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Truly United in Diversity: The European Union Thriving in Crisis?

An Interview Study on Problem-Solving Behaviour in the European
Union During the Ukraine Crisis

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Abstract

The European Union (EU) has faced numerous severe crises during the 21st century. Rather than standing united and finding joint solutions, the intergovernmental negotiations have often revolved around furthering member state preferences, and maximising individual outcomes. Surprisingly, when Russia invaded Ukraine, in the spring of 2022, the EU managed to field a relatively successful and united response. This study takes aim at describing *how* and explaining *why Problem-Solving behaviour* occurred in these negotiations. Using a qualitative case study approach, and having collected data by interviewing civil servants representing Sweden in the EU-machinery, this study tests established negotiation theory and broadens our understanding of how external factors can affect the internal EU negotiations. The main finding is that when in a crisis context, for example when an *External Threat* is present, established behavioural tendencies are foregone due to an overriding mechanism. *Problem-Solving behaviour* can therefore take place, even though the negotiating context should favour *Bargaining behaviour*. This has clear implications for the decision-making process of the EU during a crisis context, and the EU as a global foreign policy entity. The study suggests that further research must be conducted within the field of crisis negotiations, in order to clearly understand how EU actors behave when facing a crisis.

Key words: European Union, Negotiations, Crisis, Problem-Solving, Semi-Structured Interviews.

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1 Introduction: Entering The Age of Successful Crisis Management in the European Union?

“Europe will be forged in crisis, and will be the sum of the solutions adopted for those crises” (Monnet 1978, p. 417).

The Russian invasion of Ukraine in the spring of 2022 followed more than a decade of inadequate crisis management in the European Union (EU), and could have been yet another shortcoming stained with an inability to act jointly and decisively. What happened however, was that the European Council convened just hours after the invasion, and immediately condemned Russian and Belarusian actions, imposed restrictive measures on Russian and Belarusian entities, pledged to support Ukraine with financial assistance, underlined the legitimacy of the Ukrainian government, and opened the door for future Ukrainian EU membership (European Council Conclusions 24 February 2022). Leading up to the invasion, and during the months following the 24 of February 2022, the intergovernmental parts of the EU stood united in support of Ukraine, and against the Russian aggression.

This stands in stark contrast to the crisis management of other EU crises during the 21st century, such as the Financial crisis, the Euro crisis, the Russo-Georgian war, the Arab Spring, the annexation of Crimea, the Migration crisis and the Covid Pandemic. Whilst attempts to stand united were made during these crises, the responses were often slow and suboptimal due to *Bargaining* and win-lose approaches. In some cases the negotiations collapsed into unfruitful and watered-out conclusions - where member states instead opted to find unilateral or bilateral solutions to the issues (Falkner 2017; Marchi 2022; Müller 2016; Gstöhl & Schunz 2021).

With the world facing a multitude of existential crises, not likely to resolve themselves, unorthodox, holistic solutions must be employed (Manners 2021). Being able to understand the contextual premises allowing the negotiations related to the Russian invasion of Ukraine to be constructive, creative and

efficient, could lay the basis for further understanding of negotiations in general, and EU crisis negotiations in specific. Ultimately, this understanding may grant us further insight into how to best employ negotiation strategies in intergovernmental negotiations, how to deal with crises in a constructive and efficient manner, and how the EU functions as a global foreign policy entity compared to its counterparts.

In light of the above, I will be conducting a qualitative case study focusing on the intergovernmental EU negotiations leading up to, and following, the Russian invasion of Ukraine. Data will be gathered by interviewing civil servants with insight into the relevant negotiations. In order to analyse this data, I will be using a theoretical framework built around how contextual factors lead to *Bargaining behaviour*, or *Problem-Solving behaviour*. The theoretical framework has been modified to include *External Threat and EU Identity* as an external contextual factor, in addition to the contextual factors (henceforth *EU Internal Contextual Factors*) originally presented by Elgström & Jönsson (2000). In using this modified theoretical framework, I will make the finding that in a crisis situation, an *External Threat* can override other contextual factors, causing *Problem-Solving behaviour* even if this is not likely based on other factors. This finding, amongst others, serve to expand our understanding of the intergovernmental EU negotiations that make out an instrumental element in EU decision-making.

1.1 Background

This thesis is situated on a path dealing with broad EU themes. In order to understand the point of departure, several background points must be made. The EU Crisis Management during the 21st Century and the EU Institutional Framework points us towards the contextual and institutional background these negotiations took place in. The Russian Aggression points us towards the build-up of tensions, and the larger struggle between global foreign policy entities. The Timeline of EU measures details what the EU has done to stand up against Russia and support Ukraine, and gives us an idea of what the negotiations we are looking at have revolved around.

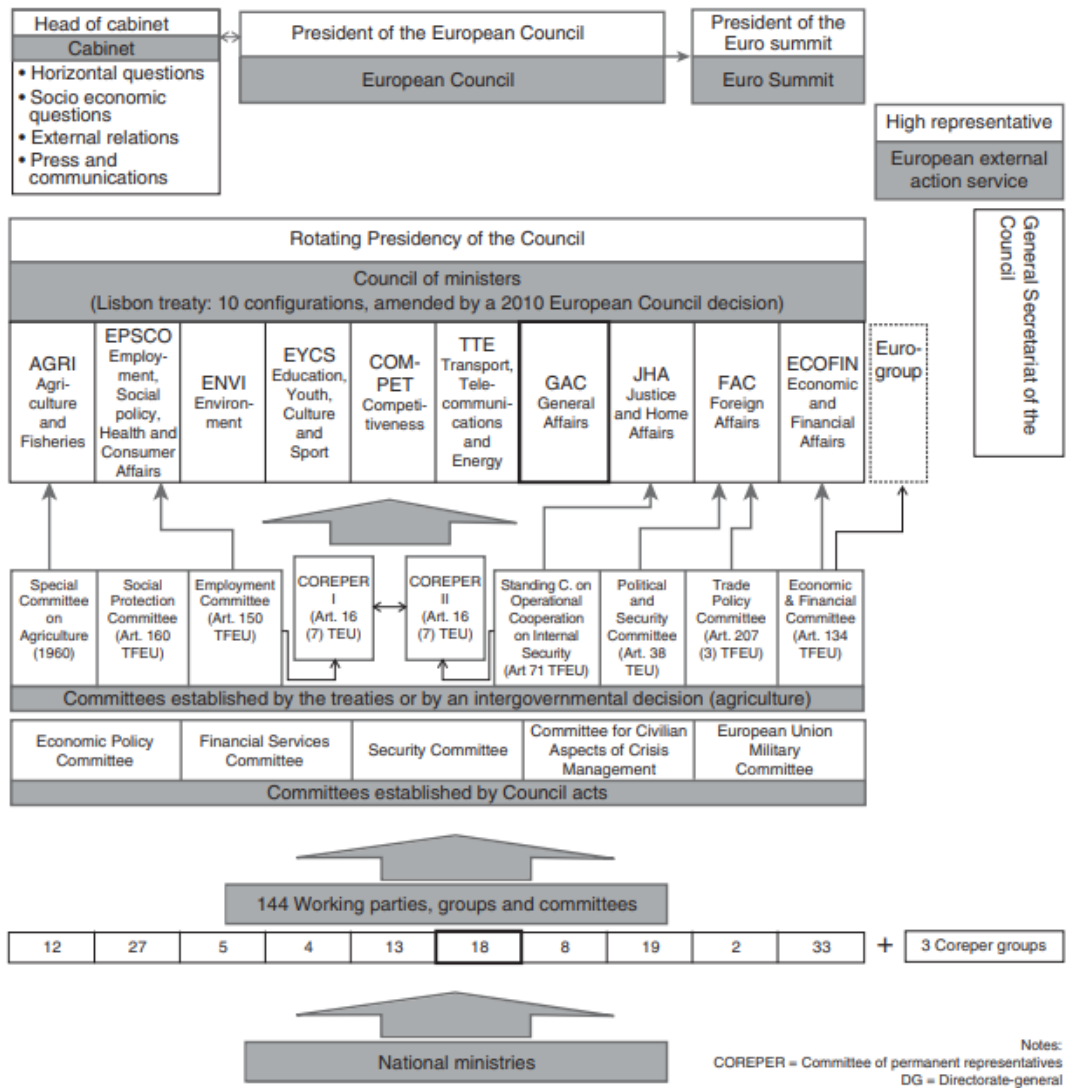
1.1.1 Intergovernmental EU Negotiations in the Face of Crisis

The 21st century has so far been plagued by crisis situations on a planetary level (Manners 2021). For the EU, which is still an evolving entity, this has raised questions on the future of European Integration. It is only natural that questions on further EU integration appear when member states find themselves in crisis, given that crisis often acts as a “trigger of change” (Falkner 2017). When the EU faces a crisis, intergovernmental negotiations are bound to take place. These negotiations happen often enough, and within a stable enough institutional framework, for us to be able to characterise the behavioural modes occurring at these negotiations. Established research on the subject argues that two behavioural modes coexist in intergovernmental EU negotiations. *Bargaining behaviour* entails tough negotiations, win-lose approaches, and attempts to maximise the own outcome regardless of how it affects the other negotiating parties. *Problem-Solving behaviour* entails constructive negotiations, win-win approaches, and the occurrence of self-sacrifice for the benefit of all negotiating parties (Elgström & Jönsson 2000; Scharpf 1988).

1.1.2 EU Institutional Framework

The Council of the European Union holds several configurations, dealing with different issues and containing different ministers varying between the configurations. There were configurations that had more to do with the Ukraine-crisis than others (Appendix A). With that said, as pointed out in an interview when discussing the unprecedented levels of EU commitment to a crisis, all or close to all configurations have worked with issues relating to the Ukraine crisis (Interview 1). This entity holds a legislative responsibility, and is needed to adopt the many measures (European Council 2023 A). Under the Council of the European Union we can find the Committee of Permanent Representatives in the European Union (COREPER), which contains top-diplomats. Under COREPER, there are more than 150 preparatory bodies divided into Working Parties and Committees, containing experts and diplomats (European Council 2023 B). In addition, the European Council contains the heads of state, and deals with the general direction of the EU. They have no mandate to

adopt measures, but instead present guiding principles for other EU entities, like the Council of the European Union, or the Commission (European Council 2023 C).



Retrieved from (Wessels et al. 2015. p. 268).

The arrows in the picture give us an idea both of the hierarchy, and the decision-making process, of the institutional framework.

1.1.3 Russian Aggression against Ukraine

The full-on invasion came as a culmination of years of aggressive behaviour from Russia, and rising tensions between Russia and “the West”. Since the annexation of Crimea in 2014, Russia has amassed troops on the border to Ukraine on several occasions, supported separatist militants in eastern Ukraine, and used increasingly imperialistic rhetoric (Sukhorolskyi 2022). Denying Russian requests, NATO refused to give Russia “Security Guarantees” in terms of limiting NATO enlargement, equipment and personnel in Eastern Europe, citing every sovereign country’s own right to dictate their foreign and security policy (ABC News 2021). The long build-up, the many diplomatic back and forths, and the continuous Russian references to historical grievances, gives the impression that crucial Russian actors had prepared for an invasion of Ukraine for a long time. Put into the context of a bipolar or multipolar world order, where Russia faces off against “the West”, the conflict can be understood in terms of identity. A “Clash of Civilizations”, which highlights the risk of identity-based conflict, has famously been foretold (Huntington 1996). Regardless of whether this inter-state war will evolve into a civilizational clash, we can nurture the identity-factor as an explanatory aspect in terms of why the war is happening, and who the participants are.

1.1.4 Timeline of EU Measures

The EU has responded to the Russian invasion with broad condemnation, civilian and military support for Ukraine, and restrictive measures against Belarus and Russia. The negotiations within the EU have mainly revolved around two elements, restrictive measures against Russia and Belarus, and support for Ukraine. The first restrictive measures package was adopted before the actual invasion, on the 23 of February 2022. Following this, restrictive measures have been adopted several times, with the 10th package being adopted on the 25 of February 2023. The restrictive measures packages have mainly targeted different economic sectors within Russia and Belarus, Russian and Belarusian individuals, as well as the Russia-controlled areas of Ukraine. They prohibit trade of certain materials, and financial interrelations between these areas and the EU (European

Commission 2023 A). For a fuller account of the meetings where these negotiations took place, see Appendix A.

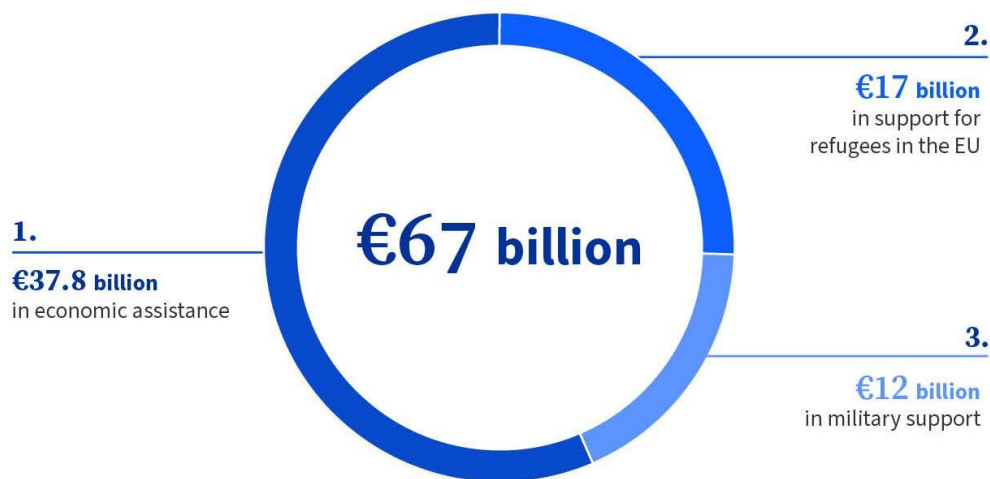
Tenth package - 25 February 2023
Ninth package - 16 December 2022
Eighth package - 5 October 2022
Maintenance and alignment package - 21 July 2022
Sixth package - 3 June 2022
Fifth package - 8 April 2022
Fourth package - 15 March 2022
“Compliance package” - 9 March 2022
Third package - 2 March and 28 February 2022
Second package - 25 February 2022
First package - 23 February 2022

Retrieved from the Commission website (European Commission 2023 A)

As can be noted by looking at these dates, whilst there were several packages the first couple of months, the pace slowed down significantly following the summer of 2022. This is also supported in the meeting list in Appendix A.

The support for Ukraine is more difficult to grasp in a comprehensible way. It can be viewed as both multilateral EU-support, and bilateral support from individual member states. Significant portions of this support is given bilaterally, which is not subject to EU negotiations.

