The European Union as a Normative Foreign Policy Actor

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With case studies by
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Abstract

This is the second in a series of papers from a new project entitled "Who is a normative foreign policy actor? The European Union and its Global Partners". The first paper – entitled *Profiling Normative Foreign Policy: The European Union and its Global Partners,* by Nathalie Tocci, CEPS Working Document No. 279, December 2007 – set out the conceptual framework for exploring this question. The present paper constitutes one of several case studies applying this framework to the behaviour of the European Union, whereas the others to follow concern China, India, Russia and the United States. A normative foreign policy is rigorously defined as one that is normative according to the goals set, the means employed and the results obtained. Each of these studies explores eight actual case examples of foreign policy behaviour, selected in order to illustrate four alternative paradigms of foreign policy behaviour – the normative, the *realpolitik*, the imperialistic and the status quo. For each of these four paradigms, there are two examples of EU foreign policy, one demonstrating intended consequences and the other, unintended effects. The fact that examples can be found that fit all of these different types shows the importance of 'conditioning factors', which relate to the internal interests and capabilities of the EU as a foreign policy actor as well as the external context in which other major actors may be at work.

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1.   Introduction

Since its inception, the European Union has been conceptualised (and prided itself) as being a distinctly 'different' type of international actor. Over the decades, it has been described as a 'civilian' (Dûchene, 1973, p. 19), a 'soft' (Hill, 1990) and most recently a 'normative' power in international relations (Manners, 2002, 2006). The EU's official texts make similar claims about the Union's role in world politics. Since the 1970s, in fact, norms and values began distinctly to permeate European foreign policy documents and declarations (see Hill & Smith, 2000). At a two-day meeting of EU heads of state on 14-15 December 1973, which resulted in a declaration on Europe's identity, the delegates talked about building a 'just basis' for international relations. The 1986 Single European Act called upon the Community to "display the principles of democracy and compliance with the rule of law and with human rights" in its conduct of external relations. The 1988 Rhodes European Council called for an EU role in preserving international peace, promoting the solution to regional conflicts, demonstrating solidarity for democracy, supporting the Universal Declaration of Human Rights, strengthening the effectiveness of the United Nations and improving social and economic conditions in less developed countries. The Maastricht Treaty went further, calling for the preservation of peace and security, the promotion of international cooperation, the fight against international crime, the development of democracy and the rule of law, the respect for human rights and fundamental freedoms, and the support for economic and social development (Article J.1). Most explicitly, the Reform Treaty states that in international affairs the EU would be guided by and would seek to promote the values on which the Union is founded, including democracy, human rights, fundamental freedoms and the rule of law (Article III-193(1), Article I-2 and I-3).[1]

This chapter seeks to test these assertions. Rather than assuming that the EU is a normative international player simply by virtue of its 'different' non-state nature, we show that in different geographical regions and at different points in time, the Union's foreign policies have taken on dramatically different forms. If by a normative foreign policy we mean pursuing normative

[1] As numbered in the draft Constitutional Treaty.

goals through normatively deployed instruments and having a discernible normative impact, then what emerges, perhaps inevitably, is that the EU is not always a normative international actor. Through the analysis of eight case studies, this chapter examines how EU foreign policy has at times been normative, while at other times it has been realist, imperialistic and status quo-oriented. In a final section we tease out the principal dynamics at work in determining why the EU acts the way it does in different cases and draw some lessons concerning the nature of the EU's role in the world.

We reproduce below the table developed in Tocci (2007), showing the eight case studies of EU foreign policy selected for analysis in this paper.

Table 1. The EU's role in the world: Selected sub-case studies

Type of actor	Normative		*Realpolitik*		Imperialistic		Status Quo	
	Intended	Unintended	Intended	Unintended	Intended	Unintended	Intended	Unintended
Goals								
Means								
Results								
Case Study	Central & Eastern Europe	Belarus	Russia	Syria	Kosovo	Israel-Palestine	North Africa	Ukraine

2. Enlargement Policy towards Central and Eastern Europe, 1989-2007: Normative Intended

Contributed by Gergana Noutcheva

2.1 Normative goals

The normative objectives of democratisation and economic modernisation, achieved by anchoring the post-communist states in Central and Eastern Europe (CEE) in the Western model of political pluralism and economic liberalism, have been the cornerstones of the EU's enlargement policy in the 1990s. The EU's response to the collapse of communism in Eastern Europe in 1989 was to extend the prospect of membership to the countries in the region, in an attempt to steer their domestic transformation and return to the European mainstream. The EU's offer of membership was made conditional on these countries' achievement of high standards of domestic governance and the normalisation of their relations with their neighbours. The 'Copenhagen criteria' embodied the EU's vision of the necessary political and economic trajectory to emerge from the deep economic, political and social crises that resulted from the region's abrupt change of regime.

In essence, the accession requirements of democracy, market economy and legal harmonisation with the EU can be seen as an invitation to take on board the EU's political, economic and legal *acquis* before being admitted to take part in EU power-sharing mechanisms. Although especially designed to evaluate the readiness of the CEE candidates to join the EU, the Copenhagen criteria are deeply rooted in the EU's own legal traditions and common policy practices. Art. 6 of the Treaty on the European Union codifies the EU's democracy, human rights and rule of law principles as constitutive elements of the EU's political community. The joint governance of the EU's economic space through common policies and institutions has a firm legal basis in the EU's treaties too. What the EU asked the candidates to comply with prior to accession is in principle applicable to EU member states too. The design and implementation of the enlargement policy by EU institutions can be viewed as an expression of the Union's own identity.

2.2 Normative means

To understand the normative dimension of the EU's enlargement policy, one needs to keep in mind the voluntary nature of the process, attributing normative qualities also to the policy means employed by the Union. In the early 1990s, it was the Eastern European countries that demanded integration into EU structures, not least as protection against the former imperial power – the Soviet Union. The EU was reacting to external events and developing an enlargement strategy in parallel to its internal agenda.

The major instrument for pursuing the EU's normative goals in the enlargement context was the conditionality principle of 'carrots and sticks' (Schimmelfennig & Sedelmeier, 2004). Accession conditionality as practiced by the EU has not involved the active punishment of EU candidates that fell short of reform expectations. Instead, the EU withheld benefits from the accession hopefuls by delaying their progress on the way to membership. It also played up symbolic politics by allowing good performers to advance in the process while highlighting lost opportunities to the laggards. Academics have described this conduct as 'reinforcement by reward' (Schimmelfennig, Engert & Knobel, 2006) or 'gate-keeping' (Grabbe, 2003). In principle, the EU was more inclined to encourage and reward performance than to sanction underperformance, except indirectly. This is not to disregard the power asymmetry between the EU and the candidate countries. The EU was the one to decide on each candidate's suitability to become a member of the club by setting the accession criteria and evaluating the preparedness of the applicants. Whereas in theory the candidates formally negotiated accession, in practice very little negotiation took place. The *acquis* was non-negotiable, with the exception of some transition periods and temporary derogations. And the EU alone could decide whether and how a candidate fulfilled the criteria for membership.

Yet what empowered the Commission to demand compliance with its accession requirements were especially its references to political values and economic norms. The Commission progressively felt comfortable to criticise and 'shame' the candidates' shortcomings by publicly announcing policy recommendations, mobilising further reform constituencies within these countries and galvanising other international actors with stakes in the reform process, e.g. international organisations, donors and international business (Grabbe, 2001). By acting in pursuit of its normative goals, the EU demanded conformity with its values of candidates wishing to become equal partners in the European project.

In addition, conditionality was accompanied by softer mechanisms of policy transfer in various sectors based on social interaction and contacts between the EU institutional machinery and the national administrations and political bodies of the candidate countries. In the first half of 1990s, the EU signed Association Agreements (known as Europe Agreements) with the CEE applicants which not only liberalised trade exchanges but also institutionalised the political

relations between the EU and the respective national authorities. The Accession Partnerships initiated in the late 1990s provided a further forum for dense institutional contacts between the EU and the candidates' public bodies, detailing reform priorities and monitoring mechanisms. The annual monitoring reports of the European Commission, which evaluated progress towards accession of each candidate, offered another opportunity for information exchange between Brussels and the national capitals. In short, the active socialisation of the applicants into the 'European way of doing things' complemented the more forceful incentive-based method of conditionality, although the latter was by far given more credit for the results achieved in the short period of accession preparations.

2.3   Normative results

The eastern enlargement in two successive rounds in 2004 and 2007 has widely been acknowledged as the EU's biggest foreign policy successes to date. This is due to the pace and depth of the political and economic transformation that enlargement engendered in Central and Eastern Europe between 1989 and 2004-07. On the whole, in just over one decade, the East European countries established the institutional foundations of modern states and transformed themselves from being full-blown dictatorships into liberal democracies with vibrant pluralism and engaged civil societies (Vachudova, 2005). They also went through deep economic change cutting down on the losses of the centrally planned system and establishing the fundamentals of modern market economies, attracting billions of euros of foreign direct investment (FDI) every year and growing at high rates (Gros & Steinherr, 2002).

This is not to say that everything went smoothly and every country achieved the same results. Some countries took longer than others to embark on a consistent reform track. Some had more favourable starting conditions than others and progressed faster. Some went through setbacks and had to struggle harder to overcome domestic resistance to change. But the overall record is highly positive. Critics may still question the quality of domestic governance in the new member states compared to the older ones. A governance quality gap between Western and Eastern Europe still exists. But given their point of departure in the early 1990s, the Central and Eastern European countries have gone a long way towards becoming credible partners in the European integration project.

2.4   Conditioning factors

What explains the EU's normative behaviour in the enlargement context? The answer to this question is complex, but the key to understanding these normative results is the combined effect of external and external dynamics which converged to produce the observed outcome.

Internal interests

Above all, the EU's internal political context became increasingly favourable towards enlargement. Enlargement-sceptics were progressively silenced over the course of the 1990s and an overall sense of priority emerged around the enlargement agenda. Points of difference between the member states existed but related more to questions of how and when to enlarge rather than to whether and why. This internal consensus was critical for finding solutions to the many problems and difficulties along the process. Did rational interest-based motives underlie the 'normative' appearance of the EU's enlargement discourse? For some scholars, the EU had good geo-political and economic reasons to support the transition process in Eastern Europe and attempt to influence developments there to its advantage (Vachudova, 2005). For others, the EU had no real interest in proposing full institutional inclusion to the Eastern European states and in accepting their leaders as equal partners in EU decision-making structures (Schimmelfennig,

2001). An advanced association with the EU might have served the geostrategic objective of anchoring these countries to the West both in political and economic terms. What could explain the EU's generous offer of membership is the feeling of kinship and moral duty to the East Europeans who were cut off from the European integration project as a result of unfortunate geo-politics in the aftermath of the Second World War (Sjursen, 2002). Official EU documents and speeches indeed often invoke the widespread sentiment among EU policy-makers that this was 'an historic opportunity' to reunite the continent and do away with ideological divisions and artificial barriers. Yet regardless of whether interests also dictated or influenced EU actions, this does not belittle the predominance of normative goals in the Eastern enlargement policy.

