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Normative, Strategic, or Hybrid Power Europe?

A Case Study of the EU's Ukraine Policies in the Wake of the Maidan Revolution (November 2013-July 2015).

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ABBREVIATIONS

AA	Association Agreement
CP	Civilian Power
CPE	Civilian Power Europe
DCFTA	Deep and Comprehensive Free Trade Agreement
EaP	Eastern Partnership
EU	European Union
ENP	European Neighbourhood Policy
FYROM	Former Yugoslavic Republic of Macedonia
IMF	International Monetary Fund
IR	International Relations
ISIS	Islamic State of Iraq and Syria
MENA	Middle East and North Africa
NGO	Non-Governmental Organization
NP	Normative Power
NPE	Normative Power Europe
OECD	Organisation for Economic Co-operation and Development
OSCE	Organization for Security and Co-operation in Europe
PCA	Partnership and Cooperation Agreement
TEU	Treaty on European Union
UN	United Nations

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ABSTRACT

This thesis analyses the extent to which the European Union (EU) behaved as a Normative Power (NP) in response to the Ukraine crisis. While the Ukraine crisis is intrinsically important for International Relations (IR) and EU studies (see, e.g., Burk-White 2014; Dempsey 2014a; Mead 2014; Sakwa 2015b; Wilson 2014b; Yost 2015), this article argues that post-Euromaidan Ukraine can be considered to be a most likely case for Ian Manners' (2000, 2001 and 2002) Normative Power Europe (NPE) thesis. In a vein similar to that of Nathalie Tocci (2008a), Ian Manners (2008), or Arne Niemann and Tessa De Wekker (2010), normative behaviour is subdivided into three dimensions: (1) normative intentions, (2) normative means, and (3) normative results. While the EU claims to have normative intentions vis-à-vis Ukraine, I argue that the EU's (in)actions do not reflect a genuine normative commitment. With regard to normative means, this dissertation deflects criticisms on the EU's alleged democratic deficit and, in addition, judges that the legal arguments employed by both Russia and Ukraine against the EU's (in)actions have little substance. Finally, I argue that, 20 months after the "Revolution of Dignity", there is little evidence of a normative impact in Kyiv with regard to democracy and corruption. This thesis concludes that Brussels' Ukraine policy between November 2013 and July 2015 has been a status quo policy, that does not aim and does not succeed in bringing about "a more just, cosmopolitan world" (Manners 2008, 47).

1. INTRODUCTION

“An economic giant, a political dwarf, and a military worm”
Mark Eyskens (quoted in Whitney 1991).

The words above were employed by a former Belgian Prime Minister, Mark Eyskens, to typify the European Union (EU) at the dawn of the first Gulf War (Whitney 1991). This three-dimensional power conception (i.e. economic, political and military) has remained a popular way to categorize international actors, even if different authors and theories tend to reach different conclusions (Nolte 2007, 7). Realists tend to look at the importance of the EU - and international institutions in general - with great scepticism (cf. Mearsheimer 1994). The EU is little more than an appliance of its (more powerful) member states, so the realist argument goes (Hyde-Price 2006 and 2008; Mearsheimer 1994, 13-14). For scholars of the English School, the EU has the potential to become an (important) international actor, provided that Brussels increases its military and political clout so it can assume its responsibilities towards the international society (Bull 1982, 151; Ginsberg 1999, 448; Hill 1993; Toje 2008). For liberals, the EU is already an important actor, some even go as far as to label the EU a “superpower” (e.g., Leonard 2010; McCormick 2006; Moravcsik 2010; Reid 2004; Schnabel and Rocca, 2007). However, it does not seem appropriate to conceive EU “actorness” with such state-centric approaches, given that the EU “is neither a state nor a non-state actor, and neither a conventional international organization nor an international regime” (Ginsberg 1999, 432).

Jacques Delors once described the EU as “a UPO - a sort of unidentified political object” (1985, 2). The European “puzzle” stems from the fact that, ever since its birth in 1952,¹ the EU has been “a political system under construction” (Bretherton and Vogler 2006, 209). Various scholars have debated the appropriate conceptualization of the EU, which has resulted in a large variety of “qualifying adjectives” (Bickerton 2011, 25). The labels on offer include *inter alia* “Civilian” (Duchêne 1973, 19), “Civilizing” (Sjursen 2006a, 170), “Normative” (Manners 2002, 235), “Postmodern” (Cooper 2004, 26-54), “Venusian” (cf. Kagan, 2003, 4), “Soft” (Nye 2004, 75-83) and “Ethical” (Aggestam 2008,

¹ The 1952 Treaty of Paris can be considered to be the EU’s birth certificate.

1). Manners' (2000, 2001 and 2002) Normative Power Europe (NPE) thesis managed to travel to the spotlight of the academic debate (Whitman 2013, 171).² The NPE thesis portrays the EU as a transformative power, an actor that has the "ability to shape conceptions of 'normal' in international relations" (Manners 2002, 239).

The EU also increasingly perceives, presents and even prides itself as a normative power (Manners 2015; M. Smith 2011a, 127-131). For instance, in an interview in 2007, José Manuel Barroso, then president of the European Commission, stated, "we [the EU] are one of the most important, if not the most important, normative power in the world" (quoted in Peterson 2007, 4). It is possible that the EU's *sui generis* ontology "predisposes it to act in a normative way" (Manners 2002, 242). However, the paucity of research that attempted to scrutinize the empirical validity of this claim is remarkable (Tocci 2008a, 3-4).

To be sure, the ideational power of the EU (and the West in general) had no equal in the post-Cold War era (Haukkala 2010a, 161). The West had won the ideological struggle: Communism was dead and history as a battle of isms was over, so the argument went (Fukuyama 1992). Furthermore, the first president of the Russian Federation, Boris Yeltsin, recognized the EU's normative leadership (Kagan 2008, 5-7; Pursiainen 2008, 154). This recognition is crucial, because (normative) leadership needs to be accepted by third actors for it to have any significance (De Zutter 2010, 1117; Kavalski 2013, 249; Wendt 1999, 224). Understandably, the Western leaders of the early 1990s believed the teleological liberal narrative (i.e. liberal modernization theory): Russia would slowly evolve into a Big-Mac and peace-loving society (cf. Friedman 1996).³

In retrospect, this appears to have been little more than wishful thinking (Kagan 2008, 103-105). Under Vladimir Putin, Russia became increasingly self-confident as a result of increasing oil prices (Tsygankov 2014a, 124).⁴ Or as Georgi Derlugian put it: "Russians themselves wryly joke that at \$15 a barrel they were an appendage to the world economy, but at \$70 a barrel they are an imperial nation" (2006, 5). This self-

² For a brief overview, see Forsberg (2011, 1186-1190) and Whitman (2013, 175-177).

³ The first McDonalds in Russia was opened in Moscow on January 31, 1990 (Clines 1990).

⁴ Russia's economic growth was also facilitated by factors such as the devaluation of the Russian Ruble, China's ascent (paralleled with an increased Chinese demand for Russian products) and internal economic reforms (Kotkin 2015).

confidence is exacerbated by the perception of the EU as “weak and in decline” (Leonard and Popescu 2007, 13; see also Snyder 2014). Unsurprisingly, contemporary Russia does not regard the EU as a model (Browning 2008, 26-27; Romanova 2009, 51).⁵ The growing normative divergence in the EU-Russia relationship has been confirmed by various studies (e.g., Haukkala 2010b; Holslag 2010, 8; Makarychev 2008b; Prozorov 2006).

The growing value-gap between the EU and Russia became tragically visible in the Ukraine crisis, which is generally said to be the result of a tug of war between Brussels (aligned with Washington) and Moscow (e.g., Allison 2014, 1295-1296; Arbatov 2014; Rutland 2015; E. Walker 2015). Stuck in the middle, Kyiv was forced to choose between Russia’s Eurasian Customs Union and the EU’s Deep and Comprehensive Free Trade Agreement (DCFTA) (Charap and Shapiro 2014, 268; Freedman 2014a, 17-18; MacFarlane and Menon 2014, 97-98). A polarized blame-game erupted with some authors reproaching the EU for doing too much and provoking Russia (e.g., Cohen 2014; Lukin 2014; Mearsheimer 2014; Sakwa 2015a and b), while other authors see Vladimir Vladimirovich Putin as the main culprit in this story and blame the EU for being too soft on Moscow (e.g., Applebaum 2014; Emerson 2015; McFaul 2014; Sestanovich 2014; Snegovaya 2014; Wilson 2014b).

In an October 1939 BBC broadcast, Winton Churchill spoke of Russia as “a riddle wrapped in a mystery inside an enigma; but perhaps there is a key. That key is Russian national interest” (1986, 403). Churchill’s perception of Russia appears to be shared by most contemporary Western scholars and analysts: Russia is said to be an actor driven by traditional realist concerns, whereas the EU is said to be driven by its (liberal) values (e.g., Holslag 2010, 11; Mearsheimer 2014, 8; Timmins 2002, 78-79). The normative undertone in this dichotomy is hard to dispute. On the one hand, the EU is often portrayed as a sweet-natured power, a self-proclaimed “force for good” (Council of the European Union 2003, 13; see also: Aggestam 2008, 2; Tocci and Manners 2008, 327). Russia, on the other hand, is often portrayed as a malignant revisionist power (see, e.g.,

⁵ Russia’s position vis-à-vis the West is not historically stagnant; there are periods of cooperation as well as conflict (see, e.g., Haukkala 2008b; Tsygankov 2014b).

Cooper 2000, 16; Emerson et al. 2009, 13-16; Freudenstein and Speck 2015, 17-18; Kagan 2008, 11-18; Krastev 2008; Mead 2014 and 2015; Trudolybov 2014).

But is this dichotomy justified? To be sure, normative power is a concept constructed specifically for the EU (Manners 2002, 236; Tocci 2008a, 21). Consequently, the EU and normative power are often assumed to be synonyms (Gerrits 2009, 575). But has the EU's self-constructed normative identity (cf. Cebeci 2012; Diez 2005; Pace 2007) positively influenced the normative quality of the EU's external actions? Is the EU truly a more normative, principled international actor than (other) states? Several authors have argued that the United States (Hamilton 2008, 96-102), China (Womack 2008, 278-279), India (Kumar 2008, 221-226) and Russia (Makarychev 2008a, 162-167) can all be said to have pursued normative foreign policies at different times and places.⁶ The reverse also applies: several authors have pointed out that the EU is not only motivated by its normative agenda, but also by more narrow self-interest (R. Smith 2014; Tocci 2008b, 5; Youngs 2004). In addition, constructivists are right to point out that "it would be misleading to ignore the interactive nature of Russia-West relations or to present Russia as an essentialist entity with once-and-forever formed values" (Tsygankov 2014b, 130).

This article attempts to answer the call to expound on the dichotomized normative - non-normative debate surrounding the EU and Russia (Averre 2009, 1708; Casier 2013, 1378; Headley 2015; Makarychev 2008a, 161; Pavlova and Romanova 2014), as well as the more general call to critically reflect on "the idea that the West is inherently a benevolent force" (Mahbubani 2013, 195). Logically, the EU's normative self-portrayal can only be credible if it "add[s] up to action" (Pace 2007, 1061). Concretely, I will employ the NPE framework as an analytical tool to study the EU's Ukraine policies in the wake of the Maidan revolution.⁷ In sum, I attempt to answer the following research question:

To what extent has the European Union's external policy towards Ukraine, in the period between November 2013 and July 2015, been characterized by normative intentions, means and impact?

⁶ All authors favored their "own" actor; in that sense there appears to be "a natural bias towards a judgment of normativity" (Tocci and Manners 2008, 302). Because the assessment of the level of "normativity" of a certain policy inevitably involves judgment, this thesis departs from a subjectivist ontology and interpretivist epistemology vis-à-vis "normative" foreign policy (Manners 2009a, 18).

⁷ For the argument in favor of using NPE as an analytical tool, see Birchfield (2013).

