



UNIVERSITY OF GOTHENBURG

MASTER THESIS IN
EUROPEAN STUDIES

The EU - a Normative Power

Understanding the EU's motivations through its use and
non-use of sanctions (restrictive measures)

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Words: 19.988

24.05.2013

Abstract

The objective is to understand to what extent the EU's behaviors/reactions, especially the use of sanctions, against the third countries vary in accordance with strategic or normative motivations and secondarily how the EU's foreign policy choices have been varied over time. For this purpose, the thesis explores the EU's stated motivations and actual practices by employing content analysis. Additionally, both the EU's use and non-use of sanctions are analyzed through case studies of Russia, Ukraine and Belarus from 2002 to 2013. The theoretical frameworks of neo-realism and social constructivism/normative theory are used to derive the hypotheses. The results show that the EU's stated motivations pursue its normative considerations, yet the perception of threat by undertaking an intermediary role influences actual practices, accordingly motivations. When the perception of threat is high, the norms forming the basis of stated motivations give way to motivations such as stability and security. Moreover, it is seen the weaknesses of all case-countries in the field of human rights and democracy norms continue to be present over time. In response, the EU specifies its explicit demand from Belarus by defining the democratization criteria. For Ukraine and Russia the EU acts relatively strategically and narrows down its focus generally on the weaknesses of the norms that also concerns the investment climate. The EU's scope of normative power seems to be influenced by its capability vis-à-vis third countries.

Key words: European Union, foreign policy, sanctions/restrictive measures, strategic interests, normative power, norm promotion, economic interests, security interests, neo-realism.

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List of Abbreviations

EU	European Union
CFSP	Common Foreign and Security Policy
OHCHR	The Office of the UN High Commissioner for Human Rights
CoE	Council of Europe
OSCE AMG	Organization for Security and Co-operation in Europe Assistance and Monitoring Group
ILO	International Labor Organization
CIS	Commonwealth of Independent States

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1. Introduction

In the international arena, some governments continue violating democratic principles and human rights while there is an increasing emphasis on the respect for human rights in the foreign policies of western liberal states. The end of the Cold War represents victory for liberal democracy and appearance of new international order where the focus is directed to human rights and democracy which are also important for economic development. As a response to these developments, references to ensure democracy, rule of law and respect for human rights were included as objectives of the new Common Foreign and Security Policy (CFSP) within the framework of the Treaty on European Union (TEU) (Bartels 2005: 1; King 1999: 324). For protection and promotion of these principles and values universally, the EU supports other countries technically and financially, and in the case of violations, the Union uses its punishment mechanism in the form of ‘sanctions’ (Bartels 2005: 1).

However, the promotion of human rights externally on occasion creates conflict with the self-interests of the states. It becomes an issue, especially for a large state, since they have complex aims within foreign policy which most likely contradict the ambitious human rights policy (King 1999: 324). Thus, the understanding of EU foreign policy where interests of all member states come together becomes complicated. The studies on the EU have also treated it as explicitly ‘different’ type of international actor (Tocci 2008: 1). The EU’s foreign policy should be understood not only in accordance with the values and principles of the Union as set out in the official documents but also in line with its actual motivations and actions. This is because scholars analyzing the EU on the basis of principles and norms ‘neglect to study actual practices’ leading to grasp the whole reality in a limited way (Costall 2009, in Ruffa 2011: 563), and because an analysis limited with normative approach will be ‘reductionist’ due to weaknesses of liberal-idealist approach (Hyde-Price 2006).

There are different types of instruments for promoting respect for the EU’s principles and norms. As mentioned above, some available options are technical assistance, financial aid, diplomacy and imposition of sanctions. This study in general will focus on an EU foreign policy tool, the sanctions, and the situations in which the sanctions are used and not used.

In academic debate, the EU has been mainly discussed as an actor having power to expand its own norms and values leading to the occurrence of the concept “normative power Europe” (Manners 2002); however, this role of the EU has been criticized by other researchers who have brought an explanation from a realist perspective and directed their focus on the

limitations on the EU's normative power (Hyde-Price 2006; Sjørusen 2006; Pace 2007). According to Hyde-Price (2006), as stated above, having a sense of the EU's international role from liberal-idealist point of view is 'reductionist' because first, EU foreign and security policy is constrained with systemic factors such as structural distribution of power; second, liberal-idealist view underestimates the role of power; third, they accept an actor basing on normative principles as 'good thing' that prevents one to analyze the object of study critically. It is necessary to take both conceptualizations of the EU into account as there is possibility that normative and strategic considerations may have influence on decisions and processes to a certain degree. Then, finding out with what motivations the EU shapes its foreign policy, in particular its sanctions policy is useful to understand what role the EU have in world politics. It may be normative power acting in accordance with its norms and values while its strategic interests and power distribution in international arena may be other factors influencing the Union. In order to understand this, this study will attempt to find out motivations and trace actual practices of the EU through the analysis of the use and non-use of sanctions. Analysis of the Union's use of sanctions will present whether EU core principles and values are predominantly attached to its identity, becoming a primary concern directing the EU's actions. Understanding this will let one to comprehend the scope of the EU's normative power. On the other hand, analysis of the EU's non-use of sanctions will contribute in comprehending the extent of the influence of normative considerations and strategic interests on decision to use sanctions.