EU and member states' support



Retrieved from the European Council website (European Council 2023 D)

1.2 Hypothesis

Building on the background, and precluding the purpose section, a hypothesis will be presented. Several of the crises which have affected the EU during the 21st century led to stalemates and blockages within the EU, which could be understood as typical for the EU when negotiating parties engage in *Bargaining behaviour* (Scharpf 1988; Falkner 2017; Elgström & Jönsson 2000). Surprisingly, when Russia invaded Ukraine in the spring of 2022, the EU instead acted jointly, constructively and decisively. Therefore, this thesis will be built around the basis of a hypothesis with dual implications:

- Contextual factors continuously influence the behaviour of negotiating participants in all intergovernmental EU negotiations, and thereby to some extent affect the outcomes of those negotiations.
- During the initial negotiations following the Russian invasion of Ukraine, *Problem-Solving behaviour* occurred.

1.3 Purpose and Research Question

Keeping the above mentioned focus of the thesis in mind, the main purpose of this study is theoretical academic contribution. Elgström & Jönsson (2000) presented a theoretical framework on how contextual factors within the EU led to either *Bargaining behaviour*, or *Problem-Solving behaviour*, in intergovernmental EU negotiations. The institutional framework of the EU has undergone significant change since their study, not least through the Lisbon Treaty. The same can be said about the rest of the world, with scholars adjusting the way in which they analyse global entities and the EU (Gsthöhl & Schunz 2021). With this in mind, I propose a need to revisit the contextual factors presented by Elgström & Jönsson (2000). I will therefore be testing the contextual factors presented by Elgström & Jönsson (2000) in the contemporary institutional framework and in a crisis-context. I am also expanding on the theoretical framework by including the concept of *External Threat and EU Identity*. Given that I view *Problem-Solving behaviour* as the behavioural mode most likely to be useful in a crisis situation, and given that this behavioural mode was dominant in the relatively successful negotiations related to the Russian invasion of Ukraine, I will place the emphasis there. *Bargaining behaviour* will mainly play the role of the alternative behavioural mode.

The conclusions drawn in this study will therefore contribute to our understanding of intergovernmental EU negotiations, suggest new ways of understanding EU decision-making, and underline the need for further research within this field. In order to further the generalising capabilities of this study, I will relate cumulatively to the theoretical and methodological decisions taken by Elgström & Jönsson (2000). This, by using their theoretical framework as the foundation of my own, and by using a similar method of data gathering.

Secondly, given the high frequency of crises during the 21st century, understanding them better is paramount. These crises will likely keep occurring (Manners 2021), and I would argue that the EU must learn to find joint, fair, creative and constructive solutions to these crisis situations. There is obviously a clear difference between the Ukraine crisis and for example climate change.

However, by looking at these issues holistically, I would argue that the neoliberal ideas of interdependence and economic cooperation as means to avoid conflict (which failed in preventing Russia from invading Ukraine) are the same neoliberal ideas currently preventing us from achieving the necessary socioeconomic sustainable reform we will need in order to combat climate change.

Thirdly, the decision-making of the EU through intergovernmental negotiations is central to how the EU works. Furthering the academic understanding of this process holds significance by itself. Building on this, furthering the understanding of how the EU decision-making functions when it comes to EU foreign policy, lets us draw conclusions situating the EU in a larger context, and relating it to other similar entities. Relevant for this, is the fact that our findings will point out how the EU is currently undergoing a significant identity-change when it comes to its foreign policy. Furthermore, we must remember that the way in which the EU handles the Ukraine-crisis, holds implications for its interests elsewhere. The position of the EU as a legitimate and trustworthy actor, mediator, and partner elsewhere in the world, is at stake.

In other words, whilst the thesis will be delimited to studying a small theoretical area, by interviewing a small group of civil servants, working for mainly one of the member states of the EU, the broader purpose is much larger. The significance is not limited to academia, with the outcomes of intergovernmental negotiations in the EU highly relevant for the ordinary EU citizen. Given that the case at hand also focuses clearly on the contemporary crisis, furthers this significance. In summary, the thesis and the conclusions drawn in it have a high significance both for the field of Political Science, and for the broader society (Halpertin & Heath 2020, p. 99; Teorell & Svensson 2007, p. 18).

In the light of the above, my research question is the following:

How and why did Problem-Solving behaviour occur in the initial negotiations, held by the intergovernmental parts of the European Union, on its response to the Russian invasion of Ukraine during the spring of 2022?

2 Literature Review: Crisis Negotiations and External Factors

The literature review will deal with two separate themes, central to this thesis: Crisis and Negotiations. By highlighting previous research within these fields, I hope to underline the need for further research, lay the basis for drawing cumulative parallels to the existing research later on in the thesis, and situate my thesis within these fields (Halperin & Heath 2017, p. 103; Clark et al. 2021).

2.1 Crisis

Initially it should be underlined that research within the field of crisis is still evolving. In the editorial statement of the then newly created “Journal of Contingencies and Crisis Management” it was put that “Crises seem to be imbued with decision- and action-driven simplicity. In fact they do not lend themselves to an easy science” (Rosenthal & Kouzmin 1993, p. 10). However, the fact that crisis research is difficult to conduct does not mean that the field is unimportant, or that it should be avoided. Closing in on the turn of the millennium, the many severe crises resulted in the field becoming increasingly well established (Wolbers et al. 2021). In fact, the many crises of the 21st century have further cemented the need for further research within the field.

In the cases of natural disasters, creating a framework for how NGO:s, states, and supranational entities should behave in the aftermath of these disasters, requires research on the effectiveness of different types of handling of different types of natural disasters (Green et al. 2007; Clay et al. 2018; Altay & Labonte 2014; Lagadec 2004). Other authors also highlight different themes within this area, such as preparedness (Perry & Lindell 2003), vulnerability (Bankoff 2001), the role of social media (Houston et al. 2015), and crisis induced policy change (Nohrstedt & Weible 2010).

When instead looking at crises related to human activity, we can note several broad themes within previous research. Terrorism (Townshend 2018; Heymann 2002), financial instability (Hendrickson 2013; Arestis et al., 2011; Arestis et al.,

2012; Guthmann 2021), migration (Squire 2020), pandemic (Paton 2022), and war (Chatham 2011), are all active themes within crisis research.

Many of these themes hold direct implications for the EU, which is often perceived as a crisis driven machinery, continuously being forced to deal with crisis situations, and evolving because of this (Falkner 2017). Broader works on the EU and crisis highlights theoretical approaches to crisis (Wiener et al. 2019), or institutional evolution as a response to crisis (Riddervold et al. 2021). Critical research on EU crisis management highlights the connections between crisis situations, and offers solutions to contemporary crises, as well as the reforms necessary to stop them from occurring (Manners 2021). The EU is traditionally perceived as mainly an economic entity, marking the euro crisis as existentially threatening (Walby 2015). Having evolved from a strictly economic entity, the EU is also obliged to deal with numerous fields of crisis (Manners 2021; Falkner 2017; Földes 2016; Trauner 2016; Slominski 2016).

2.2 Negotiations in the European Union

Negotiations are a deeply natural phenomena, which means that research within this field tends to be immensely broad, and cross-disciplinary. Besides fields like political science, law, sociology, psychology, economics, and many more, research within this field often highlights the many everyday negotiations ordinary people take part in. In order to give a fair representation, I will delimit this section to just deal with EU negotiations, which is a broad field in itself.

How negotiations within the EU works, and should work, has been a subject many researchers have devoted their entire careers to. Many focus on how member states act differently, and pick different negotiation styles, in intergovernmental negotiations depending on their own preferences, culture, power, size and contemporary domestic politics (Dür & Mateo 2010; Lundgren et al. 2019; Panke 2010; Odell 2010; Moravcsik & Nicolaïdis 1999; Putnam 1988; Hagemann et al. 2019; Lewis 2010).

Other research puts emphasis on the roles of different institutional actors, such as how crucial the Commission's role is in intergovernmental negotiations (Costello & Thompson 2013; Lundgren et al. 2019; Tömmel 2017; Tömmel 2019; Schuette 2010) or the legislative power of the Council versus the Parliament in trilogues (Broniecki 2020). There is also a time aspect to much of this research, since the intergovernmental negotiations within the EU have changed thoroughly due to the enlargement packages, Brexit and different treaties (Elgström et al. 2001; Hosli et al. 2001; Johansson 2021). The role of deliberation and communicative negotiations have also received some emphasis (Bianco & Princen 2019; Naurin 2010; Risse & Kleine 2010; Niemann 2004; Niemann 2006).

Furthermore, the concepts of *Bargaining* and *Problem-Solving* (or distributive bargaining and integrative bargaining as they are also called) once dominated normative negotiation theory (Elgström & Jönsson 2000; Scharpf 1988; Scharpf 2006; Calhoun & Smith 1999; Lewis 1998), but has since received less academic attention, and significant limitations to the framework has been presented (Niemann 2006; Wetlaufer 2021; Korobkin 2008; Amanatullah et al. 2008).

2.3 Situating the Study

As has been shown, significant research has been conducted within both the field of crisis, and the field of EU negotiations. This study takes aim at two literature fields, which have not received significant academic attention: Crisis Negotiations and External Factors in EU negotiations.

Given the established importance of understanding how the EU should behave in future crisis situations, I would argue that too little emphasis has been placed on how a crisis situation affects the negotiations taking place within the EU. Whilst there is some literature on the subject of crisis negotiations, it mainly falls within behavioural fields and EU law (see ex. Rogan 2011; Santimire et al. 1998; Lakhani 2015). I suggest that if a crisis context constitutes enough of a shock to negotiating actors, they will behave in a way misaligned with established negotiation theory.

For a long time the EU, and all research on the EU, was self-absorbed by its uniqueness. This can be clearly seen when studying the contextual factors presented by Elgström & Jönsson (2000), and in the works presented in the Negotiations in the European Union-section. In compliance with the decentering agenda (Keukeleire & Lecocq 2021), I propose that in a changing, multipolar globalised world where the EU must find its place amongst its peers, it would be redundant to not accept the notion that intra-EU mechanisms are affected by external factors. This study will place the emphasis of its explanatory aspects on an external factor, *External Threat and EU Identity*, and thereby establish the need for further research within this field.

3 Theoretical Framework: Contextual Factors and Behavioural Modes

Elgström & Jönsson argues “that all negotiations include both conflictual and co-operative aspects” (2000, p. 690). Their theoretical assumptions are centred around the notion that the *Problem-Solving* and *Bargaining* behavioural modes co-exists, and that depending on the contextual premises of the negotiation, one or the other will prevail. They also claim that although *Bargaining behaviour* can be found, *Problem-Solving behaviour* has a significantly higher prevalence in the intergovernmental negotiations of the EU. Scharpf agrees on the initial part, but argues that *Bargaining behaviour* is much less demanding on the participating actors, resulting in *Bargaining behaviour* occurring more often in the intergovernmental negotiations of the EU (1988). The different takes on the prevailing behavioural mode can likely be explained by distinguishing between the focuses of these authors, and matters little for our conceptualisation and usage of these terms (Elgström & Jönsson 2000; Scharpf 1988; Scharpf 2006).

This thesis is built on the assumptions presented in the hypothesis. In order to expand the academic knowledge of the coexistence of *Bargaining* and *Problem-Solving*, as well as to answer the Research Question, we must initially understand what the characteristics of these behavioural modes are. After the conceptualisations of these terms, I will present the theoretical framework combining the *EU Internal Contextual Factors* and *External Threat and EU Identity*. Building on theoretical assumptions presented by established researchers working with *Problem-Solving behaviour*, and *Bargaining behaviour*, these contextual factors will help us explain the premises required for *Problem-Solving behaviour* to occur. It must be underlined that the main authors presenting these contextual factors did so well before the Lisbon Treaty, which profoundly changed relevant parts of the EU foreign policy machine and as a result, intergovernmental EU negotiations. Therefore this thesis sets out on testing the *EU Internal Contextual Factors* proposed by Elgström & Jönsson (2000). In addition, I am proposing that given the updated institutional framework of the EU, and an added emphasis on the EU as a foreign policy entity, there is a need to

compliment the internal contextual factors with external ones. In looking at *External Threat and EU Identity*, I hope to broaden the theoretical applicability of the frameworks presented by Elgström & Jönsson (2000), and Scharpf (1988; 2006). I also hope to broaden our understanding of the EU as a foreign policy entity.

3.1 Bargaining and Problem-Solving

In order to understand the behavioural modes of *Bargaining* and *Problem-Solving*, I will draw upon the conceptualisations presented by Scharpf (1988; 2006) as well as Elgström & Jönsson (2000).

Bargaining behaviour could be defined as a rational and unromanticized outlook on intergovernmental negotiations. State preferences are determining factors, with each state trying to maximise the outcome closest aligned with their own self-interest. Distrust and antagonistic behaviour is often present, and tough negotiations are likely. There is a clear unwillingness to compromise, which is furthered by the need for unanimity (Elgström & Jönsson 2000). This is likely to cause “decision-traps” where either blockages appear, or a “lowest common denominator-decision” is reached. Both of these should be perceived as suboptimal policy outcomes. Finally, negotiations taking place with *Bargaining behaviour* is likely to result in small or no changes to the existing policies, since consensus for anything radical will be difficult to find. If solutions can be found, it is likely that side-deals or some form of “payment” has convinced previously reluctant actors (Scharpf 1988; Scharpf 2006). It is likely that this type of behavioural mode would be ineffective in crisis situations, due to the need for rapid, creative and effective policy outcomes.

Problem-Solving behaviour instead has a more idealistic outlook on intergovernmental negotiations. State preferences are still factors, but rather than fighting to maximise self-interest, actors try to find the best possible solution to the issue at hand. The self-interest has been absorbed in the common interest (Scharpf 1988). Constructive and compromising behaviour is present, and creative solutions to difficult issues can be found. Principles of burden-sharing

are active, with actors being open to sacrificing their own state preferences, with the knowledge that continued negotiations in the future will result in other actors reciprocating this behaviour (Elgström & Jönsson 2000). We can also note that there is an aspect of time involved. When viewing the EU as a continuous negotiating machinery, where all participants are bound to continue negotiating, they should be more inclined to keep good relationships with other participants. If a participant is negotiating with *Bargaining behaviour*, their relationship with the other participants would be more at risk (Elgström & Jönsson 2000).

3.2 EU Internal Contextual Factors

When exemplifying which contextual factors could be relevant in determining which behavioural mode will prevail in an intergovernmental EU negotiation, Elgström & Jönsson (2000) delimits their focus to five *EU Internal Contextual Factors*. I will disregard the final one, “*Network Characteristics*”, due to deeming this theoretical assumption as unlikely to hold applicability in this study given its focus on aspects like lobbying.

The four factors, which are perceived as central in EU decision-making, are:

1. *Decision-Making Rule*
2. *Level of Politicisation*
3. *Stage in the Decision-Making Process*
4. *Type of Policy*

Decision-Making Rule is an important factor in determining negotiation behaviour. Whether the negotiations require all member states to agree on the outcome, or if Qualified Majority Voting (QMV) is applicable, results in several implications (Article 31 TEU; European Parliament Briefing 2021). On one hand, a veto may result in all member states refusing to compromise on their preference, knowing that they can not be forced to give up their position. This could lead to “lowest common denominator-outcomes”, where the member states water out their conclusions to become ineffective and suboptimal. On the other hand, knowing that all member states must accept the proposal in order to pass it

could lead to a higher degree of cooperative behaviour and constructive and creative thinking (Elgström & Jönsson 2000).