2. CONCEPTUAL AND THEORETICAL FRAMEWORK

2.1. THE EUROPEAN UNION: ONE OF WHAT KIND?

As stated in the introduction (pages 6-7), a cacophony of adjuncts has been used to conceptualize the EU. Normative Power has undoubtedly become the most popular concept; one could even speak of a “neo-normative turn in theorizing the EU’s international presence” (Whitman 2013, 171). But what does normative power mean? How does normative power differ from other concepts, such as “civilian”, “civilizing”, “soft”, “postmodern” or “ethical” power? And how can we spot a normative power when we see one?

Unfortunately, it is impossible to provide a simple and definite answer to these questions. Like Helene Sjursen, I failed to find “a single consistent definition of ‘normative’, ‘civilian’, ‘ethical’, ‘civilizing’ power Europe” (2006b, 236; for a similar critique, see Aggestam 2008, 5). For instance, some authors use the term “Civilian Power” to refer to a specific type of “Normative Power”, namely a norm promotor that is handcuffed to specific (i.e. civilian) means (De Zutter 2010, 1120-1122; Manners and Diez 2007, 177). Yet, for Jennifer Erickson, those two concepts differ in that “civilian power deals primarily with the *means* of foreign policy, [while] normative power includes its *ends*” (2013, 211, italics added). Others simply treat normative and civilian power as synonyms (e.g., M. Smith 2011a, 127). The next section will reveal the problems of defining and operationalizing normative power by critically reflecting on the wider EU-power debate.

2.1.1. CIVILIAN OR MILITARY POWER EUROPE?

François Duchêne (1972, 1973) launched the Civilian Power Europe (CPE) thesis in the early seventies. Historically, the original debate can be situated “within the period of détente and [the 1973] oil crisis” (Manners and Diez 2007, 177). Initially, Civilian Power (CP) was a vague concept, which possibly explains why the concept became so popular (Orbie 2006, 123-124).⁸ An academic debate erupted where scholars attempted to define CPE. According to Duchêne, the goal of CPE is to “bring to international problems the

⁸ The same argument can be made for Manners’ (2000, 2001 and 2002) NPE thesis.

sense of common responsibility and structures of contractual politics” (1973, 19-20). In other words, by introducing pluralist rules, the Hobbesian international system would be transformed into a Grotian international society (Wichmann 2010, 27).

The objective of domesticating IR was not to be achieved at any price, on the contrary. Hans Maull (1991, 92-93) argued that a CP relies on non-military and cooperative means.⁹ In a similar fashion, Karen E. Smith asserted (2005, 3-5) that a CP relies on persuasion instead of coercion, but she also added that domestic democratic control is a distinguishing feature of a CP.¹⁰ In sum, CP was seen as antithetical to military power, as is summarized in Table 1.

Table 1: Civilian Power as an Ideal Type

Civilian Power	Military Power
Civilian Means	Military Means
Civilian Ends	Military Ends
Persuasion/Soft Power	Coercion/Hard Power
Democratic Control	No Democratic Control

Source: Copied from Karen E. Smith (2005a, 6)

In the late 1970s and early 1980s both the historical and academic context changed dramatically. The 1979 Soviet invasion of Afghanistan entailed a deterioration of relations between the Cold War protagonists. In parallel, (neo)realism became the dominating IR tradition following the publication of Kenneth Waltz’ (1979) *Theory of International Politics* (Jackson and Sørensen 2010, 44-45; Walt 1998, 31). The CPE thesis came under fire. Hedley Bull (1982, 152-157) delivered the most influential critique, as he argued that, without a credible military clout, the European Community would remain but a ball in the US-Soviet game. Scholars writing on CPE during the remainder of the Cold War were preoccupied with debating the usefulness of “a civilian power in a rather uncivilian world” (Pijpers 1998, 162).

Militarizing the EU became more contested in the post-Cold War era. For Jan Zielonka, CP is way for “the Union to acquire a distinct profile – so important in terms

⁹ Hans Maull used these criteria to categorize Japan and Germany as new Civilian Powers, but the applicability extends beyond his two original cases.

¹⁰ Diez and Manners ridiculed the domestic democratic control criterion and called it an act of “academic acrobatics” (2007, 178).

of identity and legitimacy” (1998, 229). In the same light, Karen E. Smith writes that “enhancing the EU’s military resources carries a price: it sends a signal that military force is still useful and necessary, and that it should be used to further the EU’s interests” (2000, 28). Robert Keohane summarizes the argument against militarization eloquently:

“The point is that accepting a matrix of norms, rules, practices and organizations is not necessarily a mark of weakness. On the contrary it can be a sign of strength, self-confidence and sophistication about how to achieve security and welfare for one’s citizens in a globalizing world” (Keohane 2002, 755).

To a certain extent, the militarization of the EU evolved from a hypothetical possibility into a practical reality as the Common Security and Defence Policy gradually developed (Nugent 2010, 380-383).¹¹ Some of the opponents of militarization concluded that the EU could no longer be classified as a CP (e.g. K. Smith 2005a). Others, however, argued that a CP could employ (limited) military means to reach civilian goals (Maull 2000; Stavridis 2001; Whitman 2002). This debate gave birth to the (in)famous Normative Power concept.

2.1.2. NORMATIVE POWER EUROPE?

“What I am suggesting here is that the European Union represents neither a civilian power of a (sic) intergovernmental nature utilizing economic tools and international diplomacy, nor a military power of a supranational nature using armed force and international intervention, but a normative power of a (sic) ideational nature characterized by common principles and a willingness to disregard notions of ‘state’ or ‘international’”

Ian Manners (2001, 7).

According to Ian Manners, the civilian-military debate was too state-centric: both “notions” are characterized by an “unhealthy concentration on how much like a state the EU looks” (2002, 239). Instead, scholars ought to focus on “the EU’s (...) ability to shape conceptions of ‘normal’ in international relations” (ibid.).

¹¹ The EU’s military development should not be exaggerated. The EU did acquire limited hard power capabilities (e.g., EU Battlegroups) in order to carry out the Petersberg Tasks. However, the EU has not developed a “*defense policy*, as traditionally understood” (Nugent 2010, 383, italics in original). That is to say, the EU has no army that can be employed to protect or conquer territory (ibid.). Nor is this scenario likely to materialize: European Commission president Jean-Claude Juncker has called for the creation of an EU army, but was instantly met with criticism by British politicians (Sparrow 2015).

The idea of spreading ideas in IR is certainly not new. The rationale behind *la mission civilisatrice* is aptly summarized by Victor Hugo as, “*La gloire des barbares est d’être conquis par l’humanité*” (1877, 315). Similar reasoning can be found in Rudyard Kipling’s (in)famous poem “The White Man’s Burden” (2006 [1899]) and various other nineteenth century writings. Present-day examples of ideationally driven international actors are not difficult to find either. U.S. President Barack Obama, for instance, has repeatedly assured the international community that the US “will continue to promote democracy and human rights” (2014). Indeed, one might argue that all self-respecting great powers, in the past and present, have (had) a values-based agenda (Sjursen 2007, 3; Tocci 2008a, 3).

A vital question for the NPE thesis thus arises: what distinguishes the EU from its temporal and contemporary others (cf. Diez 2005)? What makes the EU more normative than Napoleonic France, the Soviet Union, and contemporary actors such as the US, China and Russia? According to Manners, “the central component of Normative Power Europe is that it exists as being different to pre-existing political forms” (2002, 242). Thus, while the CPE thesis focused on the possible advantages of the EU’s lack of hard power,¹² the NPE thesis focuses on the ideational advantages of the EU’s hybrid polity. The CPE and NPE thesis overlap in that both agree that the EU’s unique nature is “the principal explanation for what [the EU] *does*” (Tocci 2008a, 2, italics in original). But does the fact that the EU is *sui generis* inevitably result in *sui generis* behaviour?

2.2. NORMATIVE ACTION: OBJECTIVELY MEASURABLE?

“The most important factor shaping the international role of the EU is not what it does or says, but what it is. My presentation of the EU as a Normative Power has an ontological quality to it – that the EU can be conceptualized as a changer of norms in the international system; a positivist quantity to it – that the EU acts to change norms in the international system; and a normative quality to it – that the EU should act as a normative power.”

Ian Manners (2002, 252)

This thesis is not so much concerned with the ontological and normative dimensions of the NPE thesis; the focus is on the “positivist” aspect of the debate.¹³ Indeed, I wonder

¹² To an extent, this reasoning can also be found in the Soft Power thesis (see, Nye 2004).

¹³ The term “positivism” is put between quotation marks as it may be misleading in so far as it could suggest that I would be guided by an objectivist ontology and a positivist epistemology; on the contrary, this research is based on a subjectivist ontology and an interpretivist epistemology (Jackson and Sørensen 2010, 284-286 and 294-296; Manners 2009a, 18-19).

whether the EU has *acted* as a normative power. That being said, it is difficult – perhaps even impossible – to strictly divorce the “positivist” from the ontological and normative dimensions of the NPE thesis. For starters, the evaluation of EU foreign policy with a normative approach inevitably entails engaging in a normative debate: either one concludes that the EU acted normatively (which implies that EU *should* continue its policies) or one concludes the EU did not (entirely) act normatively (which implies that the EU *should* alter its policies). And, as mentioned earlier, the “positivist” dimension of NPE is said to be the result of the ontological dimension of NPE. Indeed, Manners argues that the EU’s ontological difference “predisposes it to act in a normative way” (2002, 242).

There are two main lines of argument that support this claim. According to the first line of argument, the EU’s normative actions are the result of the EU’s (mis)perceptions of the world (Jervis 1976; M. Smith 2011a, 131). While some opine that the EU’s Kantian view of world politics is an indicator of strength (e.g., Cooper 2002 and 2004; Keohane 2002; Leonard 2005), others argue that the EU’s lack of hard power necessitates a Kantian transformation of World Politics (e.g., Kagan 2003; Laïdi 2008, 4; M. Smith 2011a, 137-138). The second line of argument tells us that the EU is institutionally designed to act normatively. According to the (neoliberal) intuitionist argument, Brussels constrains both its member states and itself with a number of rules and norms, and these constraints make it less likely that the EU will pursue a zero-sum foreign policy (H. Smith 2002, 271). Others have focused on the way the European project exports its own institutions to the outside world (Bicchi 2006; Lavenex 2004). While these arguments sound plausible, there has been remarkably little research attempting to scrutinize their empirical validity (Tocci 2008a, 3-4).

Furthermore, one could argue there are institutional constraints on the EU’s ability to act as a normative power. The foreign policy of the post-Lisbon EU is still mainly intergovernmental in nature (Nugent 2010, 380; M. Smith 2013, 655-656). This may cause EU member states to disregard Brussels’ normativity in favour of policies that serve their own economic and/or strategic interests (Erickson 2013, 209-210; Lerch and Schweltnus 2006, 305; Mattlin 2012, 193; Meunier and Nicolaïdis 2006, 919-920). In other

words, the temptation of normative free riding may become too hard to resist.¹⁴ For instance, the outbreak of the civil war in Libya painfully demonstrated that several EU member-states, including the “EU big three”, were willing to subordinate moral considerations to economic interests: more than a billion euro’s worth of arms were shipped from the EU to Libya between 2005 and 2010, despite the questionable track record of the Gaddafi regime (Hansen and March 2015). Another normative fiasco related with arms trade threatened to materialize during the Ukraine crisis, as the EU had trouble persuading Paris not to deliver the “Vladivostok”, a Mistral-class helicopter carrier that Moscow had ordered back in 2011 (Stothard, Thomson and Hille 2014).

In one of his later works, Manners nuances the structural argument of his NPE thesis as he writes: “it is one thing to say that the EU *is* a normative power by virtue of its hybrid polity (...) it is another to argue that the EU *acts* in a normative (i.e. ethically good) way” (2008, 45, italics in original). This statement is somewhat confusing because “ethical” does not *necessarily* mean the same as “normative” (cf. Manners 2006c, 116; De Zutter, 1109). As pointed out by Nathalie Tocci (2008a, 4), normative action can be defined in two different ways.

First, one can define normative action as an action that “shap[es] the conceptions of ‘normal’” (Manners 2002, 239). This definition is closely related with Martha Finnemore and Kathryn Sikkink’s “definition of a norm as a standard of appropriate behavior” (1998, 891). In other words, this interpretation of normative action “convey[s] a sense of standardization and the expectation of non-deviance, rather than a moral imperative” (Tocci 2008a, 4). The advantage of this definition is that it “liberates normative power from its force-for-good connotation” (De Zutter 2010, 110).