1.1 Motivation, Aim and Research Questions

This study starts with the fact that the EU uses the instrument of sanctions vis-à-vis the countries due to human rights violations and other reasons stated by the member states. By imposing sanctions, the EU demonstrates its commitment to human rights in its foreign policy since sanctions' imposition has a cost to the sender. It becomes a way of promoting the norms and values in case of non-commitment to the principles by the target. However, violations have been frequently repeated in different parts of the world and as previous research (Brummer 2009) indicates the EU does not activate its sanctions instrument vis-à-vis all countries violating those norms. This study is stemming from this point. Paradigms explaining this situation will be uncovered deductively by getting the benefit of explanatory power of the existing theories. One purpose is to understand how the EU uses its sanctions policy and on what basis the target countries are chosen. As mentioned above, the EU is described with the concept of normative power due to its commitment to conduct its external relations on

normative basis, and its use of sanctions indicates the significance of these principles for the EU. The EU believes in that exportation of these principles will benefit all. With a normative understanding, this is the reason to impose sanctions against certain countries. On the other hand, non-use of sanctions may be related to the EU's strategic interests, economic interests and its relative power and capabilities vis-à-vis the potential target country. Also the reasons for the imposition of sanctions may be related to security because a stable and secure environment is advantageous for the EU.

The study will be on a foreign policy instrument of the EU, therefore it will be possible to understand the EU as an international actor. Moreover, this study will contribute in understanding to what extent the EU's behaviors/reactions, especially the use of sanctions, against the third countries vary in accordance with strategic or normative motivations and secondarily how the EU's foreign policy choices have been varied over time. For this purpose, the sub-objectives are: to find the stated motivations; to understand actual motivations by looking at the EU's actual practices, actions, policies through three case-countries; and to observe the extent of the stated and actual motivations' conformity. This will be observed in order to provide empirical knowledge and to test the findings against existing theoretical predictions. The expected results of the thesis will display what kind of actor the EU is; which motivations the EU has for the use and non-use of sanctions; whether the interests of the EU affects the decision to impose sanctions on certain countries; whether the EU's reactions vary over time according to consequences of the EU's use of sanctions and actions/policies taken against the countries. At the end, this will let me evaluate the theoretical concepts describing the EU.

Therefore, the following questions will be addressed in this study:

- 1) To what extent are the EU's use and non-use of sanctions vis-à-vis certain countries motivated in accordance with normative causes or strategic interests?*
- 2) What are the stated motivations of the EU in imposing sanctions?*
- 3) How has the EU's foreign policy regarding the use of sanctions with normative motivations been varied over time?*

The variation over time is taken into account by considering that the focus on how EU motivations and actual practices vary depending on changing conditions will provide a prediction regarding the EU's future practices and motivations. This is secondary objective of this study.

1.2 Disposition

The thesis will first define sanction in a manner of how the term will be used in this study and provide a background for EU sanctions policy. In chapter 3, the use of sanctions in EU foreign policy and the approaches used by the previous researches are presented through a literature review in order to position the study in relation to previous studies and theories. The theories explained are also used in order to derive the hypotheses, and their operationalization is explained in detail. In chapter 4, the chosen methods and data are described within analytical approach, design, case selection and processing the data. The materials selected for answering the research questions are examined in the results and analysis section – chapter 5. Chapter 6 presents the conclusions by summarizing the findings in relation to theoretical framework.

