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# Differentiation in EU Foreign and Security Policy: EU Lead Groups in the Iranian Nuclear Dispute and the Ukraine Crisis

## *Riccardo Alcaro and Marco Siddi*

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## Abstract

Since the creation of the EU, there have been instances in which a restricted number of member states have handled an issue of international security on behalf of the Union. While controversial, these "lead groups" have been a valuable practice. They can enable a European response in the context of urgent conflict management and complex international negotiations. While they do not drive further EU integration, lead groups have been effective in generating intra-EU consensus on specific issues and spurring the EU into action. The paper assesses the conditions and performance of this foreign policy practice through an analysis of EU lead groups in the negotiations on Iran's nuclear programme and the Normandy mediation format between Ukraine and Russia. Lead groups are sub-optimal arrangements compensating for the in-built institutional shortcomings of unanimity-based decision-making in EU foreign policy. They have nonetheless shown significant potential in giving initiative and content to EU foreign policy, in that they either operationalise positions agreed at the EU level or create a policy where there had been none.

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# Executive summary

In EU foreign policy, differentiated integration has unfolded mostly along informal patterns, outside the mechanisms provided by the EU treaties. In order to respond swiftly to major international crises, member states have at times engaged in a range of ad hoc formats, including regional groupings and contact groups as well as flexible cooperation within international bodies.

Lead groups have played a particularly important role in European foreign policy concerning key issues of international security. EU lead groups are an informal crisis management practice involving a limited number of member states supported by EU institutions, with the broad consent (often of a tacit, and ex-post, nature) of other member states. Lead groups do not spur the EU into more integration, but make it more responsive, cohesive and capable of foreign policy action.

The initiative capacity of individual member states plays an essential role in both the formation and the operation of lead groups. However, the consent of other non-participating member states is a necessary condition for the emergence and the sustainability of an EU lead group. Consent is achieved through a mix of implicit intergovernmental bargaining and adherence to common European normative and strategic interests. It is expressed ex post and often tacitly through the EU Council's support of the policy positions crafted and pursued by the lead group. EU institutions sometimes play a role of their own in the group, as highlighted by the involvement of the High Representative for Foreign Affairs and Security Policy in the nuclear talks with Iran.

The E3/EU lead group on the Iranian nuclear issue, involving France, Germany and the UK as well as the HR, and the Franco-German Normandy duo brokering peace in south-eastern Ukraine are illustrative cases for a number of reasons, the most important being the sheer geopolitical magnitude of the issues they deal with. These case studies are analysed with reference to four concepts that are essential to provide a comprehensive assessment of EU lead groups: their *legitimacy* both within the EU and in the eyes of relevant external players; *sustainability*, defined as the capacity to generate intra-EU consensus and solve internal conflicts; *accountability* to EU institutions; and the *effectiveness* of lead groups in operationalising EU policy positions and addressing an international crisis or issue.

The case studies show that the E3/EU and the Normandy duo both ensured the involvement of the EU in the management of two crises where its normative and security interests were at stake. Achievements on the ground were mixed. In both cases, EU lead groups have been unable to solve the crises on their own, a task for which they lacked the necessary power assets. Nonetheless, the E3/EU enabled US-Iranian nuclear diplomacy and, following the US withdrawal from the 2015 nuclear deal, they managed to avoid the complete collapse of the agreement. In the Normandy format, the Franco-German duo mediated a "weak but working" ceasefire.

As both the E3/EU and the Normandy duo include large member states, critics have expressed the concern that such lead groups constitute a *directoire* that makes decisions for others too. While this concern is justified, lead groups derive their sustainability from giving the EU, and therefore also other member states, a degree of participation and representation. Furthermore, in neither case would an action carried out by EU institutions

and driven by the unanimity-voting Foreign Affairs Council have been realistic. Therefore, lead groups have been a viable, albeit sub-optimal, arrangement to spur the EU into foreign policy action.

# Introduction

Differentiation, conceived of as "any modality of integration or cooperation that allows states (members and non-members) and sub-state entities to work together in non-homogeneous, flexible ways" (Lavenex and Križić 2019: 3), is an essential aspect of European Union (EU) policy-making. Foreign policy stands out because differentiation in this domain has unfolded mostly along an informal pattern. While EU treaties provide for mechanisms of differentiation in the unanimity-ruled Common Foreign and Security Policy, including constructive abstention, enhanced cooperation or entrusting a group of member states with a specific task, they have almost never been used.[1] Instead, EU member states have engaged in a range of ad hoc formats, including regional groupings and contact groups as well as flexible cooperation within international bodies (Grevi et al. 2020, Howorth 2019). These informal formats have often been created in response to major international crises, when swift action is required. The E3/EU group on Iran's nuclear issue – including France, Germany, the United Kingdom (UK) and the High Representative for Foreign Affairs and Security Policy (HR) – and the Franco-German duo in the Normandy format on the Ukraine crisis are two prominent cases in point.