In this morally neutral understanding of normative action, both the content of the norm(s) promoted and the means employed become irrelevant for the judgement of normative action. For instance, we may morally condemn any form of racism, but actions that promote racial segregation would nevertheless qualify as normative action. With regard to means, one could argue that promoting democracy through trade and aid is morally superior to promoting democracy through warfare. Yet, both actions

¹⁴ One could propose to solve this issue by supranational integration of foreign and defence policies, but in that case the EU would start to look a lot like a federal state and would thus no longer be ontologically different from states, which, in turn, would render the NPE thesis moot (Manners 2006a, 194).

would equally qualify as normative action. The main variable in this interpretation of normative action is thus power: some actors will be more successful in their normative endeavours than others (cf. Tocci 2008a, 4).

I do not deem this particular interpretation very useful because in this reading, virtually all action can be considered to be normative action (Sjursen 2007, 3). Even acting in accordance with existing norms can be considered to be a normative action because it (albeit implicitly) strengthens the status quo. This leads us to the second, morally non-neutral, interpretation of normative action: normative foreign policy will be defined as a policy that is “ethically good” (Aggestam 2008; Barbé and Johansson-Nogués 2008; Manners 2008; Tocci 2008a, 4).

2.3. NORMATIVE ACTION: SUBJECTIVELY MEASUREABLE?

What is an ethically good foreign policy? The answer to this question is highly dependent on how we view the world and is thus bound to be subjective (Aggestam 2008, 5; Tocci 2008a, 4-5). The blame-game surrounding the Ukraine crisis is a case in point (Charap and Darden 2014). We will briefly consider the worldviews of the two of the main IR theories and their ethical implications.

2.3.1. THE ETHICAL IMPLICATIONS OF THE REALIST WORLDVIEW

When one looks at the world through a realist prism,¹⁵ the egoistic nature of human beings, i.e., the classical realist argument of Hans Morgenthau (1965), in the context of an anarchic international self-help system, i.e., the structural-realist argument of Kenneth Waltz (1979) and John Mearsheimer (2001), leaves political leaders little choice but to look after the interests and security of their own polity (Donnelly 2000, 6-11; Jackson and Sørensen 2010, 59; Mearsheimer 2010, 78-81; Wohlforth 2008, 133). One could summarize the realist dictum as “*Spartam nactus es; hanc exorna*” (Oakeshott 1962, 60). Loosely translated, this Latin phrase means as much as “when we are operating in the jungle, we also must use the laws of the jungle” (Cooper 2000, 38). Because states operate in a dangerous and uncertain world, they cannot be judged by the same moral standards as individuals, therefore the conduct of *Realpolitik* is not necessarily a-moral

¹⁵ This is not to say that realism is a monolithic theory; each theoretical tradition in IR, including realism, is characterized by diversity (Wohlforth 2008, 131, 135 and 143).

(Brown 2001, 26; Machiavelli 1921, 71; Niebuhr 2013). On the contrary, a foreign policy guided by realist principles simply does the least harm, realists argue (Hyde-Price 2008, 43-44; Walt 2012). Perhaps it is not surprising that Manners' NPE thesis was met with fierce realist criticism (esp. Hyde-Price 2006 and 2008), given the liberal undertone that can be perceived in Manners' work.

2.3.2. THE ETHICAL IMPLICATIONS OF THE LIBERAL WORLDVIEW

Just like realists, liberals share some fundamental beliefs (Moravcsik 1997, 516-524). In the first place, neo-liberals accept some realist premises: the international system is characterised by anarchy and states are the central unit of analysis (Jackson and Sørensen 2010, 120; Stein 2008, 203 and 205; Russett 2010, 96; Walt 1998, 38). But whereas realists see anarchy as a static problem, liberals believe in "the possibility of change and improvement" (Stein 2008, 204). Liberals do not claim that realist constraints (e.g. balance of power) on conflict are unimportant, but they do claim that liberal constraints (i.e. democracy, economic interdependence and international organisations) have proven to be stronger than the realist constraints (Russett 2010, 100-105).

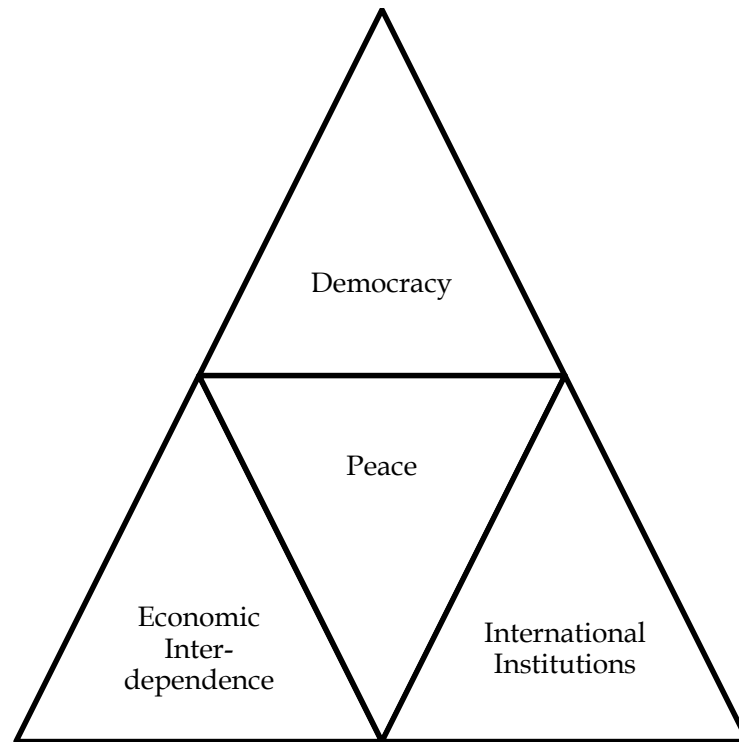
While liberalism is not a monolithic theory,¹⁶ Moravcsik remarks that liberal theories "are stronger when taken together" (1997, 533-534). Take, for instance, the so-called "McDonald's Peace" (cf. Friedman 1996).¹⁷ Claiming that happy meals bring happy times may sound like cheap marketing, but it is founded on the philosophy of Immanuel Kant who claimed that "commercial spirit cannot co-exist with war" (1903 [1795], 157). Indeed, liberals argue that economic interdependence creates cooperative preferences within and between states (Moravcsik 1997, 516-524). The "Democratic Peace" is founded on similar ideas: most citizens are risk-averse and when they are endowed with an electoral "stick" to punish their leaders for risky behaviour, the behaviour of their respective polity will tend to be more cooperative than in less democratic polities (Jackson and Sørensen 2010, 109-113; Moravcsik 1997, 530-531).

¹⁶ Jackson and Sørensen (2010, 98-121) distinguish between, sociological, interdependence, institutional and republican liberalism, whereas Moravcsik (1997, 524-533) distinguishes between ideational, commercial and republican liberalism.

¹⁷ The theory holds "that when a country reaches a certain level of economic development, when it has a middle class big enough to support a McDonald's, it becomes a McDonald's country, and people in McDonald's countries don't like to fight wars; they like to wait in line for burgers" (Friedman 1996).

Thus democracy, economic interdependence and international institutions all reinforce each other and constitute a “Kantian triangle” (Russet 2010, 107).¹⁸

Figure 1: The Kantian Triangle



Source: Based on Bruce Russet (2010, 107) with some (very) minor modifications.

Clearly, liberal theories of IR fit more easily with Manners’ NPE thesis (Pace 2007, 1045; Rosamond 2014; M. Smith 2011b). Manners admits that he does “not accept the way world politics is, or theories that seek to maintain the status quo” (2006c, 118). Manners thus parrots the so-called “emancipatory critique of realism” (Jackson and Sørensen 2010, 89). The central “Kantian idea” that underlies the emancipatory critique is that “we should treat people as ends and not means. States, however, should be treated as means and not ends” (Booth 1991, 319). Similarly, the NPE thesis holds that the EU promotes “norms which displace the state as the center of concern” (Manners 2002, 236).

Specifically, Manners (2002, 242-243) argues that the EU’s normative basis consists of five “core” norms: peace, liberty, democracy, rule of law, and respect for human rights; and four “minor” norms: solidarity, anti-discrimination, sustainable development and

¹⁸ The term “International Institutions” is used in this dissertation to refer to actual international organizations (e.g. NATO) and international rules more generally (Jackson & Sørensen 2010, 106; Stein 2008, 201).

good governance. In comparison, the Liberal International has stated that, “Freedom, responsibility, tolerance, social justice and equality of opportunity (...) are the central values of Liberalism” (1997). The EU’s normative basis is thus liberal in character. From a liberal perspective, a policy that seeks to promote liberal norms is morally good because liberal norms enhance peace and ensure “the greatest happiness of the greatest number” (Bentham 1988, 126; see also Jackson and Sørensen 2010, 30-35; Russett 2010, 112-113).

While liberals share the same values, they tend to disagree about how active their values should be promoted in the international realm. “Liberalism of Imposition” argues that there is a moral imperative to actively (and if needed forcefully) impose liberal norms on others (Jackson and Sørensen 2010, 123).¹⁹ During the Bush era, the U.S. and the U.K. were clearly advocates of forcefully imposing liberal values on the rest of the world (ibid.; Sørensen 2011, 64). Robert Cooper (2002), who was Tony Blair’s adviser at the time, did not even shun the word “imperialism” when he talked about the British strategy towards Iraq and Afghanistan. Despite the noble intentions of “Liberal Imperialism”, the success rate of forcefully imposing liberal values is not convincing (Enterline and Greig 2008; Pickering 2006) and has been criticized by realist authors (e.g., Mearsheimer 2011; Walt 2014).

On the other side of the liberal spectrum, we find the “Liberalism of Restraint” which operates under the principle of “live and let live” (Jackson and Sørensen 2010, 123).²⁰ A radical version of this reticent liberalism fully respects the principles of “nonintervention, tolerance and respect for sovereignty” (Sørensen 2011, 178). However, in such a radical view, the principle of “live and let live” may as well read, “live and let die”. Or as Gareth Evans put it, “We do the victims of injustice no good to dress their tormentors in the respectable garb of cultural relativism” (1990, 4). In sum,

¹⁹ The International Society Tradition would call this version of liberalism “*solidarist*, stressing the importance of individuals as the ultimate members of international society” (Jackson and Sørensen 2010, 132, italics in original; see also Dunne 2008a, 274-275 and 2008b, 23-24). Solidarists are essentially Cosmopolitan Kantian revolutionists who prioritize human justice (Jackson and Sørensen 2010, 134, 143).

²⁰ The International Society Tradition would call this version of liberalism “*pluralist*, stressing the importance of state sovereignty” (Jackson and Sørensen 2010, 132, italics in original; see also Dunne 2008a, 274-275 and 2008b, 25-26). Pluralists prioritize interstate justice and are essentially Grotian rationalists (Jackson and Sørensen 2010, 133, 143).

radical versions of both liberalisms (i.e. imposition and restraint) fall short of providing satisfactory guiding principles for a normative liberal foreign policy (Sørensen 2011). The normative framework proposed in the next chapter, attempts to find a middle way between the overly enthusiastic and overly shy versions of liberalism.

3. DATA AND METHODOLOGY

3.1. OPERATIONALIZING NORMATIVE FOREIGN POLICY

“I can thus imagine a moral politician, that is to say, one who understands the principles of statesmanship to be such as do not conflict with morals; but I cannot conceive of a political moralist, who fashions for himself such a system of ethics as may serve the interest of statesmen”

Immanuel Kant (1903 [1795], 165-166).

While setting objective standards for moral foreign policy is impossible (Winkler 2013), we should nonetheless attempt “to be explicit about a possible standard that might be used to assess claims about the EU’s normative dimension” (Sjursen 2006b, 236). Consequently, I operate under the assumption that our definition normative foreign policy must “set standards that are as universally accepted and legitimate as possible” and must have “the function of ‘taming’ and regulating power” (Tocci 2008a, 5). In a vein similar to that of Nathalie Tocci (2008a), Ian Manners (2008), or Arne Niemann and Tessa De Wekker (2010), I propose to subdivide normative policy in three dimensions: (1) normative intentions, (2) normative means, and (3) normative results.