2. EU Sanctions Policy and Definition of Sanctions

2.1 Definition of Sanctions

There is “no authoritative legal source” involving universally agreed fixed definition of the term ‘sanctions’ (Partsch 1994; in Portela 2010: 20). In the literature, sanctions are defined in two ways as positive and negative, and they are generally examined with the terms ‘carrots and sticks’. The studies of Hazelzet (2001) and Drezner (1999) are some of them. Under international law, the term ‘sanctions’ is mostly comprehended as negative measures which may be in the form of cessation of flow of goods and services that are crucial for the target. Hence, measures inflicting more pain on the target are more under focus. This form of taking action is perceived more influential to change behavior. Positive sanctions are focused less as compared to negative sanctions. In definition, positive sanctions are “promise or actually deliver valuables to the targeted actor, in the hope of seeing changed behavior or as a reward for actually having changed behavior” (Wallensteen and Staibano 2005: 230). Yet in case of non-compliance to the preferred behavior of the sender, it may switch into negative sanctions. Negative sanctions are viewed as punishment of an already occurred action but there is also an “inbuilt reward” in it. It is the removal of sanctions in case of compliance. However, lifting of the sanctions does not turn the nature of sanctions from negative to positive (Ibid.).

An action is defined as a sanction when sender performs it *deliberately* with an evident and explicit motive. Sender may deliberately cause a deprivation in the targeted actor due to violation of required principles or unacceptable behavior. It can be deprivation of resources, membership status, freezing of bilateral relations and so on. Such action is defined as negative sanctions. On the contrary, in case of the sender proposing to add something to the existing conditions of the target such as recognition, membership or economic assistance in return of satisfied conditions/behavior by the target, it becomes positive sanctions. In both of them, there is an expectation of the sender for the target’s compliance (Wallensteen and Staibano 2005: 230ff). It is seen that sanctions are perceived and used in two different ways, but the focus in this study is on the negative sanctions.

2.2 Background and Development of EU Sanctions Policy

EU sanctions practice has been realized through a Council Regulation in 1982 when the EU restricted trade with the Soviet Union partially in order to protest against its involvement in the crackdown of the Solidarity movement in Poland. Following decades, the EU

implemented embargoes of the UN and OSCE in addition to other its own 'autonomous' sanctions which are not based on the Resolutions of the UN Security Council. Researchers mainly focusing on the UN activity called the 1990s as the "sanctions decade" and it is those times when the use of sanctions by the EU expanded. For instance, the EU responded to the conflicts occurred in the Balkans and the Caucasus by imposing sanctions (Johansson et.al. 2010: 33-34).

The use of sanctions autonomously improved coordination in the foreign policy field among member states, noticed by the transformation of the European Political Cooperation (EPC) into the Common Foreign and Security Policy (CFSP) (Portela 2010: 20). Together with this evolution, the formulation way of decision on sanctions was established. According to this, member states taking the decision to impose sanctions have to prepare a 'Common Position' in the framework of the CFSP. Since certain areas concern national competencies and others the EU competencies, the implementation of certain sanctions falls into different frameworks. Visa bans, arms embargoes and diplomatic sanctions fall under national competencies, thus practiced by the member states. Financial sanctions, flight bans and partial trade measures fall within the EU competences and depend upon the adoption of a Council Regulation (Ibid.). Before the Treaty of Maastricht, Presidency Statements or Council Conclusions used to be main documents for the announcement of sanctions. Procedure in the TEU regarding sanctions was leading member states to use sanctions *against states*. This posed a problem for the use of sanctions against *individuals* including terrorists, legal or natural persons and non-state entities. With the introduction of the Lisbon Treaty, this problem has been solved (Laursen 2010: 13).

In broad terms, sanctions may be defined as the influence of one party (the sender) on another party (the target) through measures. As mentioned above, international law does not consist of a fixed definition on sanctions. Due to this legal uncertainty over the term 'sanctions', EU prefers to use the 'restrictive measures' more than the term 'sanctions' (Portela 2010: 20-21). The terms 'sanctions' and 'restrictive measures' are used interchangeably as 2004 document entitled "Basic Principles on the Use of Restrictive Measures (Sanctions)" indicates it. Prescription of the 'Basic Principles' by the member states coincides with the time when the EU's sanctions practice was already formed (Portela 2005: 84). Another document explaining definition and administration of EU sanctions is "Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU CFSP" that is adopted in December 2003. Restrictive measures fall into framework of the CFSP and are

applied in accordance with the specific CFSP objectives which highlights the point that EU took more active role as security-provider in line with the 2003 European Security Strategy (ESS) (Kreutz 2005: 3ff). Objectives of applying sanctions are in line with the objectives stated in Article 11 of the Treaty on European Union (Article 21 of the Lisbon Treaty) which are listed as to protect common values, fundamental interests, independence and integrity of the Union in accordance with the UN Charter principles; to consolidate the Union security in all ways; to maintain peace and condemn threats to international security; to foster international cooperation; to develop and strengthen democracy and the rule of law and respect for human rights and fundamental freedoms (European External Action Service).