Scholars who have analysed the E3/EU and the Franco-German Normandy duo (Harnisch 2007, Alcaro 2018, Wittke 2019, Helwig 2020, Åtland 2020) tend to treat them as instances of contact groups, "minilateral" mechanisms (involving a restricted number of EU member states) that allow for faster action thanks to informal procedures of consultation and decision-making (Naím 2009). Contact groups involving EU member states have specific features that relate to the fact that the EU itself is an international actor. Member states that participate in a contact group often report to, discuss with and seek the endorsement of other member states and EU institutions. The latter sometimes play a role of their own in the group, as has been the case with the involvement of the HR in the nuclear talks with Iran. At the same time, groups such as the "Iran E3" and the Franco-German Normandy duo, or any other instance of similar groupings, are by no means conducive to deeper levels of EU foreign policy integration. These groups are not meant to make the EU more integrated, but more responsive, cohesive and capable of foreign policy action. As such, they are more "lead" groups than "core" groups (Alcaro 2018: 6).

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1    Constructive abstention allows one or more member states not to commit to decisions engaging others, and for enhanced cooperation among a subset of countries (for an analysis, see Grevi et al. 2020: 5-7). Articles 42.5 and 44 of the Treaty on European Union envisage the possibility of the Council formally mandating a group of member states to carry out a task on behalf of the EU, which in theory should provide room for the kind of policy practice discussed here. These provisions have never been activated, though.

We consequently define EU lead groups as an informal crisis management practice involving a limited number of member states supported by EU institutions, with the broad consent (often of a tacit nature) of other member states. The capacity of initiative of individual member states plays an essential role in both the formation and the operation of lead groups, as the group's members often present the other EU member states with a *fait accompli*. Lead groups thus invariably imply an asymmetry in the relationship between the insiders and the outsiders, whereby they tend to generate intra-EU tensions and are often perceived as undue attempts by certain member states to call the shots for all others. In spite of the scarce enthusiasm for the practice, however, the historical record shows that lead groups have formed and been able to steer the EU into specific policy actions. Evidently, the practice relies on a sort of tacit bargain whereby both insiders and outsiders eventually have greater interest in supporting the group's action than in blocking it. The outsiders agree to follow the lead group, which in turn gives them a degree of representation and participation in the crisis management exercise.

The manner in which this happens varies on case-by-case basis, yet there are some constants. The foreign policies of member states tend to be coordinated at the EU level and through EU institutional frameworks. This, together with (in)direct involvement of EU institutions in lead groups, implies that lead groups have an important EU-level dimension. Delreux and Keukeleire (2017) and Alcaro (2018) argue that ad hoc or lead groups constitute the EU as a multi-actor system, in that they not only enable EU action on pre-existing goals but at times create an EU foreign policy where there had been none. This is not just a conclusion of scholars. The 2016 Global Strategy, which is the result of a two-year-long consultation process with all member states, has given lead groups a sort of formal sanction, in that it foresees the option of the HR tasking national foreign ministers to act on behalf of the EU (EEAS 2016: 47).

The consent of other non-participating member states is a necessary condition for the emergence and the sustainability of an EU lead group. Consent to the formation of the lead group, expressed indirectly through the support of the EU Council for the policy positions crafted and pursued by the lead group, is achieved through a mix of intergovernmental bargaining and adherence to common European values and identity (as expressed in established EU foreign and security policy discourse). As Alcaro has argued, EU lead groups can only emerge if both the group insiders and outsiders eventually have a greater stake in the group acting on behalf of the EU than otherwise. However, this sort of bargain can be sustained over time only if the lead group's policy is "in line with the EU identity layer of the member states outside the [lead] group"; conversely, "no lead group can exist if it frames the crisis it addresses in terms that contradict the established EU discourse" (Alcaro 2018: 49).

We consider the two cases of the E3/EU Iran team and the Franco-German Normandy duo as especially illustrative for a number of reasons, the most important being the sheer geopolitical magnitude of Iran's nuclear plans and Russia's destabilisation of south-eastern Ukraine. Iran's nuclear programme has been a source of international concern since the early 2000s, and Europe's involvement in it has consequently been the object of both policy-relevant and scholarly literature (Alcaro 2018: 4-5). The Ukraine crisis has been one of the most serious European security crises since the

end of the Cold War (Averre and Wolczuk 2016, Haukkala 2016, Kanet 2019, Siddi 2016), but (unlike the E3/EU Iran team) there are few analyses of the Franco-German duo in the Normandy format.

Four concepts are essential to provide a comprehensive assessment of EU lead groups. First is the *legitimacy* of lead groups, both within the EU and in the eyes of relevant external players. Legitimacy should be traced back to both intra-EU conditions (bargaining capacity of the group's insiders and the normative compatibility of the group's policy with EU foreign policy discourse) and the extra-EU conditions (external recognition, interlocution with key third players) for the formation of the lead group. Second is the *sustainability* of lead groups, notably their capacity to generate intra-EU consensus and solve internal conflicts, as well as their *accountability* to EU institutions. Finally comes the *effectiveness* of lead groups as a foreign policy practice that allows for the operationalisation of EU policy positions or the generation of a new policy. Following Lavenex and Križić (2019: 10-11), we assess effectiveness based on two benchmarks: first, the relative improvement/ worsening caused by lead groups compared to the state of affairs before they were established or, hypothetically, if they had not been established; second, how policy achievements of lead groups compare with a good or ideal solution.

