2006 (Pomorska 2011a:176);</li> <li>- Malta put continuous ‘lobbying efforts’ in the European Commission, the Foreign Affairs Council, and the European Parliament (Fiott 2010).</li> </ul>
<b>Compromise-seeking behaviour</b>	<p>Lithuania shifted from being a trouble-maker to a pragmatic and cooperative approach, while the policy priorities remained the same (Vilpišauskas 2013). The EU solidarity expression with Estonia stimulated it to be even more consensus-oriented in the EU policy vis-à-vis Russia (Kasekamp 2013).</p>
<b>Framing</b>	<ul style="list-style-type: none"> <li>- By calling for the EU solidarity, Greece framed the FYROM recognition as a matter of national security (Tsardanidis &amp; Stavridis 2011:120).</li> </ul>
<b>Bargaining</b>	<ul style="list-style-type: none"> <li>- Without Cyprus EU membership Greece counter-threatened <i>to veto</i> the Eastern enlargement (Tsardanidis &amp; Stavridis 2011:120).</li> <li>- Greece linked the question of FYROM’s recognition to the recognitions of Croatia and Slovenia, which has been sought by other EU states (<i>ibid.</i>, 121).</li> <li>- Irish and Austrian participation in the CFSP has been based on cost/benefit analyses: their national interests retained, while they sought to reach common positions with EU partners” (Alec De Flers 2012).</li> </ul>
<b>Administrative commitment</b>	<p>The ‘Big three’ – mechanism (or condition) for successful uploading. Resources (staff power, expertise, competences) support state’s influence (Major 2008).</p>
<b>Political capacities</b>	<p>The ‘Big three’ – mechanism (or condition) (Major 2008).</p>

Table 2: *The uploading mechanisms in the Europeanization literature on foreign policy*

As can be seen, not all the above mechanisms would work in the case of a small new member state, such as Latvia. It cannot rely on political capacities and weight, or on institutional export. Also, agenda-setting is problematic. In practice, the agenda is in most occasions determined by the big member states, and only exceptionally (as an EU Presidency) small members succeed to include their highly salient issues on EU foreign policy agenda. If the big member states disliked a specific proposal of a small state, they would never let it pass (Kavakas 2001).

At the same time, the above studies show that the uploading process in foreign policy may involve various mechanisms, not only widely recognized socialization. Especially, the latest studies on Europeanization in foreign policy demonstrate that uploading indeed has “similarities with the rational choice approach” (Wong 2006, Wong & Hill 2011, Alec De Flers 2012, Baun & Marek 2013). Yet, while these studies have identified important uploading mechanisms such as arguing, bargaining,

lobbying, or coalition-building, most often they have not ‘opened the black box,’ showing how these mechanisms operate in EU foreign policy-making. Given that these causal mechanisms have been broadly analysed in other EU policy areas, they can be helpful in answering the research question of this study on the ways in which Latvia could project its preferences in EU foreign policy. As noted before, the EU foreign policy-making under the Lisbon Treaty is no longer exclusive, but operates under the same pattern as in the EU Council in general.

Overall, the Europeanization studies in foreign policy have only generally described the uploading process without in-depth analysis of how it occurs. The studies inadequately addressed how causal mechanisms of uploading operate. Therefore, there is an obvious need for additional in-depth studies on the uploading dimension. The studies of Miskimmon (2007) and Major (2008) are the most valuable for this particular study as the authors described uploading both as the result of, and the process by which the mechanisms influenced, foreign policy. Importantly, Major (2008) explored the uploading dimension as a defining property of Europeanization, which is a good basis for additional work. These studies however focused on the three biggest member states, suggesting such uploading mechanisms as the agenda setting, the institutional export, and the example setting, which could not work in the case of small member states such as Latvia.

#### Influence in the EU Council Decision-making

Uploading in EU foreign policy has been indirectly analysed by an extensive study edited by Thomas (2011). A group of authors explored how member states overcome their divergent preferences to reach compromise in the CFSP. The authors, building on the so-called normative institutionalism, tested various uploading mechanisms drawn on alternative theoretical approaches in their ability to produce the positive CFSP outcome (a compromise). In particular, they introduced ‘cooperative bargaining’ as an alternative to ‘socialization’ (‘normative suasion’).

Furthermore, an important part of literature is related to a member state’s influence in the EU Council decision-making (Odell 2010, Naurin 2008, Panke 2010, Dür & Mateo 2011, Lehtonen 2009, Thomson 2011a, 2011b). In relation to the research questions of this study, the volume of Thomson (2011a), built on rational choice institutionalism, is especially useful as he explored the causal process between the national preferences and the outcomes in different EU policy areas. Thomson

(ibid) developed ‘informal bargaining’ as the main way of negotiating in the EU Council. His empirical findings showed that all member states – old and new, are able to influence the EU policy outcome through bargaining.

In exploring a small state’s influence in the EU significant work has been done by Panke (2011), contributing to the liberal scholarship. She examined all the small member states’ (19 out of 27) uploading strategies in the EU Council, concluding that small, new member states face more severe structural disadvantages, and thereby they are by far less active and successful in defending their interests. Bunse (2009) explored how small states can exert influence in the EU through the EU Presidency. A small state’s influence in the EU has been examined also by Lehtonen (2009), who concluded that unanimity rule strengthens their position through the veto-right. In terms of uploading mechanisms such as building coalitions, Rūse (2010, 2011) from the rational choice institutionalism perspective explored how member states use institutionalized coalitions to increase their bargaining power in the EU. The volume of Wivel (2010) on small states’ influence in the EU introduced so-called ‘small state smart strategy.’ Similarly, Howard Grøn and Wivel (2011) in their study on small states’ influence stressed that post-Lisbon decision making in EU foreign policy requires even more ‘smart strategy’ by acting as lobbyist, self-interested mediator, and norm-entrepreneur. Notwithstanding the importance of these studies, they however focused only on small, old and wealthy member states. By exploring a small new member state, Latvia, this study seeks to contribute to the research on member states’ strategic behaviour in the EU.

#### Studies on the New Member States’ Foreign Policies in EU

Only recently new member states appeared as a part of this research (see e.g. Pomorska (2008, 2011), Kaminska (2013) – on Poland, Kajnč (2011) – on Slovenia). The newest member states’ influence on the EU has been analysed by Copsey and Haughton (2009). Copsey and Pomorska (2010, 2014) analysed Poland’s influence in EU Eastern policy, introducing such variables of uploading as alliance building, persuasive advocacy, and administrative capacity. In a similar way, Vilpišauskas (2011, 2013) demonstrated that the success of the Baltic States’ uploading depends on their domestic policy continuity and coherence. Importantly, Baun and Marek (2013: 216-217) in analysing Europeanization of foreign policy concluded that none of the

new member states have “surrendered their rights to assert specific national interests, even if it goes against the European mainstream.”

Especially the question posed by Wong and Hill (2011) on “what are the roles played by ‘frontline states’ in the EU policy towards neighbours” requires additional scholarly attention, is argued here. In exploring the roles of small new member states at the EU ‘frontline’ in EU, Pastore (2013) compared how Cyprus, Estonia, Latvia, Lithuania, Malta, and Slovenia pursued their geographic preferences in EU foreign policy. It was shown that these countries, despite their ‘double disadvantages,’ improved their uploading skills through compromise-seeking behaviour, persuasive deliberation, lobbying, and using like-minded coalitions (Ibid). While these countries’ uploading success has been mixed, their preference projection in EU foreign policy has been visible (ibid). This study provides additional empirical evidence to this end.

There are relevant studies on the Baltic States on the new member states’ participation in the EU policy towards their neighbourhood. Among others, a valuable work edited by Berg and Ehin (2009) examined how the Baltic States’ accession to the EU changed their relations with Russia. One contributor in this study, Sprūds (2009), provided an in-depth analysis on the Baltic-Russian relations that underline changing patterns in Latvian-Russian relations resulting from Latvia’s increasing dependency on Russian gas. Europeanization of the Baltic States has been analysed by Vilpišauskas (2011, 2013), who linked uploading success to domestic factors, especially consistency of domestic policy, cooperation with the EU institutions and use of the EU Presidency. Made (2011) explained Estonia’s activities in the Eastern partnership as a need for ‘shining in Brussels,’ arguably a strategic action.

Regarding Latvia, most of the literature touches upon related aspects of this study without paying attention to its research question. One exception is a contribution of Galbreath and Lamoreaux (2013) into the volume edited by Baun and Marek (2013). They very generally examined the Europeanization of Latvia’s foreign policy, concluding that country’s foreign policy preferences have been operationalized not only through the EU but also through NATO and cooperation with the U.S. (Galbreath & Lamoreaux 2013: 112-125). With regards to changes of the Latvian foreign policy after joining the EU, important studies have been accomplished during 2006-2008 by the Commission of the Strategic Analysis operating under the President of Latvia, with the authors encouraging the Latvian policy-makers to

actively promote the country's priorities in EU Eastern neighbourhood policy onto the EU agenda (see e.g. Ozoliņa 2006, 2007, 2008, Bungis, 2006, Rostoks, 2007, 2008).

In terms of downloading Europeanization in Latvia, a substantial contribution has been made by Timofejevs-Henriksson (2013) who studied Europeanization of the Latvian foreign aid policy. He concluded that a driving force of Latvia's implementation of development cooperation commitments has been a wish to be recognized as "modern and European" (Timofejevs-Henriksson 2013: 277). A contribution from both downloading and uploading perspectives has been produced by Akule (2007). She offered a valuable insight into the Latvian domestic changes after joining the EU. Especially, she looked at the "cases where the Latvian officials have succeeded in lobbying," concluded that "results of the lobbying done by Latvian officials within EU institutions seem to prove that the level of Europeanization – active participation in EU policy-making - is rather high" (Akule 2007). This study furthers analysis in this direction.

The ten new, post-communist member states' experience in the EU has been analysed by the recent study edited by Beachán, Sheridan and Stan (2012). From the comparative perspective, a group of authors, among others Ozoliņa on Latvia, explored whether the EU membership has created a positive change in ten new member states. In terms of the EU foreign policy the authors concluded that the new member states "play disproportionate role in formulating policies towards the EU new neighbourhood" (Beachán *et al.* 2012:224). Here Ozoliņa (2012:146), *inter alia*, showed that Latvia's interest in EU foreign policy concentrates to its neighbourhood, opting for European Neighbourhood Policy to help sharing its reform experiences.

Research related to the three empirical case studies, dealing with Latvia's relationships with the Eastern neighbours, has been considerably well analysed. One particular issue, well covered in literature related to this study, is Latvia's relations with Belarus in the light of the EU sanctions towards Belarus in 2011 - 2012. Linked with one of the sub-cases of this study – the EU economic sanctions towards Belarus, the volume edited by Sprūds (2012) helps to understand the Latvian economic interests and actions towards Belarus. Among others, Bošs, Kļaviņš, Pelnēns and Potjomkina analysed in detail the Latvian-Belarusian economic cooperation in the EU context. Furthermore, the authors explained the reasons behind the Latvian choice to defend its domestic economic interests instead of the EU idealistic values in the case of EU economic sanctions towards Belarus. This study furthers analysis in this

direction by looking into how Latvia uploaded this highly salient issue for the country to the EU level.

The issues on the Eastern Partnership have gained growing scholarly attention, including on the Baltic States' role in this EU policy, given that both Lithuania and Latvia during their rotating EU Presidencies focus on advancing the Eastern Partnership, and arranging the summits in Vilnius in November 2013 and in Riga in May 2015. In this context, scholars have indirectly touched upon Latvia's uploading endeavours in EU foreign policy towards Russia, Ukraine and Belarus (see, e.g. Vargulis 2013, Kuzņecova, Potjomkina & Vargulis 2013).

Against this background, this study contributes to the existing research in a numerous ways. It explores uploading dimension of Europeanization by introducing additional uploading mechanisms. It provides empirical evidence on the uploading process by exploring Latvia. By looking at Latvia's uploading in EU foreign policy under the Lisbon Treaty, this study contributes to a better understanding of how the EU foreign policy-making operates within this new EU institutional environment.

### **3. THEORETICAL FRAMEWORK**

This chapter is organised as follows. First, given the research question of how a member state can influence the EU foreign policy, I explain the choice of theoretical perspective, that is, why an analysis of a member state's influence on the EU foreign policy is embedded in the Europeanization framework. In so doing, I juxtapose various concepts for analysing the relationship between the national and the EU foreign policies and introduce the concept of Europeanization. I proceed with an explanation of the Europeanization concept and of how, for the purposes of this study, Europeanization is understood as a wider process through which member states project their national preferences to the EU level.

Second, as Europeanization is a concept without its own methodology, it is combined with meta-theoretical approach, which may be used for testing hypotheses on uploading. I set out the reason for selecting rational choice institutionalism to explain uploading. Third, given that the departure point (independent variable) in this study is member state's national preferences, which are supposed to explain its influence on the EU policy-making process and outcome, I clarify the meaning of national preferences and their intensity. Fourth, I discuss the EU foreign policy-

making environment, which, in line with rational choice institutionalism, constrains individual preference projection. Fifth, the understanding of influence on EU foreign policy is discussed, and various uploading mechanisms are introduced from a rational choice institutionalism perspective.

### **3.1. Various Concepts of EU Foreign Policy Analysis**

In explaining the relationship between the national and the EU foreign policy, it is necessary to define the meaning of ‘foreign policy’ and to clarify what determines the national and the EU foreign policy. I further discuss various concepts for analysing the relationship between the national and the EU foreign policies and introduce the concept of Europeanization.

#### **3.1.1. National and EU Foreign Policy**

There is no consensus among scholars on definition of ‘foreign policy’. Hill (2003:3) suggested that foreign policy is “the sum of official external relations conducted by an independent actor (usually a state) in international relations.” Here, ‘an independent actor’ could also include “phenomena such as the European Union” (Hill 2003:3). In contrast, Carlsnaes (2002) limited foreign policy exclusively to only nation-states. He defined foreign policy as:

*“Those actions which, expressed in the form of explicitly stated goals, commitments and/or directives, and pursued by governmental representatives acting on behalf of sovereign communities, are directed toward objectives, conditions and actors - both governmental and non-governmental – which they want to affect and which lie beyond their territorial legitimacy” (Carlsnaes 2002:335).*

This definition captures actor’s intentions, state centrality and purposeful behaviour (Carlsnaes 2002, White 2004:11) and therefore is more suitable for this study, which explores a member state’s influence on EU foreign policy.

With regards to the meaning, foreign policy can be understood in its traditional sense, which include the political, diplomatic and security dimensions, but it can also be understood in a broader sense covering the external relations, e.g. foreign trade and development policy (e.g. Wong 2005, Hill & Wong 2011). In this study, the wider sense of foreign policy is used for the reason that it focuses on EU foreign policy agenda. Usually the Foreign Affairs Council (FAC) is charged with other EU sectoral issues (e.g. EU visa policy, energy policy, and the EU economic sanctions), which emerge in the EU relations with the third countries. At the same

time, these sectoral issues are touched here upon only as far as they appear to be on the FAC political agenda.

The question of what determines the national and the EU foreign policy is part of a deeper ontological understanding about the relations between ‘an actor’ (a member state) and ‘an institution’ (EU). Applied to the research question of this study, it is useful to clarify whether a member state or the EU account for the development of national foreign policies in the EU. In the following, the two approaches – ‘actor-based’ (state-centric) and ‘EU-as-actor’ (EU-centric) - are discussed, and advantages of Europeanization underlined.

### **3.1.2. ‘Actor-based’ and ‘EU-as-actor’ Approaches**

The relationship between the national and the EU levels is one of the main issues in foreign policy theory. There are two rival schools - the ‘actor-based’ and the ‘institution-based’ (White 1999; Carlsnaes & Smith 1994, Carlsnaes 2002).

#### Actor-based (state-centric) approach

The actor-based approach assumes that the national level explains the member states interaction in the EU. Individual states act as goal-seeking actors, pursuing their national preferences, which are independent from the EU institutional environment. The actor-based approach is advocated by realists, and assumes that nation-states are the key actors in the anarchic international system. Prominent realist scholar Morgenthau in his 'Politics Among Nations' ([1948] 2006) argued that nation-states might transfer their sovereignty to supranational organizations if it suits their preferences. Similarly, Waltz (1979) explained the establishment of the European Economic Community (EEC) as a response to the bipolar international system after the World War II. In a rationalist account, a state’s foreign policy derives from its material capabilities. From this perspective, Latvia as a small and arguably new state would not have any possibility to influence EU foreign policy.

Intergovernmentalism, a version of realist theory, used in the EU studies, assumes that the EU is an instrument for big member states to realize policies that otherwise would not be possible. Liberal intergovernmentalism (Moravcsik 1993, 1998) makes a step forward by taking institutions into account. While liberal intergovernmentalism acknowledges the EU role it has been criticized because national representatives have little flexibility for making compromises beyond their

national preferences. Following this approach, a typical EU foreign policy outcome would be the ‘lowest common denominator’ if the national preferences converge.

#### EU-as-actor (EU-centric) Approach

The opposite approach – the ‘EU-as-actor’ approach, takes EU institutions and EU foreign policy as a given. This approach is represented by constructivism, sociological institutionalism and neofunctionalism. Constructivism assumes that interaction of member states within the EU leads towards incremental changes of their foreign policy interests and identities, and can result in an autonomous EU foreign policy. The EU is a *sui generis* foreign policy actor (White 2001, Nuttall 2000, Carlsnaes & Smith 1994). The EU foreign policy is different from a member state: the EU owns the ‘normative power’ and thereby is able to project its values and norms (Manners 2006). Constructivism considers that the process leading to the convergence of EU foreign policy is driven by ‘socialization’, which changes national interests (Tonra 2001, Jørgensen 2004).

The EU-as-actor approach also appears in the neofunctionalism. Contrary to constructivism, neofunctionalism explains the development of EU policies as purposeful behaviour through the political spill-over processes (Haas 1968). It assumes that member states follow a cost-benefit calculation and that the interaction at the EU level reinforces a member state’s individual action. The benefits from cooperation in one area create a spill-over, which results in increasing foreign policy integration, emerging in EU ‘actorness’ (Øhrgaard 2004, cited in Beach 2012:212).

Both the actor-based and the EU-as-actor approaches have been criticized for their limits in analysing relations between the national and the EU levels. The first one has been criticised for understanding institutional constraints only in how states as rational actors avoid ‘exogenous institutional processes’ (Carlsnaes 1992:251). The EU-as-actor approach has been criticized for its simplified understanding of the EU as a ‘normative power’, and its weakness is especially evident in analysing EU relations with third countries such as the United States, China and Russia (Wong & Hill 2011; Thomas 2011). Often behind the declared satisfaction with EU decisions, member states have conflicts and hidden strategies for reaching their preferred outcomes (Smith 2004:21). Furthermore, the EU-as-actor approach has been criticized as it does not allow for analysing EU foreign policy-making as a process, that is, how policy emerges, and from whom and why (Clarke & White 1989, White 2001:29).

## Europeanization – Bridging the Divide

There have been continuous scholarly efforts to bridge the divide between both approaches. Manners and Whitman (2000) advocated for a separate foreign policy analysis, “appropriate for the transformational foreign policies of EU member states, characterized by the impact of membership.” They introduced a framework for comparative analysis of national foreign policies, consisting of (1) foreign policy change, (2) foreign policy process (domestic and bureaucratic) and (3) foreign policy action (with or without the EU) (Manners & Whitman 2000:6-13).

Besides the above-mentioned approach, the Europeanization concept also seeks to bridge the divide between the actor-based and the EU-as-actor schools. Contrary to the full-fledged actor-based perspective, Europeanization takes into account the EU environment in which the national foreign policies develop (Wong 2005:135). The Europeanization focuses on the dynamics of EU foreign policy-making, including the mechanisms of uploading, while recognizing important role of the EU institutional environment. Given these considerations, the Europeanization concept is suitable for this study. I will further discuss Europeanization as a framework for explaining member state influence on EU foreign policy.

### **3.1.3. Using the Europeanization Concept in Foreign Policy**

Europeanization has become a widely used term for capturing how ‘Europe matters’ in various EU policy areas (Börzel 1999, 2002, 2003, Olsen 2002, Cowles *et al.* 2001, Tonra 2001, Radaelli 2003, 2004, Bulmer & Burch 2005). Europeanization draws on the new institutionalism approach (March & Olsen 1989), assuming that institutions play an important role in member state’s interaction within the EU. Initially applied in EU ‘first pillar’ areas, Europeanization gained importance also in the area of foreign policy, following rapidly developing cooperation in this area. Explicit use of Europeanization in foreign policy started with a study of Tonra (2001). Since then it was increasingly used in exploring the relationship between the national and the EU levels (see, e.g. Torreblanca, 2001, Smith 2000, Wong, 2005, Major 2005, Pomorska 2007, 2011b), Juncos & Pomorska 2006, Hill & Wong, 2011, Moumoutzis, 2011, Müller 2011, Alecu de Flers 2011, 2012, Baun & Marek 2013).

While the Europeanization concept has been applied in foreign policy, initially scholars, such as Tonra (2001), captured it only as the downloading process. This

followed Ladrech's (1994:69) seminal definition of Europeanization as "an incremental process reorienting the direction and shape of politics to the degree that EU political and economic dynamics become part of the organizational logic of national politics and policy-making." Gradually this one-dimensional understanding changed. An important step forward was made by Wong (2005), who with his substantial study on Europeanization of French foreign policy shifted the debate by showing that states are not passive recipients of EU demands but rather they proactively seek to influence the EU level. This stimulated scholarly interest to investigate uploading in foreign policy (see, e.g. Miskimmon 2007, Major 2008, Wong & Hill 2011, Müller 2011, Alecu de Flers 2013, Baun & Marek 2013).

Why is it important for the member states to project their preferences? By uploading, states seek to 'Europeanize' and 'domesticate' EU policy-making (Connolly 2008:14). Wong (2007:326) argued that through uploading a member state seeks 1) to increase influence in the world, 2) to influence policies of other member states, and 3) to use the EU as cover. Uploading can also be a "proactive strategy to manage the EU-level constraints" (Müller 2011:20), to avoid the EU decisions that conflict with their national interests (Miskimmon 2007), or to reduce costs in cases when states pursue controversial policies (Gross 2009:18). It can provide 'voice opportunities,' which is of particular interest for smaller states (Müller 2011:19).

#### **3.1.4. Defining Europeanization and its Uploading Dimension**

The majority of scholars agree that Europeanization is an on-going interactive process, consisting of uploading and downloading. This interactive nature of Europeanization is reflected in Radaelli's (2003) definition, which is suitable for this study: it treats states not as passive recipients of EU demands (being 'Europeanized') but as active contributors. Radaelli (2003) defines Europeanization as

*"Processes of construction, diffusion, and institutionalization of formal and informal rules, procedures, policy paradigms, shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures, and policies"*

This definition identifies the dynamic nature of Europeanization. By stating that the process starts 'first' at the EU level, it captures uploading as the defining property of Europeanization. It takes into account the EU institutional environment, within which member states operate. However, this definition "blurs the boundaries between cause

and effect, dependent and independent variable” (Major 2008:31). Therefore bracketing between the uploading and downloading dimensions is recommended. Methodologically it helps to analyse Europeanization through different stages, allowing to capture a member state’s influence on EU foreign policy.

Drawing on the conceptualization of Major (2008) and Miskimmon (2007) and then slightly modifying it, Europeanization can be depicted in the following way:

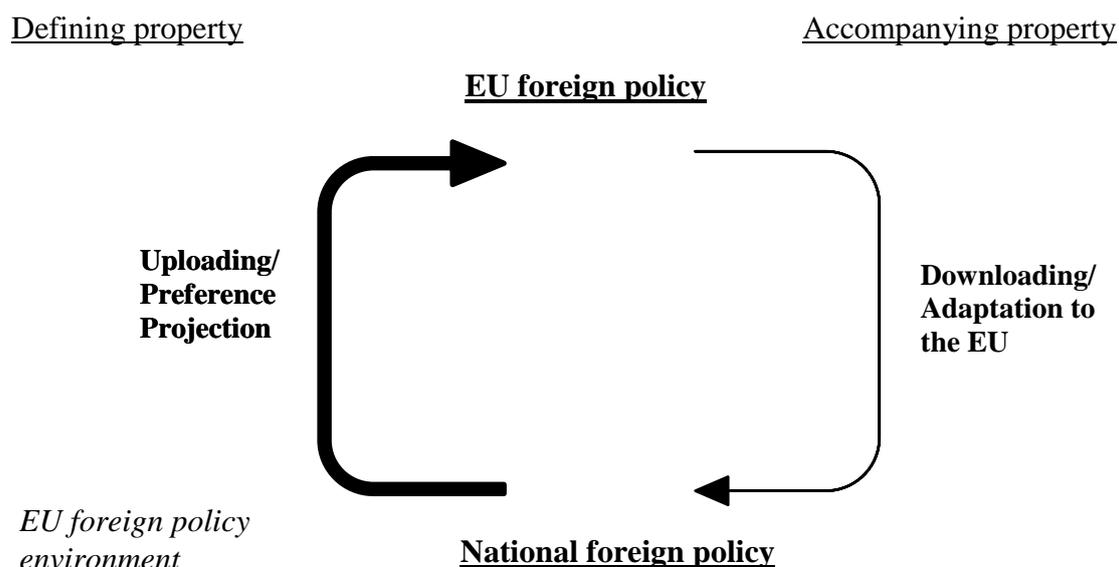


Figure 1: Europeanization dimension

Following this, uploading is identified as a ‘defining property’ of Europeanization, whereas downloading – as ‘accompanying property’ (Major 2008:55). Uploading, as defined by Wong and Hill (2011b: 3), is a projection of national ideas, preferences and models from the national to the supranational level, a pro-active attempt of a member state to project its national preferences to the EU level. In this way, a member state “contributes to the development of common EU foreign policy.” Miskimmon (2007:6) has defined uploading as when

*“Member states ‘project themselves’ by seeking to shape the trajectory of EU policy in ways that suit national interests.”*

This definition is suitable for this study. First, it follows the actor-based approach, assuming that member states are the main actors in EU foreign policy-making. Second, it clearly makes the link between a member state’s national preferences and pursuit of them to influence the content of outcome, i.e. trajectory of EU policy.

### 3.1.5. Uploading Embedded in Rational Choice Institutionalism

As Europeanization is a concept without its own methodology, one can proceed with either the actor-based or the institution-based approach (Héritier 2000). In the area of foreign policy, Europeanization has been used in combination with the new institutionalism theoretical approach (see, e.g. Tonra 2000, Denca 2011, Mennon 2011, Pomorska 2011a, 2011b, Alecu de Flers 2012). New institutionalism is suitable in that it not only acknowledges the role of member states but it also stresses the impact of institutions on member state interaction (Jupile & Caporaso 1999). This study agrees that institutional environment is crucial, in particular under the Lisbon Treaty, which substantially strengthened the institutional framework for EU foreign policy-making. Without taking into account the institutional constraints, uploading can be interpreted as a “slightly modified version of intergovernmentalism or liberal intergovernmentalism” (Denca 2009:45).

New institutionalism traditionally has been divided into three branches: historical, rational choice and sociological institutionalisms (Hall & Taylor, 1996), which vary in their “views about the nature of reality and relationship between the structure and agent” (Rosamond 2000:114). All three branches assume that ‘institutions matter,’ meaning that they create formal and informal rules within which member states operate. For analysing Europeanization, rational choice and sociological institutionalisms have been applied most of all. Both of them explore the member states’ interactions within the given institutional environment. However, their logic differs. While sociological institutionalism follows the ‘logic of appropriateness,’ rational choice institutionalism perceives member states as goal-seeking actors following their preferences (‘logic of consequentialism’) (March & Olsen 1998:949). Recently one more branch - normative institutionalism, has been advanced as a suitable framework for analysing uploading in the CFSP (Thomas, *et al.* 2011). I further discuss these branches in more detail.

Sociological institutionalism assumes that institutional environment “constitutes who we are, our identities as social beings” (Pollack 2010:24). It considers that institutions shape actor (member state) identities and preferences. From this perspective actors, facing a conflicting situation, do not follow their preferences, but take into account “socially constructed roles and institutional rules” (*ibid*). They interact according to appropriate behaviour, i.e. do “the right thing” (March & Olsen

2005:3). At a deeper level, it can be understood as a logic of habitual action, when choices are made almost automatically without reaching the level of conscious decision-making (Beach 2012:145).

When applied to the context of EU foreign policy-making, sociological institutionalism expects member state's compliance to the institutional rules and norms. Member states interact in EU foreign policy through the process of 'socialisation', which means "inducting actors into the norms and rules of a given community" (Checkel 2007:5). Through socialization via interaction member states are supposed to engage in 'truth-seeking.' They "miss their rational motivations behind the process" (Juncos and Pomorska 2006), and change their preferences. However, as demonstrated by Juncos and Pomorska (2006) socialisation in the CFSP working groups in fact followed a 'strategic calculus.'

Second branch of new institutionalism – rational choice institutionalism – draws on actor-based approach and 'logic of consequences.' Rational choice institutionalism is built on methodological individualism, goal-seeking action under institutional constraints (Pollack 2006:4). Originally developed by American scholars in 1970s, rational choice institutionalism has been used for studying EU policy-making, including Europeanization (see e.g. Schimmelfenning 2001, 2003). The benefit of it in exploring uploading is that member states are assumed to pursue their consistent national preferences, where they are constrained by institutions.

From the rational actor perspective, member state's influence on the EU level has been extensively studied by intergovernmentalism (see, e.g. Keohane 1984, Moravcsik 1993, 1988, Wallace & Wallace 1996). It assumes that member states are key actors in the EU. Moravcsik's (1998) liberal intergovernmentalism draws on the three-step model, connecting preference formation at the national level with an intergovernmental EU-level bargaining and a model of institutional choice (Pollack 2010:20). This approach assumes that national preferences derive from member states' domestic economic (material) interests. For instance, it assumes that behind the 'rhetoric idealism' of EU-15 support for the 2004 enlargement there were "measurable economic and geopolitical benefits" (Moravcsik & Vachudova 2005:206). Regarding the second step, preference projection, it takes the form of interstate bargaining (Moravcsik 1993, 1998). From this perspective, bargaining takes distributive (hard) form with the EU institutions having little influence (Pollack 2010:21).

Although liberal intergovernmentalism may be useful for exploring uploading, its relevance has been questioned due to neglecting the role of institutions, and thereby many scholars do not opt for it. In this approach, the national representatives do not have flexibility; they are only agents representing domestic interest groups. If influential domestic groups seek to achieve their preferences through the state level, governments face bargaining with a high potential for conflict, and the outcome will be zero-sum or deadlock (Moravcsik 1997:521). In addition, this approach explains decision-making at the highest political level (intergovernmental conferences), rather than a day-to-day decision-making in the EU Council, which this study deals with.

Accordingly, rational choice institutionalism is more suitable for this study. First, it assumes that member states are goal-seeking actors and have consistent preferences. They make choices based on their preferences, and they act strategically ('logic of consequences'). Second, rational choice institutionalism takes into account the constraining role of EU institutional environment. Overall, the rational choice institutionalism accepts Moravcsik's rationalist assumptions, while it rejects his 'institution-free' model of intergovernmental bargaining (Pollack 2010:21).

In the scholarship on Europeanization, rational choice institutionalism has been applied for exploring downloading through the mechanism of conditionality (Börzel & Risse 2006, Schimmelfennig 2003, Schimmelfennig & Sedelmeier 2005), whereas in uploading it has not been used. Yet, uploading, where member states are "primary actors of change [...] shares many similarities with rational-choice interest-based accounts" (Milward 1992, 200, Bulmer & Burch 1999, Laffan & Stubb 2003, cited in Wong 2005:9). Rational choice institutionalism as a theoretical framework has been used in extensive studies on member states' interaction in the EU Council by Thomson and Holsti (2006), by Thomson (2011a, 2011b), as well as by Dür and Mateo (2010a, 2010b), thereby providing a good basis for this study.

Rational choice institutionalism assumes that member states pursue their preferences within the institutional constraints. Here one needs to clarify the meaning of institutional constraints since liberal intergovernmentalism also takes the role of institutions into account. In contrast from the latter, rational choice institutionalism treats institutional constraints as both formal and informal institutions (see, e.g. Thomson 2011a, Scharpf 2012). Institutions, which are "humanly devised constraints that structure political, economic and social interaction," consist of formal (e.g. laws, voting procedures) and informal constraints (e.g. codes of conduct) (North 1991:97).

Especially in EU foreign policy-making it is not sufficient to take only formal institutional constraints into account, as this policy area is driven by informal consensus. These constraints also include “the potential players in that game” (Mennon 2011:85). Thereby, the institutional constraints are formal and informal rules, “adherence to which depends only on the actors themselves” (Thomson 2011a:8). They together with the EU actors’ preferences and uploading efforts form the EU foreign policy environment.

Apart from rational choice institutionalism, a very similar version of new institutionalism, which may be useful for exploring uploading, is so-called ‘normative institutionalism.’ This approach has recently been advocated by a number of scholars as a ‘robust theory’ to explain EU foreign policy-making (Schimmelfennig & Thomas 2009, Thomas 2011, Thomas & Tonra 2012). Contrary to sociological institutionalism, normative institutionalism advocates such causal mechanisms as bargaining (cooperative) and ‘rhetoric entrapment’ to reach the EU compromise agreement (ibid). This is a crucial step forward, showing that EU foreign policy-making is not exclusive EU decision-making fora, consisting only of socialisation, but also involves bargaining. One confusion, however, is that normative institutionalism assumes that “national preferences are exogenous to institutions,” while at the same time suggesting that the “habit of consultation has produced a partial convergence.” This leads to the question on using the ‘logic of appropriateness’ and ‘logic of consequence.’ i.e. “where does consensus stop and convergence begin” (Menon 2011:208-209). Normative institutionalism also overlaps with rational choice institutionalism in terms of uploading mechanisms by using the same mechanism of informal cooperative bargaining<sup>7</sup>.

At the same time a number of aspects of normative institutionalism should be taken into account, as it provides relevant uploading mechanisms, namely, ‘cooperative bargaining.’ Furthermore, bargaining is here contrasted to socialisation – the main mechanism of sociological institutionalism. In this way, it reveals that the EU foreign policy-making is not different from the other EU policy areas, as argued by the constructivist scholars (see, e.g. Checkel 2007), but as a result of increased institutionalization in EU foreign policy is similar to Council’s decision-making in

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<sup>7</sup> R.Thomson (2011a) drawing on rational choice institutionalism analyzes the EU decision-making as ‘informal cooperative bargaining’, whereas D.Thomas (2011) applies ‘informal cooperative bargaining’ as a property of the normative institutionalism.

general. It concludes that in EU foreign policy environment, with its consensus rule and consultation reflex, ‘cooperative bargaining’ is a more efficient mechanism than socialization. By recognizing ‘bargaining’ as the main mechanism, which is perceived as a property of rationalism, normative institutionalism shares crucial elements of the rational choice institutionalism approach, which is the basis for this study.

Accordingly, this study chooses to rely on rational choice institutionalism. It places an emphasis on national preferences, while recognising the importance of the institutional environment. Actors’ pursuit of their preferences does not imply that “preferences are always stable or that actors are always fully aware of the consequences as uncertainty belong[s] to interaction process” (Thomson & Holsti 2006:6). The essence of this approach is that actors are constrained by institutions in their pursuit of preferences (Thomson 2011a).

I further discuss the main components of the uploading process. In answering the research question of how a member state can influence EU foreign policy in the case of intensely held references, one needs to clarify the meaning of national preferences, influence, uploading mechanisms, and EU foreign policy environment.

## **3.2. Uploading Process and its Components**

The following issues should be clarified in order to explore uploading. Firstly, how to define influence? Secondly, what is meant by national preference? How to sort out what is an intensely held national preference in EU foreign policy, an independent variable in this study? Thirdly, what is understood by EU foreign policy environment? Fourthly, what causal mechanisms from the rational choice institutionalism perspective can be involved in uploading?

### **3.2.1. Concepts of Influence and Power**

Uploading is a process of influencing. In the political science, ‘influence’ is one of the main concepts, used together with the concept of ‘power.’ Although these concepts are important, there is no consensus on their meaning. In International Relations, the power of a state is linked to ‘power resources’ such as territory, population, wealth and military force (Morgenthau [1948] 2006). In difference from this ‘power-as-resources’ approach, ‘relational power’ approach assumes that power expresses relations among actors, where one actor causes change in the behaviour of others. In Dahl’s famous definition of power, actor “A has power over B to the extent that he

can get B to do something that B would not otherwise do” (Dahl 1957:202). In Weber’s ([1922] 1978:53) definition power is the “probability that one actor within a social relationship will be in a position to carry out his own will despite resistance, regardless of the basis on which this probability rests.” In the context of EU foreign policy-making this definition seems to be more suitable: here power focuses not only on influencing other actors, but also on the content of EU policy (Thomson 2011a: 188). Understanding ‘influence’ as only ‘changing others’ behaviour could be too narrow. As rightly noted by Thomson (2011a: 188), depending on decision-making rules, actor A does not always need to persuade actor B to influence the decision outcome (ibid). Accordingly, in this study influence is seen as related to change of others’ behaviour and the content of EU decisions. Influence exists when preferences, which are purposefully projected by a member state, are reflected in EU foreign policy outcome (Major 2008:44).

Influence is closely related to power. The concept of power has been divided in the ‘three faces’ of power. The ‘first face’ is related to the preference projection, based on the definitions just mentioned. The ‘second face’ is based on Bachrach and Barats (1962:948) so-called ‘non-decision-making,’ meaning intentionally preventing some issues from being discussed. The ‘third face’ of power is based on Lukes (1974), who broadened the understanding of power by also including the ability to shape others’ preferences. In this study, I primarily focus on the ‘first face’ of power, which is linked to the preference projection. The ‘second face’ refers to the exercising power at the agenda-setting stage, which is not the focus of this study. Also the ‘third face’ is too broad and involves shaping of others’ preferences.

Influence and power are often used as synonyms (see, e.g. Wallace, 2005). A number of scholars from the rational choice perspective distinguish power from influence (see e.g. Bueno de Mesquita & Stokman 1994, Thomson *et al.* 2006). This study follows this approach, which assumes that power is a potential, while influence is the proportion of this potential put into effect, where the proportion used depends on the preference intensity (Thomson 2011a: 189). Some actors may have resources but no specific interests, while an actor with limited resources but higher intensity of preferences may achieve more (Cox & Jacobson 1973:4).

Thomson (2011a: 189) noted that Weber’s discussion on power foresees that a broad range of resources contribute to an actor’s power, including immaterial power resources, such as contact networks (ibid), explaining why some actors with a high

intensity of preference can have better influence than others who care less about the issue (Cox & Jacobson 1973:4). This leads to the question about the preference intensity, which is a departure point for this study.

### **3.2.2. National Preferences**

As Richardson (2012:339) put it, one always has “to look for the ‘interest’ of any actor or institution,” thereby preferences are “a good starting point if we are to understand [the] Europeanization process.” Moravcsik’s (1997:523) liberal intergovernmentalism holds that member state preferences determine their willingness to invest resources in attaining a particular outcome. Member states demonstrating high preference intensity can better attain the goal, characterized as a so-called ‘paradox of weakness’ (Schelling 1960, cited by Bailer 2009:7). Thus, a small member state Belgium managed to delay a decision in the EU Chocolate directive (COM (95) 7221) due to its extremely intense preference (Bailer 2004). I further clarify how to conceptualize national preferences, and how to determine their intensity.

First, preferences are understood as the “way how actor orders the possible outcomes of an interaction” (Frieden 1999:42). Preference formation is the building block of liberal intergovernmentalism, where national preferences “emerge through the domestic political conflict as societal groups compete for political influence” (Moravcsik 1993:481). Moravcsik (1997:539) argued that domestic economic (material) preferences are even more crucial than national identity and security concerns: “pressure from economic special interests tends to dominate over security concerns. Hence, domestic societal ideas, interests, and institutions influence state behaviour by shaping its preferences” (ibid, 513). From this perspective in EU policy-making, “the configuration of state preferences matters most,” superseding the configuration of the member states’ aggregate power (as realists argue), or the configuration of institutions (as institutionalists argue) (ibid).

This study does not deal with the national preference formation but uses them as the independent variable. In order to explain preference projection, the preferences “should be taken as given.” (Keohane 1984:116) For methodological reasons the preference formation is therefore out of focus, or, in other words, “desires themselves are left unexplained” (Elster 1986:38, cited in Carlsnaes 1992:251).

Scholars generally agree that national preferences are the ‘departure point’ in analysing EU decision-making (Haverland & Liefferink 2012:180, Thomson

(2011a)). Various theoretical approaches treat preferences differently. Contrary to the EU-as-actor school, which expect transformation of national preferences, the actor-based school sees preferences as fixed. How does rational choice institutionalism position itself between the two opposite approaches? The assumption that actors' preferences are fixed has been empirically refuted by prominent psychologist theorists Tversky and Kahneman (1986), showing that actors' preferences change during interaction. Here, Bunse (2009:7) provided useful clarification that "contrary to other versions of rational choice theory, rational choice institutionalism accepts that the sources of preferences [...] may not all be exogenous." In interaction with institutions member states accommodate some of their norms and institutional values (North 1990, Peters 2005, cited in Bunse 2009:7).

In this context, Scharpf (2011:12-13) drew a crucial distinction between "the relatively stable actor interests and highly contingent policy preferences." While interests should be treated as given "preferences may change in result of conditions and events change, while underlying 'interests' of all actors remain stable" (ibid, 13). However, for methodological reasons it is useful to treat preferences as fixed in the short term" (Naurin 2010:37).

#### Intensely Held National Preferences

The concept of 'preference intensity' has been criticized due to the difficulties of its measurement. The main problem is that preferences are not directly observable; only actor's behaviour is observable (Frieden 1999:40). In order to deal with this problem, scholars determine preferences by observation, assumption, or deduction (Ibid, 53-54). Deduction derives preferences in accordance with the existing theories. By using actors' features, theory can predict a particular set of preferences (Ibid, 61).

The scholarship highlights such determinants of a state's preferences as its size, societal interests, dependency, ideology and historical experiences (Copsey & Haughton 2009:264). The size or self-perception of size (Thorhallson 2006) of a state determines its behaviour. A historical experience and self-perception of vulnerability are relevant for the new member states' preferences, where the "nature of their post-communist transition appears significant" (Copsey & Haughton 2009:263).

For this study, which focuses on Latvia, a small new member state located on the EU 'frontline,' the 'smallness' and perceived vulnerability, as well as historical experience, are important determinants for preferences. But especially, Latvia's

geographical proximity with the large country Russia, the EU eastern neighbour of strategic importance, plays a decisive role. Wong and Hill (2011:224) rightly asked, “Where do interests come from if not from some sense of one’s location, geographically and culturally?”

A state’s geographical position *vis-à-vis* a particular neighbourhood is a relevant determinant of national preferences (Schimmelfennig 2003:166). Geographic proximity can place member states in different positions within EU policy towards specific third countries (Schmidt-Felzmann 2008:170). Geographic proximity is related to two key issues – security and economic welfare.

In the case of smaller states in the Baltic Sea region, which are affected by a great power such as Russia, geographical location is a dominating factor for a state’s security policy (Engelbrekt 2002:99). National security is in the centre of a state’s foreign policy. Thereby, Latvia’s security concerns would trigger uploading of security-related issues in EU policy towards Russia and other eastern neighbours.

Yet, geographic proximity with Russia, a resource-rich country, suggests also Latvia’s specific economic interests, leading to intensely held preferences in the EU. In terms of economic welfare, geographic proximity provides opportunities for gains in trade and investment, e.g. by reducing costs of transport (Schimmelfennig 2003:166). Geographical position “can be understood as a proxy variable for “the imperatives induced by interdependence and [...] increase in opportunities for cross-border trade and capital movements” (Moravcsik 1998:26, Schimmelfennig 2003:166). Economic cross-border ties with a neighbouring country can lead to a member state’s specific preferences in EU, where the domestic economic groups can pressure a government in EU talks (Copsey & Haughton 2009:268).

It is important here is to distinguish between security and economic welfare – the ‘first order’ concerns from so-called ‘second order’ concerns, which are mainly ‘ethical’, related to the normative values (Schmidt-Felzmann 2008:179). In EU foreign policy-making “such basic interests relating to country’s survival remain fixed” (Wong & Hill 2011:224). In result, one may expect that “states will necessarily sacrifice second order ‘non-security’ concerns if they clash with first order core national interests” (Schmidt-Felzmann 2008:179).

Accordingly, this study follows those scholars, who determine a member state’s preferences in EU as arising from its geographic proximity to a third country, creating interdependence in terms of security and economic welfare.

### **3.2.3. EU Policy-making Environment**

From the rational choice institutionalism perspective, interaction of national preferences and institutions determine EU policy outcomes (Plott 1991, cited in Thomson 2006:9). In rational choice institutionalism, ‘institutions matter’ in a way that they provide opportunities and constraints for rational actors, seeking to attain their preferences (Mayntz & Scharpf 1995, cited in Börzel 1998:263). From the intergovernmentalism perspective, a state seeks to achieve its preferred outcome under the constraints imposed by preferences of other member states (Moravcsik 1007:521). In contrast, from the sociological institutionalism perspective, institutions have a decisive impact on national preferences.

Rational choice institutionalism treats EU institutions as constraints where actors pursue their fixed preferences. Institutions provide rules and practices, conditioning actors’ behaviour, through which the collective choices are made (Thomson 2006:9). Institutions are “the rules of the game;” they reduce uncertainty and provide a stable structure for human interaction (North 1990:97-99). Institutions can be formal and informal rules of decision-making, as well as “potential players of the game” (Mennon 2011:85).

I further address two questions. First, I look at what formal and informal EU foreign policy-making rules are relevant for uploading. Second, I examine what are the key actors in EU foreign policy-making.

#### Formal and Informal EU Decision-Making Rules

With regards to EU foreign policy-making rules, one should distinguish between the formal unanimity voting and informal consensus, applied in practice. Foreign policy is one of the few EU policy areas, which has preserved the intergovernmental character. It means that almost all EU foreign policy decisions should formally be taken by unanimous voting. The Lisbon Treaty did not abandon the unanimity rule.

Scholars agree that the unanimity rule is more advantageous for ‘smaller’ member states. Under unanimity, member states can veto a decision. Unanimity rule means that the least interested actor should also be on board (Beach & Pedersen 2013:109), and EU actors interested in a particular EU foreign policy decision “will much more take into account the interests of small states” (Thomas 2011).

In practice, however, formal unanimity rule does not determine EU foreign policy-making, which instead is guided by informal consensus. The consensus rule is

not identical with unanimity, and it may *de facto* include opposing parties who do not veto proposals.<sup>8</sup> Therefore ‘consensus’ is considered to be a sort of ‘mystery:’ an “ill-defined decision-making rule” (Heisenberg 2005, cited in Lehtonen 2009:36). In fact, formal rules do not determine which actors succeed in uploading, but informal consensus determines (Thomson *et al.* 2006) national preference projection.