In due course, the trend in use of sanctions has proceeded towards the use of ‘targeted sanctions’. The underlying purpose of such sanctions is to target companies, criminal networks, rebel groups or the leaders of a state with an ultimate aim of eliminating the influence of sanctions on the innocent individuals, the general population and third countries. Thus, measures at question should only be to prevent particular individuals or groups to access the needed materials (Eriksson 2005). Such measures include visa ban, travel ban, the freezing of funds and assets of the particular individuals. In this context, Eriksson (2005) points out that there are no explicitly stated motives explaining the EU’s use of sanctions tools against certain individuals.

3. Literature Review and Theoretical Framework

3.1 Theoretical Approaches to the EU and EU Foreign Policy

Although the EU was using the sanctions practice abundantly in the past twenty years, the research on these practices in the framework of EU foreign policy started relatively later. After the creation of CFSP in the nineties and with the increasing sophistication of the practice, it has become apparent to talk about EU sanctions policy (Portela 2005: 84). Some of the studies on EU sanctions policy focus on the assessment of whether the use of sanctions is effective in realizing the objectives (Druláková et. al. 2010; Vines 2012). The same approach is applied to different forms of the sanctions such as arms embargoes (Brzoska 2008) and financial sanctions (Druláková et. al. 2010). On the other hand, their negative and unintended consequences on human rights attract the attention among the academic debate (Léonard and Kaunert 2012).

However, this study does not question the effectiveness of EU sanctions; it rather attempts to analyze how the EU uses this instrument in order to understand the EU through one instrument of its foreign policy. As mentioned earlier, one debate in academic circles on EU foreign policies concerns the interplay between the strategic interests and the normative principles. The study carried out by Brummer (2009) views the EU as an actor behaving in accordance with neo-realist predictions. He explains the EU's sanctions policy through three different inconsistencies which are related to the triggers for autonomous European sanctions, the use of exemptions and the choice of countries for imposing sanction. Although Brummer mentions many different countries as to make an illustration of his claims, none of them are explained in depth.

Another study realized by Portela (2005) looks at geographical differentiation of EU sanctions and its objectives through comparison of frequencies in the period 1987-2003. The study finds that the closer the geographic area to the Union, the more sanctioning objective becomes security-related, and overall he finds a balanced relationship between the norms component and strategic interests regarding the use of this EU foreign policy tool.

In fact, the traditional debate was on the existence of European foreign policy (Bull 1982; Hoffman 2000; cited in Sjursen 2006: 169). Later on, it turned out to be the aim of finding characteristics of EU foreign policy, and the concept of 'civilian power' put forward by François Duchêne has yielded significant ground for research. According to this view the EU's role in the world politics may be defined by its ability to construct some degree of

stability and security through its political and economic tools and not through military tools (Sjursen 2006: 169-170). Additionally, “military power” and “normative power” have become other ways of conceptualizing the EU’s international role. All terms –“civilian power”, “military power” and “normative power”–take their basis from theoretical framework that are analyzed within international relations theories. In particular, concepts such as ‘normative, civilizing or ethical power’ do have a normative dimension of EU foreign policy (Sjursen 2006: 169-170). Normative power concept grounds its roots in social constructivism while others are used through more realist, liberal and institutionalist explanations. In the literature, normative power Europe concept refers the EU as an actor who expands certain normative principles that are generally recognized to be universally applicable (Manners 2008). In this approach, the EU is considered in terms of its ideational impact on other countries, so the power of EU ideas is seen through their diffusion to others (Manners 2002). Over time, the EU augmented its activities in the field of security leading to the debate whether the EU’s strategic interests are prevailing its norm-based foreign policy (Becher 2003; in Portela 2005: 87). Hence, it has been more likely to interpret the EU from the perspective of actor-based ontologies forming the basis of realist understanding. This approach accepts the pursuit of the ethical concerns including international human rights; however, norms and values are treated as second order concerns and put behind national security and other national interests in importance. Therefore, “member states will only allow the EU act as the repository for shared ethical concerns as long as this does not conflict with their core national interests” (Hyde & Price 2006: 223).

Abovementioned information has provided a background on the relationship between the strategic considerations and normative basis of EU foreign policy, including sanctions policy, yet this needs to be specified further in order to find possible explanations for the use and non-use of EU sanctions policy. With an aim to comprehend EU sanctions policy better, strategic considerations of the EU are taken into consideration in terms of capabilities, security interests and economic interests. This will let analyze the role of strategic interests in EU foreign policy and its influence on the EU’s use of sanctions. On the other hand, the existing explanations regarding the normative power EU are observed and the conceptualization of the EU as norm promoter is taken into consideration.

