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## Consensus against all odds: explaining the persistence of EU sanctions on Russia

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### ABSTRACT

In response to Russia's actions in Ukraine in 2014, the EU introduced sanctions on Moscow. Despite increasing polarisation among member states after imposition, the sanctions package was consistently renewed. How can sanctions persistence be explained? While scholarly accounts highlight German leadership, commitment to norms, and policymakers' engagement, the EU's ability to uphold the sanctions in the face of uneven support among member states remains puzzling. With the help of a two-level game framework, according to which actors make decisions based on the interplay between the domestic and international levels, we argue that the interaction between the Council and domestic politics helped sustaining the consensus. To illustrate this dynamic, in an exploration of domestic factions in Spain and Poland, two member states displaying opposite attitudes towards Russia, we identify the presence of at least one actor whose preference deviates from the core, thereby facilitating consensus.

### KEYWORDS

Economic sanctions; CFSP; EU-Russia; two-level game; Poland

## Introduction

When the European Union (EU) was confronted with Russia's annexation of Crimea and the destabilization of eastern Ukraine in the spring of 2014, it applied economic sanctions under its Common Foreign and Security Policy (CFSP). While the crisis in Eastern Ukraine initially galvanized a strong reaction in the European Council, the traditionally diverse attitudes of its member states towards Russia surfaced shortly after (Siddi 2017). One group, deeply distrustful of Moscow, promoted a hawkish approach with a robust sanctions policy at its core. This included the Baltic republics and Poland, followed by the Nordics, Romania and the UK (Dobbs 2017). At the opposite end of the spectrum, Bulgaria, Cyprus, Greece, Italy, Slovenia, Portugal and Spain, but also Hungary and Austria (Webber 2019), were inclined to engage with Russia due to burgeoning economic ties, cultural and religious links and/or the absence of recent conflicts (Natorski and Pomorska 2017; Nitoiu 2016). In-between both, key members France and Germany adopted a moderate position.

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Capitalizing on these divisions, Russia has attempted to split domestic opinion in EU member states in the hope of obstructing the renewal of sanctions and, more generally, EU foreign policy (Karolewski and Davis-Cross 2017; Natorski and Pomorska 2017). Moscow strengthened bilateral ties with selected EU capitals, supported Kremlin-friendly parties, spread disinformation ahead of elections and imposed counter-sanctions in the form of a food embargo which penalized vulnerable EU economies (Karlsen 2019; Orenstein and Kelemen 2017). Aware of the political and economic costs associated with the sanctions package and later with the counter-sanctions, some capitals openly criticized the measures following their enactment (Moret and Shagina 2017; Naumescu 2017), making prospects for their continuation far from promising. Still, the EU sanctions package has survived unaltered for six years. This article examines how the EU was able to preserve the cohesion around sanctions against Russia from 2014 to 2020.

In order to account for this cohesion between member states, we employ a two-level game framework where policy-makers adopt decisions based on the interaction between the international level in the Council and in their respective domestic arenas. We focus on three variables to explain policy positions: the attitudes of political elites, business elites and public opinion. We show that the continued extension of the sanctions package on Russia was supported by structural cohesion among EU member states rather than merely by the dominance of influential member states or leaders' personal engagement.

The plan of the article is as follows. First, we provide an overview of existing literature on the EU sanctions package against Russia. Next, we outline the two-level game framework to explain the persistence of EU sanctions against Russia. The section that follows analyses the factors accounting for sanctions resilience at the EU decision-making level as well as the domestic dynamics in two member states featuring divergent levels of support for the sanctions, Poland and Spain. The article then concludes by outlining implications.

### **What made sanctions survival unlikely**

The EU introduced sanctions against Russia in response to the annexation of Crimea and the destabilisation of Ukraine in spring and summer 2014. These included the suspension of bilateral meetings, the freezing of talks on visa facilitation as well as on a new bilateral agreement, targeted sanctions against individuals and entities, and an embargo on Crimea. Following the downing of Malaysia Airlines flight MH17 in July 2014, attributed to Russian-backed separatists, the EU restricted access to capital markets for some Russian banks and companies, banned the export of arms and dual-use goods for military purposes, and limited access to technology and services for oil production and exploration. In March 2015, the Council tied the termination of sanctions to the implementation of the Minsk Agreements adopted between Kiev and Moscow for the alleviation of the conflict in Ukraine. Pending full implementation, sanctions have been extended periodically.