While the ‘consensus culture’ stimulates member states’ compromise seeking behaviour (Thomas 2010), it also reflects “the actual distribution of power” (Thomson 2011a). Competing member states’ interests at the end turn into EU decisions, which are not equally advantageous for all member states. Especially, if a member state has intensely held national preferences, in order to influence the outcome, it can “put enormous mobilising efforts” (Tallberg *et al.* 2011:9). This leads to question of who are the key actors in EU foreign policy-making? What role do the EU institutions, member states and private actors (interest groups) play?

#### Key Actors in EU Foreign Policy-making

In the informal consensus-based decision-making in the EU Council, member states, especially the more powerful ones, play a decisive role, especially the ‘bigger’ ones, e.g. those forming the ‘German-French alliance’ (Tallberg *et al.* 2011:21). Under the Lisbon Treaty increasingly important actors are the EU institutions, especially the High Representative (HR) for the CFSP, the European External Action Service (EEAS) and the European Commission. Private actors in EU foreign policy, which is not a ‘distributive’ EU policy area, are less important.

#### *Institutional Actors*

With regards to the institutional actors in EU foreign policy-making, the EU represents the most institutionalized form of foreign policy-making (Wong & Hill 2011:230). Establishment of the CFSP in 1993 under the Maastricht Treaty marked the official beginning of the common foreign and security policy, when the EU officially “promised to create a much more effective European foreign policy” (White 2001:94). The Amsterdam Treaty of 1997 established the High Representative for the CFSP. The area continued to develop at an unexpected speed with the most crucial changes under the Lisbon Treaty of 2009. The Lisbon Treaty marked a shift of competences to Brussels. The HR is supported now by the EEAS as a permanent

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<sup>8</sup> The member states are only asked if anyone has an objection, and if none of them has explicit objections, the proposal is adopted.

chairmanship of the Foreign Affairs Council (FAC). The European Parliament (EP), the European Council, the Council, the HR with the EEAS, and the Commission, all have specific formal roles in EU external action and the CFSP (Title V, TEU).

The EP formal power is modest, where it has only consultative rights in the main EU foreign policy issues. However, in practice, the EP has more influence in EU foreign policy because of its increasing role in external functions. The Council's problem to formulate the common policy further stimulates the EP engagement in foreign policy (Tallberg *et al.* 2011:42). Notwithstanding a general importance of the EP, this study considers the Parliament's role as limited in EU foreign policy.

The HR and the EEAS role is substantial as they provide a permanent chairmanship in the Council. The HR chairs the Foreign Affairs Council (FAC), and the EEAS provides chairmanship of the Council working groups. They also set agenda, draft decisions and mediate them until the final decision, as well as represent the EU in third countries. Given these broad functions, the EEAS challenges the position of member states in the EU foreign policy (Tallberg *et al.* 2011:40-41).

Apart, the Commission is an important institutional actor. While under the Lisbon Treaty the Commission's role has been scaled down, it still continues to play a crucial role in the EU's external action system. The Commission is often seen as the EEAS competitor: 'turf battles' have been observed in the EU external action (European Parliament study, evaluation of the EEAS, 2013). The Commission is the key institutional actor in visa issues, and economic and trade relations with third countries. It also has a mandate to negotiate the EU agreements with these countries. It is therefore important to take into account the Commission's role when analysing a member state's influence on the EU relationships with neighbouring countries.

How do these key institutional actors matter in terms of a member state's uploading possibilities? Smaller member states traditionally benefit from permanent EU institutions, which mediate member states' interests and help to reach a compromise. The Commission is perceived as an institution that small states can rely on when seeking influence (Howard Grøn & Wivel 2011:526). In a similar way, smaller states may benefit from permanent institutions in the area of foreign policy – the HR and the EEAS. Their limited resources do not allow them to make new contacts and efficiently make lobbying efforts with every rotating Presidency. Instead developing stable long-term relationships with the EEAS suits their interests better.

This demonstrates that the EU institutional actors – the HR, the EEAS and the Commission – have substantial implications on EU foreign policy-making. Given these influential actors, however, what is the role of member states?

### *Member States*

Arguably, “despite the increasing role of Brussels-based institutions”, in EU foreign policy-making with its intergovernmental character member states remain the key actors (Gross 2009:4). Formally, member states have lost their influence for the sake of institutional actors, but under the informal consensus rule the informal power of the big member states have a critical importance (Tallberg *et al.* 2011:21). For instance, the German-French alliance has usually been perceived as an engine for EU integration. In the area of foreign policy, a large country like Germany is playing an increasingly important role. “Germany has been successful in influencing the development of CFSP to mirror its own national preferences” (Miskimmon 2007:1), and it effectively pushes its influence through the new EU institutional actors.

If big member states determine the EU foreign policy-making, it raises the question about the role of smaller states. The evidence shows that sometimes these countries can be even more successful than the larger ones. The national preference intensity, expertise and experience may play a crucial role. Smaller states with specific geographic interests can be successful in the EU, for instance, Belgium with its engagement in the Central Africa (Nasra 2011), the Netherlands in Indonesia, and the Nordic countries in the Baltic States (Tallberg *et al.* 2011:24).

Thereby, the EU foreign policy environment with its informal decision-making rules and influential involved actors, in particular the big member states, ‘constrains’ an individual member state’s preference projection in a way that it requires it to seek not only formal, but also informal ways to exert influence. I further discuss what uploading mechanisms can help a member state to attain its preferred outcome.

### **3.2.4. The Uploading Mechanisms**

This study explores uploading, that is, projection of national preferences. Thereby, it focuses on the causal process between the preferences and the EU decision outcome. The causal process is important, because without exact knowledge of how Europeanization takes place, it is difficult to capture the individual member states’

inputs in the EU common policy (Miskimmon 2007:10). In the causal explanation, the causal mechanisms are central (George and Bennett 2005:12-21). Mechanisms help to “provide an ordering system that describes the potential cause-effect relationship,” where “actors select their best available course of action under the circumstances” (Scharpf 1997:31). George and Bennett (2005:137) defined causal mechanisms as

*“Ultimately unobservable physical, social or psychological processes through which agents with causal capacities operate, but only in specific contexts, or conditions, to transfer energy, information, or matter to other entities.”*

This study employs the mechanism-based approach by seeking to capture how, and in what ways, a member state can achieve the preferable EU foreign policy outcome.

Important uploading mechanisms in EU foreign policy have been introduced by Miskimmon in studying Europeanization of Germany’s foreign policy, namely, (1) discursive influence, (2) institutional export, (3) example setting, and (4) agenda setting (2007:192). Miskimmon’s approach was developed by Major in her studies on uploading in the ESDP by the three largest member states - Germany, France and UK - from a constructivism perspective. She proposed such mechanisms as (1) agenda setting, (2) example setting, 3) multilateral cooperation, (4) ideational export and preference shaping, (5) administrative commitment, and (6) political capacities.

As can be seen, not all of the above-mentioned mechanisms would work in the case of smaller new member state, such as Latvia. It cannot rely on material and political power and capacities, or institutional export, given its limited administrative resources and experience in EU foreign policy-making. Also, agenda-setting is hardly possible: in practice, the agenda is most often determined by big member states, and only exceptionally (as the EU Presidency) small members succeed to include their salient issues in EU foreign policy agenda. If the big member states dislike a specific proposal of smaller state, they would never let it pass (Kavakas 2001).

Another broadly recognized uploading mechanism in EU foreign policy, advocated by sociological institutionalism is socialisation. While socialization has been a broadly recognized mechanism, the empirical evidence shows that its effects are often weak (Zürn & Checkel 2005:1047). For this reason, the most recent studies on Europeanization of foreign policy have sought to identify other important mechanisms of uploading. In this respect, arguing, bargaining, lobbying, and coalition building have been singled out (for discussion see Chapter 2). While these studies have singled out these mechanisms, their main focus has been on the outcome instead

of on the process of uploading. In other words, they have not opened the ‘black box’ of causal process, showing how exactly these mechanisms help a member state to achieve its preferences.

The above mechanisms have been broadly explored in other EU policy areas, and therefore can be helpful in this study. The extensive scholarship on decision-making in EU Council offers various mechanisms. The most prominent of them are arguing and bargaining. Apart from these two, member states may use such mechanisms as contacting other member states, using coalitions, and lobbying the EU institutions. Relevant for this study is the scholarship on the smaller states’ influence in the EU, showing that they can successfully upload through persuasive advocacy, by building coalitions, and by using their EU Presidency (see, e.g. Tallberg 2008; Bunse 2009; Jakobsen 2009; Panke 2010).

In particular, arguing and bargaining have been thoroughly analysed. Arguing seems to be especially important in EU foreign policy-making: in the CFSP working parties’ member states use arguing 71% of the time, while bargaining only 29% (Naurin 2007:25). However, typically, arguing and bargaining have been presented as ‘property’ of two opposite logics. Arguing in the constructivists’ logic of appropriateness is truth seeking that leads to transformation of preferences, while bargaining is associated with egoistic and conflictual behaviour. Nonetheless, the evidence shows that “correlation between egoistic concerns and conflictual approach and between a common interest attitude and a problem-solving approach is less than perfect” (Elgström & Jönsson, 2000:686). In fact, the functional (argumentative) persuasion can converge with bargaining (Grobe 2010:10).

Apart from arguing and bargaining, member states may use such mechanisms as contacting other member states, building or joining coalitions, or lobbying the EU institutions. I further examine these uploading mechanisms in more detail. In particular, I look at how arguing and bargaining can be used from the rational choice institutionalism perspective, which is the theoretical basis for this study. To avoid confusion of associating ‘arguing’ with the constructivist approach, instead of ‘arguing’ I use the term ‘presenting arguments.’ Similarly, instead of using ‘bargaining’ in the sense of liberal intergovernmentalism understanding, I use the term ‘cooperative bargaining.’

### (1) Presenting Arguments

Arguing is a widely employed way for uploading in the Council decision-making (Panke 2010:25). The most arguing takes place in the CFSP working parties, which could be linked with the unanimity rule: “if actors have veto power, others are ‘forced’ to listen” (Naurin 2007:7).

Arguing can be understood as an effort to persuade others by giving reasons (Elster 2007:405). Arguing has been advocated by the constructivist scholars, associated with constructivist ‘logic of appropriateness,’ being called as ‘norm-based arguing,’ ‘normative suasion,’ ‘persuasion,’ ‘deliberation,’ or ‘communicative action’ (Checkel (2007:13). Constructivists assume that actors “present arguments and try to persuade each other;” the actors internalize new understandings of appropriateness because it is ‘right thing to do.’ (Checkel (2007:13). Risse’s (2000:7) ‘logic of arguing’ draws on Habermas theory of communicative action where actors argue, being opened to persuasion and the power of the better argument. From a constructivist perspective, actors never use arguments as a strategic asset. In practice, EU foreign policy-making involves divergent and conflicting member state preferences. But to change preferences when they derive from the ‘first order’ core national interests are extremely complicated. Conceptually, this raises doubts about whether arguing is indeed a ‘truth seeking’ exercise.

Rationalists draw attention to this inconsistency. Member states may use arguing and interact “without making explicit offers, but nonetheless achieve particular outcomes” (Héritier, 2007). Apparently, arguing may be used strategically. Elster (1989:101) pointed out that argumentation in the EU should be conceptualized as rational action. Naurin (2007:11) distinguished ‘cooperative’ and ‘competitive’ arguing, where the first means sincere arguing, and the second – the ‘rhetorical action’<sup>9</sup> (ibid, 11). Also Grobe (2010) showed that arguments influence the decision outcome, especially if they transmit new causal knowledge, causing changes in member states’ positions. He calls this type of arguing ‘functional persuasion’ to distinguish it from ‘sincere persuasion’ (Grobe 2010:10).

Arguing can be used strategically in EU foreign policy-making, as shown by Müller and Alecu de Flers (2009) – member states may use norm-based arguments,

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<sup>9</sup> The term ‘rhetorical action’ has been introduced by Schimmelfennig (2001), meaning that arguments are used strategically to persuade opponents, rather than to reach a common understanding.

‘framing’ their preferences on the basis of common EU policy principles, norms, values and already taken decisions to secure legitimacy of their positions. The consensus-based EU foreign policy-making motivates the “strategic utilization of norm-based arguments or normative suasion” (Müller & Alecu de Flers 2009:15).

There could be some confusion with using the term ‘arguing’. Rationalist scholars classify strategic arguing as a form of bargaining - ‘integrative bargaining’ (Lehtonen 2010:57), or “soft bargaining tactics” (Dür & Matheo 2010:684). As this study draws on rational choice institutionalism, it could be reasonable to follow the latter scholars, who maintain the rationalists’ approach that equals the EU decision-making to bargaining. Yet, this would neglect the fact that ‘arguing’ is the most common way in EU foreign policy-making, and that practitioners, when speaking about member states interventions in EU foreign policy, invoke ‘arguing’ with surprising frequency.

Against these considerations, this study uses the term ‘presenting arguments’ to distinguish this uploading mechanism from ‘arguing’ in the constructivist understanding. Presenting arguments is understood as a strategic action, where changes of member states’ positions are not expected to lead to the changes in preferences. It is understood as giving reasons to persuade others (Panke 2010). This uploading mechanism typically takes place in the formal EU working parties.

## (2) Cooperative Bargaining

Another prominent mechanism in the EU Council negotiations is ‘bargaining’ (Bailer 2004, Thomson *et al.* 2006, Tallberg 2008, Naurin 2010, Panke 2010, Dür & Mateo 2010b). According to Moravcsik (1993:481), the decision-making consists of defining the preferences, which is followed by bargaining to reach the preferred outcome. From the rational choice institutionalism perspective, bargaining has been highlighted by Europeanization scholars in the case of downloading, with the mechanism of ‘conditionality’ understood as a “bargaining strategy of reinforcement by reward” (Schimmelfennig 2003). In the case of uploading, bargaining has been mentioned as a “way to reconcile conflicting preferences and can effectively lead to Europeanization in EU policies” (Conceição-Heldt 2006:146-147).

Bargaining can be equated with strategic action (Nash 1950, cited in Nieman 2012:381). It has been defined as ‘divide-a-dollar’ game with actors’ making offers and counteroffers (Elster 2007:403), as “reaching agreement through credible threats

and promises” (ibid, 419), or as an “insistence on getting as much as possible for him- or herself, without caring about the consequences for others” (Elgström & Jönsson 2011). Initially, EU foreign policy-making does not resemble this type of interaction. Practitioners recognize that during the formal interventions in EU working parties “the national representatives use very elegant rhetoric, referring to ‘our EU common values and interests,’ avoiding reference to the domestic problems” (Interview No. 1, 28.12.2012, PermRep). Yet, bargaining can also have a cooperative form, involving a great deal of ‘give-and-take.’ Bargaining can be ‘competitive’ and cooperative (Scharpf 1997), or ‘soft’ and ‘hard’ (Dür & Mateo 2010b).

While bargaining has been a widely recognized mechanism, only recently scholars started to apply it to the foreign policy (see, e.g. Thomas 2011, Thomas & Tonra 2012, Alecy de Flers 2012, Baun & Marek 2013). Important steps were made by Thomas (2011) and Thomas and Tonra (2012), showing that bargaining in its soft (cooperative) form helps to reach agreement on EU foreign policy. This corresponds to rational choice institutionalism, which suggests that cooperative bargaining is the most typical mode in EU Council negotiations (Thomson & Holsti 2006).

Constructivists assume that ‘side-payments’ and ‘trade-offs’ are not a common practice when formulating EU foreign policy, but that procedural EU discourse with consultations prevails (Larsen 2004:76). Larsen (2004) referred to Tonra (1997, 1998), insisting that national representatives “perceive themselves as engaged in the collective policy-making, which contributes to formation of their foreign policy identity.” Later Tonra (Thomas & Tonra 2012) seemingly changed his standpoint, suggesting that bargaining can better explain EU foreign policy-making.

Unlike competitive bargaining associated with ‘zero-sum’ game, cooperative bargaining is a ‘win-win’ game. In its competitive (distributive) form, bargaining is a building block of liberal intergovernmentalism. Here, bargaining can include even veto threats. Rational choice institutionalism is more flexible and recognizes that rational actor behaviour can be compatible with cooperative behaviour. The extensive study “the European Union decides” (Thomson *et al.* 2006) demonstrates that cooperative bargaining has the highest explanatory value. Cooperative bargaining, in which states seek for mutually beneficial compromises, is the most typically used in the EU Council negotiations (ibid). Importantly, all the member states – big and small, old and new – use cooperative bargaining, as shown by Thomson (2011a:17): “cooperative bargaining is the most accurate prediction of decision outcomes both

before and after 2004 enlargement.” Dür and Mateo (2010b:562) showed that small states in particular rely on soft bargaining and signalling flexibility to compromise.

Thereby, cooperative bargaining is one of the key uploading mechanisms in EU foreign policy-making. I use the term ‘cooperative bargaining’ to mean strategic action, justifying the national position, voicing national concerns, hinting towards ‘red lines’ as implicit threats (Panke 2010:31), signalling for flexibility to package-deal compromises. The main motivation of member state’s bargaining efforts is clarifying its position to its partners thus facilitating compromise agreement.

In this study, ‘presenting arguments’ and ‘cooperative bargaining’ are used synonymously to the member states’ formal interventions within the Council framework, whether it takes place within the working groups, COREPER, PCS or at the FAC ministerial level.

Apart from the formal interventions in the Council formats, member states may use informal uploading mechanisms, which help with the preference projection. The informal character of EU foreign policy-making stimulates member states to seek for additional informal ways of preference projection. Drawing on the existing studies on member state’s influence on the EU Council decision-making, I introduce such mechanisms as ‘contacting other member states,’ ‘building or joining coalitions,’ ‘lobbying the EU key institutional actors,’ and ‘bolstering the domestic uploading capacity,’ which are further discussed in detail.

### (3) Contacting Other Member States

Contacting other member states is an important uploading mechanism. It involves informal contacts, exchange of information on preferences and/or seeking support on an *ad hoc* basis (Börzel 1998). Björkdahl (2008) demonstrated that smaller member states through bilateral consultations with other states can identify like-minded supporters and mobilise support for specific initiatives (ibid, 138). Such bilateral contacts may involve different levels and channels of communication (Rüse 2011).

Member States’ well-developed contacts with other states - so-called ‘network capital,’ which allow accessing others through informal channels and thereby seek to influence other’s national positions to attain the preferred outcomes (Naurin & Lindhal 2014). The network capital is important for a member state’s ability to build alliances and exchange information, and thus to exert influence in the EU (ibid). Some states are particularly effective in using networking. Among them the most

demanded networking partners are influential member states, where smaller and less influential member states seek contacts with influential partners (ibid).

Contacting other member states is relevant in all the EU policy-making stages, while the reason for contacts may be different, starting from comparing preferences at the initial stage until asking for very concrete support at the late stage. Especially, at the early stage of decision-making when the initial positions of other member states are collected, informal consultations are of the utmost importance to clarify others' preferences. In the pre-negotiation phase, when member states seek to understand the problem and its possible solution, informal consultations with other member states can be extremely useful. Informal pre-negotiation, interaction and information exchange, can help them to improve the "capacity of strategic reasoning [...] recognition of 'traps' including early warning [...], and the formulation of well-conceived policy recommendations" (Engelbrekt 2008:13). At a later phase of policy-making, consultations may be important for building of like-minded coalitions. Small states may seek contacts and cooperation with big member states and form strategic bilateral partnerships (Panke 2010:28).

In this study, I use the term 'contacting other member states' to mean bilateral and multilateral *ad hoc* consultations of a state aiming to identify like-minded supporters and mobilise support. This is an informal uploading mechanism, which a member state can use in addition to the formal interventions in the EU Council.

#### (4) Building or Joining Coalitions

Using coalitions is another informal uploading mechanism, especially attractive for small member states (see, e.g. Naurin & Lindahl 2008). Joining coalitions is one of the most popular uploading mechanisms among smaller states, while initiating them is more common for larger countries, according to Panke (2010:205). EU foreign policy-making formats such as the FAC, the PSC and the COREPER create opportunities to build like-minded coalitions (Björkdahl 2007:138-139) and help small states to 'punch above their weight' (Nugent 2006).

Coalitions in the EU decision-making are understood as a "set of actors that coordinate their behaviour in order to reach the goals they have agreed upon" (Elgström 2001, 13), or a "set of parties that explicitly coordinate among themselves and defend the same position" (Odell 2010:624). A coalition of member states sharing preferences is perceived by outsiders as more credible (Ibid). Even under the

unanimity rule, member states seek to find allies in order to avoid reputation repercussions when blocking a proposal themselves (Rüse 2011:49), which is also the case of EU foreign policy-making.

Coalition building includes member states' coordinating their behaviour in order to reach goals they have agreed upon (Rasch 1997, cited in Rüse 2011:45). In order to create a coalition, the initiator approaches like-minded states or seeks to attract neutral ones (Panke 2010:26). In EU policy-making process, coalitions in the Council meetings through one coalition member on behalf of the group may present a common statement and a common position paper.

Preference proximity is a strong stimulus to build coalitions (Tallberg & Johansson 2008). The *ad hoc* coalitions seem to be more common in the EU Council, although there are also insitutionalized coalitions, such as the Benelux Group. Not always all the parties in an insitutionalized coalition have the exact same preferences. Especially, in EU foreign policy, national preferences can vary depending on a member state's specific interests on the EU relations with third countries.

In this study, I will use the term 'building or joining coalitions' to mean a strategic action and coordinated behaviour. It involves joining or initiating a group of like-minded member states, coordinating activities among themselves and, at various levels, defending the same or a similar position in EU foreign policy-making formats.

#### (5) Lobbying the EU Institutional Actors

Lobbying the key EU institutional actors is a frequently used uploading mechanism (Panke 2012). While scholarship, exploring lobbying, has focused on non-governmental actors, states "often use lobbying strategies" (ibid, 129). It has been shown that the higher the intensity of preference, the more actively a state uses lobbying (Panke 2010). Lobbying is particularly important for smaller states. As Schmidt-Felzmann (2008:173) has put it, while the Commission consults large member states on their preferences in developing common policies towards third countries, such as Russia, small member states, on the contrary, pro-actively lobby the Commission and other member states. Howard Grøn and Wivel (2011:523) suggested that an ideal type of a small state's 'smart strategy' to exert influence in the EU is acting as a lobbyist.

Lobbying is understood as 'unilateral action' where formal institutional rules are absent (Scharp 1997:47). It is an informal way to influence policies in arenas in

which lobbyists have no formal competences (Panke 2012:130). During this informal interaction, member states directly contact EU institutions that are in charge of agenda-setting or are chairing meetings (ibid). In the case of EU foreign policy-making it involves lobbying such key institutional actors as the HR, the EEAS, the Commission, as well as the EU Presidency. Due to the monopoly of initiative, lobbying the EU Commission at the drafting stage of policy proposals is very important (Thomson and Holsti 2006, Panke 2010). States can also lobby the rotating Presidency, which is, for example, responsible for agenda-setting and chairs the COREPER meetings (Tallberg 2010, Panke 2010:28).

In lobbying the EU institutions, states seek to influence EU policies through arguing (providing reasons and exerting persuasion efforts) or through bargaining (highlighting national concerns as ‘red lines’) (Panke 2010). Lobbying the EU institutions is more successful, the more people of a member state can contact institutions directly (Mazey and Richardson 1993, cited in Panke 2010:121). Timing is also important. Member states, which instead of waiting until the formal proposal is presented lobby the institutions at the earliest possible stage, are more successful (ibid). In foreign policy, the EEAS has the monopoly of initiative, which means that lobbying it at the drafting stage of a proposal is of particular importance.

In this study, I use the term ‘lobbying’ to mean an informal uploading mechanism, which involves a member state contacting the key EU institutional actors (the HR, the EEAS, the Commission), which are in charge of drafting (or giving input into) policy decisions or chairing meetings.

#### (6) Bolstering the Domestic Uploading Capacity

Bolstering the domestic uploading capacity sits ‘on the fence’ between the mechanism and the condition for successful uploading (Major 2008:64). It can also be seen as a prerequisite or „a booster” of the previous five points. In other words, ‘doing proper homework’ indirectly influences EU foreign policy outcomes. This study, however, follows the approach of Major (2008) and Panke (2011) by treating the ‘bolstering the domestic uploading capacity’ as a specific uploading mechanism, which indirectly helps a member state to effectively participate in EU negotiations (Ibid, 20).

In order to project national preferences in EU formats, a state needs to ‘do its homework.’ Firstly, a state needs to have adequate capacities in order to be able to upload its national preferences. Otherwise “even the most enlightened preferences

will fail to make a practical difference” (Scharpf 1997:51). The domestic capacity to develop a unitary position depends on an effective coordination mechanism between the responsible institutions. Coordination of parties involved in developing the national position is related to an early phase of decision-making. Coordination means the ‘act of working together’ where activities are directed towards the same goal (Nedergaard 2008:3). Successful coordination depends on effective channels of communication, as well as on the expertise of the actors (ibid).

Coordination capacities are important in a successful uploading of national preferences. The precondition for engaging in other uploading activities is to develop national positions. A member state without well-elaborated or delayed positions reduces opportunities to successfully influence EU policy-making (Panke 2010b:809). This, however, can be a complicated task because the line ministries may have conflicting interests. Disruptions and delays could have many reasons, for instance, domestic veto players or cooperation problems between the line ministries, e.g. disruptive or un-cooperative administrative working conditions (ibid, 809). Not only line ministries’ preferences may reflect its bureaucratic self-interests (Beach and Pedersen 2013:112), but also the ministries like the Ministry of Economics may indirectly represent the interests of domestic business lobby for their specific economic projects with third countries. Consequently, a battle to secure the line ministries’ specific interests in the national position can be expected, and the main coordinator of EU affairs, the Foreign Ministry, may face considerable difficulties in promoting a position that closely reflects governmental preferences (ibid, 113).

Smooth coordination procedures pertain to the speed of the development of national positions. Delays in the production of instructions hinder national representatives from making their voices heard (Panke 2010b:807). Besides the speed, a precondition is also the quality of positions. Line ministries are not able to formulate the national positions if there is a shortage of experts. The higher the expertise on technical issue, the more successfully a state can put other uploading mechanisms into use. The empirical evidence shows that the least active smaller member states are the newcomers, facing shortcomings in expertise, especially for technical issues (ibid).

In new member states, the lack of administrative capacity and experience usually hinders production of a high quality position; yet, the main shortcoming is the lack of continuity and coherence in policymaking (Panke 2010:809). Hence, the political capacity is of utmost importance. If there is a strong consensus among

political elites on particular policy issues, which does not change after elections, then Europeanization is more likely to happen (Vilpisauskas (2013:139). In this study, I use the term ‘bolstering the domestic uploading capacity’ to mean the administrative capacity (experience, expertise, and coordination procedures), as well as political capacity in the sense of its coherence and continuity.

In light of the above considerations, this study hypothesizes that given intensely held national preferences, a member state can influence EU foreign policy through six uploading mechanisms: (1) presenting arguments, (2) cooperative bargaining, (3) contacting other member states, (4) using coalitions, (5) lobbying the EU institutions and (6) bolstering the domestic uploading capacity. In the following chapter on methodology, I operationalize the suggested causal mechanisms.

#### **4. METHODOLOGY**

The next stage in the research process is to translate hypotheses into an operational research design (Mair 2008:178). This chapter introduces research methods, research design with variables, empirical indicators, and operationalizes them. It outlines the case selection and data collection for empirical observations.

As this study explores the uploading process with the mechanisms involved, more suitable are qualitative methods - they are able to capture the aspects that quantitative methods cannot, that is, ‘opening the black box’ of causal process. However, one should take into account that when positivists use qualitative methods, they should follow the same logic of inference as the quantitative methods (King *et al.* 1994). That is, to start with hypotheses deductively derived from theory, operationalize concepts, carefully select cases when choosing a small number of them, and use variables as they focus on what causes the outcome (Della Porta & Keating 2008:29-30). This study follows the positivist epistemological framework, i.e. starting with hypothesis deductively, operationalization of concepts, and selecting cases to test the theory. Neo-positivists recognize that not only variables determine the outcome, but the context as well, e.g. institutions as constraints (*ibid*, 30), which is relevant for this study.

Qualitative methodologists use causal analysis through within-case studies that involves exploring relationships through detailed investigation of the process between variables (Tansey 2007:2). This study uses the within-case analysis and process-

tracing of one individual country. Latvia is selected as a typical case, i.e. the least-likely case when it comes to uploading (Eckstein 1975, George & Bennett 2005), though could also be justified on the basis of convenience sampling (also called availability) ((Tansey 2007:11). The advantage of convenience sampling lies in its convenience – the sample is drawn in the way that is the easiest for a researcher (ibid). In order to discern the causal process one needs to trace not only the sequence of events, but also the causal mechanisms, that involve tracing empirical expressions of theorized causal mechanisms (Beach & Pedersen 2013:34). The latter is facilitated by having access to relevant documents, knowing the language in which they are written, and understanding the institutional and political context within which the process being traced takes place.

As EU foreign policy-making and national processes that precede and accompany developments in Brussels is dominated by in-camera settings “behind the closed doors,” it can be difficult to collect data. Therefore, interviews are a few of the most commonly used sources of evidence from respondents who actually participated in the case under investigation (Beach & Pedersen 2013:134). In order to cope with the eventual measurement bias, the triangulation approach is applied by collecting observations across different types of sources (for a discussion see section 4.6.).

#### **4.1. Case Study Methods and Process-tracing**

Scholars of Europeanization in foreign policy suggest relying on in-depth case studies and process-tracing. According to George and Bennett (2005:5-6) the case study represents a “detailed examination of an aspect of a historical episode to [...] test historical explanations that may be generalizable.” Gerring (2004:341) defines it as “a study of a single unit with an aim to generalize across a larger set of units.”

The case study methods may include both “within-case analysis of a single case and comparisons of a small number of cases,” where “the strongest means of drawing inferences from the case studies is use of combination of within-case analysis and cross-case comparisons within a single study” (George & Bennett 2005:18). Accordingly, this study relies on within-case analysis by comparing three different sub-cases: Latvia’s preference projection in EU foreign policy in (1) EU economic

sanctions on Belarus 2011-2012, (2) the EU-Russia visa-free travel regime 2011-2014, and (3) the EU-Ukraine Association Agreement 2011-2013<sup>10</sup>.

As mentioned before, the case study methods allow us to examine hypothesized causal mechanisms (George & Bennett 2005:19), in ways in which quantitative methods are not helpful. The quantitative analysis focuses on the outcomes, but “if we want to move beyond correlation to causation, we need to reveal the decision-making processes” (George & Bennett 2005:46). Case study methods are more suitable for assessing how a variable mattered in the outcome (ibid, 25).

This study follows those scholars who see the potential of associating the within-case studies with process-tracing, which is an important, even indispensable, element in case studies (George 1979). Process-tracing is especially useful for exploring causal process which connects variables (George & Bennett 2005). Relevant for this study, which applies the deductive approach, is that process-tracing can contribute to testing theories (ibid, 206). Embedded in the positivist perspective, it becomes a ‘theory oriented process tracing,’ involving identifying the intervening causal process with causal mechanism (ibid).

George and McKeown (1985:35) defined process-tracing as a method of within-case analysis to evaluate the “decision process by which various initial conditions are translated into outcomes.” Process-tracing seeks to uncover the stimuli of actors, decision-making process, the actual behaviour, and the effect of institutional setting (ibid, 35). Later, George and Bennett (2005:206) defined process-tracing as the method, which

*“attempts to identify the intervening causal process – the causal chain and causal mechanisms – between an independent and dependent variable (or variables) and the outcome of the dependent variable.”*

Thus, process-tracing allows for testing hypotheses of causal mechanisms, and thereby seeks to answer the research question of this study regarding the ways in which a member state can project its preferences into EU foreign policy.

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<sup>10</sup>Further dimension of cross-case comparisons is available in a separate article, examining Latvia’s uploading in the context of small new member states (Pastore, G. (2013). Small new member states in the EU Foreign Policy: Toward ‘Small State Smart Strategy. *Baltic Journal of Political Science*, 2013 (2), 67-84)

### Tracing the Causal Mechanisms

George and Bennett (2005:12, 21) argued that causal mechanisms are central to a causal explanation, and that the case studies and within-case analysis are the best methods in examining causal mechanisms. While the mechanism-centred explanation has received a wide recognition, one should be careful in choosing this approach. As Gerring (2010:1500) indicated, although mechanisms are important, it is a “secondary element of causal assessment – not a necessary condition.” Gerring is also sceptical about how methodologically tractable the causal mechanisms can be, because “within every co-variation there is a mechanism, and within each mechanism is a mechanism, therefore at some point, a study must arrest the empirical process” (ibid). Therefore, researchers should be confident that they know what Xs and Ys (the independent and the dependent variables) are present (ibid, 1518).

Often process-tracing has been used to trace the empirical process (a sequence of events) between an X and a Y, while the causal mechanism remains ‘black-boxed.’ This descriptive approach does not explain how an outcome was reached, which is why Beach and Pedersen (2013:33) argued that in process-tracing the focus should be on the causal mechanism. In the theory-testing variant, the mechanism should be theorized together with empirical expressions of the mechanism. The case study then assesses whether the predicted empirical evidence is present.

Mechanisms are more than a series of intervening variables. Here, it is necessary to open the black box of causality as much as possible (Bunge 1997, cited in Beach & Pedersen 2013: 39). A mechanism linking the micro-level to the macro-level of institutions deals with how actors are involved in transferring influence from the national to the supranational level (ibid), and thereby is relevant for this study.

### **4.2. Operationalization of Variables and Causal Mechanisms**

This section specifies and operationalizes variables and causal mechanisms. Key to the research design is “translation of abstract theoretical concepts into systematized concepts,” which involves defining the relevant parts of the concept and their relationship (Beach & Pedersen 2013:46). Defining concepts could be complicated. For instance, abstract concepts such as ‘national interests’ are important, but it is difficult to empirically evaluate them “unless they are defined in a way they can be observed and measured” (King *et al.* 1994:109). If the concept cannot be measured directly, specific indicators of the concept, which can be measured, are used.

With regards to the independent variable, it should be conceptualised in a way that includes characteristics that are causally relevant for the causal mechanism (Beach & Pedersen 2013:48). In this study, the independent variable is intensely held national preferences, the dependent variable – a member state’s influence on the EU decision outcome. In order to investigate the causal relationships between the variables, this study introduces the following uploading mechanisms – presenting arguments,’ ‘cooperative bargaining,’ ‘contacting other member states,’ ‘lobbying the EU institutional actors,’ using coalitions,’ and ‘bolstering the domestic uploading capacity.’ Further, conceptualization and operationalization of variables and conditions, as well as the uploading mechanisms, are provided.

#### Independent Variable – Intensely Held National Preferences

In order to minimize the risk that actors do not disclose or miscommunicate preferences (Frieden 1999, Thomas 2011:5), examination of various combinations of preferences, including geographic proximity, economic interests, policy proposals and official statements, is recommended (Thomas 2011:6). This study draws on existing scholarship and operationalizes national preferences on the basis of geographical proximity. Geographical proximity can be perceived as a proxy variable<sup>11</sup> for “the imperatives induced by interdependence and, in particular, [...] exogenous increase in opportunities for cross-border trade and capital movements,” which determine national preferences” (Schimmelfennig 2003)<sup>12</sup>.

National preferences can be operationalized as member states’ initial positions before the first meetings in working groups in the EU Council. Usually, states formulate their initial national positions before entering into EU debates. The problem, however, is that positions and preferences may differ over time and depending on who articulates them, and in which context. As Thomson (2011a:39) noted the positions reflect actors’ behaviour in the form of statements, rather than their hidden preferences, which are “private to themselves and cannot be measured” yet “positions reported do appear to reflect actors’ underlying interests.” Irrespective

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<sup>11</sup> A proxy variable in itself is not in a specific interest, but it is a measurable variable, which is used instead of variable, which cannot be measured.

<sup>12</sup> F.Schimmelfennig (2003) explores member states’ preferences on Eastern enlargement on the basis of their geographic position *vis-à-vis* Central and Eastern Europe as a proxy variable for „the imperatives induced by interdependence and, in particular, the [...] exogenous increase in opportunities for cross-border trade and capital movements.”

of whether the position represents the underlying preference or not, they “influence other negotiators’ perceptions of the policy space” (Cross 2012:76).

This study introduces the following empirical indicators for national preferences:

- Data showing a member state’s interdependency with the respective EU neighbouring country – cross-border trade and capital movements;
- Interest-based governmental statements, speeches and official documents;
- National positions on specific EU foreign policy issues;
- Foreign policy-makers and experts agreeing that these are intensely held national preferences (semi-structured interviews);
- Media coverage on the particular issue. Intensity of preference can be determined by people agreeing that it ‘is an immediate and urgent problem,’ compared to others (Börzel (2003:10)<sup>13</sup>.

In the research design, I treat national preferences with variation on the degree of intensity as an independent variable. The distinction is made across the variation of the independent variable in terms of the degree of intensity, which ranges from high to low. First, a high intensity of preference is when there is a strong domestic pressure on the national representatives, second – a medium intensity when there are clear domestic interests, but no strong domestic pressure on the national representatives to secure the particular outcome, and third – a low intensity when there is a political preference (official statements), but no immediate domestic pressure.

#### Dependent Variable – Influence On the EU Decision Outcome

The dependent variable is a member state’s influence on EU foreign policy outcome. The main interest is to understand how a member state projects its preferences. With regards to the result, this study limits itself with the preliminary knowledge that some influence existed as preferences became reflected in EU policy decisions. In other words, the first step before starting to explore the uploading mechanisms is to clarify whether there has been a correlation between the national preference and the outcome.

I assess the correlation between the preferences and the EU decision outcome drawing on the governmental statements, documents, national positions and semi-structured interviews. During the interviews, correlation is operationalized through the following question: “Given that these EU foreign policy issues were of particular

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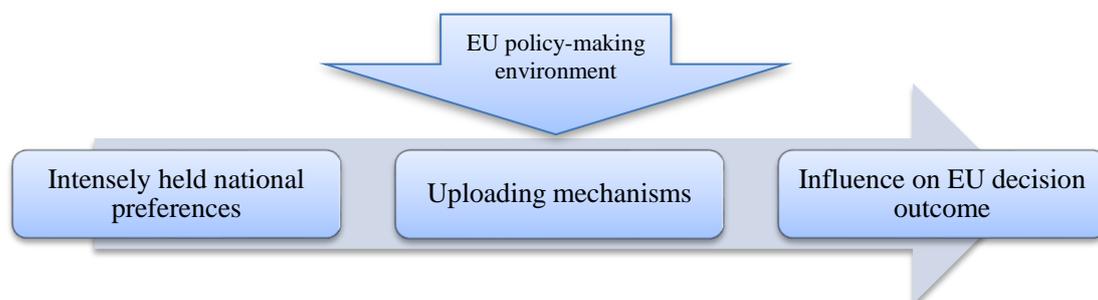
<sup>13</sup> T.Börzel referred to the EU environmental policy (2003).

importance for Latvia, in what respect did Latvia influence the decision outcome?” If respondents answer that a member state succeeded to reach a particular outcome, it means that it was achieved because its actions caused it (Thomson 2011a:203).

### The Causal Mechanisms

In the absence of large-*n* studies, causal mechanisms help distinguishing between genuine causality and ‘spurious correlation’ (Heritier 2008:69). A mechanism-based understanding of causality focuses on how causal forces are transmitted through the series of parts of a causal mechanism (Beach & Pedersen 2013:28-29). For conceptualizing the mechanisms, I follow the approach of Beach and Pedersen (2013:108-110), which includes a number of steps. First, developing a causal theory, second – reconceptualization of causal theory as a mechanism, and third – operationalization of the mechanism.

The first step is to reformulate the descriptive model of the uploading dimension of Europeanization, embedded in rational choice institutionalism, into a causal theory. A causal theory leads to a number of predictions. First, it means that a state’s effort to pursue its national preferences depends on their intensity. Assuming that preferences are intensely held, a state will act strategically to attain the preferred outcome. The strategic action is understood as an action deriving from preferences, and is the way to achieve goals given the anticipated actions of others, differential capabilities, and knowledge (Frieden 1999:44). Second, Latvia will influence (modify) the decision outcome by applying various uploading mechanisms. Third, one should expect that the EU policy outcome reflects a member state’s preferences as mediated by EU foreign policy-making rules and other EU actors’ preferences and interaction. A causal theory of the uploading dimension of Europeanization is illustrated in the following way:



*Figure 2: A causal theory of uploading dimension of Europeanization*

The second step in developing the causal mechanisms is to reconceptualise the causal theory as a mechanism (Beach & Pedersen 2013:110). Accordingly, in this study the causal theory is reconceptualised in the following parts: (1) intensely held national preferences, (2) utilization of uploading mechanisms, and (3) the EU foreign policy decision that reflects the national preference. The third step is to operationalize the mechanisms into a set of case-specific predictions about the expected evidence.

Further, I operationalize the hypothesized uploading mechanisms: (1) presenting arguments, (2) cooperative bargaining, (3) consultations with other member states, (4) using coalitions, (5) lobbying the EU institutions, and (6) bolstering the domestic uploading capacity. One should note that operationalization and measuring of arguing and bargaining empirically is problematic (Naurin 2007:4). However, some “methodological price” should be paid” (ibid, 19).

#### (1) Presenting Arguments

Empirically, it seems to be problematic to distinguish strategic arguing from sincere arguing, as well as arguing from cooperative bargaining as they are all related to cooperative behaviour (Naurin 2007:14). Arguing involves justifying one’s position, but justification is also important in cooperative bargaining; this indicates that reasoning is not evidence of arguing (ibid, 15). Naurin (2007:18) therefore suggested that one needs to know the motivation behind giving reasons: whether actors tried to change each other’s minds, or only to facilitate reaching the compromise decision. If a member state intervenes at EU meetings, arguing in favour of its position to clarify it and to facilitate compromise instead of seeking to persuade others to change their minds, then it indicates the presence of strategic arguing (ibid, 10).

This operationalization does not allow us to be certain that arguing is strategic or sincere, as Naurin (2007:19) recognised; asking interviewees if they were “open to changing their minds raises complicated issues of political correctness.” It could be so that some member states seek to persuade others to change their minds, while they themselves are not open to do the same. Thus, operationalization based on motivation is not ideal, because one cannot be sure if arguing is sincere or strategic, but this is the “methodological price to be paid” (ibid 19).

As this study treats the national preferences as given, in line with rational choice institutionalism a member state is therefore expected to argue strategically.

Thus, a state is expected to clarify positions to facilitate compromise. No preference change, but an adjustment of position, is expected.

Presenting arguments is operationalized through the following empirical indicators:

- Rhetorical speech acts during the formal interventions in order to “persuade others of one’s preferred course of action” (Naurin 2007:13);
- Providing reasons and persuading efforts to reach a compromise (Panke 2010);
- Giving reasons to clarify the position to facilitate a compromise;
- Attempts to change others’ actual positions, but not the national preferences.

Presenting arguments is assessed through the following interview questions:

- Did you make interventions in order to explain why Latvia holds a specific position? Did you provide reasons to clarify your position to change others’ minds (preferences) or to facilitate a compromise?

## (2) Cooperative Bargaining

Cooperative bargaining is operationalized through the following empirical indicators:

- Voicing national concerns (not direct threats) and hinting towards ‘red lines’ as implicit threats (Panke 2010:31);
- Issue-linking and trading, where the outcome can be a compromise in a form of a ‘package-deal’ (Lehtonen 2011:45, 92);
- Offering concessions and side payments;
- Matching fixed preferences, seeking for compromise satisfying others;
- Coming up with compromise proposals, accommodations and promises, and signalling flexibility (Dür & Mateo 2010b).

‘Cooperative bargaining’ is assessed through the following interview questions:

- Did you voice national concerns and hint towards ‘red lines’? Did you offer concessions and side payments? Did you use a pro-active approach at the outset of the discussion or reacted during the decision-making process? Did you demonstrate flexibility? Did you put forward a compromise proposal?

Both arguing and bargaining in this study are understood as a part of ‘formal interventions’ in EU foreign policy-making formats. An intervention is understood as an explicit statement, a direct way in which states make their positions known to others. When national representatives make a formal intervention, they explicitly associate themselves with a particular draft under consideration (Cross 2013:91).

Such interventions commit actors to a particular position that is recorded. Interventions may be pro-active to influence the content of the proposal and to be reflected in the decision, or may be used reactively when national representatives express dissatisfaction without negatively influencing the process by veto (ibid, 5).

### (3) Contacting Other Member States

Contacting other states is operationalized through the following empirical indicators:

- Seeking informal contacts with other large and small member states in order to exchange information and to gain support for the preferred course of action.

Contacting other member states is assessed through the following interview questions:

- Did you seek contacts with other member states, which have the greatest potential to influence the positions you take on specific EU issues? In which policy-making phase did you contact them, e.g. initial, during the debate or in the final stage? Which channels of communication (meetings/ visits to the capitals, informal corridor talk, phone, e-mail) did you use?

### (4) Building or Joining Coalitions

Building or joining coalitions is operationalized through the following indicators:

- Approaching like-minded states or seeking to attract neutral ones to establish an *ad hoc* coalition;
- Joining coalitions initiated by others;
- Coordination of activities with the same like-minded partners through the EU policy-making process;
- Presenting the same/similar statements, or position paper in EU meetings;
- Delegating one coalition member to implement an uploading mechanism (e.g. lobbying the EU institutions) on behalf of the group.

Building or joining coalitions is assessed through the following interview questions:

- Have you joined coalitions initiated by other member states with the aim to increase the possibility of influencing an outcome the closest to your national preference? Did you coordinate your positions prior to the formal meetings? Did you present a common position?

### (5) Lobbying the EU institutions

Lobbying as contacting EU institutional actors to informally influence the outcome is operationalized through the following empirical indicators:

- Informally contacting representatives of the EU institutions, responsible for agenda-setting, chairing meetings, drafting compromise decisions;
- Contacting representatives of EU institutions with the purpose of giving reasons and clarifying one's position or signalling national concerns.

Lobbying is assessed through the following interview questions:

- Have you contacted the EEAS, the European Commission, the rotating EU Presidency, or the European Parliament in the cases of your intensely held preferences? For what purpose? To obtain additional information, give reasons, and clarify your position or to express national concerns (red lines)? In which phase of the decision-making did you contact them, e.g. during the initial, pre-negotiation, or decision-drafting phase? Did all the levels – expert and political – contact the EU institutional actors with the same position?

### (6) Bolstering the Domestic Uploading Capacity

Domestic uploading capacity, including administrative and political capacity, indirectly helps a member state's uploading. Bolstering the domestic uploading capacity is operationalized through the following empirical indicators:

- Coordination of the national positions among various governmental institutions;
- Ensuring administrative capacity (budget and staff), coordination practices in developing the positions ('timing and quality of instructions');
- Ensuring political consensus, coherence and continuity of the national position under the course of policy-making.