Internal capacity

Beyond the convergence on normative priorities, the EU initially did not know how to support the transition process from communism to democracy and a market economy, nor did anyone else. There was no grand plan to achieve the desired objectives apart from the promise of EU membership, and the EU's enlargement policy was in many respects improvised and reactive to developments on the ground. The Commission was entrusted by the member states to oversee the enlargement dossier which it took very seriously, not least because this was an opportunity to raise its institutional profile in the foreign policy domain. Subsequently, the Commission mobilised its internal resources and worked devotedly to build the necessary internal capacity to see this process through to a successful end. The Union put at work the policy instruments it knew how to use best – those linked to integration – rather than foreign policy capabilities, which it was known to lack.

External environment

Finally, the external environment was conducive to the EU's overall normative role in Central and Eastern Europe in the post-communist period. The geo-political change triggered by the fall of the Berlin Wall and the dissolution of the Soviet Union challenged the ideological division that had marked Europe's post-war history. It also triggered a realignment of geo-strategic orientations and foreign policy priorities in Eastern Europe. Not only was the West ready to offer financial support and security guarantees, but also the East Europeans were willing to integrate in the Euro-Atlantic structures as an expression of their normalisation and 'return to Europe'. The US firmly supported the anchorage of the region in Western institutional frameworks and contributed to the democratisation and economic modernisation of these countries. In this sense, a favourable constellation of external and internal factors existed and prepared the ground for the EU's normative role.

3. Sanctions against Belarus: Normative Unintended

Contributed by Clara Portela

3.1 Normative goals

The goals pursued by the EU vis-à-vis Belarus through its sanctions policies are unequivocally normative. The EU refers to the 'violations of international electoral standards' in the 2006 presidential elections and the 'crackdown on civil society and democratic opposition' as the primary reasons for the imposition of sanctions. The EU sanctions strategy against Belarus has followed an incrementalist logic, unfolding in parallel to the evolution of the Belarusian state towards authoritarianism.

The EU's goals have also been consistent over time: Belarus represents a clear case for sanctions tailored to the advancement of democracy. The origins of the current sanctions regime can be traced back to the EU's reaction to the Belarusian constitutional crisis of 1996: restrictions on the freedom of demonstration and the freedom of speech, followed by the enactment of a new constitution concentrating powers in the president's hands were met by a first wave of negative EU measures: the Council decided, among others, to limit political contacts with the Belarusian authorities, and froze negotiations on a Partnership and Cooperation Agreement and on a new TACIS aid programme. For its part, the European Parliament announced its intention to withdraw assent to any bilateral agreement with Belarus. Subsequently, every step towards greater authoritarianism was met by a tightening of EU sanctions. On top of successive flawed elections, the disappearance of four Belarusian citizens triggered a separate sanctions regime. EU sanctions now encompass a visa ban and freezing of assets on individuals connected with the violations of international electoral standards, the repression of peaceful demonstrators and the obstruction of justice.

Beside CFSP sanctions, the EU has also suspended the application of trade privileges, the generalised system of preferences (GSP), due to the lack of freedom of trade unions. Finally, the European Commission (2006) has declared in a non-paper that it expects Belarus to guarantee the rights of entrepreneurs to "operate without excessive intervention by the authorities". In sum, all EU institutions – the Council, Parliament and the Commission – converge in their condemnation of the Belarusian regime, although the focus on pro-democratic reforms and the strengthening of the rule of law has recently been supplemented by requirements pertaining to free-market liberties.

The legitimacy of EU goals is enhanced by the fact that its sanctions were imposed in support of claims made by pan-European organisations. The disappearance of the four public figures had been the subject of an April 2004 report of the Parliamentary Assembly of the Council of Europe (the 'Pourgourides Report') demanding an independent enquiry. Elections were deemed to be flawed because they failed to meet OSCE standards. Accordingly, the EU has pledged to review its position "in the light of reforms made to the Electoral Code to bring it into line with OSCE commitments" and "actions by the authorities to respect human rights with regard to peaceful demonstrations", such as the "release and re-habilitation of political detainees". Concerning the disappearance of the four citizens, the EU announced that it would take into account the willingness of the authorities to conduct a full and transparent investigation and to bring those responsible to justice. Finally, the minimum standards for the freedom of trade unions, which Belarus fails to respect, are set by the International Labour Organisation (ILO).

3.2   Normative means

The means applied by the Union in pursuit of these predominantly democratic standards are also normative, i.e. they can be located within the confines of the law. This is due to the fact that the measures wielded against Belarus consist in the withdrawal of unilaterally granted benefits. In other words, the EU is simply refraining from providing benefits that it is free to withhold. No international actor is obliged to provide technical assistance to another state, grant visas to third country nationals or offer preferential trade conditions unless it is committed to do so by treaty. In the case of the EU, granting of preferential trade is governed by an EC Regulation stipulating the conditions under which preferential treatment can be granted. The suspension is foreseen only after the time-consuming and meticulous investigation of a third state's non-compliance with internationally agreed ILO standards.

The EU follows a declared double-track approach, drawing a distinction between those responsible for the violation of electoral standards and human rights, and the Belarusian population at large. Its asset freeze and visa ban target the responsible individuals whose names

appear in public blacklists, thereby earmarking them "persona non grata" (Pomorska, 2006). By contrast, the EU maintains contacts with mid-range officials. At the same time, the EU has consistently made clear that it would "avoid sanctions which harm the wider population" (Ferrero-Waldner, 2006). Indeed, it claims to support the 'needs of the population' through social and economic development. No trade restrictions have ever been imposed, and the EU continues to provide assistance which directly benefits the population though NGOs. In response to the original crisis in 1996, the EU pledged to examine ways of associating civil society with the democratisation process. The EU supports democratisation, for example, through the funding of independent TV and radio programmes.

3.3   Non-normative results

The increasing assertiveness in the EU's responses to the deterioration of the state of democracy in Belarus has not fulfilled its normative intent. In the early phases of Lukaschenko's rule, EU-inspired sanctions solved a dispute over the ill-treatment of Western diplomats (the Drozdy crisis) and reversed the closure of the OSCE mission in Minsk (Toledano, 2001). However, EU sanctions have not promoted wider democratic practices. Equally, and in spite of the EU's dedicated effort to send a positive message of support to the Belarusian people, democratic forces in the country have not been substantially strengthened as a result of EU pressure. It is generally assumed among Western observers that if free elections were held under present circumstances, President Lukaschenko would still win a majority (Grant & Leonard, 2006).

3.4   Conditioning factors

In comparison to traditional coercive policies, such as blanket trade embargoes, the EU displays a sophisticated strategy respecting the division between the individuals it aims to condemn, and the wider population it intends to support. How can the failure of the double-track strategy be accounted for? Why has the EU failed to compel change in the behaviour of the leadership, or in substantially strengthening Belarusian democratic forces?

The internal political context

The internal political context is key to understanding the normative framing of the sanctions against Belarus. The European Parliament and a number of national parliaments have been vocal supporters of the sanctions, as well as the initiators of the positive measures that are adopted in parallel. The preoccupation for sparing the population typically accompanies EP demands for negative measures. Particular interest groups and civil society organisations have played a central role in the suspension of the GSP. According to the EC Regulation on GSP, investigations on non-compliance leading to suspension can only be initiated at the request of affected groups. In this case, it was the initiative of international trade unions that set the process in motion. The decision to suspend was taken reportedly against the will of Belarus neighbours Lithuania and Poland, which saw the interest of their cross-border enterprises negatively affected. But by and large the internal political consensus crystallised in favour of sanctions.

This is largely because little contradiction exists in this case between so-called 'possession goals' and 'milieu goals', discussed in detail in CEPS Working Document No. 279.[2] Sanctions have not imperilled possession goals, such as the pursuit of commercial and energy interests. CFSP sanctions do not affect trade – commercial exchanges between the EU and Belarus have

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[2] See also Wolfers (1962).

continued. According to 2006 statistics, Belarus is only the 47th trading partner of the EU, and its planned economic system makes it unattractive for further investment. Virtually deprived of raw materials, Belarus is only relevant as a transit country for Russian energy supplies. When bilateral cooperation has become pressing, it has taken place in spite of the sanctions. Sanctions have not prevented holding discussions on energy matters between the Commission and Belarusian mid-rank officials in the aftermath of the crisis with Russia in January 2007. Given that possession goals (trade and energy security) do not collide with milieu goals (pro-democracy sanctions), there is no internal constituency within the EU that is fundamentally opposed to the sanctions.

Internal capability

In theory, the EU is well-placed to coerce Belarus through economic means. In relational terms, Belarus is dependent on trade with the EU, while Belarus is a negligible market for the EU as a whole. The EU is Belarus' second trading partner, and its first export partner, absorbing over 45% of its exports. By contrast, Belarus accounts for a mere 0.3% of the EU's total trade volume. Thus, trade restrictions could greatly harm Belarus without causing much damage to the EU's economy. The limitation on the EU's side is rather its unwillingness to incur any tangible cost for the sake of Belarus' reorientation towards democratic rule. Firstly, a possible retaliation by Belarus consisting in stopping the supply of Russian energy and oil would entail serious costs to the EU and compete with the goal of ensuring energy security. Secondly, there is virtually no constituency inside the EU that would support forceful means, while Lithuania and Poland, as well as the wider business communities, would strongly oppose it.

The external environment

Beyond the unwillingness to incur high costs, the main reason explaining the EU's failure to engender normative results in Belarus is located within the country's domestic dynamics. As typically the case with many countries under sanctions, the leadership has been able to capitalise on Western condemnation to its advantage. It portrays the country as being 'demonised' and 'under siege'. This perception is partly aided by the fact that the country has been subject to sanctions of diverse nature (most recently the suspension of GSP). This is unsurprising in a country where free media and civil liberties are severely constrained. Public diplomacy aside, other circumstances weigh heavily in the attitude of Belarusian citizens. In economic terms, Belarus was better off than its southern neighbours Ukraine and Moldova when the Soviet Union collapsed and this despite the scarcity of raw materials (Beichelt, 2007). This difference persists today, despite these countries' Euro-Atlantic choice. The comparatively high living standards in Belarus, coupled with an unusually positive image of Russia as a protector, have all aided the popular perception of Lukaschenko as both the guarantor of close ties with Russia and of Belarusian wealth (Zurawski, 2005).

The domestic configuration of Belarusian politics is closely linked to the role of Russia as a 'protecting power'. Russian support has been critical to the resilience of the Lukaschenko regime. In economic terms, Russia has supplied Belarus with subsidised energy. In political terms, the close ties with Russia have allowed Belarus to present itself as displaying an 'Eastern orientation', rather than being internationally isolated (Zurawski, 2005). However, the relationship between the two countries has come under considerable strain in recent years, suggesting that Russia no longer offers unconditional support to its Western neighbour. Interruptions of Russian gas supplies, provoked by the Belarusian rejection of increases in energy prices, have taken place consecutively in 2006 and 2007. The 2007 energy crisis prompted Belarus to establish 'structured discussions' on energy issues with the EU – a cooperation framework at expert level falling short of a fully fledged 'energy dialogue'. These

developments suggest that a weakening support of Russia might open the space for increased EU leverage on Minsk.