3.1.1. NORMATIVE INTENTIONS: DOES THE POLICY ATTEMPT TO STRENGTHEN THE WIDER MILIEU?

When can a certain foreign policy be said to be motivated by normative intentions? One could simply try to distinguish between values- and interest-based motivations (Tocci 2008a, 5). Indeed, a strong indication of normative commitment arises when an actor pursues a normative foreign policy goal at the expense of its material interests (Niemann and De Wekker 2010, 8). However, this may only rarely occur. In addition, an interest based-goal may very well be motivated on normative grounds (Chandler 2003). For instance, the denial of market access could be motivated on the grounds that the third actors’ human rights situation is unsatisfactory, while the actual goal is the protection of one’s own markets against cheap foreign products and labour. It seems clear that values and interests are often interlinked, and that it will be difficult to strictly distinguish between them (Aggestam 2008, 8; Finnemore and Sikkink 1998, 912; Rosamond 2014, 133-137; Youngs 2004).

Nathalie Tocci (2008a, 7) suggests that we equate normative goals with Arnold Wolfers' "milieu goals" (1962, 73). According to Wolfers, "milieu goals" are different from "possession goals" in that actors "pursuing them [milieu goals] are out not to defend or increase possessions they hold to the exclusion of others, but aim instead at shaping conditions beyond their national boundaries" (1962, 73-74). The distinction between possession and milieu goals overcomes the difficulty in distinguishing between values and interests we discussed earlier: milieu goals do not necessarily (but may nonetheless) conflict with possession goals or self-interest (Tocci 2008a, 7). That being said, the concept "milieu goals" remains fairly vague; and Nathalie Tocci suggests that we "add that normative foreign policy goals are those that aim to shape the milieu by regulating it through international regimes, organizations and law" (ibid.; a similar argument can also be found in Manners 2006a, 170-174).

However, merely stating the intention to pursue milieu goals may very well be little more than empty rhetoric (Chandler 2003). Therefore, we add an additional criterion and consider self-binding to the same standards that are promoted to be a crucial prerequisite to comply with the normative intention criterion (cf. Diez 2005, 622; Sjørusen 2006b, 244-245; Manners 2006c, 119; Niemann and De Wekker 2010, 8; Tocci 2008a, 8). In addition, I investigate whether the EU undertook concrete actions to reach its (normative) goals (Niemann and Groothuis 2012, 7). In sum, the EU's Ukraine policies can only be said to have normative intentions to the extent that the EU intended (and acted) to shape the wider milieu by strengthening international institutions and bound itself contractually to said institutions.

3.1.2. NORMATIVE MEANS: DO THE POLICY MEANS FALL WITHIN THE CONFINES OF THE LAW?

The normative means principle is indispensable. Without this deontological consideration we end up with an ends-justifies-the-means dictum that would leave the Liberalism of Imposition unchecked. On the other side of the spectrum, equating normative means with soft instruments runs the risk of providing an umbrella under which the Liberalism of Restraint can shield itself against cosmopolitan responsibilities.

Let me begin by arguing against the tenacious belief that "soft" instruments are necessarily morally superior to "hard" policy instruments (e.g., Moravcsik 2003; Shen

2011, 38-42; K. Smith 2000 and 2005a; Zielonka 1998). Soft power can be defined as “the ability to get what you want through attraction rather than through coercion” (Nye 2004, x). Admittedly, in an ideal situation,²¹ the EU would perhaps prefer to be an entirely passive norm promoter, relying solely on its attraction. Indeed, Manners writes, “simply by existing as different in a world of states and the relations between them, the European Union changes the normality” (2008, 45). However, soft power in itself is not ethical: “Hitler, Stalin and Mao all possessed a great deal of soft power in their heydays” (Nye 2007, 169). In addition, it is awkward to argue that coercion is less normative than persuasion (cf. Manners 2008 57-58; Tocci 2008a, 5; Tocci and Manners 2008, 305). I do not agree that one can *a priori* determine that a coercive imposition of a norm is ethically bad (Frost 1998, 132). For instance, would it be ethically bad to force an authoritarian leader to stop his human rights violations? Even if one disregards these problems, it is hard to deny that the EU’s soft power has been damaged by the financial crisis of 2008 (K. Smith 2014).²² In other words, the EU’s mere existence is unlikely to be enough to transform our planet into “a more just, cosmopolitan world” (Manners 2008, 47).

In its purest form, normative power is strictly non-material (Keene 2013), but according to Manners himself, normative power “is often used together with material incentives and/or physical force” (2009b, 5). Since passive norm promotion may be too little (cf. the Liberalism of Restraint), a more active norm promotion strategy is justifiable (Manners 2009a, 13). Given that Brussels does not have any significant military muscle,²³ the European capital has little choice but to use its economic clout to support its normative endeavours (Meunier and Nicolaïdis 2006). One can distinguish between two active norm-promoting strategies. The first strategy can be conceptualized as conditionality (K. Smith 1997). As the name suggests, it means that the EU attaches conditions in its dealings with other actors in order to spread its norms (ibid., 4). In

²¹ Notice the paradox of normative power: the more successful NPE is the less powerful NPE becomes. In a hypothetical world where EU norms are universally accepted and practiced, the EU would be normal as opposed to normative (Balibar 2003, 335; Manners 2006b, 174-175 and c, 119-120; Nicolaïdis 2004, 93).

²² I concede that measuring soft power in an exact quantifiable manner is impossible (Fan 2008).

²³ Some have argued that military power hinders normative power: the possession of significant military forces could arouse suspicion and fear among third actors (Jervis 1976) which, in turn, could make those actors “less receptive to norm diffusion” (Manners 2006a, 194). Yet, president Putin was not assured of the EU’s benign intentions in Ukraine, despite the absence of a European army.

other words, the EU provides economic, political and/or symbolic incentives for what it considers to be good behaviour (Schimmelfennig and Sedelmeier 2004). The second strategy is the opposite: it involves sanctioning other actors for undesired behaviour (K. Smith 2014, 105). This can include symbolic, political and economic sanctions.²⁴ The general belief is that punitive measures are less useful than incentives because “a carrot is more effective than a stick if you wish to lead a mule to water” (Nye 2011, 52). Furthermore, the positive effects of imposed economic sanctions are widely disputed (e.g., Pape 1997 and 1998; Peckson 2009; and many others). On top of that, there are situations in which economic sanctions are “more harmful and coercive to affected populations than the conduct of war” (Tocci 2008a, 9). On the other hand, strategies of persuasion and inducements are not always sufficient, for instance, “soft power got nowhere in attracting the Taliban government away from its support to Al Qaeda in the 1990s” (Nye 2011, xiii-xiv). In sum, we cannot equate normative means with specific *types* of policy instruments (Tocci 2008a, 9).

For Manners (2008, 57-58) as well as Niemann and De Wekker (2010, 9-10), the normative-means criterion essentially corresponds with the logic of the better argument (Headley 2015, 9; Risse 2000). Concretely, normative means would entail that the EU critically and openly reflects on its own policies and engages the norm receiver(s) in that reflexive discussion so as to avoid an “our size fits all approach” (Bicchi 2006, 287; see also: Hettne and Söderbaum 2005; Manners 2006a, 2006b, 2008, 57-58 and 2009a, 3; Niemann and De Wekker 2010, 9-10). This approach is not satisfying for two reasons. First, there is an empirical difficulty: how do we know whether the EU reflected sufficiently on external criticism? And can it not be legitimate to ignore external criticism in certain situations? One could argue that it would be justified to ignore Moscow’s routine of criticizing Western policies for applying double standards: it is merely “whataboutism”, an argumentative tactic used by the Kremlin which attempts to bounce any external criticism back to the original source (The Economist 2008).²⁵ On the other hand, one could just as easily argue that discarding Russian criticism is little

²⁴ From a moral point of view one may distinguish between targeted and general sanctions (Hartle 2008, 184-186). However, the effectiveness of so-called “smart” sanctions is questionable (Gordon 2011)

²⁵ To be sure, “whataboutist” language is spoken in multiple capitals and not only in Moscow (see, e.g., Adomanis 2015).

more than evidence of the EU's "regional normative hegemony" (Haukkala 2008a, 1616). Second, there is a philosophical problem with the "reflection" and "inclusion" criteria, namely liberal universalism.²⁶ Indeed, Manners argues that "The EU promotes a series of normative principles that are generally acknowledged within the United Nations system, to be universally applicable" (2008, 46). If one believes that liberal values, such as human rights, apply to all human beings (cf. cosmopolitanism) and do not depend on membership of a certain polity (cf. communitarianism), then it is awkward to argue in favour of negotiating these values with third actors (Jackson and Sørensen 2010, 292).

Like Nathalie Tocci, I propose to "define normative foreign policy means as instruments (regardless of their nature) that are deployed within the confines of the law" (2008a, 10). This definition entails compliance with both internal and external "legal commitments" (ibid.). Nathalie Tocci (ibid.) draws on Stavridis (2001, 9) to assert that the internal legality criterion is satisfied when the external actions of an actor are subjected to democratic control. While it is difficult to define "democratic control," we can distinguish between more transparent and more opaque decision-making (K. Smith 2005a, 5). The external legality criterion is satisfied when an actor respects international law, acts "multilaterally where possible and with UN authorisation" (Tocci 2008a, 11).

Taking law as a moral standard is not unproblematic: international law itself is the outcome of power struggles and (international) law certainly does not always equate with justice (Chandler 2004). For instance, the international community is *de facto* unable to conduct a legal military intervention in any of the five permanent members of the UN Security Council. Nevertheless, law abidance can be considered normative in several ways. For starters, legal foreign policy "asserts the primacy of right over might, taming the power of the strong while protecting that of the weak" (Tocci 2008a, 8). Second, in instances where norms contradict each other (e.g. is it worth sacrificing peace to defend liberty?), the law "sets the rules governing choices" (ibid.). Finally, the law criterion does not only constrain power (i.e., Liberalism of Imposition), it also works to prevent unjust inaction (i.e., Liberalism of Restraint). For instance, NATO members

²⁶ The universality of EU norms is not undisputed (see, e.g., Romanova 2009; Wang 2009) and can be framed within the broader "philosophical discussion about the validity of liberal universalism" (Aggestam 2009, 29).

have a legal obligation to provide military assistance in the event that another member is attacked.

3.1.3. NORMATIVE RESULTS: ARE THE NORMATIVE INTENTIONS REALIZED?

The final part of the normative power framework relates closely with the power dimension of the NPE thesis (De Zutter 2010, 1117; Niemann and De Wekker 2010, 10; Tocci 2008a, 11). In isolation, consequentialist ethics would set the bar for normative behaviour too low, as the EU could attain a normative impact without having normative intentions and/or without employing normative means (Tocci 2008a, 11). But while the ends do not justify the means, the reverse is equally true: normative intentions and means may do more harm than good in a certain situation, which would run counter to the principle of “‘Doing least harm’” (Manners 2008, 59).

Normative impact is defined by Tocci as “institutional, policy or legal changes within a third country” (2008a, 12). Logically, one can only speak of a normative impact if “a traceable path can be drawn between an international player’s direct or indirect actions and inactions (...) and the effective building and entrenchment of an international rule-bound environment” (ibid., 11). This is no easy task. The empirical difficulty stems from the fact that changes within a third actor may be caused by actions or inactions of multiple different actors (Niemann and De Wekker 2010, 11). If the policy, institutional and/or legal change in the third country were legitimized with reference to the EU, then this would be an indication that the EU is the main source of normative change (ibid.). That being said, the EU may still be the primary cause of change in the absence of such legitimation. Merely asserting that normative change in the third country should be preceded by EU action is not satisfactory either, because this neglects the possibility that the EU’s soft power induced the (normative) change (ibid.). The world of IR is complex, and it will be impossible to attribute normative change to any one actor (Gawrich, Melnykovska and Schweickert 2010, 1214).