Bolstering domestic capacity is assessed through the following interview questions:

- How did you pull your domestic resources in preparing a well-elaborated national position? Did you receive timely and high quality instructions? Did you feel that a lack of domestic coordination and knowledge, as well as conflicting interests (of line ministries) diminished Latvia's ability to successfully influence EU foreign policy outcome?
- How did you evaluate the domestic political consensus, consistency and coherence to ensure high-quality national position?

Given these considerations, conceptualization and operationalization of the uploading process with its mechanisms have been accomplished and shown in the table below:

<b>Empirical indicators</b>	<b>Variable; uploading mechanism</b>	<b>Evidence used to measure prediction</b>
Intensely held national preferences (reflect domestic concerns/pressure, caused by geographic proximity).	Independent variable	Measured on the basis of geographic proximity; using evidence from interviews, public, internal documents of the government, mass media coverage.
During formal interventions: - trying to persuade others of one's preferred course of action; - giving reasons to clarify national position to facilitate the compromise.	1. Presenting arguments	Measured using participants accounts from interviews: Did you make interventions in order to explain why Latvia has a specific position? Did you provide reasons to clarify your position to change others' minds (preferences) or to facilitate a compromise?
During formal interventions: - voicing national concerns; - signalling red lines; - expressing of dissatisfaction on the expected outcome; - signalling flexibility, making conciliatory statements, proposal for compromise -cooperative attitude, information sharing.	2. Cooperative bargaining	Measured using participants accounts from interviews: Did you voice national concerns and hint 'red lines'? Did you offer concessions and side payments? Did you use a proactive approach at the outset of the discussion or reacted during the decision-making? Did you demonstrate flexibility? Did you put forward a compromise?  Did you share information at the outset of decision-making? Did others share information?
Considering the policy positions of other member states,  Informal consultations with member states, collecting information on others' views clarifying others' preferences.	3. Contacting other member states	Measured using participants accounts from interviews: - How did you collect information on other member states' preferences? Did you contact other member states before the formal EU working groups?
Contacting the EU institutions (the HR, the EEAS, the Commission) providing reasons or highlighting national concerns and red lines.	4. Lobbying EU institutional actors	Interview questions: - Did you approach EU institutions? Did you give reasons for the national decision proposal or voice national concerns or readiness to block proposal? At what decision-making stage did you do it? Did you involve all levels (expert and political) in lobbying efforts?
Approaching like-minded states to establish <i>ad hoc</i> coalition.  Coordination of activities	5. Building or joining coalitions	Interview Questions: Did you seek like-minded peers? Did you initiate a coalition? Did you join a coalition?

through policy-making process. Presenting common positions during the EU meetings.		Did you coordinate the national position before the formal interventions?
Coordination of the national positions. Ensuring administrative capacity (budget and staff), coordination practices in developing the positions ('timing and quality of instructions'). Ensuring political consensus, coherence and continuity of the national position under the course of policy-making.	6. Bolstering the domestic uploading capacity	Interview Questions: - How did you pull together resources in preparing the national position? Did you receive timely and high quality instructions? Did a lack of domestic coordination, knowledge and conflicting interests diminish the ability to attain preference?  Questions of interviews: - How did you sense that there was a domestic political consensus, consistency and coherence to ensure a high-quality national position?
EU foreign policy decision outcome reflects a national preference.	Dependent variable	Measured using participants' accounts from interviews, showing correlation between the preferences and decision.

*Table 3: Conceptualization and operationalization of the uploading mechanisms*

### 4.3. Case Selection

Case selection is an integral part of a research strategy. Selection of cases should be justified in terms of theoretical criteria, where such criteria as 'historical importance' are unacceptable (Levy 2008:7). The main criterion for the selection of a case is its relevance to the research objectives (George & Bennett 2005). In theory-testing case studies, careful selection of cases is crucial. Selecting a case that fits the researcher's hypothesis can create a problem of overestimating causal effects (Levy 2008:8).

In this study, Latvia is selected as a typical case. A typical case selection is advisable in theory-testing process-tracing strategies (Beach & Pedersen 2013:146), especially in a mechanism-centred research designs (ibid) where one should know beforehand that the outcome is present (the correlation between X and Y) (ibid).

The figure below illustrates that Latvia as the least-likely case still belongs to the typical cases category (ibid).

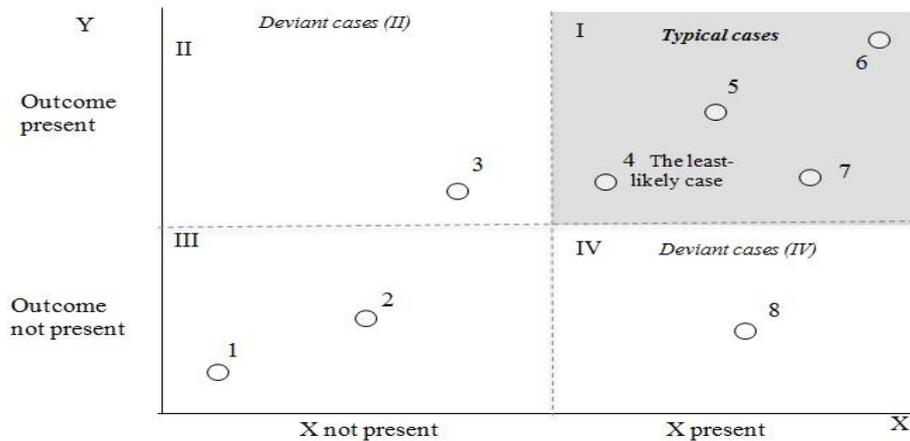


Figure 3: Case selection in mechanism-centred designs (Beach & Pedersen, 2013).

Latvia is one of the smallest, as well as one of the newest member states, and therefore may be expected to be one of the least likely member state to exert influence. It is a least-likely case in terms of structural power. Member states are usually measured in terms of economic power (GDP) and political power (votes in the Council and EP). In the EU, under the qualified majority voting, Latvia’s voting weight is only around 1%.

Despite these disadvantages, evidence shows that Latvia has been able to influence (modify) EU foreign policy on specific issues. This study focuses on these cases, which demonstrate a positive value in the dependent variable as the primarily interested in what mechanisms helped to attain the preferred outcome.

In order to accomplish the within-case study on Latvia, it is necessary to carefully select the sub-cases. In theory-testing version of process-tracing the focus is not on the causal effects of X on Y, but on the process in between, which means that “to study the mechanisms in-between X and Y, we already know that there is a causal relationship between them” (Beach & Pedersen (2013). Here, the selection of the dependent variable with preliminary knowledge is eligible because the theory-testing process-tracing aims at exploring whether the hypothesized causal mechanism was present (George & Bennett 2005, Coller *et al.* 2004, Levy 2008). Therefore, both independent and dependent variables should be present (Beach & Pedersen

2013:147). Accordingly, this study follows the above approach, and the sub-cases are selected so that they represent a positive outcome in the dependent variable.

#### **4.4. Empirical Material – Collection and Evaluation of Observations**

A crucial part of the case study is the evaluation process where empirical observations are assessed. In a process-tracing case study, it is necessary to assess the content and accuracy of empirical observations before they can be admitted as evidence of the presence of a causal mechanism (Beach & Pedersen 2013:120). The collection of observations (primary and secondary) should avoid cherry-picking and seek to collect empirical material that would allow us to determine whether the predicted mechanism is present (ibid, 123). This requires a considerable background knowledge, which means that the observation should be evaluated on the basis of “who is speaking to whom, for what purpose, and under what circumstances” (George & Bennett 2005:100). Observations should be evaluated relative to what is known about the actors, their intentions, interactions and situation (ibid, 126).

Third, assessing the accuracy involves critical evaluation of measurement (Beach & Pedersen 2013:127). In order to cope with unreliable measures, I follow the recommendation to apply triangulation – a collection of various independent observations from different types of sources (interviews and documents) (ibid, 128).

##### Sources of Evidence/ Data

Process tracing requires collection of large amounts of data, ideally from a wide range of resources. This study uses primary, as well as secondary sources. Primary sources consist of semi-structured interviews, EU and Latvian government foreign policy documents. Given that EU foreign policy decisions are not made by formal voting, but under informal consensus, it is impossible to rely on voting (Bailer 2010:751). Here, interviews are the most frequently used sources. Tansey (2007:4) suggested relying on interviewing, especially elite interviews, because the process-tracing often aims at getting evidence about political developments at the highest level, where elite actors are critical sources. As opposed to Tansey’s assumptions, I suggest that in EU foreign policy-making, elite interviews are less important. The main part of decision-making in fact occurs at the EU working group level, involving experts and highest civil servants, who participate directly in EU foreign policy-making. The direct participant accounts offer a more direct measure of the causal mechanism and thereby

help avoiding the measurement bias (Beach & Pedersen 2013:134). Through focused questioning, a researcher can “reconstruct political episodes on the basis of testimony of respondents” (Tansey 2007:5). Apart from interviews I also use governmental documents.

Primary sources are complemented with secondary sources of the existing studies and media sources. The media sources are used as a background material about the context in which decisions were made. The accuracy of media sources can be difficult to assess, and they are used as supplement evidence in process-tracing only when these observations are triangulated with other types of sources as a supplement (Beach & Pedersen 2013:143).

To sum up, in order to test hypotheses on the uploading dimension, a within-case study of one individual country is conducted. Latvia is used as a typical case, a least-likely case. In order to capture uploading with its mechanisms, I rely on the process-tracing method, acquiring empirical evidence by using triangulation, i.e. different sources of observation, in particular semi-structured interviews. To avoid the potential risk of observation bias, the interviews were held with the Latvian foreign policy-makers in Riga and its diplomatic representations, as well as the representatives from EU institutions – the EEAS and the Commission. For empirical observations, 30 interviews have been conducted in Riga and Brussels, involving various levels of officials, directly involved in EU foreign policy-making on the respective EU dossiers, covered by the three sub-cases of this study.

## **5. WITHIN-CASE STUDY ON LATVIA**

### **5.1. Determinants of Latvia’s Foreign Policy**

Latvia is one of the smallest and newest EU member states, a post-communist country, located on the easternmost border of the EU and bordering the EU’s largest neighbour by territory Russia. These features determine Latvia’s national preferences in EU foreign policy and its ability to attain them.

With regards to ‘smallness’ and ‘newness,’ Latvia is one of the smallest member states in terms of economic power (GDP) and political power (number of votes in the Council). Although EU foreign policy-making is not based on formal voting, there is some ‘shadow of votes’ with large member states being more influential. Smaller states’ weakness is even more visible in the case of small new

member states, among which is Latvia. “Time in the EU matters,” therefore the new member states have limited capacity to influence the EU foreign policy outcome (Goetz 2005:254). Limited experience, expertise and lack of resources make uploading challenging.

After regaining independence in 1991, Latvia started its foreign policy from scratch, with the Foreign Ministry’s staff of around thirty people. The country was poorly prepared for the role of an independent international actor (Pabriks & Purs 2001:119), not to think of being an active member of EU foreign policy-making. Over time Latvia strengthened its domestic uploading capacity. Yet, after joining the EU as a member state Latvia faced enormous challenges. With limited capacity, it was impossible to react to information coming from Brussels, while it was increasingly important to respond to EU foreign policy initiatives (Galbreath 2013:115).

Gradually Latvia developed its administrative capacity and skills to participate in Brussels-led processes. Latvia started carving out niches in specific EU foreign policy issues. There was an expectation that Latvia would become a more active player in EU policy towards the post-Soviet states: Ukraine, Belarus, Georgia and Moldova, as its development cooperation budget would grow (Rostoks 2010). Yet, this was interrupted by the country’s severe economic crisis in 2009 with the Foreign Ministry being one of the most affected (ibid, 2010). Recovering from the crisis allowed it to gradually return to the pre-crisis foreign service staff numbers.

Apart from administrative weakness, Latvia same as other post-communist countries also faces political weakness. A common feature of the post-communist countries is unstable institutional and policy regimes, resulting in “neglecting Europeanization through the domestic institutions” (Goetz 2005:276). As shown by Sprūds (2008:105), the Baltic States’ domestic political environment has been dominated by “unclear rules of the political interaction, attempts to mobilise and manipulate with society” resulting in a situation when an influential role has been played by “informal actors.” This is also reflected in these states’ foreign policy-making, which has been complicated and ambiguous, with institutions being underdeveloped, elite using foreign policy for domestic goals (Skak, 1996, Sprūds 2008:105). In a similar way, Vilpišauskas (2011, 2013) noted that a lack of consistency in domestic policies in the Baltic States, originating from policy-makers’ dependency on domestic interest groups prevents governments from convincing the

EU partners. Thereby it could be so that administrative and political weakness may diminish Latvia's uploading capacity.

Thus, in relation to the research question, Latvia seems to be the least likely member state to influence the outcome of EU foreign policy. On the other hand, its geographic proximity to EU direct neighbours of strategic importance suggests intensely held national preferences in the EU agenda towards this neighbourhood. Geographic proximity for Latvia primarily means Russia. After regaining independence in 1991, Latvia's foreign policy concentrated on security, to a large extent, meaning that it focused on its neighbouring country Russia (Dreifelds 1996:5-15) perceived as "the only and overwhelming threat to Baltic independence" (Timofejevs-Henriksson 2013:146). For this reason Latvia's political elite perceived integration in international institutions as essential, where the EU membership was believed to provide Latvia 'soft' security guarantees (Pabriks & Purs 2001:142). Thus, geographic position is one of the main factors determining Latvia's foreign policy preferences in this EU direction.

Furthermore, due to its Soviet experience, it is important for Latvia to "redress from the dominance from which they have suffered" (Galbreath *et al.* 2008:16). Thus, given its geographical position, one may expect that Latvia with its strong interests in its immediate neighbourhood and despite its relative weakness would pro-actively seek to project them at the EU level.

#### Characteristics of the Latvian Foreign Policy-Making Process

The Latvian Constitution puts foreign policy in the hands of Parliament and especially the Foreign Minister, while the President has a representative role in international relations. The role of the Ministry of Foreign Affairs (MFA) is the most visible in exercising foreign policy. Furthermore, EU policy coordination in Latvia is a prerogative of the Foreign Minister. While the Cabinet of Ministers approves national positions for the EU, the Foreign Minister has the main role in developing EU policy (Galbreath 2013). The MFA is formally responsible for "coordinating the development and implementation of the EU policies" (MFA, Coordination of EU [affairs] in Latvia). The MFA prepares the national position for the European Council, and develops positions on the external economic relations and the CFSP (*ibid.*).

While the role of MFA is to define general guidelines and principles of Latvia's foreign policy, the Saeima (the national Parliament) has a more consultative

role. As a result, the Saeima is less engaged in national foreign policy-making. As argued by Rostoks (2010), the Latvian parliament needed to re-establish the link with the MFA, where the annual foreign policy debates in the Saeima may serve as facilitator.

Latvian foreign policy-making and coordination of EU policy is in its entirety in the hands of the Foreign Ministry. Thus, the MFA and the Foreign Minister are the key players in terms of Latvia's uploading dimension of Europeanization.

## **5.2. Selection of the Sub-cases**

In the within-case study on Latvia, three sub-cases are used to trace uploading mechanisms. The sub-case selection is justified by relevance to the research objectives, i.e. to explore how a member state can influence EU foreign policy. In so doing, first, I choose those EU dossiers where Latvia had intensely held national preferences, which were reflected in the EU decision outcome. Second, the three sub-cases are selected with variation in the independent variable to test how the intensity of preferences determined the choice of uploading mechanisms.

First, all three EU foreign policy dossiers involve important and salient issues for Latvia, caused by its geographic proximity to the respective third countries. Case I "The EU sanctions on Belarus (2011-2012)" involves a high intensity preference – it deals with Latvia's direct neighbour, a close business partner, with whom Latvia has economic interdependency. Case II "The EU-Russia visa-free travel (2011-2014)" involves the domestic business interests, but also security concerns. Case III "The EU-Ukraine Association Agreement (2011-2013)" represents strong national preference for Latvia for its broader 'first order' security concerns, given Ukraine's relevance for the whole post-Soviet space. The three sub-cases are selected with a preliminary knowledge on a positive value in dependent variable. It means that there was some influence on the part of Latvia exerted on the EU foreign policy decision outcome, that is, Latvia's preferences were reflected in EU decision.

Second, the three sub-cases are selected with the variation in the independent variable. While all three selected sub-cases reflect Latvia's intensely held national preferences, at the same time they vary in terms of their intensity. Case I "The EU sanctions on Belarus (2011-2012)" reflect extremely high domestic pressure, whereas Case II "The EU-Russia visa-free travel (2011-2014)," medium intensity: while there was a general domestic interest and public sensitivity, there was no immediate

domestic pressure on the foreign policy-makers. Case III “The EU-Ukraine Association Agreement (2011-2013)” represents low intensity: while the issue was high on the government’s political agenda, there was no interest on the issue from neither economic interest groups, nor other eventual veto players.

Finally, in order to trace the uploading process with its mechanisms, the conditions are kept constant. I select the EU foreign policy dossiers, which cover the period from the end of 2010 when the European External Action Service became fully operational, in this way covering the same EU institutional framework and the post-Lisbon Treaty policy-making rules and procedures.

### **5.3. Case I: EU Sanctions Towards Belarus (2011-2012)**

The European Foreign Policy Scorecard 2013, in its evaluation of EU policy towards Belarus, ranked Latvia as one of the ‘biggest slackers’ in terms of “putting pressure on Belarus for political liberalisation” (ECFR Scorecard 2013, 137). How could Latvia receive such an assessment even though, together with the EU and the U.S., it kept promoting democratic changes in the neighbouring Belarus? The answer lies within the different intensity of national preferences between Latvia and most of the EU members. Being a direct neighbour with intense cross-border links, Latvia found that it could not support economic sanctions against Belarus: “Why should it support sanctions, which in no way helped liberalisation of the Lukashenko regime, while at the same time cause damage to Latvia” (Rostoks, 26.03.2013). In words of the Minister of Economy Pavļuts: “We have on many occasions asked our EU partners what they believe these sanctions will lead to” (Gebert, 2013:3). This chapter addresses how Latvia sought to upload its intensely held (geographic) preferences.

After the crackdown of December 2010 elections in Belarus, EU relations with Minsk returned to a low point. EU debate on economic sanctions reached its peak in February-March 2012. While this very sensitive issue was discussed behind closed doors, mass media speculated on EU’s “economic embargo” on Belarus and broad sanctions on state-owned companies. Nonetheless, the de facto outcome was surprisingly modest. The March 2012 Foreign Affairs Council (FAC) agreed only on limited sanctions against few business people and companies, who were actively backing Lukashenko. Partly, this seemed to be the result of the “firm resistance from Latvia (backed by Slovenia)” (Kłusiński 2013). The policy-makers agreed: “if Latvia would not put on the brakes to some partners’ eagerness for broad sanctions the

outcome would be different” (Interview No. 10, 13.02.2013, MFA). Thus, when stakes are high even a small, new member state can influence EU policy outcome.

Accordingly, this EU dossier is suitable for tracing the causal process and the mechanisms, given that there is previous knowledge on the causal relationship between the national preferences and the EU decision outcome. I proceed as follows. First, I start with a brief empirical context and an account of EU sanctions policy towards Belarus. Second, I describe Latvia’s intensely held preferences. Third, I trace the inner workings of the uploading mechanism. I divide the EU decision-making process into three stages: the early stage (2011 - January 2012); the first round of negotiations (February 2012); and the second round of negotiations (March 2012).

### **5.3.1. Empirical Background**

#### The Development of EU Sanction Policy Towards Belarus

At the beginning of the 1990s, EU policy towards Belarus did not differ from its broader approach to the Eastern European countries. Until 1994, relations developed in a positive trend, including the signing of the Partnership and Cooperation Agreement in 1995. These positive developments were interrupted by president Lukashenko’s victory in 1994 and the following deterioration of democratic standards with Lukashenko gradually gaining unlimited power.

In response, the EU froze the highest political-level contacts with Belarus. In 1996, the EU imposed the first sanctions, which were suspended in 1999, but then again re-imposed. In 2002 the EU started to offer Belarus a so-called ‘benchmarks approach,’ eventually leading to a resumption of the dialogue. However, this did not yield any positive results (ENPI, Belarus: Country Strategy Paper (2007-2013). During 1996- 2004 there were only mild EU sanctions on Belarus primarily in the form of a visa ban and asset-freeze. In 2006, the EU sanctions became more comprehensive. The March 2006 Belarusian presidential elections were marked by serious violations. The April 2006 General Affairs and External Relations Council (GAERC) imposed additional sanctions against Lukashenko and individuals responsible for election violations (Council regulation, 18 May 2006). In addition, the December 2006 Council withdrew Belarus from access to generalized tariff preferences (Council Regulation, 21 December 2006).

The situation improved again in 2008, with positive signals from Minsk on its willingness to cooperate with the EU. Apparently, Lukashenko's administration sought to manoeuvre between Russia and the EU. He sought contacts with the EU after Putin's threats to increase the gas prices (Liakhovich 2011). In early 2008, the Lukashenko's administration developed an agenda on improvement of relations with the West (ibid). In August 2008, it released political prisoners. In response, the EU suspended sanctions for six months (Council Conclusions, 13 October, 2008). One month later, the head of Lukashenko's administration Makey held a speech at the Minsk Forum devoted to the wish to develop cooperation with the West and political liberalization of Belarus, which became a sensation (Liakhovich 2011). Thereby the EU moved from a coercive model towards an engagement policy aimed at "incremental regime evolution" (Bošs 2012:85).

The year 2009 followed with a further rapprochement between the EU and Minsk. In February 2009, the HR for the CFSP, Solana, met Lukashenko in Minsk, with both sides expressing willingness to develop a closer relationship (European Council TV Newsroom, 19 February 2009). In May 2009, Belarus officially joined the EU Eastern Partnership initiative (Joint Declaration of the Prague Eastern Partnership Summit, 7 May 2009). In November 2010, the EU Enlargement Commissioner Füle visited Minsk. Nonetheless, these positive trends were interrupted by the crackdown on the opposition launched soon after the presidential elections in December 2010.

The crackdown that followed the election was unexpected. Prior to the elections, the European Council recognized 'clear and visible progress on the conduct of elections.' However, events took another turn following the violent repression of political protests after the elections. There was suspicion that demonstrators may have included provocateurs from the Belarusian and Russian secret services (Jarábik *et al*, 2011), and that the crackdown was orchestrated by the regime's 'siloviki' with direct ties to Moscow, who opposed any attempt to get closer to Brussels and sought to undermine Lukashenko's 'flirt' with the EU (Ditrych 2013:2).

Many in the EU received this development with disappointment, given efforts to engage in discussion with Lukashenko. Prior to the elections Germany and Poland had offered Belarus 3.5 billion USD aid if the election were considered free and fair (The New York Times 19.12.2010). The following reaction of the international community was very sharp. The U.S. and the EU common statement strongly

condemned the violence, disproportionate use of force, and called for the immediate release of the arrested presidential candidates and demonstrators (Joint US-EU Statement, 23.12. 2010).

For Latvia, these developments were very unpleasant, given the latest warmed bilateral relations and intensity of economic and political contacts. Latvia joined the common line. Therefore Latvian Foreign Minister Kristovskis immediately issued a critical statement on the election outcome, while seeking not to slam the door on Minsk: “The post-election violence would not facilitate a further dialogue and relations between the EU and Belarus,” therefore “Latvia asked for immediate release of participants of the protest rally” (MFA, Latvia, Statement, 20.12.2011).

Meanwhile, the Minsk officials contacted Brussels and the EU capitals to convince that the post-election events were not intentional. Still, as recognized by a high-level EU representative, “no one from the EU ministers even called to Minsk to informally talk to them. Despite Lukashenko, Belarus was still an independent state and had to be treated with some respect” (Interview No. 23, 12.07.2013, EEAS).

The Belarusian Foreign Minister Martynov sought to convince the EU that the crackdown was a Russian conspiracy implemented together with a part of the opposition (Jarábik et al, 2011). In January 2011, Martynov visited Brussels. After the meeting with the HR Ashton, he told the press that Lukashenko was ‘not that stupid’ to destroy the relations with the EU; meanwhile Belarusian officials in EU capitals sought to explain that “Russia may have had hand in the post-election confrontation in a conspiracy form to harm Belarus-EU relations” (EUobserver, 12.01.2011). Despite these efforts, HR Ashton made it clear that the EU is “looking into appropriate measures” against Minsk (ibid). The reason was that Lukashenko had ignored the main demand made by the EU – the release of political prisoners. Lukashenko seemed to have angered everyone. Moreover, he did not obey the EU’s pressure. The Lukashenko administration did not rush to begin releasing political prisoners. As a result, return to the EU sanction policy seemed inevitable.

As just shown, after 1994 the EU “imposed, suspended, lifted and re-imposed variety of sanctions” on the Lukashenko regime (Ditrych 2013), while their efficacy has never been evaluated. However, sanctions are an important EU foreign policy measure, demonstrating the EU’s ‘actorness.’ According to the official EU guidelines sanctions have a preventive, not a punishing role:

*“Sanctions are the EU instrument of a diplomatic or economic nature, which seek to bring about a change in activities or policies (...) that do not respect the rule of law or democratic principles. They may target governments of third countries, non-state entities or individuals.”* (European Commission, 2008)

In preparing EU’s reaction on the post-election crackdown, some member states were particularly impatient, among them Poland. For instance, immediately after the December elections Poland started to draft its blacklist proposal of 96 people to be sanctioned, including Lukashenko and his propagandists (EUobserver, 12.01.2011).

#### Latvia, as an EU member State, Vis-à-vis Belarus

Latvia shares a border with Belarus. The two countries share a common history of being under the Soviet regime. Today Belarusian diaspora in Latvia takes an active role in promoting closer ties between both countries, including economic cooperation. As summarized by a Latvian high-level diplomat, “Latvia perceives Belarus as a friendly country. In contrast to its large neighbour Russia, with Belarus, Latvia does not have conflicts. In Latvia, we have many influential players, the Belarusian ‘agents’” (Interview No. 11, 13.02.2013, MFA).

Looking back at the pre-accession period one can see that Latvia’s main foreign policy pre-occupation was joining the EU and NATO. Being eager to reach this aim, Latvia strategically followed the U.S. and the EU rhetoric and tried to reinforce the EU and NATO policy in Belarus. Since the U.S. did not have any security and economic interests in Belarus, the Bush administration’s approach towards Lukashenko, ‘the last European dictator,’ focused on only ‘one parameter’ – promotion of democracy (Bošs 2012:87). For similar reasons, the EU primarily concentrated on democracy and human rights. Most of the member states have no strong interests in Belarus, and they seemingly treat Belarus in the context of their beneficial contacts with Moscow.

After joining the EU, Latvia continued promoting EU’s policy towards Belarus. Latvia actively insisted on EU’s strong reaction on violations of human rights, and opposed the Lukashenko regime. During intra-EU debates, the Latvian representatives were vocal and tried to give their input in formulating EU sanction policy towards Minsk, when in 2004 and 2006 the EU imposed a visa ban and asset freeze on Belarus. At the time, the EU still had some illusions of a post-Lukashenko regime.

This approach by the Latvian government did not facilitate good neighbourly relations. In response to Latvia's pro-active stance, the Lukashenko's regime used blackmailing. In mid-2006, "Minsk involved with Latvia in diplomatic fracas. Belarus state television showed hidden camera footage of the Latvian diplomat's private activities." (Business Source Premier, 2010:44) In July, Belarusian authorities opened a criminal case against this Latvian diplomat with the pretext that he was responsible for contacts with Belarus opposition leaders. The Latvian Foreign Ministry reacted by accusing Belarus for an 'unprecedented attack.' The Foreign Minister Pabriks condemned this violation of private space "as breach of the Vienna Convention," showing "what kind of justice system exists in this dictatorship." Latvia recalled its ambassador for three months (ibid). Nonetheless, apart from this bilateral scandal with political resonance, relationship developed in a pragmatic way and the two countries "enjoyed mostly harmonious relations" (Belarus Digest, 24 May 2012).

Latvian foreign policy on Belarus gradually shifted towards a more pragmatic approach. It coincided with the EU's rapprochement with Minsk. Increasing business contacts between Latvia and Belarus, contributed to Latvia's rather balanced and careful policy instead of focusing only on human rights and democracy. Thereby, instead of pushing for the regime change, the Baltic political leaders advocated for maintaining the *status quo*, as they felt that Lukashenko's further isolation would only push Belarus closer towards Russia (Bošs 89-90).

In recent years economic issues have gained importance in Latvian foreign policy, necessitated by the need to recover from the deep economic crisis. Although Belarus was not the main economic partner for Latvia, the significant budget income from the transit from and through the territory of Belarus was important. Therefore, Latvia was expected to resist imposing economic sanctions on Belarus (Bošs, 90).

### **5.3.2. Latvia's Intensely Held Preference: "No Economic Sanctions"**

To assess the intensely held national preferences, I use the following empirical indicators: (1) data showing intensity of cross-border trade, (2) interest-based statements of the government, (3) foreign policy-makers agreeing on levels of salience, (4) media coverage, and (5) national positions.

First, with regards to economic interdependence, Latvia's direct border with Belarus equals strong business links. For years, Belarus has been one of its main economic partners. Transportation service trade plays a crucial role in Latvian-

Belarusian trade relations. Transportation services account for approximately 50% of total service exports, which makes this sector indispensable for the country's economic performance (Jākobsons 2012:22). Latvia's ports provided some of the geographically closest and cheapest hubs for the Belarusian export-oriented petrochemical industries. The transport sector accounts for 13% of Latvia's GDP, and goods coming from or through Belarus account for 50% of the freight. Thus, the transit of Belarusian goods was one of the main sources of state budget income (Kłysiński, 07.01.13). Given this economic interdependence with Belarus, Latvia, severely affected by the economic crisis, chose to resist any EU restrictions on economic relations with its neighbour (ibid).

Preserving these links was crucial for the domestic business community, as underscored by the Foreign Ministry official: "There are many Belarusian "agents," e.g. the Employers' Confederation (LDDK), the Chamber of Commerce, the Latvian Railway, and individual companies" (Interview No. 11, 13.02.2013, MFA). These interest groups put enormous pressure on the government. The LDDK asked the government "to defend its interests in the EU, considering its geographic location and volume of external trade with Belarus" (LDDK, 7.02.2012). The influential businessman Lembergs at one point "strongly condemned the EU" and asked that "given the place of Belarus in Latvia's trade, including transit, economic sanctions would be irresponsible action, to which Latvia by no means should agree" (Apollo, 2.03.2012). The government responded to these concerns.

This leads to the second empirical indicator – the Latvian government's clear interest-based statements. Already at the outset of the EU debate, the Foreign Minister Kristovskis made clear that Latvia "is not interested in limiting business opportunities for entrepreneurs. When formulating a political stance toward the political governance of another state, one should watch out so that business would not suffer" (Diena, 10.01.2012). Kristovskis added that, while the "EU should promote democracy in Belarus, Latvia cannot support economic sanctions as they could affect ordinary people in Belarus, and haven't worked before" (ibid). This Latvian government position was later replicated in various EU foreign policy formats.

A third empirical indicator consists of interview respondents confirming the salience of the issue. All respondents observed Latvia's strong interests in Belarus sanctions' case. For instance, one respondent stressed that

*Latvia's national interests are related to its direct neighbour. Economic issues became increasingly important in foreign policy to overcome economic crisis. Understandably, our business community became scared over EU sanctions. The foreign policy-makers had to defend business interests. In the EU, it is a common practice that member states seek to reach their economic goals (Interview No. 2, January 15, 2013, MFA)*

Another respondent confirmed that EU sanctions on Belarus were Latvia' intensely held preference due to economic interests:

*For Latvia, it was a dilemma either to join the EU majority to pressure Belarus to respect the democratic standards or defend Latvia's national interests. In the EU, national interests, including economic ones, are prevailing. Especially when the CFSP is targeted towards a neighbour, In the case of Belarusian sanctions, Latvia could not agree due to strong business engagement in Belarus (Interview No.5, 17.01.13, MFA).*

Thus, in relation towards the EU's sanctions policy, Latvia found itself in a complex situation where it had to defend its economic interests at the expense of common values.

A fourth empirical indicator, revealing the intensity of national preferences, is the importance the domestic mass media attach to the issue. Apparently, Latvian media space played a crucial role in channelling business group pressure on the government. Initially used only by business groups, that growing pressure gradually engaged politicians, parliamentarians and experts. The public message to foreign policy-makers gradually converged on a simple message: "No consent to economic sanctions on Belarus."

Evidently, for Latvia the EU policy towards Belarus involved economic interdependence, one of two key dimensions of 'first order' core national interests. However, another dimension of the 'first order' interests – security – was equally important in determining Latvia's preferences. Russia's increasing influence in Belarus worried the governments of the three Baltic States. They became more and more concerned about Moscow buying out the biggest businesses in Belarus, politically pressuring Minsk, and arranging joint military exercises and developing new military bases near their borders. They were concerned that Belarus would cease to be an independent state. Hence, a key interest of the Baltic States was to keep the EU engaged in Belarus in order to contain the Russian pressure. Therefore, the EU focusing exclusively on democracy protection seemed to be short-sighted for them.

As underlined earlier, if EU policy for a member state involves both the 'first' and the 'second order' concerns (idealistic values), one may expect that its 'first

order' interests would not be sacrificed when they clash with the second order, 'non-security' concerns (Schmidt-Felzmann 2008:179). In other words, in the case of EU economic sanction towards Minsk, Latvia was expected to object such decisions.

### **5.3.3. The EU Policy-making Environment**

According to rational choice institutionalism, EU's institutional environment constrains member state preference projection. EU institutional rules and norms, as well as other member states' preferences, "the actual distribution of power" (Thomson 2011a), are assumed to constrain Latvia's pursuit of its preferences.

Which were the key actors and their preferences in Belarus sanctions policy? Apart from its neighbours – the Baltic States and Poland, the member states have no strong political and economic interests in Belarus: "Contrary to the other EU sanction cases, where big member states were involved, in the Belarus case there were small member states next door to Belarus and one big state, Germany. Germany cares about Belarus." (Interview No. 19, 12 July 2013, EEAS Brussels).

Overall, Germany has geopolitical interests in the Eastern neighbourhood. It has supported the EU engagement in Belarus in various ways. Rapprochement between the two countries began in 2008. Just before the 2010 December elections, Foreign Minister Westerwelle together with his Polish colleague visited Minsk (MFA, Germany, March 2013), and offered Belarus 3.5 billion USD aid if elections were considered free and fair (The New York Times, 19.12.2010). However, the elections interrupted German efforts to engage with Lukashenko's regime. The German government strongly criticized the crackdown on demonstrators protesting against the election results and the conditions under the opposition fought the electoral campaign (ibid). As commented by the interviewee, one should not expect Berlin to 'turn a blind eye' on the events in Minsk: "In Germany, there is a real opposition that follows each step of the government" (Interview No. 23, 12.07.2013, EEAS). The tough German reaction might also have been influenced by personal factors: at that time Chancellor Merkel was sharply critical, having some illusion on the possibility to achieve a democratic transformation in Eastern Partnership countries. Also, Lukashenko's serious personal attacks on Westerwelle complicated the situation (Spiegel, 05.03.2012). Germany eventually became an advocate for economic sanctions against Minsk.

Besides Germany, a crucial role was played by Poland, in particular, by its Foreign Minister Sikorski. Poland, a direct neighbour of Belarus with strong historical ties, also cares about Belarus. The Polish-Belarusian relations have never been easy due to the complicated mutual history. After joining the EU, Poland sought to be the ‘major voice’ in determining Brussels’ policy towards its neighbour (RFE/RL March 19, 2006). Warsaw always focused on the post-Lukashenko period (ibid) and successfully managed to promote a tougher EU line towards the regime, especially by pushing for sanctions in 2006 (Kaminska 2008:4). Seemingly, Lukashenko did not want to obey Warsaw’s pressure, and turned his back on Poland, for instance, by ignoring the Warsaw Eastern Partnership Summit in September 2011. Considering the difficulties faced by the large Polish minority in Belarus, and with the Polish parliamentary elections (autumn 2011) approaching, in the weeks and months leading up to the summit Polish politicians started to behave ‘hysterically’ (Interview No. 24, 16.08.2013, PermRep).

Hence, Lukashenko lost two most important advocates in the EU – Poland and Germany. This changed the balance in EU debate with the majority now inclined in favour of economic sanctions. What was the role of Lithuania? Same as Latvia, Lithuania is a direct neighbour of Belarus and an economic partner. Initially, Lithuania was one of the strongest opponents to economic sanctions. It also created tensions with Poland over the issue. Sikorski instructed the neighbour in plain language: “Lithuania should think twice whether it has the right to vote against sanctions against Belarus” (Lashuk, 21.05.2011). In response, the Lithuanian President Gribauskaite and Prime Minister Kubilius announced that “the problem of the West is simple: having no clue about the Belarussian situation, it based its assessments on the expertise of Sikorski, who naively thinks that he has such a clue” (Tracevskis, 01.06.2011).

The Lithuanian governmental representative regretted that “the EU wanted ‘everything at once,’ and that it did not have patience to make small steps” (EurActiv, 11.07.2012). In a similar manner, Latvian Foreign Minister Kristovskis urged the HR Ashton to maintain strategic patience with Belarus. While both countries had very similar national preferences, the key problem was their competitive economic positions in Belarus. It appeared to be easy to split Latvia and Lithuania when the EU debate turned to sanctioning concrete Belarusian businesses. Indirectly, the EU sanctions could help to redistribute the Belarusian transit flows from Latvia to the

Lithuanian Port of Klaipeda, which was seemingly used by Lithuanians, who were “more successful in lobbying, and consequently the Belarusian companies doing business with Lithuania were not on the blacklist proposal” (Interview No. 13, 12.07.2013, EEAS).

Consequently, Latvia could not rely on its traditional like-minded peers, especially on Poland, a leader of the East European group. Hence, while the best ‘recipe’ for Latvia would be “together with Lithuania and Poland [...] to synchronize the exiting approaches” and “to speak in one voice” (Kļaviņš 2012:169), in practice it was impossible. Poland’s eagerness for economic sanctions was in effect the opposite of Latvia’s efforts to put the brakes on such idea. Under these circumstances, how could Latvia pursue its intensely held preferences, with steadily increasing domestic pressure and while the EU institutional environment hindered it to attain its goals?

#### **5.3.4. Observed Latvia’s Influence on EU Decision Outcome**

In order to trace the uploading process between the independent variable (national preferences) and the dependent variable (influence on EU decision outcome), first, there needs to be established knowledge on the correlation between them.

Empirical findings confirm that Latvia, given its intensely held national preference, succeeded to influence the EU decision outcome. All interviewees acknowledged a positive outcome. The following Latvia’s influence has been observed: “We succeeded in influencing the outcome to a great extent. Not to the maximum, but to a great extent” (Interview No. 2, 15.01.13, PermRep); “Despite our initial failures, at the end we succeeded in influencing to a great extent (Interview No. 9, 05.02.13, PermRep); “We succeeded 100% in influencing the outcome – our economic interests did not suffer” (Interview No. 7, 18.01.12, MFA). One interlocutor noted that, “all Latvia’s concerns were fully taken into account. The final decision was acceptable. In fact, EU sanctions proved useless – the Belarusian oligarch Chyzh [the key business partner for Latvia, sanctioned by the EU] just renamed his companies, including [a sanctioned company] *Triple*, and continued his business with the EU exactly as before” (Interview No. 11, 21.02.2103, MFA). The 22 March FAC decision outcome was appreciated by the Latvian business community, generally agreeing that “the Latvian diplomats did the maximum to minimize the negative influence on Latvia’s economy” (Delfi, 23.03.2012).

Latvia's influence was reported by the Minister Rinkēvičs during the annual foreign policy debate in the Saeima in January 2013. He opened his speech by stating that “promotion of foreign economic links has never been so high on the Ministry's agenda [...]. Here we are speaking about Belarus. While honouring common EU principles, it was vital to prevent the harmful effects that this type of sanctions could have had on the economy of Latvia. We succeeded” (MFA, 24.01.2013).

It is interesting to see with what uploading mechanisms Latvia could influence EU foreign policy-making and the decision outcome? How did the EU institutional environment help (or constrain) Latvia's preference projection? Could it be so that Latvia succeeded just because its position corresponded to the general EU line?

### 5.3.4. The Uploading Mechanisms in Practice

In tracing the uploading mechanisms, I divide the EU decision-making process into three stages: the early stage; the first round; and the second round of negotiations.

1. The first stage (January 2011 - the 23 January, 2012 FAC)	
January 2011	Beginning of the EU expert level debate on response to the violent crackdown of December 2010 Presidential elections in Belarus
31 January 2011	FAC reinstates the visa-ban and asset freeze on 192 persons responsible for the crackdown of civil society (Council Decision 31.01.2011)
20 June 2011	FAC includes additional persons and entities in the list of visa-ban and asset freeze (Council Decision 20.06.2011)
10 October 2011	FAC includes 16 additional persons on the list of 192 persons targeted by visa-ban and asset-freeze (10.10.2011)
2. The second stage (23 January 2012 FAC - 27 February 2012 FAC)	
23 January 2012	FAC broadens the criteria for sanctions to include persons and entities benefiting from or supporting the regime (Council Decision 23.01.2012)
3. The third stage (until the 22 March FAC)	
27 February 2012	FAC fails to agree, but promises to take decision in March (Foreign Affairs Council, Press release, 27.02.2012)
28 February 2012	Member states recall their Ambassadors from Minsk
22 March 2012	FAC agrees on limited sanctions (Council Implementing Decision 23.03.2012)

*Table 4: Chronology of EU decision-making (January 2011 – March 2012)*

For Latvia – a small, new member state – it was exceptional to find itself in isolation and with its diplomatic reputation at stake: “if a state wants an exemption from the sanctions others tend to interpret it as egoistic behaviour” (Interview No. 17,

11.07.2013, PermRep, Brussels). At the same time, Latvians have learned that “the EU’s common practice is that states seek to reach their economic goals. For example, in China, Germany is deeply economically engaged. Then the values go to the secondary place.” (Interview No. 2, 15.01.2013, MFA) Also, “Sweden in 2011 weakened the EU sanctions on Syria. Sweden always built its reputation as a defender of human rights, but then shocked everyone with its double standards. It saved its companies STE and MTN from blacklisting” (Interview No. 16, 11.07.2013, EEAS).

Apparently, “when these sharp EU foreign policy instruments are targeted towards its neighbour, a country’s business interests dominate in foreign policy action. In the EU’s Belarus sanctions, Latvia could not agree due to its strong business engagement” (Interview No. 5, 17.01.13, MFA). In order to defend its interests Latvia “needed to invest enormous work.” (Interview No. 11, 13.02.2013, MFA)

#### ***5.3.4.1 The First Stage (January 2011 - January 2012)***

Initially, the EU debate concentrated on political sanctions – visa bans and an asset freezes against certain persons. The idea of economic sanctions only arose occasionally. Hence, in the first half of 2011, Latvia could easily upload its preferences by aligning with general arguments that resonated well with those who belonged to the like-minded (sceptical) group, which was rather broad. Meanwhile, the most eager advocates of sanctions pushed for stronger measures. The first serious test for Latvia was the 20 June 2011 FAC, which dealt with economic sanctions on three Belarusian companies. Since presenting arguments proved to be an ineffective uploading mechanism on this occasion, as it did not pull others in either direction, Latvia for the first time engaged in cooperative bargaining. In line with the hypothesis, cooperative bargaining turned out to be more effective because it helped to solve Latvia’s specific domestic concerns. Let us trace how Latvia sought to use various uploading mechanisms during this stage.

##### Presenting Arguments

In preparing EU reaction to the December 2010 presidential elections in Belarus, in January, immediately after the Christmas break, Brussels began its work. Initially, the debate focused only on an extension of the visa ban on individuals. Meanwhile, some member states pushed for stronger restrictive measures. Also, the European

Parliament in its resolution called the EU “to consider targeted economic sanctions” (EP Resolution, 20 January 2011).

On 31 January 2011, the FAC imposed sanctions on Lukashenko and 157 other officials. The 22 March FAC added 19 names to the blacklist. Latvia fully supported these measures. Some member states wanted “other possible punishments, such as targeted economic sanctions” (Jozwiak, 21.03.2011, RFE/RL). After the FAC, Sikorski promised: “We will consider additional measures. Lukashenko’s relations with the EU will suffer. At the 28 March Brussels Forum, Sikorski said that Poland had persuaded the EU ministers to apply further measures. He referred to Washington’s February sanctions on Belneftekhim (Naviny, 28.03.2011).

From early on, Latvia argued against economic sanctions. The main arguments were, e.g. with reference to the lack of effectiveness of economic sanctions, Belarus’ growing dependence on Russia, the negative effect on ordinary Belarusian people and on member state’s economic interests. This was a position Latvia later replicated in various EU policy-making settings. Given the general nature of the EU debate, there was no need for a more explicit justification. As long as the like-minded group was large enough, there was no direct pressure upon Latvia.

Supplementing formal interventions in the EU settings, Latvia made some efforts at lobbying. For instance, in March 2011, Foreign Minister Kristovskis sent a letter to the HR Ashton expressing Latvia’s concerns. He insisted that such restrictive measures require an in-depth impact assessment, examining economic and social effect on the Belarusian society, as well as interests of member states. Kristovskis argued that the sanctions might not achieve the EU’s desired goal, i.e. positive changes in Belarus. A society with state controlled information channels could easily start to blame the EU sanctions instead of its own regime for the country’s economic crisis. And, as a result, the EU might erode part of its credibility in Belarusian society. Kristovskis believed that the EU should be balanced and pragmatic in its demands rather than concentrating on a value-based foreign policy (Interview No. 11, 13.02.2013, MFA). In this way, Latvia raised its concerns. By referring to the interests of member states Latvia signalled that it has had intensely held national preferences on this issue.

Besides lobbying, in successful uploading the use of coalitions is of crucial importance for smaller states such as Latvia. Evidently, at this early stage the like-minded group of countries was of great help to Latvia. As observed, “contrary to

Sweden and Poland, which pushed for an embargo, Latvia, Estonia and Lithuania hoped to keep trading ties. Estonian Foreign Minister Paet stated that the EU should not hurt ordinary Belarusians. In Lithuania, President Gribauskaite said that one cannot impose economic sanctions on people” (EUbusiness, 28 January 2011).

Meanwhile, the situation in Minsk continued to deteriorate. Lukashenko showed that he does not yield to western pressure. On 14 May, a five-year imprisonment sentence was imposed for the presidential candidate Sannikov. This re-opened an EU debate on more stringent measures. Sikorski and Hillary Clinton jointly called for economic sanctions, including on state-owned enterprises, such as Belneftekhim, Triple, Beltechexport and Belaruskali (Belarusinfocus, 22.05.2011). Other diplomatic sources confirmed that EU sanctions could target these companies, as well as Chyzh’s holding Triple and Peftiev’s arms firm Beltechexport (EUobserver, 16.05.2011). In the 20 May ‘Weimar Triangle’ meeting, the foreign ministers of Poland, Germany and France announced that economic sanctions should be applied to Belneftekhim, Triple, Belaruskali and Beltechexport (The News Poland, 21.05.2011).