The influence of other international actors also plays an important albeit secondary role. The EU finds itself between two powers whose influences and positions largely cancel each other out. When imposing sanctions against Belarus, the EU has acted in concert with the US. Transatlantic cooperation is habitual in sanctions policies, and in this case it is unknown which side took the initiative. Given that Belarus is in a state union with Russia, such move was seen as a step aimed at challenging Russia's sphere of influence. However, given that neither the US nor Russia considers Belarus a priority, and that the nature of sanctions have not seriously affected Belarus' economy, the sanctions were bound to remain rather uncontroversial in the wider international context.

4.   EU Policies towards Russia, 1999-2007: Realpolitik Intended
Contributed by Sandra Fernandes

4.1   Non-normative goals

EU declarations on Russia are rife with normative intent, but revealed preferences suggest these have been trumped by other goals, notably related to energy security and the penetration of Russian markets goals. Yet unlike the cases of Eastern Europe and Belarus, the pursuit of these goals vis-à-vis Russia has contradicted the EU's normative agenda. In 2003, the Wider Europe initiative and the European Security Strategy clarified that the EU aimed to create prosperity and security on its borders and highlighted the importance of its relations with Russia. In particular, the EU repeatedly stated its intention to promote, in its institutionalised dialogue with Russia, the rule of law, good governance, the respect for human rights, including minority rights, the promotion of good neighbourly relations, the principles of market economy and sustainable development. The spirit of the EU-Russia Partnership and Cooperation Agreement (Emerson et al., 2006b, pp. 62-94) also included the goal of promoting international security, in equality and partnership. The goals stated by the EU advocate an international order based on 'effective multilateralism' and international law, as codified by the United Nations, the Council of Europe and the OSCE (Organisation for Security and Cooperation in Europe). Yet other goals and objectives have progressively come to trump the EU's normative agenda vis-à-vis Russia. In particular, since the beginning of President Putin's second mandate in 2004, the EU has mainly acted in pursuit of its energy interests and pushed for Russia's WTO accession in order to make Russia a more economically attractive, credible and trustworthy partner. Normative goals have thus remained dead letter, while concrete actions have focused on the pursuit of narrow possession objectives.

4.2   Non-normative means

The EU's normative goals vis-à-vis Russia have thus been sidelined, as the relationship has evolved through cooperation on an issue-by-issue basis achieving progress on several concrete issues such as visa facilitation. The most visible example of the EU's normative neglect in its ties to Russia has been its stance on the Chechen conflict, in which Russia has adamantly refused international interference and the EU has accepted Moscow's view, treating Russia as a partner – despite the growing normative gap between the two. Even during times of crisis, Putin has been received by EU leaders as a special guest (for instance, during the Lahti informal summit in October 2006).

The EU has established a specific institutionalised human rights dialogue with Russia since March 2005, which was considered a notable normative achievement. But consultations never took place in Russia and the dialogue appears to have become an empty shell. Recently, the Mafra Summit has evidenced the EU's inability to use effectively the dialogue with Russia, with the failure to agree upon an OSCE election observer mission in Russia for December 2007. There is some wishful thinking on the European side that the dialogue could produce its desired effects in the long-term. Yet the EU is unlikely to socialise Russia into human rights observance, as opposed to the case of Eastern enlargement.

In recent years, the goal of promoting peace has made it onto the EU-Russia agenda with institutionalised dialogue covering the frozen conflicts in Moldova and Georgia and the adoption of the Road Map for the third common space in November 2005. Nonetheless, these conflicts are not addressed in a manner that challenges Russia's primary and not always constructive role in these conflicts (Pozzo di Borgo, 2007, pp. 25-27). In particular, the EU has done nothing to alter Russian coercive policies such as its selective visa and trade restrictions on Georgia and Moldova.

Technical assistance and aid to Russia are also not consistent with the EU's declared normative goals. Since 1994, enlargement became an EU priority and since 1999 this tendency was reinforced. In relative terms, Russia like other non-accession countries lost out as a result of this reprioritisation. More specifically, EU aid to Russia as a proportion of the Union's external assistance budget has decreased over the years (Fernandes, 2006). This trend is set to continue as Russia now seems unwilling to receive assistance through the ENPI (European Neighbourhood and Partnership Instrument), because of its economic recovery and growing national pride. Political conditionality as a means to achieve normative goals is also not being effectively used in the case of Russia.

4.3 Non-normative results

Not only have EU policies failed to induce Russia's compliance on democracy, human rights and conflict resolution. Far more seriously, the EU's declaratory insistence on its common principles with Russia has contributed to an unexpected boomerang effect in Russia. The Kremlin reasserts Russia's cultural specificity and its right to have a different interpretation of democracy ('sovereign democracy'). More recently, President Putin has criticised the democratic shortcomings in several member states and the US, while strengthening his control over Russian public opinion through the media and restrictions on and repression of NGOs and political opposition. This tendency has become particularly acute in the run-up to the Russian elections in the fall of 2007, which have seen a peak in Slavophile discourses. The human rights dialogue with the EU thus seems to be provoking a negative effect rather than stimulating convergence on the basis of shared values. On the one hand, some member states feel disappointed and deceived by Moscow, while on the other hand, Russia feels misperceived and devalued by a self-righteous EU (Entin, 2006). The EU's attempt to engage Russia on Moldova and Georgia's conflicts has also not borne concrete results. On the contrary, Russia views the ENP as unwelcome interference in its 'near abroad', albeit not as problematic as the engagement of NATO or the US (with its anti-missile project). In general, the EU's post-enlargement aims in the common neighbourhood are those of a post-modern actor, contrasting with Russia's traditional sovereign prerogatives (Epstein & Gheciu, 2006; White, 2005). Instead of becoming a normalised European partner, Russia is becoming an increasingly challenging foreign policy actor. When Europeans strive for a common internal energy policy and an engagement with Russia to regulate the energy market, Russia's reaction is to seal bilateral agreements with select member states to secure supplies to national consumers, as well as to

create a strong *Gazprom* monopoly and a sister of this company in the civil nuclear realm (*Atomenergoprom*) in order to consolidate its monopoly in the electricity market.

4.4   Conditioning factors

Internal political context

Although the EU declares a set of milieu goals in its relations with Russia, these are not consistently pursued; while possession goals, related to energy and the penetration of Russian markets, often take the upper hand. This is largely explained by the EU's internal political context, whereby Russia has been able to play national European interests against each other undermining an integrated EU approach. There is an EU demand to bind Russia to common economic rules (milieu goals), but there is also a lack of internal consensus about which rules should apply. Indeed there are different national perspectives in the EU on Russia and there is no consensual approach towards Moscow. Some member states wish to reconsider cooperation with Russia on the basis of Russia's non-normative behaviour, while others favour a more pragmatic approach (Allison et al., 2006). For instance, the three Baltic states and Poland are prone to defend a united EU voice towards Russia and to deal with Russia at the EU level on all issues. Others, like France, Germany and Italy, have privileged bilateral relations with Moscow. On energy in particular, bilateral agreements have been celebrated last year to secure gas supplies between several member states and Russia.

Internal capacity

The Union's relative power vis-à-vis Russia and its *sui generis* nature constrain its capacity to pursue normative goals towards Russia with success. Internally, there is no straightforward process whereby a bilateral member state problem with Moscow can be translated and tackled at EU level, despite growing intra-EU solidarity at the level of rhetoric. There is also a lack of integrated EU foreign policies in general and external energy policy in particular, again, inducing member states to go-it-alone with Moscow. In turn, member states and the EU as a whole fall back to a disintegrated pursuit of security and commercial goals towards Russia partly because of insufficient capacity at EU level.

External environment

The external environment also explains why the EU has acted as an intended *realpolitik* player vis-à-vis Russia. Most importantly, Russia is increasingly able to reject what it perceives as an imposed convergence on EU standards and insists on the recognition of its specificities (Massias, 2007) by successfully using its energy leverage and playing divide and rule between member states. The increasingly hardline attitude of Putin's regime, aided by the Kremlin's re-found role in the regional and global scene, makes it less likely for the EU to insist on its normative agenda. The Russian veto in the UN Security Council and its ability to block progress on several 'hot' international issues, such as Kosovo, as we shall see below, further heighten Moscow's assertiveness towards the EU. Furthermore, the EU's strategic alliance with the US adds a further external constraint to a normative EU approach towards Russia.

5.   Policies towards Syria, 2003-07: Realpolitik Unintended

Contributed by Ruth Hanau Santini

5.1   Non-normative goals

EU policies towards Syria represent an interesting case in several respects. First, the Middle East is the only region that was singled out in the 2003 Security Strategy as an area, beyond the Union's immediate neighbourhood, of significant geo-strategic interest and concern to the EU, in which the Union is intent in promoting political and economic development in line with its proclaimed norms. Second, the EU's repeatedly asserted claim regarding the need to uphold multilateral institutions and reinforce their global role directly impacts upon the EU's external action in the Middle East in view of the frequent crises in the region and related UN resolutions. This has made the Middle East in general a litmus test for the EU's foreign policy consistency. In this context, Syria plays a special role, given its close involvement in Lebanese affairs, in which several EU member states are present under the aegis of the UN, and given the importance of a future peace agreement between Syria and Israel in paving the way for an overarching Arab-Israeli peace.

Up until World War II, Europe was perceived by Syria as an imperial power, due to French colonial ties in the Levant and British interests in the broader Middle East. At that time, in view of its non-involvement in Arab affairs, a Wilsonian US enjoyed a more positive reputation in the area. For Syria the tide changed in 1948 with the creation of the state of Israel, staunchly backed by the US, particularly after 1967. In Washington, the determining factor changing the relationship with Syria was the country's slide into the Soviet camp. In 1979, Syria was inserted on the list of states sponsoring terrorism, leading to the imposition of US sanctions. The EU instead, having suffered from the 1970s' oil crises and seeking secure energy supplies, signed a Cooperation Agreement with Syria in 1977, and its political rhetoric started displaying a far more pro-Arab attitude. The relevance of Syria as an oil provider is still far from negligible: in 2004 Syria was the EU's 9th largest source of imports in this sector. Energy has indeed been the most discernible European interest in Syria at least until the beginning of the Oslo process which promised regional agreements between Israel and its neighbours. With the beginning of the Oslo process in the 1990s, Brussels began redressing the balance between the pursuit of its possession (i.e. energy security) and milieu (i.e., regional peace and stability, normalising Syria's regional and international role) goals. In other words, since the 1990s, two principal European objectives have dominated relations with Syria: safe access to Syrian oil reserves and an attempt to influence Damascus' behaviour towards Israel without, however,undermining US policy preferences.

Yet by favouring the status quo in the regional balance of power and following American policy imperatives, the European room for manoeuvre and its potential influence on the peace process have been limited. Up until 2003, Brussels timidly tried to promote a resumption of negotiations with Israel over the Golan Heights and the Sheeba farms. With the launch of the Quartet's 'road map to peace' in April 2003, however, the Syria-Israel (as well as the Lebanon-Israel) tracks have been excluded from the political agenda. Hence, despite diplomatic talk of a 'comprehensive settlement', the EU has considerably narrowed its political goals, failing to provide a much-needed holistic approach to the Arab-Israeli conflict. This *realpolitik* approach not only reflects a short-sighted attitude towards the conflict, but, as detailed below, it is fundamentally linked to the US resistance to engaging in dialogue with Damascus. Finally, the non-normative nature of EU policy goals vis-à-vis Syria is exemplified by the residual role of democracy promotion in what is mainly an economic relationship based on trade and energy. It could be argued that the EU's liberal reform paradigm, which posits that economic reform

would lead to political reform, has normative content. Yet, the unwillingness of EU leaders to advance a political reform agenda in Syria points unambiguously to a *realpolitik* approach rather than a cautiously normative one.