While keeping this caveat in mind, one could evaluate normative impact by comparing stated policy goals with the eventual policy impact (ibid.). For instance, if an actor states the intention to promote democracy, then one has to investigate the extent to which there has been an improvement (or not) in the third countries’ democracy

levels. Obviously, the results of the normative impact criterion made in this thesis can only be provisional, given the limited timeframe (November 2013 – July 2015) of our case study (ibid., 1215).

It may be possible that the stated intentions (normative or not) are not realized. Therefore we have to distinguish between “intended” and “unintended” results (Tocci 2008a, 13). This framework allows to distinguish between Normative, *Realpolitik*, Imperial and Status Quo policies, which can all have intended and unintended policy impacts (ibid., 12-14). While it is unlikely that any policy will unambiguously fit in one of these compartments (see Table 2), some policies will more easily fit in the normative drawer than others (Manners and Tocci 2008, 304).

Table 2: Categorizing Foreign Policies

Type of Policy	Normative		Realpolitik		Imperial		Status Quo	
	Intended	Un-intended	Intended	Un-intended	Intended	Un-intended	Intended	Un-intended
Normative Intentions?	Yes	Yes	No	No	Yes	Yes	No	No
Normative Means?	Yes	Yes	No	No	No	No	Yes	Yes
Normative Impact?	Yes	No	No	Yes	Yes	No	No	Yes

Source: Based on Nathalie Tocci (2008, 14) with some (very) minor modifications.

3.2. UKRAINE AS A MOST LIKELY CASE

The case of Ukraine is of particular interest because it qualifies as a most likely case for the NPE thesis (cf. Gawrich, Melnykovska and Schweickert 2010, 1211). As Jack Levy puts it eloquently, “The logic of most likely case design is based on the inverse Sinatra inference – if I cannot make it there, I cannot make it anywhere” (2008, 12). According to John Gerring, a most likely case has the potential to provide “the strongest sort of evidence possible in a nonexperimental, single-case study” (2007, 115). Hence, if our research establishes that Ukraine is a deviant case, we have to seriously question the validity of Manners’ NPE thesis (Bennet and Elman 2007, 189).

Why do I believe Ukraine is a most likely case? For starters, the EU is more likely to pursue normative goals when there are few strategic costs involved or when normative

and strategic goals are complementary (Tocci 2008b, 3-4; Tocci et al. 2008, 68). In the case of Ukraine, norms and interests are complementary: it would undeniably serve the EU's commercial, political and security interests if Ukraine were to become a peaceful, functioning, democratic *rechtsstaat* (N. Smith 2014). There certainly are intra-EU divisions, but the EU's goals seem to tilt in favour of the normative objectives. For instance, it is no secret that member states such as Hungary, Slovakia and Finland had their reservations with respect to imposing economic sanctions on Russia (Dolidze 2015, 7-10). Yet, Brussels managed to uphold its (admittedly limited) sanctions wall against Moscow, despite the fact that those sanctions' renewal requires unanimity (Council of the European Union 2015a).

Secondly, we need to consider whether the EU will be likely to employ *normative means*. On the one hand, the EU appears to be more likely to employ normative means if it binds itself to contractual agreements with third countries (Tocci 2008b, 4; Tocci et al. 2008, 66, 69, 71). The bilateral EU-Ukraine relationship is anchored in the EU-Ukraine Association Agreement (AA) and the European Neighbourhood Policy (ENP). In addition, the multilateral relationship between the EU and its Eastern neighbours is enshrined in the European Eastern Partnership (EaP). It should be mentioned, however, that internal divisions and/or the external environment might force the EU to ignore or side-line its legal commitments (Tocci 2008b, 4; Tocci et al. 2008, 51, 55-56 and 67). For instance, Russia's position in the Kosovar case "induced [the EU] to stretch the interpretation of international legal norms and work around multilateral channels in order to avoid complete blockage" (Tocci et al. 2008, 52). In the Israel-Palestine case, the EU failed to employ normative means because several member states favoured good relations with the US government over normative goals (*ibid.*, 55).

Finally, I turn to the variables that influence *normative impact*. First, the EU's actions influence the EU's impact (Tocci 2008b, 4). Put differently, the claim is that the chances of reaching a normative impact are higher if a norm promoter has normative intentions and employs normative means (*ibid.*). Second, power asymmetry favouring the EU increases the chances that the EU will reach a normative impact (Tocci 2008b, 5; Mattlin 183-186). Since Ukraine is a lot less powerful than the EU, it should be relatively easy to obtain a normative impact in Kyiv. Third, it is easier for the EU to have a normative

impact when the third actor perceives the EU as a normative leader (Harpas and Shamis 2010; Kavalski 2013; Larsen 2014). With the exception of Belarus and Russia, the EU's normative leadership is viewed positively in the EU's Eastern neighbourhood (Bengtsson and Elgström 2012, 98), and Ukraine is generally said to be the EU's biggest "fan" (ibid. 99). Indeed, another author studied the discourse of Ukrainian politicians and concluded that "Europe's attractiveness is conveyed as commonsensical" (Orlova 2013, 158). This makes it more likely for the EU to attain a normative impact in Ukraine. Fourth, the EU is more likely to obtain a normative impact if the external environment is favourable (Tocci 2008b, 4). Perhaps it sounds cynical, but one could argue that Moscow's involvement in Ukraine has created a favourable environment for NPE in the sense that Russian pressure bolsters pro-European sentiments in Kyiv (Delcour and Wolczuk 2015; cf. Makarychev 2008a, 179-180; cf. Tocci et al. 2008, 66). Furthermore, whatever "marginal power" Ukraine may have left, it certainly is no longer able to play the Moscow-card against Brussels, a strategy Kuchma and Yanukovych made ample use of (Browning and Christou 2010; Tocci et al. 2008, 64). On the other hand, it can be argued that Putin's actions impede the development of a functioning, democratic Ukrainian state, which makes a normative impact less likely.

While the conditions for a normative EU policy towards Ukraine are not perfect, it is difficult to find a case where the conditions are more favourable. Given the fact that the EU's Normative Power is strongest regionally (Larsen 2014; Haukkala 2008a), I limit myself to the EU's current borders. In the Middle East and North Africa (MENA) region, Brussels has had a tendency to subordinate normative considerations to possession goals, especially energy security and migration (Joffé 2008; Pace 2009; Tocci et al. 2008, 52-62). Indeed, the EU did not take advantage of the window of opportunity that was offered by the Arab Spring (Hollis 2012). The MENA region is now in flames. More than 300.000 people have been killed in the on-going civil war in Syria according to the Syrian Observatory on Human Rights (2015). The poison of Islamic State of Iraq and Syria (ISIS) is infecting more and more MENA countries (Mohammed 2015). In addition, Brussels is struggling to control the refugee problem in the Mediterranean Sea (Muiznieks 2015). Transporting the Democratic Peace to this conflict-riddled region will be a Herculean task, if not mission impossible (Melhem 2014).

The political elites of the countries in the Western Balkans have been sceptical of the EU's normative intentions and the level of norm compliance in the former Yugoslavic republics has been disappointing (see, e.g., Anastasakis 2008; Bieber 2011; Börzel 2011; Noutcheva 2009; Soeren and Zeynep 2015). In some countries there has even been democratic backsliding. For instance, the Former Yugoslavic Republic of Macedonia (FYROM)²⁷ tumbled in a deep political crisis following an electoral scandal (Robinson and Casule 2015). The EU has, thus far, been unable to defuse the tensions (Berendt 2015). It is difficult to see how the EU could increase its normative leverage in the region, given the fact that all ex-Yugoslavic republics are considered to be candidate (Albania, the FYROM, Montenegro and Serbia) or potential candidates (Bosnia and Herzegovina and Kosovo) for EU accession (European Commission 2015c).

In the far North we find Iceland, but Reykjavik officially buried its ambitions of joining the EU in March 2015 (Deutsche Welle 2015). That leaves the two other Eastern post-Soviet states: Moldova and Belarus. With regard to Moldova, the EU has subordinated the Transnistria problem to good relations with Moscow which casts doubts on Brussels' normative intentions (Niemann and De Wekker 2010, 13-14) and while there has been progress with regard to democratic reforms and good governance, "implementation of legislation (...) has been (much) slower in Moldova than, for instance, in Ukraine" (ibid., 25). Lukashenko's Belarus has frequently been called Europe's "last dictatorship" and the EU has not been able to induce much democratic change in Minsk (Bosse 2012; Bosse and Korostelva 2009). In sum, if Brussels fails to pass the normative framework in Kyiv, it is unlikely to pass it elsewhere.

3.3. DATA COLLECTION

This research relies on triangulation of different data, including official EU documents, opinion polls, survey data and academic publications to evaluate the normativity of the EU's Ukraine policy. Because the Ukraine crisis is still on going, the media coverage in quality newspapers (e.g., The Financial Times, The Economist, The Moscow Times, etc.) was also examined.

²⁷ The FYROM is in a historical name dispute with Greece over the name "Macedonia". Athens allegedly used its veto power to block the FYROM's bids for both NATO and EU membership (Apelblat 2013).

First, the *normative intentions* criterion will be evaluated by comparing the stated policy goals of the EU's AA with Ukraine with the EU's policy (in)actions (Niemann and De Wekker 2010, 12). Concretely, I studied the media coverage as well as the academic publications and expert opinions on the EU's Ukraine policies in the aftermath of the Maidan revolution.

The *normative means* criterion was assessed by examining whether the EU's Ukraine policy were in line with the law. In order to evaluate the internal legal criterion, I reflected on the transparency of the EU's documents and decision-making and on the alleged democratic deficit of the EU. In order to evaluate the external legal criterion, the legal arguments employed by Russia and Ukraine against the EU's policy (in)actions towards Ukraine were evaluated.

Finally, in order to examine the *normative results* criterion, I investigated whether EU was successful in improving the quality of Ukraine's democracy, with a specific focus on Ukraine's attempts to combat corruption. In the first place, I consulted the reports of the Economist Intelligence Unit, Democracy Ranking, Freedom House, Transparency International, The Organisation for Economic Co-operation and Development (OECD), Organized Crime Observatory and the European Commissions' progress reports on Ukraine. The results of 2013 and 2014 were compared in order to identify potential progress in the quality of Ukraine's democracy. However, the NGO reports studied did not yet incorporate the developments of 2015 in their evaluation. Therefore, I also consulted surveys that were conducted in 2015 in order to track potential progress in Ukraine's fight against corruption.

4. EU POLICIES TOWARDS UKRAINE, NOVEMBER 2013 – JULY 2015: STATUS QUO INTENDED

4.1. BACKGROUND

Some EU members, such as Hungary and Romania, have been difficult students of EU customs (Sedelmeier 2014; Müller 2014), but broadly speaking, the EU's enlargement policies have been successful in transforming the norms in the EU's accession countries (Grabbe 2014). The 2004 Orange Revolution created a sentiment that the EU should offer Ukraine a membership perspective: the European Parliament adopted a non-binding resolution that called for "a clear European perspective for the country (...) possibly leading ultimately to the country's accession to the EU" (2005, 4). However, the prospect of EU membership was impeded by enlargement fatigue following the "big-bang" enlargement, the Euro crisis, the Russian factor and lagging reforms in Ukraine (Kuzio 2006, 95-104). In sum, the ENP was "a policy partly designed to handle this 'Ukrainian problem'" (K. Smith 2005b, 768).

The ENP draws heavily on the enlargement experience, as it offers neighbours closer association in exchange for political and economic reforms (cf. Kelly 2006). As Romani Prodi explained, the ENP was based on "the concept of sharing everything but institutions" (2002, 6). This resulted in an ambiguous situation, as membership was neither offered nor ruled out (Edwards 2008; Youngs 2009). On the proposal of Poland and Sweden, the ENP received a regional, multilateral dimension with the introduction of the EaP Initiative in 2009 (Łapczyński 2009, 144-148). On a semantic level, the EaP signalled that the EU's Eastern neighbours and non-European neighbours (e.g., Morocco) were not merely flowers from the same garden (Edwards 2008, 49).²⁸ This differentiation had been absent in the ENP's "one-size fits all" approach (Bicchi 2006; Börzel and Risse 2004). Yet, in substance, the EaP added little that was new to the already existing ENP (Korostelva 2011a and 2011b).