3.2 Influence of Capabilities on Motivations to Use Sanctions

In this section, the focus is directed to the *capabilities* of the countries and existing explanations regarding its influence on a state's decision, which should be taken into consideration while analyzing motivations of the EU for the use of sanctions. The concepts of power and capability are focused mainly by realists and the latter is particularly explained by structural realist Kenneth Waltz.

Among other characteristics of units (states) such as ideology, form of government, peacefulness, bellicosity, Waltz focuses only on *capability* because units are understood by the analysis of their capabilities, and distribution of capabilities across units is highly significant in order to comprehend significant international outcomes (Waltz 1979: 97-98). According to Waltz, states' rank in anarchy changes depending on certain items which are "size of population and territory, resource endowment, economic capability, military strength, political stability and competence" (Ibid.). The explanation of the Waltz's concept of capability is by no mean arbitrary. In the international structure, international distribution of power and capabilities has a significant influence on the behavior of states and "states have to be sensitive to the capabilities of other states" (Waltz 1989, in Baylis & Smith 2001: 169). Similarly, relative capabilities of the sender vis-à-vis the target is of particular importance. If the sender has more bargaining leverage over the target, it will be more capable of inflicting weakening costs on the target (Nooruddin 2002: 62). If the potential target country has more bargaining leverage, it will be more capable of deterring the imposition of sanctions by the sender. However, as Weiss (1999: 500) puts it "sanctions are ideal when governments have no perceived vital interests." Yet, neo-realists would argue that a state's national interests which may be indicated as economic and security interests (Hazelzet 2001: 23) are main factors behind the decision of the use and non-use of sanctions.

This information is significant in understanding the EU's decisions and political behavior as well. Although the EU is not a nation-state and not a sovereign actor, it takes action in accordance with the 'collective interests of its member states' (Hyde-Price 2006: 220). Then, comprehension of the premises of nation state in international politics will be good starting point in order to understand the EU.

3.3 The Role of Strategic Interests in the Use of Sanctions

3.3.1 Security Interests

What determines a country's *security interests* may be indicated in accordance with *perceived threats*. Size of a country, for instance, may shape the perceptions of threat. Small countries as compared to large countries are perceived less threatening when they are involved in a hostile activity. Nevertheless, being engaged in a terrorist activity or having nuclear weapons capability may also make very small countries threatening (Hazelzet 2001: 24), and similarly a powerful country may not become a threatening factor as long as it has benign intentions (Drezner 1999: 34, in Hazelzet 2001: 24). Problem is the difficulty of comprehending intentions of other states.

What is more, it is not only powerful states in terms of economy and military or weak states with possession of other capabilities perceived as threats, but it is also *failed states* that are perceived as threats since they pose risks to international security. Thus, an agenda regarding the human rights and governance are not necessarily formed with a normative pro-activism but to a large extent as a response to rising international crime, terrorism, migration and instability which occur due to failed states. These are mostly directed at Europe. Hence, the EU has an interest in maintaining stability (Youngs 2004; Antczak 2010: 26). Therefore, what motivates a foreign policy may vary. Neo-realism accepts the influence of normative considerations on states' motivations, but adds that national security and other main national interests take the first order in importance (Hyde-Price 2006: 222).

A country may impose sanctions on another state due to human rights violations so that it may retrieve stability and international security which is a favorable condition for it. As Eaton and Engers (1992: 900) indicate sender would like to influence the target's actions because "it has the *power* to harm the target but at a *cost* to itself". However, as it is interpreted from a neorealist perspective, this cost should not undermine the sender's strategic interests; otherwise, imposition of sanctions will be less likely.

3.3.2 Economic Interests

Another approach in explaining variation on imposing sanctions is the cost calculations of the sender. Sanction will be an applicable option if the expected price of sanctioning is low for the sender (Hazelzet 2001: 27). If the sender is eager to pay higher costs, its policy stance against the target country is perceived more 'credible'. Then, a country is perceived more

willing to promote human rights ideals as long as it keeps enduring economic sacrifice (Ibid.: 9). In case a country pursues to have relations with violators of the international rights, it is seen as ignorant “at best” and complacent “at worst” (Ibid.: 11). On the other hand, Drezner (1999: 5) argues that if the target is an *adversary*, senders will be eager to use sanctions even in a situation that senders have only slightly less ‘costs of deadlock’ than the target.