Several factors militated against the continued extension of EU economic measures against Russia. The first is the CFSP decision-making procedure under which sanctions are adopted. Once enacted, sanctions are subject to periodic renewal, which must be agreed unanimously. Because each member state enjoys veto power, a sanctions regime can be discontinued on account of a single negative vote, although termination of CFSP sanctions regimes typically results from a gradual phasing out rather

than the wielding of vetoes (Portela 2010). While the Council of Ministers received a mandate from the European Council to enact sanctions (Szép 2019), such a mandate does not guarantee continued renewal. In response to human rights violations during the Chechen war of 1999, a European Council mandate to adopt sanctions was subsequently watered down by the Council of Ministers, which agreed on little more than suspending the signature of a scientific agreement and redirecting technical assistance towards humanitarian aid, lifting the measures shortly after (Portela 2010). EU members sometimes threaten to veto sanctions renewals. Hungary blocked the renewal of an embargo on Belarus until a weapons category was exempted (König 2020). Furthermore, the Russia sanctions regime comprises economic bans causing losses for the private sector, marking a departure from previous practice where the EU shied away from targeting major economic partners. Since economic costs generate resistance among affected firms, these are likely to press for the termination of bans.

Signs of resistance to the sanctions package surfaced soon after imposition, suggesting they might be short-lived. Criticism was voiced by members of the executive in various EU member states (Giumelli 2017). In the years that followed the enactment, then-Spanish Foreign Minister José-Manuel García-Margallo declared that sanctions were 'beneficial for no one' (Rettman 2015). Greek Prime Minister Alexis Tsipras criticised them as 'not productive' (BBC News 2016). According to Bulgarian President Roumen Radev, sanctions are 'not a solution to the problem' (Salles 2016).<sup>1</sup> Italian Prime Minister Giuseppe Conte stated that EU sanctions on Russia made Italy 'sad' (Vergine 2019). Resistance became evident in the tenuous public support in some member states (Onderco 2017), and was accompanied by uneven patterns of alignment with the measures by EU neighbours (Hellquist 2016). Moscow's lobbying of EU capitals affine to Russia further increased the chances of a veto. The counter-sanctions adopted by the Kremlin in retaliation took the form of a food ban strategically targeting exports from the most vulnerable EU member states while benefiting key elites within Russia (Hedberg 2018; Pospieszna, Skrzypczyńska, and Stępień 2020). Russian deliveries of medical aid to help Italy combat the COVID-19 pandemic in March 2020 were also seen as an attempt to restore the lifting of sanctions on Russia to the agenda (Osborn 2020).

The reinstatement of the voting rights of Russia at the Council of Europe by its Parliamentary Assembly (PACE), revoking its 2014 decision to suspend them after the annexation of Crimea, showed that the impetus for sanctions was subsiding. While the Council of Europe is unrelated to the EU, the June 2019 vote in PACE serves as an indicator of lawmakers' attitudes towards the persistence of sanctions. A majority of MPs from most EU member states opposed the continued suspension of Russia from the organisation (PACE 2019). And yet, the Council has consistently renewed its sanctions regime despite the presence in some European capitals of a 'sizeable contingent of sanctions sceptics waiting for political cover to make a move' (Dobbs 2017, 32). The only sign of flexibilisation of the EU's approach was the adoption of 'Five Guiding Principles for the EU's Russia Policy' in 2016, which allows for a 'selective engagement with Russia on certain issues such as counter-terrorism'.<sup>2</sup> Still, they were not accompanied by any relaxation of existing bans. The maintenance of sanctions vis-à-vis Moscow has been characterised as unprecedented (Moret and Shagina 2017; Webber 2019).

## Literature Overview

Various studies have evaluated the economic and political impacts of the bans on Russia (Christie 2016; Connolly 2016; Gould-Davies 2020; Moret et al. 2016), of Russian counter-sanctions against EU imports (Hedberg 2018), or the cost of EU sanctions for its member states (Dobbs 2017; Moret and Shagina 2017), while others explain the EU's decision to impose sanctions on Moscow (Sjursen and Rosén 2017). For some scholars, the imposition of sanctions on a major power like Russia underscores the normative character of EU foreign policy (Karolewski and Davis-Cross 2017). However, a majority of studies focus on distilling the implications of sanctions imposition on Russia for *leadership* in EU foreign policy. European studies scholarship has long established the prominence of the three largest member states – France, Germany and the UK – in the formulation of EU foreign policy (Hill 2011). In the use of sanctions as a foreign policy tool, their leadership reached its apex during the nuclear crisis with Iran, when it became institutionalized in the E3 format (Kienzle and Tabrizi 2020).