²⁸ According to Article 49 of the Treaty on European Union (TEU) any "European State" can acquire EU membership. On 1 October 1987, the Council rejected Morocco's membership application because Morocco was not deemed to be a European state (European Parliament 1998, 5). Because the ENP lumped Ukraine together with countries such as Morocco, it implied (of course, it was never formally stated) that Kyiv could not aspire to EU membership.

On 21 November 2013, a week before the Eastern Partnership Summit in Vilnius, Ukrainian President Victor Yanukovych announced that he would not sign the EU's AA (Traynor and Grytsenko 2013). During that same night, Ukrainian citizens gathered on Maidan Square, holding European flags and singing to the rhythm of Beethoven's Ninth Symphony to signal their frustration and dissatisfaction with their government (Wilson 2014a, 66-68; Shu 2013). This is the start of what would be a prolonged geopolitical crisis.²⁹ Did Brussels react to this crisis as a normative foreign policy actor?

4.2. NORMATIVE WITH WORDS, BUT LESS SO WITH ACTIONS

4.2.1. NORMATIVE RHETORIC

Nicholas Ross Smith (2014) has argued that the EU's offer of an AA was not motivated by liberal idealism but by self-interest.³⁰ He argues that "the EU had significant interest in promoting EU norms" (ibid., 592). However, this simply confirms an earlier observation made by Richard Youngs (2004): norms and interests often overlap. As I have argued, the EU's intentions do not need to be completely altruistic to pass the normative intentions criterion. In essence, the goals stated in the AA are fuelled by an ambition to expand the "democratic peace" towards Ukraine. Indeed, the policy goals stated under Article 1 of the AA aim "to promote, preserve and strengthen peace and stability in the regional and international dimensions" (Council of the European Union 2014e, 6). In sum, the EU's AA clearly stated the intention to shape the wider milieu (cf. Wolfers 1962, 73).

4.2.2. EU ACTIONS: STUCK BETWEEN KANT AND MACHIAVELLI

Were these stated milieu goals genuine, or did they function as a rhetorical cloak for zero-sum possession goals? This question poses a difficult "methodological challenge" (Niemann and De Wekker 2010, 12). How can we uncover anyone's true intentions? Perhaps it may be, or become possible to acquire such knowledge through brain surgery or lie detector tests, but such methods are neither morally justifiable nor

²⁹ For an overview of the chain of events, see Menon and Rumer (2015, 53-56), Sakwa (2015a, 81-99) and Wilson (2014a, 66-98).

³⁰ The text of the AA offered to Yanukovych has been leaked by an anonymous source in the Kyiv Post (2012). The document is virtually identical to the AA signed with Poroshenko on 27 June 2014 (Council of the European Union 2014e). Hence, this article does not distinguish between the two texts.

practically possible. Instead, I opted to examine whether there is any congruence between the normative language spoken in Brussels and the EU's response towards the Ukraine crisis. In other words, the next section will assess whether the EU provided sufficient political, military and financial assistance to support Ukraine's "European Choice" (cf. Yermolenko 2014). I chose to focus on what I deem to be the three most pressing issues for Kyiv: (1) Ukraine's potential future inside the EU; (2) containing Russian aggression and separatist insurgents in the Donbas; and (3) Ukraine's financial crisis. While acknowledging that it is far easier to question the probity of intentions than "to provide some sort of 'positive' (circumstantial) evidence" (Niemann and De Wekker 2010, 12), I do argue that Brussels' actions have not fully reflected its normative rhetoric.

The Gates of the Kantian Paradise: Open or Closed?

The Ukraine crisis reinitiated the debate surrounding the possibility of Ukrainian EU membership. Some have argued that the EU's normative commitment vis-à-vis Kyiv is questionable because Ukraine has not been given a membership perspective (Dempsey 2014a and 2014b; Emerson 2014a, 2-3; The Economist 2014a). Two arguments have been employed to counter this criticism.

First, it is argued that granting Ukraine a membership perspective would have provoked Russia (Robert 2014; cf. Mearsheimer 2014). But this argument is rather problematic. Several authors suggest that Vladimir Putin is in a state of "paranoia" as he appears to perceive any Western action in Eastern Europe as a plot against his own persona (Bershidsky 2015b; Snyder 2015a; Whitmore 2015a). Yet, even if those Russian "concerns" are genuine, as some scholars argue (e.g., Charap and Troitskiy 2013; Mearsheimer 2014), that does not give Moscow the right to dictate which policies Brussels can and cannot conduct with other sovereign countries (Dragneva and Wolczuk 2015; Speck 2015; Wilson 2015). Allegedly, the Kremlin has genuine concerns about Ukraine's economic integration with the EU (Mearsheimer 2014, 3). But according to Michael Emerson this is "a non-story", given that Russia's commercial interests are protected by "WTO rules" and that "Russia's exports to Ukraine are hardly competing with EU exports" (2014b, 6). Emerson concludes that the relative gains argument employed by Russia is unfounded because Russia has the most to gain from free trade

(ibid., 14). Hence, delaying the implementation of Ukraine's DCFTA on Russian request was a (normative) mistake (see Dragneva and Wolczuk 2015; Speck 2015; Wilson 2015).³¹ Massaging the Russian bear undeniably prioritizes the narrow possession goals of EU member states that have extensive trade relations with Moscow (see, e.g., Dempsey 2015; Farchy 2015; Kundnani 2015; Saltman 2014; Waterfield and Freeman 2014). Thus this argument can be regarded as un-normative.

The second argument in defence of withholding a membership perspective is more technical. It is argued that intra-EU problems (e.g., the threats of a Grexit and a Brexit) combined with the unanimity requirement and other prerequisites for enlargement that Ukraine cannot yet meet (i.e., Ukraine's "border disputes", rampant corruption, etc.), make it unlikely that Ukraine will be able to become an EU member in the near future (Appel 2014). However, officially granting a membership *perspective* does not imply that Ukraine will be able to join Brussels' Kantian club in the short term. Turkey, for that matter, has been a candidate country since 1997 (European Commission 2015c).

On the other hand, it can be argued that the EU should refrain from making any unrealistic promises to Ukraine as this could create a "*capability-expectations gap*" (Hill 1993, 306, italics in original; see also Kay 2015). But if the EU really had no interest and/or capacity to absorb Ukraine, then why has this not been openly recognized? Presumably, the EU hoped that the membership dream – however distant – would function as an incentive for Kyiv to adopt large chunks of the *acquis communautaire*. While this explanation has some normative quality (the intention to strengthen the Ukrainian state), less normative explanations are also available. Plausibly, powerful EU members did not want to see the EU expand, as this would erode their power in the EU institutions (cf. Tocci et al. 2008, 62-63). Yet, openly admitting such selfish motivations would mean a loss of credibility and legitimacy, which resulted in the ambiguous middle position (cf. Diez 2014; Hansen 2006). In sum, depriving Ukraine from a membership perspective is hard to legitimize on normative grounds and casts doubt on the integrity of Brussels' normative commitment vis-à-vis Kyiv.

³¹ In addition, note that this motion of goodwill has not led to less violence in Eastern Ukraine (Merabishvili 2014, 3).

Countering the Russian Security Threat

Moscow's seizure of Crimea was clearly a violation of international law (Allison 2014, 1258-1268; Burke-White 2014; Marxen 2014; Yost 2015, 514-518). On 17 April 2014, during his annual *Direct Line*, Putin admitted that the "young gentlemen in green uniforms" that had been spotted on the Crimean Peninsula were in fact Russian "service men" (RT 2014, 34:00-36:00). With regard to the conflict in Eastern Ukraine, Moscow has, thus far, been able to deny any involvement by engaging in a covert, "hybrid"³² form of warfare (for a thorough elaboration, see Freedman 2014b).³³ There are various indications that Russia is attempting to conceal controversial information related to the conflict in the Donbas. On 26 May 2015, Bloomberg reported that Russia had installed mobile crematoriums in Eastern Ukraine, which could be used to burn "the evidence" (Rogin 2014). Two days later, the Russian president added fuel to the suspicions by signing a decree that classifies Russian casualties in "peacetime" as a state secret (Standish 2014). Despite these efforts, evidence of Russian presence in and around the Donbas has become abundant (cf., e.g., BBC 2014 and 2015; Czuperski et al. 2015; Ostrovsky 2015; Yashin and Shorina 2015).

While Russia poses a direct military and security threat to Ukraine, the crisis has potential implications for the wider post-Cold War European and International Order (Allison 2014; Arbatov 2014; cf. Mead 2014 and 2015; Krastev and Leonard 2015; Stephens 2015; Wilson 2014b; yet see Ikenberry 2014, as he argues that Russia is not an existential threat to the persistence of the Liberal World Order). According to David Yost (2015), the crisis in Ukraine already has grave implications for the International Nuclear Order (but see Fitzpatrick 2014, who minimizes the individual impact of the Ukraine crisis on the nuclear non-proliferation regime). Russia had given Ukraine security guarantees in the 1994 Budapest Memorandum in exchange for Kyiv giving up its nuclear arsenal and thus, Yost argues, "Russia's behaviour in the Ukraine crisis has

³² The *Military Balance 2015* defines "hybrid warfare" as an ingenious combination "of military and non-military tools in an integrated campaign designed to achieve surprise, seize the initiative and gain psychological as well as physical advantages utilising diplomatic means; sophisticated and rapid information, electronic and cyber operations; covert and occasionally overt military and intelligence action; and economic pressure" (International Institute of Strategic Studies 2015, 5).

³³ On 17 May 2015, the Ukrainian authorities announced that they had captured two Russian soldiers; the Russian authorities responded that the men in question were no longer part of the Russian army at the time of their capture (Dolgov 2014).

reduced the credibility and utility of security assurances as a means to assuage anxieties” (2015, 535). One should expect that a Normative Foreign Policy Actor would do everything in its power to avoid the further erosion of International Law by slapping offenders on the wrist and providing assistance to the victims of international injustice. But has the EU done enough to help Ukraine counter the Russian security threat?

Imposing Sanctions on Russia

EU-elites such as former president of the European Commission José Manuel Barroso (2014), former EU High Representative Catherine Ashton (2014, 1), acting High Representative of the EU Federica Mogherini (Squires 2014), acting president of the European Council Donald Tusk (Ukrinform 2015), and German chancellor Angela Merkel (Scheutze 2014), have repeatedly ruled out a military solution for the crisis in Ukraine.³⁴ While sanctions are no panacea (see pages 23-24), there is, as Jeremy Greenstock put it, simply “nothing else between words and military action if you want pressure to bear on a government” (quoted in Marcus 2010). Given that the EU ruled out military measures, sanctions were inevitable. The EU’s factsheet argues that sanctions are only imposed for normative reasons: “Sanctions are one of the EU’s tools to promote (...) peace, democracy and the respect for the rule of law, human rights and international law” (Council of the European Union 2014d, 1). With regard to the Ukraine crisis, the EU employed both diplomatic, targeted and economic sanctions vis-à-vis Russia (Emerson 2014c, 2; Fischer 2015, 1).

The EU started by answering Russia’s involvement in Crimea with diplomatic actions. On 3 March 2014 the EU threatened to boycott the G8 summit that was to be held in Sochi later that year (Council of the European Union 2014a). Three days later, the EU decided “to suspend bilateral talks with the Russian Federation on visa matters as well as talks with the Russian Federation on the New Agreement” (Council of the European Union 2014b).³⁵ However, these sanctions clearly failed to “bring about a

³⁴ The officials mentioned here merely reflect a small sample of statements made by Brussels’ most senior politicians. There is no single person in charge of the EU’s foreign policy and, given the intergovernmental nature of Brussels’ external actions, the level of importance of certain political positions tends to vary according to the issue at hand (cf. Nugent 2010, 380).