The Level of Politicisation an issue has, also affects the behavioural tendencies. If the issue at hand is connected to fundamental state interests, *Bargaining* is more likely to take place in order to protect these interests. The level of politicisation an issue has, is also connected to whether the domestic voter base is invested in the issue. If highly invested, it is more likely that politicians, rather than bureaucrats, will be doing the negotiating. As established in the previous section, the shift from bureaucrats to politicians is also likely to result in *Bargaining behaviour* (Elgström & Jönsson 2000).

The Stage in the Decision-Making Process heavily influences how the negotiation will take place. In the earliest stages, uncertainty is a key concept. Since the negotiating parties have little to no previous information on each other's stances, nor a firm commitment to their own stance, compromises are likely to take place. *Problem-solving behaviour* gets increasingly difficult to justify the higher in the decision-making chain the negotiation takes place (Elgström & Jönsson 2000).

Different *Types of Policy* are likely to cause different types of behaviour. Policy issues perceived as crucial for a member state are more likely to cause *Bargaining behaviour*, since the member state would feel a need to protect these state interests. Policy issues that are perceived as less existential would likely instead result in *Problem-Solving behaviour* (Elgström & Jönsson 2000).

3.3 External Threat and EU Identity

In addition to the contextual factors presented in the previous section, the external contextual factor *External Threat and EU Identity* must be taken into account in order to create a full understanding. Before describing this contextual factor, and before detailing how it will be actively used in this thesis, I will present a brief theoretical overview in order to fully explain necessary aspects.

Looking externally to understand intergovernmental negotiations within the EU might sound paradoxical, but EU foreign policy is often shaped by a combination of internal and external objectives (Keukeleire & Delreux 2022). Furthermore, it is aligned with the notion of decentering EU studies in order to mitigate future crises (Keukeleire & Lecocq 2021). It is also logical to assume that in order to understand the negotiations on Russian aggression, we must take Russia into the equation. We can also note that the Lisbon Treaty meant several new positions within the EU directed towards foreign policy, and the creation of the European External Action Service. Given that the institutional framework of the EU is more devoted to foreign policy than it was prior to the Lisbon Treaty (and prior to the study made by Elgström & Jönsson (2000)), it is only natural to now include an external focus.

This theoretical argument sets off on the basis of traditional decision-making theory in “The Joint Decision-Trap” (Scharpf 1988; Scharpf 2006). “Common interests, values or norms which are distinct from the individual self-interest of the participants” are underlined as a necessary precondition for *Problem-Solving behaviour* to occur (Scharpf 1988, p. 261). The likely factor here, falling within the spectrum described above, is the presence of a “common identity”. A common ethnic or cultural identity, or a shared history, a shared ideological belief, or a shared vulnerability, could inspire an actor participating in an intergovernmental negotiation to agree to a suboptimal (in relation to their national interest) outcome just to further the greater good (Scharpf 1988). The notion that identity, or the components of identity, play a crucial role in determining the behaviour of actors is well established outside of research on negotiating behaviour, which strengthens the applicability of Scharpf’s assumptions (see ex. Biava et al. 2011).

Having established that identity groupings can hold influence over how actors behave in intergovernmental negotiations, Scharpf declines defining what rules or limits there are to identity creation. In order to expand on Scharpf’s theoretical assumptions, a social constructivist perspective can be applied to the notion of identity. According to Risse (2019), people often have multiple coexisting social

identities. If applied to EU citizens, feeling belonging to both a nation state and the EU, is not only possible - but common (Bourne 2015). This perception of dual identity is even more common amongst EU citizens that have a high education, high income and a left-wing ideological belonging (Risse 2019, p. 137). This is also applicable to individuals that speak a second language, are “white-collar workers”, and frequent travellers (Bourne 2015, pp. 58-59). Although these factors will likely not apply to all civil servants and politicians involved in the negotiations at hand, it is likely that a large portion of involved people will fall within this group.

It must also be noted that the social identity grouping which will be referred to as the “*EU Identity*” likely varies broadly in strength and definition between all individuals. Many individuals living in an EU member state might not agree that they feel belonging to an *EU Identity*. The theoretical assumption is that the feeling of belonging differentiates between individuals, and fluctuates from time to time. This fluctuation depends on many different factors, likely also varying from person to person (Risse 2019).

We can further our understanding of the *EU Identity*, by looking at the storytelling of the EU. The myths regarding the EU, how it was created and how it continues to be reshaped in relation to other global entities (Manners 2010), tells the story of the *EU Identity*. Furthermore, it is when Europe is under a perceived external threat that this identity becomes the most pressing, and when Europeans feel most European (Bourne 2015; Hofmann & Mérand 2020). *External Threats* causing a feeling of togetherness and bipartisanship internally, is aligned with Scharpf’s arguments about common vulnerability (Scharpf 1988), and is also broadly viewed as true (Chaban & Elgström 2021; Carothers 2023; Stein 1976; Flynn 2014; Kobayashi & Katagiri 2018; Hofmann & Mérand 2020). An *External Threat* can be interpreted as many things and the feeling of an *External Threat* likely differs from person to person. Regardless of if the *External Threat* is actual or perceived, economic or military, provoked or unprovoked, it could lead to a higher feeling of being under attack. This in turn strengthens the feeling of a common *EU Identity*.

Based on the theoretical overview above, I propose that the behavioural modes which can be seen in intergovernmental EU negotiations differ depending on the level of *EU Identity* amongst the negotiating participants. All individuals continuously feel belonging to several social groupings, and individuals living within the EU likely feel some type of belonging to the *EU Identity*. These identifications fluctuate based on surrounding factors, and can not be viewed as static or quantifiable.

When an individual feels a stronger belonging to the *EU Identity*, they are more inclined to focus their efforts towards a common goal, demonstrating *Problem-Solving behaviour*. The *EU Identity* can be strengthened by many surrounding factors, but we have established that when an *External Threat* is present, the *EU Identity* likely becomes stronger. This is aligned with Scharpf's argument concerning a shared vulnerability. To demonstrate, the process leading to *Problem-Solving behaviour* can be viewed as shown below.



Conversely, when the individual feels a weaker belonging to the *EU Identity*, they are more inclined to focus their efforts towards their self-interests, and in turn demonstrating *Bargaining behaviour*. The *EU Identity* is likely weaker when there is no *External Threat*, in ordinary day-to-day negotiations. The unifying factor is non-existent, allowing the participants to fully focus on their own goals. The *EU Identity* is likely the weakest when there is an on-going EU-internal crisis. When the perceived threat is coming from factors within the EU, or from other member states within the EU, it is much more difficult to find a unifying

factor. To demonstrate, the process leading to *Bargaining behaviour* can be viewed as shown below.



4 Research Design: Outlining the Analysis

4.1 Qualitative Case Study

I will be conducting a qualitative case study of the initial intergovernmental EU negotiations following the Russian invasion of Ukraine, with an emphasis on *Problem-Solving behaviour*. Given that the negotiations at hand contained the somewhat paradoxical traits of “everydayness” and “uniqueness”, I will combine elements of an “exemplifying case study” and a “revelatory case study” (Clark et al. 2021; Yin 2014). Given that the number of crises that the EU has faced has risen during the 21st century, and might continue to do so, we can expect the duality of crisis-management and conducting business as usual to be of relevance.

The theoretical framework used in this thesis combines efforts by Elgström & Jönsson (2000) and Scharpf (1988), which continuously highlights the habitualness characterising many of the intergovernmental EU negotiations. This is further underlined by many of the interviewees, and should thereby be perceived as a central component in understanding intergovernmental EU negotiations. Building on this, we can view the negotiations as a continuation of normal negotiations, containing the same participants and taking place within the same institutional framework as normally. This points towards the classification of the study as “exemplifying” (Clark et al. 2021; Yin 2014). However, given the full-on war in Europe, the theme of the negotiations must be perceived as unusual. The massive response from the EU to this crisis underlines the uniqueness of it, and the interviewees continuously dubbed the negotiations as unprecedented. This points towards the classification of “revelatory”, which is further underlined by the scientific inaccessibility related to conducting interview studies with high-ranking diplomats working within the EU machinery (Clark et al. 2021; Yin 2014).

A key concept in any study is the timeframe. In this study the concept of time is highly interesting, and points us towards larger discussions around epistemological and ontological orientations. As set out in the research question, the case revolves around the *initial* negotiations. The ambiguity of this phrase is

intentional, and offers the interviewees the opportunity to explain when the negotiations began and ended themselves. This logic follows a larger adaptive design (Yin 2014), where I concede to not knowing the answers to the questions posed to the interviewees beforehand. By allowing the interviewees to define the time parameters of the study to a certain extent, I will be able to broaden the theoretical knowledge surrounding contextual factors. For example, when asked to discuss the initial negotiations they had insight into, one interviewee began a year prior to the Russian invasion (Interview 2), and another began several days after the invasion (Interview 3). This divergence constitutes parts of a full understanding. Put together they highlight the different perspectives of the interviewees based on which type of insight they have, furthers our understanding of how these negotiations take place, and aids the analytical ability of this thesis. Finally, this type of open-ended questions are typical for qualitative research, and fits well into my attempts at relating cumulatively to previous research within this field (Creswell & Creswell 2018).

Even if the definition of initial negotiations will be subject to diverging opinions when conducting the interviews, the thesis will still have a need for some type of pragmatic time frame. Several of the interviewees have underlined a shift in how the negotiations took place following the initial crisis management. This shift, around 4-6 months after the Russian invasion of Ukraine, entailed a larger emphasis on member state preferences, and more difficulty in reaching unity. The thesis will not delimit itself to disregard the negotiations which took place after this point, due to obvious shortcomings that would lead to. It will however view this as a blurry and imprecise end to the initial negotiations, and return to a more habitual way of negotiating.

4.2 Epistemological and Ontological Orientation

Returning to the larger discussion on epistemological and ontological orientations, we can build on the reasoning in the initial paragraph. As demonstrated, we will find diverging opinions on what happened even when dealing with a homogeneous group. If we would compare the views of a less homogeneous group, we would likely find even more divergence, given that

norms and values shape our understanding of our surroundings. This, put together with the notion that negotiations revolve around subjective human behaviour, disregards any attempts at finding absolute truth in this thesis. This is further underlined given that Identity plays a crucial role in the theoretical framework, which must be seen as typically constructivist (Hofmann & Mérand 2020). Even if a reality would exist indifferent of the subconscious of any individual, we must be critical of the reality constructed by the interviewees, and of my interpretation of this reality. Having said this, I also disregard any unyielding constructivist schools, strongly arguing that objective truths must be accepted as such if built around enough empirical evidence. Instead a weak social constructivist approach will be applied, keeping in mind that perceptions of happenings are subject to individual subjectivity, whilst still finding these perceptions relevant and useful in the case at hand (Schwandt 2015; Yin 2014; Esaiasson et al. 2017; Creswell & Creswell 2018).

4.3 Validity and Reliability

The number of negotiations that took place during the relevant timespan is impossible to determine, given that the different configurations met with varying intensity depending on how the negotiations went and how the war fluctuated. The relevant negotiations will thereby be studied as one unit of analysis, with the intergovernmental EU system being the context of the case study. Given that there only is one unit of analysis, and that the interviewees will be chosen on a basis of centrality and availability, reproducing the study would be difficult. Drawing comparative conclusions based on a number of units of analysis and constructing an easily recreated study, is however not the objective set out. Given the research questions, and the ambitions to expand on theoretical and empirical knowledge by drawing generalising conclusions, construct validity, internal validity, external validity and reliability must be reached without being able to recreate the study (Yin 2014).

The evidence for the findings in this thesis will be gathered both from the interviewees, and the secondary material, strengthening the construct validity by triangulation. The internal validity when it comes to the explanatory aspects of

the thesis, will be met by reasoning around potential limitations and a fair assessment of whether the theoretical framework has been successful in constituting likely explanations. Since the thesis draws on previous research, and has clear theoretical and empirical generalising ambitions, external validity should be strong. Reliability constitutes a shortcoming, since the area of interest is both secluded and time sensitive. Being clear on the methodological steps taken in the thesis, should be the best step to remedy this issue (Yin 2014).

Another aspect tied to time, is the fact that the interviews all took place around a year after the invasion. I would argue that this is favourable in terms of strengthening the reliability. If the interviews had been conducted closer to the invasion time wise, the interviewees would have still not known how it would play out. Being able to reason around the effectiveness of different measures, around whether the EU will stay united, and around the emerging EU Identity, is absolutely crucial in terms of relevance and drawing conclusions. Likewise, if the interviews would have taken place further away from the invasion time wise, the interviewees would have had more trouble remembering details, and would have been more inclined to produce “correct answers” with the benefit of hindsight (Esaiasson et al. 2017). This potential problem is also lessened by using triangulation, in looking at secondary material together with the interviews (Yin 2014).

4.4 Selection of Case and Delimitation

As established in previous sections of this thesis, conducting research on crisis negotiations is difficult. The opaque nature of interviewing civil servants working within the EU machinery has underlined this. Delimitations have been made, and the main ambition has been centrality, and achievability.

Initially it should be underlined why I have chosen to focus on the EU and its crisis negotiations. The EU is an important global foreign policy entity, and although I would refrain from entering the “sui generis” debate, the somewhat unique institutional framework adds to the relevance. It has also taken a clear, successful, stand in the contemporary crisis, furthering its relevance. Given the

suboptimal crisis management by the EU during other recent crisis, and given the theoretical framework used, this is surprising and worth looking closer at.

As will be explored more in-depth in the operationalisations later on, I opted to focus on the intergovernmental parts of the EU, and thereby dismissed other institutions such as the Parliament and the Commission. This is because foreign and security policy fall within member state competence, and since previous research on the topic has elected to delimit themselves to the intergovernmental negotiations. By relating cumulatively to the previous research I hope to be able to draw generalising conclusions.

4.5 Material

The material used in this thesis consists of primary material collected through semi-structured interviews, and relevant secondary material.

4.5.1 Semi-Structured Interviews

The decision to use interviews as my primary source of material was built around several points. Firstly, by interviewing civil servants with a clear insight into the intergovernmental negotiations following the Russian invasion of Ukraine, I collected data which can not be found in official documentation and which shows a more detailed picture of the negotiations (Esaiasson et al. 2017, p. 262). Secondly, the theoretical framework is built around subjective contextuality. Since all negotiations are interpersonal, interviews are crucial in furthering our theoretical knowledge (Esaiasson et al. 2017, pp. 263-266). Thirdly, collecting primary data through interaction with civil servants with insight into the EU machinery, relates cumulatively to the study by Elgström & Jönsson (2000). This aids the generalising capabilities of the study, and the theoretical ambitions stated.