Soon thereafter, the EEAS invited member states to consider economic sanctions, including against influential business people V. Peftijev and J. Chyzh. As a consequence, the 23 May FAC broadened the blacklist of travel bans and asset freezes, as well as discussed the imposition of economic sanctions. However, as had been the case at the previous FAC meetings, the 23 May FAC was split on economic sanctions. “Divergent reactions of ministers indicate that it would not be easy to agree (Lashuk 21.05.2011). Latvia was among those keeping a sceptical line. It maintained the opinion that economic sanctions very rarely produce the expected results: “Belarusian business can easily bypass sanctions given its links with third countries; it would be the society suffering, the EU would be blamed for economic misfortunes instead of Lukashenko And Belarus would become more dependent on Russia” (Interview No. 11, 13.02.2013, MFA). In this way, Latvia presented arguments, strategically pursuing its preferences.

Latvia’s arguing efforts, while well-elaborated, appeared not to persuade the influential and eager EU actors. Latvia could easily continue uploading its preferences by using the arguing mechanism under conditions if the EU debate would have maintained its previous character. However, the situation shifted dramatically when the EEAS put forward a concrete proposal suggesting to sanction only one

businessman and his three companies, dealing with arms trade, i.e. effectively imposing an arms embargo. This tactical approach easily split the like-minded group.

#### A Shift Towards Cooperative Bargaining - the 20 June 2011 FAC

For the 20 June FAC, the EEAS came up with a proposal, which was difficult to oppose even for the most sceptical member states. Who could resist an arms embargo on Peftiev, the head of Belarus's exporter of weapons, and his Beltech Hoding, arms producer, closely linked to Russia's Dmitry Gurinovich (Ioffe, 2012)?

However, the preparatory debate turned out to be "so heated" that the EU COREPER ambassadors failed to agree, leaving the foreign ministers to find a solution; "some countries, led by Italy and Latvia, have been reluctant to be too hard on the regime. Latvia has voiced concerns" (RFE/RL, 20. 06.2011). Latvia has continuously used the same line of general argument the first time it started to use bargaining. While Latvia had no problems with an arms embargo against Peftiev's business group, its concern was that this was only the beginning of economic sanctions. Therefore, it made use of the 'issue-linkage.' Given the EU's overwhelming majority, Riga's tactical approach this time was to agree to the majority 'for the sake of EU solidarity,' while ensuring that there would be no further economic sanctions. The Latvian delegation had room for manoeuvring – Peftiev's business did not have any engagement with Latvia, and Latvia by definition was not against the arms embargo (Interview No. 24, 16.08.2013, PermRep). The Latvian demands were satisfied. After the FAC, the Foreign Ministry announced that although Latvia had agreed on sanctions against three companies, "the FAC supported its proposal not to automatically extend the scope of the restrictive measures" (MFA of Latvia, 20 June 2011).

The account above provides evidence that a small, new member state can modify the existing EU policy proposals by using cooperative bargaining. In line with cooperative bargaining, Latvia, first, demonstrated a consensus-oriented behaviour and willingness to reach a compromise, and, second, in exchange for its support demanded an implicit guarantees that there would be no further economic sanctions.

#### Return to Presenting Arguments

The 20 June FAC was followed by a 'wait and see' period from the EU side. The hope was that Lukashenko would react to this more forceful EU language and release

political prisoners. However, Lukashenko did not rush to oblige. In September, he released only eleven prisoners. This was a marginal EU success in terms of achieving goals. Another problem was that Peftiev had approached the EU Court of Justice to overturn the sanctions and he in that context claimed that the EU had no right to sanction a businessperson that had nothing to do with the 2010 December elections. Thus, the 10 October FAC only agreed “to regularly monitor the situation.” Poland, at the time holding the EU Presidency, kept a low profile on the matter and the same was true for most EU institutions.

Key EU institutions, primarily the EEAS, tried to adopt a pragmatic and balanced stance. If the effect of economic sanctions was to be marginal, questions might have been raised about the efficacy of EU foreign policy. Thus, instead of pushing towards sanctions, the EEAS argued for resuming dialogue if “all political prisoners are released and rehabilitated” (Interview No. 24, 16.08.2013, PermRep). In a more nuanced position, the EU Enlargement Commissioner Füle indirectly urged de-escalation on both sides. First, the commissioner demanded the release and rehabilitation of prisoners and, second, he appealed for re-engaging with Belarus: “Whatever is taking us away from the most important tasks is unhelpful and unproductive” (RFE/RL, 28 February, cited in Socor, 2012:91).

In this situation, Latvian government officials felt quite comfortable. Their national position was close to the EU institutions’ approach, – all vying for ‘de-escalation’ of the conflict. This gave reason to hope that some EU capitals’ appetite for economic sanctions had been satisfied. Yet, the silence did not mean that the problem was solved. Instead, it was only postponed. As it later turned out, during its EU Presidency Poland was silently ‘doing homework’ (presumably together with its allies) in that it was preparing a new, more extensive blacklist of economic sanctions. In doing this, Warsaw was careful to exclude all of its own relevant business partners in Belarus. It was only a matter of time until the intra-EU debate was reignited (Interview No. 24, 16.08.2013, PermRep).

In January 2012, the EU debate returned to economic sanctions, this time aiming at extending sanction criteria as the Peftiev case “highlighted the limits of existing sanction criteria” (Rettman, 24.11.11). As a result, the 23 January FAC agreed that “freezing of funds and economic resources should be applied to [...] persons and entities benefiting from or supporting the Lukashenko regime” (Council Decision 23.01.2012). During the FAC debate, Latvia made it clear that it did not

object to this proposal exclusively because it was its strategic choice to join partners in the EU and the U.S. At the same time, the Foreign Minister Rinkēvičs asked for an accurate mechanism of applying [sanction] criteria and the assessment on a case-by-case basis (MFA of Latvia, 24 January 2012).

The 23 January FAC found grounds to impose further economic sanctions on Belarus. The reaction in Riga was furious; there were rumours that the EU's next step would be to introduce sanctions on an important Latvian business partner in Belarus, J. Chyzh. The domestic business community leaders began exerting massive pressure against the government, also using mass media. The Employers' Confederation argued that, "Latvia did not follow a politically responsible and strategic approach when supporting the use of economic sanctions against Belarus" (LDDK, 07.02.2012). The business community was consistently backed by the line ministries. According to one Latvian official, it was "no secret" that "for the Ministry of Economy, human rights were priority number 101" (Interview No.11, 13.02.2013, MFA) The pressure for the most part was specifically targeted towards the Foreign Ministry, representing Latvia at the Brussels negotiation table.

#### ***5.3.4.2. The Second Stage (February 2012)***

As many expected, immediately after the 23 January FAC the EEAS pushed ahead the new economic sanctions with a view to achieve an agreement at the 27 February FAC. The urgency under which the debates were held indicated a strong pressure from member states (Interview No. 23, 12.07.2013, EEAS). Before the COEST group started its own debate, with some preparatory talks taking place in Minsk.

#### **Hard Bargaining in Minsk**

In forging the EU's Belarus sanction policy, an important role was played by the Heads of Mission (HOMs) in Minsk, consisting of the ambassadors of member states. Their task was to prepare the ground for further debates in Brussels. Immediately after the 23 January FAC, the HOMs received the task of coming up with a recommendation for sanctions under the extended criteria. This task, however, was extremely challenging. In practice, the HOMs could not provide a well-elaborated recommendation, which could serve as a basis for Brussels (Interview No. 3, 16.01.13, MFA). Given the broad functions of embassies in third countries and their limited staff, it was almost impossible to prepare a high-quality analysis. Since the

HOMs group is formally independent from the capitals of its individual members, it could not rely on the help from foreign ministries. Finally, the EEAS deadlines for the HOMs work were unrealistically tight (ibid).

Under these circumstances, what could Latvia do? As described earlier, since the December 2010 Belarus presidential elections Latvia “put on the brakes on the eagerness to impose economic sanctions,” which also included active work in Minsk with the view of influencing other ambassadors. However, it became more and more complicated to operate in this ‘Minsk-based’ diplomatic process. As suggested by the EU representative,

*Instead of pragmatic work, the HOMs approach was biased and influenced by individual antipathies against Lukashenko. Instead of being focused on this format, Latvia had to lobby in Brussels at the highest possible level. By putting all the efforts only on the HOMs, finally Latvia found itself in full isolation (Interview No. 23. 12.07.2013, EEAS).*

Hence, Latvia found itself isolated in Minsk. Eventually, the HOMs recommendation was sent to Brussels without Latvia’s consent. This suggests that wrong-headed uploading mechanisms such as hard bargaining may produce the opposite effect of that intended. As one Latvian diplomat concluded on the Belarus debacle, “The formal EU decision-making formats were only the surface while the real work happened behind the scenes.” (Interview No. 1. 28.12.2012, PermRep).

#### Riga Considers a Veto

After the HOMs’ recommendation reached Brussels, the work was formally taken over by the EEAS. “In the initial proposal from HOMs in Minsk there was a long list, which was then discussed in the EEAS. Everyone agreed that Chyzh should be listed. Then the work moved to the EU working groups” (Interview No. 19, 13.07.2013, EEAS, Brussels). As indicated earlier, the main part of recommendations for the blacklist might have arrived directly from Warsaw, and “in the EEAS there are many ‘helpful’ Polish nationals” (Interview No. 24, 16.08.2013, PermRep, Brussels).

As expected, at the beginning of February 2012, the EEAS put forward the proposal of the blacklist to the COEST group. To Latvia’s surprise, it included Chyzh’s holding company Triple with businesses in Latvia, with even some formal subsidiaries working within its territory. In 2008, Chyzh had acquired majority ownership of Latvian companies Mamas D and Latgales Alus in Daugavpils, close to the Belarusian border. Another surprise was that the EEAS proposal, contrary to what

was said in the previous drafts, excluded big state companies. As told by a high-ranking civil servant at the Latvian MFA, this was not acceptable for Latvia:

*If the EU would be ready to impose substantial sanctions on whole sectors of the economy, including the potash fertilizer production and gas sector – yes, this would have been an effective measure. But then those states which have a larger trade turnover with Belarus than Latvia started to protest – the Netherlands, Germany (Interview No.11, 13.02.2013, MFA).*

It was no surprise that “this time Latvia was against it. It was about interests – trade and investments. This is *realpolitik*.” (Interview No.13, 12.07.2013, EEAS, Brussels)

For Latvia, the main concern was that sanctions would not hit only Latvia:

*Then everyone in the EU would be satisfied that the necessary political step has been made, while “the bill for this, only Latvia would be paying. Logically, Latvia was not ready to agree on this – and we were ready to veto this (Interview No. 11, 13.02.2013, MFA).*

Thus, Riga considered a veto. Indeed, why should the EU economically punish its own member state, which seeks to recover from economic crisis? On the other hand, no one prevented Riga from being smarter. Instead of hoping that the EU’s implicit promises that Peftiev would be the last in the economic sanction blacklist,

*Riga had to immediately start homework by sorting out which Belarusian businessmen and companies under no circumstances could be sanctioned. These Latvian ‘red lines’ should have been injected in Brussels. This could have prevented surprises (Interview No.24, 16.08.2013, PermRep).*

### Cooperative Bargaining

While initially Riga considered a veto, after the first confusion, it started actively seeking ways to avoid unfavourable decisions in the 27 February FAC. First, as expected by the hypothesis of cooperative bargaining – Latvia was trying to maintain a cooperative interest-mediation mode. This involved an ‘early warning approach’ on the issue of salience. This was appreciated by the EEAS, according to an interlocutor: “The best way is to signal at the earliest possible stage about your sensitivities. The Latvian delegation signalled on its problem.” (Interview No.16, 11.07.2013, EEAS, Brussels) In the first COEST debate, the Latvian government came up with clear interest-statements by hinting ‘red lines’ in relation to the EEAS proposal, and in particular, regarding the potential blacklisting of Chyzh’s Triple and a number of its subsidiaries. Clear references were made to the close business cooperation with counterparts in Latvia.

In cooperative bargaining, the first step is to ensure that policy positions are known to others. The next step is to support these interest-based statements with well-reasoned positions, as well as rational and principled justifications (Lehtonen 2008:219). Here, one needs ‘good homework’ done in advance (Panke 2010:217-219).

#### Bolstering Domestic Uploading Capacity

While Latvia strongly opposed sanctioning Chyzh’s business, the biggest problem was that it could not provide a non-specific, detailed justification. Simply referring to the political backing behind a particular business operation was not credible. EU partners noticed this shortage: “Initially, the Latvian position was confusing. When we started to discuss sanctions against Chyzh, it was difficult to get a clear answer. Did Latvia seek compromise or did it block progress on any type of sanctions? There were no clear signals. Partly we were informed that the confusion stemmed from the Prime Minister himself” (Interview No. 20, 12.07.2013, EEAS).

As one interlocutor put it, “the Latvian diplomats in Brussels had to bear all this on their shoulders and to prove to the partners that Latvia had real concerns. This was extremely difficult” (Interview No. 11, 13.02.2013, MFA). Latvian representatives themselves were confused: “if we ourselves were not able to evaluate the negative effect of sanctions, then no one in the EU would take us seriously” (Interview No. 22, 12.07.2013, PermRep). Another Latvian representative was critical that “we were very vocal, but could not clarify the core of the problem” (Interview No. 9, 05.2013, PermRep). While the capital demanded that all of its officials in EU working parties upheld a tough line, there were no detailed justifications available.

A lack of detailed justification does not necessarily mean that experts in Riga did not work hard. From early on the Foreign Ministry, as coordinator of the CFSP on Belarus sanctions and on other matters, had asked the line ministries to provide data and expert opinions. It would have been quite useful if the Ministries of Economy and Transport had provided impact assessments of various forms of EU sanctions, given their specialized competences. Yet, while the urgency increased, they were not in a position to help. As recognized by one respondent,

*The Foreign Ministry did not receive any credible or high quality information from the line ministries. As a result, we had to work instead of them – the Ministry of Finance, the Ministry of Economics and the Ministry of Transport. They only put their demands on the table. The Ministry of Economy openly*

*represented the business interests. It suggested that Latvia should block economic sanctions (Interview No. 3, 13.01.13, MFA).*

Paradoxically, while the domestic players increased their pressure, no one could explain to what extent Latvia would suffer from the EU's sanctions on Belarus. There seemed to be no credible, comprehensive data on [eventually sanctioned company's] Triple business in Latvia. The Ministry of Economy only repeated: "This is sensitive business and therefore we have no data available" (Interview No. 3, 13.01.13, MFA). Another paradox was that while there was no official data, Latvian business representatives circulated speculative calculations about an "economic embargo" on Belarus through media. For instance, the Employers' Confederation expected losses of 3% of the GDP and 8.1% of the budget revenue (BNN, 15.03.12). These speculations did not remain unnoticed by the EU embassies in Riga, which reported back to capitals and thus undermined the authenticity of Latvian concerns in EU working parties. To be effective in Brussels, there was a need for specific calculations regarding which sectors of the economy would be impacted and to what extent (Pastore 2012:76). Apart from administrative capacity, it is important to have the political capacity, i.e. the political consensus. Apparently, in the case of Belarus sanctions, there was a strong political consensus in Latvia. Due to the impact of the economic crisis, the economic rationale had not been neglected by any of the political forces, including traditional 'pragmatists' such as the 'Harmony Centre' political party, as well as 'normativist' constellations such as 'Unity' and 'National Alliance' (Pelnēns and Potjomkina 2012:192).

#### Limited Use of Informal Uploading Mechanisms

There is little evidence of Latvia's additional informal activities during this EU policy-making phase. Latvia primarily relied on the formal EU foreign policy settings, mainly EU working groups. At one point, it remained without allies. Poland was leading the opposing camp, and Estonia and Lithuania, in this pressing situation, opted for strategic silence. Also, there is no evidence that Latvia used lobbying. According to the respondent from the EEAS, "If a member state has strong domestic interests, it is extremely important that it starts lobbying. While it is essential that a state demonstrates its interest in the EU working groups, in parallel it should lobby the EU institutions directly" (Interview No. 13, 26.06.2013, EEAS). This was not the

case with Latvia, according to the same EEAS official, as “the biggest paradox was mentality. The Latvian representatives escaped from pro-active lobbying” (ibid).

In sum, at this decision-making stage Latvia relied on formal EU formats – the HOMs in Minsk, the EU working groups and the FAC. Nevertheless, without using additional informal means of influence, for a small, new member state it seemed virtually impossible to influence EU decisions.

Being under a considerable pressure in Brussels, Minsk and Riga, and without the deployment of the available informal uploading mechanisms such as contacting other member states, lobbying the EU institutions, Latvian resistance was therefore exhausted. As pointed out by an EEAS representative, “all through February we intensively discussed sanctioning the Triple subsidiaries. Finally, we successfully isolated Latvia. Everything seemed to be fine until... at the very last minute Slovenia came out blocking sanctions of Chyzh. Everyone was annoyed” (Interview No. 20, 12.07.2012, EEAS).

Slovenia’s sudden veto, as stated by one interlocutor, “to a certain extent helped Latvia. Slovenia’s argumentation was ridiculous, as they just stated: “we do not want sanctions against Chyzh,” France asked “Why” – Slovenia replied, “you know yourself, why.” Slovenia had no trustable arguments. Nevertheless, it shows that even small state may reach a desirable outcome if only it does not care about spoiling reputation” (Interview No. 2, 15.01.2013, MFA).

As a consequence, the 27 February FAC failed to agree. The only public message was the HR Ashton’s statement that “further work on restrictive measures [...] will be undertaken with a view to the FAC in March” (Foreign Affairs Council, 27.02.2012). After the FAC, “Poland slammed Slovenia for blocking Belarus oligarch sanctions” (TheNews, 28 February 2012). Interestingly, Slovenia was hiding behind the Latvian position until the last minute: “one should not behave like this. Slovenia was hiding behind us” (Interview No. 11, 13.02.2013, MFA). At the same time, “Slovenia with its unexpected veto strengthened the Latvian position as well as saved Latvia’s reputation” (Interview No. 2, 15.01.2013, MFA). While the FAC outcome produced some release for Riga, the main battles were still ahead.

#### ***5.3.4.3. The Third Stage (March 2012)***

The 27 February FAC decision provided the Latvian foreign policy-makers with additional time. However, given the new deadline, which required that an agreement on the same list be reached within one month, the domestic pressure only increased, involving new sets of supporters on the part of Chyzh.

The local mass media turned out as the principal forum for the domestic debate. Latvian foreign policy-makers explained that while Latvia had done its utmost, it “might not have enough influence to block the EU’s decision” (Petrova, 4 March 2012). Within the business community, there was no understanding of the complexity of the Brussels decision-making process. Domestic pressure intensified. Besides, business representatives and Latvian parliamentarians became increasingly engaged. A petition by a group of the MPs to Prime Minister Dombrovskis stressed: “shipment of Belarus goods through Latvia is 21% of the total cargo turnover, and Belarus supplies Latvia with 90% of the country’s diesel fuel; facts that speak for themselves. For whom is it beneficial?” (Petrova, 16 March 2012). So, the pressure became more coherent, as well as more intense. No one, not even noted human rights defenders and civil rights NGOs, urged the government to take up the struggle against Lukashenko. Instead of blaming his regime, Latvian society criticized the EU for its short-sighted policy towards Belarus.

Through ‘learning by doing’, Riga started to seek for additional uploading mechanisms. As recognized by a Latvian high-level diplomat: “We had to invest an enormous amount of work in this, but most important was that our national position became credible also in the EU debate. As a consequence, others could accept our position and support it” (Interview No.11, 13.02.2013, MFA). The EEAS representatives agreed that “the Latvian position was much more convincing in the second round of debate. Then it was much easier to agree on Chyzh and some companies, and Ternavsky” (Interview No. 20, 12.07.2103, EEAS). Also, the Latvian representatives in the EU felt that “when a position was supported by precise numbers on impact, everything started to go in the right direction” (Interview No. 22, 13.07.2013, PermRep). What exactly was done by Latvia?

#### **Bolstering the Domestic Uploading Capacity**

As noted before, while the Ministry of Economy and the Ministry of Transport took an offensive stance on the issue of sanctions, they could not provide any relevant data

to underpin the government's position in Brussels. As a result, the Foreign Ministry had to do the 'homework' itself. The Ministry found ways to acquire the necessary data directly from the State Revenue Service by calculating transit flows of each of the potentially affected companies through Latvian territory. On this basis, the MFA could produce an impact assessment, distributed prior to the EU working parties as a non-paper (Interview No. 24, 16.08.2013, PermRep).

The Latvian impact assessment was an entirely technical document, expressed in percentages and fractions, identifying sectors that would be negatively affected. The main emphasis was on the negative impact on Latvia's transit sector, which at the time accounted for 12% of Latvia's GDP, with one-half coming from and through Belarus. Then there were calculations on Triple's business with Latvia, showing that sanctions imposed on the holding would have a highly negative impact on budget revenues. The reasoning involved data on the negative social impact – loss of jobs for several thousand people employed in ports and the railway sector. Finally, the eventual worsening of socio-economic situation in Latgale, Latvia's economically most depressed region, bordering with Belarus, was mentioned, as "many small businesses in this region depend on cooperation with Triple and subsidiaries" (Interview No. 24, 16.08.2013, PermRep). With this well-elaborated justification, Latvia now substantially improved its bargaining position.

### Cooperative Bargaining

Prior to the 22 March FAC, the EU working groups continued to prepare the FAC decision. Still unsolved was the issue on Triple and its subsidiaries. Evidently, in these debates, Latvia clearly shifted towards cooperative bargaining. It involved, on the one hand, cooperative and consensus-oriented behaviour and signalling the readiness to compromise. On the other hand, it involved efforts to use 'package deals' and 'issue-linkages.' The rationale behind it was seeking to broaden the bargaining space. Thus, in addition to the distributed non-paper on the impact assessment, Latvia came up with its own version of the blacklist, using a member state's right to comment.

Latvia suggested substantially extending the blacklist by including all the main Belarusian business representatives. The proposal was drawn from the ranking of the 200 most successful Belarusian business people in 2011 (*Рейтинг 200 самых успешных и влиятельных бизнесменов Беларуси – 2011*), which were also singled

out by the EP (European Parliament, Directorate-General for External Policies, May 2012). Also, Latvia suggested blacklisting the earlier mentioned big state-owned companies, among them Belneftekhim, Beltechexport and Belaruskali (Belarusinfocus, 22.05.2011).

On the basis of its own version of the blacklist, Latvia operated with a 'package deal' approach. The package included 'red lines':

*No sanctions on Chychez's Triple, including its three subsidiaries with businesses in Latvia." Latvia signalled that if its demands were satisfied it could eventually withdraw its request to sanction the state-owned enterprises (Interview No. 24, 16.08.2013, PermRep).*

The most interesting element in this 'package deal,' however, was the indication of an agreement to extend sanctions to the Triple, but under the condition that the Belarusian businessman Ternavsky's company Uninvest-M was also included. In linking both businesspeople Latvia was 'playing poker', but with the knowledge that the cards of other governments were at least as bad cards. In other words, Riga was well aware that Ternavsky had close economic links with certain big member states, and especially Poland. At the same, Latvia was signalling a degree of flexibility – if Ternavsky's Uninvest-T was included in the blacklist, it would withdraw its demand for sanctions to encompass state-owned enterprises (Interview No. 2, 15.01.2013, MFA).

Such a concrete and ostensibly flexible bargaining approach was apparently much more effective than attempts at presenting arguments and persuasion. The latter assertion resonates well with the general hypothesis, suggesting that, when the stakes are high, a member state may opt for bargaining. While the EEAS answer was that this proposal should be left for future debate, the more sophisticated Latvian position evidently had an influence on the proceedings. With enhanced and improved uploading mechanisms, Latvia increased its probabilities of actually uploading its preferences.

#### Contacting Big Member States

Finally, Riga seriously started to use additional means of influence in the diplomatic toolbox – its bilateral contacts with influential member states, in particular the 'big three.' These contacts were crucial. While the high-level contacts with Poland caused confusion and a feeling that Warsaw did not keep its promises, the decisive support came from another big member state – Germany. As recognized by one interviewee,

*If Latvia has succeeded to achieve its interests in the EU foreign policy, it was thanks to the German support. Even if we have been extremely vocal and proactive, it did not help. But Germany has always listened when we had real problems. Other member states are often an “amorphous mass” (Interview No. 10, 06.02,2013, MFA).*

The importance of Germany in the Belarus sanctions case was confirmed by another respondent: “The reality is that we need Germany on board. This is not always easy. But if Germans lend their support, we are on the safe side. Big member states, despite the EEAS, remain in control. Germany is a key” (Interview No. 14, 09.07.2013, PermRep). As a result, the situation begun to change and “Latvian concerns were supported in the EU – Germany supported us and other countries as well; they understood our specific situation.” (Interview No. 2, 15.01.2013, MFA, Riga).

#### Return to Presenting Arguments: COREPER II

Before entering the FAC at the ministerial level, an issue is discussed in the COREPER II at the ambassadors’ level. On the foreign policy issues, the debate is formal and usually reflects that a *de facto* agreement has been reached in advance. This was the case in Belarus sanctions with a view to the 22 March FAC. Since the bargaining deal in principle was a done deal, the COREPER ambassadors could return to arguing.

In distinction to discussions in working groups, the COREPER debate is political. The conventional approach is to start with general value-oriented statements and then flesh out with narrower, national or regional concerns (Interview No. 9, 13.02.2013, PermRep). In the crucial COREPER debate before the 22 March FAC, Latvia could operate with a well-elaborated position. “We (1) argued on the basis of common EU interest, (2) warned of the negative impact for a member state, i.e. the country’s most underdeveloped region Latgale, where unemployment there would dramatically increase, and (3) then expressed concerns that Latvia’s domestic socio-economic situation is going to worsen. We always start with a common picture, because ‘the EU is Latvia and vice-versa’” (ibid).

#### The EU Council’s Conclusion Reflecting Latvia’s National Preference

What was the outcome of EU’s policy-making process? The 22 March FAC agreed to impose sanctions on 29 Belarus companies, including the Chyzh’s ‘Triple’ and the Ternavsky’s ‘Uninvest-M’ (Council Implementing Decision 23.03.2012). As can be seen, this EU decision reflected Latvian ‘package-deal’ elements – Chyzh’s ‘Triple’

only if there are sanctions on Ternavsky's business (which was not in the EEAS initial proposal). Also, the stated 'red lines,' namely, no sanctions on 'Triple' subsidiaries dealing with Latvia, were fully respected.

Furthermore, the observations show that Latvia not only managed to modify the EU policy decisions, but also that its arguments on the EU policy towards Belarus withstood the test of time:

*EU sanction policy failed – the political climate in Belarus did not change, member states continue economic cooperation with the regime, and the EU institutions seek for some kind of cooperation with it. Surprisingly, now the member states (and the U.S.) use the same argumentation as Latvia before, calling for a strategic approach towards Belarus, not allowing the country to fall back under Russian control. It shows that EU policy in Belarus was unprofessional and clumsy (Interview No.5, 17.01.13, MFA).*

This leads to the following considerations. First, considering the European Foreign Policy Scorecard 2013, one may ask who were actually the real 'slackers' and 'leaders' in the EU's policy towards Belarus, and if European leaders were sufficiently far-sighted and smart. Second, an important finding in this study is that the Belarus sanctions case demonstrates the limits of arguing and persuading (i.e. constructivist arguments) in order to upload national preferences. Even a well-elaborated and logically coherent approach may fail to persuade the audience due to conflicting interests with other member states, especially if influential actors and with strong preferences are involved. Instead, cooperative bargaining in combination with diplomatic tactics demonstrated its comparative advantage. These appear to be important lessons for small, new member states in the EU.

### **5.3.5. Conclusions**

This chapter aimed to assess in what ways Latvia projected its intensely held preferences in the case of EU economic sanctions against Belarus.

The findings of this sub-case prove the hypothesis that Latvia – a small new member state, can influence the policy outcome through combining various uploading mechanisms, even when it modifies its approach at a relatively late stage in the process. This proves the second hypothesis (H2) that the higher the intensity of national preference, the more various uploading mechanisms a member state (Latvia) uses to secure the outcome. Through a combination of a number of strategies, Latvia succeeded in turning EU policy-making to its favour. Apart from such uploading

endeavours as presenting arguments and bargaining, Latvia made use (though only at the late stage) of the additional means of influence – lobbying EU institutions and contacting larger member states. Importantly, by improving its domestic uploading capacity in the form of developing a well-elaborated reasoning about the economic effects to defend the national position, as well as coordination of all its activities, Latvia could upload its national preference and influence (modify) the outcome.

Furthermore, the empirical analysis revealed that during the EU policy-making process Latvia decisively shifted from deploying general arguing (presenting arguments) towards cooperative bargaining. This allows us to argue that with a higher intensity of preference, particularly involving risks of not attaining the strongly preferred outcome, a member state (Latvia) shifts towards cooperative bargaining.

Finally, the case study showed that Latvia could not abort the EU policy, but had to settle for modifying existing EU proposals. This confirms that “smaller states may not be able to set agendas, but they are able to modify them” (Duke 2001:36). This was validated by summarizing the experience of Latvian foreign policy-makers: “Of course, the EU could not give up the idea of sanctions as such, but it could find some solution and modify, to find a transition period or an exception [for those adversely affected].” (Interview No.11, 21.02.2013, MFA)

#### **5.4. CASE II: EU-Russia Visa-free travel perspective (2010-2014)**

In January 2014, in Riga, the HR Catherine Ashton reassured the Latvian Foreign Minister Edgars Rinkēvičs that “all 28 Member states stand together in one team for a strong relationship with Russia” (EEAS Remarks, 30.01.2014). In practice, however, member states differ widely in their interests and policy towards Russia. This has been particularly visible in the case of EU visa-free travel perspective with Russia.

A visa-free travel seems to be Russia’s single most significant demand from the EU (ECFR Scorecard 2012). Although visa issues are technical by their nature, due to the high politicisation in Russia it turned out to be the main EU foreign policy towards Russia. Moscow pressured the EU announcing through the mass media that “Russia and the EU [are] preparing to abolish visas” (Newsland, 12.01.2010). Later, the Kremlin became frustrated by the EU’s ‘lack of political will’ and criticized a ‘slow pace of the process’ (European Parliament, DG External Policies, April 2013).

The EU side wanted to develop relations with Russia, one of its main trade partners and a pivotal energy supplier, in a full spectrum of issues, while Russia preferred a ‘cherry-picking’ approach. Moscow partly succeeded due to the enthusiastic support from a number of member states. Consequently, the visa-free dialogue overshadowed other significant spheres of the EU-Russia cooperation. The May 2003 EU-Russia Summit agreed to examine the conditions for visa-free travel as a long-term perspective. Nevertheless, despite all pressure from Moscow during more than ten years (at the end of 2013) even the preparations for negotiations on visa-freedom were not concluded. Russia unilaterally set a target date to the 2014 Winter Olympics in Sochi. Yet, the January 2014 EU-Russia Summit did not produce the anticipated results. Instead, Putin, who for years pushed “to break visa barriers,” reportedly “did not even get a dinner” in Brussels (The NYTimes, 28.01.2014).

Why did the visa-free travel regime did not proceed as smoothly as expected? The major resistance came from a group of member states, including Latvia. Contrary to the southern countries, such as Italy, Spain and France, which supported the visa-freedom perspective with Russia, the new member states: Lithuania, Latvia and Visegrad countries stressed that “Moscow should not get a ‘geopolitical discount’ compared to Ukraine and Moldova” (ECFR Scorecard 2013:46). Latvia has been active in the EU debates on this issue since the very beginning, seeking to give its input in the common EU stance. Latvia’s national position became reflected in EU’s common position, and it did not change throughout the whole EU decision-making process (2011 - January 2014). Thereby this EU dossier is suitable for testing the hypothesis on the uploading mechanisms: independent and dependent variables display the positive value, i.e. Latvia’s intensely held national preferences and observable influence on the EU decision. Also, it allows for testing how the conditions – the EU policy-making environment – channelled Latvia’s preference projection.

I proceed in the following way. First, I briefly describe the empirical background of the EU-Russia visa dialogue. Second, Latvia’s national preferences are described, followed by characterization of EU foreign policy-making environment. Third, I trace the inner workings of the hypothesized uploading mechanism. I divide the EU decision-making process into three stages: the first stage (middle 2010 -Spring 2011), the second stage (Spring 2011 - end of 2011), and the third stage (2012 -

beginning 2014). Each stage in some degree exhibits a completed negotiation round dealing with specific issues of the EU-Russia visa-free travel regime.

### 5.4.1. Empirical Background

#### Towards Launching the Common Steps to the Visa-freedom with Russia

Visa liberalization is the main benefit that the EU can offer to the citizens of the third countries, which also applies to Russia. Statistics shows that Russia is the “champion” in receiving the short-stay visas in the EU (40% of all applications) (EC, DG Home Affairs). For instance, in 2012 around 6 million Schengen visas were issued to Russian citizens (EU delegation in Russia 13.03.2013).

The chart below shows that Russia is leader in the number of applications for visas and a steady increase of that number can be observed.

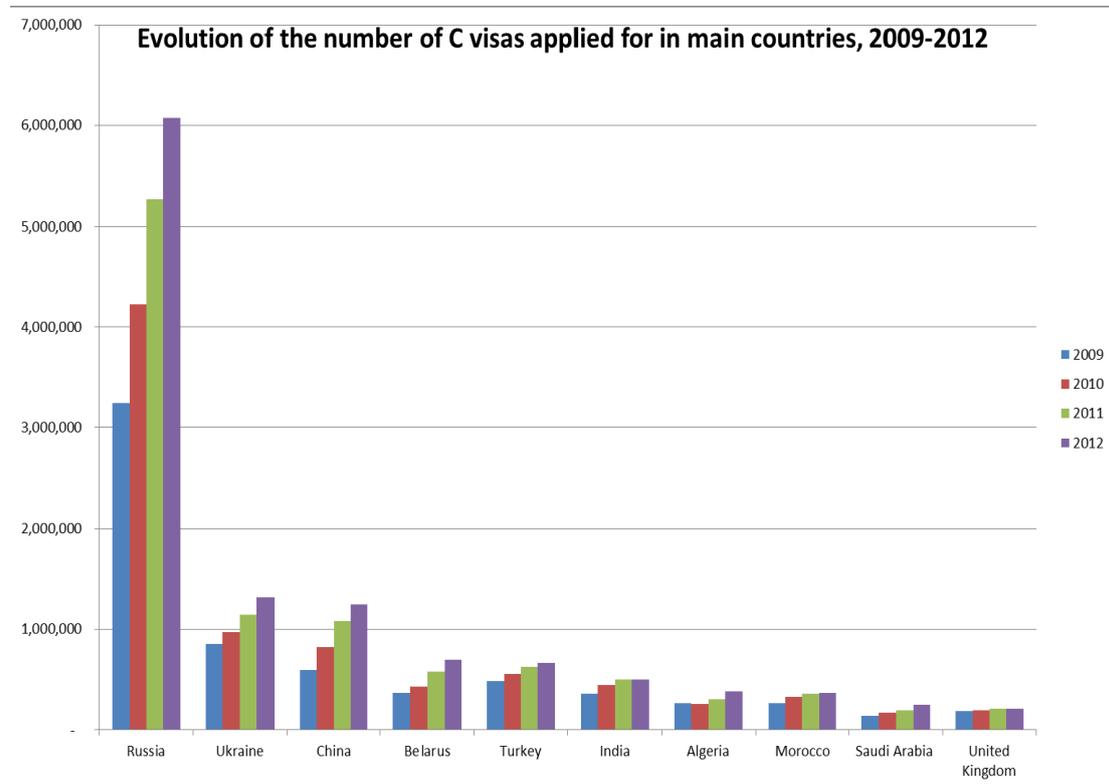


Figure 4: Evolution of the number of C visas applied for in Russia and other countries. Source: European Commission, DG of Home Affairs, Overview of Schengen Visa Statistics 2009-2012

These numbers explain why the member states, especially the wealthy ones, have been extremely cautious about the possible unprecedented immigration in their countries. Russia, on the contrary, quoting the Russian Foreign Minister Lavrov, was ready for visa-free regime “today if you like” (RiaNovosti 10.12. 2008).

Looking back at how the visa issues emerged in the EU – Russia cooperation agenda, the beginning was the 2003 EU-Russia Summit, launching cooperation in four Common Spaces, including in the area of freedom, security and justice. The 2005 EU-Russia Summit agreed to “examine the conditions for visa-free travel as a long-term perspective” (European Commission, 2005:19). In 2007, the EU-Russia visa dialogue was launched within the Common Space of Freedom, Security and Justice.

Abolition of visas with a third country requires an extensive preparatory work, including conclusion of Visa Facilitation and the Readmission agreements, as well as implementation of the Visa Liberalization action plan. Despite this, most member states on an individual basis promised Russia their highest political support. Italian President Berlusconi supported the Russians (RiaNovosti, 09.12.2009), and Finland’s President Halonen promised to do “all it can and will continue the introduction the visa-free regime” (RiaNovosti, 21.07.2010).

In the first half of 2010, the Spanish EU Presidency put efforts to speed up the process, which gave Lavrov the reason to hope that in the June 2010 EU-Russia Summit the “EU leadership would be able to articulate their position on the deal” (ibid). He assured: “We are ready to scrap visas tomorrow” (ibid). In order to limit the EU’s manoeuvring possibilities, the Russian side suddenly grasped the initiative by submitting its draft of the agreement of the EU-Russia visa-free travel regime.

The June 2010 EU-Russia Summit agreed to “work on preparing a list of common steps for a visa-free travel regime” (European Commission, EU-Russia Summit, 28.05.2010). Apparently, this was the only EU’s response to Russia’s submitted draft agreement, but no document “on [Russia’s] long-awaited lifting of visa regime” was signed (Global Times, 19.06.2010). To Russia’s disappointment, the “EU turned out not to be ready to discuss it” (Сотрудничество России с Бельгией и Евросоюзом, 14.06.2011). The EU suggestion was to start with the expert-level work, identifying the operational steps towards visa abolition (RiaNovosti, 2.06.2010). Russia’s President Medvedev encouraged this work to be “maximally intensified” (ibid).

EU commitments made at the summit followed by several high-level political statements. For instance, German Chancellor Merkel assured: “We will certainly engage in this” (RiaNovosti, 15.07.2010). Consequently, in September 2010, Prime Minister Putin announced: “We should move to a visa-free regime since a majority of our partners in Europe support the idea” (RiaNovosti, 13.09.2010). In October 2010,

the French, German and Russian leaders in their meeting in Deauville expressed a “hope that progress will be made in defining the steps towards moving to a visa-free regime at the December 2010 EU-Russia Summit” (Embassy of France, 18.10.2010). Following this, on the eve of the 2010 December EU-Russia Summit, Moscow again put high expectations. At the summit, President Barroso promised to “start elaborating common steps. The implementation of concrete steps will open the way for talks on Visa Waiver Agreement” (European Commission, 7.12.2010). Moscow praised the eventual Common Steps as a ‘ground-breaking’ document.

Thereby the 2010 December EU-Russia summit set the stage for the subsequent work in various EU working parties with political responsibility to be taken by the EU foreign ministers. EU and Russian expert work behind closed doors took place in Spring 2011. But then unexpectedly, seemingly without the EU consent, Russian officials made public that “Russia and the EU [had] agreed on the common steps in order to abolish visas” (НОВЫЕ ХРОНИКИ, 25.04.2011). The Russian interpretation was that both sides “agreed on common steps. Once the checklist is completed, the parties expect to be ready to sign a visa waiver agreement” (КОММЕРСАНТ, 11.05.2011). Russia’s public statement caused consternation among the EU partners.

#### Latvia, as an EU member State, Vis-à-vis Russia

Geographic proximity with Russia inevitably involves Latvia’s ‘first order’ core national interests of security and economic welfare. In terms of security, Latvia’s historical experience plays a critical role, related to all Baltic States’ worries about Russia’s attempts to restore influence in the former Soviet Union space (Baun & Marek 2013:210). Also, this geographical proximity to Russia directly engages Latvia’s economic interests. Latvia is heavily dependent on Russia’s energy resources, importing 100% of the natural gas from its neighbour. In 2012, Russia was Latvia’s second largest trade partner taking the second in exports and the third place in imports (MFA of Latvia, 30.08.2013). These two ‘first order’ core national interests – security and economic welfare – to a great extent are conflicting, representing a dilemma for Latvian foreign policy-makers in relations with Moscow.

Officially, the guiding principle in Latvia’s foreign policy towards Russia, in the words of Foreign Minister Rinkēvičs, is “mutual advantage and respect” (MFA of Latvia, 26.01.2012). Apparently, it is a difficult task: “With Russia we have

continuous conflicts,” as recognized by a Latvian diplomat (Interview No. 11, 13.02.2013, MFA). The fact that business opportunities offered by Russia are much needed it does not detract from the situation that the Eastern neighbour remains a very complicated partner. While the Latvian political elite has opted “for de-securitization of economic cooperation with Russia” (Sprūds 2009:113-115), and the Foreign Minister argued that “we must continue developing our economic links,” yet he was adamant that “Latvia cannot and will not accept the interference in its domestic affairs” (MFA of Latvia, 7.03.2012). Latvian government has sought to balance its ‘first order’ core national interests in the sphere of economy against security concerns, which, given the high stakes in both directions, has proved to be a challenging task. As can be seen, these two ‘first order’ core national interests in one way or another have appeared on the EU–Russia agenda, and help explaining the intensity of Latvia’s preferences in EU relations with Russia.

The EU has nevertheless faced a similar challenge with increasing economic interdependency with Russia, persuading several member states to take a ‘pragmatic approach’ towards Moscow. Reflecting this dominating approach, Latvia adjusted further towards the EU’s general line. After joining the EU, Latvia’s relations with Russia evolved in a more pragmatic tone (Ozoliņa 2012:146). In EU policy-making the Baltic States seemingly wanted to get rid of the impression that they would be ‘one-issue’ states. Latvia in particular was keen to avoid being branded as a ‘trouble maker’ in EU relations with Russia. Therefore, its deliberate behaviour was to take a restrained and constructive approach. This was also the case with the EU-Russia visa free-travel regime perspective. In this regard, Latvia was officially positive, lending its ‘political support,’ contrary to the negative stance of the majority of the new member states, which were not in a hurry to abolish visas with Russia (Sprūds, 31.07.2013). In practice, however, Latvia used the policy process to develop a tailor-made list of conditionality for Russia in order to find technical excuses for delaying the process.

Below, I further explore what Latvia’s ‘political support’ to the visa-free travel with Russia involved in terms of its national preferences and intensity, how Latvia eventually projected them to the EU level, and which of the hypothesized uploading mechanisms helped it to influence the EU decision making and outcome.

#### **5.4.2. Latvia's National Preference – Politically 'Yes,' but With Conditions**

For measuring the intensity of national preference, I use such empirical indicators as data showing the intensity of the cross-border trade and people-to-people contacts (e.g. the number of visa applications), interest-based statements, foreign policy-makers agreeing on the preference intensity, media coverage, and national positions.

Regarding the first empirical indicator, the crucial aspect here is the fact that Latvia shares a common border with Russia (~ 250 km with the Pskov region). The inhabitants of the border regions have intense cross-border contacts, which is why visa freedom could be beneficial for them. Ethnic Russians make up around 26% of Latvia's 2 million population and many of them entertain close links with Russia. Also, surveys show that around 64% of Latvia's economically active residents would support a visa-free regime with Russia (BNS, 19.07.2011). Economic interdependence can be seen in the following numbers: Russia is Latvia's second biggest trade partner, with a substantial increase in trade volumes in 2012 by 25% (MFA of Latvia, 30.08.2013). Lastly, Latvia has been one of the favourite travel destinations for Russian tourists. In 2012 and 2013, the most visitors in Latvia were from Russia. In 2012, as compared with 2011, a number of Russian tourists in Latvia increased by 33% (CSB, 25.02.2013). Also the numbers of visa applications increased: in 2011, there were 10 326 visa applications, which was a 27% increase compared to 2010, and in 2012 the number increased even further reaching 15 120 applications (MFA of Latvia, 30.08.2013). The above indicates that substantial part of the Latvian society favoured the visa-freedom with Russia.

Also, geographic proximity involves security-related national concerns for Latvia regarding its large neighbour, such as wariness of an increase in uncontrolled illegal immigration. Thereby the intensity of the security-related preference was also high, while the underlying national interests differed. If business-related interests suggested Latvia advancing the visa-free travel with Russia, then security-related interests suggested being opposed to it.

The second empirical indicator is comprised of interest-based statements. Here a perfect example is the Latvian President Zatlers' official statement during his historical visit to Russia in December 2010, the first visit in twenty years after Latvia regained its independence. Zatlers' visit was accompanied with breaking news that "Latvia supports introduction of a visa-free regime between the EU and Russia as

soon as possible” (The Baltic Course, 20.12.2010). This came as a surprise to the Latvian society because such option had never been publicly discussed before. Due to its historical vulnerabilities towards Russia, Latvian society has been suspicious of anything that smacks of backstage political deals with its big neighbour. Foreign policy experts later played down Zatlers’ statement by saying it primarily represented diplomatic courtesy” (NRA, 26.01.2012).

Indeed, the subsequent official statements from the Latvian government did not follow up on the President’s announcement. The government’s policy documents – the Government’s Declarations and Action Plans, as well as the Foreign Minister’s Annual Reports – placed the visa-freedom perspective within the general context of EU-Russia relations. The Government’s Action Plan for 2012-2014 put forward the task to “elaborate the EU-Russia new agreement in line with Latvia’s interests, including the facilitation of traveling” (MFA of Latvia, 16.02.2012). The 2012 Foreign Minister’s Report 2012 did not mention anything on visa-free travel with Russia, while prioritizing visa liberalization with the Eastern Partnership countries (MFA of Latvia, 24.01.2012). The 2013 Report entailed a nuanced remark, supporting “balanced development and progress in all the EU-Russia cooperation agenda, including [...] visa dialogue” (MFA of Latvia, 08.01.2013), while the 2014 Report reiterated the previous line – support for the prospects of the visa-free travel if Russia fulfils all the necessary preconditions” (MFA of Latvia, 07.01.2014). This suggests that the official position does not always reveals the actual preference: arguably, these positions resonated with Latvia’s official line towards Moscow in terms of sending public signals, while the real Latvia’s preferences could have been different if raised at the EU’s negotiation table.