5.2 Non-normative means

With the end of the Cold War and the beginning of the Middle Eastern Peace Process (MEPP), Syria has been involved in EU-promoted regional stabilisation and alleged democratisation efforts through the Barcelona Process. EU-Syrian relations also foresaw the drafting of an Association Agreement (AA), covering the three (economic, political and cultural) baskets of the Euro-Mediterranean Partnership. After years of standstill, in October 2004 negotiations on an agreement appeared to be on the verge of successful conclusion (Raphaeli, 2007). In these talks Syria had allegedly agreed to sign a non-proliferation clause, which together with the December 2003 WMD strategy is designed to be inserted in all agreements with third countries. After initial resistance justified by Israel's rejection of an analogous clause in its Association Agreement with the EU, Damascus demonstrated its goodwill. Furthermore, in December 2003, Syria introduced a resolution in the UN Security Council calling for a WMD-free zone in the Middle East (Zunes, 2004, p. 163). While not representing a watershed in EU-Syrian economic relations (the AA would have only marginally upgraded the 1977 agreement, given the persisting limits on agricultural trade), the conclusion of the agreement would have sent a strong political signal not only to Damascus but also to Israel and the US concerning the EU's seriousness in its conduct of the relationship.

Yet with Washington's adoption of a new set of sanctions in May 2004, the US began exerting strong pressure on EU member states to resist the EU-Syrian agreement. Alongside this, European attitudes towards engagement with Syria became increasingly negative after the assassination of the Lebanese anti-Syrian Prime Minister Rafik Hariri in February 2005. In turn, negotiations were halted and, beyond not extending benefits to Syria, the EU undertook negative measures by imposing a freeze on Syrian funds and included several Syrian suspects in its terrorist list. Moreover, the EU strongly backed UN efforts to establish an international tribunal regarding the Hariri murder, a tribunal whose sole mandate is to try Syria. Hence, rather than using the potential of contractual relations to engage and influence Syria within the framework of EU laws and rules (as in the case of Eastern Europe), the Union opted to sideline the AA and use its non-conclusion as an additional stick on Syria. In a visit to Damascus in March 2007, in fact, EU High Representative Javier Solana (2007) declared that the AA would be "unlocked" only "if Syria acts against the suspected flow of weapons to Lebanon and helps ease tensions between the pro-western government and the pro-Syrian opposition". The absence of the agreement also reduced the EU's ability to influence Syria's participation in the November 2007 Annapolis conference and its aftermath.

Finally, EU aid to the southern Mediterranean, as in the case of Russia, also highlights the absence of a strong normative commitment: €800 million in 2005 were directed to programmes dealing with the control of illegal immigration, while a mere €10 million were channelled through the European Initiative on Democracy and Human Rights (EIDHR). The tune is strikingly similar when one looks at individual member states' democracy assistance: with the exception of Central Asia, the Middle East is the region receiving the least money from member states. Brussels of course did play a part in inducing Syria's withdrawal from Lebanon in 2005, but it did not do so in the name of democracy in Syria. On the contrary, some EU 'governance projects' have been co-opted by the ruling Syrian elite to strengthen the state's capacities, while on the rare occasions in which domestic opposition has been voiced in Syria (as in 2006), Brussels has shied away from lending active support.

5.3   Normative results

Quite unexpectedly, Syria has nonetheless skilfully and instrumentally adopted a number of relatively normative policies. It would be mistaken to trace these policy shifts exclusively to the EU. On the contrary, as and when the EU opted not to be a partner of Syria, it opened the space for greater interference by other actors.

This notwithstanding, several normative shifts can be detected. The first is Syria's withdrawal from Lebanon. In the aftermath of the Hariri assassination and following the 14 March group's protests against Syrian involvement in Lebanese affairs, in April 2005 (after UNSC Resolution 1559 in September 2004 calling for 'all remaining forces' to withdraw from Lebanon), Damascus withdrew its military forces from Lebanon. It is important to point out, however, that despite ending a three-decade-long military presence in Lebanon, Damascus still exercises significant influence over Lebanese political life. A second manifestation of goodwill vis-à-vis multilateral institutions was Damascus' acceptance of a reinforced UNIFIL mission patrolling its borders with Lebanon in the aftermath of the summer 2006 war between Israel and Lebanon. What would have been probably considered as a blow to national sovereignty was deemed as an act of constructive cooperation. Finally, Syria has manifested an attitude of cautious opening towards Israel, signalling its predisposition to resume talks. This reveals Syria's will to reduce its international isolation, and thus diminish Syria's dependence on Iran, to which Damascus only attaches tactical value.

5.4   Conditioning factors

Despite the EU's role as a secondary player, how have EU policies interacted with and influenced Syria's partial normative shift?

Internal interests

Internal EU interests, while divided, by and large tip in favour of the EU's non-normative objectives vis-à-vis Syria. The main cleavage within the EU is between those prioritising a comprehensive peace deal in the region and those whose transatlantic loyalty trumps all other objectives and thus shapes EU policy choices towards Syria. To date, the latter school of thought has taken precedence. The ratification of the AA with Syria failed as a consequence of the interplay between a changed political climate after the murder of PM Hariri (particularly in view of the strong ties between Jacques Chirac's France and the Hariri family) and US pressure on some member states to postpone ratification. The AA was strongly resisted by the US, which feared that this would have paved the way for further EU-Syria economic ties (e.g. through the ENP) and bolstered Syrian claims to enter the WTO, thus reducing the effectiveness of Washington's cornering strategy. Alongside France's strong ties with the anti-Syrian camp in Lebanon, the transatlantic priorities of several member states have represented the single-most important factor driving the deadlock in EU-Syria relations and limiting Damascus' options to end its international isolation.

Internal capability

Beyond divided interests, does or would the EU possess the political clout and economic leverage in its relations with Damascus? EU-Syrian economic relations, despite being significant in relative terms, remain limited to a few sectors and their intensity has decreased in recent years. In terms of engendering political reforms instead, the 'Governance Facility' in the context of the ENP could be directed to Syria to support reforms. But so long as Syria is excluded de facto from the ENP (i.e. up until the conclusion of the AA) and as long as it does

not proceed willingly on reforms (for which it could be 'rewarded' through the Governance Facility), this potential is unlikely to materialise.

The external environment

Despite the EU's limited capabilities and its divided interests, some normative results can be detected. The most relevant explanation accounting for this is the role of the external environment. On the one hand, is the Union's dependence upon US policy in the region: in view of US pressure on Syria and heightened concerns over WMD proliferation, the EU has essentially bended its policies and interests in order to accommodate Washington. This strategic choice, exemplified by the Union's freezing or severing of ties with Damascus, represents the Union's preference to maintain close ranks with the US irrespective of its normative agenda in Syria and in the region in general, as noted below in the Israel-Palestine case study as well. The second factor explaining the unintended normative results is instead Damascus' shaky reliance on problematic regional partners. In sharp contrast to the case of Belarus, which feels bolstered by Russian support, the Ba'athist regime, feeling regionally cornered, has only cultivated relations with Iran and Turkey. On the one hand, Iran has provided the necessary security umbrella for the small Levant country, shielding Syria from threats emanating from regional adversaries and international actors such as the US. Yet this is a double-edged sword, as Damascus' association with Teheran is both unreliable and has complicated further Syria's relations with the West, including the EU. In the current situation, Syria is in fact increasingly entrapped. To escape this bind, Syria has intensified its economic and military cooperation with Turkey, epitomised by the opening of a Free Trade Area in 2007. Turkey's close ties with the West and its friendly relations with Israel explain Syria's attempt to forge ties with Ankara, in order to hedge against the possibility that its ties with Tehran become increasingly costly.

6.   Policies towards Kosovo, 1999-2007: Imperialistic Intended
Contributed by Gergana Noutcheva

6.1   Normative Goals

If there is one overarching goal in the EU's complex involvement in Kosovo, it is the peaceful settlement of Kosovo's final status through a long-lasting solution. Kosovo has been on the EU's security agenda since the establishment of a UN administration of the province in 1999, following NATO's military strikes against the Milosevic regime and the subsequent withdrawal of the Serbian army from Kosovo's territory. Since then, Kosovo has been a UN protectorate with its external status awaiting a final settlement. Officially the province remains part of Serbia, although Belgrade has no effective control over the territory.[3] The Kosovar population and the international community consider the status quo as unsustainable and negotiations have been under way throughout 2006 and 2007 to find a compromise solution.

Normative discourse on conflict resolution notwithstanding, the EU has high stakes in settling the matter. In other words, its milieu and possession goals largely overlap. In the 1990s, the EU's international reputation suffered a big loss in the face of its incapacity to prevent and stop the bloodshed during Yugoslavia's dissolution. In the aftermath of the Kosovo crisis, the EU tried to reverse this image and took the lead in the economic reconstruction of the province under UN auspices.[4] It included Kosovo in all its regional initiatives designed to stabilise the

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[3] UN Security Council Resolution 1244 (1999) regulates the protectorate status of Kosovo as well as its legal relationship with Serbia.

[4] The EU takes the lead of the economic pillar of the United Nations Mission in Kosovo (UNMIK).

Western Balkans, such as the Stability Pact for South East Europe, the Stabilisation and Association Process and the CARDS programme for financial assistance. Above all, the EU extended the membership prospect to Kosovo and it did so without prejudice as to the final status outcome.[5] In short, goodwill on the EU's side to help resolve the problem was not lacking, although the Union has not been in the lead in proposing a concrete plan for the settlement of the conflict.

The EU has opted to play a secondary role on the status question by supporting the UN-led process to define the parameters of a mutually acceptable compromise. Officially, the EU has abstained from favouring any outcome, although it has made clear that certain propositions would not be acceptable as a matter of principle, such as the partition of Kosovo or its unification with another state (European Council, 2005). This is to say that a scenario envisaging a change of borders is a non-starter as far as the EU is concerned, given the latent grievances of various minorities in the region and the considerable international efforts already invested in former Yugoslavia to promote multi-culturalism and respect for minority rights. Furthermore, the EU's support for the 'standards before status' policy that characterised the UN-led post-war involvement in Kosovo also attests to the high priority the EU placed on the democratic development of Kosovo, irrespective of its final status. Whereas one can doubt the feasibility of democratic governance in a legally undefined and socially contested polity, the EU's emphasis on democracy and the rule of law in Kosovo can be viewed as part and parcel of the Union's overall normative objectives in Kosovo.

6.2 Non-normative means

Despite these normative goals, the international efforts to resolve Kosovo's conflict of which the EU has been part, have deviated from international legal norms and multilateral frameworks. This goes back to the 1999 NATO military strikes against the Milosevic regime, which many EU member states supported and directly took part in but which occurred without the official authorisation of the UN Security Council. Russia and China blocked the UN channel at the time and Western powers led by the US bypassed the formal procedures and resorted to force in violation of international law. Gross human rights violations and even threatened genocide were cited as reasons for NATO's military actions but this 'normative' goal was pursued in breach of international law and in violation of the multilateral principles governing the international system.