4.5.1.1 Implications of Choosing Interviewees

When choosing interviewees, centrality was my main concern. Given the opaque nature of the negotiations, the number of civil servants with the necessary knowledge to participate was low, and they were generally unknown to the public. A “snowball-approach” was used to aid me in finding potential

interviewees (Clark et al. 2021). After having identified several potential interviewees who both expressed interest in participating, and filled the centrality requirement, I asked them to recommend others who could be interested in participating. By doing this I managed to select eight interviewees, spread somewhat evenly between the Swedish Foreign Ministry, and the Permanent Representation of Sweden to the European Union. One of these eight was unwilling to specify their nationality. Given that this interviewee held a similar role, and has produced material aligned with the other interviewees, this should not entail any problems.

It should also be underlined that given the Swedish nationality of all of my interviewees, except for one who preferred to not disclose their nationality, the conclusions drawn from this study will be from an inherently Swedish perspective. Whilst this should not be seen as a shortcoming, we must remember that when dealing with subjective matters such as negotiations and the atmosphere of negotiations, different perspectives between different member states could exist. What is considered *Problem-Solving* from a Swedish perspective might be interpreted differently from the perspective of another member state. This must be kept in mind when drawing broader generalising conclusions. A mitigating circumstance is the fact that focusing on Swedish perspectives means that I relate cumulatively to Elgström & Jönsson (2000), given that they also used Swedish civil servants as their main source of material. This aids the conclusions I will draw, and supports the attempt at expanding their theoretical framework.

In summary, the interviewees all had insight into the relevant negotiations, fulfilling the centrality requirements. In addition, the data produced by the interviewees was relevant, substantial and generally supported by the entire group. I also achieved significant saturation, in that the final interviews provided less “new” information and rather supported the data previously collected. The implications of choosing the interviewees have received significant focus, strengthening the study and its generalising capabilities.

4.5.1.2 Ethical Considerations

Given the specific confidentiality that the interviewees are subject to through their place of work, a great deal of caution and ethical awareness was necessary when conducting the interviews. If conducted without caution, damage could be foreseen not only to myself and the interviewees, but to the diplomatic interests of EU member states, and the EU in large. Ethical considerations have been made to construct a calm, trustworthy and transparent setting before going into the actual interview. If an interviewee would have felt uneasy about their participation, it is likely that they would have produced less than ideal material (Halperin & Heath 2017).

All of the interviewees will be anonymous in the thesis. This was often underlined as a condition of their participation. By participating, the interviewees consented to certain statements about their involvement, among other things emphasising that participation is voluntary and can be revoked whenever. These statements were included in the Interview Guide which was sent out to the interviewees (Appendix B). In line with the anonymity requirements, and in order to create a relaxed environment, I took notes during the interviews instead of recording them. By taking brief notes during the interview, and immediately afterwards creating a broader transcription based on these notes, I have gathered useful material whilst retaining the relaxed atmosphere of the interviewees.

Each interviewee has been given a pseudonym, pointing to their relevance as a source whilst retaining their anonymity. The interviewees have all agreed to the below pseudonyms, and in several cases they have altered them when they have thought them too revealing. I am also including the date the interview took place.

Interviewee 1: Desk Officer working at the Swedish Governmental Offices with insight into EU negotiations. 10/2-2023.

Interviewee 2: Desk Officer working at the Swedish Foreign Ministry with insight into EU negotiations. 2/3-2023.

Interviewee 3: Representative of the Permanent Representation of Sweden to the EU with insight into EU negotiations. 3/3-2023.

Interviewee 4: *Representative of the Permanent Representation of a Member State to the EU with insight into EU negotiations. 7/3-2023.*

Interviewee 5: *Representative from the Swedish Foreign Service with insights into the EU response to the Russian aggression against Ukraine. 7/3-2023.*

Interviewee 6: *Desk Officer working at the Swedish Foreign Ministry with insight into EU negotiations. 13/4-2023.*

Interviewee 7: *Desk Officer working at the Swedish Foreign Ministry with insight into EU negotiations. 18/4-2023.*

Interviewee 8: *Desk Officer working at the Swedish Foreign Ministry with insight into EU negotiations. 24/4-2023.*

4.5.1.3 Designing an Interview Guide and Transcription

Posing the right questions is vital to get the needed material (Yin 2014). Therefore much emphasis has been placed at formulating a set of questions relating well to the empirical field, the theoretical framework, and the research question. The Interview Guide has been constructed with availability and clarity in mind, revolving around short, clear, precise and simple questions with an emphasis on the experiences of the interviewee (Esaiasson et al. 2017). The Interview Guide sent out to the interviewees can be found in Appendix B, and a broader Interview Guide can be seen in Appendix C. The divergence between these two build on the foundation that I want my interviewees to have seen the questions on beforehand in order to prepare and reason with themselves around confidentiality, but at the same time I want to be able to pose follow-up questions, emphasis interesting things the interviewees have said, or ask other spontaneous questions. This approach is typical for semi-constructed interviews (Yin 2014; Esaiasson et al. 2017).

The questions posed during the interviews can be categorised in three folders, relating to the hypothesis, research question and theoretical framework:

1. Ice-breaking and establishing the events/the atmosphere
2. *EU Internal Contextual Factors*
3. *External Threat and EU Identity*

As can be noted above, and in the appendices, the questions posed relate intensively with the theoretical framework used in the study. I found this to be an effective approach, allowing the interviewees to start off by describing the events and the atmosphere. By letting the interviewees warm up, and by trying to be laid-back and adaptable, I tried to get a picture of how they viewed the negotiations broadly, how successful the negotiations had been, how well the EU had managed the crisis, and how they perceived the unity in the EU. Following this, I adopted a more steering role in moving towards the explanatory aspects. I thought it important to make the somewhat complex contextual factors, which are tied to the theoretical framework, graspable and easily deciphered whilst not promoting reflexivity (Creswell & Creswell 2018; Yin 2014). The questions in the second folder revolved around the decision-making rules, politicisation, the stage in the decision-making process and the type of policy. The questions in the third folder revolved around the concept of an *EU Identity*, the relationship between the EU and Russia, and the importance of an *External Threat*.

During the interview I took brief notes, and before concluding the interviews I summarised them based on the notes taken. By summarising the interview in front of the interviewee, and then asking if there is something they would like to add, I aimed at both receiving more material, and controlling whether I had understood them correctly throughout the interview. Having concluded the interviews, I conducted broader transcriptions. The transcripts will not be available for readers, given that they contain information which several interviewees presented on the terms that I would not publish what was said specifically. In the cases where I cite specific things said by the interviewees, the citation has been confirmed by the interviewee following the interview. This approach was constructed together with the interviewees, and I kept adaptability in mind when discussing the approach with them.

4.5.1.4 Interpretation

When interpreting this material, I have put the emphasis on the parallel between the contextual factors in the theoretical framework, and the material gathered. In basing my analysis on the theoretical propositions, I relate cumulatively to

previous research (Elgström & Jönsson 2000), and stay in line with methodological norms (Esaïsson et al. 2017; Creswell & Creswell 2018; Yin 2014).

Given that the research question has both explanatory and descriptive elements, the analytical strategy had to keep this duality in mind. This is also in line with the fact that the theoretical assumptions of Elgström & Jönsson (2000) and Scharpf (1988) are being expanded on. We therefore have a duality in our theoretical proposition as well. The *External Threat and EU Identity* can be seen as a “Commingle Rival”, broadening the explanatory prowess of previous researchers theoretical assumptions (Yin 2014).

The fact that the interviews have not been recorded, and therefore word-for-word transcripts do not exist, put together with the fact that the interviewees are anonymous, leads to concerns in terms of replicability and fact-checking. Given that these circumstances were necessary in order to get the interviewees to participate at all, and the fact that the interviewees generally support each other's stories, can be viewed as redeeming aspects. It does however result in limitations concerning the possible conclusions that can be drawn, and is kept in mind throughout the analysis (Yin 2014; Halperin & Heath 2017).

4.5.2 Triangulation through Secondary Material

Given that the material provided by the interviewees mainly revolve around their subjective experiences, the thesis will benefit from weighing in secondary material (Yin 2014). This material will be used as a reference to the interviews, supporting the construct validity. It also furthers the analytical capabilities by continuously connecting the subjective perceptions with other material (Yin 2014). Finally, it minimises the risks concerning reflexivity and counteracts potential situations where interviewees suffer memory lapses (Creswell & Creswell 2018). Using triangulation to counteract these potential issues is a well established approach, and should be efficient in broadening the generalising capabilities of the study (Yin 2014).

I will therefore use secondary material, when possible and suitable. It must however be remembered that the focus of the study is placed on the theoretical explanatory contextual factors. These are normative, subjective, factors, which are not easily measured by looking at documents or academic sources. The fact that I place the emphasis on the broader contextual factors, rather than what happened during specific meetings, must also be underlined. The interviewees, and the data produced by them, will therefore be the central component in the analysis, and will be supported by other sources. The secondary material will consist of official documentation from the meetings held (see Appendix A), statistics, policy research and academic texts.

4.6 Operationalizations

There is a clear need to operationalize “Intergovernmental EU negotiations” and “Crisis”. By doing this I hope to clarify the usage of these terms, avoid semantic misunderstandings, aid my ambition of drawing generalising conclusions, and situate the study in terms of previous research (Teorell & Svensson 2007; Clark et al. 2021).

“Intergovernmental EU negotiations” refers to negotiations taking place within the Council of the European Union, Preparatory Bodies and the European Council. Although other institutions also play crucial roles in dealing with the Ukraine crisis, not least the Commission, the negotiations taking place within the intergovernmental parts of the EU are the ones most crucial in determining the EU’s response to the crisis. Foreign and security policy clearly falls within member state competences, the European Council is the highest decision-making body in the EU when dealing with foreign policy, and much of the economic and military support given to Ukraine is coordinated through the European Peace Facility (EPF), which is mandated by the Council Working Party “Political and Security Committee” (PSC) (European Commission 2023 B). Although these institutions have clear elements of supranationality, they will still be dubbed intergovernmental from a pragmatic point of view. This broadens the scope of the study, and aids us in drawing conclusions with applicability on the member states of the EU, as well as the EU as an entity.

Since the implementation of the Lisbon Treaty, the European Council should be perceived as a separate institution from the Council of the European Union. However, given that there still is much overlap between the institutional systems of the two, and given the decision of established researchers to treat them as part of the same “Council system” (Lewis 2021), I will do so as well. All negotiations relevant for this thesis, will therefore be called “Intergovernmental EU negotiations”. I will still discuss individual configurations when that is necessary.

“Crisis” also needs to be operationalized, given the broad divergences established researchers show in their definitions. As put in a systematic review of crisis research: “A good starting point for finding common ground is to speak of a crisis when a community of people, an organization, town, or nation, perceives a serious threat to the basic structures or fundamental values and norms of their social system, which, under conditions of time pressure and uncertainty, demands critical decision-making” (Wolbers et al. 2021. p. 375). Building on the above, there seems to be three components that authors agree on: a societal aspect, a threat, and a demand for action (Falkner 2017). The Ukraine crisis clearly fills all of these criteria, from the perspective of the EU.

4.7 Conducting the Analysis

Given that the focus of the study is theoretical development, this will be the main component in the analytical strategy. Initially I will show that contextual factors generally impact the negotiations, and that *Problem-Solving behaviour* occurred in the intergovernmental EU negotiations related to the Russian invasion of Ukraine, confirming the hypothesis and producing an answer to the descriptive part of the research question. Following this, I will separately test the applicability of the *EU Internal Contextual Factors* and the *External Threat and EU Identity*. These steps will produce an answer to the explanatory part of the research question.

In addition to the theoretical framework, the analytical strategy revolves around the data collected from the interviews and from the secondary sources. The

Interview Guide can be followed as a point of reference throughout the analysis (Appendix B; Appendix C). The secondary sources will be referenced throughout the analysis, and the full list of meetings within relevant configurations can be viewed as the basis on which the interviews took place (Appendix A).

5 Analysis: Fielding Problem-Solving

As established in the section above, the analysis will be conducted with the theoretical framework in mind. I will therefore initially show that *Problem-Solving behaviour* occurred in the intergovernmental EU negotiations related to the Russian invasion of Ukraine. When the hypothesis has been endorsed, and the descriptive aspects of the research question has been answered, I will venture into the explanatory aspects. I will try to explain why *Problem-Solving behaviour* occurred firstly by using the *EU Internal Contextual Factors*, and then by using the *External Threat and EU Identity*.

5.1 Problem-Solving behaviour

The first order of business revolves around *Problem-Solving behaviour*, and the hypothesis presented regarding the occurrence of such behaviour. The interviewees displayed broad consensus when describing the negotiations, and the atmosphere of these negotiations. When explaining why the negotiations took a certain form, the responses varied somewhat. Put together, it was clear that *Problem-Solving behaviour* occurred to a certain extent, although it is difficult to determine when this began and ended.

The first and most important aspect described by almost all of the interviewees is determination. They all agree that this is a significant crisis, threatening not only Ukraine but the broader European peace. The EU had immediately realised this, and acted accordingly. The measures adopted by the EU were unprecedented, and the unity displayed by the EU had surprised both Russia, and the EU itself. The negotiations had been focused, and the member states had had common goals and ways of reaching and implementing these goals. The workload during these months had been significant, and all interviewees noted the intensity and determination of the EU (Interview 1, 2, 3, 4, 5, 6, 7 & 8). As put by one interviewee: “The EU-machinery is an organism which does not care about any individual, or their schedules” (Interview 7). Another interviewee said that “We could all feel the wings of history” (Interview 3). This description clearly

contains characteristics aligned with *Problem-Solving behaviour* (Elgström & Jönsson 2000; Scharpf 1988).

5.1.1 The Initial Negotiations: An Utter Shock or Preparedness?

When describing the initial negotiations, several interviewees began with characterising the negotiations as quick, straightforward and simple. Simple, because no participating actor disagreed on the proposed measures. Why no one disagreed on the proposed measures, was explained from two perspectives.

The first of these, which was proposed by several interviewees, was that although the EU had received warnings from the intelligence communities of the US and the UK, and although they had to a certain extent discussed different possibilities for months prior to it taking place, the invasion came as a complete and utter shock (Interview 3, 4, 5 & 6). Several interviewees underlined that up until the actual invasion, they thought that the aggressive behaviour from Russia was a diplomatic tool which would never come to fruition. When the invasion actually happened, it was not only shocking, but took place outside of the realms of possibility. Adding to this was the fact that several interviewees mentioned that they had colleagues who had friends and family from Ukraine. These colleagues were visibly shaken, which resulted in a personal, emotional component. In turn, this added to the shock-factor, and strengthened the determination (Interview 1, 4 & 5). Similarly, one interviewee underlined the importance of specific individual situations, causing further shock. The horrific Bucha massacre, this interviewee exemplified, added to the shock, the unity, and the determination of the EU (Interview 5). According to the interviewees, this shock, and the importance of producing a united response to the crisis, resulted in all the member states jointly agreeing to go ahead with the proposed measures regardless of underlying member state preferences (Interview 3, 4 & 5). Specifically the fact that the underlying member state preferences became submerged in the importance of the joint response, is interesting. In other words, the shock summoned *Problem-Solving behaviour*, which is aligned with our hypothesis.