³⁵ According to the website of the European External Action Service (2015), the legal framework of the bilateral EU-Russia relationship is anchored in a Partnership and Cooperation Agreement (PCA) which dates from 1997 and in 2008 the negotiations for a new agreement were initiated.

change in policy or activity” in Russia (Council of the European Union 2014d, 1), as Putin went on to organise the Crimea status referendum on 16 March 2014. The EU responded by resorting to targeted sanctions. On 17 March 2014 Brussels issued travel bans and asset freezes against twenty-one individuals who were deemed to be “responsible for actions which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine” (Council of the European Union 2014c, 6). The list was progressively expanded to include “a total of 119 persons and 23 entities in Russia and Crimea” (Emerson 2014c, 2).³⁶ Finally, on 29 July 2010, the EU decided to amplify the pressure by imposing economic sanctions on Moscow (Fischer 2015, 2), sanctions which sought to

“limit access to EU capital markets for Russian State-owned financial institutions, impose an embargo on trade in arms, establish an export ban for dual use goods for military end users, and curtail Russian access to sensitive technologies particularly in the field of the oil sector” (Council of the European Union 2014f, 1).

The EU’s sanctions do have a certain normative quality: they tried to uphold the credibility of international law by punishing Russia’s intrusions. In addition, efforts were made to limit the impact of the sanctions on Russian civilians. However, there have been several instances of normative free-riding behaviour. Despite EU sanctions, Europe’s largest energy companies are still extensively engaged with Russia (Farchy 2015; Sputnik International 2015). Individual member states have also extensively engaged with Moscow during the Ukraine crisis, thereby ignoring the fact that European Council had decided on 21 March 2014 “that Member States will not hold bilateral regular summits [with the Russian Federation] for the time being” (2014, 13). In February 2015, Cyprus even signed a deal with Russia that allowed the Russian navy to use Cypriot ports (Rettman 2015b). Athens, for its part, has been flirting with Moscow in anticipation of a possible Grexit (S. Walker 2015). Hungarian Prime Minister Viktor Orbán, long a problem child, accepted a €10 billion Russian loan in January 2014 to finance the expansion of Hungary’s sole nuclear power plant (Dunai and Grove 2014). In July 2014, Bloomberg reported that the Hungarian leader said that he considered

³⁶ There is some controversy concerning the EU’s motivations for expanding the targeted sanctions. Menon and Rumer (2015, 128) state that the EU only undertook action after the downing of Malaysia Airlines flight MH17. In contrast, Sabine Fisher claims the decisions to expand sanctions were taken “after fighting [in the Donbas] escalated and all efforts to seek peace had failed” (2015, 2).

Putin's Russia to be an example and that he wanted to turn Hungary in "an illiberal new state based on national foundations" (quoted in Simon 2014). In addition, Budapest welcomed president Putin for a visit in February 2015 (Rettman 2015a). Similarly, Italian Prime Minister Matteo Renzi welcomed the Russian president at Milan's World Fair on 10 June 2015 (Dymokin and Piovaccari 2015).

Not offering Ukraine military assistance

While it is important to consider what the EU has done, it is equally important to consider what the EU did not do: provide military assistance to Ukraine. This option has, nonetheless, been heavily disused. This debate, once again, demonstrates how worldviews have a considerable impact on policy prescriptions. Some authors (mostly realists) believe that providing arms to Kyiv would kick-start what Robert Jervis calls the "spiral model" (1976, 62-78). Moscow would perceive Western support for Kyiv's forces as a threat and would respond by escalating further, which, in turn, would be answered by additional Western military support creating a tit-for-tat game that may well end human life as such, given the destructive power of nuclear arms (Charap and Shapiro 2015; Mearsheimer 2015; Menon and Rumer 2015, 120; Saunders 2015; Walt 2015). In addition, some realists argue that Russia possesses "escalation dominance" in Ukraine, and that by providing arms, the West would be sucked into a military conflict (which is not the "core business" of NPE to begin with) on a terrain where Moscow clearly has the upper hand (cf., e.g., Garton Ash 2014).

The liberal worldview considers authoritarian regimes to be a threat for peace (see pages 17-18). Considering that Putin's Russia does not score well on democracy standards, liberals are more inclined to perceive the actions of the Russian president as aggressive and revisionist rather than defensive. The annual Democracy Index, published by the Economist Intelligence Unit (2015, 7), lists Russia as "an authoritarian regime" which is barely more democratic than Angola and Burundi. In the 2014 report of Democracy Ranking, Russia is situated between the lowest third in terms of democratic credentials, narrowly preceding Mozambique (Campbell et al. 2014, 2). A similar assessment was made by Freedom House, whose annual report compared Russia's actions in Crimea with "land grabs of Hitler and Stalin" (2015, 5).

The key problem, though, is not that Moscow's regime is authoritarian, but that its claims are illegitimate. Russia invoked the right to protect Russians and the Russian language abroad as a *casus belli* in Ukraine, which, as Timothy Snyder puts it, "makes no more sense than Germany invading Switzerland to protect the rights of its German speakers" (2015b). In other words, Russian demands cannot be accommodated as this would set a dangerous precedent: China could start a military intervention in Taiwan, Turkey could intervene in Cyprus, the Korea's could invade each other - the list can continue *ad infinitum*. Seen in this light, Russia's action in Ukraine are better countered by applying the "deterrence model" (Jervis 1976, 58-62; for a similar argument, see Walt 2015). Proponents argue that arming Ukraine has the potential to turn a downward spiral upward: the increased resistance power of Ukraine would raise the cost of further military escalation, which would, in turn, create a more stable and less violent environment, a habitat that would allow Kyiv to implement urgently needed economic and political reforms, reforms that would create a stronger Ukrainian state, which, in turn, would provide an incentive for Moscow to de-escalate (Applebaum 2014; Brezinski 2014; Motyl 2015; Pifer 2015; see also Bennet 2015, who argues in favour of arming Kyiv from a realist perspective).

Yet, it is far from certain that arming Kyiv would have a positive snowball effect that would lead to an eventual de-escalation of the conflict. Indeed, Russia's goal appears to be to prevent stability in Ukraine by supporting pro-Russian separatists (see, e.g., BBC 2014 and 2015; Czuperski et al. 2015; Ostrovsky 2015; Yashin and Shorina 2015) and by demanding far-reaching autonomy for the Donbas region in order to secure a Russian finger in the Ukrainian pie (Whitmore 2015b). That being said, appeasing Putin by delaying the implementation of the DCFTA (Dragneva and Wolczuk 2015; Speck 2015; Wilson 2015) and offering Russia an advantageous peace deal in Minsk (e.g., Ferguson 2015) have not pacified the Donbas either. According to the status report of 1 July 2015 of the OSCE Special Monitoring Mission to Ukraine, "the overall situation along the contact line remained tense" (2015). However, as noted earlier (on page 37), the EU refused to consider a policy involving military means. As an alternative, Kyiv now appears to silently accept the military support offered by Muslim and Chechen rebels in Eastern Ukraine (Kramer 2015). While arming Ukraine is no panacea (cf., e.g., Stephens

2015), one can have doubts about the genuineness of the EU's normative commitment to Ukraine's security and territorial integrity.

Lack of Euros or lack of commitment? Helping Kyiv to overcome its financial crisis.

Ukraine's economy was already in dire straits, hence a geopolitical crisis was something the country really could do without (Åslund 2015a, 1-20). Evidently, the crisis worsened Kyiv's financial problems: the heavy industry in the Donbas is now lifeless, investment capital is fleeing the country, the value of the Hryvnia took a deep tumble and inflation is skyrocketing (The Economist 2014b). The European Commission claims that it "is determined to make sure that Ukraine has all the support it needs, in the short and long term, to undertake the political and economic reforms that are necessary to consolidate a democratic, independent, united and prosperous Ukraine" (2014b, 1). On April 9 2014, The European Commission launched the Support Group for Ukraine, a combination of initiatives that come down to a "€11 billion package" (ibid., 2).

The EU's support for Ukraine is not insignificant, but several experts have argued that Ukraine needs much more financial leeway to survive (e.g., Adarov et al. 2015, 21; Åslund 2015b; Gregory 2015; Soros 2015). According to an International Monetary Fund report (IMF 2015, 13 and 66), an additional US \$15 billion is minimally needed to fill Ukraine's financing gap. Brussels, however, has not been eager to increase its financial contributions to Kyiv. On the one hand, Jean Claude Juncker has argued that the EU simply lacks the "capability" (i.e., money) to provide additional financial assistance (Croft and Brunnstrom 2014). According to George Soros, this is not true. Soros identified unused EU sources that could "produce a new financial package of [US] \$50 billion or more" (2015).

On the other hand, EU-elites argue that aid has to be conditional on reforms, because otherwise there is a risk that the financial injections will simply enrich corrupt Ukrainian oligarchs (Emmott 2015; Adarov et al. 2015, 22). Pressuring Ukraine towards reforms is not unwarranted. In its 2014 report, Transparency International ranks Ukraine among the most corrupt countries in the world (Ukraine was ranked 142/175). While the 2015 country report of Freedom House saw minor improvements in Ukraine's democratic credentials, the document unequivocally states that Ukraine's "path toward a robust democracy will not be short and easy" (Sushko and Prystakoya

2015, 665). In addition, several NGO's have complained about violations of International Humanitarian Law (on both sides) in Eastern Ukraine (see, e.g., Amnesty International 2014a and b; Human Rights Watch 2015; United Nations 2015).³⁷ Euros alone will not rescue the Ukrainian state from collapse, but without sufficient financial support Kyiv will be more likely to fail (Åslund 2015b; Bershidsky 2015a; Gregory 2015). In sum, a normatively committed EU would increase its financial support for Ukraine, be it "with more stringent conditions on reform compared to the current package" (Dabrowksi 2014, 9; see also Emerson 2014a, 2-4).

In conclusion, while the EU claims to have normative intentions vis-à-vis Ukraine, its actions only partly reflect that normative commitment. For starters, the EU did offer Ukraine closer association, but refrained from giving Kyiv a membership perspective. Thus, while Brussels demands deep reforms in Ukraine, it refuses to bind itself to any obligations vis-à-vis Kyiv. In addition, the EU's reaction towards the Ukraine crisis has been rather reticent (cf. the Liberalism of Restraint). The EU refused to provide military assistance, and provided only limited financial support to Kyiv. While the EU has not been completely passive, internal problems and the relations with Moscow have clearly constrained it (the arguments are summarized in Table 3). Brussels appears to be stuck somewhere between Kant and Machiavelli, and fails to pass the normative intentions criterion.

Table 3: A Genuine Normative Commitment towards Ukraine's "European Choice"?

	Indications of a genuine normative commitment.	Reasons to doubt the genuineness of the EU's normative commitment.
Political and Symbolic Support	The EU offers Ukraine closer association and trade in exchange for reforms.	The EU has not given Ukraine a membership perspective.
Military Support	EU sanctions against Russia.	No military support for Ukraine.
Financial Support	The EU's financial package for Ukraine adds up to €11 billion.	Specialists opine that the EU could and should provide significantly more financial support.

³⁷ Note that the EU's own Human Rights report is largely silent on possible Human Rights violations of the Poroshenko Government (see, Council of the European Union 2015b, 161-166).

4.3. NORMATIVE MEANS

4.3.1. INTERNAL LEGALITY: A DEMOCRATIC DEFICIT?

The EU's AA with Ukraine came into existence by following the EU's procedure for the adoption of international agreements (see Eur-Lex 2010). Whether one deems this democratic depends on one's position in the debate about the quality of EU democracy: some authors opine that the EU's alleged democratic deficit is a myth (e.g. Moravcsik 2008), others believe Brussels' democratic credentials could and should be improved (e.g. Lord 2008). My take is that the EU's decision making is neither completely opaque, nor fully transparent.

On the one hand, official documents of the EU are transparent in the sense that they can be easily consulted, free of charge. The EU's bilateral and multilateral agreements and treaties, including the EU's AA with Ukraine, can be consulted on the Treaties Office Database. Documents concerning EU law, including the documents about sanctions on Moscow, can be consulted on EUR-Lex. On the other hand, there are informal barriers that obscure access to information. For instance, the AA that was offered to Ukraine counts no less than 2.135 pages. Some authors have jokingly complained that "Russia makes you an offer you can't refuse, while the EU makes you an offer you can't understand" (Popescu and Wilson 2009, 27). Indeed, the EU could do more to explain what at first glance appear to be dull sets of rules and regulations actually stand for (cf. Yermolenko 2014).³⁸ But even though the EU could improve the transparency of its procedures (Emerson 2014a, 2-4), there are several (be it indirect) democratic control mechanisms at work, hence it would be wrong to argue that the EU is an undemocratic polity (Moravcsik 2008, 340; Holslag 2014, 547-548).