# 1. The E3/EU and Iran's nuclear programme

Iran's nuclear programme has been an issue of international concern for two decades. While Iranian leaders have always stated that their country just seeks atomic energy for peaceful purposes, experts in the EU and elsewhere worry that Tehran could acquire the know-how and industrial capacity to build nuclear weapons.

Using a combination of diplomacy and sanctions, and following a 12-year process sanctioned by the United Nations Security Council (UNSC), in July 2015 a coalition of six world powers – China, France, Germany, Russia, the UK and the US –, along with the EU, reached an agreement with Iran, the Joint Comprehensive Plan of Action (JCPOA). The deal introduced a complex system of temporary limits to Iran's ability to carry out nuclear activities and gave the International Atomic Energy Agency (IAEA) expanded powers to conduct in situ inspections to verify the solely peaceful nature of the nuclear programme. In return, Iran got extensive sanctions relief (E3/ EU+3 and Iran 2015, Fabius 2016, Fitzpatrick 2019).

After President Donald Trump pulled the US out in May 2018, the nuclear deal started to crumble. In response to the US's policy of maximum pressure through draconian sanctions (including of extraterritorial nature), from May 2019 on Iran began to gradually cross the JCPOA-set limits on its nuclear activities. At the time of writing, the only pillar of the JCPOA still working is the IAEA's inspection regime (Crisis Group 2020a). However, the deal is formally still in place. The Europeans have continued to profess their commitment to it – as have China and Russia – and even Iran has expressed readiness to bring its nuclear activities back in line with the JCPOA if the US returns to compliance (Crisis Group 2020b). With Trump on his way out of the

White House there is now a chance that that may happen, as President-elect Joe Biden has been explicit about his intention to restart nuclear diplomacy with Iran (Biden 2020).

Throughout the process that led to the signing of the JCPOA, as well as the period that followed the US withdrawal, the Europeans played a secondary, yet significant role (Adebahr 2017, Cronberg 2017, Alcaro 2018: 225-242). Diplomatic efforts began in 2003 with a tripartite initiative of the E3, which in late 2004 were joined by the HR in the E3/EU lead group and in early 2006 by China, Russia and the US in an expanded E3/EU+3 format.[2] Even as the US became the central driver of negotiations under President Barack Obama, the Europeans contributed to the process through the adoption of sanctions and the coordinating role of the HR, who acted as the chief interlocutor of the Iranians on behalf of the E3+3 (Bassiri Tabrizi and Kienzle 2020). Following the US pullout the Europeans took centre stage again in the attempt to salvage the deal from total collapse (Crisis Group 2018). While unable to deliver on the economic benefits promised to Iran due to the deterrent effects on EU banks and companies of US extra-territorial sanctions (an attempt to protect EU banks and companies through an E3-established barter system, called Instex, has largely failed), the E3/EU's efforts have not been entirely fruitless. The E3/EU's steadfast support for the deal has influenced Iran's decision not to quit it altogether.

The E3/EU's capacity of action (and ultimately effectiveness, as discussed below) has been a function of the group's ability to engender an intra-EU convergence dynamic, whereby they have remained for over fifteen years the main conduit for EU-Iran interactions.

The E3/EU group has derived its legitimacy as the driver of the EU's Iran policy from a combination of external and internal factors. It was initially critical that the E3 had been engaging Iran in nuclear talks for almost a year when in 2004 they sought the consent of other member states to offer Iran a trade agreement with the EU (Kile 2005). The E3 benefited from the fact that Iran had by then already recognised them as viable interlocutors on the nuclear front – actually the only viable interlocutors, as by 2004 US President George W. Bush was still opposed to talks with Iran and the Security Council was reeling from the bitter split over the US-led invasion of Iraq. The E3 could credibly contend that making substantial changes to the negotiation format would risk derailing the talks without any apparent advantage (Alcaro 2018: 103 and ff.). The E3/EU's legitimacy was later further strengthened by the enlargement of the group to China, Russia and the US, as this carried full endorsement by the Security Council with it (Alcaro 2018: 171-172).

The E3 did realise, however, that they needed a greater buy-in from other EU member states as they increasingly framed the possible resolution of the nuclear dispute as a step towards normalisation of EU-Iran economic relations. While the other member states never warmed to the fact of the E3 calling the shots on Iran, they failed to make a credible case that altering the negotiating format, for instance by having the EU as

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2   The group is formally known as E3/EU+3 in recognition of the European origin of the initiative, although the media and analysts (especially from the US) usually refer to it as the P5+1, because it includes all five permanent members of the Security Council (plus Germany).

such take it over or by expanding the group to other member states, would bring real added value. Eventually the association of HR Javier Solana (in office 1999–2009) with the negotiation team provided a workable middle-ground solution: the E3 would ensure they would bring the added political weight of the EU to the nuclear talks while providing the other member states with a degree of indirect representation (Alcaro 2018: 172-174).