The second perspective, mainly proposed by one interviewee (Interview 2) but strengthened by several others (Interview 1, 5 & 8), was that since the annexation of Crimea in 2014, the EU, the US and the UK had prepared for the risk that Russia would sooner or later commit to invading all of Ukraine. These preparations had been intensified as a response to the first mobilisation of Russian forces along the Ukrainian border in the spring of 2021. During the months before the invasion, there was already a crisis-context, and the EU worked intensely on trying to dissway Russia from escalating further (Interview 1 & 5). Even as the invasion began, there were hopes within the EU that Russia could be diplomatically persuaded to call it off (Interview 8). Simultaneously as diplomatic tools were weighed and used, restrictive measures packages aimed at actors within Russia and Belarus, as well as civilian and military support for Ukraine, had been prepared, discussed, and negotiated for a long time. These measures had been anchored and approved within all the member states as the worst case scenario, together with lighter measures if Russia had acted less severely. The interviewee continuously underlined the importance of the intelligence communities of the US and the UK, which had prompted the EU to make these preparations (Interview 2). The well prepared list of potential measures to adopt in different scenarios resulted in the EU being somewhat locked to a certain path. This is underlined by the fact that measures aimed at supporting Ukraine were adopted before the full-on invasion took place (FAC Conclusions 21 February 2022). When the invasion took place, no negotiations were necessary given that the EU had a prepared response, which they adopted, and since they had already set out on the path of sending support to Ukraine.

This perspective is unaligned with the hypothesis that *Problem-Solving behaviour* occurred, given the reasoning that the negotiations were simple (or even non-existent) due to significant preparation, rather than specific behaviour. It does however also not disprove the hypothesis, but rather highlights another factor relevant for successful policy development and implementation. The same interviewee also goes on to highlight several examples of when *Problem-Solving* can be said to have occurred during negotiations taking place during the initial negotiations. Especially the negotiations taking place a few weeks after the initial

measures had been adopted (which had been prepared in advance), were characterised by *Problem-Solving behaviour*, according to this interviewee (Interview 2). Therefore, the importance of preparedness should not be viewed as contradictory to the theoretical framework used in this thesis, but should instead be viewed as a valuable contribution to our understanding of the EU as a foreign policy actor in a global setting. It will be revisited in the conclusion.

According to this interviewee, it is not until after the first measures have been adopted, that the real crisis negotiations began. This is also underlined by the descriptions of the other interviewees, and therefore the perspectives are mergeable. In these negotiations, particularly the ones on imposing restrictive measures towards the energy sector, the participating actors struggled with the damage the measures could cause to the EU and its member states. On one occasion in these negotiations, a prominent representative of a member states that had particular dependency on natural gas agreed to the suggested measures for the higher purpose of responding to Russia's aggression whilst simultaneously asking for help to figure out how they could continue to obtain necessary energy sources (Interview 2). This leap of faith, knowing that the measures could damage the energy sector of their own countries, is a clear example of how *Problem-Solving behaviour* occurred. This story is strengthened by another interviewee, saying that it was typical for member states to say "This is our position, but we will obviously put unity above" (Interview 8).

5.1.2 Dispensation

As a response to the difficulties certain member states perceived when imposing restrictive measures on areas with specific relevance for their countries, sometimes dispensation was implemented. In these cases the member states were very open about the issues they perceived, and their red lines (Interview 2, 4 & 6). The Commission together with the other member states then agreed to make exceptions, in some cases. This deliberative aspect can be interpreted as both *Bargaining* and *Problem-Solving*. On the one hand, member states who argued that the measures would be too harsh on their own economies clearly had a *Bargaining behaviour*, prioritising their own interests over the common interest.

However, being open about potential issues should hardly be interpreted as selfishness. Instead it should be interpreted as being realistic about the proposed measures, and being inclined to find a constructive solution without causing unnecessary internal damage. By being transparent about the issues, and then receiving acceptance and understanding from other member states, we can also see *Problem-Solving behaviour*. The other member states clearly showed *Problem-Solving behaviour* when accepting that some exceptions had to be made, and when encouraging the deliberative and open discussions on the issues. Simultaneously, the issues concerning dispensation should not be forgotten, as underlined by one interviewee. It leads to watered-out results, and sets dangerous precedent (Interview 6).

5.1.3 Determination, Deliberation and Burden-Sharing

Although it is difficult to quantify behaviour, and given the variety of behaviour shown, it remains clear that *Problem-Solving behaviour* occurred throughout these negotiations. This is underlined when looking at how the interviewees describe the atmosphere of the negotiations, and their place of work, when looking at the shock the invasion caused, and the determination that followed. Specifically the sacrificial behaviour that could be seen when imposing restrictive measures on the energy sector, highlights the presence of a common cause more important than member state preferences. Even when member states had self-interests which were too important to just ignore, burden-sharing and understanding was displayed. Given the transparent, efficient and deliberative manner in which dispensation was granted, *Problem-Solving behaviour* should be seen as occurring even though *Bargaining behaviour* may have also occurred.

Even if we would accept the premise that due to significant preparations, there was no need to conduct any real crisis negotiations for the first week or so, we can still note that after the initial measures had been adopted the negotiations began. During these initial negotiations, and somewhere up until the end of the summer in 2022, *Problem-Solving behaviour* characterised many of the negotiations, and actors participating in these negotiations. After this time period, *Problem-Solving behaviour* did not stop occurring, and likely kept occurring for

the remainder of 2022. However, following this initial time period member states started displaying increasing self-interest, and the burden-sharing component became more difficult to defend.

If we look towards the significant documents related to the initial negotiations, we can note that although the terminology might have been prepared prior to the invasion as suggested by one interviewee, they still hold significance in whether *Problem-Solving behaviour* occurred or not. It is clear when studying these documents, that a sharp shift has occurred in EU-Russian relations. The same can be said about EU-Ukrainian relations. The EU immediately and uninhibitedly took sides in this conflict, called upon significant restrictive measures towards Russia and Belarus, and pledged to support Ukraine throughout the conflict (European Council Conclusions 24 February 2022; Foreign Affairs Council Conclusions 21 February 2022; Foreign Affairs Council Conclusions 25 February 2022; Foreign Affairs Council Conclusions 27 February 2022). This is unity and decisiveness which was not seen when Crimea was annexed, nor in any EU crisis since. These documents clearly support the story told by the interviewees, and strengthens the case for *Problem-Solving* occurring in these negotiations.

5.2 EU Internal Contextual Factors

Given that the *Problem-Solving behaviour* can be said to have occurred during the initial negotiations, we can now look at the *EU Internal Contextual Factors* as explanatory factors, and deal with the *why*.

5.2.1 The Decision-Making Rules: Unity is Our Foremost Strength

The *Decision-Making Rules* are clear factors in determining the outcomes of a negotiation. As established in the theoretical framework, the fact that each member state has the possibility to veto any proposed measure if they feel like it is in their best interest to do so, has major implications for the behavioural modes that can occur. On one hand, the veto enables *Bargaining* on the side of the member states which feel unaligned with the proposed measure. If they are not convinced or “bought over”, the measure can not be adopted. This, several interviewees underlined, should not be perceived as an “institutionally anchored

stalemate-creator”. Instead, it should be perceived to underline the necessity of getting every member state on board. Unity, they argued, is the most significant strength the EU has (Interview 1, 2, 3, 4, 5, 6, 7 & 8). One interviewee said: “If it does not work for one member state, it does not work for the EU” (Interview 1). Another said “Unity is our foremost strength” (Interview 4), and continued by claiming that this was “a unity which I have never seen before within this type of important foreign policy issue” (Interview 4). This reasoning is highly interesting, and should be perceived in the context of EU crisis negotiations. Rather than viewing the inability of certain member states to agree to proposed measures as purposefully interfering and slowing the response down, it is viewed as legitimate concerns on the proposed measure. It is then met with a “how can we make this work-attitude”, rather than a “stop slowing us down-attitude”.

The quote above hints at the longevity factor. Even though it may be annoying to constantly be limited to what can be accepted by the least enthusiastic actor, the measure fills an important role in providing longevity to the EU foreign policy machinery. If member states could be forced to implement a measure they had not agreed to, they would likely do so reluctantly, and would probably jump at the occasion to rip up the decision at the earliest possible occasion. That would result in a back-and-forth way of conducting foreign policy, and would likely make the EU an unreliable foreign policy actor. Instead, the existing type of institutional framework favours the status quo, resulting in a slow, but stable and reliable response. In our case, it was also not necessarily the least enthusiastic actors that slowed down the response, but the most enthusiastic. Some interviewees put great significance on the actors most eager to impose harsher restrictive measures on Russia and Belarus, and refusing to abide with the measures they felt were too weak. This led to significant delay, and did not achieve much policy wise (Interview 4 & 5).

5.2.2 The Level of Politicisation: No Member State wants to Appear Disloyal to the Process

The *Level of Politicisation* surrounding the Russian invasion of Ukraine was ascribed different worth as an explanatory factor by the interviewees. One group

argued that the politicisation was absolutely essential in bringing the member states together, and forcing a quick response which would have otherwise taken months or even years to negotiate (Interview 2, 3, 6, 7 & 8). Normally the negotiations are characterised by reflections of the domestic politics of each member state, but in this case all eyes were fixed on Ukraine. The politicians therefore pushed the response, forcing the EU machinery to work much quicker than it would have normally. One interviewee who underlined the common political interest, and the push for united action as “very important”, claimed that “The cost of obstructing the process has been higher than it is otherwise. No member state wants to appear disloyal to the process” (Interview 6). Another interviewee added that the politicisation, and the intense public interest, likely contributed to politicians committing to suboptimal decisions just to have something to show the public. Given that ordinary people do not understand, nor have insight into, the complex negotiations that politicians take part in, also led to problems. The “you give some, to gain some”-attitude that largely characterises EU negotiations, is incomprehensible to ordinary people since they do not necessarily see what the gain is (Interview 7).

Conversely, one interviewee argued that politicisation had nothing to do with the response, and said that regardless of the public opinion the response would have been the same (Interview 4). Since the invasion of a European country is seen as abnormal and horrifying, the politicians did not need any secondary encouragement forcing them to act. One interviewee within this group draws a parallel to the situation in Iran, where the interviewee argues that the public opinion in the EU member states are forcing the politicians to respond, rather than there being a political will to respond. In the case of the Russian invasion of Ukraine, public opinion was unnecessary as a motivation, and the measures adopted would have been the same regardless of the public support (Interview 4). This second perception also highlights the aspect of Russian aggression as a security threat against the EU and its member states, which will be dealt with more extensively when discussing EU external contextual factors.

I would argue that the two perceptions construct parts of a full picture. There was a significant outcry when the invasion took place, and the measures the EU adopted had the support of the public. The politicians and the public opinion went hand in hand, and whilst the public opinion did not necessarily force a response which would not have taken place otherwise, it also did not hinder an ongoing response. If the public had been totally opposed to the measures adopted by the EU, this stance would have made its way into politics sooner or later. However, we can also note that in some member states the internal unity on opposing Russia and supporting Ukraine has been less consistent. In Italy there was a change of government during 2022, and whilst Meloni ended up keeping up the staunch support for Ukraine, supporters of her government have continuously aired pro-Russia sentiment since the election (Politico 2023; NPR 2023). It would not have been unfeasible for the new government to follow the dwindling public support for a long, costly war.

Elgström & Jönsson (2000) argues that when the issue at hand is not politicised, the member states can allow the *Problem-Solving behaviour* to occur, whilst if the issue is politicised, *Bargaining behaviour* is favoured. In contradiction to this, the interviewees who favoured politicisation as an explanatory factor underlined how it resulted in a quick, constructive, joint, and efficient response to the invasion. These characteristics suggest the occurrence of *Problem-Solving behaviour*, rather than *Bargaining behaviour*.

5.2.3 The Stage in the Decision-Making Process: The Prevalence of COREPER

When asked about the *Stage in the Decision-Making Process* the interviewees produced highly interesting responses. Given the clear political interest, which was established in the previous section, the negotiations on measures relevant for the issue of Ukraine went up the hierarchy. Something which would have otherwise been discussed in a working party like COEST, was instead dealt with in COREPER. The same happened where instead of an issue being negotiated at a council meeting, it was moved downwards in the hierarchy - to COREPER (Interview 1, 2, & 5). The high intensity of COREPER-meetings had several

reasons. The COREPER configuration is accustomed to adopting rapid decisions and solving problems before heading into council meetings, it has a more political role than lower working parties, and it also contains more seasoned diplomats (Interview 1, 2, 4 & 5). Furthermore, the French presidency had crucial actors advocating for the usage of COREPER (Interview 2). Conversely, one interviewee argued that given the importance of the issue at hand, what would normally be negotiated and decided on in a working party or COREPER was now instead decided by politicians at the Foreign Affairs Council, or European Council. This meant that instead of an issue being dealt with in lower levels, before moving higher in the hierarchy, it was just decided in the higher hierarchies directly. It was then sent on down into the system to be implemented. Whilst leading to more rapid and efficient decision-making, the interviewee underlined the probability of this causing worse outcomes than if experts had been able to debate it before letting politicians decide (Interview 6). The same interviewee sometimes felt that their contribution to the discussions mainly took the shape of formality, since the decisions had already been taken elsewhere (Interview 6).

Elgström & Jönsson (2000) argues that when a decision is politically interesting, it moves up the hierarchy. They continue by arguing that the higher hierarchy results in *Bargaining behaviour* taking place more often. This is not necessarily supported by the interviewees, who generally described COREPER as a *Problem-Solving* machinery during these negotiations and rather gave examples of when issues moved down in the hierarchy as an example of how important it was. This is a good example of how the crisis context made the negotiations clearly different from normal negotiations.

One interviewee argued that it can be easier to find common solutions when negotiating at the lower levels, and that it can be acceptable to propose creative solutions to see how the counter-parts react. This, the interviewee argued, is impossible when politicians are involved at the higher levels. The council meetings are in some ways very orchestrated, and ideally there are no undecided items on the agenda when the council meetings take place (Interview 3). Rather

than the council meetings being arenas for Bargaining behaviour, where the politicians fight tooth and nail over their national preferences, this interviewee argues that in an ideal world, they are more of a formality since all the issues have been negotiated and agreed upon at a lower level. This clearly supports the notion that *Problem-Solving*, which is described to take place at the lower levels, is more efficient and produces better outcomes, than the *Bargaining behaviour* which might take place in the council meetings. Whilst Elgström & Jönsson (2000) also argues that *Problem-Solving* and *Bargaining* are more likely to take place at the lower respectively higher levels, they refrain from grading the behavioural modes in terms of efficiency and desirable.

5.2.4 The Type of Policy: Partially Contradicting the Theory

Finally, how crucial a *Type of Policy* is perceived to be for the different member states plays a role in determining whether *Problem-Solving behaviour*, or *Bargaining behaviour*, will occur. This builds on the notion that more important types of policy are likely to cause *Bargaining*, whilst less important types of policy allows for *Problem-Solving* (Elgström & Jönsson 2000). A clear parallel can be drawn to the discussion in the politicisation section. The argument presented both for this explanatory factor and the explanatory factor revolving around politicisation, is that when the issue at hand is important, either because of politicisation, or because it may have significant, or even existential potential outcomes, the member states will *Bargain* in order to protect their interests. From this perspective, *Problem-Solving behaviour* would likely only occur when dealing with issues having low significance, allowing the member states to be constructive and creative.