The negotiations on the 'Ahtisaari plan' for 'supervised independence' of Kosovo is another example of the resort to means that are not entirely respectful of international rules and norms of multilateralism. In mid-March 2007, the Special Envoy of the UN Secretary General for Kosovo's status talks, Maarti Ahtisaari, presented his comprehensive proposal recommending eventual independence for Kosovo as well as extensive guarantees for the Serbian minority in the province through institutionalised decentralisation and international presence on the ground to monitor implementation. It was the West's hope that Ahtisaari's proposal would be endorsed by the UN Security Council through a new resolution, paving the way for the deployment of an EU civilian mission in Kosovo (ICG, 2007). The plan, however, was rejected by Russia, with China expressing unease and opposition to it as well. To appease Russian and Serbian objections, a second round of direct negotiations between the Serbs and the Kosovars was launched in June 2007, with the mediation of an international troika – the US, the EU and Russia. In essence, this step moved the process beyond the UN's multilateral framework and

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[5] The EU's heads of state extended the membership perspective to the Western Balkans at the Feira European Council in 2000 and reconfirmed their commitment to the region at the Thessaloniki European Council in 2003.

away from earlier ideas about seeking agreement on a new UN Security Council Resolution that would settle Kosovo's status. While formally not in breach of legal norms, this negotiating format deviates from formal UN channels.

Without prejudice to final status, the EU has prepared to deploy a civilian rule of law mission in the aftermath of a settlement. It has signalled that it will launch an ESDP operation on the legal basis of the UN Security Council Resolution 1244, without explicit UN authorisation. This broad interpretation of the legally permissible actions under UNSCR1244 has been the EU's second-best choice, yet the only feasible option given the lack of consensus among the permanent five members of the UN Security Council on a new resolution. Furthermore, on the controversial issue of Kosovo's status, the EU has silently participated in a gradual process of legitimising an outcome of independence.The Troika process has given the EU a more visible and responsible international role in settling the matter, intensifying the debates among the member states on possible scenarios and action plans. Starting from the proposition that there is no viable alternative that would ensure peace and stability, EU member states have progressively converged on the independence option, even though publicly they have refrained from taking a position, contrary to the US which has firmly and openly backed Kosovo's independence (Moore, 2007). In other words, whereas the EU's aims may merit the label 'normative', the way in which the Union has deployed its policy instruments has not been entirely in line with its self-professed backing of the international legal order.

6.3   Normative results

The outcome for Kosovo is of course still unknown, but the two parties' positions have remained as diametrically opposed today as when negotiations started in 2006. Pristina refuses to acquiesce to anything that falls short of independence, while Belgrade refuses to agree to anything that undermines its territorial integrity. This leaves international mediators to weigh and adjudicate the legal and moral arguments behind different solutions.

The normative argument in support of Kosovo's independence is grounded in 'just secession' theories justifying claims to self-determination as a last resort when serious injustice has been committed against a community by a state (Coppieters & Sakwa, 2003). The mass violation of human rights of the Albanian population in the 1990s by the Milosevic regime constitutes the basis for accepting Kosovo's claim to self-determination. The international legal system, however, protects the sovereignty of states and thus Serbia's borders. Violating such norms also creates dangerous precedents that threaten to undermine the international legal order. The EU has presented Kosovo as a *sui generis* case, but no persuasive argument has been advanced as to why it is special (or more special) compared to other cases and thus why it should be treated differently.

Hence, while a normative case for Kosovo's independence exists, it has not been made convincingly by the EU or any other international actor. This raises legitimate questions as to the extent to which Kosovo's eventual independence can be used as a model for resolving other secessionist conflicts in the world. If priority is to be given to the protection of individual human rights over state sovereignty, the implications for the international system as a whole are potentially very serious. The EU has dismissed such interpretation, but the issue has already entered the public debate over other 'frozen conflicts' (Socor, 2007). In the absence of a clear explanation of the uniqueness of Kosovo's case, this selective application of new rules strongly hints at the West's (and the EU's) hegemonic behaviour, even if in the name of allegedly normative ends. Aware of the European (and American) position, it seems likely that Kosovo will ultimately declare independence and not reintegrate into Serbia.

6.4 Conditioning factors

What explains the EU's 'imperialistic intended' foreign policy in Kosovo? Two factors seem critical. On the one hand, EU security interests call for an efficient solution that minimises security risks in terms of instability and resort to violence. On the other hand, the EU is constrained by the international setting, in particular by an uncooperative Russia suspected of using every opportunity to block established multilateral channels in order to advance its own international agenda.

Internal interests

On the substance of the status settlement, EU member states have been divided and as such are unable to take a firm stance. It is no secret that member states such as Spain, Greece, Cyprus, Slovakia and Romania are not keen on recognising an independent Kosovo for fear of sending the wrong message to their own sizable minorities as well as to secessionist movements elsewhere. In this context, the Kosovo discussions in the EU have focused more on the need to preserve unity among the member states and to speak with a single voice than on what is normatively desirable for Kosovo itself.

Division on substance notwithstanding, the EU unanimously views Kosovo as a security problem that needs to be fixed. There is a sense of urgency within EU policy-making circles to close the chapter and move on, allowing the conflict parties to concentrate their energies on domestic governance in the framework of the accession process. Furthermore, in so far as Kosovo is a 'European problem', given its geographical location and EU membership prospects, member states feel the responsibility to actively contribute to a lasting solution. In this context, even the more sceptical member states seem to appreciate that independence has progressively grown to represent the only viable option for stability and peace in Western Balkans.

External environment

In addition, the internal situation in Kosovo itself has not only called for urgent action but also shaped perceptions of what is a feasible and durable outcome. Without a clearly defined status, Kosovo has been on life support from international donors for almost a decade. Economic development and modernisation have been severely hampered by the uncertainty surrounding its constitutional future. The social cost for the population has grown heavier with young generations facing no bright prospects for professional realisation and losing patience with the status quo. In short, the domestic situation has urged determined international action, with the Kosovar leadership declaring independence unilaterally in December 2007, if no mediated solution is found by then.

Yet, on the other hand, the wider international context has induced the EU to pursue its goals in non-normative ways. As noted also in the Russian case study, the EU is confronted with an increasingly assertive Moscow, which, in its comeback on the international scene, uses all means at its disposal to assert its role and presence in an often-confrontational manner. While the EU would like to treat Russia as an equal partner, Russia's positions are often seen as pursing narrow self-interest rather than contributing to the solution of international problems. Hence, the EU and the US have found themselves induced to stretch the interpretation of international legal norms and work around multilateral channels in order to avoid complete blockage. The international environment therefore also partly accounts for EU policy towards Kosovo, as well as for the results on the ground.

7. Policies towards Israel-Palestine, 2000-07: Imperialistic Unintended
Contributed by Nathalie Tocci

7.1 Normative goals

The aim of a peaceful resolution of the Israeli-Palestinian conflict has consistently been amongst the EU's principal foreign policy goals (Tocci, 2005). The articulation of these goals has been distinctly 'normative'. More specifically, the EU's declared goals have been based on two interconnected pillars. The first pillar is the need to respect the self-determination rights of the Israeli and Palestinian peoples. The EU historically upheld Israel's right to statehood, living in peace within secure and internationally recognised borders. The European position towards the Palestinians was defined progressively over the decades, first acknowledging the Palestinian right to self-determination in the 1980 Venice Declaration and culminating with the 1999 European Council in Berlin, which affirmed that "the creation of a democratic, viable and peaceful sovereign Palestinian state…would be the best guarantee of Israel's security" (European Council, 1999). With the collapse of the Oslo process in 2000, the Union explicitly advocated the creation of two states, Israel and Palestine. The state of Palestine would be viable, independent and sovereign, and it would be established along the 1967 borders.

The second pillar has been the importance of respecting human rights and international humanitarian law (IHL) as well as democratic standards and good governance. Most European declarations on the Middle East conflict since the 1970s have condemned Palestinian violence and terrorism. Since 1973, member states have criticised the acquisition of territory by force, called upon Israel to end the occupation of the territories it conquered in 1967, and opposed Israeli settlements in the occupied territories (OTs) in violation of the 4th Geneva Convention (European Council, 1990). Since 2000, the Union has re-intensified its calls to halt and reverse settlement construction and condemned Palestinian suicide bombings, Israeli military incursions, extra-judicial killings, forms of collective punishment as well as the construction of the West Bank barrier. EU declarations advocating a Palestinian state have added that such a state should be democratic and well governed, calling for the reform of the PA.

7.2 Non-normative means

Despite the consistent formulation of normative foreign policy goals, the Union has frequently refrained from pursuing its goals in a normative way. Beginning with the association agreements with Israel and the PA, the EU has never made use of its rights embedded in the essential elements (Art. 2) and non-execution (Art. 79) clauses to suspend the agreements on the grounds of the gross violations of international law, human rights and democratic standards (EMHRN, 2005, 2007). The inclusion of Israel and the PA in the ENP does not promise to alter this fact. Vis-à-vis the Palestinians, the ENP has been frozen since the 2006 election of Hamas, and may be reactivated only with the unelected Fatah government in the West Bank. Vis-à-vis Israel, only one in six 'priorities for action' in the Action Plan refers to the conflict and human rights, and does so in a vague and open-ended manner (Tocci, 2007a, chapter 6).

Far more seriously, the EU has risked acquiescing to Israel's violations of international law (Tocci, 2007a, chapter 6 and EMHRN, 2005). One example of this has been the preferential export of Israeli goods produced in settlements, where the Union has risked acquiescing to Israel's application of the AA to the OTs, thus extending EU trade benefits to settlement enterprises. An analogous problem lies in the area of research, where Israel has considered as eligible for EU funding Israeli entities within the OTs, leading to EU financing under its Framework Programmes of several settlement entities. Future problems are likely to emerge in

other fields. In the context of the ENP, the European Neighbourhood and Partnership Instrument (ENPI), tailored to border regions, does not include safeguard mechanisms to ensure that funds will not be directed to support actors or actions that contravene public international law in the OTs.

The (non)-normative dimension of EU policies is more nuanced when it comes to the area of PA reform. Particularly in 2002-05, the Union was relatively successful in conditioning its aid policies to constitutional, judicial and fiscal reforms of the PA. The EU also went the extra mile to ensure that EU funds were not redirected to finance political violence. However, the Union has also been unwilling to completely suspend aid to the PA, an act that would trigger the collapse of the Authority and oblige Israel to undertake its financial responsibilities as the occupying power. This has given rise to a critical dilemma, exemplified by the post-2006 Palestinian election period. Following the election of Hamas, the Union accepted the Quartet's conditions on the new PA government. Yet with the exception of conditionality on violence – which the Union is bound by in view of Hamas's inclusion in the EU terrorist list – the remaining two conditions have extremely shaky legal grounds (Tocci, 2007b). Yet not only has the Union endorsed legally questionable conditions. It has also been unwilling to follow through with its policy, fearing a total collapse of the PA. By May 2006, the EU partially resumed aid through a Temporary International Mechanism, intended to bypass the Hamas government by relying on the presidency and international organisations and directly providing material supplies and financial allowances to individuals. While leading to a 30% rise of EU aid, the manner in which aid has been delivered has reversed the partial steps forward in PA reform promoted by the EU in previous years. The situation worsened still after the political violence and ensuing separation between Fatah/West Bank and Hamas/Gaza in June 2007, leading to the establishment of an unelected Fatah government in the West Bank to whom the EU has enthusiastically resumed aid and the re-empowerment of the more hardline elements within Hamas in the Gaza Strip.