4.3.2. EXTERNAL LEGALITY: DID THE EU RESPECT INTERNATIONAL LAW?

Moscow has repeatedly accused the EU of violating international principles. Russian Foreign Affairs Minister Sergei Lavrov argued that Brussels was "trying to create (...) a sphere of influence" by offering Ukraine an AA with DCFTA (Baczynska and Hudson 2014). Even if this were true, and even though the EU has decided not to use the carrot

³⁸ I am indebted to Dr. Svitlana Kobzar for this remark.

of membership, Russia never received any formal promises regarding either NATO or EU enlargement (Applebaum 2014; Sarotte 2014; for a more detailed account see Plokhy 2014, esp. 388-408). I was unable to find any international principle or rule that would prohibit the EU from seeking closer relations with Ukraine.

The Kremlin also insists that the ouster of Yanukovich was “an anti-constitutional coup” and that Western states had “neglected” Ukraine’s “sovereignty during the events on the ‘Maidan’” (Ministry of Foreign Affairs of the Russian Federation 2014). Technically, the Russians are right to point out that the Verkhovna Rada (Ukraine’s parliament) had not followed the impeachment procedure provided in Ukraine’s constitution; yet the Ukrainian president had decided to leave, creating a situation for which Ukraine’s constitution offered no clear guidelines (Popova 2014). On 28 February 2014, Yanukovich told the press that he was forced to leave his Mezhyhirya Residence “because of threats” against him and his family (quoted in Amos 2014). Of course, Yanukovich may have been speaking the truth. On 20 February 2014, the Kyiv Post reported that government forces had killed at least forty-two Maidan protesters. But according to a BBC report, some of the protestors were armed and at least returned fire (it remains unclear who fired first) on the day of the Maidan massacre (Gatehouse 2015). Be that as it may, there is little evidence that the EU helped to “stage a coup”, on the contrary. Brussels helped to broker a peace deal between Yanukovich and the Maidan opposition on 21 February 2014, the day before the Ukrainian president decided to evacuate (The Guardian 2014).

One could point out that the EU sanctions on Russia did not have UN authorization. Chapter VII of the UN Charter stipulates that UN sanctions need to be authorized by the Security Council, but getting around Russia’s veto power is practically impossible (yet see Koerner 2003, who suggests that it is theoretically possible to bring the vote to the General Assembly). Article 108 of the UN Charter proscribes that any “amendments to the present Charter” require approval of “all the permanent members of the Security Council” (United Nations 1945, 19). In addition, the UN General Assembly adopted a resolution on 27 March 2014 condemning the Crimea referendum (United Nations 2014). In other words, the EU’s sanctions in response to Russia’s illegal actions in

Crimea had significant international support, given the fact that only eleven countries (including Russia) voted against resolution 68/262 (ibid.).³⁹

Ukraine, for its part, argued that both the US and the UK were obliged to “intervene both diplomatically and militarily to fend off Russian ‘aggression’”, in view of the fact that both countries had provided security guarantees to Kyiv in the 1994 Budapest Memorandum (Osborn and Macdonald 2014). While it is true that granting military support towards Ukraine would honour the spirit of the Budapest Memorandum, to the letter this document obliges neither Washington nor London to actively defend Kyiv in case of external aggression (Yost 2015, 523-525). While I do harbour doubts about the sincerity of the EU’s normative intentions toward Ukraine, there can be little doubt that Brussels’ policies towards Kyiv employed normative (i.e., legally permissible) means.

4.4. NORMATIVE IMPACT? UKRAINE’S LACK OF DEMOCRATIC REFORMS

One could argue that the timeframe of my research (November 2013-July 2015) is not sufficiently long to test the impact of normative power. According to Manners, “normative power works like ‘water on stone’, not like ‘napalm in the morning’” (2009b, 2). However, nowhere does Manners specify exactly how much time is required for normative power to have an observable effect. In any case, the European Commission has proudly stated that “The Eastern Partnership” is “a policy that delivers” (2015b, 1). Transforming Ukraine into a stable democracy is stated to be the main goal of the EU-Ukraine AA (cf. Council of the European Union 2014e, 6). But has the quality of Ukraine’s democracy improved since 21 November 2013?

Various assessment forums - the annual reports issued by the Economist Intelligence Unit, Democracy Ranking, Freedom House and Transparency International - express different views on Ukraine’s democratic evolution between 2013 and 2014.⁴⁰ This is no surprise, considering the fact that “Definitions of democracy are contested” and that, as a result, “There is no consensus on how to measure democracy” (Economist Intelligence Unit 2015, 34). Indeed, the reports referred to in this study used different methodologies

³⁹ Note that 58 countries abstained from voting and another 24 countries were (perhaps deliberately) absent (United Nations 2014).

⁴⁰ The developments of 2015 were not yet incorporated in these reports.

as well as divergent ranking and scoring mechanisms for democracy. Nonetheless, all these reports agreed that there has been little change, for better or for worse, in the quality of Ukraine's democracy. The results of the reports are summarized in Table 4.

Table 4: Assessments of Ukraine's Democratic Evolution 2013-2014

	Democracy Ranking	Economist Intelligence Unit	Freedom House	Transparency International
Overall Assessment	Some backsliding.	Some backsliding.	Minor improvements.	Minor improvements.
Results for 2013	Rank: 63/112	Rank: 85/167	Rank: Not mentioned	Rank: 144/175
	Score: 54.4/100	Score: 5.84/10	Score: 4.93 (1= Best, 7= Worst)	Score: 25/100
Results for 2014	Rank: 73/112	Rank: 92/167	Rank: Not mentioned	Rank: 142/174
	Score: 52.4/100	Score: 5.42/10	Score: 4.75 (1= Best, 7= Worst)	Score: 26/100

Sources: Based on Campbell et al. (2014 and 2015), Economist Intelligence Unit (2014, 5 and 2015, 6), Sushko and Prystakoya (2014, 649 and 2015, 661) and Transparency International (2013 and 2014).

While democracy is an ill-defined concept, many authors argue that rampant corruption is the key impediment for the democratic evolution as well as the economic recovery of Ukraine (e.g., Adarov et al. 2015, 29; Åslund 2014, 2; Clearly 2015; Dabrowski 2014; Haring 2015; Keatinge 2014). The European Commission's most recent progress report on Ukraine's implementation of the ENP is positive about the "Changes to the anti-corruption legislation" that "were adopted" (2015a, 7). However, the European Commission's progress report of 2014 which covered the events of 2013 (when Yanukovich was still in power) noted that "anti-corruption laws were adopted" (2014a, 8). Despite these legislative changes, none of the NGO reports studied believed that the quality of Ukraine's democracy had changed significantly between 2013 and 2014 (see Table 4). The OECD argues that "The new, post-Maidan administration pledged (sic) to eradicate corruption, but has so far failed to deliver convincing results going beyond (sic) revision of the legal framework" (2015, 5). Similarly, the main finding of the report of the Organized Crime Observatory was that "nothing had really

changed” other than that foreign aid had substituted Ukraine’s “public money” as the “main source of oligarchic wealth” (2015, 15).

Sadly, survey data gathered in 2015 do not yet provide reasons for more optimism. A survey conducted by Ernst and Young between December 2014 and January 2015 revealed that 80% of Ukrainian respondents thought “that bribery/corrupt practices happen[ed] widely in their country” (2015, 21). On 15 April 2015 Transparency International Ukraine reported the results of research that had surveyed Ukrainian business owners between February and March 2015: “57.2% of respondents believe the situation of corruption in the last six months unchanged, 27.7% said that the situation has worsened, 15.1% of respondents noted improvement” (2015). The International Republican Institute surveyed Ukrainians eligible to vote in 22 regional capitals in March 2015 and reported that 87% of respondents considered corruption to be a problem in their respective city (2015, 7) while, on average, only 18% (rounded off) thought the municipal authorities were making an effort to combat corruption (ibid., 12). Considering the fact that the quality of Ukraine’s democratic credentials remain limited and that the fight against corruption still fails to deliver, I conclude that the EU has so far failed to have an observable normative impact in Kyiv.

5. CONCLUSION

This article argues that the EU's Ukraine policies between November 2013 and July 2015 had no normative intentions, employed normative means, and failed to obtain an observable normative impact. In other words, with regard to Ukraine, I contend that the EU is better described as a status quo actor than as a normative actor (see Table 2).

While the EU claimed to have normative intentions towards Ukraine, this article argues that Brussels' actions only partly reflected a genuine normative commitment. The EU did offer Ukraine an AA with DCFTA, imposed sanctions on Moscow in response to Russia's annexation of Crimea, and offered Ukraine financial aid. However, the EU offered Ukraine neither a membership perspective nor military support. In addition, several experts stress that the EU could and should give Kyiv more financial support (e.g., Åslund 2015b; Bershidsky 2015a; Gregory 2015; Soros 2015).

The EU did employ normative (i.e. legally permissible) policy means. While the EU can improve the transparency of its documents, it would be wrong to view the EU as an undemocratic polity (Moravcsik 2008, 340; Holslag 2014, 547-548). Whatever Moscow may claim, the EU did not violate any international agreements by seeking closer association with Ukraine (Applebaum 2014; Popova 2014; Sarotte 2014). While the EU's sanctions against Russia were not authorised by the UN Security Council, the resolution adopted by the General Assembly on 27 March 2014 implies that the EU's punitive measures did have considerable international support (see, United Nations 2014). Meanwhile the EU member states did not have a legal obligation to defend Ukraine against an external attack (Yost 2015, 523-525).

With regard to the normative results criterion, this dissertation focused on Ukraine's democratic evolution. The data consulted for this research do not, however, provide any indication of significant progress in Kyiv's democratic evolution. While Freedom House (Sushko and Prystakoya 2014 and 2015) and Transparency International (2013 and 2014) report some improvements in Kyiv's democracy in 2014, both NGO's still gave Kyiv poor grades for democracy. The Economist Intelligence Unit (2014 and 2015) and Democracy Ranking (Campbell et al. 2014 and 2015) even reported some democratic backsliding in post-Yanukovich Ukraine. In addition, surveys conducted in 2015 indicate that Ukrainians themselves have so far noticed little impact of

Poroshenko's alleged attempts to tackle Ukraine's corruption problem (see, Ernst and Young 2015; International Republican Institute 2015; Transparency International Ukraine 2015).

As an analytical framework, Normative Power Europe has several limitations. For starters, normative (i.e. ethical) behaviour in IR is a flexible concept that is highly dependent on one's worldview. Manners' NPE thesis is riddled with dogmatism. The Danish professor claims "the EU *acts* in a normative (i.e. ethically good) way" (Manners 2008, 45, italics in original), but does not expound on the different IR theories and their ethical implications, nor does he reflect on the contradictions inherent in his own liberal worldview. This article hopes to have clarified the highly subjectivist ontology of normativity in IR.

Second, the framework employed in this article used a Boolean logic towards normativity. However, as Tocci and Manners put it, "normativity is not a black-and-white concept but comes in shades of grey, explaining the different normative interpretations by different actors standing at different points in time and space" (2008, 302). Normative behaviour in IR is not a polar question, but the contemporary literature does not offer a framework based on fuzzy logic and one may even ask whether it is possible, given the complexity of IR, to develop a framework based on fuzzy logic.⁴¹ Consequently, analyses of the EU's Ukraine policy from the perspective of non-European scholars would be welcome additions to this particular research and to the NPE debate more generally.

This article delivers a modest contribution to the falsification of NPE. Yet, it would be easy to exaggerate the generalizability of a single case study. In addition, I fully acknowledge the highly subjectivist nature of normativity in IR. Keeping these caveats in mind, though, this research does not find sufficient indications to conclude that the EU behaved towards Ukraine as a liberal "force for good" (Council of the European Union 2003, 13). Instead, I argue that Brussels' Ukraine policy between November 2013 and July 2015 reflects a status quo policy that does not aim and does not succeed in bringing about "a more just, cosmopolitan world" (Manners 2008, 47).

⁴¹ Tocci and Manners (2008, 302-306) make an attempt to introduce a framework based on fuzzy logic, but the authors fail to offer concrete guidelines for the assessment of normativity.

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