Arguably more important to the legitimacy, and therefore to the long-term sustainability, of the E3/EU group was that the E3/EU consistently construed their diplomatic action with an established EU foreign and security policy discourse. The E3/EU framed the problem posed by Iran's nuclear programme as one of non-compliance with international non-proliferation norms to which Iran itself had subscribed, whereby the focus was on Iran's behaviour rather than its regime. Consequently, the E3/EU insisted on a consensual solution to the nuclear dispute sanctioned by the Security Council and monitored by international verification bodies such as the IAEA. Sanctions and diplomatic pressure were in this regard justified as lawful means to this end, enabled if not directly mandated by a string of UNSC resolutions (UNSCRs 1737, 1747, 1803 and 1929).

This normative framework reflected the emphasis on pre-emptive diplomacy and effective multilateralism that the 2003 European Security Strategy and the Strategy against the Spread of Weapons of Mass Destruction constructed as main features of EU foreign and security policy (Ahlström 2005). These normative themes were later re-articulated, but not fundamentally changed, by the 2016 Global Strategy. Moreover, the latter mentioned the Iran case as an important precedent in which the combination of EU and national assets proved critical to reach EU objectives (Alcaro 2018: 117 and ff.). Unsurprisingly, the E3/EU have continued to trace their defence of the JCPOA back to this normative framework since the US withdrawal.

As stated above, the inclusion of the HR in the negotiation team fleshed out the legitimacy of the E3's action on Iran. The HR secured greater visibility for the EU in the talks, most notably because the US, Russia and China, after joining the E3 in early 2006, agreed to have HR Solana and his successors – Catherine Ashton (2009–14), Federica Mogherini (2014–19) and Josep Borrell (since 2019) – act as chief interlocutors of the Iranians on their behalf (Interview 1). The inclusion of the HR has been also important in that it has provided more accountability of the lead group to the EU Council, which the HR is mandated to keep informed about progress (Alcaro 2018: 161-164).

It should be noted though that information-sharing has not been as extensive as other member states would have liked, as the E3 have at times pushed for the HR to selectively pass on the pieces of information deemed necessary to bolster intra-EU consensus for their next move. One case in point is the E3/EU's decision not to fully uncover the extent of the harsh sanctions included in UNSCR 1929 before it was formally adopted in June 2010, as the E3 did not want the draft resolution to become a matter of intra-EU debate. Another is the E3/EU's refusal to share with their fellow EU partners the text of an interim agreement that the E3/EU+3 and Iran struck in November 2013. The E3/EU were concerned that some member states would seek

relaunch of trade with Iran before the final text of the JCPOA, which at the time was being negotiated, was finalised (Alcaro 2014).

The E3/EU's legitimacy has not resulted from formal delegation but from a continuous reassertion by the E3 of their intra-EU leadership on the Iran nuclear file. The three have used different tactics to win, or at times compel, consensus on their tactics, thus ensuring the sustainability of the group.

Privileged access to Iran has allowed the E3/EU to lay out an assessment of the measures needed to advance the negotiations, which other member states have found difficult to dispute. Building intra-EU coalitions has served the purpose of cornering member states willing to take steps on their own, such as when the Italian foreign minister felt compelled to cancel a planned visit to Iran in 2009 because it broke with a tacit consensus that all high-level interactions with Tehran should be left to the HR (Dinmore 2009). By far the most important element used by the E3/EU to engender intra-EU cohesion has been the transatlantic relationship (Alcaro 2018: 182 and ff.). The E3/EU have channelled US desiderata into the EU to create consensus either for harsher measures, such as an oil embargo enacted by the EU in 2012, or for resisting US moves that would risk derailing the talks (before 2015) or the JCPOA itself (after 2018).

At times, the E3/EU have opted for meeting the other member states halfway, for instance when they agreed to put on hold further sanctions in spring 2009 due to opposition by other member states (Dinmore et al. 2009). On other occasions, they preferred to act on their own and then invite other EU member states to join their efforts, such as when in early 2019 they drew up Instex, the special purpose vehicle for trade with Iran ostensibly designed to protect from US sanctions, as an E3 rather than EU-wide endeavour (later on other six EU states joined the mechanism on a national basis) (Interviews 1, 2, 3). In still other circumstances the E3 manoeuvred to avoid an open clash with other member states. Poland, for instance, in early 2019 agreed to co-host a US-sponsored conference that was widely perceived to be an anti-Iran event. In this case, the E3 opted for de-emphasising the anti-Iran bias of the conference. At the same time, they worked on a consensus EU text that would set out all of Europe's concerns about Iran's human rights records, regional activities and ballistic programme while expressing firm commitment by all EU member states (including Poland) to the JCPOA (European Council 2019, Interviews 1, 2, 3).