The third empirical indicator is the apparent agreement of foreign policy officials regarding the level of preference intensity. According to a senior official of the Foreign Ministry, visa-free travel with Russia would have serious internal security implications, and should therefore reinforce the preference intensity:

*Latvia is the bordering country, and we will be the first facing border control, and therefore we are especially interested about security (Interview No. 11, 22.02.13, MFA).*

In addition, the government officials referred to promises made at the highest political level by President Zatlers in Moscow, which the government could not ignore:

*Latvia promised Russians at the highest level to support visa-free travel, and now we cannot take our promises back, but rather [we need] to work together with the EU partners on this issue (Interview No. 25, 10.02.2014, MoI).*

Another reason why the visa-free travel issue with Russia became salient was due to the high public interest and media attention after Zatlers' public statements in Moscow. In Latvia, as one interviewee put it, "Everything related to Russia creates public resonance" (Interview No. 8, 01.02.2013, MFA). The visa issue was important not only for the general public interest but also for certain economic sectors. The business community was supportive of visa-free travel with Russia; if introduced with a high quality administrative process, it could be beneficial for cross-border trade, and especially for "the Latvian regions bordering with Russia are extremely interested in visa-free travel" (ibid).

From another, more idealistic, perspective Latvia's interest in EU-Russia visa-free travel perspective was supported by one Latvian MFA representative as a possibility for Russians to learn about democracy and become integrated in Europe. He argued that Latvia should support it because "today Russians are isolated from Europe. If more Russians would freely travel to the EU, they would be able to see the difference, gain new experience and compare the benefits of democracy. In this way they would gradually become more integrated" (Interview 24, 12.12.2013, MFA).

The fourth empirical indicator is media coverage devoted to the visa issue. Empirical observations clearly indicate that the issue was in the local media spotlight only during the December 2010 President Zatlers' visit to Moscow and his unexpected announcement. Later on, when it became clear that the EU-Russia visa waiver programme was going to become a long-term perspective rather than being introduced in the short-to mid-term, the Latvian media lost its interest.

The four categories of empirical indicators demonstrate that, while there was a general domestic interest towards the issue, in particular from several interest groups, there was no strong domestic group pressure, not even from the influential business groups, on the Latvian foreign policy-makers to push for a particular EU policy outcome. This suggests that the intensity of Latvia's national preference on the EU-Russia visa-free travel perspective was moderately strong (of medium intensity).

Given Latvia's promises to Moscow at the highest political level, as well as the sensitivity of the issue across the Latvian society, the government continued keeping a particular focus on it. When in spring of 2011, the EU internal debate

begun, “the government was trying to react as fast as possible in order to preclude an outcome that might have had adverse consequences for Latvia” (Interview No. 8, 01.02.2013, MFA).

#### **5.4.3. The EU Policy-making Environment**

Formally, the decision-making on visa-free travel with Russia is based on qualified majority voting (QMV) by the Council and the European Parliament. Under the Lisbon Treaty, all the decisions on freedom, security and justice, including visa issues, should be taken by the QMV. While in practice the Council decision-making is based on informal consensus without formal voting, there have been rare exceptions when the only way forward was voting. With this in mind, the member states, when negotiating in EU foreign policy formats on visa-free travel with Russia, were influenced by the ‘shadow’ of QMV, counting the theoretical weight of votes. This means that for Latvia, given its marginal voting weight of around 1%, the only way to influence EU decisions was to act together with a larger group, at least creating a blocking minority.

With regards to important EU institutional actors, on the visa issues the main role is played by the European Commission. The Commission is responsible for EU external policy in the area of justice and home affairs. Thus, in the EU dialogue with Russia on visa-free travel the Commission was the chief negotiator from the EU side. The dialogue consisted of screening Russian legislation and administrative practices. Once the Commission would consider that Russia fulfils conditions it has the initiative right to present a proposal on the visa regime to the Council. Then the proposal needs to be voted on by QMV.

However, the EEAS became the Commission’s competitor on this issue. Under the Lisbon Treaty, the EEAS is responsible for the overall EU external action. It seems to be challenging to cooperate between both of the institutions, as the Commission did not want to give up its previous leading role in this field (Interview No. 18, 13.07.2013, EEAS). The Commission continued to keep control over the visa dialogue with Russia. Thereby the EEAS, a key institutional actor in EU foreign policy in the visa dialogue with Russia played a subordinate role.

Another important actor in the case of an EU visa-free regime with Russia is the European Parliament (EP). Under the Lisbon Treaty, the EP must accept to sign EU’s international agreements. The Lisbon Treaty reinforced the human rights

framework at the EU level<sup>14</sup>, this is why the EP became active. In June 2013, the EP warned that no visa facilitation would be accepted for the Russian officials were involved in the notorious Magnitsky case (European Parliament, 04.06.2013). In this way, the MPs indicated that they might use their veto power on visa-free travel with Russia.

Apart from the EU's institutional actors, the member states, including through holding the rotating EU Presidency, have been influential on the visa issue. The French EU Presidency in 2008, the Spanish Presidency in the first half of 2010, and the Polish Presidency in the second half of 2010 made substantial progress towards the visa-free travel perspective with Russia. As suggested by the Latvian representative in the EU, if there would be some EU Presidency that would be "courageous enough to signal to the Commission that it is expected to come up with the proposal – then the breakthrough might be achieved" (Interview No. 23, 16.12.2013, MoI). If the Presidency would ask the Commission to put a proposal on the visa-free regime with Russia to the vote "it remained to be seen whether those member states, which behind the closed doors told that they would block, would be ready to vote against it" (ibid).

This leads to the question of member states' preferences. Did others' preferences and their constellation constrain (or help) Latvia in its uploading endeavours? Apparently, at the domestic level the EU-Russia visa-free travel issue was highly political (Salminen & Moses 2009:43). It seems that Russia had numerous disputes with individual member states on the subject (Interview No. 23, 16.12.2013, MoI). However, the main concern among the member states, especially the wealthy ones, was the risk of increasing illegal immigration. In particular, the interior ministries of these countries worried about illegal immigration and Russian organized crime (EFRC Scorecard 2010).

Publicly, the member states said "yes" to the visa freedom with Russia because no one openly wanted to be the one that tells Russia that it intends to block it, according to one interviewee. He mentioned Germany as the most visible example:

*Germany publicly says one thing, but afterwards behind the closed doors in the Council working groups, when it is possible to put the brakes, it puts the brakes" (Interview No. 23, 16.12.2013, MoI).*

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<sup>14</sup> In the Lisbon Treaty, there is a legally binding nature of the Charter of Fundamental Rights. Also, the EU acceded to the European Convention of the Human Rights, of which Russia is a member.

“France belonged to the Southern group, favouring visa-free travel. For France, the Nordic-Baltic arguments are irrelevant,” according to a national representative (Interview No. 12, 20.06.13, MFA Sweden). But even France and Spain – the main supporters – were not decisive, considering the EU-Russia visa-free regime as a distant prospect. Despite their common position, they lacked a ‘strategic vision’ (EFRC Scorecard 2010).

Among the member states, as confirmed by all the interviewees, Germany was relevant actor for Latvia. In 2008, at the very beginning of the debate, the Germans wanted to proceed with visa-free travel with Russia, primarily due to its business interests. This situation changed after 2009 elections, when its Ministry of the Interior proceeded to correct Berlin’s position, said one interlocutor: “In difference from its Foreign Ministry, which was much more supportive, the Ministry of the Interior was strongly opposed” (Interview No. 10, 13.02.2013, PermRep). Furthermore,

*German Ministry of the Interior came up with [a] position, which was considerably tougher than Latvia’s position. It seemed that Germans had not forgotten the scandal with Ukraine 10 years ago when one million Ukrainians entered Germany with false visas. (Interview No. 11, 13.02.2013, MFA)*

As a result, Germany’s position during the EU policy-making process was substantially corrected, demanding that Russia redouble its efforts to meet an extensive list of EU technical standards (Interview No. 10, 13.02.2013, PermRep). Germany played a critical role for Latvia in terms of its ability to pursue its intensely held national preference on the EU-Russia visa-free travel. Under the formal voting rule of QMV, Germany, as a big member state, could help Latvia to reach a blocking minority. As noted by the interlocutor from the like-minded group, “As long as Germany blocks this issue we are safe. Now Germany is a part of a blocking minority. But in Germany, there are plenty of different domestic views. Line ministries have different positions. Thus, Germany is constantly switching sides” (Interview No. 12, 20.06.13. MFA Sweden)

Another crucial actor here was Poland. Seemingly, “Poland was not in strong opposition against the visa-free travel perspective” (Interview No. 10, 13.02.2013, PermRep). One reason could be that Poland for a long time was seeking to conclude a bilateral agreement with Russia on facilitated border crossing procedures for the Russia’s Kaliningrad Region and adjacent territories of Poland. During the Polish EU Presidency in the second half of 2011, shortly before the 2011 December EU-Russia Summit, which was expected to adopt the Common Steps for visa-free travel between

the EU and Russia, the Kaliningrad-Poland agreement was reached. The Russian side praised this deal as the “first step in creating a visa-free regime with entire EU” (RT, 14.12.2011). The Polish Foreign Minister Sikorski had regular contacts with his counterparts in Moscow. Poland’s official position was positive, yet it clearly indicated on the package deal – “support to the visa-free travel with Russia, but under the condition that Eastern Partnership countries are treated in the same way,” which was regularly reiterated by Sikorski (EUobserver, 13.03.2013). His approach was that “all Russians should get EU visa-free travel, so long as Moldovans, Georgians and Ukrainians get it too” (ibid). In a similar way, Lithuania insisted on non-discrimination of the Eastern Partners when taking decisions on visa-free travel with Russia. This was a bargaining chip in negotiations with those EU partners who pushed for visa freedom with Russia, while keeping reservations towards Ukraine, Moldova and Georgia.

Altogether, while part of the member states openly lobbied for visa-free travel with Russia, there was no overwhelming majority. Thereby the Commission “tested the ‘temperature’ among the member states before using its initiative rights. Also, it checked whether the member states’ messages in the mass media and afterwards in the Council were the same” (Interview No. 23, 16.12. 2013, MoI).

Thus, EU foreign policy-making environment (constraints) in this case involved both the specific decision-making rules (QMV), as well as other actors’ preferences. With this in mind, Latvia could pursue its specific preference only with help from a coalition with one big member state on the board. On the EU-Russia visa-free travel, “the only big member state with a similar position is Germany. If Germany suddenly would leave the blocking minority, there would be a completely new situation” (Interview No. 23, 16.12.2013, MoI). This shows, in line with rational choice institutionalism, that the institutional environment indeed plays a crucial role in a member state’s chances to project its preferences onto the EU level.

#### **5.4.4. Observed Latvia’s Influence on EU Decision Outcome**

In order to trace the uploading process between the independent variable (national preferences) and the dependent variable (influence on EU decision outcome), first, knowledge of the correlation between them needs to be established.

According to all interviewees, there has been tangible Latvia’s influence on EU decisions on visa-free travel with Russia. “We succeeded to influence the

outcome to a great extent,” observed a senior national representative in the EU (Interview No. 2, 15.01.13, PermRep). Other respondents agreed that Latvia “succeeded to influence the EU position” (Interview No. 3, 16.01.2013, MFA). As another respondent observed: “Even if Latvia is a small member state, we were able to influence the outcome” (Interview No. 6, 18.01.2013, MFA). Furthermore, Latvia’s success was possible due to its “well-elaborated, pragmatic and publicly defined position” (Interview No. 11, 22.02.13, MFA).

Latvia’s influence was also reported by the ECFR Scorecard 2013, which recognized that the country had been one of the most active member states, promoting visa-free travel with Russia. The Scorecard singled out Latvia as a leader in only this specific EU foreign policy dossier – pushing visa liberalization for Russia, together with Ukraine and Moldova – while in other important EU foreign policy areas Latvia was placed among the slackers (ECFR Scorecard, 2013).

Not only Latvia’s national position on the Common Steps was reflected in the EU ‘line to take’ for negotiations with Russia, but it also remained valid (without modifications) from 2011 until the January 2014 EU-Russia Summit (the period in focus for the study). This happened because of its well-elaborated position and the ability to present arguments to EU partners, but also because of the fact that “the EU in general was not enthusiastic” (Interview No. 8, 13.01.2013, MFA).

It is interesting to see with what specific uploading mechanisms Latvia was in a position to influence EU foreign policy. How did the EU policy-making environment help (or constrain) Latvia’s preference projection? Could it be that Latvia succeeded just because its position corresponded to the general EU line?

#### **5.4.5. The Uploading Mechanism in Practice**

In tracing the uploading mechanism, I divide the EU policy-making process into three stages: the first stage (middle 2010 – spring 2011), the second stage (spring 2011 – end 2011), and the third stage (beginning 2012 – beginning 2014).

The table below shows the chronology of this process.

1. The first stage (middle 2010 – spring 2011)	
June 2010	At the 26 <sup>th</sup> EU-RU Summit, Russia submitted its draft of visa-free travel agreement.
December 2010	The 27 <sup>th</sup> EU-RU Summit agreed to “explore ways on

	promoting visa-free travel as a long-term perspective.” It agreed to elaborate ‘Common Steps towards visa-free short-term travel of Russian and EU citizens.’
Spring 2011	EU (Commission) presented its draft proposal “Common Steps towards visa-free short-term travel of Russian and EU citizens.’ Russia, quite unexpectedly, made the proposal public.
2. The second stage (spring 2011 – end 2011)	
During 2011	EU working groups negotiated the EU ‘lines to take’/ official position for the December EU-RU Summit.
December 2011	28 <sup>th</sup> EU-RU Summit in Brussels – adoption of the document Common Steps towards visa-free short-term travel for Russian and EU citizens at the highest political level.
2. The third stage (beginning 2012 – beginning 2014)	
June 2012	29 <sup>th</sup> EU-RU Summit in St. Petersburg – with President Putin back, stressing Russia’s willingness to cooperate on visa-free travel. Van Rompuy “celebrated the best dynamics for years.”
December 2012	30 <sup>th</sup> EU-RU Summit in Brussels. After the Summit Putin criticized that, the lack of visa freedom is thwarting the development of economic relations between the trading partners.
2012 -2013	Russia puts into force hard bargaining, linking visa-free travel with renegotiations of the Visa Facilitation Agreement.
June 2013	The 31 <sup>st</sup> EU-Russia Summit in Yekaterinburg. Russia plays down its demands – at the press conference President Putin did not even mention the visa (facilitation/liberalization) issue. EU position: “Visa-free travel remains an important common goal. To achieve this, it is important to fully implement the agreed common steps.”
January 2014	The 32 <sup>nd</sup> EU-Russia Summit in Brussels, without progress. Putin did not mention the visa-free travel issue.

*Table 5: Chronology of EU policy on visa-free travel with Russia (middle 2010 – beginning 2014).*

#### **5.4.5.1. The First Stage (Middle 2010 – Spring 2011)**

Visa-free travel with Russia was in many ways a purely technical issue, but as a technical issue, it would never be solved. For this reason, it was transferred to the political level with the idea that, when the political situation would be mature,

technical criteria would be adjusted. An official from the Latvian Ministry of the Interior believed that, “The technical issues could always be solved if only the member states had a political will” (Interview No. 23, 16.12.2013, MoI).

Due to Spanish EU Presidency’s efforts, the idea of visa-free travel with Russia appeared on the EU foreign policy agenda in 2010. At the very beginning, there was only a general exchange of ideas. The aim was not to reach any particular EU decision, but rather to get the initial reactions from the capitals. Already earlier, in 2008, the French EU Presidency had pushed for this issue – then, as described by a Latvian representative, “The atmosphere was positive, and the majority of member states politically supported visa-freedom perspective with Russia. Some states objected because Russia had ignored implementation of the existing agreements” (Interview No. 10, 13.02.2013, PermRep). The same respondent revealed that

*At this very initial stage, Latvia did not have any explicit arguments, and it basically maintained a ‘wait and see’ position ibid).*

In the first half of 2010, the Spanish EU Presidency continued to push for this issue. It pressured for launching negotiations on visa-free travel, though met resistance from such countries as Denmark, Poland and Slovakia. Also, Germany after the 2009 elections shifted its initial positive stance. Consequently, when Russia in the June 2010 EU-Russia Summit submitted its draft agreement on visa-free travel, it was first of all rejected by Germany. Besides, Germany and France wanted the bargaining deal – visa-freedom to be considered “under *sui generis* process in exchange for Russian ratification of the Energy Charter Treaty (ECFC Scorecard 2010). The majority of member countries rejected this idea of linking visas to the energy matters as the basis for bargaining.

#### Latvia’s Proactive and Balanced Position – Matter of Reputation in EU

In the EU, “there was obvious lack of enthusiasm on visa freedom with Russia,” as characterized by a high-level MFA official (Interview No. 11, 13.02.2013, MFA). This suited the Latvian general interest, yet the problem that appeared was that “all member states wanted good bilateral relationships with Russia and therefore made big promises,” but afterwards were hiding behind of what they presented the Baltic States’ ‘Russophobia’ (ibid). As a result, as he felt, Russians blamed Latvia:

*Russians told me: “you, Latvians and the Baltic States, are hindering and delaying the process.” I explained that this was not true: “If some of our EU partners make excuses that the EU has to put brakes on the visa freedom*

*because of the Baltic States, then they simply wanted to hide behind us. We in Riga were not just naïve” (Interview No. 11, 13.02.2013, MFA).*

Apparently, in the EU circles it was not anything new to blame the Baltic States for visa issues, as can be seen from the explanation offered by the President of European Economic and Social Committee Malosse: “the visa problem is political. [...] Historic reconciliation between the Baltic States and Poland, and Russia interferes with achieving an EU-Russia agreement on visa-free travel. [...] Unless you reach an agreement on every disputed issue with your neighbours, misunderstandings will continue” (Interfax, 27.07.2013).

In fact, one of the reasons for Latvian foreign policy-makers to take a proactive stance in EU debates was the desire to avoid being disproportionately blamed for the slow progress on visa liberalization/facilitation. Thus, they already at the initial stage understood that early positioning in the EU debates was of crucial importance: in this way, Latvia would not allow other member states “to hide behind the Baltic States’ supposed Russophobia” (Interview No. 8, 01.02.13, MFA). Being aware that “in the EU Latvia would always be treated as the Russophobic country,” policy-makers needed to project a more balanced national position. According to an interlocutor from the Ministry of the Interior:

*Latvia had to learn avoiding be too active in the EU by criticizing Russia. Otherwise, no one would listen to us. Not because we really told lies, but because they would perceive us as lying. Our arguments should have been only few and formulated in a way that everyone understands (Interview No. 23, 16.12. 2013, MoI).*

#### Consultations with Other Member States, Collection of Information

In pursuit of its preferences, from early on Latvian policy-makers adopted a proactive approach. They started with informal corridor talks in EU meetings, as well as arranged informal bilateral consultations with other member states: “Instead of waiting for other member state[s] to formulate our national position, Latvia acted in a proactive manner” (Interview No. 8, 01.02.13, MFA).

After the June 2010 EU-Russia Summit, when Russia had suddenly handed in its draft of the EU-Russia visa-free travel agreement, “Immediately the corridor talks started in Brussels among the national representatives,” one respondent said. He observed a ‘big noise’ around this submitted draft. He explained that

*This was a signal for Latvia as a bordering country to explore the eventual impact on its domestic security. The Latvian experts started working already*

*before the proposal landed at the COEST and the Visa groups in 2011. When the formal discussions started, Latvia was already prepared (Interview No. 8, 13.01.2013, MFA).*

In order to prepare the initial national position, as it will be shown later, Latvia used such uploading mechanisms as the consultations with other member states, and, primarily, bolstering the domestic uploading capacity. This involved collecting and analysing the background information. Due to a high publicity in the Russian and in the international media, Latvia could easily gain information on the member states' initial reactions, including the specific concerns of their domestic interest groups. The advantage was that the key EU actors were transparent and predictable as a consequence of Russia's public pressure. As described by an MFA official, "Russia's behaviour was aggressive; it made a huge public noise around visa-free travel, resonating in member states' mass media. Thus, Latvia could follow the others' domestic debate in details. The rationale behind was that the member states official positions had to respect their domestic concerns" (Interview No. 8, 13.01.2013, MFA). Hence, it was not difficult to foresee their national preferences and positions. Already at this first stage there appeared to be clear groupings of the like-minded member states:

*First, there were 'absolutely uncritical' states – Spain, Portugal, France, etc. The opposite camp was 'instinctively sceptical' – Lithuania, Poland (Kacinski), Estonia (shortly after the "Bronze Solder" case). The third group was 'pragmatic' states, including Latvia (Interview No. 8, 13.01.2013, MFA).*

In the EU working parties, the Latvian experts gauged the initial reactions. To their surprise, it appeared that the main obstacle for the Kremlin would not be the concerns of Latvia and of the Baltic States, but rather Russia's main migration target countries – Germany, France, the Netherlands, Austria, Finland and Sweden. Especially, their Ministries of the Interior were deeply concerned (Interview No. 8, 13.01.2013, MFA).

In the second half of 2010, the EU working parties continued the debate on how to react to the Russian draft agreement for visa-free travel. After Russia's continuous political pressure and several member states' efforts, a 'breakthrough' was reached during the December 2010 EU-Russia Summit. Speaking at the summit, the Commission's President Barroso appealed for real progress on this issue. He pointed at the member states' responsibility, and promised that "we will start elaborating common steps, and the implementation of those concrete steps will open the way for talks on [a] Visa Waiver Agreement" (European Commission, 07.12. 2010). The EU

idea with the Common Steps was to elaborate, with Russia, the list of steps and operational measures to be implemented before moving to the real negotiations on a visa waiver.

As already indicated Latvia was not explicitly negative towards the EU-Russia visa-freedom, especially in its public statements, in the wake of President Zatlers' support of the Russian position in Moscow (Interview No. 23, 16.12. 2013, MoI).

#### ***5.4.5.2. The Second Stage (Spring 2011 – End 2011)***

This stage can be characterized by the member states' intensive negotiations in the Council working groups, aiming to reach the EU's unified position on the Common Steps. The aim was to prepare the instructions for the Commission, the EU negotiator with Russia. In parallel to the Council debate, the Commission already discussed the Common Steps with the Russian counterparts. The target was to adopt the Common Steps at the highest political level in the December 2011 EU-Russia Summit, at the end of the Polish EU Presidency. Being aware that the issue will be high on the Polish Presidency's agenda, Latvia put forward as its priority an active engagement in "the EU discussion on the 'common steps' on gradual progress towards visa-free travel with Russia as a long-term perspective" (MFA of Latvia, 2011).

#### **Contacting Other Member States**

At the beginning of 2011, the EU internal debate on the Common Steps started in the COEST and the Visa groups. In order to find the common elements with other member states' national positions the "Latvian experts held consultations with Estonian, Lithuanian, Nordic and Polish experts and officials" (Interview No. 26, 16.01.2013, MFA). During this consultation process, Latvia continuously exchanged information and compared its national preferences with the positions of the like-minded countries. The informal consultations took place primarily in the Brussels formats, as well as during the bilateral consultations in the EU capitals.

#### **Bolstering the Domestic Uploading Capacity**

Besides Latvia's initial consultations in Brussels and in the EU capitals, 'homework' in Riga had to be done to elaborate a high-quality national position. In doing so, the administrative and political coordination was of critical importance.

At the beginning of 2011, the government started the work. Although the main national coordinator on the visa issues was the Ministry of the Interior, this time it

was the Ministry of Foreign Affairs. The idea was to develop Latvia's national position with a "maximum speed and inclusiveness" (Interview No. 8, 13.01.2013, MFA). Initially, the Ministry of the Interior was enormously cautious about the Foreign Ministry's idea to undertake the leadership role. However, the argument that in Russia the visa policy with the EU was decided at the highest political level in Kremlin convinced everyone. Also, in Brussels the policy-making shifted from the Visa group to the foreign policy formats (Interview No. 8, 13.01.2013, MFA). In elaborating the initial national position all the relevant stakeholders were engaged – the MFA, the Ministry of the Interior, the State Border Guard, the Office of Migration, the Ministry of Economy, and the Ministry of Environmental Protection and Regional Development (ibid).

The initial expert discussion indicated that in practical terms visa-free travel with Russia could be beneficial for a significant part of the Latvian society. Various elements of the national position appeared, supported by concrete technical arguments. There were two opposite views – on the one hand, the national stakeholders saw a number of benefits from the EU-Russia visa-free travel for the Latvian society. On the other hand, there were substantial concerns regarding the potential domestic security risks, e.g. related to the illegal migration (Interview No. 8, 13.01.2013, MFA). This provides the evidence that the 'first order' national interests indeed turned into Latvia's intensely held national preference on this issue.

Gradually, a compromise was achieved between these two 'first order' conflicting national interests. The national position was elaborated with a strategic calculation that the major fight in the EU debate should be carried out among the big and wealthy member states. Accordingly, "Latvia's national position consisted of two related elements – generally *pro* visa-free travel with Russia, but only under conditions if/when all the technical requirements are fulfilled."

The first argument in support for the EU-Russia visa-free travel was that shortly before the EU discussion on the Common Steps in 2011 started, Russia unilaterally introduced visa-free travel for Latvia's non-citizens: now they could freely travel from Lisbon to Vladivostok, while the citizens could only move between Lisbon to Zilupe (the town at the Latvian-Russian border). The visa-free perspective could provide equal opportunities for everyone in Latvia, abolishing existing privileges for non-citizens" (Interview No. 26, 16.01.2013, MFA).

The second argument in favour of visa-free travel pertained to the anticipated growth in workload for the MFA Consular sections in Russia. EU debates on Common Steps coincided with Latvia's economic crisis and considerable cuts to the MFA staff. The Ministry was struggling with a lack of personnel: "queues in our consular section in Russia were enormous. Visa-free regime could immediately solve this workload problem" (Interview No. 8, 13.01.2013, MFA). Moreover, the statistics showed that flows of travellers to and from Latvia and Russia were almost identical. Surprisingly, many Latvians travelled to Russia to their relatives and for tourism purposes. Thereby on both sides, Russia and Latvia, there was similar income in the state budget through the visa fees, and equally busy consular staff. Therefore in practical terms Latvia, by abolishing visas, would not lose anything" (ibid).

Furthermore, the formulation of the initial national position on Russia helped Latvia to also formulate its position towards Ukraine, Georgia and Moldova. "The Latvian position was based on equal treatment of all the partners: the merit-based approach; no support to any political agendas" (Interview No. 8, 13.01.2013, MFA). In this way, Latvia effectively linked EU visa-free travel with Russia to the same treatment for the Eastern Partnership countries. Visa liberalization was one of the main incentives for the Eastern partners. Given the southern member states' reluctance in their support, this became the bargaining chip. Thus, Latvia together with a like-minded coalition could proceed by asking for a balanced EU approach towards all of its Eastern neighbours (ECFR Scorecard 2012).

Furthermore, Latvia's national position had to take into account the security risks. For this reason, Latvia in its position included the conditionality element – an extensive list of technical conditions Russia had to fulfil. As argued by an interlocutor from the MFA, the real problem was the EU-Russia Readmission Agreement and the transit of illegal immigrants from the third countries. He believed that the EU could grant Russia the visa-free travel perspective to put pressure on Russia to take responsibility for the third country nationals legally or illegally staying in its territory:

*Even now, the Moscow-Riga train is called 'the Congo Express.' The Latvian authorities regularly detain illegal immigrants from Congo, Nigeria, who try to use Latvia as a transit to get access, with illegal documents, to Sweden or other attractive EU countries.*

*If Russia has a 7000 km uncontrolled border with Kazakhstan then it is legitimate to ask guarantees from the Russian side with regard to third country citizens who work in Moscow, St. Petersburg, etc. and can cross the border with the EU (Interview No. 11, 13.02.2013, MFA).*

The above expressions clearly demonstrate that Latvia by developing general and expert-based technical argumentation improved its ability to influence EU policy-making and the outcome. Importantly, by stressing the problems with illegal immigration from Russia, where Latvia serves only as a transit country to other member states, Latvia demonstrated responsibility for the EU common interests, and thus sought to ‘entrap’ others in its argumentation in pursuit of its own preferences.

The Latvian national position was aided by the requests of the Latvian Ministry of Economy. The Ministry generally supported the visa-free perspective with Russia, as it believed that “the main beneficiaries would be the Latvian tourism sector, small and medium sized companies, and the real estate sector. Support also came from the Russian related ‘big business’ in Latvia, though only as a symbolic gesture, because all influential Russian business representatives already benefited from long-term Schengen visas” (Interview No. 8, 13.01.2013, MFA). Furthermore, Latvian companies asked to add to the Latvian initial national position a request to the Russian side to abolish their complicated registration procedures for foreigners:

*In Russia, registration of foreigners is a ‘complete mess.’ If you move from one oblast to the other you have to register, and to pay again. It creates an enormous chaos” (Interview No. 11, 13.02.2013, MFA).*

Thus, Latvia further developed the expertise-based technical argumentation by suggesting for the EU’s common position an important request to the Russian side: “staying in Russia for the first two weeks without registration,” as described by the MFA official, who believed that there would be benefits for everyone on the EU side. “From the EU side, we are interested that our tourists and business representatives can travel freely in all of the Russian territory. Russia should guarantee this. This message we delivered to everyone” (Interview No. 11, 13.02.2013, MFA). This Latvian proposal was later incorporated into the EU common position and “turned into the EU/Austrian-Russian problem: the Russians criticized that a similar system exists in Austria (the need to register the passport with the police through a hotel)” (Interview No. 8, 13.01.2013, MFA).

In elaborating the national position, “important support came from the State Border Guards, assuring that they had capacities to efficiently control persons on the border with Russia, as well as that they had the blacklist of persons, whose presence in Latvia was not desirable” (Interview No. 8, 13.01.2013, MFA). The Office of Migration also did not see immediate risks to Latvia’s internal security: Russia

created only a marginal risk for illegal immigration in Latvia. Violations of the Latvian-Russian visa regime were minimal. “Latvia seemed to be not a target country for Russian illegal migrants. Their main target was Germany, France, Netherlands, Austria, Finland and Sweden” (ibid). Also, a large number of Russian citizens could easily evade the Latvian border control with their Schengen visas, issued by another Schengen country. It was no secret that “many Schengen countries issued visas to Russians in a much more flexible, even automatic way. Thus, if the Russian travellers to Latvia came from Finland, it was impossible to control them. Latvia as a Schengen member could not solve this problem unilaterally, but only together with its partners” (Interview No. 8, 13.01.2013, MFA).

The Ministry of the Interior provided excellent technical elements for justification of Latvia’s national position, according to the interviewed MFA representative, because the Ministry had investigated a practice the Russian authorities’ to issue different types of passports:

*Results demonstrated that in Russia there was a functioning system only for issuing the diplomatic passports, whereas with other passports were huge problems. Each region in Russia has its own passport register, and there is no one in Russia dealing with the whole passport register (Interview No. 8, 13.01.2013, MFA).*

The above expressions show that Latvia’s initial national position was added by detailed technical arguments, which were used as a strategic asset in pursuit of its national preference.

The position of the Ministry of Environmental Protection and Regional Development was generally positive. It provided assurances that the Latvian regions bordering with Russia were very eager to have the visa-free travel. The EU-Russia visa-free travel seemed also a good solution because at that time the bilateral agreement between Latvia and Russia on facilitating mutual journeys of the border residents was still under discussion (Interview No. 8, 13.01.2013, MFA). Thereby all the relevant Latvian stakeholders’ contributions were incorporated into the Latvian national position for the Common Steps towards EU-Russia visa-free travel regime.

With a view to the December 2011 EU-Russia Summit, the Latvian national position was also discussed in the Saeima, the Latvian Parliament, to gain its approval. In November 2011, the Foreign Minister Rinkēvičs presented the national position to the Saeima’s Foreign Affairs and the European Affairs Committees. He explained that Latvia, in general, supported visa-free regime with Russia, and that this

is a long-term perspective. According to an MFA official, in these discussions “everything went well, despite the fact that influential political parties in the Saeima had sensitivities towards Russia;” “but since our national position was well elaborated and based on detailed technical justifications, the parliamentarians’ resistance was not impassable” (Interview No. 8, 13.01.2013, MFA).

Thus, critical inputs for Latvia’s national position for the Common Steps were collected, with the main signal: politically “yes” to visa-free travel with Russia, but under strong conditionality. Detailed technical arguments provided that the national position was of high-quality, which later “was supported greatly by the like-minded member states, and consequently taken into account in defining the EU common position on the Common Steps’ (Interview No. 8., 13.01.2013, MFA). With a well-elaborated position it was much easier to effectively participate in EU policy-making. This shows the benefits of doing a proper ‘homework:’

*Of course, the preparation of a high-quality national position demanded resources and energy, as well as the ability to survive through different attacks and complaints from the line ministries. Gradually everything went in the right direction (Interview No. 8, 13.01.2013, MFA).*

Hence, the Latvian position was formulated in a timely, high-quality and well-argued manner, which during the EU debate did not require any substantial adaptation:

*In EU expert discussions, Latvia could proceed in a comfortable way. Thus, being pro-active already before the formal decision-making started, Latvia could foresee others’ preferences (Interview No. 8, 13.01.2013, MFA).*

This provides empirical evidence that bolstering the domestic uploading capacity may be a highly relevant uploading mechanism (or condition for uploading), which indirectly helps a member state to exert influence in the EU. This uploading mechanism, as shown by an MFA representative, responsible for elaboration of this particular national position, “the key was ensuring smooth administrative coordination. Here it was important to involve all the relevant national stakeholders. For such a small country as Latvia a privilege was its small and flexible bureaucracy” (Interview No. 8, 13.01.2013, MFA). Furthermore, for the national coordinating institution to be efficient, the “initiative needed be taken from the very start to turn the other stakeholders’ thinking onto the ‘right track’” (ibid). The same interlocutor recognized that “this resulted in Latvia’s position being politically well-argued and supported by detailed technical justifications:

*“With a high quality product Latvia could be in the leading positions in EU decision-making since the very beginning (Interview No.8, 01.02.13, MFA).*

Consequently, Latvia's position had numerous advantages: "in difference from the Polish and the Lithuanian positions, which were much more radical at the beginning, Latvia came up with a balanced position at the very beginning" (Interview No. 8, 13.01.2013, MFA). From the German position, "one could feel that its Ministry of the Interior joined the preparation of the national position – it 'tightened the screws' and held the Foreign Ministry back. Estonia maintained reservation for a long time" (ibid). Given the broad diversity of the national positions "Latvia's position was 'pragmatic' since the very beginning" (Interview No. 11, 13.02.2013, MFA).

The main 'lesson learned' was that Latvia has better chances of influencing EU foreign policy-making if it reacts in a speedy and timely manner. Another important factor was that in the EU debate the Latvian national position was in the middle. In this way, the Latvian foreign policy-makers in the public space could go along with the EU common position, demonstrating a constructive attitude towards visa-free travel with Russia. For Latvia, transparency and publicity of its position were crucial to avoid a situation that some big member states could blame it for supposed "Russophobia." In 2011, the Foreign Minister Kristovskis made it clear to the public that Latvia supports "visa-free regime with Russia as much as the whole of the European Union" (Delfi, 14.01.2011).

While Latvia's strategic approach was to be publicly supportive, in fact, there were reasons to be reserved due to "domestic security matters and [an] unwillingness to open the border to potential immigrants" (Bukovskis 2012:83). However, Latvia decided to take a 'pragmatic' approach, with the preliminary knowledge that some big and wealthy member states would be much more eager to hinder the process towards visa-freedom with Russia.

### Presenting Arguments

"To be vocal in the EU's working group discussions – it is really important," suggested a national representative of one of the member states, which belonged to the same coalition on the EU visa policy towards Russia (Interview No.12, 20.06.2013 MFA of Sweden). The same interlocutor observed that

*Latvia has always been vocal and has spoken out in the EU working parties. Latvia can be considered as a leader of the like-minded group, because it usually had a well-elaborated position with detailed technical reasoning (ibid).*

In order to pursue its national preference, Latvia actively utilized one of the hypothesized uploading mechanisms – ‘presenting arguments.’ Apparently, Latvia’s tactical approach was to minimize its image of a troublemaker *vis-à-vis* Russia. This uploading mechanism was suitable as Latvia’s arguments resonated well with others’ national positions and helped in developing the EU common position. An MFA representative felt that it was the right approach:

*I can assure that our constructive approach was recognised long before the formal discussions in the FAC, COEST and the Visa working group formats (Interview No. 8, 13.01.2013, MFA).*

In its formal interventions during EU discussions, Latvia presented arguments “with the aim of putting forward its arguments to its partners at the earliest possible stage” (Interview No. 8, 13.01.2013, MFA). Evidence shows that Latvia used primarily expertise-based and technical argumentation. An MFA official described that Latvia’s arguments were “supported by detailed technical details, calculations and background information. The idea was to explain ‘how and why.’ Latvia realized that its specific expertise on Russia, which was of benefit for the whole Union, was also useful in strategic pursuit of its own national preference. This provided with additional possibilities to inject Latvia’s ideas in EU common position. With its expertise, Latvia was in a privileged situation, according to an official of the Ministry of Interior:

*The EU partners listen to our position because we are geographically close and thus we have much deeper knowledge. We can assure that (Interview No. 23, 16.12. 2013. MoI).*

I therefore conclude that a member state can indeed use arguments as a strategic asset. This is even more so when a member state has specific expertise and knowledge, as Latvia did in this specific situation. This helps a member state in pursuit of its preferences. In particular, it seems to be very likely in situations when other member states have “incomplete or imperfect information or absence of such knowledge,” then ‘presenting arguments’ or ‘functional persuasion,’ as Grobpe (2010:10) calls it, “converges with [others’] bargaining approaches.”

The representative of the Ministry of the Interior described using arguments in a form of very detailed and reasonable questions to other member states:

*In the COEST Group we never were against. When we delivered our positions, we rather posed questions to our EU partners – what is the target date and what would the quality of the process be? We never wanted to make the impression that we would stop the process. We argued with our partners that visa-free travel should be a long-term process, and the most important here is the quality” (Interview No. 23, 16.12.2013, MoI).*

The main elements of Latvia's argument position were the following: first, a reference to its geographical location on the EU external border with Russia; also why Latvia felt it could benefit from visa-free travel with Russia. At the same time, being located on the border, Latvia expressed the need to ensure proper technical quality of the visa-free regime. Therefore, Latvia politically supported visa-free travel, but only under conditions that the EU technical requirements would be met (Interview No. 8, 13.01.2013, MFA).

Later on, in EU discussions at various levels the Latvian national representatives felt comfortable: "There is no politician among the member states who can object to its own Ministry of the Interior" (Interview No. 8, 01.02.13, MFA). This Latvian approach was seen by a representative from the EEAS as the right one: "Latvia's position was correct – no objection, but instead asking to meet technical standards" (Interview No. 18, 13.07.2013, EEAS).

In the COEST debate, Latvia realized that the member states had very divergent preferences. Furthermore, they diverged not only among member states, but also at the national level, where the business community was much more interested, while the Ministries of the Interior put the brakes. The most visible example was Germany, switching its position dramatically. Since Germany had a similar position, Latvia's main concern was that Germany as a crucial EU player could leave the blocking minority. Then Latvia would immediately need to modify its national position. Latvia alone in EU policy-making on visa issues based on the QMV would be unable to proceed with the same old arguments and technical justification.

### Lobbying

There is no evidence that Latvia used lobbying as an uploading mechanism in the case of EU-Russia visa-free perspective. As the Latvian representative to the Visa group recognized, Latvia from time to time used lobbying on visa issues, but it worked only if there were close personal contacts: "In the EU institutions, they have such lobbyists every day. If there is no personal contact, then lobbying is effective only if all the national representatives put in common efforts" (Interview No. 23, 16.12. 2013, MoI). He also believed that lobbying should involve the political level:

*If [the] minister and experts convey the same to EU institutions, then lobbying is effective. The Commission and the EEAS always check the situation. If there is only the expert level involved, they do not pay any attention and 'cross you over.' When the EU institutions feel that there is no political backing, they*

*ignore you, especially, if they receive such instructions from their bosses (Interview No. 23, 16.12. 2013, MoI).*

The same interlocutor recognized that some member states are extremely active in lobbying the Commission. They meet the Commission on a regular basis, deliver their positions and technical solutions as help. Also, member states send their seconded experts to the Commission, which pro-actively lobby their national interests” (ibid).

Thereby, lobbying indeed is a strong mechanism of influence (Interview No. 23, 16.12. 2013, MoI). But in the case of the EU-Russia visa-free travel Latvia did not need to put particular efforts in lobbying. First, while for Latvia this was a strong national preference, there was no immediate domestic pressure on the Latvian foreign policy-makers. Second, in terms of institutional constraints, EU foreign policy-making environment in this case helped Latvia to project this preference. Latvia belonged to the group of like-minded member states with one big member state – Germany, securing its position and the *status quo*. As a consequence, as observed by the MFA official,

*There was no need for extra efforts in lobbying: with Latvia’s speedy reaction and well-elaborated position, which matched with and complemented the like-minded group’s stance, Latvia could be in EU’s ‘forefront’ and even influence others’ initial positions (Interview No. 8, 01.02.13, MFA).*

Consequently, it did not need to use the informal uploading mechanisms such as lobbying EU institutions. It could rely on EU’s formal proceedings. This shows that a member state may not necessarily use all the available mechanisms if the conditions allow relying on only a few.

### Joining Coalitions

Given the formal QMV voting procedure on visa-free travel with Russia, in practice Latvia could upload its national preferences only if the group of like-minded countries was large enough to create a blocking minority. This specific EU institutional constraint was highlighted by a representative of one of the like-minded countries:

*When we as a group– the Baltic States and Sweden – act together, we can do much more” (Interview No.12, 20.06.2013, MFA of Sweden).*

This means that it was of utmost importance to employ another of the hypothesized uploading mechanism as ‘building or joining coalitions.’ Speaking about how Latvia used the coalitions, the same national representative from the like-minded country praised Latvia’s active behaviour and cooperation with the partners. He described that

*In the EU debate Latvia was very vocal. Although it did not have fully similar positions with the coalition countries (Sweden), “together we were stronger.” Latvia had been generous with information sharing with like-minded countries before the EU working group meetings.*

*Among the like-minded countries, Latvia definitely is in the forefront in the EU. It takes the lead. Its main qualities are willingness to cooperate and readiness to accommodate” (Interview No.12, 20.06.2013, MFA Sweden).*

This shows that Latvia with its well-developed national position could be pro-active in the EU to influence others' positions, as well as to be a valuable coalition partner to other like-minded member states.

#### Developments Under the Polish Presidency (Second Half 2011)

During the second half of 2011, Poland as a Presidency actively pushed forward the visa issue with Russia, and there was an intensive on-going debate in the COEST group. The aim was to elaborate the EU position for the Common Steps to be approved in the December 2011 EU-Russia Summit. On the eve of the summit, it appeared that there was a disagreement between the EU and Russia in understanding of what the Common Steps actually mean. Moscow insisted that “full approval of the document must automatically” mean abolishing visas, and complained that “Brussels says this is not yet guaranteed,” (Telegraph, 01.12.2011) as well as criticized that “some member states try [...] to include the questions such as combating corruption” (ibid).

Apparently, Poland played an active role, including using its Presidency for its own benefits: its diplomatic efforts seemingly linked the Kaliningrad-Poland agreement on visa regime for the border regions as a bargaining chip with the Russians, which Moscow “anticipated to be the first step in creating a visa-free regime” (RT, 15.12.2011). Thereby, on the eve of the December 2011 EU-Russia Summit, Poland took a strategic approach towards the EU-Russia visa-free travel. Also, the German and the French Foreign Ministers in EU Foreign Ministers' meeting prior to the Summit encouraged the opening of negotiations with Russia on a visa-free agreement as soon as possible (Latvijas Radio, 15.11.2011).

As a result, the December 2011 EU-Russia Summit agreed to “take concrete steps to facilitate the mobility of citizens.” Different from the EU visa liberalization action plans with the Eastern Partnership countries, which were the EU unilateral documents, setting the conditions for the partners, the Common Steps highlighted equality and reciprocity between the EU and Russia (Scorecard 2012).

#### ***5.4.5.3. The Third Stage (Beginning 2012 – Beginning 2014)***

After the December 2011 EU-Russia Summit reached a political agreement to proceed with the Common Steps, the main responsibility shifted to the Commission, which had a mandate to work directly with Russia in implementing the Common Steps.<sup>15</sup> The EU and Russia agreed on regular meetings at the expert and senior official level. Thus, in practice, the Commission took control over the visa issues with Russia (Interview No. 18, 13.07.2013, EEAS).

Consequently, member states' debate in the Council working parties on visa-free travel with Russia was limited. The progress of implementation of the Common Steps was discussed occasionally in the COEST group, mainly consisting of the Commission's briefings on the status of the implementation, followed by member states' short comments and questions.

Given this shift in responsibilities among EU institutions, with member states lacking direct access to EU policy-making, Latvia had to seek informal ways to influence the process. The hypothesized uploading mechanism here could be lobbying. However, as noted earlier, in the case of EU-Russia visa-free travel Latvia did not need to put particular efforts in lobbying. There was no strong domestic pressure on the Latvian foreign policy-makers, and in the EU policy-making Latvia could rely on an influential country – Germany, which secured Latvia's preferences as long as it belonged to the same group of like-minded member states.

#### 'Bolstering Domestic Uploading Capacity' and 'Presenting Arguments'

Apart from informal uploading mechanisms, there was the possibility to use formal intervention in the COEST-level debates. It could involve either presenting arguments or bargaining. To sustain the previously strong position among the like-minded countries and to effectively engage in EU policy-making, Latvia had to put in extra efforts. Given that the Commission now had full control over the implementation of the Common Steps together with Russia, Latvia felt the need to closer monitor the Commission's work on the ground.

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<sup>15</sup> The Common Steps for a long time were not available to the public. Only in March 2013, the Commission published the document (European Commission, DG Home, 11.03.2013). The technical process on implementation of the Common Steps took place in four blocks: 1) Technical security of the borders; 2) Borders and migration; 3) Public security and data protection; 4) External relations and human rights (ibid).

The Commission's task was to regularly inform the member states on implementation of the Common Steps. According to the interviewees, during 2012 in the COEST group there were only short briefings from the Commission without substantial debates. Among like-minded member states, this was perceived with mixed feelings: "The Commission is trying to be the honest broker. However, it does not promote the aggregate interests of member states. Instead, it is pushing for reaching the agreement. The Commission has a mandate to negotiate, but it tries to sacrifice member states' interests" (Interview No.12, 20.06.2013 MFA of Sweden). Member states perceived the Commission's work on the Common Steps with suspicion. Not only the EEAS, but also member states became irritated, as there was a feeling that the Commission was chiefly pushing its own interests: "The Commission is pushing for finalising the work. It seems to be desparaeely willing to reach the deal, trying to sacrifice member state interests. But we are not in a rush. We can wait until the next EU-Russia summit, and we can wait for another five more summits. We cannot support artificial deadlines" (Interview No. 25, 10.02.2014. MFA).

For this reason member states demanded close monitoring of the Commission's work. Again, Latvia returned to the mechanism of bolstering the domestic uploading capacity. This time it involved another type of specific activities. Member states could participate in the so-called EU 'field missions' in Russia together with the Commission, which were a part of the implementation of the Common Steps. The Latvian government decided to send its own national experts to these joint EU 'field missions' to Russia to crosscheck the Commission's work.