7.3 Non-normative results

The EU, as a secondary external actor in the Israeli-Palestinian conflict, could not have represented the major determinant in the evolution of the conflict. Yet, in light of the EU's highly developed bilateral relations with the parties, has the Union put its policy means to the best use? The answer is largely negative. In a structural context of Israeli dominance and Palestinian weakness, there has been a diminishing prospect for the establishment of a viable Palestinian state in view of Israel's accelerating colonisation of the OTs. Despite its declaratory support for a two-state solution, EU policies have reinforced this trend. Over the Oslo years, the EU supported the PA and the peace process, without paying much attention to the PA's performance and Israel's expanding grip on the OTs. Since then, EU efforts have mitigated the humanitarian effects of the conflict by pouring aid into Palestine (Le More, 2005). Yet aid to Palestine and acquiescence to Israel have supported the deteriorating trends on the ground, which are likely to persist despite the Annapolis conference and the ensuing process in the fall of 2007.

7.4 Conditioning factors

What explains the EU's behaviour as an 'unintended imperialistic actor' in the Israeli-Palestinian conflict? Why has the Union failed to contribute to an approximation of its normative goals in the Middle East conflict?

Internal interests

The principal and most convincing factor explaining why the Union has deployed its policy instruments in contradiction with its normative goals lies in the EU's internally competing interest agenda. It would be mistaken to view the Union's advocacy of a rights-bound, two-state solution in the Middle East as being purely hypocritical. Indeed, as discussed above, the EU's goals in the Israeli-Palestinian conflict have been distinctly normative. Yet while the Union might genuinely support these milieu goals, its concomitant pursuit of possession objectives have induced the EU to deploy its policies in non-normative ways. In the Middle East, the Union has viewed the protection of Israel and close relations with it as a high order priority. Europe's history of anti-Semitism has generated a deep-felt preference, particularly in some member states, to foster close relations with Israel and promote its security. Although the EU has repeatedly underlined that a two-state solution is the only long-term guarantee of Israel's security, the EU majority has also wished to avoid antagonising Israel through concrete responses to its conduct in the conflict. This has occurred to the extent of bending the Union's own laws and rules for the sake of accommodating (illegal) Israeli policies.

Another competing EU interest in the Middle East that has trumped the pursuit of the EU's normative agenda has been the priority to seek close and cooperative relations with the US. As in the case of Syria discussed above, this has generated also in the Israel-Palestine context strong EU incentives to accommodate American policies. During the Oslo process, this meant that irrespective of the parties' conduct on the ground, the Union's priority to keep the US-sponsored peace process alive meant refraining from criticising the conflict parties' actions on the ground. Post-Oslo, it has led to a considerable EU focus on Palestinian reform only when this was the main tune played in Washington. Once that tune changed (following the election of Hamas), the EU's priority to rebuild bridges with Washington on the Middle East (after the Iraq war) has led the EU to undo its partial reform successes in Palestine and first boycott the Hamas-led government and then opt to support its unelected Fatah branch in the West Bank.

Internal capability

Capability or rather limited capability provides a second explanation of the EU's convergence on a non-normative deployment of policy instruments. On the one hand, it lacks the necessary 'hard power' to compel the parties to alter their conduct. On the other hand, its relational power vis-à-vis Israel is supposedly weak, in so far as the EU gains from key commercial advantages in its relations with Israel which it is unwilling to rescind. Yet these arguments belittle the fact that Israel accords high value to its relations with the EU. Israel is a small country, whose openness to international trade is critical to its economic survival. The EU is Israel's largest trading partner. The political value attributed by Israel to the EU is arguably even more important, in so far as Israel's desire of finding a place of belonging in Europe (rather than in the Middle East) is deeply embedded in the Israeli Jewish majority (of European descent). Hence while salient, internal capability (or lack thereof) only provides a limited explanation of EU policies, while the principal reason must be sought in the Union's internal interest configuration.

The external environment

Finally, the external environment provides the principal explanation of the non-normative results on the ground. Developments in the conflict have been dictated mainly by domestic factors rather than by the EU (Karam et al., 2006). More specifically, the flaws in the Oslo process, which came to a head at the Camp David II summit, the unwillingness of Arafat to rein-in the intifada in its early stages, the election of Sharon and the subsequent escalation of violence and colonisation of the OTs underlie the shift away from a two-state solution and the

mounting violation of human rights and IHL. In particular since 2000, several interrelated features have constrained the EU's role. In Israel, the feeling of existential threat aroused by Palestinian suicide attacks explained Sharon's freehand in crushing the Palestinian uprising in open disregard of rights and law. The growing Israeli popular desire to 'disengage' from the Palestinians and the rising awareness of the 'demographic threat' posed by them underpinned the 'separation barrier', the Gaza disengagement and the preference for a unilateral pursuit of Israel's perceived interests. The 2006 Lebanon war, Hamas' takeover of Gaza in 2007 and the Bush administration's desire to resurrect its tarnished image in the Middle East explain both the resumption of a diplomatic process (in Annapolis) and the probability that – more so than the Oslo process – this is unlikely to alter facts on the ground.

8. EU Trade Policy towards North Africa, 1995-2007: Status Quo Intended

Contributed by Hakim Darbouche

8.1 Non-normative goals

The EU's trade policy vis-à-vis North Africa, as encapsulated by the 1995 Euro-Mediterranean Partnership (EMP) and reinforced by the 2003 European Neighbourhood Policy (ENP), is characteristically introspective. Its intended goal is little more than the preservation of the asymmetrical balance of the EU's trade relations with the region. Although avowedly predicated on the axiomatic tenets of free trade, the EU's trade policy does not uphold reciprocity and fairness. The aim of establishing a Euro-Mediterranean free-trade area by 2010, long viewed as the backbone of the Barcelona process, is now considered chimerical. Indeed the immediate visible goal behind this policy is the preservation of the EU's status as the region's main trading partner against a noticeably growing presence of American and Asian operators. By locking the North African countries into free-trade agreements, the EU hopes to deepen its commercial penetration in the region but fails to reciprocate by refusing to rid itself of the restricting interference of the Common Agricultural Policy and other Community policies. The resulting exemption of agricultural goods from trade liberalisation is far from beneficial for countries like Tunisia and Morocco whose main comparative advantage lies precisely in this sector. Besides sectoral protectionism, the notion of free trade between the EU and North Africa has been further undermined by restrictive regimes on the movement of people northwards.

The EU's trade policy towards the Maghreb has been formulated in the context of a broader policy framework providing for political and cultural 'partnerships' as well. As such it was said to have a normative vocation aimed at inducing political liberalisation. However, the failure of the EU to meaningfully promote democratic practices in these countries and its unwillingness to dialogue with all political actors in the region has confirmed its prioritisation of commercial self-interest over other considerations. In this vein, EU trade policy is also seen as aiming to reduce the flow of migrants from the Maghreb as concomitant FDI is expected to generate employment opportunities for the local workforce. But far from being a vehicle for the transfer of technology to the local economies, thus endowing them with a competitive edge, the quasi-commercial nature of the FDI encouraged by the EU has further reinforced the recipients' position as mere outlets for European goods.

8.2 Normative means

Contrary to past bilateral arrangements between the EU and the Maghreb countries, the Euro-Med association agreements (AA) have been normatively less contentious relative to existing

GATT/WTO provisions. Despite ongoing polemics between the EU and its southern partners regarding agricultural trade liberalisation, the EU holds that a more restrictive regime in agriculture in the context of its free-trade agreements is admissible under Article XXIV of the GATT (Pierros et al., 1999, p. 194). As such, its non-normative trade policy goals in North Africa are being channelled through normative means.

Furthermore, as its bilateral mechanisms, the AAs also reflect the principles of the Barcelona Declaration beyond mere trade. Besides the establishment of a free-trade area in order to share prosperity between the EU and its associates, the aims of these agreements are also to: a) facilitate the achievement of peace and stability, induce political dialogue and promote democratic practices and human rights; and b) promote inter-cultural dialogue so as to achieve understanding and rapprochement between the peoples of the region.

Finally, the contents of the AAs, although broadly similar, have been specifically tailored to and carefully negotiated with the individual countries, explaining for instance the protracted negotiations in the case of Algeria. The implementation of the association ties has also been normatively crafted. After the ratification of the AAs by the national parliaments of all member states and those of the Maghreb countries, in addition to their scrutiny by the European Parliament, their implementation process is reviewed annually by association councils constituted of officials from the Commission and the respective partner country. Thus, structurally the AAs are the instruments of a partnership based on shared norms. Similarly, the ENP Action Plans (AP) provide the tools for deepened cooperation with the EU with a view to culminating in the progressive integration of the Maghreb economies into the EU's internal market. By complementing both the structure and methodology of the AAs, the APs offer the means to the Maghreb countries to choose the areas of cooperation with the EU in which they wish to go further, based on mutually-delineated normative objectives. So far, however, only Morocco and Tunisia have opted for ENPAPs.

8.3 Non-normative results

Despite the normative instruments at its disposal, the EU's trade policy has largely resulted in the reinforcement of the status quo which benefits the EU as the strongest actor more than its North African partners. In effect, the asymmetry in the trade relationship continues to favour the EU. While being the Maghreb countries' major trading partner, the EU still exports a majority of capital and manufactured goods in return for raw material and semi-finished products. This pattern has kept the EU's trade surplus with these countries intact, except with Algeria which, due to the high oil prices, has in recent years realised a trade surplus with the EU. Furthermore, the insignificance of intra-Maghreb trade, representing less than 5% of the region's total, has exacerbated these countries' dependence on the EU. Their failure to secure the EU's reciprocity in liberalising its agricultural sector in return for their abolition of industrial barriers has brought extra costs onto their already weak economies.

More importantly, the EU strategy has not helped the Maghreb economies develop efficient export-oriented industries, which are paramount for the success of their free-trade commitments. Their inability to attract the necessary FDI and acquire the required technological know-how due to the burdensome bureaucratic and financial structures of their economic apparatuses have been central to this failure. The expected impact of the AAs in addressing these shortfalls in the Maghreb economies has not materialised. The expected rationalisation and modernisation of these countries' regulatory frameworks as a result of their interaction with the EU in the context of the AAs has been confronted with, and largely failed to overcome, the autocratic nature of the political regimes in place. The unwillingness of the EU to tackle the political deficiencies of the Maghreb countries in parallel with its trade policy has reduced the prospect not only of an effective economic liberalisation but of its eventual political spill-over as well.