The sustainability of the E3/EU has ultimately depended on their ability to insert the diplomatic initiative towards Iran into the established EU foreign policy framework, as well as to trace their policy action to this same framework throughout the whole process. Remarkably, this continued to be the case even as the UK was about to leave the EU (and then actually left it in early 2020),[3] further attesting that intra-EU support for the JCPOA revolved around the consistency of the E3/EU policy with an established normative framework rather than with the greater resources of the E3 (this said, Brexit does have the potential to impact the lead group practice, as

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3    In the words of a British official knowledgeable about the E3/EU process, "Brexit changed nothing" (Interview 1).

discussed below). In these terms, legitimacy and (to a lesser extent) accountability of the group have been mutually reinforcing dynamics that have sustained the E3's intra-EU leadership on the Iran nuclear dossier. But what about the effectiveness of the group?

Shortly after the JCPOA was struck, HR Mogherini hailed it as a major diplomatic success for the EU (Mogherini 2015). Such an emphatic celebration may seem off the mark, given that the E3/EU had played second fiddle to the US, especially after President Obama decided to engage the Iranians directly. Furthermore, any sense of pride the Europeans would display was shattered by their failure to protect their own legitimate trade with Iran from US extra-territorial sanctions, of which the Trump administration made extensive use after leaving the deal.

Yet, hyperbole aside, HR Mogherini was not wrong: the signing of the JCPOA was indeed a major achievement for the EU, and the defence of it from Trump's maximum pressure campaign is, in retrospect, a not irrelevant feat either. The point here is to define effectiveness not so much as the ability of the E3/EU to solve the nuclear dispute, a task they lacked the power assets to fulfil. Instead, the E3/EU's performance should be assessed according to their ability to enable US-Iranian nuclear diplomacy (Interviews 1, 2).

Here the E3/EU score much higher than is usually assumed. Initially, the E3/EU's action towards Iran was meant to build a firewall against a potential military escalation involving Iran and a hostile Bush administration by de-emphasising the geopolitical core of the dispute and instead recasting it in normative terms with which even Iran could relate. The E3/EU thereby created normative common ground for the Security Council, including the US, to adopt a "dual track" approach that combined sanctions with diplomacy. When the US took the lead in the nuclear talks under Obama, the E3/EU contributed to both tracks, broadly aligning their sanctions regime with that of the US while keeping Iran engaged (especially through the offices of the HR) and defending Obama's diplomatic approach vis-à-vis opponents to the JCPOA in the US Congress. Under Trump, the E3/EU resorted to a strategy of damage limitation, whereby they gave Iran an incentive not to quit the deal altogether in the hope of a change of course in Washington. Under a Biden administration, the E3/EU's prospective role is that of injecting new life into the nuclear deal by restarting at least part of the trade with Tehran, thereby creating more forthcoming conditions for renewed US-Iranian nuclear diplomacy (Interviews 1, 2).

The fact that the E3/EU continued to shape and direct EU foreign policy towards Iran even when results were disappointing warrants a nuanced appreciation of both effectiveness of lead groups and effectiveness as a source of the lead group's legitimacy and sustainability. The E3/EU have not been able to solve the nuclear dispute with Iran but have managed to preserve a diplomatic space for a US-led resolution that would eventually serve EU normative and security interests. In these terms, it is possible to assume that effectiveness (as defined above) has contributed to the sustainability of the E3/EU, although it has not been the primary source of it.

# 2. The Franco-German Normandy duo and the Donbas conflict

The Normandy framework was created on 6 June 2014 when the leaders of France, Germany, Russia and Ukraine met on the margins of the 70th anniversary of the "D-Day" in Normandy. The framework is an international semi-formalised format for negotiations that supports a conflict settlement and transition process in Ukraine's eastern regions of Donetsk and Luhansk. The Normandy format has become the main diplomatic forum for the Ukraine conflict, on top of the "Trilateral Contact Group" – including Ukraine, Russia, and the Organisation for Security and Cooperation in Europe (OSCE) – which was established at the initiative of the Swiss OSCE chairmanship in early June 2014 (Åtland 2020: 130).[4]

In February 2014, after months of mass street protests brought the government of Ukrainian President Viktor Yanukovich to the brink of collapse, French, German and Polish representatives (the so-called Weimar triangle) attempted a mediation between protesters and the government (Yoder 2017). The agreement they brokered was however quite short-lived, as street protests continued and President Yanukovich abruptly left the country for Russia. The crisis immediately escalated, first in Crimea – which was quickly taken over by Russian security forces and then annexed after a referendum of dubious credibility – and then in the Donbas, where Russian-backed separatists started an armed rebellion against the newly established pro-Western government in Kiev. The EU's initial response, driven by Germany but with France toeing the line – consisted of a number of selective, targeted sanctions against Russian individuals. Harsher sanctions on certain segments (defence, energy and finance) of Russia's economy followed in the summer, after a Malaysian Airlines aircraft was mistakenly shot down by Russian-backed separatists with Russian-provided ground-air weapons. At the same time, the EU continued to seek an off-ramp that Russia might take to de-escalate and eventually defuse the crisis (Helwig 2020, Siddi 2016 and 2020a).