While London was a driving force behind the adoption of sanctions on Moscow in 2014, British influence declined following the negative outcome of the referendum on EU membership of June 2016 (Nitoiu 2018). Afterwards, the growing centrality of Germany in spearheading the sanctions regime, as well as her recourse to mini-lateral frameworks (Helwig 2019), received particular attention. Szabo (2014) claims that Western policy towards Moscow relied increasingly on German Chancellor Angela Merkel to lead mediation efforts. Similarly, Forsberg (2016) argues that Germany grew willing to bear the economic cost of sanctions on Russia while concurrently pursuing co-operation and dialogue. For Nitoiu (2016), leadership in the Ukraine crisis represents continuity in Berlin's post-Cold War *Ostpolitik*, while for Siddi (2018) it culminates a long-standing quest. Some scholars highlight the personal engagement of certain leaders to account for the consensus on EU sanctions, pointing to Donald Tusk, Prime Minister of Poland before becoming President of the European Council (Pospieszna 2018), or Chancellor Merkel (Forsberg 2016; Orenstein and Kelemen 2017; Sjursen and Rosén 2017).

However, research so far focused on the process leading to the imposition of sanctions in 2014, examining how initial agreement was forged (Sjursen and Rosén 2017; Szép 2019), while little attention has been paid to how consensus endured over the ensuing years. While German leadership was central to the imposition of sanctions against Russia, accounts highlighting Berlin's role do not explain the survival of cohesion around the measures and overlook the positions of other member states. While Germany, France and the UK are key in shaping EU foreign policy, their ability to bring reluctant states on board requires unpacking. How did the EU manage to maintain the sanctions regime against Russia in the face of uneven support among member states? This question is intriguing given that relations with Russia are amongst the most divisive issues in EU foreign policy (Siddi 2017), and in light of evidence that prominent member states did not force their will on smaller member states to achieve consensus (Szép 2019; interviews 1–5 2017).

The present article considers EU member states' unity vis-à-vis sanctions against Russia, showing that cohesion results from the interaction between the EU and domestic levels, which includes the interplay of various actors: political elites, business elites and the public. We argue that it is the structure of the relations that political leaders face – both

domestically and at EU level – that sustains cohesion in the European Council on sanctions against Russia.

## Theoretical Framework

While the academic debate on EU sanctions policy exhibits foci on either the domestic or the international angle, our analysis of the drivers of renewal of EU sanctions on Russia shows that the domestic and international dimensions intertwine. We argue that the persistence of EU sanctions against Russia is driven by the structural constraints and incentives faced by political leaders of EU member states. Only through theorising and empirically testing the interaction between the domestic and international levels can we fully grasp the policy-making process in the Council on sanctions renewal.

We make two assumptions about the negotiation process in the Council: (i) member states would have pursued a different policy in the absence of negotiations under the CFSP, and (ii) pressure from a group of member states was required for multilateral sanctions to be adopted. In other words, agreement on sanctions renewal in the Council required a degree of pressure from a number of EU partners *and* this outcome would not have occurred had there been no Council negotiations.

We rely on Putnam's (1988) two-level game framework and apply its expectations to Council negotiations on sanctions, an approach identified as fruitful (Fürrutter 2019). The two-level game framework has been previously employed in sanctions research; however, it was applied to domestic politics in the target country rather than in the sender (Morgan and Schwebach 1995). Some scholars posit that the two-level game framework ought to be expanded to study EU policy-making: vertically, horizontally, cross-institutionally, intra-institutionally and allowing for repeated interactions (Collinson 1999; Keisuke 1993; Mansfield, Milner, and Rosendorff 2002; Naurin and Rasmussen 2011; König-Archibugi 2004; Pahre 1997). However, others continue to apply Putnam's original two-level approach (Forwood 2001; Hertog 2008), demonstrating that adding complexity to the theoretical framework does not *per se* boost explanatory power. In line with the latter authors, we opt for the original formulation of Putnam's two-level framework, as it aptly captures the intergovernmental features of decision-making on sanctions renewal at the European Council.