Despite all of the EU political commitments and promises to Russia, in 2012 there was only one field mission to Russia. This was a marginal achievement, considering the ambitious goals set in the December 2011 EU-Russia Summit. In spite of the Russian pressure, the experts stalled on the ground. For instance, it became clear that "Russia's eastern border was not properly guarded and controlled. The problem was that its third country citizens staying illegally in Russia could easily cross the EU border without visas" (Interview No. 11, 13.02.2013, MFA). The Latvian representatives warned EU partners that there was no any functioning passport system in Russia, by using such expertize-based arguments as:

*The results of the 'field missions' demonstrated that in Russia there was a functioning system only for issuing the diplomatic passports, whereas with other passports there were huge problems, primarily due to the lack of unified national system for accounting issued passports. Each region in Russia has its*

*own passport register, and there is no one in Russia dealing with the whole passport register (Interview No. 8, 13.01.2013, MFA).*

This shows that Latvia employed again bolstering of the domestic uploading capacity to update its expertise-based argumentation, which was needed in pursuit of its preferences in EU policy-making due to the risk of unfavourable developments on EU-Russia visa talks.

Despite the ill-conditioned situation the EU experts faced on the ground, the June 2012 EU-Russia Summit in St. Petersburg was perceived as a new beginning. The summit was special because it was the first summit since Putin returned to the presidency. Putin back in Kremlin rammed home the message that at the summit he regarded visa-free travel with the EU as an essential precondition for opening the Russian market. He stressed Russia's willingness to cooperate on visa-free travel, while Van Rompuy "celebrated the best dynamics for years" (MailOnline, 4 June 2012). However, Putin's statements signalled on a new uncompromising approach: "Russians are piling pressure on visas but there is no way we can allow open entry. If it would happen tomorrow we would imagine an influx of people arriving to immediately claim asylum from Putin's regime" (ibid).

The joint technical work of the Commission and Russia with the Common Steps did not succeed. At the same time the December 2012 EU-Russia Summit was approaching, and Russia demanded deliverables. Yet, the October 2012 EU-Russia Partnership Council on Freedom, Security and Justice only "welcomed the on-going implementation of 'common steps' and reconfirmed its willingness to progress," while at the same time stressing the need to combat transnational crime and corruption (Joint Conclusions, EU-Russia PPC, 03.10.2012), thereby broadening visa issues to other politically sensitive areas.

The outcome of implementation of the Common Steps was supposed to be the Commission's recommendation to the Council to start the formal negotiations with Russia on visa-free travel regime. The Commission was expected to produce a sort of progress report on implementation with a view to the December 2012 EU-Russia Summit (Sagrera & Potemkina 2013). Seemingly, there were high expectations in Moscow that the EU would give the 'green light' to start the real negotiations on visa-freedom. However, despite all the Russian pressure such report did not materialize.

To agree on the EU 'line to take' in the December EU-Russia Summit, the Council again discussed the visa issue at the COEST and the COREPER groups.

These debates generally reflected member states' previous positions as no practical progress with the Common Steps was reached. On the eve of the summit, the Latvian MFA issued its official position, generally reiterating its previous line, adopted a year earlier. The Ministry referred to the State President Zatlers' visit to Moscow in December 2010, where he expressed Latvia's support to the EU-Russia visa-free travel if the Common Steps were fulfilled. The Foreign Ministry referred to the Commission, which had the main responsibility for implementation of the Common Steps, assured that work on their implementation would continue, including exchange of written reports and the expert missions. The MFA referred to the EU common stance that implementation of this document would determine the progress of the EU-Russia visa dialogue (MFA of Latvia, 20.12.2012).

The December 2012 EU-Russia Summit in Brussels was a disappointment for Russia. After the Summit Putin criticized the EU – that it was “thwarting the development of economic relations between the trading partners” (RT, 21 December 2012). Barroso's main message was that the EU and Russia were “indeed strategic partners of a special kind,” and that “the good progress [has been] made on the implementation of the Commons Steps towards visa-free travel, and our goal is to open negotiations on visa waiver agreement in the future. We believe substance over speed should guide our common endeavours. [...] Meanwhile we believe it is important to conclude the Visa Facilitation Agreement” (European Commission, 21.12.2012). Thereby one more obstacle appeared – the Visa Facilitation Agreement.

#### The EU Faces Russia's Hard Bargaining

Apparently, the Russian side became angered by the EU's ‘lack of political will.’ Consequently, Russia put hard bargaining into use. It linked the visa-free travel issue with renegotiating the already concluded Visa Facilitation Agreement, and suddenly brought forward unexpected additional demands.

The Common Steps indeed included the task of amending the Visa Facilitation Agreement “to further simplify visa requirements” (Common Steps, 11.03.2013). Visa facilitation was a provisional solution until visa-free travel regime entered into force. While the Visa Facilitation Agreement functioned already since 2007, the idea was to update it by providing multi-entry visas to more categories of travellers (EU Delegation in Moscow, Visas and Readmission). However, renegotiation became a

‘battlefield’ between the EU and Russia, and a “real litmus test of how united is the EU on the visa-free regime” (Interview No. 18, 13.07.2013, EEAS).

The real problems started after the December 2012 EU-Russia Summit. Russia suddenly put forward the demand to include a new category for visa facilitation – the service passport holders. This was a shock in the EU: in practice, it would mean that the Russian militaries and security service personnel would get free access to the Schengen area. Everyone in the EU, including Latvia, was against the idea. But then Russia unexpectedly put forward additional demands to the EU side – to provide data on every EU pilot scheduled for Trans-Siberian flights, implying that their airplane pilots would not get the Russian visas. Some believed that “the EU needs to make visa-freedom as a bargaining chip to ask for Russian concessions in other areas. Bargaining appeared to be the only way in negotiations with Russia. But there was no legal basis for this according to one interlocutor in the respective EU working group (Interview No. 12, 20.06.13, Sweden).

In January 2013, Russia announced it was leaving the visa facilitation negotiations. Thus, as the EEAS representative felt, Russia played bargaining games, which the EU could not play in a similar manner: “The renegotiation of visa facilitation constituted a serious warning signal that Russia was not predictable partner. Presumably, it was Russia’s bargaining tactics, given the EU’s unwillingness to proceed with visa-free travel” (Interview No. 18, 13.07.2013, EEAS).

But then suddenly Germany shifted its negative position. In spring 2013, Germany’s Foreign and Interior Ministers sent a letter to Brussels, supporting visa facilitation for service passports “if the security guarantees from the Russian side were provided.” German Foreign Minister Westerwelle explained that Russia “is our strategic partner. [...] If visa liberalization for service passports happens, it would be nice and welcomed progress. Putin brings it up all the time, so it is important for us too.” (Euobserver 13.03.2013) There was a strong German business lobby and pressure on Merkel (Interview No. 18, 13.07.2013, EEAS). This was also a warning signal to Latvia and a clear indication that Germany could in the same way suddenly change its position on the visa-free travel with Russia (ibid).

#### Latvia Presenting Arguments

As a consequence, in the first half of 2013 visa-free traveling and visa facilitation issues again appeared on the COEST and the Visa group working agendas. In parallel

to the negotiations on visa facilitation, Russia started pressuring to get visa-free regime until the 2014 Sochi Olympics.

On the Visa Facilitation Agreement, in the EU debates there were again the same two opposite camps. According to a Latvian representative: “In the first camp there were the Baltic States, Sweden, Denmark and Austria, as well as Germany (which publicly had made the impression of supporting Russia’s demands regarding the service passport holders), while in the second camp – the Southern member states. Overall, the majority did not support the inclusion of the service passport holders” (Interview No. 26, 16.01.2013, MFA). Latvia underlined that it would not be rational to include the service passport holders by presenting the following arguments:

*If Russia would be really interested in its citizens instead of certain privileged categories then it would have been agreed already a long time ago. Also we are not ready to discuss visa-free travel before Russia signs the Visa Facilitation Agreement (Interview No. 26, 16.01.2013, MFA).*

However, as recognized by the same representative, it was obvious that “Latvia’s strong position was valid only until Germany had the same position” (Interview No. 26. 16.01.2013, MFA).

The EU made some effort to comfort Moscow’s feelings. In March 2013 in Moscow, it organized a high-level conference on visa liberalization, attended by the Commission President Barroso. Despite these efforts, this event “left more questions than answers to the future trajectory of EU-Russia visa dialogue;” accompanied by Russia’s demand for the crews of some European airlines, e.g. Latvia’s AirBaltic, asking for business visas (Kogut, 29.03.2013).

#### Bolstering the Domestic Uploading Capacity and Presenting Arguments

In 2013, in parallel to the discussions on what to do with the Russian demands on the Visa Facilitation Agreement, the implementation work of the Common Steps towards the visa-free travel continued. This was primarily a technical process in the four blocks within the framework of the Common Steps under the Commission’s leadership. In this situation, Latvia returned to domestic capacity building with an idea that when the issue on visa-free travel again arrives in EU foreign policy-making the country needed to be ready for uploading. Given that it was a Commission-driven process, it meant that Latvia had to build its position on strong technical arguments. For this purpose, Latvia, first, took an active part in EU field missions to Russia to collect the first-hand information. Second, under the Foreign Ministry’s leadership the

national coordination group on visa-free regime with Russia renewed its work. The aim was to elaborate the national position for it to be ready to respond to the Commission's forthcoming Progress Report on implementation of the Common Steps, which was expected to be released prior to the annual EU-Russia Summit in December 2013 and was already delayed for one year.

Until October 2013, all the necessary EU field missions to Russia and the way around were concluded. Four EU expert field missions to Russia were organized, where the Latvian experts also took part, whereas Russia undertook four expert missions to the EU member states, including Latvia. This theoretically would mean that the Common Steps could be implemented if the Commission came to a conclusion and gave its recommendation to launch the formal negotiations on visa-free travel with Russia. However, none of the experts' had any doubt that Russia was far from being ready for this. In this situation, however, the EU side was worrying that Moscow would exert enormous political pressure on EU member states:

*Russia would press again to launch the negotiations on visa freedom. The feeling was that Russia would continue its pressure until the EU side gives up (Interview No. 18, 13.07.2013, EEAS).*

In this situation, Latvia actively participated in all the EU's expert field missions to Russia. These missions were very practical, and looked at the concrete cases when the EU citizen had been deported, and other cases. The Russian side organized the return mission (Interview No. 18, 13.07.2013, EEAS). The situation seemed to be tricky, as the Commission apparently had its own interests and agenda, which did not necessarily serve member state preferences. The worrying signals were also coming from the Commission's reports from the field missions. These reports, as characterized by the national expert in the EU, were extremely superficial and without the necessary evaluation and conclusions:

*In the COEST group, I asked the Commission to provide an evaluation. Regrettably, in the reports from the field missions, we cannot see any evaluation. There is a description of which places in Russia had been visited. We cannot proceed without an evaluation. (Interview No. 21, 11.07.2013, PermRep)*

The reason for member states' worry was that the Commission's reports from the 'field-missions' later should have been incorporated in the Progress Report on implementing the Common Steps. The Progress Report was important because it "would indicate the gaps" on the Russian side (Interview No. 21, 11.07.2013,

PermRep). In the middle of 2013, Latvia and the group of like-minded countries was rather pessimistic on the Commission's work.

Given this delicate situation, for Latvia to continuously proceed with its national preferences it was important that the *status quo* among the member states' votes remained the same. Hence, one interviewee felt that uploading was possible through common coalition activities: "Luckily the like-minded coalition was rather large – the Benelux States, Germany, the Baltic States and Sweden" (Interview No. 21, 11.07.2013, PermRep). He also felt that the Russian position was very strong, based on the belief that "visa-free regime is imminent." He recalled that the Latvian position is "not against the visa-free regime with Russia, but that it has a common approach towards all the third countries – the process should be merit-based. Unfortunately, the EU's approach towards Russia is different" (ibid).

In this situation, while Latvian position demanding Russia to fulfil the technical requirements was evaluated as correct by the EEAS, it was also mentioned that one needed to put more pressure on the Commission:

*The like-minded states should put more pressure on the Commission – the main EU negotiator – to provide information about the negotiation process. The small member states should join forces, to approach the Commission together to request the explanatory briefings, ask concrete questions to the Commission. Then it would be pressured to finally provide answers (Interview No. 18, 13.07.2013, EEAS).*

#### The Commission: No Conditions for Launching Negotiation On The Visa-Freedom

Latvia and other like-minded countries worried that the Commission's Progress Report on implementation the Common Steps ahead of the EU-Russia Summit in January 2014 could be considered as a green light to open negotiations on visa-free travel. Shortly before the EU Report was published on 18 December 2013, the Russian side came up with its own report. The Russian report was four pages long and very formal with the main message being: "Let's finish this move to the real negotiations on visa-free travel" (Interview No. 25, 10.02.2014, MFA). Lavrov signalled that the Russian report was positive, and hoped for a similar report from the EU side. Ahead of the summit, he hoped "for the soonest decision of the EU to start the elaboration of a visa-free travel agreement" (Russia Beyond the Headlines, 18.12.2013).

On 18 December 2013, the Commission published the long-awaited Progress Report (Report from the Commission to the European Parliament and the Council, 18

December 2013). Contrary to Russia's expectations, as well as worries of Latvia and the like-minded member states, the Report was very detailed, (53 pages in length) and included a long list of gaps in implementation of the Common Steps.

The initial Latvian reaction to the Commission's Report was generally positive, and it could in principle agree to the Commission's evaluation. At the same time, Latvia asked for another opportunity to analyse the Report in detail. Being aware that Russia would continue pressuring at the political level, Riga decided to resume the work of inter-ministerial working group. As the MFA official informed, in order "to deal with the EU-Russia visa-free regime, the special inter-ministerial working group was again established under the leadership of the MFA. One of its tasks was to make detailed technical analysis on the Commission's Report on the Common Steps. The aim was to crosscheck the Commission's findings to be able to engage in the EU further debate with well-established arguments" (Interview No. 25, 10.02.2014. MFA).

The visa-free travel agreement was included in the agenda of the January 2014 EU-Russia Summit. However, the atmosphere of the Summit was frosty due to Russia's increasing pressure on Ukraine, aimed at stopping Ukraine's European aspirations. While many in the EU still wanted to keep the business going with Russia, the general attitude begun to change. Thus, on the visa-free travel perspective the Commission's statement was short-spoken: it stated that implementation of the Common Steps towards visa-free travel was underway. Once the Common Steps would be fully implemented, a decision on the launch of negotiations on a visa waiver agreement could be taken (European Commission, 24.01.2014). This shows that visa-free travel perspective with Russia had become frozen not because of some individual member state's uploading efforts on this particular issue, but that it became part of a broader game with the EU using visa-free travel as a bargaining element in response to Russia's intervention in Ukraine at the end of 2013 – beginning of 2014.

EU visa dialogue with Russia was halted in spring 2014 due to Russia's aggression towards Ukraine. On 6 March 2014, the European Council adopted a statement on Ukraine, strongly condemning Russia's "unprovoked violation of Ukrainian sovereignty and territorial integrity," and deciding to "suspend bilateral talks with Russia on visa matters" (Statement of the Heads of State of Government on Ukraine, 6 March 2014). Thereby the external factors contributed to freezing the visa-free talks with Russia, which was the first EU response to the Kremlin's aggression in

Ukraine, followed by a tougher measure from the EU – imposition of economic sanctions on its recent strategic partner.

#### **5.4.6. Conclusions**

This chapter explored in what ways Latvia sought to project its national preferences in the case of EU-Russia visa-free travel regime. The analysis revealed that during the EU policy-making-process Latvia utilized a number of hypothesized uploading mechanisms. Firstly, it involved bolstering of the domestic uploading capacity, which helped the preference projection. This meant political support and consensus, as well as smooth administrative coordination. As a result, Latvia already at an early stage of EU policy-making was equipped with well-elaborated national position. Further, Latvia pro-actively used uploading mechanisms, such as informal consultations with other member states, making most of coalitions, as well as using formal interventions in EU working parties, in particular presenting arguments. Arguing included mainly the expertise-based and technical arguments, which were used as a strategic asset in pursuit of its preferences. Latvia's arguments were beneficial for the formulation of the EU common position and resonated well with the positions of other like-minded countries, and consequently these arguments became reflected in the EU decision outcome. In this way, Latvia was able influence EU policy outcome.

Thus, the case study corroborates the first hypothesis (H1) that Latvia could influence the EU foreign policy-making process and the outcome by combining various uploading mechanisms. In terms of preference intensity, this sub-case shows that, in difference from the first sub-case on EU sanctions on Belarus, in this case Latvia was not challenged by the “two level game” (Putnam 1988), where national representatives are squeezed between domestic and EU pressures, and interest groups. That is why it was relatively easy for the country to proceed with such uploading mechanism as presenting arguments (general and expert-based arguing). Without strong domestic pressure, Latvia could rely on arguing. In a situation when there was no strong domestic pressure, the national representatives did not need to employ a bargaining mechanism. Furthermore, given the favourable EU foreign policy-making environment, i.e. Germany being in a similar position, there were no serious risks associated with losing in the outcome of the negotiations. The conditions under which Latvia was able to exert its influence can be summarized in one quote from a respondent: “Our position is valid until Germany has the same position” (Interview

No. 26. 16.01.2013, MFA). However, there is the question of whether Latvia uploaded its preferences or experienced a stroke of good luck.

### **5.5. Case III: the EU-Ukraine Association Agreement (2011-2013)**

In answering the research question, the third sub-case “The EU-Ukraine Association Agreement 2011-2013” was used for empirical analysis. I look at the period beginning from autumn 2011 when the EU suspended signature of the Association Agreement (AA) with Ukraine due to the imprisonment of the former Prime Minister Tymoshenko until autumn of 2013, when, prior to the Vilnius Eastern Partnership Summit, the EU came up with unified support for signing the AA.

The signature of the AA was expected to be a highlight of the Vilnius Summit, yet the agreement failed to materialize. Despite the tremendous preparatory work on both sides, at the last minute the Ukrainian President Yanukovich withdrew from the AA and turned to the Russian-led Customs Union instead. This sub-case does not seek to explain the failure of signing the AA, but looks at how the EU finally reached a unified position prior to the Vilnius Summit despite conflicting interests and resistance from the majority of influential member states. In particular, it explores how Latvia together with other like-minded countries contributed to the shaping EU common position, which largely reflected the official position defined by the Latvian government. The study seeks to answer what uploading mechanisms Latvia used in this particular case.

The EU policy on Ukraine has been characterized as ‘divided,’ and ‘ultimatum-based’ This divide reflected member states’ interests, extending beyond the EU relations with Ukraine: “Many member states were reluctant to support the AA due to their beneficial contracts with Russia” (Interview No. 28, 30.03.2014, EM). The EU debates on the AA reaffirmed this divide, as observed by an EEAS representative:

*The EU-Ukraine Association Agreement is a very visible example of how new and old, big and small member states try to inject their interests in EU foreign policy. In this case, the new member states were especially active. Lithuania as the rotating EU Presidency was very vocal. Latvia was less visible (Interview No. 15, 12.07.2013, EEAS).*

The EU-Ukraine negotiations on the AA were launched in 2007. In 2011, they were finalized. Poland as the EU Presidency of the second half of 2011 wanted to announce

the conclusion of the AA negotiations during the September 2011 Warsaw Eastern Partnership Summit, but due to Ukraine's backsliding democracy it became impossible. Ukraine's track record under the President Yanukovich had dramatically declined. Yanukovich ignored the EU warning signals. The EU patience was exhausted when in October 2011 the former Prime Minister Tymoshenko was imprisoned for seven years. The EU reacted by freezing the whole process towards the AA.

After almost a year of silence, in late autumn 2012, the EU signalled on its readiness to unfreeze the process. On December 2012, the EU came up with the time perspective for the AA signature in the Vilnius Eastern Partnership Summit in November 2013, if Ukraine were to meet its determined criteria, in particular the release of Tymoshenko. Yanukovich promised to fulfil the EU criteria. This pledge followed by intense preparatory work in Brussels and Kyiv. While a number of member states continuously objected, the EU consensus gradually emerged. Prior to the Vilnius Summit the EU came up with a unified position on the AA signature. Notwithstanding that such EU unity was motivated by external factors such as increasing Russia's pressure on Ukraine, and this to a great extent happened due to the efforts of Ukraine's supporters in EU, among them also Latvia.

This EU dossier is suitable for testing the hypothesis because the independent and dependent variables display a positive value, i.e. the Latvian national preference in supporting the AA, and its reflection in the outcome – the EU's common position in support of signing the AA. Also, it allows for testing how the conditions – EU foreign policy-making environment – constrained (or facilitated) Latvia's ability to influence the outcome.

I proceed as follows. First, I start with a brief description of the empirical context of the EU-Ukraine Association Agreement. Second, Latvia's approach towards the EU-Ukraine relations is described by identifying the intensity of Latvia's national preferences regarding the AA. Third, I characterize the EU's institutional environment. Fourth, the hypothesized uploading mechanisms are traced. I divide the EU decision-making process into two stages: the first stage – from the end of 2011 until the December 2012 FAC (Council Conclusions), and the second stage – from the beginning of 2013 until the September 2013 Vilnius Eastern Partnership Summit.

### **5.5.1. Empirical Background**

EU policy towards Ukraine has been related to the broader geopolitical context and the fact that Ukraine has been the “object of a geopolitical contest between the Kremlin and the West” (FT, 23.02.2014). For Russia, keeping the influence over Ukraine had almost been an existential imperative, whereas within the EU Ukraine was awarded a lower priority. The Russian factor was important: the majority of big old member states treated Ukraine in the context of their beneficial relations with Russia. This led to reluctance on the part of the EU to actively engage with Ukraine, in order not to damage relations with Russia. The new post-Soviet member states, on the contrary, pushed for a pro-active EU role in Ukraine, so as to pull it out of the orbit of Russia’s immediate influence. These two competing, or at least partly contradictory, objectives resulted in a deep inconsistency in the EU’s approach towards Ukraine.

In general, Ukraine was given more attention by the EU after the 2004 Orange Revolution, when it began to strive for EU membership. As this was considered as an unrealistic perspective, the EU established a replacement for the former enlargement policy aimed at the ex-Soviet countries in the east – the so-called Eastern Partnership. Given its large size, Ukraine was perceived as crucial country for the whole Eastern Partnership. Ukraine became the first country with which the EU began talks on the AA, the core mechanism of the Partnership.

According to the EU officials, the AA with Ukraine was the ‘most ambitious and complex agreement the EU has ever negotiated with a third country’ (Füle, Speech, June 2012). Within this framework, the EU and Ukraine also negotiated on the Deep and Comprehensive Free Trade Area (DCFTA) – a core element of the AA (COM (2013) 289). In 2011, the AA was close to finalization. There were expectations that the September 2011 Warsaw Summit would conclude the AA. Yet, this was interrupted due to domestic problems in Ukraine under Yanukovich.

The EU was facing a dilemma. On the one hand, it was very difficult for the EU to compromise on its values. On the other hand, the EU needed a more strategic approach. Without Ukraine, the whole Partnership would be under a threat. With the Warsaw Eastern Partnership Summit approaching, the EU needed a ‘success story’ of seriously engaging with Ukraine. From his side, Yanukovich never gave up his contacts with the EU despite his pro-Russian course, as he sought to manoeuvre

between both sides. Ahead of the Warsaw Summit, Yanukovich promised to ask the EU to include Ukraine's EU membership perspective in the AA. Meanwhile, the French Foreign Minister Juppé made it clear that the Eastern partners "should be told that there is no chance for them to join the club," and that "we should not let them imagine" (Forum, 05.09.2011). Some member states were reluctant to even refer to Ukraine as a European country.

Besides Ukraine's own domestic problems as a major obstacle turned out to be Russia's attempt to prevent Ukraine from signing the AA. After Yanukovich became President in 2010, Moscow exerted extra pressure on Ukraine to force it to join the Customs Union. In April 2011, Putin in his capacity as the Prime Minister made it clear that if Ukraine would sign the AA, Russia would have to "reinforce its borders;" It was indeed, a clear message that Russia was ready to take far-reaching measures to prevent Ukraine from the European choice (Solodky, 22.04.2011, EaP Community).

While Russia's pressure on Ukraine was increasing, there were no signs that the EU would become more flexible with its tough conditionality on Ukraine. Many member states had the illusions that Ukraine would agree on everything that the EU would offer. Still, the 2011 Warsaw Summit Declaration stressed that EU leaders were looking forward to the possible finalizing of the AA by the end of 2011 (Joint Declaration, the Warsaw Summit, 29-30.09.2011). The Commission's President Barroso expressed himself optimistically on Ukraine's chances to become the first Eastern Partnership country to finalize the AA.

However, the whole process towards the signing of the AA was interrupted by the decision of Yanukovich to imprison Tymoshenko shortly after the Warsaw Summit, in October 2011. "There were rumours that in Tymoshenko's imprisonment a major role was played by Russia, and also the former German President Schroeder" (Interview No. 30, 23.05.2014, PermRep). Germany's patience had been exhausted: "The public opinion was crucial before the elections in Germany. Chancellor Merkel also had good relations with Tymoshenko. Her tough line against Yanukovich influenced the EU position" (ibid). Consequently, the Tymoshenko case appeared as the main obstacle for signing the AA. EU-Ukraine relations dropped to a new low point, which resulted in suspending the process towards the AA and avoiding contact with Yanukovich. These developments were a disappointment for Ukraine supporters in the EU, especially the new former Soviet member states. They were concerned by the increasing Russian influence in their neighbourhood. Without the AA, a practical

mechanism for integrating Ukraine with the EU, Russian dominance over Ukraine would become much more likely” (Visegrad Fund, 2013).

#### Latvia, as the EU Member State, Vis-à-vis Ukraine

Latvia’s approach to the EU policy on Ukraine involves the ‘first order’ security concerns related to its geographic proximity primarily with Russia and its interests in the whole of the post-Soviet space, where Ukraine was perceived as a pivotal component. Already before joining the EU, Latvia stated that one of its foreign policy priorities for the neighbourhood was Ukraine approaching the EU. As a member state, Latvia became one of Ukraine’s advocates in the EU. In the EU working parties, Latvia together with like-minded countries always supported Ukraine’s deeper relations with the EU. It even supported granting Ukraine the EU membership perspective, which received major resistance in the EU.

With Ukraine’s deteriorating development under Yanukovych, its advocacy became complicated. The dominating views of the EU were demands for a tougher attitude and strict conditionality towards Ukraine in order to safeguard the respect for common values. Latvia wanted a more strategic and pragmatic approach, seeking cooperation regardless of the political leadership in Ukraine, including Yanukovych (Interview No. 28, 05.04.2014, MFA). In the EU formats, Latvia was among those that reiterated the need for EU’s pragmatic and strategic behaviour towards Ukraine. Yet, over time, it became almost impossible to persuade the sceptics. Also, Latvian foreign policy-makers became increasingly pessimistic, and the “Feeling was that the Ukrainian political leadership made promises, but failed to follow up with practical action (Interview No. 5, 13.01.2013, MFA).

Another aspect was that Ukraine perceived itself as a big country, while “Latvia as its lobbyist within the EU meant little to Kyiv, given its small size and very limited ability to influence EU decisions” (Interview No. 27, 20.03.2014, MFA). After the Yanukovych’s election, for a prolonged period there were no high-level bilateral contacts, despite Latvia’s efforts to establish them. Ukraine begun actively approaching Latvia only at the end of 2011, when it faced isolation from the main EU players after Tymoshenko’s imprisonment. Latvia used these contacts strategically by “supporting Ukraine’s European course, while encouraging it to implement EU reforms” (ibid).

### 5.5.2. Latvia's Preference: Political Support to the Association Agreement

Ukraine represents Latvia's 'first order' concerns, related to its geographical proximity within the post-Soviet space. In order to assess the intensity of Latvia's national preferences, I use empirical indicators of data on cross-border trade, government's statements, policy-makers agreeing on the level of salience, and media coverage.

An important consideration for the first empirical indicator, i.e. data showing intensity of cross-border trade, is that Ukraine is not a direct neighbour of Latvia. There is no strong economic interdependence between both countries. Ukraine occupies the 19<sup>th</sup> place among Latvia's trade partners (2013), with a negative trade balance and decreasing trade volumes of exports and imports (MFA of Latvia, Relations between Latvia and Ukraine). At the same time, experts believe that for Latvia as a small country the Eastern market it is important, and that "such sectors as fishery and pharmacy have found profitable niches in Ukraine, which could benefit from the AA especially with regards to the trade part of the DCFTA, as simplification of customs procedures" (Interview 28, 30.03.2014, EM). Latvian business community saw the potential in Ukraine, given its market size, and has been supportive of the AA (EM, 10.02.2014). Yet overall, in the view of the respondents,

*Latvian business community has not been interested in such a broad issue as the AA, because there are no any immediate risks involved (Interview No. 3, 15.01.13, PermRep.).*

The Latvian policy-makers did not face direct pressure from the domestic economic interest groups to push for the signing of the AA. This was confirmed by an MFA representative:

*Neither directly nor indirectly (through the line ministries) we felt that there were any specific Latvian business interests expressed in relation to Ukraine. There is a big difference compared to the case of Poland, which has vast economic cooperation with Ukraine and thus an interest in the AA (Interview No. 5, 15.01.2013, MFA).*

In my assessment, therefore, the first empirical indicator shows low intensity of Latvia's national preference on the EU-Ukraine AA, including the DCFTA part. Despite the fact that "promotion of economic interests became a central part of Latvian foreign policy in order to recover from the country's economic crisis," (Interview No. 3, 13.01.2013, MFA), there were no specific domestic interests and pressure on the foreign policy-makers.

The second empirical indicator is the interest-based statement. Different from the moderate business interests, the Latvian government's official positions continuously highlighted Ukraine and signing of the AA as its top priority in the entire Eastern Partnership. These statements were continuously replicated in the annual Foreign Policy Reports. The 2011 Report stated that Latvia would continue to support the signing of the AA with Ukraine (MFA of Latvia, 08.01.2011). In the 2012, Report Latvia regretted that member states' different evaluation of the democratic character of the October 2012 elections prevented the EU from signing the AA. Its position was that Ukraine's European orientation is important for the security and economy of Latvia and of the Euro-Atlantic community. The conclusion of the AA would be an effective means for forging closer ties with the EU (MFA Latvia, 08.01.2012).

Also, when defining the foreign policy priorities for each upcoming EU Presidency, Latvia especially singled out the signature of the AA with Ukraine as the most important issue. For the 2011 Polish Presidency, Latvia put forward the finalization of the AA negotiations as its priority. For the 2012 Danish Presidency, it reemphasized the conclusion of the AA negotiations, while cautioning that it would depend on Ukraine's democratic progress (MFA of Latvia, 20.01.2012). For the second half of 2012 Cyprus Presidency, it emphasized that depending on Ukraine's progress it is necessary to proceed with signature and ratification of the AA. For the Irish Presidency of the first half of 2013, it reiterated that depending on Ukraine's progress in addressing the rule of law issues, it is necessary to move towards the signature and ratification of the Agreement. For the Lithuanian Presidency of the second half of 2013, Latvia highlighted the necessity "to pay attention to the signing the AA with Ukraine" (MFA of Latvia). This demonstrates that Latvia officially continued to prioritize Ukraine's AA, yet it gradually became less and less ambitious in helping it to come about. Thereby the second empirical indicator shows that, while Latvia politically highlighted the EU-Ukraine AA as a national interest, in reality it followed the EU medium position.

Further, Latvia's bilateral development assistance apparently did not follow its politically defined priority. Latvia's target countries in the Eastern neighbourhood were Moldova and Georgia, whereas Ukraine was perceived as too large for small Latvia. Eventually, Latvia did not spend much effort in either practically helping Ukraine to adjust to the EU demands or working directly with Kyiv to promote

Ukraine's European integration. As observed by a Latvian official, the Polish delegations visited Kyiv every week to talk about the EU-Ukraine relations, while contacts between the Ukrainian and the Latvian governmental representatives were marginal (Interview No. 27, 20.03.2014, MFA). This serves as an additional evidence that Ukraine was in fact an intensely held preference for Latvia only on a political level, i.e. political preference.

The third empirical indicator is the agreement of foreign policy officials on the level of salience. Respondents interviewed by me agreed that Latvia's interest in signing the AA has been related to the broader security concerns and Russia's factor. One interviewee noted that in EU foreign policy formats "it is well known that Latvia's interests focus on the Eastern neighbours in the former Soviet Union" (Interview No. 1, 28.12.12, PermRep). Another respondent agreed that, "all member states have their priorities in their direct neighbourhood – instability in the neighbourhood may affect them in a very negative way. States usually explain their geographic interests by referring to deeper expertise about the respective region, security, historical and economic ties" (Interview No. 3, 13.01.2013, MFA). The fact that the AA was related primarily to Latvia's security-based interests was further confirmed:

*Latvia considered that although Ukraine moves in the wrong direction in terms of democracy, the EU should not 'lose' Ukraine. We should be aware that there is a bigger strategic game concerning the influence of the EU and Russia in Ukraine (Interview No. 1, 22.12.2012, PermRep).*

The fourth empirical indicator is media coverage. The observations show that the EU-Ukraine AA was in the local media spotlight only shortly before the Vilnius Eastern Partnership Summit in November 2013. Before that, the Latvian media did not have a particular interest in this issue. This was in contrast to the issue of EU economic sanctions against Belarus in 2012, when domestic economic interest groups actively used Latvian media to transmit their message.

The fifth indicator is Latvia's national positions. Generally, the state position was that the EU should not leave Ukraine in the Russian orbit of influence. The EU needs Ukraine – the most important Eastern Partnership country. The best way to practically integrate Ukraine into the EU is through the AA. This again confirms that the AA was Latvia's national preference due to broader security-related concerns.

The above empirical indicators show that while Latvia had a general interest in signing the AA, without strong domestic pressure the intensity of Latvia's national

preference in this regard was low. This was mainly Latvia's political priority, indirectly representing the country's 'first order' security concerns. Latvia's security-based interests became clearly visible in spring 2014, when Russia launched its aggression towards Ukraine. The military intervention in Ukraine, a former territory of the Soviet Union, raised enormous concerns for Latvia: "If the Kremlin decides to carry out its plan in Ukraine, the Baltic States are next" – several Baltic diplomats told journalists (Euractiv, 03.03.2014). Foreign Minister Rinkēvičs stressed: "We should not remain passive!" He asked for a strong response from the EU, including an arms embargo and sanctions against Russia.

However, the empirical evidence shows that in practice Latvia's domestic economic interests mattered more for the intensity of its national preferences in the EU. As an example is the expression of an MFA representative: "Ukraine [the AA] was not that high among Latvia's foreign policy priorities, which is the opposite from Belarus [EU sanction case] with strong domestic transit business interests involved" (Interview No. 3, 13.01.2013, MFA). This is in a sharp difference from what is said in the official statements, where Ukraine was placed at the centre of the country's policy in the Eastern neighbourhood. Thereby, my assessment is that the EU-Ukraine AA represents a low intensity preference for Latvia, given the lack of domestic business pressure, even if it was ranked high among the government's priority list for the EU foreign policy.

### **5.5.3. EU Policy-making Environment**

EU foreign policy-making environment is assumed to consist of the formal and informal rules, as well as of actors and their preferences. Formally, the EU Council decision-making on the AA was based on the unanimity rule, with member states being the key players. At the technical level, the main EU institution was the Commission, which had a mandate to negotiate the AA with Ukraine. Technical negotiations were massive, involving trade, transport, energy, the environment, the CFSP and justice, freedom and security issues, as well as political aspects. Various Commission directorates were involved in negotiating the AA. Also, the Commission's Legal Service was involved in legal scrutinizing of the AA text, consisting of 486 articles. Besides, the Commissioner for Enlargement and European Neighbourhood Policy Füle played an active role, providing recommendations for the EU action in Ukraine.

In addition, the HR and the EEAS were influential EU actors, preparing the agenda, drafting documents and chairing the EU Council meetings, which made decisions on the AA. Also, the EEAS represented the EU in the political dialogue with Ukraine and therefore it had the most updated information. A Latvian representative in the EU felt that the role of the EEAS was positive: “The EEAS had a clear understanding that the EU needs a more strategic approach towards Ukraine, and therefore the EEAS asked the member states to behave responsibly and not to delay the AA” (Interview No. 3, 15.01.2013, MFA). This shows that the EU institutions actively stimulated reaching unified position within the EU, “Presumably with the support from some influential member states” (ibid).

The fact that the EU institutions were not politically neutral became apparent by looking at their inter-institutional battles. This was especially visible with the Commission’s DG Trade, which was reluctant to proceed with the AA, using the need for a “legal scraping” of the AA as an excuse, while the EEAS was substantially more supportive. No doubt that the technical “nitty-gritty” details consumes a lot of time, but the “the Commission still treated the EEAS as a very young institution and tried to overturn it” (Interview No. 30, 23.05.2013, PermRep). There is also evidence that the European Parliament, in particular its President Martin Schulz, played a ‘self-established’ role which jeopardized the conclusion of the AA in Vilnius. Also, an “ambiguous role was played by the EP rapporteurs, the so-called Cox-Kwasniewski mission, at the end suspending the whole AA procedure” (ibid).

Apart from EU institutions which “sag under the weight of their bureaucracy and technocratic culture,” the ‘lion’s share’ of blame for the delayed AA belongs to the member states (Rettman, 25.11.2013). One should recall that the most influential members – France and Germany – in their position on Ukraine have always been concerned with their relations with Russia (Youngs 2011:32). Altogether, member state preferences on Ukraine were more or less related to their relations with Russia, by placing them in two opposite groups – the ‘minimalists’ (sceptics) versus the ‘maximalists.’

On the minimalist side were France, the Benelux countries, Spain, Italy and other southern countries, traditionally not supportive of the EU’s Eastern neighbours (Youngs 2011:32). Although Germany generally supported the EU’s Eastern neighbours, at the same time it desperately wanted to avoid confrontation with Russia (Reuters, 03.03.2014). On the opposite side were the new ex-Soviet member states.

These so called ‘maximalists’ – the ten new member states – Poland, the Baltic countries, supported to some extent by the Nordic countries – pushed for an EU proactive engagement with Ukraine (Interview No. 3, 13.01.2013, MFA). They advocated that the EU should not isolate Ukraine. Altogether, these opposite preferences were reflected in EU common policy towards Ukraine, often expressed as the lowest common denominator (Youngs 2011).

Among the ‘maximalists’ the most prominent role was adopted by Poland. Poland’s eagerness to integrate Ukraine into the EU was based on its ‘first order’ core national interests. Economically, Poland could be the main beneficiary of the AA, as its goods would be able to gain substantial market share in Ukraine. As a Latvian MFA representative noted, “Poland has huge economic cooperation with Ukraine, which explains its high interest about Ukraine’s integration with the EU” (Interview No. 5, 15.01.2013, MFA). In addition, Poland’s strong interest in Ukraine was related to history, as Western Ukraine had previously belonged to Poland. The new member states were partly supported by Sweden, Ireland and EU institutions, primarily the EEAS (Interview No. 1, 28.12.2012, MFA).

However, Germany’s position was critical for the whole process towards the signature of the AA. In Germany, the main player was Chancellor Merkel. Initially, she had a very tough line towards Yanukovich, but later turned to a more strategic approach. Germany seemingly influenced the process behind the scenes, and also it was extremely cautious in the formal EU debates: “For a long time Germany remained sceptical, then it was neutral, and only finally joined the ‘maximalist’ group (Interview No. 1, 28.12.2012, MFA). In the official meetings, Germany sympathised with France, but behind the scenes, it supported the signing of the AA. Most probably, it finally reached some backstage deal with France, which resulted in French consent. Germany later became the main ally to the EEAS and the 2013 Lithuanian EU Presidency, pushing for signing the AA in Vilnius” (Interview No. 30, 23.05.2013, PermRep). Moreover, Germany took over the initiative from Poland (ibid).

German activities were seemingly accompanied by some jealousy on the Poland’s side. As observed by an EEAS official, “Poland was the main advocate of Ukraine. But when, after all its efforts, the Ukrainian political leaders, feeling Germany’s support, began to lobby Berlin instead of Warsaw, Poland was disappointed. Unlike Poland, Germany is much more pragmatic. This is a kind of ‘culture.’ However, Poland later became more pragmatic in EU working parties by

waiting while the big states fought through. But then the main obstacle came out to be the UK” (Interview No. 15, 12.07.2013, EEAS).

Unexpectedly, the UK turned out to be the most serious obstructer – “It was a big disappointment, because the UK had always been an ally of the new member states,” (Interview No. 30, 23.05.2013, PermRep). The UK blocked the proceedings due to its domestic excuses, which they avoided explaining. It resulted in the situations that prior to the Vilnius Summit, “all but one” agreed on the signature of the AA. “The worst rumours were that there was some on-going deal of the British Petroleum” (ibid). Only at the very late stage, the UK joined to the support for the AA signature.

To sum up, EU foreign policy-making environment was helpful for Latvia’s uploading in the sense that it could rely on its traditional like-minded partners, especially on Poland, a leader of the Eastern European group, and Lithuania, a rotating EU Presidency. This was to Latvia’s advantage, according to an MFA official: “Poland was the strongest and toughest player. This was a positive exception, as not always our interests in EU policy towards the Eastern neighbourhood coincide” (Interview No. 3, 13.01.2013, MFA). However, the crucial condition for Latvian (and ‘maximalist’) successful uploading was Germany’s support. Germany as an influential EU actor made the difference in the entire policy-making process. On the contrary, Latvia’s (and ‘maximalist’) uploading efforts were constrained by the ‘minimalist’ group’s conflicting preferences.

#### **5.5.4. Observed Latvia’s Influence**

In order to trace the uploading process, I draw on the observations from the interviewees, and examine whether the EU’s common position and official statements prior to the Vilnius Summit reflected Latvia’s national preference on the AA.

First, the interviewees generally agreed that there was observable Latvia’s influence on the EU’s common position. In their view, the main achievement was the compromise agreement of member states at the December 2012 FAC to unfreeze the process towards finalizing the AA at the Vilnius Summit, as well as the EU’s unified position in the autumn 2013, supporting the AA signature prior to the Vilnius Summit. As described by a national representative in the EU,

*The EU-Ukraine AA is a concrete case where Latvia succeeded together with a like-minded group to get others’ support for signing the AA. Of course, we*

*could not expect 100% fulfilment of our interests, because it is a compromise, but our 'red lines' were not crossed (Interview No. 1, 28.12.2012, PermRep).*

Another Latvian representative in the EU felt that the AA with Ukraine was not so critically important for Latvia, and that it influenced the outcome to a medium extent:

*It is a paradox that in the case of [EU sanctions on] Belarus, Latvia alone reached much more than in the case of Ukraine as a like-minded group. It was because the importance of the issue was not so high for us. The higher the importance, the more energy we invest. In the case of Ukraine, we invested much less energy to reach the goal (Interview No. 2, 13.01.2013, MFA).*

Some Latvian influence was further confirmed by the fact that “Latvia’s ‘red lines,’ i.e. signature of the AA until the Vilnius Summit, were respected despite the heavy preconditions to be fulfilled” (Interview No. 3, 13.01.2013).

Evidence on the correlation between Latvia’s national preferences and the EU decision outcome is further confirmed in EU statements and public positions prior to the Vilnius Summit, thereby they reflected Latvia’s defined national preference. For instance, despite that the Vilnius Summit later failed to sign the AA due to Yanukovych’s ‘U-turn,’ the Commission’s President Barroso stated: “The EU offer to Ukraine in terms of signing the Association Agreement remains on the table” (Interfax, 29.11.2013). This also shows that Latvia’s national preference has been reflected in EU foreign policy decision outcome. I further explore how and with what uploading mechanisms Latvia sought to influence the outcome.

#### **5.5.5. The Uploading Mechanism in Practice**

Rational choice institutionalism assumes that member state’s influence on the outcome is related to the preference intensity and the institutional constrains. In my assessment, the intensity of Latvia’s preference on the EU-Ukraine AA was low: while it was the government’s defined high political priority, there was no direct domestic pressure on the government. The EU environment was favourable for Latvia’s uploading in a way that the like-minded coalition was large enough, supported by one big member state. Given these circumstances, what uploading mechanisms did Latvia use?

In order to trace the uploading process, I divide EU foreign policy-making into two stages: the first stage (October 2011 – December 2012 FAC), and the second stage (January 2012 FAC – the November 2013 the Vilnius Summit). The table below shows the chronology of the EU policy-making process.

<b>1. The first stage (October 2011 – December 2012 FAC)</b>	
<b>29 - 30 September 2011</b>	The Warsaw Eastern Partnership Summit – the EU’s promising signals on signing the AA until the end of 2011.
<b>11 October, 2011</b>	Tymoshenko sentenced to seven years in prison – EU’s threatens to postpone the AA.
<b>December, 2011</b>	The EU-Ukraine Summit – no expected initialling of the AA; EU conditionality – the release of Tymoshenko and general reforms.
<b>25 March, 2012</b>	The AA initialled, but no indications on when it could be signed.
<b>May, 2012</b>	The FAC reiterates conditions for the AA – release of Tymoshenko and free and fair parliamentary elections on 28 October 2012.
<b>October, 2012</b>	Parliamentary elections in Ukraine – divergent member states’ evaluation on the election outcome.
<b>10 December, 2012</b>	FAC Conclusion on Ukraine sets the Vilnius Summit as the potential time of the AA signature.
<b>2. The second stage (beginning 2013 – November 2013)</b>	
<b>25 February 2013</b>	The EU-Ukraine Summit – commitment by both sides towards the Vilnius timetable.
<b>The first half of 2013</b>	Intense technical and political preparation in the EU and Ukraine for signing the AA.
<b>Autumn 2013</b>	The EU political consensus emerges – support for the signature and provisional application of the AA.
<b>21 November 2013</b>	Yanukovych’s withdrawal from the signing of the AA. The Vilnius Eastern Partnership Summit – no signature of the AA.

Table 6: Chronology of the EU decision-making (October 2011 – November 2013).

#### **5.5.5.1. The First Stage (October 2011 – December 2012)**

While formally placing the signature of the AA among its top national foreign policy priorities in the EU neighbourhood, empirical evidence shows that Latvia did not plan any particular uploading activities. In practice, it followed the agenda set by other EU actors, arguably, above all by the influential member states. As described by an MFA official,

*In the case of the AA, there was no strict and purposeful planning, but rather ad hoc responses and subsequent movements from our side (Interview No. 1. 28.12.2012, PermRep).*

At this stage, Latvia apparently used only a few of the hypothesized uploading mechanisms – joining the coalition’s uploading activities, as well as presenting arguments during its formal interventions in EU working parties. Latvia did not use additional informal uploading mechanisms such as lobbying EU institutions, or contacting other member states in order to gain their political or issue-specific support related to the AA. Also, it did not make much effort to use the domestic uploading

capacity despite the detailed technical and expertise-based discussions in EU working parties on the substance of the AA/DCFTA.