In addition to these, “sanctions, like any coercive threat, *only occur* when a threat is *credible* but not sufficiently severe to bring about compliance” (Hovi 1998; Hovi, Huseby, and Sprinz 2005; in Lektzian & Souva 2007: 855). Credible sanction means that although both the sender and target is affected by the sanction, the costs of sanction on the sender become less than the costs on the target (Nooruddin 2002: 61, 62). In case there is a great economic interdependence between the sender and target, the threat posed by the sender becomes severe but noncredible (Lektzian & Souva 2007: 855). Similarly, *trade interdependence* is influential in the decision of sanctions initiation. As the level of interdependence in trade increases, sender may have more capacity to take action; but, at the same time, the sender will be exposed to the larger potential damage, which in turn makes taking action less likely (Ibid.: 860). In this sense, being dependent on vital sources coming from outside country such as raw materials, food, fuel put a nation’s national security and national economy under threat. This is, on the other hand, one approach to define economic security. Any interruption in import of supply due to war, foreign sanctions, revolution or accident can significantly harm the national economy (Cable 1995: 313). Therefore, the likelihood of interdependence between the EU and target can affect the EU’s motivations to take action. This may be understood as the level of cost posed to the EU and the degree of interdependence between the sender -the EU- and the target.

3.3.3 Sanctions-Strategic Interests Nexus in EU Foreign Policy

In a transforming international environment the Europe has been willing to increase its profile in the world politics and willing to take action on its own on the matters of security and defense. Thus, the EU has been involved in an increasing cooperation, institutionalization and creation of security institutions such as CFSP. This let the revival of the realism as the implied cooperation posed a puzzle for realist predictions and brought the European external interests into the scholarly debate (Krotz & Maher 2011). In fact, comprehension of an international organization by neo-realists is weak as it is not a state, mainly dealing with ‘low politics’ and have scarce coercive power resources; thus, neo-realism cannot yield an explanation for all

aspects of foreign and security policy of the EU but is sufficient to explain fundamental nature of it as an international actor (Hyde-Price 2006). Although, on one hand, the EU is conceived as an actor imposing sanctions for normative principles and supported as it does not use its sanctions policy as an ‘aggressive policy tool’ (Kreutz 2005: 42), on the other hand, it is criticized due to its interest-based calculations for imposing it.

For instance, the EU and its foreign policies such as human rights policies are claimed to be shaped in accordance with its strategic-utility calculations by Youngs (2004). Similarly, Krotz and Maher (2011) state that the EU as an actor in international politics may be defined along with its most powerful member states acting according to their own interests, or through the role of certain European-level institutions in world politics. They add that what is at stake in EU foreign policy considerations is the vital national interests. This explains unsteady patterns of cooperation and the restrictions on the scope of cooperation. Youngs (2004) presents the correlation between the EU’s strategic considerations and its pursuit of foreign policy. For instance, despite the long-standing human rights violations and devastating coups in sub-Saharan African states, only some of the countries are singled out by the EU through its human rights measures. The reason for this selection is related to their influence on regional stability, because the EU uses human rights conditionality and its response mechanism, mostly in the cases where human rights violations cause instability (Youngs 2004: 426; Antczak 2010). This presents the interplay between the EU’s strategic interests and its foreign policy.

In some cases, the EU is criticized due to its willingness to remove sanctions on the target even though there is no significant level of improvements in the conditions that had led the sender to impose sanctions. Some of the EU leader’s willingness to lift the arms embargo against China and Uzbekistan is an example of this (Brummer 2009: 203). This in turn brings the suspicion regarding whether the EU’s strategic interests have the main priority in the direction of the Union’s foreign policy. Brummer adds that the cost of taking action has an impact on the EU’s decision to use sanctions. Such interest-based calculations are considered as limitation on the EU’s image of normative power.

Additionally, the EU is evaluated in terms of its abilities (Tocci 2008). The power and capabilities of the EU, on the one hand, makes the EU able to pursue its interests, on the other hand, makes it able to interpret the norms and promote them externally. Tocci (2008: 312) states that the EU’s promotion of individual rights over the last decades, especially promotion

of certain norms over others, is to a certain extent related to its ability to do so. On the other hand, this ability to pursue particular objectives and impose sanctions may not only be used for the sake of interests because interests 'are not and cannot be value or norm free' (Jorgensen 2006: 54). Therefore, one also needs to understand the role of norms and values on an actor's foreign policy.

3.4 Norm Promotion

Apart from the abovementioned points, states have a role as the agents spreading their own values and norms. Norms may essentially be comprehended as embodiment of a quality of 'oughtness' covering moral assessment which in a way evokes justifications for action. International or regional norms define certain standards for the proper behavior of states. Norms may start to be created domestically which in later stage may be spread around and accepted as international norms through the efforts of various entrepreneurs (Finnemore & Sikkink 1998: 893).