Consistent with the two-level game literature (Collinson 1999; Putnam 1988), our theoretical set-up is as follows. The negotiations occurs at two stages. First, at Level I, leaders bargain with each other in negotiations in which each of them promotes her own interests and is free to adjust her preference to reach an agreement as long as the outcome does not threaten key national interests (Szépl 2019). The domestic groups are the political elites (parties in power and main opposition groups), public opinion and the business elites in each member state. Second, at Level II, domestic groups assess the policy proposal enshrined in the tentative agreement reached at Level I and decide whether to approve it. If domestic groups endorse it, the leader will back the tentative agreement, giving rise to what is described as a 'win-set'. The bargaining process between the national leaders at Level I is a zero-sum game, meaning that the policy preferred by one side of the negotiating table is the least favoured by the opposite side. The larger the win-set of a political leader, the higher the chance of an agreement. Moreover, the degree of support from domestic groups defines the win-sets, structuring the distribution of

gains between the involved parties at the negotiation stage. We also assume that the political leader lacks any individual preference beyond utility-maximisation and follows the preferences of the domestic groups that support her. Finally, the structure of the domestic and EU-level interaction drives the outcomes at the level of the Council. As long as these structural features are not altered, consensus persists.

In accordance with research on leadership in the formulation of EU foreign policy (Hill 2011), the renewal of sanctions requires the endorsement of Germany and France. However, this is a necessary but not a sufficient condition. Each EU member state has its own win-set, a policy spectrum that it finds acceptable on Russian sanctions, shaped by the interaction between the position of the ruling party and that of the business elite. The policy spectrum on which the bargaining takes place ranges from no sanctions at all – the preference of ‘doves’ like Cyprus, Italy, or Spain – to an aggressive limitation of trade and financial exchange with Russia coupled with travel restrictions on individuals – the preference of ‘hawks’ like the Baltics or Poland (Webber 2019). In order to maintain the consensus around sanctions, the leaders of France and Germany need to bring other member states on board, both the hawkish and the dovish. As hawkish member states opt for robust sanctions and dovish ones for no sanctions, a shift towards either extreme (*i.e.* no sanctions or full embargo) would dovetail with the preferences of one group only. However, each of the negotiating parties has a win-set, a spectrum of potentially acceptable policy drafts. When the win-sets of the negotiating parties overlap, agreement ensues. Consequently, we formulate the following hypotheses:

*Hypotheses 1: The presence of a domestic group dissatisfied with the EU sanction policy against Russia in hawkish member states facilitates agreement in Council negotiations.*

*Hypotheses 2: The presence of a domestic group favourable to the EU sanction policy against Russia in the dovish member states facilitates agreement in Council negotiations.*

To illustrate these expectations, we select Poland and Spain as case studies, as they are two EU member states with diverging approaches to the sanctions on Russia, reflecting diametrically opposed threat perceptions of Russia: paramount in Warsaw and negligible in Madrid. These countries lend themselves for comparison on the basis of intriguing commonalities. While both experienced a change of government in the years following sanctions imposition, this did not substantially alter their stance on sanctions renewal. Both have large economies, similar population sizes, and lack a tradition of employing sanctions in their foreign policy – neither of them mentioned this tool in their national security strategies before 2014 (Gobierno de España 2013; MFA 2012).<sup>3</sup> Notably, because of their status as middle-sized countries within the small state-dominated EU, they can be assumed to be less vulnerable than others to pressure by prominent member states.

Empirical material was assembled in original semi-structured elite interviews conducted with member state representatives in Brussels and selected European capitals between December 2017 and April 2020.<sup>4</sup> This was complemented with aggregated data (*i.e.* opinion polls and trade statistics) and secondary sources like speeches and official statements.

## Consensus-building in the council as a two-level game

The annexation of Crimea and Russian military support for separatist forces in eastern Ukraine and the political crisis that ensued had a major impact on the traditional cleavage that characterised attitudes towards Moscow among EU member states prior to 2014, giving way to a unified stance of condemnation that crystallised into sanctions. Berlin and Paris, which had previously taken an intermediate position between the camp suspicious of Moscow and that leaning to co-operation, hardened their attitudes and galvanised consensus among the member states (Interview 5 2017; Webber 2019). Franco-German leadership is regarded as ‘asymmetric’ on account of Germany’s dominant role in the formulation of the policy response and France’s initial hesitation to back strong measures (Cadier 2018). Still, the French stance remains key, as southern European countries like Italy and Spain take it as a point of reference (Webber 2019). A diplomat observed that ‘if Paris softened its position vis-à-vis Russia, this might immediately cause countries from southern Europe, which traditionally align with France, to follow suit’ (Interview 5 2017).