The main beneficiaries of the EU's trade policy towards the region are European businesses, which have had easier access to the markets of these countries and their counterparts in the Maghreb which operate on large-scale and have been active in foreign trade already. The latter's links with the governments in place allow them to adapt and modernise through access to loans and foreign expertise often channelled through official institutions. This has allowed these local businesses to expand into monopolies, but their corrupt practices have prevented any wealth creation from trickling down to the broader society. Combined with increasing unemployment due to the dismantling of infant industries as a result of bankruptcy or privatisation, this situation has often been the origin of increasing inequalities in these societies. Consequently, the EU is perceived in these countries as a force which, far from being interested in their welfare, contributes to the perpetuation of their underdevelopment, which is beneficial to its own economy as well as to the local elites in these countries.

8.4 Conditioning factors

What explains the EU's pursuit of non-normative goals through its trade policy despite the normative means at its disposal?

Internal interests

The EU's myopic pursuit of possession goals in North Africa runs counter to the calls emanating from certain European political and civil society actors advocating the pursuit of normative goals such as sustainable development and respect for human rights and democratic values. It vindicates the view that, despite the EU's broader normative discourse, priority in practice is given to the pursuit of narrower interests. This can partly be explained by the specific interests of several member states. Whereas the share of the Maghreb in the EU's total trade remains largely insignificant (less than 3%), its relative importance for the southern member states (Spain, France and Italy) – the main architects of the EU's Mediterranean policy – has translated into an interest on the part of these countries to reinforce the existing patterns of trade between them and the Maghreb countries. More specifically, the influence of business lobbies in the EU with vested interests in the Maghreb is an internal element that needs to be factored-in to account for the EU's policy. Businesses with an economic interest in the North African market push for a liberalisation of trade with the region, whereas those competing with its imports advocate greater trade restrictions. The result is a strategy that posits the pursuit of sustainable development in the Maghreb as competing with the EU's commercial interests.

More convincingly, the EU's preoccupation with energy security and migration in its broad relations with the Maghreb has raised the importance attributed to its political relations with the incumbent elites in these countries. This has meant that the Union has taken great care not to upset the commercial interests of the domestic political actors in these countries with key stakes in trade ties with the EU. The EU's choice has thus been to preserve the prevailing configuration of its relations with the Maghreb.

Internal capability

The EU is able to pursue possession goals through normative means because of its framework of rules and institutions. The EU's trade relations with the region have developed over the course of 50 years, in which through trial and error, the EU has successfully built a framework of interaction incorporating its normative and strategic interests. The EU's active involvement and power in the formulation of the world trade regime has also meant that it has succeeded in legalising the pursuit of its commercial interests.

The external environment

Factors external to the EU have also been important determinants of EU trade policy towards North Africa, contributing to an explanation of the EU's non-normative results. These are internal to the region or pertaining to the policies of other international actors. Specifically, the EU's status in North Africa as the main trading partner and only policy entrepreneur in this issue area has enabled it to set the policy agenda, leaving the North African countries to react and accommodate their interests to the EU-dictated framework. The relatively advanced state of convergence between the Moroccan and Tunisian regulatory frameworks and that of the EU, however, has translated into more positive outcomes for these countries' economies as a result of the EU's trade policy. The resulting relative leverage gained by these countries has allowed them to pursue their own possession goals more effectively than countries like Algeria, which has been less willing to reform in the economic realm. Internationally, the EU has recently seen its traditional position as the region's main trading partner being challenged by the increasing presence of actors like China, Russia and the US. The policies of these international actors towards North Africa have been aimed exclusively at pursuing crude possession goals without any consideration for normative conditionality. In view of rising international competition, the EU is increasingly prioritising the pursuit of its own possession goals.

9. Policies towards Ukraine, 2005-20: Status Quo Unintended

Contributed by Michael Emerson

9.1 Non-normative goals

The EU's political declarations and official documents on Ukraine are always expressed in highly normative language, hoping to see Ukraine become a well functioning democracy and European-style social-market economy, with wholesale convergence on European values and standards. While the EU has not been able to agree on the goal of Ukraine's full membership perspective, even for the long-term, Ukraine itself, especially under President Viktor Yushchenko, has made this its headline political objective. After the Orange Revolution of 2005, he even advocated membership by 2010, which Brussels told him could not even be discussed.

The reasons for the EU's refusal to offer the prospect of membership, casting in doubt the degree of its normative commitment to Ukraine, seem to be a mix of three arguments, both of which are linked to possession considerations. The first, partly couched in possession goal terms, is a general opposition to further EU enlargement beyond present commitments. The reasons for this are firstly a concern for the EU's institutional capability to function with further major expansions, which may be viewed as a relatively neutral and technical reason to object. The second consideration however has serious implications for our study; it is that some existing member states, especially from the original six, give a large weight to avoiding a further dilution of their own power within the EU, and less weight to the normative argument that advocates a widening of the European space of democracy, human rights and the rule of law. A third reason, also non-normative in nature, is deference to Russia, as noted also in the Russia case study. In the early post-Soviet period, an EU policy of 'Russia-first' was quite evident. This has been diluted over time as Ukrainian independence has been confirmed, and as Russia has turned less democratic. Nevertheless, this 'Russia-first' tendency is not extinguished, and to the extent that this in part motivates the blocking position over Ukraine's membership perspective, it amounts to confirming the non-normative quality of the EU position in the post-Orange revolution period.

9.2 Normative means

The means employed by the EU have clearly been of normative character, however, and devoid of forceful *realpolitik*. The framework for EU policy was initially the Partnership and Cooperation Agreement (PCA), succeeded now by the Action Plan of the European Neighbourhood Policy (ENP). The PCA was the first text to invite Ukraine down the path of convergence on EU norms and standards. It identified 21 domains of policy where approximation of EU laws was prescribed as a priority task. The Ukrainian government, under Leonid Kuchma at the time, instructed its Ministry of Justice to embark on an ambitious programme of legislative action to this end. The ENP, beginning in 2004, was designed to upgrade the PCA, without however granting the still sought after membership perspective. The Commission drew up an Action Plan prescribing about 300 lines of political, legal and economic reform. Ukraine was pressured into negotiating and agreeing upon this plan, which was largely based on a watered-down version of the criteria for EU accession, even while grumbling that it was not what it wanted.

In the middle of this negotiation came the dramatic Orange revolution of 2005. At the heart of the crisis the EU was invited as a mediator to its great surprise. This happened when the presidents of Lithuania and Poland were invited to Kiev, and they called Solana to join them, which he did. This incident illustrated how the new member states began to change the behaviour of the EU towards a more substantial concern for Ukraine's political future. Soon after the Orange revolution, there were efforts by Ukraine, backed by several Eastern European member states, to get a better ENP Action Plan, but these yielded only token results. However the EU did later agree to open negotiations for a 'deep free trade' agreement as soon as Ukraine has acceded to the WTO. The 'deep free trade' concept, as set out in a feasibility study done for the Commission and government of Ukraine by CEPS, goes far in building a strong normative and positive governance content into a trade deal (Emerson et al., 2006a). This is through proposing alignment by Ukraine on the EU's internal market laws and policies, which therefore goes into the reform of Ukraine's deeply corrupted domestic governance.

The EU has also agreed in 2006 to open negotiations for an 'Enhanced Agreement' to replace the PCA. This new treaty would have a comprehensive coverage of all EU competences and political criteria for membership (without conceding the membership perspective point) – for the political system, human rights, the rule of law, convergence on the EU market law, market economy, border management and migration rules, and even association with EU foreign policies. This proposed agreement may become a new template for the EU's relations with its close neighbours, alongside various improvements to the ENP which have been under negotiation within the EU itself (Emerson, Noutcheva & Popescu, 2007).

The EU also agreed to respond positively to the invitation of Ukraine and Moldova to send a Border Management mission to the Moldovan secessionist entity of Transnistria. This mission of EU border guards has the mission of controlling smuggling through the borders into both Ukraine and Moldova, and is a case study in itself of assistance in bringing the rule of law into grossly corrupted state mechanisms (extending way beyond the borders of Transnistria into the workings of the Ukrainian port of Odessa).

9.3 Normative results

Under Kuchma, Ukraine's part in the PCA process was thoroughly discredited in the eyes of the EU because of the rampant corruption of the regime up to the top, its notorious habit of sending contradictory messages to Brussels and Moscow (or what came to be referred to as a 'milking two cows at the same time' policy), and finally to the sordid Gondgadze murder (the secret services taped, and later leaked, Kuchma's conversations in which he gave instructions to get rid

of this inconvenient journalist). Under Kuchma there were no results at the level of governance of Ukraine. Yet the social pressures that triggered the Orange revolution were building up during those years, and Ukraine's civil society and media freedoms had developed impressively. Although the Orange revolution soon faded amidst chronic divisions and disorganisation at the political level, Ukraine has remained a vibrant democracy, with no relapse into a strong state regime, refusing notably to copy the model of the Putin regime. Despite these normative results, Ukraine remains nonetheless fragile, with a dysfunctional democracy. Powerful oligarchs remain in deeply corrupted collusion with all parts of the political system. The struggle remains between social pressures in favour of European values versus a status quo, or between pro-Western and pro-Russian interests. There are some tendencies on the part of the oligarchs to orient their priorities increasingly towards integration into the European economy.

9.4 Conditioning factors

The internal political context

The divisions between EU member states over both the membership perspective and the 'Russia first' question have undermined substantially the EU's behaviour as a would-be normative actor in the Ukrainian case. EU member states have been deeply divided on the question of membership, with Poland and Sweden leading a group that would like to offer the seemingly magic words 'membership perspective', whereas France and Belgium lead the group who are categorically opposed. There is a further middle group, including probably Germany and the UK, who take a low-profile position. But since anything to do with the EU's enlargement becomes a matter requiring unanimity, this division means that the EU is by default refusing the membership perspective.

Internal capability

The EU has a comprehensive set of instruments actually or potentially at its disposal in the context of the ENP. This was illustrated by Romano Prodi's remark when he was President of the Commission that the partner states, and Ukraine in particular, could be offered 'everything but institutions'. The most ambitious conception of the ENP thus offers widespread participation in EU policies and approximation or simple copying of EU norms and standards, ranging from technical product standards to highly political questions. The EU is feeling its way gradually towards this model. Yet the member states that have refused the membership perspective are acting as a brake even on giving full throttle to an 'everything but institutions' version of the ENP. The EU's present internal capability is thus constrained to a lower level than that which can be envisaged. The EU could be said to have a potential capability for a much stronger normative role in Ukraine. Yet against this there are powerful voices asserting that the EU must now define its final frontiers, since otherwise it will destroy itself, and in particular its reality as a community of values, by over-expanding its frontiers. This argument is effectively denying the EU's potential capability in its Eastern neighbourhood.

The external environment

The unintended normative impact of the EU's status quo approach towards Ukraine can instead mainly be attributed to Russia, which, in a diametrically opposite way than in Belarus, has helped strengthen the appeal of the EU's normative model by behaving towards Ukraine in such a clumsily *realpolitik* mode. There are numerous examples of this, aside from the notorious gas war of January 2006. Russia has been refusing to negotiate and agree a precise demarcation of its frontier with Ukraine, undermining the consolidation of Ukrainian statehood. In 2004 Russia tried unilaterally and forcefully to change the map of the Azov Sea, building a land bridge to a

crucial island, until finally even Kuchma screamed hard enough to stop it. Putin then blatantly backed Yanukovich in the fraudulent elections that led to the Orange revolution. Russia has rented crowds of babushkas and Cossacks in Crimea to protest NATO activities. It has suggested revising the agreement for their fleet to quit Sebastopol by 2017. These actions have contributed positively to the consolidation of Ukrainian national unity and identity, and the perceived need for a European anchorage, in spite of remaining national divisions.