From spring to summer 2014 German and French diplomacy supported an OSCE-led mediation effort within the Trilateral Contact Group, which led to the signing of the Minsk Protocol (or Minsk I) in September 2014. After the Minsk I ceasefire collapsed in the autumn, Germany and France stepped in to lead the negotiations, with German Chancellor Angela Merkel and French President François Hollande engaging in shuttle diplomacy between Moscow and Kiev. The process culminated in the Minsk II agreement, which brought down the level of violence while setting out the parameters for restoring Kiev's control of the Donbas. EU member states agreed that the removal of sanctions on sectors of Russia's economy would be tied to the implementation of Minsk II.

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4   he Normandy format and the Trilateral Contact Group work in parallel. While the OSCE is not part of the Normandy format, its Special Representative on Ukraine, Swiss diplomat Heidi Tagliavini, was a member of the Trilateral Contact Group and participated in that capacity in the drawing up of the Minsk accords (Haug 2016: 344). She also signed the Minsk I and II agreements on the OSCE's behalf, along with the representatives of Ukraine, Russia and the Donetsk and Lugansk separatist regions.

Neither HR Ashton nor her successor Mogherini were involved in the negotiations within the Normandy format. According to a French official, the HR may have been keen to play a more prominent role, but changing the format structure and adding a newcomer risked to negatively affect the working atmosphere in the negotiations (Interview 4). Nevertheless, scholars (for example, Amadio Viceré 2020: 345-347) and practitioners (Interview 4) maintain that the HR would promote EU foreign policy effectiveness by coordinating the use of supranational and national resources and by representing member states' consensus abroad.

The legitimacy of the Franco-German lead group mostly depended on its capacity to obtain recognition from the main external actors involved in the Ukraine crisis, whereby the other member states had no incentive in opposing the Franco-German push for linking their own mediation effort to the EU's sanctions policy. According to a German official, external recognition and interlocution with key third players was essential to the formation and legitimacy of the lead group. Russia would only negotiate with "European powers" and would not have accepted negotiations with EU officials (Interview 5). Russian officials preferred a restricted format such as Normandy over larger formats out of concern that the addition of more countries would result in the isolation of Moscow (Interview 5). Moreover, HR Ashton had participated in street demonstrations in Kiev in December 2013 and was perceived (especially by Russian leaders) as biased against Russia. The fact that Berlin and Paris were on speaking terms with the Kremlin helped them be accepted as legitimate interlocutors. Conversely, when asked about the absence of the UK from the lead group on Ukraine, German and French diplomats mentioned the poor state of British-Russian relations as the main cause (Interviews 4, 5).[5] Ukrainian leaders also trusted their German and French counterparts and accepted their leading role in the negotiations (Interview 6).

Endorsement by the US was also important for the legitimacy of the Franco-German lead group. In spring 2014, American officials attempted to take the lead through a diplomatic initiative led by then Assistant Secretary of State for European and Eurasian Affairs Victoria Nuland, but their efforts were unsuccessful. After that, the Obama administration put trust in the Franco-German lead group. German and French officials were in constant communication with the US administration. The regular flow of information continued until early 2017, when it was reduced due to the organisational changes introduced in the National Security Council and the State Department by the new administration of Donald Trump. Dwindling coordination between the Franco-German duo and the US after 2017 weakened the idea that the West was acting in unison in the Ukraine crisis, but it had no clear effect on the Normandy negotiations (Interview 5).

As mentioned above, external recognition gave the Franco-German lead group the political capital to generate intra-EU support for its mediation efforts. Even member states concerned that the lead group would give in too much to Russian

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5    Nonetheless, the UK played an important role in the negotiations leading to the imposition of EU sanctions on Russia.

requests, such as Poland, did not challenge the legitimacy of France and Germany to negotiate a peace agreement for the Donbas region and establish a link between the negotiations and EU-wide action over the Ukraine crisis (cf. Natorski and Pomorska 2016: 64, Siddi 2020a).[6] Intra-EU consent was obtained through both the adoption of a policy line that was acceptable to all member states and intense information-sharing with them. The policy promoted by the lead group, combining sanctions with the continuation of dialogue and even substantial trade with Russia in some sectors (such as energy, see Siddi 2020b), largely satisfied those favouring a harsher line on Russia, like Poland, the Baltic states, Sweden and the UK, as well as those unwilling to jettison their relations with Moscow, such as Austria, Hungary or Italy.

Merkel and Hollande's efforts to keep other member states informed of developments in the Normandy negotiations, both through EU channels and bilaterally, reassured them that Germany and France acted in good faith and strengthened the sustainability of the lead group. National diplomats were apparently satisfied with the level of communication with the lead group (Natorski and Pomorska 2016: 64).