The exercise of leadership was facilitated by an alteration of the decision-making process. Usually, the impulse for sanctions regimes originates at the Council Working Party dealing with the geographical area of the target (the Working Party on Eastern Europe and Central Asia (COEST) here). The issue is then taken up by the Council Working Party on External Relations (RELEX) before being transferred to the Committee of Permanent Representatives (COREPER), eventually reaching the Council of Ministers for formal adoption. By contrast, the imposition of sanctions on Russia was mandated directly by the European Council, one of a handful of such decisions in recent years (Szép 2019). Uniquely, responsibility for the renewal of the sanctions on Russia was not handed over to the Council of Ministers but remains with the European Council, which directly mandates the RELEX group to prepare the relevant legal acts. On account of Russia’s geopolitical importance, the renewal of the sanctions regime is decided on by the leaders, elevating the matter to *Chefsache* (Webber 2019). The periodic extension of the sanctions package routinely follows an update from the German Chancellor and the French President to the European Council on the status of implementation of the Minsk agreements. The European Council President facilitates informal discussions in the run-up to summits. Former Council President Donald Tusk acknowledges that he would have never convinced the rest to maintain a tough policy towards Russia without endorsement by Merkel and Hollande (Tusk 2019, 34). No substantive debate on the prolongation of sanctions takes place (Szép 2019). According to one diplomat, a renewed debate could bring the traditional cleavage back to life: ‘It is good that there is no discussion in COEST, because thanks to that there is a consensus’ (Interview 3 2017).

Our analysis confirms that endorsement by Berlin and Paris, a necessary condition for EU sanctions to be preserved, was forthcoming. Although some member states do not favour sanctions, they still regularly agree to their renewal, while advocates of stronger measures settle for the current package. The division between hawks and doves was visible at the 2020 informal meeting of foreign ministries in Zagreb: ‘one camp of member states believes that Russia can, and even should, be involved in matters like climate issues or the Arctic, and a second group of countries ... believes that Russia should first fulfil its international obligations before being engaged’ (Interview 1 2020).



Do domestic politics contribute to this dynamic? Evidence shows that the interaction between leaders in negotiating the renewal of sanctions at the Council is not divorced from domestic calculations. In other words, the interaction between Levels I and II has a bearing on the outcome of the negotiation. Firstly, signs of dissatisfaction with sanctions among member states are observable at Council level, which can be attributed to domestic affairs. Interviewees confirmed that despite the fact that consensus on sanctions extension is hammered out prior to the European Council, some member state leaders voice objections, although they refrain from breaking away from the European consensus: '[Leaders] do this in order to satisfy the domestic groups; it is a nod to the internal auditorium; it is done for internal needs, for business or for a domestic society that is against sanctions – something like: "You – the EU – have to give us something to satisfy the negative voices in my country".' (Interview 9 2020). This argument about leaders' criticisms of the sanctions being voiced for domestic consumption dovetails with the apparently puzzling fact that those leaders who complain most vocally tend to represent those countries that have suffered the least (Giumelli 2017; Moret et al. 2016). Secondly, the impact of Level II on Level I shows that consensus is a function of domestic politics in which decision-makers need to balance security and economy considerations (e.g. pressure from energy lobbies in France and Germany): 'This pressure causes some countries to reinterpret and stretch -or even (mis)use- for two years now one of the five guiding principles for EU-Russia relations: "selective engagement" with Russia' (Interview 1 2020).

### Domestic politics in Poland

The Polish government has been at the forefront of the promotion of sanctions against Russia from the beginning, consistently advocating prolonging the package (Sus 2018). For Warsaw, the sanctions package is part of a policy of securing its Eastern border, its top foreign policy priority (MFA 2018). For successive Polish Prime Ministers, there could be no question of lifting sanctions as long as Russia failed to implement Minsk obligations (MFA 2017). As Prime Minister of Poland, Tusk complained that the EU imposed sanctions on Russia 'timidly and inconsistently' (Prime Minister Chancellery 2014). Former Foreign Minister Radosław Sikorski criticised the sanctions for their weakness (Siddi 2017).

Support for sanctions spans the Polish political spectrum, although *Civic Platform*, in power in 2014, displayed a more conciliatory attitude towards Moscow than the ruling *Law and Justice* (Sus 2018). Most political parties in Central and Eastern Europe grew increasingly critical of Russia after 2015 (Onderco 2019). Polish members of the European Parliament appealed to the European Council, the European Commission and the High Representative for the extension of EU sanctions on Russia. All Polish members of PACE favoured the continued suspension of Russia in June 2019 (PACE 2019).