One may wonder what incentives norm entrepreneurs have in promoting norms. Understanding this is central to the evaluation of norm entrepreneurs/initiators. In the literature, there seems to exist four fundamental points of motivation for norm promotion, which may be counted as ideational commitment, empathy, altruism and self-interest (Finnemore & Sikkink 1998: 898; Goertz & Diehl 1992 and George & Keohane 1980 quoted in Björkdahl 2002: 48). Finnemore and Sikkink (1998) explain that the use of persuasive tools has a cost; hence, one should refer to empathy, altruism and ideational commitment in order to explain motivating factors of norm entrepreneurs. Empathy appears depending on actors' capacity of involvement in others' feelings or ideas. Result of this may be seen as empathetic interdependence which means that entrepreneurs may show interest in others' welfare even if they know that their own material well-being or security will not be influenced by this. Altruism is observed when actors act for the benefit of other actor even though their own well-being undergoes a risk to be harmed. Ideational commitment, on the other hand, may be observed in a deep belief in the ideals and values embodied in the norms, which encourages the motivation to promote norms or ideas although this does not end up with the well-being of entrepreneur. This does not necessarily mean that norm entrepreneurs act against their interests. They instead redefine understanding of their interests (Finnemore & Sikkink 1998: 898). Lastly, self-interest may explain the incentive of an actor in promoting norms. This means adoption of ideas by others may be in the benefit of entrepreneurs; however, it may be

difficult to differentiate whether behavior is shaped by *norm-influenced interests* or *pure self-interest*. When pure self-interests dominate norm-based interests, norms would be just used to cover the behavior based on self-interest (Goertz & Diehl 1992; in Björkdahl 2002: 48). From another perspective, primary motivating factor may become to provide benefits to other states, yet at the same time separation of ‘benefits to oneself from those to other’ may be difficult (George & Keohane 1980; in Björkdahl 2002: 48).

For a normative power, what is significant is to be norm entrepreneur who actively engages in the creation of new norms based on the notion of *appropriateness* or desirable behavior in their community. And, norm entrepreneurs are the main norm promoters who try to convince other states to accept new norms which emerge in a highly competitive normative space where there occurs a contest with other alternative norms and perceptions of interest (Finnemore & Sikkink 1998: 896-897). Being normative and power itself seems contradictory, yet interesting to analyze. As Ian Manners (2002) put it, the notion is about the ‘power over opinion’ or ‘ideological power’. Norm promoter deals with various ways of promoting norms; in other words, strategies, for persuasion of others which cover the conditionality and instruments incentives, including positive and negative incentives. A norm entrepreneur may also use coercive measures such as pressure, sanctions and shaming to force a ‘norm taker’ to adopt norms (Björkdahl 2002: 102).

3.4.1 Sanctions and Norms in EU Foreign Policy

The EU presents itself as an international actor basing upon normative principles (Sjursen 2006: 235). Tocci (2008) states that this normative basis dates back to the time of enlightenment that became influential on the direction of foreign policy. However, it was after a considerable period of time when the EU was discussed in terms of its normative qualities in its external relations. Especially Ian Manners (2002: 241) described the EU as a normative power. He explains that EU has based its external relations as conditional on a catalogue of norms, which are seen in certain policy objectives such as rule of law, the consolidation of democracy and respect for human rights and fundamental freedoms, on which the EU is founded. Manners (2002) indicates that by inserting new ‘founding principles’, the EU is strengthening its commitment to those principles. For instance, in 1997 the addition of new “founding principles in art. 6 and, together with corresponding references to applicant states (art. 49) and sanctions for failing to respect these principles (art. 7), demonstrate the extent to

which the Treaty of Amsterdam marked a move towards greater importance for these principles in the EU” (Manners 2002: 246).

According to Manners (2002), previous conceptualizations of the EU as civilian and military power are problematic since these concepts define the EU very much on state-like features. This prevents the comprehension of the EU’s international identity. Hence, Manners with the concept normative power aims to provide better explanation for the EU’s international identity while still paying attention to the EU characterization as civilian and military power. Manners also pulls attention to the EU’s ‘ability’ to set the international norms which are beginning to be accepted as ‘normal’ in international arena as well as its ability to promote these norms.

Norms and values that the EU aims to promote are embedded in the EU’s policies, treaties, criteria and conditions. Manners (2002) highlights five of the norms which are central to the EU and these are peace, liberty, the rule of law, democracy and respect for human rights and fundamental freedoms. These norms have a constitutive character shaping the EU’s international identity. Thus, the EU is expected to follow norms and values attached to its identity. However, this is not sufficient to be a real normative power since the EU should also spread these norms. Diffusion of the norms can be either intentional or unintentional and both may take place simultaneously. The EU spreads the norms unintentionally through its strategic communications and new policy initiatives, and intentionally through sanctions, rewards, technical assistance or conditionality that refers to the usage of carrots or sticks (Manners 2002). In the literature it is stated that the EU has tendency towards using positive sanctions as compared to negative sanctions (De Vries & Hazelzet 2005; Tocci 2008).