Since the very beginning of the AA negotiations in 2007, Latvia was among Ukraine's advocates in the EU, lending it political support. Even after Yanukovich became President in February 2010, Latvia strategically supported Ukraine's European integration course. In 2011, it still seemed realistic to sign the AA in the near future. In May 2011, for instance, the Latvian, Estonian, Lithuanian and German Foreign Ministers assured that they would "seek to have the AA signed already in 2011" (Eurodialogue, Foreign Ministers). In the EU, debate prior to the Warsaw Eastern Partnership Summit, Latvia was in the like-minded coalition, pushing for more positive signals for Ukraine.

The situation dramatically changed in October 2011, when Yanukovich imprisoned Tymoshenko. Reacting to this, the EU considered that the December 2011 EU-Ukraine Summit was not a proper time for signing the AA. The Agreement had to be ratified in all the member states, but several of them signalled a strict "No." A crucial aspect here was that Germany was negative. France also believed that the AA could be signed only if the Tymoshenko case was resolved. Sweden said that without changes in Kyiv it would be a "suicide mission" trying to get the AA through the Parliament (Kyivpost, 28.02.2012).

### Presenting Arguments

These negative domestic developments in Ukraine left the 'maximalist' group in the EU without any credible arguments. Latvia joined other 'maximalists,' seeking to persuade sceptics that the AA represented a cure for Ukraine. They argued that the AA is a way to create leverage over Ukraine. Nonetheless, as one interlocutor recognized,

*Among the Western European colleagues there were illusions regarding the strength of EU's soft power in the third countries and a belief that Ukraine would agree on everything the EU offers. At that time, Germany had a very tough line towards Yanukovich, [partly] based on the illusion that the AA is a 'gift' to Ukraine. Its position was [in fact] based on two elements – [the latter] illusion and [German] business interests in Russia (Interview No. 30, 23.05.2014, PermRep).*

In this situation, Latvia evidently took the middle position. While supporting signature of the AA, it joined the dominating views. Partly it was because it wanted to avoid being branded as a supporter of authoritarian regimes at a time when Latvia also

experienced trouble with Belarus, being one of the few countries objecting to the EU economic sanctions against Minsk. Joining the criticism on Ukraine was part of the game to fix its reputation. But primarily Latvia's moderate position on the AA can be explained by its low intensity of national preference with no domestic pressure.

Shortly before the December 2011 EU-Ukraine Summit, the EU leaders made it clear that signing the AA depended on resolution of Tymoshenko's case. Subsequently, the Summit reflected the member states' concerns, stating that both parties had a common understanding that Ukraine's respect for common values and the rule of law would determine the speed of its political association and economic integration within the EU (Council of the EU, 19.12.2011). Apparently, Yanukovich agreed on such wording. He expressed hope that the AA would be signed soon.

Latvia continuously supported the signature of the AA by presenting arguments, but in line with the EU's general position, it also began to put a stronger emphasis on the EU conditionality criteria. Latvia communicated its position during the bilateral meetings with Ukraine. At this stage, there were active high-level contacts between Riga and Kyiv, initiated by the Ukrainian side. While Ukraine usually did not perceive Latvia as an important player in the EU, facing a chilly attitude in Brussels and Berlin, according to the MFA representative,

*Ukraine used high-level contacts with Latvia for transmitting its signals to the EU side and for testing the atmosphere within the EU (Interview No. 27, 20.03.2014, MFA).*

From its standpoint, Latvia used these occasions by strategically supporting Ukraine, reassuring its support to Ukraine's European integration, while reminding it of the need to do 'homework' (ibid).

When in December 2011 the Foreign Minister Rinkēvičs met his Ukrainian colleague Gryshenko in Bonn, he assured that the EU "should sustain a continued dialogue with Ukraine," but Ukraine should show its "readiness to follow the course of democracy, the rule of law and economic reforms" (MFA of Latvia, 05.12.2011). When in January 2012 Gryshenko visited Latvia, both ministers "welcomed finalization of the AA negotiations, which opened the way to the signature of the AA"; however, they also "recalled that the AA envisages shared commitment to the common values [...], which will be of importance for speed of Ukraine's political association and economic integration in the EU (MFA of Latvia, 16.01.2012). In February 2012, there was again a high-level incoming visit. Soon after the Ukrainian Prime Minister Azarov arrived in Latvia to push for support for the AA. "The AA

could be initialled in the coming months,” he said, "Initialling of the agreement can be achieved within the next few months [..]. Then the question will arise about ratification” (Ukraine Business online, 12.02.2012). These meetings confirmed Latvia’s previous concerns that “Ukraine’s leadership continuously made big promises, but that very little action followed” (Interview No. 27, 20.03.2014, MFA). This complicated Latvia’s advocacy efforts in the EU for the signature of the AA.

#### Using the Domestic Uploading Capacity

Evidence shows that at this stage there were no specific efforts in Riga with a view towards developing a high-quality national position to advance finalization of the EU-Ukraine AA. As there was no necessity to defend any domestic (business) interests, its national representatives felt safe in Brussels. Poland, the leader of like-minded coalition, assumed the initiative while no domestic pressure could be discerned in Riga.

#### Contacting Other Member States

There is no evidence that Latvia pro-actively contacted other member states to push for political support for the AA. Most likely, Latvia rather took a ‘wait and see’ position until the big member states, in particular Germany, were expected to make decisive movements in one direction or another. The issue of Tymoshenko imprisonment was highly politicized. At the same time, Latvia engaged in consultations on the *status quo* in Ukraine within the existing informal networks entertained with other member states.

During the first half of 2012, Latvia met the like-minded countries in various existing informal formats at different levels, e.g. ‘3+1’ (the Baltic States and Germany), ‘4+1’ (the Visegrad and the Baltic States), 5+3 (the Nordic countries and the Baltic States), where they exchanged their information and positions. For instance, in March 2012 the Baltic and Visegrad group foreign ministers during their meeting “noted with satisfaction” the finalization of the AA negotiations and “expressed support for its early initialling and subsequent signing and ratification in due course” (Joint Statement, 05.03.2012). Such common public statements of the ‘maximalist’ group helped Latvia to further clarify and consolidate its position. Also, consultations with the Benelux countries allowed Riga to “narrow the gap and to move sceptics closer to optimists on [the] EU-Ukraine agenda” (Interview No. 3, 13.01.2013, MFA).

In the meantime, the EU and the Ukrainian experts had finalized the technical work with the AA text, which was initialled in March 2012, at the expert level.<sup>16</sup> However, at the political level, there was a silence on when it could be signed. Some influential member states, mainly Germany, leading an overwhelming majority of member states supported a pause in relations with Yanukovich's regime. In the EU debate, critical voices dominated, despite some awareness that "swift signing of the AA would allow to avoid giving Putin the time and opportunity in which to exploit Ukraine's vulnerabilities to get Yanukovich to agree to join the Russian-led Customs Union, which would overturn the AA" (CEPS, March 2012).

### Using the Coalition

To advance the signing of the AA, Latvia continuously used the same like-minded coalition led by Poland. This included lending its general political support to the AA process, as Latvia did not have any specific domestic priorities or concerns to be uploaded. Its position was rather flexible in support of Poland. Also, given Ukraine's weight and significance for the EU, with big member states' specific preferences involved, the best uploading mechanism for Latvia as a small country was acting together within a larger group. This resonated well with what was said by an MFA official,

*Together as a like-minded group, we did more. We coordinated our interventions in the EU debate. Especially if the big member states became interested, we could better reach the preferred outcome. In the case of Ukraine, the like-minded coalition consisted of the new member states with Poland as the leader (Interview No. 3, 13.01.2013, MFA).*

This shows that the like-minded coalition should be large enough, and some big member state participation in it is of crucial importance. Given Poland's much greater bargaining power, Latvia could project its national preference by simply supporting Poland's uploading activities. As described by the same interlocutor,

*This like-minded coalition was rather loose, and it coordinated activities on an ad hoc basis, mainly when Poland came up with some initiative to push for a stronger wording on Ukraine in the EU Council Conclusions (Interview No. 3, 13.01.2013, MFA).*

The same *ad hoc* coalition, consisting of the new member states from the Central and Eastern Europe, operated within various EU Council working groups – the COEST,

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<sup>16</sup> The AA was initialled without its DCFTA part, which was initialled a few months later, in July 2012

the PSC, the COREPER, the Trade Policy Committee, and the FAC. For instance, in the Trade Policy Committee,

*Latvia worked closely with the like-minded group of the ten new member states. This was different from the traditional like-minded group, where Latvia took part in the Trade Policy Committee – the Nordic-Baltic, the UK and Germany. In the case of DCFTA with Ukraine, it was a different coalition, consisting only of the new member states (Interview No. 28, 30.03.2014, EM).*

The presence of the same like-minded coalitions, irrespective of a wide range of specific issues covered by the AA, shows that the AA negotiation process indeed was highly politicized in the EU capitals. Even discussing the most technical parts of the AA, member states followed their respective political agendas. Thus, in pursuit of its preferences in the EU Trade Policy Committee, Latvia coordinated its positions with the same coalition partners. According to a Latvian senior official in this Committee,

*Cooperation in the like-minded coalition was informal and based on good personal contacts. In addition, there was another ad hoc like-minded group, consisting of Lithuania, Hungary, Poland, Slovakia, and Latvia. Especially, contacts with Lithuania were important during its rotating EU Presidency. It helped Latvia to elaborate its positions (Interview No. 28, 30.03.2014, EM).*

Thereby, Latvia widely relied on the uploading mechanism such as joining the coalitions in various EU Council formats. The coalition was the same in the COEST, which discussed the political elements of the AA, and the Trade Policy Committee, focusing on its DCFTA part. I assess this as evidence that in EU foreign policy-making, the most typical are the issue-based coalitions rather than the geographical ones.

#### Presenting Arguments (Strategic Use of Arguments)

At this stage in various EU foreign policy formats Latvia continued to use general arguing. Especially, in the COEST group, according to a Latvian representative in the EU, “in advocating their interests, member states referred to ‘the EU common values and norms,’ never using such primitive language as ‘our domestic sensitivities.’” Sometimes I referred to ‘my capital believes,’ but it did not work at all” (Interview No. 1, 28.12.12, PermRep). The same informant revealed that

*Very effective argumentation is reference to the previously adopted EU decisions and documents. I also followed this pattern in the Ukrainian case – otherwise Latvia would lose its credibility and reputation among partners (Interview No. 1, 28.12.12, PermRep).*

This provides evidence that uploading through ‘presenting arguments’ in EU foreign policy-making is not only the dominating uploading mechanism, but also that it follows the ‘logic of consequences’ rather than ‘logic of appropriateness.’ Furthermore, the reference to the previously adopted the CFSP decisions and documents indicates the presence of ‘entrapment,’ resonating with the findings provided by Thomas (2011) that member states often use the previous EU commitments as in this way everyone becomes “constrained in their further actions.”

In parallel to the COEST group considering the political aspects of the AA, the Council’s Trade Policy Committee discussed the DCFTA – an economic part of the AA. The main EU negotiator with Ukraine was the Commission’s Directorate General (DG) Trade, while member states through the Council’s Trade Policy Committee adopted the EU negotiation position on the DCFTA prior to each negotiation round with Ukraine. According to a Latvian representative in this Committee, the DCFTA negotiations were technically complicated and involved market access, reduction of the technical barriers to trade, sanitary and phytosanitary measures, customs and trade facilitation, competition and energy. From the Latvian perspective, the negotiations on the DCFTA part proceeded smoothly, and there were no problematic issues from its side. Therefore, the main uploading mechanism for Latvia also in the Trade Policy Committee was presenting arguments, notably, technical and expertise-based arguments, as can be interpreted from the evidence provided by a Latvian representative in this EU working group:

*In general, member states used technical arguments to influence or delay the process. For all countries, including Latvia, the main concern was protection of their domestic agriculture sector (Interview No. 28, 30.03.2014, EM).*

The DCFTA as an integral part of the AA was initialled in July 2012, at the level of the EU and Ukraine chief trade negotiators. Nevertheless, to Latvia’s disappointment, while the heavy technical negotiation process was over, “it became clear that the AA/DCFTA could not be signed. The DG Trade used such excuses as the need for translation and scrutinizing the text” (Interview 28, 30.03.2014, EM). The Commission also referred to the complicated technical preparation. Nonetheless, as recognized by the same interviewee – “the EU can technically prepare some agreements for two years, but if there is a real interest, it can be very fast. We have seen such precedents. The decision on signalling the AA was pending at the political level” (ibid). This shows that EU institutions may use technical arguments

strategically to delay the unfavourable developments. The completion of the AA was pending at the political level.

### Lobbying

Lobbying seemed necessary for Latvia and other like-minded countries in a situation when it was not possible to apply any formal uploading mechanisms. At this stage, there were no any formal EU foreign policy debates on Ukraine until May 2012. The Union's response to Tymoshenko imprisonment was silence from the EU side on the AA. The EEAS, using its mandate to set the CFSP agenda, avoided putting forward Ukraine at the COEST debate. This shows that agenda setting can indeed be a very effective mechanism used by EU institutions, in particular the non-decision making. Consequently, without the possibility to engage in the formal procedures Ukraine's supporters in the EU had to find other, informal ways to push for the signature of the AA. They felt the urgency to find some exit strategy from the stalemate, and here one needed to win the EEAS as an ally. This leads to the question whether Latvia used the hypothesized uploading mechanism such as lobbying.

The Latvian policy-makers were aware that the best way to influence EU policy-making, according to one national representative is

*Member states' intense and timely work behind the scenes, primarily, by systematically lobbying the EEAS, which sets [the] agenda, prepares the draft decisions and knows all 27 member states' national interests" (Interview No. 1, 28.12.2012, PermRep).*

Yet, at this stage, there is no evidence that Latvia would have used this uploading mechanism. Instead, it relied on Poland's lobbying efforts, which "negotiated with EU institutions on behalf of the like-minded group, Poland was the main lobbyist – it talked to the EEAS" (Interview No. 3, 15.01.13, PermRep).

After the AA was initialled in spring 2012, as described by one interview respondent, Poland and Lithuania started lobby on the need to sign the AA together with the provisional application. "The Polish and Lithuanian colleagues pushed strongly to apply the AA, arguing that the EU should use this window of opportunity before Putin returns to the Kremlin. But the DG Trade was against provisional application. Both countries lobbied the EEAS and the Commission hard on behalf of the like-minded coalition. This was a time consuming exercise. The fear was that some old member states lobbied against" (Interview No. 30, 23.05.2014, PermRep). Evidently, Latvia was not actively involved in these lobbying efforts. As a result, the

dominating views, presumably, with Germany in the leadership, won. The feeling was that EU institutions could not have any flexibility to give up its condition regarding the release of Tymoshenko.

#### ‘Wait and See’ Period Until Autumn 2012

As already mentioned, in 2012, the EEAS purposefully avoided putting Ukraine on the EU foreign policy agenda, and therefore there were no formal ways for Latvia and the ‘maximalist’ coalition to project their national preferences favouring the signature of the AA. In EU circles the dominating viewpoint was that the EU should wait until Ukraine’s parliamentary elections in October 2012, which would be a new ‘litmus test.’ The thinking was that the EU needed to put pressure on Yanukovich to provide free and fair elections, and to release Tymoshenko.

Some member states were particularly eager. In March 2012, the Swedish, the UK, Czech, Polish and German Foreign Ministers in an open letter stated that the October elections would be a ‘litmus test for democracy.’ They drew a symbolic parallel with Tymoshenko’s imprisonment: ‘It is fair to say that the Agreement has been imprisoned, and the Ukrainian leadership is holding the key’ (The New York Times, 04.03.2012). Also, the May FAC put further pressure on Ukraine, stressing that the October elections would be a test.

Apparently, the key member states – Germany, France, and the UK – determined the EU relations with Yanukovich. However, Yanukovich openly ignored the EU demands. Also, his intention to sign the AA was questionable, according to my informant from the Latvian government:

*Officially, the Ukrainians told Latvia that they wanted to sign the AA/DCFTA, but in the tête-à-tête meetings, they said something completely different. They wanted to keep good cooperation with Russia, [a] very important trade partner for Ukraine. The main problem was Ukraine’s dependency on the Russian gas (Interview 28, 30.03.2014, EM).*

In September 2012, the EU foreign policy debate returned to Ukraine, with the main focus on the forthcoming Ukraine’s parliamentary elections on 27 October. Prior to the elections, the EU institutions disseminated promising signals that the AA could eventually be signed until the end of 2012, depending on Ukraine’s “homework.” The Head of EU Delegation in Ukraine Tombinski expressed hope to finish this work by the end of 2012, possibly by the end of November (Kyivpost, 16.10.2013).

#### Latvia’s Vague Position After the October 2012 Ukraine’s Elections

As will be shown, the EU debate on the election outcome reveals how the member states used arguing for their strategic purposes in pursuit of the national preferences. The 28 October 2012 parliamentary elections were expected to be the test for Ukraine as their outcome was supposed to determine whether the EU would return to the dialogue with Ukraine. Given Ukraine's domestic developments, no one had illusions that the elections would be a 'breakthrough.'

The 28 October elections did not bring any positive results. International monitors, the Vienna-based OSCE, concluded that the elections were a step backwards. The HR Catherine Ashton agreed – “the elections represented a deterioration” (EEAS, 12.11.2012). Also, the German Chancellor Angela Merkel came up with strong criticism (Novostimira, 23.11.2012). Contrary to this, the Polish President Komorowski spoke appreciatively about the election results. He urged the EU to open the way towards the signing of the AA. Latvia's initial reaction sought a middle ground, as well as it “sought to single out some positive elements, for instance, that a broad spectrum of political forces were elected and would be represented in the Verhovna Rada [Ukraine's parliament]” (Interview No. 1, 28.12.2012, PermRep).

Poland yet again took the leading role in pushing for the AA. Latvia supported these efforts. When the Polish President Komorowski visited in Latvia in November 2012, he specifically addressed the issue of Ukraine (Novostimira, 23.11.2012). Both the Polish and the Latvian Presidents issued a common statement, “Agreeing on the need to support the conclusion of the Association Agreement between the EU and Ukraine, helping Ukraine to draw closer to the EU” (Latvijas Valsts Prezidents, 23.11.2012). This shows how the like-minded states used contacts at the highest political level to reinforce their individual positions and to send common signals, thus seeking to influence the EU decisions.

The Ukrainian ambassador in EU Yelisieiev believed that Ukraine has passed the test with the elections and urged: “Let's continue with our EU agenda” (EurActiv, 19.11.2012). Interestingly, without expressly mentioning Germany, he criticized that the largest EU country represented the biggest obstacle by being dependent on its business interests: “Why is gas for certain EU countries much cheaper?” implying that Germany was rewarded by Russia for its tough line on Ukraine (ibid).

Immediately after the October elections, the EEAS put Ukraine on the EU foreign policy agenda to prepare for the November FAC, when the EU foreign

ministers were expected to discuss further policy on Ukraine in light of the election results. In the EU initial debate in the COEST group, Latvia's position seemed to be generally supportive, but at the same time rather vague, continuing its previous 'wait and see' approach. Latvia presented arguments, stressing the need not to isolate Ukraine but rather to bring it closer to the EU. It argued that the AA was the most effective leverage to carry out reforms in Ukraine, and the EU therefore should gradually move closer to signing the AA. Latvia also referred to the conditionality, but the EU conditions should be very clear (Interview No. 30, 23.05.2014, PermRep). Unlike Latvia, a number of other 'maximalist' member states such as Lithuania, Poland, Slovakia and Hungary, were more ambitious. Lithuania argued on the need not only to sign but also to provisionally apply the AA before the Vilnius Eastern Partnership Summit. Their main concern was not to await the long ratification process of the AA in all the 28 EU national parliaments (ibid).

In the EU working formats, Latvia continuously used general argumentation. However, with the December 2012 FAC approaching, which was supposed to make the formal Council Conclusions on Ukraine, member states increasingly begun to apply bargaining, with the 'maximalist' and 'minimalist' groups raising opposite demands.

#### Arguing and Bargaining for Unfreezing the AA Process (Autumn 2012)

The EU internal debate gradually gained intensity. The aim, as defined by the EEAS, was to agree on the EU's approach towards Ukraine after its October elections and to adopt formal Conclusions. In the EU circles meanwhile the new possible date for accomplishing the AA begun to circulate – the Vilnius Summit in November 2013.

The EU initial debate again revealed "opposite interests and various tactics. The division was the same as before: the 'maximalists' – the new member states and the EEAS *versus* the Benelux and France" (Interview No. 1, 28.12.2012, PermRep). This debate showed that member states used various general and expert-based arguments to pursue their preferences. As described by the MFA representative,

*In the November COEST, member states, using a reference to human rights, evaluated the outcome of 28<sup>th</sup> October elections very differently. Poland tried to find positive elements, while the Netherlands and Sweden came up with very tough critical arguments. Latvia argued that the elections were not a surprise, including the high number of violations, but [added that] they were pluralistic, and [that] the opposition is widely represented in the [new] Verhovna Rada (Interview No. 5, 13.01.2013, MFA).*

The ‘minimalists’ insisted that the October elections were worse than expected, that Ukraine needed to fulfil conditionality, and only then it would be possible to think about the dates of the AA signature. Sweden, Finland, Denmark and the Netherlands said that the AA should be delayed until Yanukovich releases political opponents. The Nordic-Dutch group put forward strict criteria for the AA – freedom for Tymoshenko and reform of the judiciary. France and the UK kept a low profile, while Germany seemed to be undecided (Rettman, 05.11.2012). At that point, an interesting approach was applied by Germany. Officially, it was critical of the election outcome, saying that there were no conditions for the signing of the AA (Novostimira, 23.11.2012), but in “EU debate it said the picture was ‘mixed.’ asking to operationalize conditionality to make it achievable” (Interview No. 5, 13.01.2013, MFA). I assess this as the evidence that these opposite camps created arguments to support their specific national preferences.

With the December FAC approaching but no compromise emerging, an important role was undertaken by the EEAS, advocating for unfreezing relations with Ukraine and proceeding with the AA. Arguably, it could not happen without the informal consent of some influential member states, in particular Germany. The EEAS cautiously started to prepare the ground for the member states’ support of the Vilnius timetable. In the EU discussion, Latvia again joined the ‘maximalist’ coalition.

The proportion between the opposing coalitions, as described by one interlocutor, was “50:50, where the ‘sceptics’ – the Benelux countries, France, Spain, Portugal, now supported also by Sweden and Denmark – insisted that they could not return to the issue of signing the AA. The main clash was between Poland and the Benelux. Both sides mobilised their resources” (Interview No. 1, 28.12.2012, PermRep). Latvia, in its bilateral informal contacts with the Netherlands, tried to persuade it on the unfreezing of relations with Ukraine. Riga argued that the AA should be signed until the Vilnius Summit, but the “Dutch colleagues explained that their position was so strong because of their Parliament’s objection” (Interview No. 5, 13.01.2013, MFA).

With the EU debate gaining certain shape, Latvia’s position also became more explicit and concrete, asking for an ‘exit strategy’ from the stalemate and urging the EU to adopt a more strategic approach towards Ukraine. The main arguments that Latvia presented, as described by one interviewee, were as follows:

*We stressed that Ukraine the main country to the Eastern Partnership and therefore the EU should continue its engagement, instead of isolating the country. The EU should move towards signing the AA under the condition that Ukraine fulfil the EU conditionality criteria (Interview No. 3, 15.01.13, MFA).*

Evidently, at this stage Latvia was not among the primary advocates of a European perspective for Ukraine. It used very general arguments. Latvia neither called for a specific time perspective for signing the AA in Vilnius, nor asked for its provisional application of the AA. When a new possible date for finalizing the AA begun to circulate, only a few member states supported this idea. Latvia was not among them. Brussels-based think tanks urged the EU “to think creatively, not simply wait, but apply the AA, and put the pressure on Ukraine in other areas” (see, e.g. Wilson, November 2012).

In the November 2012 FAC, the EU foreign ministers assessed Ukraine’s October elections and the perspectives for signing the AA. The FAC debate revealed again the same previous divide. Only some member states were ready to consider a Ukrainian AA. The ‘maximalists’ called for a more strategic EU approach, insisting that the AA should be signed to avoid pushing Ukraine into Belarus-type isolation (Rettman, 05.11.2012). Latvia called on not rejecting Ukraine and asked to support Ukraine’s Euro-Atlantic aspirations (MFA of Latvia, 21.11.2012). This indicates that while Latvia’s position at that time was rather general, nonetheless it involved the crucial demand on the need to unfreeze the process towards signing the AA.

#### The Use of Various Mechanisms Prior to the December 2012 FAC

Based on the November 2012 FAC informal agreement, the EEAS elaborated the draft Council Conclusions for the next FAC in December. Yet, when the EEAS first draft Conclusions was received in Riga, it was a sort of surprise. While the positive side was that in the document the EEAS had included a possible time of the AA signature during the Vilnius Summit next November To the dissatisfaction of the ‘maximalists’ with the Vilnius timetable was linked to conditionality that was too extensive. One national representative in Brussels believed that this was too much:

*There were 35 different conditions to be met by Ukraine. The rationale behind the EEAS thinking was to ask more with the hope that Ukraine would meet at least a part of them. We were concerned f such unrealistic conditionality (Interview No. 30, 23.05.2014, PermRep).*

This demonstrates that the EEAS in its draft Council Conclusions included important bargaining elements of the eventual package deal, reflecting the preferences of both

opposing coalitions. Thereby the EEAS allowed member states to reach a compromise. The EEAS thus combined the aggregate interests. It was clear that the ‘maximalists’ wanted the EU to offer a generous time perspective for signing the AA, while the ‘minimalists’ insisted on strict conditionality, using this as an excuse for putting the brakes on with regards to Ukraine. What followed was described by an EEAS official as “tough battles: France was against, Lithuania in response said that it would block everything. Latvia did not have strictly fixed instructions from the capital, so it was flexible” (Interview No. 15, 12.07.2013, EEAS).

Within the COEST debate at the beginning of December 2012 the ‘maximalist’ coalition, including Latvia, tried to improve the wording of the Council Conclusions, asking for a ‘more balanced approach’ – conditionality together with the AA signature and its provisional application. The rationale behind this was that the signature of the AA was important, but a provisional application was even more important: the risk was that slow ratification in the national parliaments would delay the process. A speedy application of the AA “was not only [in] Ukraine’s, but also [in] its EU neighbours’ national security interest” (Interview No. 30, 23.05.2014, PermRep).

When the COEST group started discussions on the Council Conclusions in early December, the departure point again was the evaluation of the October parliamentary elections in Ukraine. Yet again the member states viewed the outcome of the elections differently, and Latvia sought to minimize the EU criticism” (Interview No. 3, 15.01.13, MFA). Thereby Latvia’s, as well as the other member states’ opposite evaluation of the same event proves that argumentation was used as a strategic asset. This resonates with what Schimmelfennig (2001) calls the ‘rhetoric action’ that assumes that arguments are used strategically to persuade opponents. In order to achieve positive wording in the Council, the ‘maximalists’ also put the lobbying mechanism into use. Here they apparently worked in a coordinated manner. Lithuania, as the forthcoming EU Presidency, and Poland were the main lobbyists on behalf of the like-minded coalition. They talked to the EEAS, which was overall supportive of signing the AA. However, the EEAS was under substantial constraints: apart from the need to cope with the member states’ divergent preferences, there were also tough inter-institutional battles going on. As described by one interlocutor from the Brussels’ formats, “The problem was that the AA was already put aside for one year, and we needed to update it. In this situation, the EU institutions’ contradictory

interests did not help. The DG Trade was reluctant, saying, as an excuse, that it would take a long time to have ‘legal scraping’ of the AA” (Interview No. 30, 23.05.2014, PermRep).

At this crucial stage, Latvia together with the like-minded coalition used arguing and bargaining to gain support from the ‘minimalists’ on the need to come up with the timetable for the AA signature. As described by a Latvian representative,

*Our ‘red line’ was the signing the Association Agreement until the Vilnius Summit. It was included in the 10 December 2012 Council Conclusions, despite the fact that there were too many EU conditions to be fulfilled to reach this aim (Interview No. 3, 13.01.2013, MFA).*

This provides evidence that at this late EU foreign policy-making stage, with pressing deadlines ahead, bargaining produced a deal between opposite groupings. Importantly, the dominant role was adopted by Germany, who joined in supporting the Vilnius timetable. Some sources reported that Chancellor Merkel – who promised to get Tymoshenko out of prison – was less happy to support this than her Foreign Minister Westerwelle. But Germany’s decisive step improved chances for getting a new target date for the AA. Indeed, Germany was a key player for the favourable outcome of the December 2012 FAC Conclusions, as indicated by a Latvian representative,

*Germany joined the like-minded coalition at a very late stage. But it did join it, and thus helped us to reach the favourable outcome (Interview No. 3, 13.01.2013, MFA).*

Behind such a shift on the part of Germany seemed to be an important deal with France. One of the interviewees observed that, “At the official meetings, Germany sympathised with France, but behind the scenes its representatives indicated to their support for the ‘maximalists.’ Germany quite obviously gained consent from France – at the very last minute before the December FAC, as it offered some minor changes in the draft Council Conclusions, which were acceptable to France. Germany still demanded an unambiguous text on conditionality, but this became acceptable for the ‘maximalists.’ This was a big shock for the French allies, first, for the Benelux group (Interview No. 30, 23.05.2014, PermRep). For this reason, at the very last minute the “Benelux group unexpectedly broke the silence procedure. The COEST had to return to the discussion” (Interview No. 5, 13.01.2013, MFA).

Throughout the intense bargaining process on the December Council Conclusions, Latvia only pursued its ‘red line’ regarding the signing of the AA in Vilnius. According to a Latvian representative:

*We were not in an extreme position, and we had only a “red line” in the 6th Paragraph of the Conclusions [“The Council reaffirms its commitment to the signing of the already initialled AA, as soon as the Ukrainian authorities demonstrate determined action and tangible progress in the three areas, possibly by the time of the Eastern Partnership Summit in Vilnius”] (Interview No. 5, 13.01.2013, MFA).*

Thereby Latvia supported the coalition and its frontrunner Poland: “Poland was in a fighting position. But together we all contributed as a group – we achieved what we asked in the December 2012 Conclusions” (Interview No. 5, 13.01.2013, MFA). After the tough debate, Latvia compromised along with the rest of the coalition. This is a visible example of the cooperative bargaining in EU foreign policy-making:

*Latvia similarly to others had to be flexible and adjust. We compromised. We agreed that our preferred language/‘red line’ on signing the AA until the Vilnius Summit in November is added to the Benelux request on conditionality – even if conditions were too many and difficult for Ukraine to fulfil (Interview No. 3, 13.01.2013).*

Because of the intense cooperative bargaining process, the December 2012 FAC adopted the formal Council Conclusions on Ukraine. The agreed text represented a ‘package-deal’ between the ‘maximalist’ and ‘minimalist’ groups. Altogether, the Conclusions were a compromise, yet they seemed to be ambiguous: on the one hand, the document declared that the October elections ‘constituted deterioration,’ but on the other hand, it offered a new target date for the AA process.

This provides evidence that at the late stage a very concrete bargaining deal facilitated the member states’ compromise. The ‘maximalists’ agreed to tough conditionality for Ukraine, and the ‘minimalists’ regarding the Vilnius timetable. Furthermore, this provides evidence that bargaining in its cooperative form is an important uploading mechanism in EU foreign policy-making. Apparently, no one was fully satisfied. The ‘maximalists’ were not happy about the conditionality, “But at least it was some way out of the stalemate” (Interview No. 30, 23.05.2014, PermRep). Furthermore, the EU compromise reached was possible due to the German decision to support the Vilnius timetable. Without its support, the Council Conclusions would not have been possible (Interview No. 1, 28.12.2012, PermRep). This is evidence that in such a conflicting bargaining situation, a big member state’s support is crucial.

By providing the time perspective for signing the AA, the EU sent a strong signal to Ukraine on its readiness to unfreeze relations. Ukrainians welcomed this EU step. At the same time, EU leaders hesitated to arrange the annual EU-Ukraine Summit to unfreeze contacts with Yanukovich. A turning point here seemed to be Yanukovich's decision to cancel, at the very last minute, his visit to Moscow, where he was due to talk with Putin on Ukraine joining the Customs Union. In light of this Yanukovich's choice, the EU responded by inviting him to Brussels. The proposed date of the Summit was 25 February 2013. This became a new target for the 'maximalists' to push further for the AA signature.

#### ***5.5.5.2. The Second Stage (January 2013 – November 2013)***

##### New Dynamics in the EU – Ukraine-Russia 'Triangle'

In 2013, in the words of the Ukrainian ambassador to the EU Yeliseiev, "Ukraine entered the year, which will decide the fate of the Association Agreement. This has been debated in kitchens and at the highest political level" (Yeliseiev, Ukraine's Mission to the EU, 07.01.2013). He contrasted the AA with the Russian-led Customs Union that may "grant Ukraine only short-term dividends in exchange for the loss of sovereignty" (ibid).

Among the EU partners, there was an increasing awareness of Ukraine's tough choice. Putin's bargaining offer to Yanukovich was the lowering of gas prices for Ukraine in exchange of it joining the Customs Union. The EU made it clear that the Customs Union was incompatible with the AA. In January 2013, the EU leaders tried to put more efforts to find a more flexible position towards Ukraine, while acknowledging the risks involved. Some countries were especially concerned about the Russian pressure, and that Kyiv eventually would sign the agreement with Russia instead (Varfolomeyeva, 16.01.2013). Among them, the most concerned were the ex-Soviet republics.

In this increasingly complex situation, Ukraine's supporters in the EU pushed further for their preferences. Equipped with the Council Conclusions commitment on the Vilnius timetable, they sought using arguing as a 'rhetoric entrapment.' Here 'rhetoric entrapment' involved demands to other member states to stick to the already agreed EU 'language.' At the same time, given the agreed language on a strong conditionality to Ukraine, it was essential to push Ukrainians to complete their

‘homework.’ An important mechanism here was the use of elite mediation, sending common messages to the Ukrainian political elite.

Important support came from the EU Commission and the EEAS, with both becoming more and more engaged. After the political agreement was reached to prepare for the Vilnius Summit everyone started working (Interview 28, 30.03.2014, EM). The EU Commission signalled that 2013 would be a turning point and encouraged Ukraine to address its shortcomings. Important support came from the forthcoming Lithuanian EU Presidency: “The Irish EU Presidency (first half of 2013) was not interested in the Eastern Partnership – it allowed Lithuania as the next Presidency to take responsibility for the Ukrainian dossier. Lithuania worked closely with the EEAS. They elaborated a precise timetable before the Vilnius Summit to ensure that the process is smooth” (Interview No. 30, 23.05.2014, PermRep).

#### Presenting Arguments Prior to the February 2013 European Council

As the next step, the ‘maximalists,’ including Latvia, pushed for even more ambitious EU commitments at the top level, the European Council, which were adopted in February 2013. Prior to this there were some attempts to persuade ‘minimalists’ to have a more strategic EU approach on Ukraine. For instance, in early 2013 the AA was discussed during the informal consultations of the Nordic and Baltic (NB8) and the Visegrad group (V4). This consultation format involved both ‘maximalists’ and ‘minimalists’ with different perceptions on the preferable EU approach on Ukraine. Latvia, together with Poland, Lithuania and Estonia, tried to persuade the opposite side that, “if the EU would lose Ukraine, it would lose the Eastern Partnership. The EU should be very precise with conditionality for Ukraine,” whereas Denmark from the opposite side insisted that the EU should avoid setting artificial timetables for the signature of the AA (Interview No. 3, 13.01.2013, MFA). Obviously, the previous divide among the member states had not diminished, despite the achieved compromise in the December 2012 FAC. This can be interpreted as evidence that the EU policy-making on the AA was not a ‘genuine truth seeking exercise’ where states act according to the ‘logic of appropriateness’ but rather as a strategic action, driven by the ‘logic of consequences.’

Prior to the February 2013 European Council meeting Ukraine again appeared on the EU working parties’ agenda. The ‘maximalists’ wanted to use this opportunity to send stronger and more ambitious signals to Ukraine. Poland proposed the draft

formulation on Ukraine, supported by other like-minded states, including Latvia. The ‘maximalists’ wanted to go a step further than the December 2012 FAC. In the preparatory EU debates for the European Council meeting, Poland and Lithuania asked the European Council to assure not only signing, but also provisional application of the AA. Hungary, Romania, Slovakia supported this. Latvia was less ambitious: while it asked to proceed with the AA signature, it did not push for its provisional application. Germany kept silence this time. Without Germany’s support, it was not possible to upload their preferences. The Commission rejected suggestions of the ‘maximalists,’ because “provisional application of the AA would be possible only after it is signed, but this should be decided separately by member states” (Interview No. 30, 23.05.2014, PermRep). Apparently, there was strong resistance from some big member states. Therefore, the European Council Conclusions only reiterated the FAC commitment of December 2012. This reaffirms that the big member states’ support was crucial not only for Latvia, but for the like-minded coalition as a whole. Without strong backing from Germany the ‘maximalists’ could not successfully upload their preferences.

#### Presenting Arguments in the EU Debate for the February 2013 EU-Ukraine Summit

The next time when member states discussed the AA was prior to the EU-Ukraine Summit on 25 February 2013. The COREPER ambassadors’ discussion again revealed that member states were far from ‘genuine truth seeking’ as it would have been expected from the sociological institutionalism perspective. The divide over preferences remained the same. Latvia asked the EU negotiators in the Summit to reassure the Ukrainian side of the EU’s readiness to sign the AA, if it showed a tangible progress. Latvia argued that the AA was necessary “for consolidating Ukraine’s geopolitical choice in favour of Europe and because of Russia’s increasing pressure on Ukraine” (Interview No. 30, 23.05.2014, PermRep). Latvia’s reference to pressure from Russia, at least in my interpretation, indicates that its national preferences in support for the AA signature were indeed based on the ‘first order’ security concerns related to its geographical proximity to Russia.

The EU–Ukraine Summit produced an important breakthrough. It marked the unfreezing of the process towards completing the AA. Both parties at the highest political level reaffirmed their commitment to the AA “as soon as Ukraine’s tangible progress is demonstrated in the three areas emphasized by the EU, possibly by the

time of the Vilnius Summit” (EU-Ukraine Summit, 25.02.2013). Both sides also set the most urgent deadlines – “progress by early May 2013” (ibid). From the Ukrainian side, President Yanukovych declared that the AA was a priority for Ukraine. He promised that soon Ukraine would show some progress. May 2013 was crucial because then the Commission had to formally approve the AA to be able to pass through the bureaucratic process until November. Then the member states would give the Commission a mandate to sign the AA in the Vilnius Summit in November.

### Mediation Efforts in Kyiv in Spring 2013

Despite the re-established mutual confidence among the EU and Ukrainian leaders, Yanukovych immediately returned to Moscow. On 4 March, he met Putin in Moscow. The main topic was the Customs Union. Putin promised that: ‘if Ukraine joins the Customs Union its GDP will increase between 1.5 to 6.5%.’ Yanukovych resisted, offering to join the Union as an observer instead (RiaNovosti, 05.03.2013).

In light of Russia’s increasing pressure, the ‘maximalists’ put further efforts into achieving their preferable outcome at the Vilnius Summit. This involved working with Kyiv. Given the tough conditionality, the idea was to put pressure on Ukraine for it to meet the EU conditions and in this way seeking ways to win the battle with the sceptical member states. Here the ‘maximalists’ put the ‘elite mediation’ into use, which was crucial because all the decisions in Ukraine were in the hands of Yanukovych. This type of mediation involved an intensive exchange of visits between Kyiv and the EU capitals, preparing the ground for signing of the AA. In March, the Polish ex-president Kwasniewski met Yanukovych, emphasizing that Vilnius could become a breakthrough. Yanukovych assured that systemic reforms were under way.

Likewise, Latvia used the visit of the President Bērziņš to Kyiv for mediation. On 14 March 2013, Bērziņš visited Kyiv where he “fully supported Ukraine’s aspirations for [European] integration.” At the same time, Bērziņš expressed Latvia’s concerns about Ukraine’s selective justice and offered its “counsel and assistance in bringing Ukraine’s laws into line with European standards.” Yanukovych praised Latvia as a “partner of Ukraine that supports it on the path to European integration (Interfax-Ukraine, 14.03.2013). He expressed his hope that the AA would be signed in Vilnius (ibid). In this way, Latvia sought to mediate the EU commitments and conditionality with the Ukrainian political decision takers.

As somewhat of a relief, Ukrainian political leaders made some political steps that allowed its supporters in the EU to advocate further for the AA. In March 2013, the EU institutions could inform about some positive developments in Kyiv, i.e. Yanukovich's decision of 12 March 2013 'On Urgent Measures on European Integration of Ukraine.' Also, debates in the European Parliament on Ukraine were surprisingly positive. The EP promised that it would do everything to support the signing of the AA in Vilnius. In spring, Latvia together with other like-minded countries pushed for a more flexible EU approach. Especially given the worrying signals on increasing Russia's pressure towards Ukraine, it was important to use this window of opportunity when the Vilnius timetable seemed feasible.

#### Latvia's Low Profile in the EU Debate on Provisional Application of the AA

Given Ukraine's commitments at the highest political level regarding conditionality, the EU working parties began to discuss the provisional application of the AA in the spring of 2013. This was a notable achievement of the 'maximalists,' who had long pushed for the AA provisional application. Finally, the EEAS and the Commission put forward the long awaited proposal for the member states' "unanimous agreement" (COM (2013) 289). This was discussed in the COEST group.

From the outset, the provisional application of the AA seemed to be a purely technical debate. However, the COEST discussion revealed the same old split among 'maximalists' and 'minimalists,' this time demonstrating that member states can use various technical and expertise-based arguments to influence the speed of the EU policy-making process. The main battle was about which parts of the AA could be applied immediately, without ratification in national parliaments. As described by a Latvian representative in the EU, "a number of 'minimalist' states became more and more vocal, using this opportunity to hinder the process at the Vilnius Summit. France behaved in a 'marvellous way' – it was very quick and worked really hard. Germany asked for a balanced provisional application of the AA. It asked to apply not only the trade (DCFTA), but also the political part, related to the common values. Poland, Lithuania and other 'maximalist' countries favoured the trade part only. The UK was especially reluctant and asked for extra time for domestic procedures. Also, Sweden said it wanted to include human rights in the provisional application of the AA (Interview No. 30, 23.05.2014, PermRep).

This debate became yet another headache for the ‘maximalists.’ They apparently were not ready for such refined methods as the use of legal and technical justifications to delay the process. The ‘maximalists,’ including Latvia, did not have detailed arguments to justify their support for swift signature of the AA. They utilized mainly general arguing, but in this type of technical discussion, it was inefficient. Poland stressed that time is an important factor otherwise it would not be possible to finalize the AA until Vilnius. Lithuania also called for hurrying up. Support came from the EEAS, which urged member states to behave rationally and not to delay the process (Interview No. 30, 23.05.2014, PermRep). Yet, in April 2013, there were no signs of a possible compromise. The Latvian representative was extremely pessimistic:

*At least at the COEST level, consensus on the provisional application of the AA seemed to be too far away, and there was a feeling of deadlock ((Interview No. 30, 23.05.2014, PermRep).*

From the EU side, the main negotiator with Ukraine was the Commission, while the member states discussed only politically sensitive issues. For instance, the COEST group focused on the AA preamble, including a reference to Ukraine’s EU membership perspective. In these discussions, a common problem was the lack of proper homework done in the capitals, not only in Latvia, as noticed by an EEAS official, who described this situation as confusing:

*It is a paradox that although we now intensively discuss the AA, many experts in the capitals have not read these 1150 pages of the AA text. There seems to be a lot of weakness at home. Often the national representatives simply send the report from the COEST meeting to the capital, written too vaguely, and then ask for guidance (Interview No. 15, 12.07.2013, EEAS).*

Evidently, Latvia took a rather relaxed approach regarding the substance of the AA, relying on the work of EU institutions. In difference from the previous two sub-case studies, in EU policy-making on the AA Latvia relied on the expertise of the Commission and the EEAS, without double-checking the EU institutions’ activities in Kyiv, despite having its own diplomatic representation there (Interview No. 27, 20.03.2014, MFA). Without specific domestic concerns on the AA, Latvia did not invest its resources in extra uploading activities.

At that time, important support came from the Commission. Despite the lack of member states’ full support, on 15 May 2013 the Commission adopted its proposal for the Council Decision on the signing and provisional application of the AA. This was a substantial precondition in order to technically move ahead with the preparatory

arrangements. The Commission issued assurances that the AA would represent a “historic breakthrough in EU-Ukraine relations,” while reminding that signing it remained conditional on Ukraine’s progress (European Commission, Press Release, 15.05.2013).

Despite such backing from the Commission, the COEST group continued the previous intense debates, which took place every week. At one point, the battle with the sceptical member states was taken over by EU institutions – the EEAS and the Commission, especially its Legal Service. Also Lithuania as the incoming EU Presidency pro-actively engaged in the process. It made additional efforts to reach a consensus on the AA signature and provisional application. Lithuanians contacted “sensitive countries to make them feel comfortable with the AA.” In the end, these efforts started to yield positive results: “In summer, all the member states apart from the UK had agreed. The UK was a real problem; there were rumours about on-going negotiations of the British Petroleum deals, and why its government was ‘arrested’ in these deals” (Interview No. 30, 23.05.2014, PermRep).

Despite objections from some member states, gradually the EU moved closer to finishing preparations to enable the signing of the AA. Evidently, at this stage Latvia did not use specific uploading efforts through its formal interventions in the EU debate. Latvia lacked legal expertise at home, and there was no truly pressing demand from Riga. It was crucial that the EU institutions now engaged in the process began to play the central role in facilitating the ‘maximalists’ uploading efforts.

#### Russia’s Increasing Pressure and Germany’s Pro-active Engagement

Overall, in spring 2013 in Brussels and Kyiv there was an on-going active technical preparatory work accompanied by Ukraine’s demonstrated political willingness to meet the EU commitments. This increased the certainty that the AA could be signed in Vilnius. In this situation, Moscow’s pressure on Yanukovich only increased. On 27 May, Yanukovich urgently travelled to Sochi after Putin’s invitation. Russia had recently intensified its pressure, threatening trade restrictions, if Ukraine were to sign the AA (KievUkraineNewsBlog, 27.05.2013). Subsequently, after some communication between Yanukovich and Putin, on 31 May Ukraine finally signed the memorandum on deepening cooperation with the Russia-led Customs Union. This secret move by Yanukovich triggered disappointment in Brussels and increased

worries about Ukraine's rapprochement with Russia, despite that it had a real chance to sign the AA in the Vilnius Eastern Partnership Summit.