Polish civil society, think-tanks in particular, devoted substantial attention to the topic. Support for sanctions on Russia is high among Poles, with polls indicating that 68% favour their continuation and nearly half support their tightening, while only seven percent regard them as too severe (CBOS 2015). According to another survey, 62% of Poles advocate an upgrade of sanctions, while only 32% oppose it (FES 2019, 29).

The most critical voice regarding sanctions on Moscow in Poland came from the business elite. In spite of the sanctions, in 2017 Russia accounted for 2.7 percent of all Polish exports, with a value of roughly USD 6,000 million, making it the seventh

destination market for Poland. The structure of Polish exports to Russia is very diverse: The first three categories of products (medicaments, vehicle parts and cosmetics) constitute less than 10% of Polish exports to Russia, and only a few categories constitute more than 2% of their value share. This indicates ongoing and broad exposure of Polish exporters to the Russian market and a drop of nearly USD 3,000 million in the value of Polish exports to Russia since sanctions imposition (UN 2019). Poland is also a major importer of Russian goods: In 2017 Russia was the third exporter to Poland, taking a 5.1% share of Polish imports, equivalent to USD 11,500 million (UN 2019). Russian exports to Poland are mostly fossil fuels, accounting for 77% of their value (UN 2019). Polish reliance on Russian energy supplies and the intertwining of the Polish and Russian economies constitutes a structural limitation on the extent to which Warsaw can pursue an aggressive sanction policy. Interviewed officials highlight the exposure of Polish exporters to the Russian market, the role of energy imports from Russia and lobbying by Polish business associations as causes for the dilution of Poland's, and more broadly hawkish states', stand on sanctions against Moscow (Interviews 6 and 7 2018).

The increasing weakness of the Russian market, motivated by a drop in exports of industrial goods and machinery, the falling value of the ruble and reduced consumer demand compelled Polish companies to reorient their exports towards new markets (Interview 8 2020). The agricultural sector, strongly exposed to the Russian market and disadvantaged by Moscow's food embargo, was the staunchest opponent of sanctions. Poland is among the largest exporters of apples in the world, and Russia was among the largest importers in this multi-billion dollar industry (Harper and Becker 2019; Pospieszna, Skrzypczyńska, and Stępień 2020). Russia's counter-sanctions were perceived by the Polish agricultural sector as the outcome of Western sanctions on Russia, and the association of Polish fruit producers 'Fruit Union' called on Warsaw to re-assess its foreign policy (Maliszewski 2018). Fruit Union was already active in lobbying Warsaw when sanctions were in the pipeline, suggesting that 'under the pressure of public opinion and political groups we have chosen a heavy form of confrontation [with Russia]' (TVN24 2014). The Ministry of Economy, headed by deputy Prime Minister Piechociński from the *Peasants Party*, sought compensation for Polish farmers from Brussels and promoted Polish agricultural exports through government programmes (TVN24 2014).

The Polish government was in the difficult position of leading the anti-Kremlin coalition while dealing with the domestic discontent resulting from economic losses, balancing security goals and economic prosperity: 'Losses for the Polish economy would have been higher without governmental efforts in 2014 and 2015 to alleviate the pain caused by both EU and Russian sanctions. Without our actions to support the economy, without Polish government policies to satisfy domestic actors' needs, it would not have been possible for the Polish government to keep its position vis-à-vis sanctions as the costs and pressures from within would be too high' (Interview 8 2020).

Thus, strong Polish-Russian business ties and concentration of losses on fruit producers constrained Warsaw's demands on the severity of sanctions. Such domestic dynamics restrained Poland from pursuing harsher restrictions despite rhetoric about the timidity of current sanctions. Consequently, domestic constraints facilitate consensus at the Council, by expanding Poland's win-set and bringing it closer to more moderate members. This finding supports our hypothesis that the presence of a domestic group contrary to

sanctions in hawkish member states facilitates a consensus outcome in Council negotiations.

### Domestic politics in Spain

Spain's stance has been labelled as 'favourably neutral' (Dunaev 2018). Madrid's openness for engagement with Moscow is reflected in government statements and actions. Former Energy Minister Álvaro Nadal noted that 'sanctions apply to limited areas only, and room for cooperation remains' with 'plenty of projects ... under development' (Bonet 2017). Madrid's consent to calls of Russian warships into Spanish harbours did not cease until members of the European Parliament complained that this practice helped the Russian army to maintain positions in Ukraine (González 2016).