Occasionally, some member states advocated adjustments to the EU's policy line. In 2015, for instance, Italy questioned the wisdom of automatically extending sanctions every six months and called for a review of restrictive measures (Scherer 2015). In 2016, then German foreign minister Frank-Walter Steinmeier advocated a flexible approach to sanctions, arguing that some could be lifted following even partial progress in the implementation of Minsk II (Nienaber 2016). However, neither proposal went through. Italy was fairly isolated and never presented the other member states with an alternative sanction mechanism. Steinmeier's proposal was more specific content-wise, yet equally failed to garner support, and Germany did not press it so as to safeguard EU unity. Allegations of Russian electoral interference and support of right-wing parties in Europe, as well as Russia's bombing campaign in Syria, further weakened support for a more flexible stance (Interview 5).

After the election of a right-wing government in Poland in late 2015, Polish officials began to criticise the Normandy format in media interviews, although the government did not formally challenge its legitimacy through official channels (Sus 2018: 82). In spite of its participation in the Weimar triangle (see above) in February 2014, Poland did not find a way into any one of the negotiation formats that followed. One reason was surely Russia's unwillingness to negotiate with Poland, which was perceived as anti-Russian and lacking great-power prestige. Moreover, the Polish government's fierce nationalistic and often anti-EU positions must have played a role in diminishing French and German appetite for bringing the Poles into the loop. The new Polish government did itself no favour with its at times inflammatory criticisms of Germany, such as Foreign Minister Witold Waszczykowski's claim that Germany and Russia created a "concert of powers over the head of Poland" (cited in Sus 2018: 82). In addition, Poland did not make any serious attempt to enter the Normandy negotiations before late 2016, when the group had consolidated enough for no party to see any advantage in changing its composition (UNIAN 2016).

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6    This was reiterated in our interview with the a French government official formerly working in the Normandy format (Interview 4).

The capacity of the Normandy duo to address and contain intra-EU criticism played an important role in ensuring its sustainability. Asked how the Franco-German lead group engaged with Poland's criticism, German officials answered that they tried to compensate for Poland's absence from the negotiations by coordinating intensely with the Polish foreign ministry and prime minister's office. While this may have assuaged some of Poland's concerns, Warsaw was not able to make a constructive contribution either to the substance of the negotiations concerning the Donbas conflict or even to the EU's policy towards Ukraine, as Polish-Ukrainian relations became embroiled in historical disputes (Cadier and Szulecki 2020, Interview 5). Within the EU, Poland's criticism met with little or no concrete support among other national governments. Hence, Franco-German leadership in the Normandy negotiations was never really endangered.

The Franco-German duo paid close attention to making their actions in the Normandy format accountable to EU institutions. German and French representatives closely prepared and coordinated before each Normandy meeting, spending hours on the phone each day. Merkel and Hollande reported extensively to European Council meetings on the progress of negotiations and gave their assessment of the way forward. German and French officials believed that they were "acting on behalf of Europe" (Interview 5). Although EU diplomatic actors did not play a role in the Normandy format, the Franco-German lead group needed the EU's institutions and networks for the internal coordination of European diplomacy, especially on sanctions (Natorski and Pomorska 2016).

Moreover, the HR contributed to the implementation of EU foreign policy towards Ukraine based on the guidelines agreed upon by member states in the European Council. For instance, HR Mogherini catalysed the process leading to Ukraine's Association Agreement with the EU and supported Russian-Ukrainian-EU trilateral talks on gas transit and supply. According to Mogherini, "these efforts [were] part of the concrete support of the European Union to the implementation of the Minsk Agreements" (European Commission 2015), and were thus functional to the work of the Franco-German lead group. In February 2015, after the signing of the Minsk II agreement, the HR also proposed to the European Council "concrete measures" that the EU could "put in place to monitor and implement the agreement" (EEAS 2015). However, subsequent Council conclusions did not mention these proposals, which suggests that even the HR's attempts to influence the Normandy negotiations had very limited success (cf. Amadio Viceré 2020: 348-349).

In terms of effectiveness, the record of the Normandy duo is, not unlike that of the E3/EU, mixed. Once again, the Europeans have not been able to "solve" the dispute: the Normandy format has not led to a resolution of the conflict in the Donbas. As in the case of the Iran nuclear issue, the European lead group lacked the power assets to resolve the conflict. However, the Normandy format has made space for a "weak but working" ceasefire (Interview 5). De-escalation and a ceasefire were the short-term objectives of the Franco-German duo. While these objectives were largely achieved, Franco-German diplomacy was unable to stabilise the ceasefire and ensure the (full) implementation of Minsk II. However, according to German official

sources, the unwillingness of conflicting parties to proceed with the implementation was to blame for this failure, rather than the Normandy format and Franco-German diplomacy. They also stressed that US mediation attempts produced no tangible results and that, as a consequence, there is no evidence that other negotiation formats would have been more successful (Interview 5). The OSCE-led mediation in 2014 also failed to de-escalate the Donbas conflict. Sustained de-escalation only occurred when, in February 2015, German and French leaders took centre stage in the negotiations and conducted their shuttle diplomacy in Moscow, Kiev and Minsk. Indeed, the main concrete attempts to solve the Donbas conflict have been based on pro¬posals and deals negotiated by the Franco-German duo. The Minsk II agreement and the subsequent "Steinmeier formula", which aimed to break the deadlock in the implementation of the agreement, provide apt examples.[7]