With these unfavourable developments, the 'maximalists' increased the efforts to reach a positive outcome at the Vilnius Summit. At this point, crucial support came again from Germany, led by the Foreign Minister Westerwelle, who played an active role in mediating EU conditionality with Ukraine. Germany had seemingly changed its initial position. This indicated Germany's increasingly strategic and flexible EU approach towards making the AA a success, while at the same time satisfying the 'conditionality criteria' – the release of Tymoshenko. Prior to the June 2013 FAC, Westerwelle visited Kyiv, where he praised Ukraine for making progress, and in July, he welcomed Ukraine's foreign minister Kozhara in Berlin. A month later, the Vice-prime minister Arbutov visited Berlin, calling Germany to say its 'weighty word' in favour of the AA. Westerwelle made assurances that Germany had a strategic interest in Ukraine's EU development, and said it appreciated the efforts of Ukraine towards meeting the conditions (Federal Foreign Office, 30.07.2013).

Thereby for the first time the leading role among the western countries supporting Ukraine was not the US or Poland, but Germany, which "acted as the principal supporter of the AA," with its actions "fitting into the overall trend towards cooling Russian-German relations" (The Voice of Russia, 21.02.2014). Thereby the AA signature and Ukraine as such became a part of a bigger game not only among member states, but also between Germany and Russia.

#### Latvia Presenting Arguments: June 2013 FAC

At the June 2013 FAC, the EU ministers again discussed Ukraine. As described by the national representative in the EU, in overall everyone reiterated the well-known positions. Germany informed that Westerwelle was in Kyiv and expressed his readiness to help with Tymoshenko's treatment. Sweden, the Netherlands and the UK continuously asked for a comprehensive evaluation of Ukraine's performance on all EU conditions, not only the release of Tymoshenko. France said that the performance of the whole system in Ukraine is important. The UK repeated the same question – does the EU have a plan B? The impression was that the UK was preparing for the negative case scenario – non-signing of the AA (Interview No. 15, 13.07.2013, PermRep). Latvia only reiterated its previous position, stressing that it would be important to sign the AA in Vilnius, provided that Ukraine meets conditions (MFA of

Latvia, 24.06.2013). After the FAC Poland came out with a tough warning: the process was ‘clearly at risk,’ according to its Foreign Minister Sikorski, urging Ukraine to speed up meeting the EU’s conditions by the end of the summer and not to wait until the very last moment (EurActiv, 26.06.2013).

The question was about the EU conditionality and opening up for a more flexible approach. The conditionality issue involved the possibility for a broader interpretation, allowing for specific preferences. Some member states argued in favour of signing the AA, despite the unresolved Tymoshenko’s case. Support also came from the European Parliament President Schulz, who argued that “the EU should not drop a dialogue with Ukraine due to the case of Tymoshenko” (KyivPost, 28.06.2013). The conditionality principle compelled member states to make a political decision on whether Ukraine had satisfied the conditions for signing the AA (Sherr, July 2013).

#### Russia’s “Trade War” and the EU Reaction

It became quite possible that the AA might be the ‘success story’ of the Vilnius Summit. This motivated Russia to tighten the pressure on Ukraine. On July 27, Putin went to Ukraine to join a celebration of the christening of the Kievan Rus. However, not receiving any positive signals from Yanukovich on Ukraine joining the Customs Union, Putin then launched a full-fledged trade war, blocking Ukrainian imports of agricultural products; in this situation, neither the International Monetary Fund nor the EU was ready to help Ukraine financially (Åslund, 21.08.2013). The EU reacted only with its political support for Ukraine.

Commissioner Füle criticized Russia and said that any pressure on Ukraine related to the AA was not acceptable. On 12 September, the European Parliament adopted a resolution regarding Russia’s trade war against Ukraine’s exports. The EP called on the Commission to take action in defence of EU partners (The European Parliament Resolution, 2013/2826 (RSP)). Also, in September, the EU foreign ministers warned Russia not to pressure neighbours seeking closer ties with the EU. Yanukovich assured the EU that Ukraine’s course to European integration was beyond doubt despite Russia’s pressure. On September 5, the Verhovna Rada passed the first package of the EU demanded reforms. On 18 September, the Ukrainian government officially approved the AA draft, which its Prime Minister Azarov called a historic step (RFE/RL, 18.09.2013). Soon thereafter Westerwelle was in Kyiv,

assuring Yanukovich that Germany “is working to eliminate the last barriers on the road to summit in Vilnius,” while Yanukovich confirmed that Verhovna Rada is working on the adoption of the necessary legislative proposals (Ukrinfo, 10.11.2013).

In parallel, Ukraine’s supporters in the EU put additional efforts to achieve the signature of the AA in Vilnius. Latvia, being concerned about Russia’s pressure on Ukraine, came up with public statements that praised Ukraine’s progress in meeting EU conditions and condemning Russia’s extraordinary pressure. Yet, there were signs that Yanukovich began to surrender. When the Latvian representatives met Ukrainians in summer 2013, they indicated that despite Ukraine’s EU choice Kyiv began working on favourable conditions in cooperation with Russia. This was a clear sign that for Ukraine, in its poor economic situation, it was difficult to resist Moscow’s pressure (Interview No. 30, 23.05.2014, PermRep).

Given the tricky issue of EU conditionality and its various interpretations, Latvia continued to use positive public rhetoric to support Ukraine, praising its reform progress. On 2 October 2013, during Ukraine’s Foreign Minister Kozhara visit in Riga, Rinkēvičs appreciated Ukraine’s “good progress towards the benchmarks formulated by the EU, which brings Ukraine closer to signing the AA.” Kozhara expressed certainty that Ukraine would make every effort to enable the signing of AA in Vilnius (MFA of Latvia, 03.10.2013). For his part, Kozhara called on the EU to look beyond the Tymoshenko case: “It is even more important that the relationship between 46 million Ukrainian nationals and 500 million European nationals should not depend on a single criminal case.” (EUbusiness, 02.10.2013). Another issue stressed by Rinkēvičs was that any pressure from a third party threatening with the trade sanctions was not acceptable (Puaro, 02.11.2013).

#### October 2013 FAC – No Consensus on the Council Conclusions on the AA

As mentioned above, conditionality for signature of the AA was the trickiest issue and involved a risk of political manipulation. This split even Ukraine’s supporters. The EU foreign ministers had to adopt the formal Council Conclusions, giving the Commission a mandate to sign the AA in Vilnius. The draft Conclusions were already prepared for the October FAC, as informed by the interviewee. Nonetheless, the European Parliament reporters Cox-Kwasniewski mission made a great mistake, “spoiling everything:” they had to report before the FAC, but they unexpectedly gave a very negative evaluation, which prevented the FAC from agreeing already in

October (Interview No. 30, 23.05.2014, PermRep). The problem was that EU conditionality was operationalized into six bills to be adopted by the Verhovna Rada. In October, the Cox-Kwasniewski mission returned to Kyiv and came back with an extremely negative report. The suspicion was that they were jealous of Westerwelle, who did a parallel job. Initially, Cox-Kwasniewski mission asked Ukrainians the same conditions as Westerwelle – the six legislative proposals adopted by the Verhovna Rada (partial release and pardon of Tymoshenko), but later it asked for more. Thus, the mission became a part of the problem. One interlocutor speculated that, “Poland wanted that Vilnius is no more than the Warsaw Eastern Partnership summit in terms of the progress with the AA with Ukraine” (ibid).

As a result, the opportunity of reaching an agreement in the October 2013 FAC was missed. The EU agreement on the signing and provisional application of the AA was postponed until November. The Latvian Foreign Minister remained upbeat, expressed satisfaction with Ukraine’s progress, while stressing that real progress at the Vilnius Summit was anticipated (NRA, 21.10.2013). This shows that Latvia, together with the like-minded countries, made additional efforts regarding the highly politicized EU conditionality criteria. However, in Ukraine all the six necessary legislative proposals were still waiting for approval.

#### Yanukovich’s U-Turn

With Moscow’s pressure on Ukraine increasing, while the EU was demanding the release of Tymoshenko, Yanukovich manoeuvred back and forth. Several developments began to indicate that he might take a U-turn. Shortly before the EU’s expected legislative proposals in the Verhovna Rada were to be passed, Yanukovich visited Putin. On 27 October, they discussed ‘urgent topics.’ On 9 November, Yanukovich again met Putin. After these meetings, the Verhovna Rada, dominated by pro-Yanukovich deputies, suddenly postponed voting on the six legislative proposals. On 13 November 2013, the Verhovna Rada did not pass the expected legislative proposal on the release of Tymoshenko for treatment abroad. The next session was held on 19 November – a day after the November FAC, which was supposed to agree on signing the AA.

The problem in Brussels formats seemed to be that the member states did not know much about what was happening on the ground in Kyiv. Germany was the first country to start warning that there were negative signals. Furthermore, as observed by

an interviewee, “Ukraine’s ambassador to the EU Yeliseev, also the adviser of Yanukovych, in the autumn suddenly became very pessimistic and passive, and he started to signal that maybe Ukraine and the EU could sign the AA in Vilnius, but postpone its provisional application” (Interview No. 30, 23.05.2014, PermRep). In addition, “we got news that the Putin – Yanukovych 9 November meeting in Yalta/Sochi took five hours – “one can only guess what Russia was doing at the time. Commissioner Füle went to Kyiv on 14 November to try to push for Westwelle’s solution. He believed that the Ukraine’s Foreign Minister was better” (ibid).

The Verhovna Rada postponed voting until 19 November – a day after the November FAC meeting. In this situation, the 18 November FAC could not take a final decision whether to proceed with the AA signature or not. The HR Ashton stressed that the Tymoshenko case needed to be addressed. Lithuania, the EU Presidency, insisted that “Ukraine has already moved on very important segments [...], and the Commission has provided quite a positive assessment, so this is good news.” Westwelle warned that the time was slowly running out: “Last-minute moves are not reasonable, they are extremely risky.” Consequently, EU ministers agreed that “it is now up to Ukraine to act, they have to decide if they want to belong to Europe or to Russia.” From its side, Latvia called Ukraine “to do everything necessary to be able to sign the AA at the Vilnius summit;” Rinkēvičs encouraged the EU to continue supporting Ukraine economically, but described the Russian pressure on the Eastern Partnership countries as ‘unacceptable’ (19.11.2013, Baltic Times).

After the November 2013 FAC member states engaged in the last set of mediating efforts. Sikorski and Bildt travelled to Kyiv to review possible further developments. On 19 November Sikorski stated that the EU was doing all it could to ensure the signing of the Agreement. Sikorski hinted at Poland’s flexible approach – instead of discussions on the fulfilment of conditions, Poland wanted to focus on helping Ukraine to resolve economic problems and implement the AA (Ukrinform, 19.11.2013). On 19 November, the Head of the EU delegation in Ukraine, Tombinski, send signals that “the EU is very positive about signing the AA in Vilnius,” and that “Brussels is doing everything to reach the final agreement.” On 20 November, the Commissioner Füle encouraged the Verhovna Rada to adopt the remaining legislative pieces.

These very last attempts were interrupted by Yanukovych’s decision. On 21 November, the Verhovna Rada rejected all of the six legislative proposals, refusing to

allow Tymoshenko to go abroad. The same day the Ukrainian government announced a suspension of the signing of the AA in Vilnius. The decision was said to have been taken for the ‘reasons of national security,’ as well as the need to reverse its declining trade with Russia. Ukraine’s government announced returning to the dialogue with Russia on the Customs Union. In a reaction to the statement, on 22 November the HR Ashton expressed the EU’s disappointment with Ukraine’s decision. The HR saw this as a disappointment also for the people of Ukraine:

*We believe that the future of Ukraine lies in a strong relationship with the EU and we stand firm in our commitment to the people of Ukraine (EEAS; 22.11.2013).*

This is evidence that at the final stage the EU side despite all its controversies reached a compromise and came up with a unified message to the Ukrainian society, not allowing Yanukovich again blame the EU for the failure with signing the AA.

It should be noted that Yanukovich’s withdrawal from the AA became a historical turning point – it provoked the so-called ‘Euromaidan’, demanding Ukraine’s closer integration with the EU and the consequent Russian aggression on Ukraine. In May 2014, a new Ukrainian President was elected. These political changes in Ukraine, as well as Russia’s military intervention in the country, led the EU to act more strategically towards its Eastern neighbours. The EU-Ukraine AA was signed on 27 June 2014 at the highest political level. The signature of the AA was welcomed by Latvia: “The AA with Ukraine is forming a new phase in relations with the EU, creating new opportunities to deepen already close and intense relationships” (MFA of Latvia, 30.06.2014). On 14 July 2014, the Latvian Saeima ratified the AA. A few days later, the Ukrainian President Poroshenko praised Latvia’s speedy ratification of the AA: “These days in Ukraine’s history are of critical significance, and at this moment we highly value the support and solidarity of Ukraine’s fiends in Europe” (MFA Latvia, 16.07. 2014).

Nonetheless, this trumpeting was too early. The situation returned to the point zero, when on 12 September 2014, Ukraine and the EU (Commissioner de Gutch) agreed to delay the DCFTA from entering into force, which is the strategic part of the AA, “due to Russian concerns” (Rettman, 12.09.2014). This confirms that indeed “the EU policy towards Ukraine has been related to the broader geopolitical context” (FT, 23.02.2014), where for Russia, keeping influence over Ukraine has been almost an existential imperative, whereas for the EU Ukraine is lower priority.

### 5.5.7. Conclusions

This chapter explored the ways in which Latvia could influence EU policy-making on the EU-Ukraine Association Agreement. It is suggested that this sub-case, despite the officially stated high political priority represented low preference intensity for Latvia. Although Latvia was able to only partly project its national preference to EU foreign policy, it succeeded in that the EU after a long delay came up with a unified position supporting the AA signature ahead of the Vilnius Eastern Partnership Summit. Latvia could influence the outcome under conditions of favourable EU institutional environment – the preference convergence with other member states, allowing for acting together as a group of like-minded countries.

The findings of this sub-case showed that in a situation of low preference intensity Latvia employed only a few of the hypothesized uploading mechanisms. The main mechanisms were joining the like-minded coalition, presenting arguments and cooperative bargaining. As there was no need for a well-elaborated national position for arguing or bargaining, Latvia did not use the mechanism of bolstering domestic uploading capacity. Likewise, it did not actively employ consultations with other member states and lobbying EU institutions. It relied on formal interventions in EU working parties by presenting general arguments, similar to those of like-minded member states with higher intensity of preferences – Poland and Lithuania. Thus, Latvia's individual interaction reinforced coalition's common uploading efforts.

Thus, the sub-case study confirms that Latvia could principally rely on the arguing mechanism. Without strong domestic pressure and given the favourable institutional environment, i.e. the Germany's similar position with no risks of losing out in the negotiation outcome the national representatives could rely on the arguing mechanism with no need to use the bargaining mechanism. Regarding the conditions under which Latvia was able to exert influence, a big member state's interaction was decisive in the sense that "Germany joined the like-minded coalition, helping to reach the favourable outcome (Interview No. 3, 13.01.2013, MFA). This allows for us arguing that big member states indeed matter for smaller states' uploading.

However, not only endogenous but also exogenous factors influenced the development of the EU common position on the AA. Russia's increasing pressure on Ukraine in 2013 framed the EU debate, stimulating the EU to shift towards a more strategic approach.

To conclude, the findings show that a member state's preference projection is driven by the intensity of national preference. The lower the intensity, the less uploading mechanisms tend to be used by a member state. Thereby the preference projection is driven by strategic considerations in pursuit of those preferences. Furthermore, EU foreign policy-making matters for preference projection. Despite the increasing role of the Brussels-based institutions in EU foreign policy-making, the constellation of other member states' preferences, in particular, the big ones, are of crucial importance. They largely determine the uploading possibilities of the smaller member states.

## 6. CONCLUSIONS

By exploring Latvia's uploading efforts in EU foreign policy, this study engaged in a growing body of research on Europeanization in foreign policy and, in particular, to its uploading dimension, which deals with a member state's influence on the EU level. By building on the concept of Europeanization, rational choice institutionalism, the scholarship on decision-making in EU Council, and on smaller state's influence in the EU, this study explored the role of individual member states in developing EU foreign policy. This general interest was translated into two research questions:

- 1) *1) Given its intensely held preferences, how can a member state influence EU foreign policy-making and its outcome?*
- 2) *2) In what ways can a member state project its preferences into EU foreign policy, in situations where member states have conflicting interests?*

The argument was that a member state can influence EU foreign policy-making and outcome through six mechanisms: (1) presenting arguments, (2) cooperative bargaining, (3) contacting other member states, (4) using coalitions, (5) lobbying the EU institutions, and (6) bolstering the domestic uploading capacity<sup>17</sup>.

In answering the research questions, the study used Latvia's uploading efforts in the EU's policy towards its Eastern neighbours within the three sub-cases. It identified Latvia's national preference intensity and influence on the outcome, and then traced whether and which of the hypothesized six uploading mechanisms were involved.

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<sup>17</sup> This mechanism is different from the previous five. EU policy-making can be described as 'continuous negotiation,' where the first five mechanisms concern negotiating techniques, whereas the last of them make the others effective, influencing the outcome indirectly.

## 6.1. Case I: The EU Sanctions on Belarus (2011-2012)

This sub-case analysed how Latvia projected its national preference by strongly objecting to EU economic sanctions on Belarus. Latvia had intensely held preferences in this sub-case due to its geographic proximity, intense cross-border trade and economic interdependency with Belarus.

Influence on the outcome. The analysis proved a correlation between Latvia's national preferences and their reflection in EU decision outcome. While Latvia was not able to fully upload its preferences, i.e. to halt EU economic restrictive measures against Belarus, it ensured that its main preferences were respected; i.e., its economic interests did not suffer, and most of Latvia's concerns were taken into account. The results illustrate that influence means the Europeanization of the national foreign policy, in order to prevent unacceptable EU proposals. This resonates with the previous findings that uploading can be a 'proactive strategy to manage the EU-level constraints' (Müller 2011:20) and to avoid the EU decisions that conflict with member state's national interests (Miskimmon 2007).

Uploading mechanisms. In this sub-case Latvia used all the hypothesized uploading mechanisms except building or joining a coalition. Given EU foreign policy-making environment, when influential member states pushed for the EU sanctions, Latvia became isolated and could not rely on common uploading efforts of coalition partners. This sub-case thereby most clearly revealed that utilization of all the available hypothesized mechanisms facilitated uploading. Especially, cooperative bargaining turned out to be an efficient mechanism. Likewise, it was of critical importance to bolster the domestic uploading capacity to ensure additional weight. Lobbying EU institutions was essential to signal where during the drafting stage of policy proposals lay the Latvian 'red lines.' Most important was to, contact the influential and interested member states which proved to be indispensable.

This sub-case analysis enables us to argue that a member state in a situation of conflicting interests can better realize its preferences by using cooperative bargaining. Evidently, during the policy-making process Latvia decisively shifted from arguing towards bargaining. Presenting general arguments did not help in its uploading efforts since Latvia's arguments did not resonate with the audience any more. Furthermore, the results indicate that with regards to bargaining, its cooperative form is indeed more common as it was in the case of Latvia.

Apart from cooperative bargaining, it was of the utmost importance to use (though only at the late stage) additional informal uploading mechanisms – lobbying EU institutions and contacting influential member states. The findings show that by improving its domestic uploading capacity in the form of developing well-elaborated reasoning to defend the national position, as well as closer coordination of all of its uploading activities, Latvia could influence the outcome.

In sum, this sub-case shows that national preference intensity explains the influence on the outcome. This can be concluded by quoting one interviewee, “It is a paradox that in the Belarus case Latvia alone could gain the maximum benefit. This was because the higher the importance, the more energy a state would invest” (Interview No. 5, 17.01.13, MFA). Isolated by others, Latvia’s preference reflection on EU decision outcome is clearly visible, allowing us to conclude that this was indeed brought about through Latvia’s influence, and not a ‘lucky break.’ This sub-case proves that a member state can better influence EU foreign policy through combining various uploading mechanisms. Even when it modified its approach at a relatively late stage in the process, Latvia succeeded in turning policy-making to its favour by means of the available mechanisms. Hence, evidence confirms the first hypothesis<sup>18</sup>.

Finally, this sub-case study shows that Latvia could not abort the EU policy, but had to settle for modifying the existing EU proposals. This resonates with what Duke (2001:36) had found that “smaller states may not be able to set agendas, but they are able to modify them.”

## **6.2. Case II: The EU-Russia Visa-free Travel (2010-2014)**

The second sub-case analysed how Latvia projected its intensely held national preference onto EU foreign policy-making on a visa-free travel perspective with Russia. Latvia had intensely held preferences due to its geographic proximity, which, on the one hand, included very dynamic cross-border trade with economic interdependency with Russia, but on the other hand, entertained security-driven concerns. However, due to the lack of immediate domestic pressure (from the business or other interest groups), this preference represented medium intensity.

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<sup>18</sup> *H1: Given intensely held national preferences, a member state can influence EU foreign policy through six uploading mechanisms: (1) presenting arguments, (2) cooperative bargaining, (3) contacting other member states, (4) using coalitions, (5) lobbying the EU institutions, and (6) bolstering the domestic uploading capacity.*

Influence on the outcome. The analysis indicated that there was a correlation between Latvia's national preferences and their reflection in the EU decision outcome. Not only Latvia held a consistent position throughout the EU policy-making process, but its preferences regularly became reflected in EU common positions in each negotiation round as they resonated well with a number of other member states' preferences, allowing for the success of a blocking minority. The results illustrate that influence not only means the ability to Europeanize national foreign policy, but also that small member states such as Latvia can inject their ideas into the EU decisions.

Uploading mechanisms. In this sub-case Latvia used a great deal of the hypothesized uploading mechanisms: presenting arguments; cooperative bargaining; contacting other member states; joining coalitions; bolstering the domestic uploading capacity. Under the conditions prevailing in EU foreign policy-making environment, when there was a formal QMV voting rule, however the like-minded coalition was large enough and included an influential member state, this sufficed to create the blocking minority. Thereby Latvia could effectively use the like-minded coalition. Bolstering the domestic uploading capacity was also of critical importance, involving political support and consensus, and smooth administrative coordination procedures. As a result, Latvia already at an early stage could interact with a well-elaborated and high-quality national position. Moreover, Latvia pro-actively used consultations with other member states, making use of like-minded coalitions and making formal interventions in EU working parties. This involved presenting expertise-based and technical arguments. Latvia's arguments resonated well with the audience and therefore were beneficial for the formulation of the EU common position.

It can be concluded that Latvia's national preference intensity was crucial for uploading. It was also substantially facilitated by the foreign policy-making environment and constellation of a large group of other countries' preferences, which went along with those of Latvia.

### **6.3. Case III: The EU-Ukraine Association Agreement (2011-2013)**

The third sub-case analysed how Latvia projected its intensely held national preference by strongly supporting the signing of the EU-Ukraine Association Agreement. Latvia had intensely held preferences due to its geographic proximity with Russia, specifically, with Russia's ambitions to re-establish influence in the post-Soviet space, where Ukraine was perceived as a pivotal component. Thereby Latvia's

preference intensity was driven by broader, ‘first order’ security concerns. For this reason, the signing of the AA was ranked high among the government’s priorities in EU foreign policy. Nonetheless, in my assessment, without strong domestic interests of particular groups, the intensity of this Latvian preference in the EU was low.

Influence on the outcome. The analysis showed a correlation between Latvia’s national preference and its reflection in the EU decision outcome. While Latvia was not able to fully project its preference – there was a too long of a delay in completion of the AA with an exceeding number of conditions – Riga succeeded in the sense that its preferences were indeed reflected in the EU unified position prior to the Vilnius Eastern Partnership Summit.

Uploading mechanisms. In this sub-case Latvia used only a few of the hypothesized mechanisms. The ones mostly used were joining coalition, presenting arguments and sometimes also cooperative bargaining (together with coalition). The like-minded coalition with a big member state Poland in the leadership was of great help to Latvia. Given the preference convergence, Latvia did not put much effort into bolstering the domestic uploading capacity to elaborate national position. In EU formal working parties, Latvia could simply replicate the position of Poland and other like-minded countries. Also, it did not actively use consultations with other member states or utilize lobbying. It relied on formal interventions in EU debates by presenting general arguments, and thus reinforced the coalition’s uploading efforts.

The results of three sub-cases studies on Latvia’s uploading show that the intensity of national preferences indeed mattered. The preferences purposefully projected in EU foreign policy-making, when intensely held, were reflected in the EU decision outcome. The uploading mechanisms varied depending on preference intensity, as well as on the EU institutional environment. The findings confirm that the second hypothesis that more uploading mechanisms help to secure the outcome<sup>19</sup>. Furthermore, the EU institutional environment channelled preference projection, constraining or facilitating uploading. Furthermore, the sub-cases showed that in terms of influence Latvia was able only to modify the existing EU proposals. This resonates with Duke’s (2001) findings that small states may modify agendas without having the chance to set them. However, modification can also be a form of influence.

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<sup>19</sup> *H2: The higher the intensity of preference, the more of the above uploading mechanisms are mobilised in helping a member state attain its preferred outcome.*

## 6.4. Overall Results Concerning the Research Questions

The results of the three sub-cases allow for the identification of similarities and differences, as well as general trends and lessons from Latvia's uploading efforts.

Regarding the intensity of national preferences, the findings show that there tended to be a mismatch between the Latvian government's officially presented strong preferences and their actual intensity. While this study did not explore the national preference formation, the three sub-cases implicitly demonstrate that the domestic economic interests mattered more in the case of Latvia's intensely held preferences in EU foreign policy. This can be summarized by quoting a foreign policy practitioner: "The AA with Ukraine was not very high among Latvia's foreign policy priorities, in difference from Belarus [EU sanction case] with strong domestic transit business interests involved" (Interview No. 3, 13.01.2013, MFA). Thereby the empirical evidence of this study on a state's preference intensity is consistent with Moravcsik's (1998) liberal intergovernmental approach that insists that national preferences are determined primarily by the domestic economic interests.

### Uploading Mechanisms

This thesis not only confirmed the relevance of hypothesized uploading mechanisms, but also allowed us to further specify them. The choice of Latvia's uploading mechanisms was linked to preference intensity in a particular EU policy dossier. These findings are demonstrated in the table below, which suggests that with higher preference intensity more of the available uploading mechanisms were utilized.

Uploading Mechanisms	Intensity of the national preferences		
	Case I (high)	Case II (medium)	Case III (low)
<i>Bolstering domestic uploading capacity</i>	<b>1</b>	<b>1</b>	<b>0</b>
<i>Presenting arguments</i>	<b>1</b>	<b>1</b>	<b>1</b>
<i>Cooperative bargaining</i>	<b>1</b>	<b>0</b>	<b>0</b>
<i>Building or joining coalitions</i>	<b>0</b>	<b>1</b>	<b>1</b>
<i>Contacting other member states</i>	<b>1</b>	<b>1</b>	<b>0</b>
<i>Lobbying EU institutions</i>	<b>1</b>	<b>0</b>	<b>0</b>

Table 7: Intensity of preference and the employed uploading mechanisms

The hypothesized uploading mechanisms tended to complement and mutually reinforce each other, allowing for better uploading. The findings show that when a member state was challenged by the so-called Putnam's 'two level game' (1988), i.e., when "national representatives are squeezed between the domestic and the EU pressure," the tendency is to use all the available uploading mechanisms. These findings resonate with the previous research showing that utilization of more mechanisms allows small member states to upload (Panke 2010b: 800).

Furthermore, use of a broad variety of uploading mechanisms is an important precondition not only for small state successful uploading (Panke 2010a), but also for the three most influential member states – Germany, France and the UK in their efforts to influence the European Security and Defence Policy (Major 2008:265). This resonates with the findings of Lamoreaux (2014), who showed that the case of Russia and the Baltic States indicates that big and small states do not act very differently. Consequently he "calls into question many of the assumptions made by small-state scholars about the difference between large- and small-state action and argues for changes within small-state studies" as a part of international relations discipline (Lamoreaux 2014:565).

The findings of this study show that the six hypothesized mechanisms tended to being applied by Latvia at different moments in the uploading process. During the formal interventions, arguments were presented at the early stage, when the member states' initial positions were only presented and compared. Whereas at a later stage, when the limits of arguing had been exhausted, under the deadline constraints and a need for the EU to deliver the expected foreign policy decision, e.g. shortly before the FAC meetings, then there was a shift towards bargaining. This was especially evident when a member state was 'squeezed' in the Putnam's two level game. On the other hand, if preference intensity remained low, i.e. if the national representatives were not under domestic pressure, they could rely on arguing. Presenting arguments during the formal interventions in the Council working parties to signal the issue salience was the most typical uploading mechanism. This resonates with the previous findings that actors who are not pressured by the decision-making situation are 'safe enough to argue,' but when they seriously fear losing the preferred outcome, they incline towards bargaining (Naurin 2007).

Furthermore, the results illustrate that when a member state engaged in bargaining, it opted for a cooperative form of bargaining. There was the same

tendency when Latvia had to interact alone being isolated by other member states (Case I), when it offered proposals for a compromise, as well as when Latvia together with the like-minded coalition engaged in bargaining situations. Interestingly, cooperative bargaining was also stimulated by the EEAS. To facilitate the compromise, the EEAS indirectly offered ‘package deals’ to the member states’ for further consideration as elements of broader package deals incorporated in its proposals for the EU Council Conclusions (Case I, Case III). This especially happened at the very late stage and under time pressure. Cooperative bargaining tended to be the way out of the deadlock and was usually employed at the final stage of EU foreign policy-making. The results illustrate that cooperative bargaining is not only a useful uploading mechanism but also an efficient way of reaching the EU compromise. This resonates with the findings in previous research that cooperative bargaining is the most common way of uploading in the CFSP (Thomas 2010), and that package deals help to reconcile different elements of EU common position while also allowing each country to ‘keep the face’ (Major 2008:266). In addition, it resonates with the findings from the scholarship on EU Council negotiations, which highlight cooperative bargaining as typical mechanism (Thomson & Holsti 2006).

Apart from using the formal uploading mechanisms – presenting arguments and cooperative bargaining, such informal uploading mechanism (or condition) as bolstering the domestic uploading capacity was indispensable. This mechanism describes a supportive function such as administrative coordination, or political consensus, indirectly helping in improving the prospects for successful uploading. Domestic capacity is needed to elaborate a high quality national position. In particular, this was of crucial importance when Latvia had specific interests and domestic pressure, which could not resonate with the audience (Case I) or when it sought injecting its ideas at an early stage of EU policy-making (Case II).

One of the most important mechanisms for Latvia as a small country was the use of coalitions. These tended to be flexible ad hoc issue-based coalitions. Most of all Latvia joined coalitions initiated by other member states. National preferences had more chances to be projected after being ‘multi-lateralized.’ The like-minded coalitions tended to be more influential if supported, even at the very final stage, by a large member state, which assumed leadership. Preference convergence was important for creating a like-minded coalition. The findings are consistent with what Rūse (2011:220) found in an earlier study, namely that preference convergence is a

precondition for framing the common position or undertaking other joint activities on the part of like-minded peers.

Contacting other member states, especially the big ones, to gain their support was also essential. The sub-case studies reveal that Latvia's uploading success directly or indirectly depended on Germany's similar national preferences from the outset or its strategic choice to support Latvia's specific domestic concerns, as we could see in Case I.

Another informal mechanism was lobbying EU institutions. The findings show that Latvia used lobbying only exceptionally – in the case of strong domestic pressure and being fully isolated by other member states. Findings of the Case I demonstrate that without the like-minded coalition partners Latvia had to put its own efforts in lobbying the EU institutions, notably, the EEAS. This can be summarized by quoting an EEAS representative who described Latvia's lobbying behaviour: "The Latvian representatives themselves are hiding away and escape from pro-active lobbying in Brussels. For a successful influence, the formal interaction should be combined with informal lobbying" (Interview No. 13 28.06.26, EEAS).

To conclude, the following lessons for the policy makers can be formulated:

A member state may influence EU foreign policy outcome by using various uploading mechanisms. First, it needs a clear vision of what it wants (domestic political consensus) in EU foreign policy. Second, it needs domestic administrative capacities in terms of expertise and smooth coordination procedures to develop high quality national positions. There is a clear linkage between the domestic coherence and successful uploading. As precisely summarized by a practitioner: "Good cooperation among all involved decision-makers is the central activity to succeed – cooperation is a tremendous resource" (Interview No. 9, 06.02.2013, PermRep).

Third, with well-developed reasoning a member state may interact in EU foreign policy-making, combining various uploading mechanisms – presenting arguments (general, technical and expertise-based), cooperative bargaining, contacting other member states, building or joining coalitions, and lobbying the EU institutions. Lobbying is especially important to ensure that 'everyone in the EU knows' about a state's highly salient policy issue. Developing stable long-term relationships with the staff of the EEAS presumably suits a small member state's needs best. The EEAS operates as an agenda-setter and drafts the policy proposals,

thus there is an opportunity to influence the decision-making already in its formulation stage. Hence, establishment of the EEAS does make a difference for smaller states.

No less important is the use of like-minded coalitions to reinforce individual uploading efforts. Although formal voting is not common in EU foreign policy-making, there are some overlapping areas, which are decided by QMV rule (Case II) – then the coalition can establish the blocking minority. Furthermore, the early coalition building provides more advantages in terms of uploading. It involves mutual exchange, sharing information and comparing national preferences. My conclusion therefore is that the earlier a member state starts to use the above uploading mechanisms, the more likely it is to produce successful uploading.

That is, a member state needs good support from its capital and better skills, and domestic capacity to ‘play the Brussels game.’ Importantly, small states should prioritize and then put all the efforts in their priority areas, as summarized by an EEAS representative: “If you have sharp ideas you can do a lot! Small states could push much stronger, but they give up too quickly to prefer a neutral compromise. Overall the Baltic countries prefer rather a bad compromise than nothing” (Interview No. 15, 12.07.2013, EEAS).

### EU Institutional Constraints

In this study ‘institutions mattered’ in that the EU institutional environment constrained uploading, in line with the concept of Europeanization and rational choice institutionalism. The EU institutional environment was understood as formal and informal rules of decision-making, as well as the other EU actors’ preferences.

In terms of decision-making rules, this study covered the time-period after the Lisbon Treaty had entered into force and the EEAS had become operational to ensure that the conditions were kept constant. Thereby this study also captured how the new EU institutional framework influenced the relationships between the national and EU foreign policies. The findings indicate that despite the substantially strengthened EU institutions, member states continue to be major players in developing EU foreign policy. This resonates with previous studies that member states remain central “despite the increasing role of Brussels-based institutions” (Gross 2009:4), and that the informal consensus rule of EU foreign policy-making determines that the big member states own informal power (Tallberg *et al.* 2011:21).

The three sub-cases revealed that Latvia's ability to attain the preferred outcome was primarily constrained by the big member states' preferences and their uploading efforts. Consequently, Latvia's preference projection was possible if either there was preference convergence with some big member states or Latvia gained specific support regarding a particular issue from an influential member state. As concluded by one practitioner, "Surely, the High Representative before each EU foreign ministers' meeting calls to the 'big guys.' If we as a small country want to push for some initiative, we need to detect [the] atmosphere in the big capitals. The only way to proceed is if the 'big guys' support it. We travel to Berlin before going to Brussels" (Interview No. 14, 07.09.2013, MFA). In particular, the findings of his study show that Germany was a central actor, at least in EU foreign policy-making towards the Eastern neighbourhood. All three sub-cases demonstrated that Latvia's uploading was possible in as far as Germany's preferences were convergent or if Germany made a strategic choice to support Latvia's positions.

This confirms that, given the informal nature of EU foreign policy-making, a member state needs to combine the formal uploading mechanisms such as presenting arguments and bargaining with informal means. In parallel to the formal interventions, one need to employ such mechanisms as lobbying EU institutions, contacting other member states, in particular the influential ones, and using coalitions.

### **6.3. Shortcomings**

While this study provided clear results, one should recognize some of its shortcomings, such as the research design (evaluation of a single member state's influence on the outcome) and constraints associated with the collection of empirical observations regarding the national diplomatic positions.

First, it was challenging to make a clear distinction between a member state's influence and 'luck.' If we define influence as when preferences are reflected in EU final outcome, it might be that preferences were reflected in the outcome largely because of the preference convergence. Although process-tracing methodology controls for this eventuality in some measure, it cannot be entirely ruled out that a member state achieved its preferable outcome without exerting influence. In other words, the EU final decision outcome could reflect a member state's national position just because other influential actors also took the same position. For example, in Case II, when Latvia succeeded to keep its position constant through the policy-making

process, it was partly thanks to Germany's similar position, which was crucial to maintaining the blocking minority. Likewise, where in Case III the Latvian preference on EU-Ukraine AA signature was reflected in EU decision, one may ask to what extent it was specific Latvia's contribution, given that two big member states – Germany and Poland – were in the leadership. Thereby the EU foreign policy decisions might have been influenced also by other member states not analysed here.

Another problem could be the potential bias in the empirical observations provided by the interviews. EU foreign policy-making usually takes place behind the closed doors, and therefore interviews with the direct participants are often the only source of information. Moreover, interviews were mostly conducted with Latvian policy-makers. An additional source of possible bias is that the author of this study herself is a participant of Latvia's foreign policy-making. Hence, one cannot rule out that interviews contain biased elements. That being said, the potential bias has been methodologically addressed by interviewing officials from the EU Commission, the EEAS, and the rotating EU Presidency. To gain more profound and objective information it would have been necessary to also interview the representatives of other member states, who partook in EU working groups. However, this study did not opt for this methodological approach as it would have been complicated to acquire data from all the 28 member states and could again create some bias.

#### **6.4. Prospects for Future Research**

With regards to broader implications of this study, it introduces important uploading mechanisms in EU foreign policy from a rational choice institutionalism perspective. In treating independent variable endogenously, this study assumed that national preferences are fixed. It explored the preference projection and influence on the EU foreign policy of a small, new member state – Latvia. A possible future research project could try to further probe 'smallness' and 'newness' as explanatory variables. By keeping 'smallness' constant one could compare the experiences of Latvia with that of Estonia, Lithuania, Finland, Ireland, and in this way test the impact of 'newness,' namely – how long the member states stay 'new' (given more than decade of their membership). Is there a difference in uploading success of intensely held preferences of new member states, and, if yes, how could it be explained?

By providing empirical evidence on how uploading mechanisms such as presenting arguments, cooperative bargaining, contacting other member states,

building or joining coalitions, lobbying EU institutions, as well as bolstering the domestic uploading capacity to project preferences onto the EU foreign policy, this study contributes to the scholarship of rational choice institutionalism. The developed framework can be applied to investigate other member states. Interesting questions for further exploration could be: Do other countries increasingly upload their national preferences in EU foreign policy? Do the large member states, despite their structural power, use the same uploading mechanisms as small ones?

Furthermore, there is also an increasing demand to investigate how ‘institutions matter’ in terms of Europeanization in foreign policy. Given the complex nature of EU foreign policy-making under the Lisbon Treaty one needs to explore how the new decision-making rules (e.g. extended use of QMV), as well as the new institutional actors influence relationships between the national and EU foreign policy and thereby the process of Europeanization in foreign policy.

Notwithstanding the need for further investigation in the above-mentioned areas, the most pressing issue remains the further in-depth studies on individual member states’ role in EU foreign policy-making. This urgency is only increasing due to the recent fast-moving developments in the EU’s Eastern neighbourhood, Russia’s invasion in Ukraine in 2014 and the subsequently deteriorated Europe-Russia relations. A return to old-fashioned geopolitics seriously challenges EU foreign policy-making, providing an impetus for the EU to take common (and painful) decisions on serious economic sanctions against Russia, its former strategic partner. This enhances the urgency of exploring individual member states’ specific national preferences, and ways of uploading the latter and influencing the EU common decision outcome.

This study has thus contributed to the largely unexplored field of uploading process of Europeanization in the area of foreign policy. By revealing some of the important uploading mechanisms, the study also drew attention to the conditions – the EU institutional environment in terms of the policy-making rules (formal and informal) and the preferences of actors. Given the complex nature of EU foreign policy-making under the Lisbon Treaty and the Union’s engagement in the international arena, there is an urgent need to further explore the ways in which member states inject their preferences and ideas into EU foreign policy. It would be relevant to investigate how member states operate under the new institutional framework. Furthermore, given the current turbulent developments in EU Eastern

neighbourhood, and what appears to be an increasing role for individual member states rather than the EU as an aggregate actor, indicates that further research on member state roles in EU foreign policy is necessary. A comprehensive analysis on the interaction between the national and EU levels will certainly be a challenging field for future research.

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## ANNEX I List of Interviews

Number	Time and place
1	December 28, 2012, Latvian PermRep, Riga
2	January 15, 2013, Latvian PermRep, Riga
3	January 16, 2013, MFA, Riga
4	January 16, 2013, MFA, Riga
5	January 16, 2013, MFA, Riga
6	January 18, 2013, MFA, Riga
7	January 18, 2013, MFA, Riga
8	January 29, 2013, MFA, Riga (phone)
9	February 6, 2013, Latvian PermRep, Brussels (phone)
10	February 13, 2013, MFA, Riga
11	February 13, 2013, MFA, Riga
12	May 20, 2013, MFA, Sweden, Stockholm
13	June 28, 2013, EEAS, Brussels (phone)
14	July 9, 2013, Lithuanian MFA, Vilnius (phone)
15	July 11, 2013, EEAS, Brussels
16	July 11, 2013, EEAS, Brussels
17	July 11, 2013, Latvian PermRep, Brussels
18	July 11, 2013, official, EEAS, Brussels
19	July 12, 2013, official EEAS, Brussels
20	July 12, 2013, official EEAS, Brussels
21	July 12, 2013, Latvian PermRep, Brussels
22	July 11, 2013, Latvian PermRep, Brussels
23	August 6, 2013, EEAS, Brussels (phone)
24	August 16, 2013, PermRep, Brussels (phone)
23	December 16, 2013, Ministry of the Interior, Riga
24	December 17, 2013, MFA, Riga
25	February 10, 2014, MFA, Riga
26	January 16, 2013, MFA, Riga
27	March 20, 2014, MFA, Riga
28	March 30, 2014, Ministry of Economics, Riga
29	April 5, 2014, MFA, Riga
30	May 23, 2014, Latvian PermRep, Brussels

## **ANNEX II Questionnaire to the Latvian respondents**

### **1. National preferences, initial positions**

#### Preferences, positions

- Would you describe your initial positions on the following EU policy issues:
  - (1) *EU sanctions towards Belarus 2011/2012;*
  - (2) *EU – Russia visa-free travel 2011/2012*

#### Domestic interests as a basis for intensely held preferences

- Being aware of the broad EU foreign policy agenda, how did you single out particularly important issues for Latvia?
- On these issues, did you need to represent any specific Latvian domestic demands/interests?
- Were these issues important/ sensitive to particular domestic interest groups/ business representatives?

#### Intensity of preferences

- Why did you want (a, b) in the issues (1), (2)?
- Could you mention some reasons for why it was important for Latvia?

### **2. The EU foreign policy-making process**

#### Intensity of preferences

- Did your initial position remained constant during the discussions?
- Did others' (opposite) position have any impact on you?

#### Behaviour in the decision-making process

- How did you plan your activities to promote your interests on these issues?
- Would you characterize your concrete contributions?
- Did you feel that the manner other EU partners (member states/ institutions) behaved could have influenced the decision outcome?
- In your opinion, what are the main factors for successfully influencing the outcome?

#### Mechanisms/ strategies of preference projection

##### *Bargaining/arguing*

- How would you characterize the language, speech acts and interventions most commonly used for gaining others' support for the national positions?
- Did you always need to provide detailed justifications for your positions?
- Have you ever considered using your veto rights as the last resort?
- Did you show flexibility for the sake of compromise?

##### *Diplomatic tactics*

- Apart from the formal EU decision-making formats (COEST, PSC, COREPER, FAC) have you put additional efforts to promote your interests?
- Did you seek contacts with the key EU institutions (EEAS)?
- Did you seek contacts with any influential member state? How would you characterize effect of this interaction?
- Did you seek coalitions with like-minded peers? Would you mention some countries to whom Latvia have cooperated the most on the issues (1), (2), (3), (4)?

##### *Building the uploading capacities*

- Given the high priority of issues (1), (2), (3), (4), how regularly Latvia had a high quality national position (with detailed arguments and justifications)?
- How did you pulled your domestic resources in preparing a well-elaborated and strong national position?
- Did you feel that a lack of domestic coordination and knowledge, as well as conflicting interests (of line ministries) diminished Latvia's ability to successfully influence the decision outcome?

### **3. The CFSP institutional environment**

#### Key actors

- In your opinion, which actors were crucial in directing the CFSP decisions towards concrete outcome? Large member states? European External Action Service as a chair of meetings/ preparing draft proposals?
- Are you satisfied with the leading role of the EEAS and HR? Does it help all the member states to meet their concerns?

#### Decision-making rules

- How would you describe the CFSP policy-making process in terms of formal (unanimity) and informal (consensus) decision-making rules? Are you happy with consensus rule?

### **4. Decision outcome**

- Do you think that the Latvian government eventually managed to influence the outcome on the issues (1), (2), (3)?
- Given the fact that these issues were of particular importance, in what respect Latvia influenced the content of outcome? Would you specify? To what extent if compared with your initial position?
- Given the conflicting interests (issue (1), to what extent did the final EU compromise reflected the Latvian interests?
- In your opinion, what is a higher value for Latvia – good reputation (solidarity, commitment to common norms/values) or securing national interests?

## **ANNEX III Questionnaire to the EEAS and the Commission's respondents**

### **The EU foreign policy-making process**

#### Latvia's behaviour in the decision-making process

- Would you characterize Latvia's concrete contributions?
- Did you feel that the manner Latvia and other member states behaved could have influenced the decision outcome?
- In your opinion, what are the main factors for the member state successfully influencing the outcome?

#### Mechanisms/ strategies of preference projection

##### *Bargaining/arguing*

- How would you characterize the language, speech acts and interventions most commonly used by Latvia for gaining others' support for the national positions?
- Did Latvia show flexibility for the sake of compromise?

##### *Diplomatic tactics*

- Apart from the formal EU decision-making formats (COEST, PSC, COREPER, FAC) did you feel that Latvia put additional efforts to promote its interests?
- Did it seek contacts with the EEAS?

##### *Building the uploading capacities*

- Given the high priority of issues (1), (2), how regularly Latvia had a high quality national position (with detailed arguments and justifications)?
- Did you feel that a lack of domestic coordination and knowledge, as well as conflicting interests (of line ministries) diminished Latvia's ability to successfully influence the decision outcome?

## **5. The CFSP institutional environment**

#### Key actors

- In your opinion, which actors were crucial in directing the EU decisions towards concrete outcome? Large member states?

#### Decision-making rules

- How would you describe the CFSP policy-making process in terms of formal (unanimity) and informal (consensus) decision-making rules?

## **6. Decision outcome**

- Do you think that the Latvian government eventually managed to influence the outcome on the issues (1), (2)?
- In your opinion, what is a higher value for Latvia – good reputation (solidarity, commitment to common norms/values) or securing national interests?

## **7. Is there anything more that is relevant?**