10. Conclusions

10.1 The EU as a multifaceted foreign policy actor

The EU, as an international player, can act and has acted in a variety of different ways in world politics. Without excessively forcing our matrix of options, we have been able to find and fit one case per each of the eight possible categories. In cases such as the eastern enlargement and policies towards neighbouring Belarus, the EU has pursued normative goals through policy instruments that were crafted and deployed within the confines of the law. Yet while the EU succeeded in engendering democratisation and economic modernisation in Eastern Europe, its double-track strategy has, to date, failed to alter the nature and strength of the authoritarian Belarus regime. The Belarus leadership has not reacted positively to sanctions, while EU actors recognise that they have been unable to convey effectively their message of support to the Belarusian population.

By contrast, in the case of Russia and Syria, the EU has behaved in an overall *realpolitik* manner. Vis-à-vis Russia, commercial and energy interests explain the sidetracking of EU political pressure on Moscow exerted through dialogue (let alone conditionality). Likewise in Syria, realist concerns, such as preserving the regional balance of power between Israel and its neighbours and following the line set by the US, have had a larger sway over EU policies than aims to see political transformation and a law-based agreement with Israel. In turn, the deployment of EU policy means has been rather inconsistent, ranging from unkept promises of ratifying Syria's AA, to sporadic pressure on the regime (i.e. regarding Lebanon) without constant attention to Syria's human rights record.

In Kosovo and Israel-Palestine, the EU has behaved as an imperialistic actor. While intervening in the pursuit of normative goals (i.e. a two-state solution and respect for human rights in the Middle East; and the prevention and rectification of injustice in Kosovo), the EU has often acted by sidelining the law. Yet results have differed. While Kosovo remains an unfinished story, the likelihood is that a solution will be reached recognising independence, possibly leading to a revisionist setting of 'new norms'. In the Middle East, by contrast, a viable two-state solution appears to be an increasingly distant chimera (Annapolis notwithstanding), while violations of human rights and international law persist unabated.

Finally, the EU has acted as a status quo player in North Africa and Ukraine. In both cases, the Union has primarily pursued non-normative goals. In North Africa, not only has the EU prioritised its trade interests over the promotion of political reform, but it has done so in a manner beneficial to itself while detrimental to growth and modernisation of the dependent North African economies. In Ukraine instead, while favouring Kiev's European orientation and its reform process in principle, normative EU aims have been hollowed-out by the resistance of several member states to grant Ukraine a European perspective, not least out of fear an eventual dilution of their internal power. In both cases, however, the means pursued by the EU have been normative. Relations have been conducted through EU contractual ties, including the AAs, the PCSs, and, more recently, the ENP. Given that the EU has been on the stronger side of these contractual ties, Brussels has ensured that the pursuit of its possession goals has been channelled

through clear and transparent legal rules. The results have differed however. In North Africa, EU involvement has not opened the way to a deep process of political and economic transformation, while in Ukraine, despite widespread feelings of deception from the EU and ongoing political instability and corruption, the post-revolution period has seen the consolidation of democracy.

10.2 The dynamics at work in EU foreign policy

But what do these cases tell us about the EU as a (normative) foreign policy actor? And more precisely which are the factors determining how and why the EU acts in specific ways in different cases? By taking our eight cases studies together, several broad lessons can be brought to the fore.

Beginning with the goals pursued, we can contrast the normative and imperialistic cases, in which the EU opts for normative goals, with the *realpolitik* and the status quo cases, in which non-normative objectives prevail. Analysing the conditioning factors in these cases, it emerges that in the former two either milieu and possession goals overlap or there are no strong and contradictory possession goals working against the pursuit of norms. Whereas in the case of Belarus, the EU is able to pursue its (limited) trade interests alongside its democracy-driven sanctions, in the case of Eastern Europe, once the member states converged on the idea of 'reuniting Europe', they could not afford to accept blatant violations of norms, in so far as these could ultimately threaten the EU from within. In this respect, enlargement policy can be seen as a special case precisely because it is not, *strictu senso*, foreign policy. Likewise in the two imperialistic cases, after decades (in the Middle East) or years (in Kosovo) of standstill, the member states converged at the level of rhetoric, to pursue normative objectives consisting in a rights-based, two-state solution in both Israel-Palestine and Serbia-Kosovo. In both cases, discursively agreeing on normative goals has been the least controversial and divisive option for the EU. In the *realpolitik* and status quo cases, instead, the configuration of internal interests and intra-EU divisions has been far more pronounced, leading to a prioritisation of possession goals. On the one hand, strong and competing possession goals such as energy (Russia), the balance of power in the Middle East and transatlantic cooperation (Syria), commercial interests, the migration management (North Africa), and member state preservation of their internal power (Ukraine) have trumped competing normative objectives. On the other hand, the primary concern of several member states to pursue their disjointed self-interests at the expense of EU-wide objectives and member state ability in EU foreign policy to veto collective action explains the prioritisation of possession goals in these cases.

Turning to the means, here normative behaviour can be found in the normative and the status quo case studies, in contrast to the *realpolitik* and imperialistic cases, in which the EU has acted in contravention of or sidelined law and multilateral institutions. The primary, albeit not only, explanation of why this has been the case seems to lie in the EU's internal capability, although in a manner that partly contradicts the intuitive consensus about EU foreign policy. The problem in fact does not seem to lie in the EU's *insufficient* capabilities, particularly in the military domain. Normative means tend to be deployed when the EU chooses to act within the confines of its contractual relations with third states and has no or limited coercive instruments at its disposal. Indeed, normative means have been deployed in cases where the primary vehicles of EU policy have been contractual relations, whether the accession process (Eastern Europe), the association process (North Africa), the Partnership and Cooperation process (Belarus) or the ENP (Ukraine). By contrast, whereas the EU has disposed of contractual options in the *realpolitik* and imperialistic cases, it has either chosen not to make use of these instruments (Syria) or it has pursued its objectives beyond the blueprint and stated aims of these contracts (Russia, Kosovo and Israel-Palestine). Of course, in some cases, the EU has been strongly

pressed by external actors and factors to sideline rules and law. In the Middle East, the US has induced the Union to either avoid concluding a contractual agreement (Syria) or set aside or to violate the norms, rules and laws embedded in these agreements (Israel-Palestine). In the other cases, Russia's new assertiveness has either obstructed international legal channels (Kosovo) or cornered the Union into sidelining the human rights and democracy standards spelt out in its bilateral agreements with Moscow.

Yet while important in defining or constraining foreign policy means, the external environment is critical in influencing above all the EU's foreign policy impact. Naturally, what the EU does is the primary determinant of its impact. Hence, it is far more likely that the Union will have a normative impact when it pursues normative goals and means (Eastern Europe) than when it acts in an imperialistic, *realpolitik* or status quo way. But on the one hand, the Belarus case exemplifies that this is not always the case, while on the other hand the cases of Syria, Ukraine and Kosovo suggest that the EU can have a normative impact even when either its goals or policy means are not normative.

Especially in these non-intuitive cases, the role of the external environment is of the essence. A conducive external context is of primary importance for an effective normative impact. In Syria, Damascus' isolation by the West and its many internal weaknesses explain in part why, to some extent, the Ba'ath regime has abided by international norms. Furthermore, the EU is Syria's first trading partner and is viewed as a less aggressive actor than the US. Hence, against all odds, Damascus strives to keep a door open to Brussels. In Kosovo, despite Russian resistance, the West has the power to assert the end-game even if in contravention of international law. In Ukraine, paradoxically it is the nearby influence of Moscow that has induced pro-reform actors in Kiev to latch on to the EU irrespective of what the Union says and does. In the case of Eastern Europe instead, to bolster the effectiveness of normative EU goals and means has been these countries' welcoming of the EU's involvement coupled with the complementary support of other international actors, e.g. the US and the international financial institutions (IFIs).

By contrast, however, an unfavourable external environment, coupled with EU weakness vis-à-vis third states or the wider milieu, reduces the likelihood of a normative impact. In Belarus, in the absence of free media, the Belarus leadership has divulgated its own vision of reality, hardened its stance and instumentalised Western pressure to induce a 'rally around the flag' effect. Belarus' relatively stable economic situation and its geopolitical anchorage to Russia have also made the country less dependent upon Europe. In Russia, the discovery of energy leverage and an accompanying political assertiveness on the international scene have contributed to undermining the effectiveness of the EU's normative message and allowed Moscow to play member state interests against each other. In the Middle East, the EU's acceptance of playing second fiddle to the US, its preoccupation of maintaining close ties with Israel and the hold that Israel itself has on the EU have all induced the Union to strive for a modicum of stability in the region short of seeking peace and respecting rights. Finally in North Africa, whereas the EU has sufficiently strong bargaining power vis-à-vis these countries, the resilience of these regimes has reduced the prospect that the EU's (secondary) normative goals will have a discernible impact on the ground.

10.3 Transforming the EU into a normative power in the world

The discussion on means and impact points to a conundrum. On the one hand, the EU is more likely to pursue normative means when power relations between the EU and a third state are relatively balanced and relations develop within the confines of mutually negotiated agreements. On the other hand, power and particularly relational power seems to be of critical importance to engendering a normative impact given that even the best of intentions may be an insufficient condition of success (Belarus). How can the EU escape this conundrum and maximise its

chances of acting as a 'normative power' (Manners, 2002), as it repeatedly proclaims is its role in the world?

In so far as the EU and its member states do not live, at least not always, on Kagan's Venus (Kagan, 2003), but rather are also driven by possession goals just like any other international actor, there is little point in naively asserting that the EU should sideline its possession goals in the name of its proclaimed milieu norms. Desirable as it may be, simply calling for this to happen will not change the dynamics at work. Neither can the EU single-handedly affect the external environment in which its foreign policies unfold. While it can certainly influence the external context, particularly in its neighbourhood where it has real foreign policy presence, it is bound to also rely on fortuitous external circumstances to effectively assert its normative power.

One suggestion is to improve the EU's internal capabilities. This would not necessarily mean strengthening capabilities in the classic sense of the term such as for example acquiring greater economic leverage or building military means. Strengthening capabilities in these terms could, by contrast, damage the EU's normative role by generating internal EU incentives to bend the law in order to pursue foreign policy goals in the interests of the EU or its member states. Instead, the Union could strengthen its web of contractual relations with third states in a manner that would 'tie its own hands', thus reducing its ability to act non-normatively. This would entail developing further the set of rules and laws that bind EU external behaviour in relation to third states, and link these rules and norms explicitly to the obligations set under international law. It would also entail establishing or strengthening the EU's internal institutional watchdog mechanisms, ensuring that when one EU actor behaves or is tempted to behave in contravention of set rules, others are ready and able to prevent this from happening. Understanding the importance of working in this direction is predicated upon an appreciation that the EU is not necessarily normative and that its internal actors are often driven by the very same set of interests and priorities that motivate other international actors. A shift in this direction would also substantiate claims that the EU's *sui generis* nature reflects a truly novel identity as a normative actor in world politics.

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