# Conclusions

Lead groups come about because of the ability of individual member states to position themselves in such a way that the others eventually find it more advantageous to support rather than oppose their leadership. Usually this happens because the group insiders get external recognition from key third players, thus presenting the other member states with a *fait accompli* that is hard to contest publicly and even harder to reverse. The "consent" to the insiders' leadership therefore comes, in most cases (and surely the ones analysed in this paper), ex post rather than ex ante. This said, a lead group can only endure over time if it carries out a policy that reflects EU-wide normative and strategic interests. It is on this condition only that we can posit EU foreign policy as a multi-actor system that encompasses the action not only of EU institutions but of member states also, and hence lead groups as an established EU foreign policy practice.

In these terms, the effectiveness of the action (even if defined in the less triumphalist terms mentioned above) may bolster, but does not ultimately explain, the sustainability of a lead group. While the E3/EU and the Normandy duo have ensured the EU's involvement in a crisis management exercise affecting its normative and security interests, this may hardly be described as a heroic exploit. Yet, it is worth underlining that in neither case would an action carried out by EU institutions and driven by the unanimity-voting Foreign Affairs Council have been realistic.

The question remains whether this practice dilutes EU foreign policy cohesion or, on the contrary, gives it direction and content. To an extent, it may be argued that the practice may work as a disincentive for EU member states, especially the large ones, to seek greater foreign policy integration, as lead groups give insiders both leeway to act on their own and access to EU assets. More broadly, lead groups, especially if the largest EU countries feature consistently among their members, surely contribute to protracting the never-abated concern about a *directoire* of large EU countries that

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7    The Steinmeier formula (first presented in 2016) called for the holding of free and fair elections in the separatist-held territories under OSCE supervision, after which these territories would be reintegrated in Ukraine with a special self-governing status.

call the shots for the others too – a concern that Brexit makes even more acute, as the UK sees an advantage in having a privileged platform of interaction with the EU's remaining big two, France and Germany.

These criticisms are not fully off the mark, although the empirical evidence is inconclusive. The notion that lead groups disincentivise further foreign policy integration hinges on an argumentative leap, as resistance to sovereignty transfer in the foreign policy area is rooted in political, institutional and domestic considerations affecting all EU member states, including the small ones. Concerns about a *directoire* may be justified, especially with a post-Brexit UK pushing for keeping a position of influence in EU foreign policy-making through special ties with France and Germany. Yet it should be recalled again that even lead groups involving the largest member states – such as the two we discuss in this paper – derive their sustainability from giving the EU, and therefore the other member states, a degree of representation and participation in the crisis management exercise. In addition, membership in a lead group depends not so much on intra-EU power differentials as on the asymmetry of interests, whereby a lead group's composition encompasses the member states with a major stake in the issue at hand (Interview 4).

Lead groups are meant to offset the procedural and institutional shortcomings of the Common Foreign and Security Policy, and in that sense they are always sub-optimal arrangements. The degree to which they ensure participation of EU institutions varies – for instance, it is significant in the E3/EU Iran case due to the HR's association with the negotiation format, whereas it is non-existent in the Normandy duo. Yet the point is less about direct participation of EU institutions than it is about defending and pursuing collectively constructed normative and strategic interests. More detached lead groups, such as the Normandy duo, perform this function as much as lead groups to which EU institutions are a party, as is the case with the E3/EU Iran team. In conclusion, insofar as they operationalise policy positions agreed at the EU level, or create a policy where there had been none, lead groups are a positive net for EU foreign policy and a practice whose potential for strengthening the EU's international profile is greater than the risk of fragmenting intra-EU cohesion.

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Interview 3: French government official with direct knowledge of the E3/EU+3 negotiations, online, 19 November 2020

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**Differentiation has become the new normal in the European Union** (EU) and one of the most crucial matters in defining its future. A certain degree of differentiation has always been part of the European integration project since its early days. The Eurozone and the Schengen area have further consolidated this trend into long-term projects of differentiated integration among EU Member States.

A number of unprecedented internal and external challenges to the EU, however, including the financial and economic crisis, the migration phenomenon, renewed geopolitical tensions and Brexit, have reinforced today the belief that **more flexibility is needed within the complex EU machinery**. A Permanent Structured Cooperation, for example, has been launched in the field of defence, enabling groups of willing and able Member States to join forces through new, flexible arrangements. Differentiation could offer a way forward also in many other key policy fields within the Union, where uniformity is undesirable or unattainable, as well as in the design of EU external action within an increasingly unstable global environment, offering manifold models of cooperation between the EU and candidate countries, potential accession countries and associated third countries.

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