Even though two different parties alternated in power during the period under study, the Spanish position towards the sanctions on Russia remained unaltered. The government of the centre-right *People's Party*, in office until 2018, and that of the centre-left *Socialist Party* that replaced it were similarly ambivalent. Five out of six Spanish members of PACE, representing four different political parties in Spain, voted in favour of reinstating Russian membership in June 2019, which testifies to the broad agreement among political elites on Russia policy (PACE 2019). Mainstream political parties favour engagement with Russia without questioning the permanence of sanctions. Only leftist political parties advocate their lifting, while some conservatives see Russia as a bulwark against international terrorism, evidencing Russophile attitudes at both ends of the political spectrum (Lasheras 2016; Onderco 2019). Successive foreign ministers – conservatives José-Manuel García-Margallo and Alfonso Dastis, followed by centre-left Josep Borrell – advocated a two-track approach combining, in Dastis' words, 'condemning [Russia's] actions which are inadmissible, like the invasion of Crimea and the situation experienced in eastern Ukraine, and recognising that there are many areas in international life ... where its contribution is indispensable' (Cortes Generales 2017a). During the visit of Russian Foreign Minister Lavrov to Spain, Borrell indicated: 'We try to normalise relations between Russia and the EU' (MAE 2018). Lavrov confirmed that Spain was 'conscious of the anomaly in current EU-Russia relations' (Lavrov 2018). Nevertheless, Spain adhered consistently to the EU's stance that the lifting of sanctions remains tied to the implementation of the Minsk agreements, and has refrained from threatening its veto.

Policy-makers justify their endorsement of sanctions on grounds of their commitment to international law. According to García-Margallo, 'when a country annexes another country's territory, like Crimea, after a referendum contrary to the Constitution – thus illegal- and when is it arming separatists in a foreign country, something needs to be done' (Cortes Generales 2015). Similarly, Dastis denounced at the UN: "International rule of law cannot allow breaches to the principles of sovereignty and territorial integrity. The annexation of Crimea is a violation of Ukraine's sovereignty and territorial integrity, clearly contravening international law (Dastis 2017). Socialists' spokesperson Alex Sáez concurred that there was 'no alternative [to sanctions] in the face of ... a very serious violation of international law' (Cortes Generales 2014). Due to the centrifugal challenges it faces domestically, the principles of sovereignty and territorial integrity breached by Russian actions in Ukraine touch a special sensitivity in Madrid, one of five EU countries that do not recognise Kosovo (Ferrero-Turrión 2020). Underlining that safeguarding the principle

of territorial integrity was key to Spanish policy on Kosovo, liberal group spokesperson Irene Lozano claimed that Spanish acquiescence to the breach of the principle of territorial integrity in Ukraine would be ‘incomprehensible’ (Cortes Generales 2015). García-Margallo presents the stance on Russia as coherent with Spain’s support for international law: ‘it is the principle of defence of international legality that we have applied in cases of territorial integrity (*sic*) ... wherever it is in question’ (Senado 2014). In parallel, Secretary of State for European Affairs Jorge Toledo statement that sanctions were in place ‘at the wish of France and Germany’ (Cortes Generales 2017b) suggests that Madrid’s endorsement is also driven by solidarity with EU partners and a reluctance to obstruct consensus in the Council (de Pedro and Sánchez 2015).

Although Spanish exports to Russia experienced a drop of nearly USD 1,700 million after sanctions imposition, Russia had not been a key market for Spanish exports before. In 2019, it accounted for less than 1% of Spanish exports, with a value under USD 3,000 million (UN 2019). While the business community remains sceptical of sanctions, only fruit and vegetable growers, the sector worst hit by Russian counter-sanctions (Tinaut 2016), complained vocally. Prior to the enactment of sanctions, the Russian market absorbed 25% of Spanish fruit and vegetable exports (Álvarez 2014). Reporting some EUR 2,000 million in losses, the Valencian agricultural association accused Brussels of confronting Moscow ‘over strictly political decisions ... harming agricultural interests’ (quoted in Amorós 2017).

According to opinion polls, although the Spanish public blames Moscow for the Ukrainian conflict, it opposes sanctions. Only 10% of respondents agree with the maintenance of EU sanctions, while about 55% favoured alternatives (Elcano 2015). Reflecting the modest interest among the Spanish public for the topic, think-tanks barely covered the issue, and civil society has not mobilised over it.