Although there is a rationale behind this, and although it might be applicable in some situations, our findings partially contradict the argument. Foreign and security policy traditionally falls within member state competences, signalling how important they are perceived to be. Given the invasion of Ukraine, and all that has transpired since, this type of policy is likely even more important for the member states of the EU. Whilst there have been examples where *Bargaining behaviour* have occurred due to the perceived importance of the outcome (ex.

dispensation), the dominating view is that the common goals submerge the national preferences. The broad conclusion based on the several detailed accounts of *Problem-Solving behaviour* presented by the interviewees, is that the member states show *Problem-Solving behaviour* even if the issue at hand is perceived to be very important. Not only that, there were participating actors who selflessly sacrificed themselves, agreeing to adopt measures which would damage their own economy, in order to further the common goals.

5.3 External Threat and EU Identity

Having studied the applicability of the *EU Internal Contextual Factors*, it remains clear that although some factors can be said to have contributed to the *Problem-Solving behaviour*, the theoretical framework concerning the *EU Internal Contextual Factors* does not constitute a full and precise explanation. This leads us to look outwards, to the *External Threat and EU Identity*.

5.3.1 The Existence of an EU Identity: But... Moscow is also in Europe

The interviewees were torn on the existence of an *EU Identity*. As expected, not a single interviewee fully agreed to the premise of a broad European Identity, encompassing everyone in Europe, and which all Europeans felt belonging to. However, several interviewees argued that an *EU Identity* exists, and that this identity likely is especially strong amongst the people working with, or within, the EU (Interview 2, 3, 4, 5, 6, 7 & 8). As one interviewee pointed out whilst underlining the importance of differentiating between the EU and Europe, “Moscow is also in Europe” (Interview 5). Another interviewee supported this perception, arguing that there was some type of invisible line between the EU and its neighbours (Interview 2).

Going beyond the reasoning above, another interviewee argued that they often felt that they had closer relationships, and a larger feeling of togetherness, with delegates from other member states than with their colleagues from the same member state. The feeling of togetherness became larger when working intimately together towards a larger shared goal. In this work, the feeling was

often that the capital of each delegation was the difficult participant to get on board, whilst the representatives of the different EU member states working together in Brussels was in full agreement (Interview 4). This “Brussels-bubble” is aligned with our theoretical assumptions regarding which groups of people feel the most European, as well as our reasoning that the actors participating in EU negotiations would to a large extent fall within this group (Risse 2019; Bourne 2015).

Finally, one interviewee felt that it was difficult to say whether their identity (and potential belonging to certain identity groupings) held sway over the decisions they took part in, and behaviour they displayed (Interview 1). This is highly interesting, and should be reasoned around. The importance of feeling togetherness with your counterparts likely varies depending on the actors involved, and the work these people do. If one would be working in a capital, like this interviewee, whether or not they feel togetherness with other member states might make little difference in how they conduct their work. A person representing a member state in a working party in Brussels however, might be in a more suitable position to directly influence the outcome of a negotiation, based on their feeling of togetherness. This interviewee went on by pointing out that the feeling of belonging to an *EU Identity*, likely varied between member states. There is likely some truth to this statement, which points us towards broader questions on the fluctuating strength of the *EU Identity*.

5.3.2 The External Threat is Changing the EU Identity

Having established that some type of EU Identity exists, and that it likely affects actors working closely with representatives of other member states, we can look at the aspect of an *External Threat*. Several interviewees felt that the EU Identity is currently being strengthened, and that this has to do with the Russian aggression (Interview 3, 5, 6, 7 & 8). They argued that whilst a common identity has been there all along, it is much more visible following the invasion. In addition to the *External Threat*, one interviewee underlined the fact that Ukraine wants to become an EU member, as crucial in this identity strengthening. The fact that the Ukrainians view the EU norms and values as something worth fighting

for, furthers the internal EU perception that the EU is something unique (Interview 5). The interviewee went on, arguing that one way in which the EU Identity is currently being changed, has to do with the deadly military equipment being sent to Ukraine. This would have been inconceivable before the invasion, but is now possible due to the changing identity. This leads to several questions on how the EU will evolve, and whether it is possible to devolve the identity as a deadly equipment provider after the war is over. This could, according to the interviewee, also lift federalist voices within the EU, arguing for more integration (Interview 5).

Another interviewee agreed with the above, in terms of the *EU Identity* being strengthened due to the *External Threat*. They drew a parallel to the cohesion and identity crisis which took place in conjunction with the Trump presidency, and Brexit. At the time, many member states felt that national identity, national preferences and national needs should be viewed as more important than any common project. In the light of the contemporary crisis, this has changed. The interviewee added that “we have something we share, and we need to defend it together” (Interview 6).

Building on this, another interviewee underlined that the changing identity results in both internal, and external expectations. The external expectations revolve around the EU continuing to act in a united, decisive manner. This can then be used during the internal EU negotiations, as an argument for why a measure needs to be adopted (Interview 3). When every member state is concerned with keeping the unity intact, unity itself becomes a common goal. Whilst useful in a short term, this could obviously also lead to issues if member states feel boxed in by internal and external expectations. Looking back at the discussions on internal unity, we can remind ourselves that the EU unity is based on all member states supporting the measures adopted. “If it does not work for one member state, it does not work for the EU” (Interview 1).

Another way in which the EU is undergoing an identity-change, is in its view of military capabilities. As posed by one interviewee “The main way in which to

deal with a foreign entity like Russia is through a strong defence” (Interview 6). This clearly shows a policy shift from the previously established view of what the EU is, and how it should relate to other similar entities. This statement should likely be viewed in the context of a changing identity, rather than a new EU-policy on Russia.

Continuing, one interviewee concluded the interview by adding that “what is becoming increasingly important is that we show other parts of the world that we have not forgotten about them” (Interview 3). It is well known that whilst the EU and like-minded partners have been very eager to put Ukraine on the agenda, others have been less enthusiastic. Many wonder why Ukraine receives so much emphasis, when similar things are happening elsewhere and receiving less attention from the EU and its partners. These external perceptions of the EU are highly important, not least for the EU as a conflict mediator. Russian perceptions of the EU as “dehumanised”, “weak” or “decadent” furthers this effect (Chaban & Elgström 2021).

Triangulating the data collected from the interviewees with statistics, we can note that Russia is increasingly being viewed by Europeans as “A rival - with which we must compete” or “An adversary - with which we are in conflict” (ECFR 2023 A). Whilst this varies broadly between different member states and political affiliations, the polling is clear in that Russia is increasingly being viewed as an *External Threat*. Given that the polling had changed significantly since the last time it was conducted, we can also note that the feeling of aversion towards Russia is increasing in the EU. This aversion towards Russia can be directly translated into support for the EU, and the actions the EU are taking as a response to the Russian aggression (Eurobarometer 97 2022; Eurobarometer 98 2023). The general public, not necessarily individuals who normally feel a strong belonging to an EU Identity, are coming together in the face of Russian aggression. If we assume that the individuals participating in the negotiations are more likely to feel a strong belonging to an EU identity, they would be equally, or more, inclined to face Russian aggression together. The common vulnerability clearly

leads to a stronger feeling of togetherness, which in turn affects the behaviour of the negotiating parties.

5.3.3 EU-Russia Relations: Internal and External Division

Given the feeling of togetherness due to the existence of the *EU Identity*, and seeing that this identity is being strengthened due to the *External Threat* of Russian aggression, I asked about how this affected the negotiations, and the role that EU-Russian relations played. The interviewees jointly, and unsurprisingly, underlined the worsened EU-Russian relations following the invasion. Emphasis was placed on how the decoupling of the EU economies and the Russian economy had transpired. Some interviewees underlined the differences compared to the situation following the annexation of Crimea in 2014. At that time, the EU economies had too much invested in Russia to completely withdraw, it was argued (Interview 5). In the contemporary setting we can instead see a close to total disengagement from the Russian market. The fact that the relations had worsened significantly, together with the lessened economic interdependence, meant that the EU member states had an easier time imposing restrictive measures on Russia, during the intergovernmental EU negotiations (Interview 4).

When discussing the impact it had on the negotiations that it was specifically Russia who had invaded a European country, the interviewees could be divided into two different groups. These groups, interestingly, also present the perceptions of two groups of member states in the EU. One group argued that the historical grievances with Russia were a significant factor in the negotiations (Interview 3, 5, 6, 7 & 8). Many of the EU member states who had historically suffered under Soviet/Russian imperialism, and who had since felt a strong aversion towards Russia, now felt that their perspective had been confirmed. As posed by one interviewee: “For some EU member states there is no other threat than Russia” (Interview 2). A clear pattern could be seen, where member states who had historical grievances with Russia pushed for harsher restrictive measures against Russia and Belarus, and stronger support for Ukraine. It would have been impossible to gather this kind of support against a foreign aggressor, if that aggressor had not been specifically Russia.

On the other side, a group of member states who had previously been “hopefuls” in terms of Russia, now struggled with their stance. The past stance could also be argued to have had historical connections, given what happened during the second world war. Now, the “Wandel durch Handel” (the German foreign policy stance “Change through Trade”) had clearly failed in the ambition of assimilating and democratising Russia, yet there had been no time to find a policy-successor (Blumenau 2022). The fact that several member states struggled with defining their long term policy stance on Russia, also affected the negotiations and caused irritation amongst the group pushing for harsher measures. However, this group of member states were equally supportive towards Ukraine, and mainly wavered when it came to imposing the measures lobbied by the hardliners. The interviewees focusing on the latter group argued that the key factor was not “Russia attacking”, it was “European country being attacked” (Interview 2 & 4). The fact that there was an all-out inter-state invasion taking place in contemporary Europe, was inconceivable. As put by one interviewee: “A full-on military invasion of a European country could not exist in the minds of many Europeans” (Interview 4). The support for a European country being attacked would be as strong regardless of the aggressor.

The interviewees view two sides of the same coin, and their opinions are largely mergeable to fit into the same narrative. What is really interesting, is that the interviewees unconsciously highlight the larger divide between EU member states. On the one hand, we can clearly see that a group of member states feel strong aversion towards Russia, which causes an eagerness in finding quick, effective, constructive and creative solutions in order to implement harsh measures on Russia and Belarus, and strong support for Ukraine. On the other hand, we can clearly see a group of member states struggling with their stance on Russia, yet finding the same resolve to support Ukraine as the first group.

The fact that these groups could find each other, and adopt the necessary measures, can be attributed to the context of an *External Threat*. The *External Threat* could be perceived either as a threat specifically revolving around Russia,

or just the fact that a European country is under attack. The *External Threat* highlights the common vulnerability within the EU, and a full-on invasion of another European country invites clear parallels to the common history of the EU. Both of these aspects strengthen the idea of a common *EU Identity*. Building on this, we must remember that the EU identity is not a static phenomena (Risse 2019). It is subject to constant change, and it has changed profoundly since the invasion of Ukraine. If the EU evolves during crisis (Falkner 2017), and furthers the creation of its identity when facing *External Threats* (Risse 2019; Bourne 2015), we might argue that the *Problem-Solving behaviour* is a product of an evolving EU facing existential pressure from a competing foreign policy entity.

5.4 Findings

This study set out on the mission to describe *how* and explain *why* *Problem-Solving behaviour* occurred in the initial intergovernmental EU negotiations related to the Russian invasion of Ukraine in the spring of 2022.

5.4.1 How did Problem-Solving occur?

Our interviewees present a wide range of behavioural tendencies that point towards *Problem-Solving*. (1) The fundamental need and support for broad internal unity, (2) the willingness to adopt measures in support of Ukraine despite the high monetary cost and the diplomatic consequences that comes with siding against Russia, (3) the willingness to adopt restrictive measures against Russia and Belarus despite knowing that this would cause direct and acute economic turmoil in their own member states, (4) completely overhauling the policy-stance on Russia, and the policy-stance on exporting military equipment to a country involved in a war, despite these stances having been cornerstones in the EU foreign policy, can all be seen as examples of how *Problem-Solving behaviour* occurred. It is in the uncomfortable decisions, which are taken to further the common goal rather than any individual member state, that *Problem-Solving behaviour* becomes the most transparent. The most interesting way in which this took place, was in the speed and efficiency that characterised the EU's response. These terms are clearly uncharacteristic of the EU, which is an entity built on processing issues in a clear hierarchy. *Problem-Solving behaviour* took its most

obvious shape, when the issues no longer had to be discussed thoroughly by experts and bureaucrats in working parties and instead went straight on to the politicians for adoption.

5.4.2 EU Internal Contextual Factors

Why did Problem-Solving occur? This question must be answered by looking at the explanatory aspects of our theoretical framework. Initially, we can note that the *EU Internal Contextual Factors* held some applicability. The need for unanimity within the *Decision-Making Rules* resulted in a situation where individual member states had the power to obstruct the entire process, if they felt unconvinced by the proposal at hand. This caused both *Problem-Solving behaviour* and *Bargaining behaviour*. On one hand individual member states had the opportunity to hold the rest hostage in order to further national preferences. On the other hand the concerns of individual member states were often met with a constructive attitude and seen as legitimate concerns. Given the pressing need for action, and the perspective that being disloyal to the process could be diplomatically costly (Interview 6), this must be seen as one reason for the occurrence of *Problem-Solving*. In a less pressing situation, *Bargaining behaviour* would have been more likely to take place.

The *Level of Politicisation* was met with contradictory assessments. One group of interviewees argued that this was essential in speeding up the process. Another group argued that the process was sped up due to other factors. Whilst difficult to assess further, we can note that the interviewees who viewed this factor as important had a contradictory stance when comparing with that of Elgström & Jönsson (2000). The interviewees argued that politicisation sped up the process, which would entail *Problem-Solving behaviour*. Elgström & Jönsson (2000), instead argued that politicisation would lead to *Bargaining*, given that the issue would be too important to compromise on. Whilst the explanatory prowess of this factor is difficult to completely assess based on the data we have collected, we can note that if the factor held influence over the behaviour, it would cause *Problem-Solving* rather than *Bargaining*.

The *Stage in the Decision-Making Process* resulted in some of the most interesting discussions. It was clear that the interviewees felt that issues had been moved away from the lower hierarchies. Experts and bureaucrats had less to do with formulating and adopting the measures, and were instead just there to implement what was decided on higher levels. One interviewee felt that they were mostly there as a formality, since the decisions were often taken above their head (Interview 6). Regardless of whether the issues ended up at COREPER or at Council configurations, we can note that this type of efficiency-reform constitutes a good example of *Problem-Solving behaviour*, yet it does not explain *why Problem-Solving* occurred. The interviewees also somewhat contradict the assumptions of Elgström & Jönsson (2000). Yes, the decisions were important, and therefore taken by the politicians themselves. However, this did not cause *Bargaining* as argued by Elgström & Jönsson (2000). Instead the politicians showed clear *Problem-Solving behaviour*.