In sum, Spanish political leaders display a moderate backing of the sanctions on Russia, which, albeit qualified by some ambivalence, contrast with the negative attitude of public opinion and business elites. Thus, we find limited support of the proposition that the presence of a domestic group favourable to sanctions in dovish member states facilitates cohesion in Council negotiations. While only the political elite shows moderate support for sanctions, this spans much of the political spectrum and counteracts the lack of backing from businesses and public opinion. Importantly, endorsing a policy contrary to breaches of territorial integrity coheres with Madrid’s opposition to separatist movements challenging the same principle at home. The low – and shrinking – domestic salience of the issue enables conformity and, eventually, cohesion at the Council. Spain’s win-set is thus larger than commonly assumed for a dovish state, and allows Madrid to support consensus at the Council. Table 1 summarises the position of domestic factions in Poland and Spain.

**Table 1.** Attitude to EU sanctions on Russia among domestic factions in Poland and Spain.

Country	Type	Leadership	Public Opinion	Opposition	Business
Poland	<i>Hawk</i>	Supportive	Supportive	Supportive	Critical
Spain	<i>Dove</i>	Supportive/ambivalent	Critical	Supportive/ambivalent	Critical

## Conclusion

The present analysis explores the persistence of consensus among EU member states on the sanctions on Russia with the help of a theoretical framework based on a two-level multi-actor game that incorporates the positions of key domestic groups. Departing from the assumption that Franco-German endorsement was necessary although not sufficient to account for sanctions resilience, we locate the explanation in the interaction between the domestic and EU levels. The analysis fully validates that the presence of at least one domestic group opposing sanctions in hawkish member states supports cohesion in the Council, and it confirms the expectation that at least one domestic group needs to favour sanctions in dovish member states. This article shows that the Polish business elite's strong exposure to Russia worked as a constraint on the government's preference for strict measures. Paradoxically, it is the opposition from domestic business that makes Poland more flexible at Council negotiations, broadening its win-set. In the Spanish case, while neither business elites nor public opinion backs the sanctions, a moderately supportive domestic political elite and the low salience of the issue allows the Spanish leadership to take a conformist position vis-à-vis the more hawkish member states.

Our results call into question certain assumptions made in the growing literature on EU sanctions on Russia. Most notably, the emphasis on Germany's centrality to EU foreign policy formulation overlooks that cohesion on the Russia sanctions did not survive exclusively thanks to its leadership in the Council, nor is it simply the result of intergovernmental bargaining. Importantly, the acquiescence of member states may depend on the presence of at least one domestic group whose preference diverges from that prevailing on the domestic scene. In the case of hawkish member states, exposure to trade with Russia broadens their win-set, enabling consensus. Cohesion results from the structure of domestic and EU-level politics. EU agreement on sanctions on Russia has survived changes of government in both Poland and Spain and, in light of our analysis, it may well persist despite further changes in political leadership.

A common feature of our case-studies is that the main domestic group that mobilised against sanctions was the agricultural sector, which was suffering losses over Russian counter-sanctions on perishables rather than EU bans, and whose protests subsided as it entered alternative markets. Arguably, Russian counter-sanctions might have had the unintended consequence of facilitating consensus by strengthening opposition to sanctions among the business elites in the hawkish member states, thereby creating a counterweight to the maximalist preferences of political elites and making it easier to find common ground with dovish members at Council level. Instead of disrupting the consensus as intended, the counter-sanctions might have aided to preserve it.

## Notes

1. Translations from non-English sources are the authors'.

2. Other principles include Minsk agreements implementation, closer ties with Russia's neighbors; strengthening EU resilience to Russian threats and support for people-to-people contacts (EEAS 2016).
3. The Polish Foreign Policy Strategy mentions sanctions in connection to Russia only (MFA 2017).
4. See Appendix.

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## **Appendix. List of Interviews (anonymous)**

- 1: representative of EU member state, Brussels, December 2017 and remotely, April 2020
- 2: representative of EU member state, Brussels, December 2017
- 3: representative of EU member state, Brussels, December 2017
- 4: representation of EU member state, Brussels, December 2017
- 5: representative of EU member state, Brussels, December 2017
- 6: representative of EU member state, Brussels, May 2018
- 7: representative of EU member state, Brussels, May 2018
- 8: former government member, EU capital, April 2020
- 9: representative of EU member state, [remotely], April 2020
- 10: representative of EU member state, [remotely], April 2020
- 11: former representative of EU member state, [remotely], June 2020