Finally, the *Type of Policy* had similar characteristics to those of the previous explanatory factors. The argument by Elgström & Jönsson (2000), revolves around the importance of an issue. When it is very important, or even existential, politicians take over which prompts *Bargaining behaviour*. This did however not happen. This factor also holds little to no explanatory power in terms of *why Problem-Solving behaviour* occurred.

5.4.2 External Threat and EU Identity

As noted above, the *EU Internal Contextual Factors*, collected from the theoretical framework of Elgström & Jönsson (2000), does not provide a satisfactory answer to *why Problem-Solving behaviour* occurred. Whilst there are viable explanatory elements, notably the *Decision-Making Rules*, in large the *EU Internal Contextual Factors* fall short. They do however point us towards an important aspect. In the contemporary crisis situation, the contextual factors do not behave in the way Elgström & Jönsson (2000) predicted. In complete contradiction to what they argued, our data suggests *Problem-Solving behaviour* from the politicians negotiating important, even existential, issues at high levels of decision-making, with high levels of politicisation. The only possible

conclusion that can be drawn from this, is that there exists another factor which overrides what is normally applicable.

Moving on to the *External Threat and EU Identity*, we can note that the interviewees had a somewhat diverging opinion of the *EU Identity*. Whilst the majority agreed that there was some merit to the existence of an *EU Identity*, many felt that it was not necessarily the strong *EU Identity* that caused a certain result in a certain negotiation. All interviewees were however convinced that the *External Threat* posed by Russia had a significant impact on the member states. Especially member states who had historical grievances with Russia, who had been more or less occupied during large parts of the 20th century, were inclined to feel that Russia once again could be capable of threatening their sovereignty. It was only by supporting Ukraine in their fight against Russia, and by imposing restrictive measures on Russia, that this *External Threat* could be met. Yes, these measures would be costly in terms of finances, diplomacy, and domestic politics. What would be more costly however, would be not imposing the measures, and not supporting Ukraine. The common goal submerged individual concerns, and *Problem-Solving behaviour* occurred.

The *External Threat* holds further explanatory power, in that it compliments the theoretical assumptions of the *EU Internal Contextual Factors*. The actors who participated in the intergovernmental EU negotiations would likely have shown *Bargaining behaviour* if this would have been a negotiation without the presence of an *External Threat*. This, in order to maximise the outcome towards their national preferences. However, when faced with a significant *External Threat*, they instead realised that it was through constructive cooperation that the threat had to be met. Therefore, *Problem-Solving behaviour* occurred.

In conclusion, the results of the study are several. We have confirmed the dual hypothesis, answered both the descriptive and explanatory aspects of the research question and contributed to significant theoretical development. Whilst this study in no way disproves the theoretical assumptions of Elgström & Jönsson (2000), it does constitute another layer of understanding. In times of crisis, specifically

crisis revolving around an *External Threat*, the *EU Internal Contextual Factors* are subject to significant change. Whilst the factors are not null and void in these situations, we have found evidence suggesting that *Bargaining behaviour* might not occur if this would be considered inefficient in terms of meeting the threat. Instead *Problem-Solving behaviour* might be viewed as more favourable. The *External Threat* overrides any ideas of short-term gain, since the shadow of the future looms too large. In addition to this, we have the strengthened *EU Identity*. Whilst the interviewees did not fully support the notion that the *EU Identity* led to *Problem-Solving*, the identity factor constitutes an interesting aspect which will be discussed further.

6 Conclusion: Negotiating in Times of Crisis

Having established and presented the findings, I will now summarise the study, before venturing into discussions on the theoretical contribution, the broader implications of the study, and potential future research.

6.1 What has been done?

This study has examined the intergovernmental EU negotiations which took place in relation to the Russian invasion of Ukraine in the spring of 2022. An analysis has been conducted on the data collected by interviewing civil servants, by using the theoretical framework of Elgström & Jönsson (2000), which was expanded and made more applicable to the contemporary institutional framework of the EU. The study was based on a dual hypothesis, that contextual factors affect the behaviour of negotiating participants in EU negotiations, and that *Problem-Solving behaviour* occurred during these negotiations. Initially, we can note that the dual hypothesis has been confirmed, in the sense that our findings are aligned with the notion that the context a negotiation takes place within affects the behaviour of the participants and in turn the results of that negotiation. Furthermore, our findings support the notion that *Problem-Solving behaviour* occurred during the intergovernmental EU negotiations related to the Russian invasion of Ukraine.

Dividing the descriptive and explanatory parts of the research, I compared the data gathered from the interviewees with the descriptions provided by Elgström & Jönsson (2000), and Scharpf (1988). In doing so, I found a satisfactory response to the descriptive part of the research question. Following this, the explanatory factors was assessed, and I found that the contextual factors presented by Elgström & Jönsson (2000) (in this study called “*The EU Internal Contextual Factors*”) has little explanatory power when it comes to determining *why Problem-Solving behaviour* occurred in this case. By adding external factors (in this study called “*External Threat and EU Identity*”) I was able to compliment the internal factors, and achieve a satisfactory response to the explanatory part of the research question.

With the above in mind, I will now answer the research question, “*How and why did Problem-Solving behaviour occur in the initial negotiations, held by the intergovernmental parts of the European Union, on its response to the Russian invasion of Ukraine during the spring of 2022?*”:

1. *Problem-Solving behaviour* occurred in the sense that there was a broad common goal in supporting Ukraine and standing up against Russian aggression, which caused negotiating participants to partially dismiss their individual national preferences to instead focus their efforts towards the common goal. This was seen in rapid, joint, effective and constructive decision-making, and in the common goal submerging the individual preferences.
2. *Problem-Solving behaviour* occurred because the *External Threat*, which the Russian aggression constituted, submerged any individual preferences and instead made the negotiating participants focus their efforts towards meeting the *External Threat*. The *EU Identity* likely played a role, but was not the major explanatory factor.

6.2 Refining Problem-Solving

The most crucial finding of this study falls within theoretical academic contribution. Having shown that an *External Threat* can lead to *Problem-Solving behaviour*, even if the *EU Internal Contextual Factors* do not favour this behaviour, broadens our understanding of *Problem-Solving* and *Bargaining*. It also opens us up for a discussion on whether negotiating actors are aware of the contextual factors or not. By furthering our understanding of how relevant actors perceive the contextual factors, we can broaden our understanding of why *Problem-Solving behaviour*, or *Bargaining behaviour*, takes place in a certain context.

On one hand, we can view the influence on negotiating actors that contextual factors hold, as ambiguous, intangible and difficult to comprehend. Through this perspective, the actors do not themselves understand why they behave in a certain way. On the other hand, we can view the influence on negotiating actors that

contextual factors hold, as transparent and easy to understand. Through this perspective, which I deem more likely, the actors have full understanding of why they act in a certain way. The contextual factors are clear, and the actors behave in a certain way because this is the most favourable from a pragmatic point of view. Through the second perspective, *Problem-Solving* was more favourable than *Bargaining*, not because an issue was discussed on a certain decision-making level, but because it was deemed the most optimal way to meet the *External Threat*.

If we view *Problem-Solving behaviour*, and *Bargaining behaviour*, as conscious decisions made when one or the other is perceived to result in a more favourable outcome, we must return to our initial research question. In a self-explanatory way, we can conclude that *Problem-Solving behaviour* occurred since this behavioural mode was perceived to be more effective in meeting the *External Threat*, and dealing with the crisis. Whilst this conclusion sounds obvious, our understanding of the behavioural modes are deeply broadened. If this conclusion is applied to other crises during the 21st century, we must draw the conclusion that the EU was unable to offer its member states convincing joint solutions to the crises. Therefore, the member states felt that *Bargaining behaviour*, which in many cases led to watered-out conclusions, ineffective crisis-management and disunity, would be the best option for them to reach an optimal outcome. This underlines how important it is that the EU can offer its member states convincing solutions from the very beginning of a crisis.

Building on this, we must also remember that *Problem-Solving* and *Bargaining* are self-fulfilling and regenerating phenomena. For example, if *Problem-Solving behaviour* occurs in several negotiations in a row, there is a bigger hurdle for individual actors to instead opt for *Bargaining behaviour*. Once again, being perceived as disloyal to the process is something no member state wants (Interview 6). If the EU can convince its own member states that it has a constructive, joint and effective solution to a crisis, the member states will likely opt for *Problem-Solving* and joint solutions. Once they have begun opting for *Problem-Solving behaviour*, it will be difficult to change behaviour.

Even if the EU can fulfil this difficult precondition, a permanent continuation of any behavioural mode is likely both impossible, and undesirable. As was exemplified in this study, negotiating parties knowingly opted for measures which would cause damage to their own member states, because of the broader common goal of meeting the *External Threat*. Whilst noble, and in this case probably the necessary ingredient in a relatively successful crisis-management, this should not be the goal of the negotiations. “Expanding the pie” and creating win-win situations, should instead be the focus. Given that prolonged *Problem-Solving behaviour* also leads to issues concerning the longevity of EU foreign policy, in that actual unity is required from the member states in order to implement the measures adopted, *Problem-Solving* should not be viewed as a new permanent normal. Instead, I would propose that it should be viewed as honeymoons, or small interruptions, in the otherwise *Bargaining* dominated EU machinery. If applied in short intervals, it could be highly beneficial. But the honeymoon must also come to an end, for the day-to-day to function properly.

The final theoretical point to make revolves around the contextual factors. In expanding the theoretical assumptions of Elgström & Jönsson (2000), it has been shown that the *External Threat* was the crucial factor behind the *Problem-Solving behaviour*. Whilst accurate in this study, an *External Threat* is likely not a viable explanatory factor in other negotiations. Adding to this, is the fact that the *EU Identity* failed to hold the explanatory applicability envisioned. This underlines an important academic contribution. The ambition was never to find an all-encompassing contextual factor, but rather to show that the contextual factors are just that, contextual.

6.3 Broader Implications

The findings of this study will now be situated in a broader discussion on the EU’s capabilities as a crisis-manager and as a global foreign policy entity.

6.3.1 Crisis Management in the European Union

A point of emergence has been that the root causes of the many crises of the 21st century are unlikely to be resolved any time soon. This means that the EU (and the world) will continue to face severe crises in the coming years. In the scope of this study, we must therefore ask ourselves what the EU has learnt from the relatively successful crisis-management connected to this crisis, and how it will fare in the next one. As the EU is currently undergoing significant policy and identity changes, which has implications for the EU as a global foreign policy entity, I would argue that the crisis-management of the EU must be re-thought as well. This study has shown us that even when the member states of the EU are in complete agreement, it is profoundly difficult to reach joint, effective, creative and constructive solutions. In order to face the next crisis with the same unity and effectiveness, a reliable way of circumventing tough negotiations characterised by *Bargaining behaviour* and national preferences, must be found.

This study offers two potential strategies. The first is preparedness. *Problem-Solving behaviour* offers small windows of unity, where difficult decisions can be taken for a larger common goal. However, this leads to issues concerning reliability and longevity. It is the coexistence of short-sighted crisis-management and in-depth long-term foreign policy analysis that should be the ambition. Whilst diametrically opposed, these also go hand in hand. One of the factors contributing to the successful immediate response by the EU to the invasion was preparedness - which was achieved by long-term analysis of potential measures and their outcomes. One factor in reaching this duality is drawing conclusions from the crisis-management which can then be implemented in the long-term foreign policy analysis. Unfortunately, we can already see how difficult it is to implement some of the lessons learned by the Russian invasion of Ukraine, when dealing with other autocratic states (ECFR 2023 B). This factor also goes hand in hand with the conclusions on *Problem-Solving*, in that the EU must act rapidly when facing a crisis, if it is to convince its member states to act jointly and constructively.

The second strategy revolves around legitimising the concerns of individual member states, whilst simultaneously standing firm on the direction of the EU. Whilst noble, agreeing to measures which will directly damage the domestic economy, should not be the greater goal for any member state or the EU in large. The dispensation which was granted to certain member states during this crisis is a good example of how legitimising concerns can create unity and better the policy-outcomes. Tools like Commission-led confessionals can further this end. Member states were invited to see, discuss and criticise Commission-proposals in smaller groups, before they were made public. This offered the Commission the opportunity to get insight into the member state positions, and make potential changes before any real negotiations began, which in turn made the negotiations easier and the EU more united.

6.3.2 The European Union as a Global Foreign Policy Entity

The findings of this study, and the broader implications discussed above, falls within a broader debate of what the EU's role as a foreign policy entity should be. This debate tangents themes such as strategic autonomy, EU actorness capabilities and the coexistence of EU and NATO memberships. In a day-to-day situation, EU decision-making is characterised by slow but precise negotiations. Issues are discussed, decided on and implemented in long complex processes. Besides making sure that every member state agrees to the proposed measure, this process allows for technical details to be sufficiently debated and analysed. This likely results in better policy-outcomes, than if this process would have been foregone. If we compare the EU to a counterpart of similar importance, which does not need to go through this type of process, the policy-outcomes might be less ideal. This can be seen when looking at the decision-making behind the Russian invasion of Ukraine, where the autocratic leadership acted impulsively, without sufficient preparation, and under the false impression that the Ukrainian military would implode at first contact.

This study has shown that when fielding *Problem-Solving behaviour*, the EU moves much quicker, more resembling the decision-making of an autocratic state in the circumvention of technical details and deliberative, legitimising

negotiations. The EU is now broadening the scope of its foreign policy role, to field an approach more inclined on involving itself in conflict, agenda-setting, proactive policy-making and mediation. This new approach will likely be difficult to combine with a return to the slow process the institutional framework of the EU is created around. As established in several interviews, the evolving *EU Identity* has likely resulted in internal and external expectations on EU decision-making, unity and proactivity.

6.4 Limitations and Future Research

The limitations of this study, put together with our findings, points us towards potential future research. The first, and possibly the most obvious limitation, has to do with nationality. Although the decision to mainly focus on Swedish perspectives was made knowingly and for pragmatic reasons, it still affects the generalising ambitions of the study. Something as subjective as negotiating behaviour likely varies between different cultures. By conducting a similar study, but with interviewees from another, or several, member states, a future research project could test the conclusions in this study.

Another field of potential future research has to do with the contextual factors. The occurrence of *Problem-Solving behaviour* in the contemporary institutional framework, and in the contemporary crisis situation, could not be explained using the factors presented by Elgström & Jönsson (2000), but could be explained using external factors added in this study. This is revealing, and points us towards questions on whether other contextual factors could hold applicability. Something which several interviewees spoke about, is the role of the rotating presidency in the Council of the EU. Whilst there were diverging opinions on whether the French and Czech presidencies had had concrete influence over the negotiations at hand, the role of the rotating presidency should not be forgotten or dismissed. One interviewee said that “Crisis is often the dominating factor of the rotating presidencies” (Interview 5), clearly relating to the broader discussion on the EU functions during crises. The role of the presidency was profoundly changed through the Lisbon Treaty, and this should be examined as an *EU Internal Contextual Factor*, in potential future research. Another way in which future

research could develop the contextual factors is by combining the essence of different *EU Internal Contextual Factors*. The *Level of Politicisation*, the *Stage in the Decision-Making Process*, and the *Type of Policy* all hint at the same identification: When politicians get involved we will see more *Bargaining* compared to when civil servants handle it. Given that this assumption was also somewhat disproven in this study, it could be worthwhile to update, and expand, on these contextual factors.

As set out in the literature review, the fields of crisis negotiations and external factors have been broadened by this study. Our findings indicate that during a crisis context, established negotiation theory might not be applicable, which prompts a need for further research within this field. External factors played a significant role as an explanatory aspect in this study. This suggests that further research on the connection between external factors and intra-EU mechanisms should be pursued in order to fully comprehend the extent of this relationship.

Finally, future research should examine the effectiveness of *Problem-Solving* and *Bargaining*. This study has continued the pursuit of understanding *how* and *why* a certain behavioural mode takes place in a certain context. Whilst I have argued, and will continue to do so, that *Problem-Solving behaviour* in crisis-negotiations could be instrumental in dealing with future crises, this has yet to be thoroughly examined. Is *Problem-Solving behaviour* better and more effective than *Bargaining behaviour*? This study has revealed that although vital in these negotiations, there are problems connected to circumventing the slow, detailed negotiations that are typical for the EU. Future research could thereby focus on a more normative and advisory approach, when studying the EU in times of crisis.

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- Interview 4: *Representative of the Permanent Representation of a Member State to the EU with insight into EU negotiations. 7/3-2023.*
- Interview 5: *Representative from the Swedish Foreign Service with insights into the EU response to the Russian aggression against Ukraine. 7/3-2023.*
- Interview 6: *Desk Officer working at the Swedish Foreign Ministry with insight into EU negotiations. 13/4-2023.*
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8 Appendices

8.1 Appendix A

In the table below a mapping of meetings has taken place, in order to give a picture of how often different configurations met, and what the meetings resulted in, in terms of Ukraine-Russia. The meeting configuration, the date of the meeting, the agenda of the meeting and potentially noteworthy information, is included. Often when broad restrictive measures have been taken, or when broad support for Ukraine has been adopted, the decision is taken within a configuration not necessarily relevant for our study. When this has happened I have written “Joint Decision”.

Only the configurations with most relevance for our study have been included, to limit unnecessary data. Another delimitation is that I have only looked at the European Council, and the Council of the European Union. COREPER I and COREPER II, together with the other preparatory bodies, hold hundreds of meetings each month, and would therefore be impossible to study closer. However, we can note that before any Council meetings, the issues have been thoroughly discussed in working parties.

Configurations:

EC: European Council

FAC Foreign: Foreign Affairs Council with the Ministers of Foreign Affairs.

FAC Defence: Foreign Affairs Council with the Defence Ministers.

FAC Development: Foreign Affairs Council with the Development Ministers.

GAC: General Affairs Council (which plans the European Council Meetings and also discusses matters not related to Ukraine-Russia).

JHA: Justice and Home Affairs Council.

EU-Ukraine Association Council: Meeting with representatives of Ukraine.

European Political Community: Like the European Council, but with other Neighbourhood partners as well.

EU-Ukraine Summit: Meeting with representatives of Ukraine.

Timeline: 01/01-2022 to 25/2-2023.

Source: (European Council 2023 E; European Council 2023 F).

Meeting	Date	Is Russia/Ukraine on the Agenda?	Noteworthy Information
FAC Defence	12-13/1-2022	Unknown/Informal	-
FAC Foreign	13-14/1-2022	Security Eastern Europe	-
FAC Foreign	24/1-2022	Russian build-up around Ukraine	Preparations on responses to potential aggression were “advanced”.
GAC	25/1-2022	-	-
JHA	3-4/2-2022	-	-
FAC Trade	13-14/2-2022	-	-
EC	17/2-2022	Discusses the build-up	-
EC-African Union	17-18/2-2022	-	-
FAC Foreign	21/2-2022	Condemns the build-up and calls on diplomacy.	Adopts macro-financial assistance and EPF-support to Ukraine
FAC Foreign	22/2-2022	Discusses Ukraine	-
GAC	22/2-2022	Security, defence, preparedness	-
FAC Foreign	23/2-2022	Separatist regions Ukraine	Adopts restrictive measures
EC	24/2-2022	Ukraine/Russia	Conclusions on condemnation of the invasion, restrictive measures against Russia/Belarus, support to Ukraine
FAC Foreign	25/2-2022	Ukraine/Russia	Adopts restrictive measures

FAC Foreign	27/2-2022	Ukraine/Russia	-
JHA	27/2-2022	Ukraine/Russia	-
FAC Defence	28/2-2022	Ukraine/Russia	Adopts restrictive measures
Joint Decision	2/3-2022	Ukraine/Russia	Adopts restrictive measures
GAC	3-4/3-2022	Unknown/Informal	-
JHA	3-4/3-2022	Ukraine/Russia	Adopts Temporary Protection Mechanism - Refugees
FAC Foreign	4/3-2022	Ukraine/Russia	-
FAC Development	6-7/3-2022	Ukraine/Russia	-
Joint Decision	9/3-2022	Ukraine/Russia	Adopts restrictive measures
EC	10-11/3-2022	Ukraine/Russia	Conclusions on restrictive measures, support for Ukraine
Joint Decision	15/3-2022	Ukraine/Russia	Adopts restrictive measures
FAC Foreign/Defence	21/3-2022	Ukraine/Russia	-
GAC	22/3-2022	-	-
EC	24-25/3-2022	Ukraine/Russia	Conclusions on restrictive measures, support for Ukraine
JHA	28/3-2022	Ukraine/Russia	-
Joint Decision	8/4-2022	Ukraine/Russia	Adopts restrictive measures
FAC Foreign	11/4-2022	Ukraine/Russia	-
GAC	12/4-2022	-	-
FAC Foreign	16/5-2022	Ukraine/Russia	-

FAC Defence	17/5-2022	Ukraine/Russia	Support for Ukraine
FAC Development	20/5-2022	Ukraine/Russia	-
GAC	23/5-2022	-	-
Joint Decision	23/5-2022	Ukraine/Russia	Support for Ukraine
EC	30-31/5-2022	Ukraine/Russia	Conclusions on restrictive measures, support for Ukraine
GAC	2/6-2022	Ukraine/Russia	-
Joint Decision	3/6-2022	Ukraine/Russia	Adopts restrictive measures
JHA	9-10/6-2022	Ukraine/Russia	-
FAC Foreign	20/6-2022	Ukraine/Russia	-
GAC	21/6-2022	-	-
EC	23-24/6-2022	Ukraine/Russia	Conclusions on restrictive measures, support for Ukraine. Candidate status for Ukraine.
Joint Decision	12/7-2022	Ukraine/Russia	Adopts support for Ukraine.
FAC Foreign	18/7-2022	Ukraine/Russia	-
Joint Decision	21/7-2022	Ukraine/Russia	Adopts restrictive measures.
FAC Defence	29-30/8-2022	Ukraine/Russia	-
FAC Foreign	30-31/8-2022	Ukraine/Russia	-
EU Ukraine Association Council	5/9-2022	Ukraine/Russia	-
Joint Decision	20/9-2022	Ukraine/Russia	Adopts support for Ukraine.
GAC	20/9-2022	-	-
Joint Decision	5-6/10-2022	Ukraine/Russia	Adopts restrictive measures.

European Political Community	7/10-2022	Ukraine/Russia	Discussions on restrictive measures, support for Ukraine.
JHA	13-14/10-2022	Ukraine/Russia	-
FAC Foreign	17/10-2022	Ukraine/Russia	Adopts military support for Ukraine. Sets up the Military Assistance Mission in Support of Ukraine (EUMAM Ukraine).
GAC	18/10-2022	-	-
EC	20-21/10-2022	Ukraine/Russia	Conclusions on restrictive measures, support for Ukraine.
FAC Foreign	14/11-2022	Ukraine/Russia	EUMAM Ukraine
FAC Defence	15/11-2022	Ukraine/Russia	Adopts military support for Ukraine.
GAC	18/11-2022	-	-
JHA	25/11-2022	-	-
FAC Development	28/11-2022	Ukraine/Russia	-
Joint Decision	3/12-2022	Ukraine/Russia	Oil Price Cap
JHA	8-9/12-2022	Ukraine/Russia	-
Joint Decision	10/12-2022	Ukraine/Russia	Adopts support for Ukraine.
FAC Foreign	12/12-2022	Ukraine/Russia	-
GAC	13/12-2022	-	-
EC	15/12-2022	Ukraine/Russia	Conclusions on restrictive measures, support for Ukraine.
Joint Decision	16/12-2022	Ukraine/Russia	Adopts restrictive measures.
FAC Foreign	23/1-2023	Ukraine/Russia	-
JHA	26-27/1-2023	-	-

Joint Decision	27/1-2023	Ukraine/Russia	Prolongs adopted restrictive measures
Joint Decision	2/2-2023	Ukraine/Russia	Adopts military support through EPF
EU-Ukraine Summit	3/2-2023	Ukraine/Russia	-
Joint Decision	4/2-2023	Ukraine/Russia	Petroleum Cap
GAC	6/2-2023	-	-
EC	9/2-2023	Ukraine/Russia	Conclusions on restrictive measures, support for Ukraine.
FAC Foreign	20/2-2023	Ukraine/Russia	-
Joint Decision	25/2-2023	Ukraine/Russia	Adopts restrictive measures

8.2 Appendix B

Interview Guide sent to Interviewees

General information about the study

The responses given by the interviewees will be used as material in a thesis written within the framework of the university course “*Political Science: Master’s (Two Years) Thesis in European Affairs*”. This course is given as a part of the Master of Science programme “*European Affairs*”, at Lund University. The thesis will be read by several parties at Lund University. Following the examination process, the thesis will be published at “*Lund University Publications Student Papers*”.

The purpose of the study is to understand how the intergovernmental parts of the European Union handled the initial phase of the Russian invasion of Ukraine, and to test explanatory factors connected to a recognised theoretical framework.

The interviewees are made up of a group of Swedish Civil Servants working at the Swedish Foreign Ministry and the Permanent Representation of Sweden to the European Union. The interviewees have an intimate knowledge of the Swedish position during the timespan relevant for this study, as well as insight into the negotiations at hand. Following the interviews an analysis will be conducted where the theoretical framework will be applied to the responses given by the interviewees. The interviewees will be completely anonymous in the thesis.

By participating in this study, the interviewees consent to the statements below:

- I participate in the study willingly.
- I have received information about the study, and I know how it will be conducted.
- I have had the opportunity to get any questions I have about the study answered before my participation, and I know how to contact the author of the study if I have future questions.
- I have been informed of why I have been asked to participate and what the purpose of my participation is.

- I am aware that I can abort my participation in the study at any time, without having to explain why.
- I am aware that I will be anonymous in the published thesis.

Preliminary Interview Schedule

Introduction

Ice-breaking and establishing the events/the atmosphere

1. Can you talk a bit about the initial EU-negotiations after the Russian invasion of Ukraine?
2. How successful would you say that the EU-negotiations you have had insight into were?
3. How well would you say that the EU has handled the Ukraine crisis?
4. How would you describe the atmosphere at the negotiations/at your place of work?
5. Would you say that all member states have had the same goals in the negotiations?
6. Would you say that there has been a broad unity within the EU on the Ukraine crisis?

EU Internal Contextual Factors

1. Can you talk about the context the negotiations took place in?
2. How has the politicisation of the question affected negotiations?
3. How have the differences in decision-making at different levels (Council Working Party, Coreper, Council) affected the negotiations?
4. How has the crisis context affected the negotiations?

External Threat and EU Identity

1. Would you say that there is an established EU Identity?
2. Would you say that the EU Identity is being changed by the war in Ukraine?
3. How has the relationship between the EU and Russia changed from before the invasion to now?
4. How do you think that it has affected the negotiations within the EU, that it is Russia that has invaded a European country?

Conclusion

8.3 Appendix C

Full Interview Guide

General information about the study

The responses given by the interviewees will be used as material in a thesis written within the framework of the university course “*Political Science: Master’s (Two Years) Thesis in European Affairs*”. This course is given as a part of the Master of Science programme “*European Affairs*”, at Lund University. The thesis will be read by several parties at Lund University. Following the examination process, the thesis will be published at “*Lund University Publications Student Papers*”.

The purpose of the study is to understand how the intergovernmental parts of the European Union handled the initial phase of the Russian invasion of Ukraine, and to test explanatory factors connected to a recognised theoretical framework.

The interviewees are made up of a group of Swedish Civil Servants working at the Swedish Foreign Ministry and the Permanent Representation of Sweden to the European Union. The interviewees have an intimate knowledge of the Swedish position during the timespan relevant for this study, as well as insight into the negotiations at hand. Following the interviews an analysis will be conducted where the theoretical framework will be applied to the responses given by the interviewees. The interviewees will be completely anonymous in the thesis.

By participating in this study, the interviewees consent to the statements below:

- I participate in the study willingly.
- I have received information about the study, and I know how it will be conducted.
- I have had the opportunity to get any questions I have about the study answered before my participation, and I know how to contact the author of the study if I have future questions.
- I have been informed of why I have been asked to participate and what the purpose of my participation is.

- I am aware that I can abort my participation in the study at any time, without having to explain why.
- I am aware that I will be anonymous in the published thesis.

Full Interview Schedule

Introduction

1. Reasons for the interview.
2. Conducting the interview and the participation of the interviewee.
3. Anonymity.
 - a. Proposed Pseudonym: Ex. “Desk Officer working at the Swedish Foreign Ministry with insight into EU negotiations”.
4. Questions?

Ice-breaking and establishing the events/the atmosphere

1. Can you talk a bit about the initial EU-negotiations after the Russian invasion of Ukraine?
2. How successful would you say that the EU-negotiations you have had insight into were?
3. How well would you say that the EU has handled the Ukraine crisis?
4. How would you describe the atmosphere at the negotiations/at your place of work?
5. Would you say that all member states have had the same goals in the negotiations?
6. Would you say that there has been a broad unity within the EU on the Ukraine crisis?
 - a. Can you give an example of when unity was achieved?
 - b. Can you give an example of when unity was difficult to reach?
 - c. Have all the member states been equally interested in reaching unity?

EU Internal Contextual Factors

1. Can you talk about the context the negotiations took place in?
2. How has the politicisation of the question affected negotiations?
3. How have the differences in decision-making at different levels (Council Working Party, COREPER, Council) affected the negotiations?
4. How has the crisis context affected the negotiations?

External Threat and EU Identity

1. Would you say that there is an established European identity?
 - a. If yes, how do you think that the European identity has affected the negotiations?
 - b. If no, how do you think that the lack of a European identity has affected the negotiations?
2. Would you say that the EU Identity is being changed by the war in Ukraine?
3. How has the relationship between the EU and Russia changed from before the invasion to now?
4. How do you think that it has affected the negotiations within the EU, that it is Russia that has invaded a European country?
 - a. How has the historical and contemporary grievances between EU member states and Russia affected the EU negotiations?

Conclusion

1. Summarisation.
2. Does the interviewee have anything to add?
3. Did I miss anything? Is there something else I should have asked about?
4. Questions?
5. Thank you!