As Bicchi (2006: 291) mentions in his study, intentional promotion of norms externally by the EU with a rationalist interpretation is connected to the EU benefits in some way. A normative action for instance may be taken as a result of calculations of the advantages in an interested area. Hence, the EU knows the outcomes of its policies beforehand. As consistent with abovementioned points of motivations for norm promotion, such an action is included in the framework of self-interested behavior.

In this context, some authors attempt to conceive the EU’s use of sanctions on the scale of norms-based and interest-based factors. Hazelzet (2001), as a result of his study combining quantitative and qualitative research, finds that in the period 1989 and 2000, economic and

security concerns did not prevent the EU to react to human rights violations through sanctions.

Hazelzet (2001) examines not only EU reactions but also US reactions to human rights violations by forming wide-range of dataset, including cases and non-cases in which no measures are applied, and compare the EU and US. Other studies mentioned earlier (Brummer 2009, Portela 2005) mainly study by making use of many case-countries or by focusing on the effectiveness of the use of sanctions (Druláková et. al. 2010; Vines 2012; Brzoska, 2008).

Differently from these studies, this study will attempt to conduct an updated and in-depth research and find the EU's *motivations* regarding both the use and non-use of sanctions and other reactions by using EU official documents and also through the analysis of three case-countries. In the literature, considering the absence of a study regarding EU motivations and lack of a study realized with limited samples in depth, this study is considered to provide significant information regarding an EU foreign policy tool, sanctions.

3.5 Propositions and Operationalization¹

Sanctions are fundamentally used to uphold respect for human rights by coercing violators to change their inappropriate behavior; however, the actual motivation to use sanctions may vary when strategic and interest-based calculations are involved in the decision-making process. This may result in the violators in question not being subjected to sanctions. Thus, it is important to understand what motivates the EU's use and non-use of sanctions. Previous research presents the role of norms and strategic interests when applying sanctions related to EU foreign policy. The abovementioned explanations help in constructing the hypotheses which are as follows:

Hypothesis 1: If the EU acts strategically, we would see variations in the use of sanctions depending on the strategic interests (economic and security interests) and capabilities of the Union.

¹ Some of the variables used in this section such as “stated motivations, actions, policies, understanding of democracy” are similarly used in the study of Hankins, J. M. (2012) “Democracy to the Arab World?: Exploring the motivations for EU Democracy Promotion through the European Neighborhood Policy” with an aim to understand EU democracy promotion towards its Southern Neighborhood. In my thesis, these variables will help to understand the EU's use and non-use of sanctions.

Hypothesis 2: If the EU acts with normative motivations, we would see variations in the use of sanctions depending on the state of human rights and democracy in the specific third state.

Operationalization of these propositions will be done through looking at the EU's *actions*, *policies* and *stated motivations*, as well as its *perception of threat* and *understanding of norms* with regards to *human rights and democracy*.

Stated motivations may be expressed as motivations that the EU presents itself for the use of sanctions in its official documents. Discovering a motivation is important as it is the essential basis of taking an action, which will be useful for the comprehension of the use and non-use of sanctions. From the perspective of the neo-realism theory, stated motivations will be placed in the documents strategically and they may include normative values which are pushed to the second order when strategic interests come into play. Within the normative understanding, stated motivations will greatly emphasize norms and values.

Policies/actions will emphasize attention on understanding of how responsive the EU is to certain developments and to what extent the actions/policies conform to stated motivations. This study begins with an understanding that the EU applies sanctions selectively and the analysis of the *scope of the policies and other actions* taken against the countries in question will present whether and to what extent strategic interests or norms come into play. Neo-realism theory suggests that strategic interests shape the policies/actions. Normative theory suggests that the norms are prioritized and proper actions/policies are used as a response to the violations in question.

Table 1: Applying the theories to the variables

	Neo-realism	Social Constructivism/ Normative theory
Stated motivation	Strategic (normative, in second order)	Normative
Understanding of norms	Focus on norms changes in accordance with strategic interests	Constant focus on norms/ changes in accordance with the developments.
Policies/Actions	Change in accordance with strategic interests	Proper policies/reactions against the developments (i.e. human rights violations) in accordance with norms— change for the promotion of norms
Perception of threat	Threat to security/stability & trade/economy, changes with variation in the capabilities/intentions of third	Threat to normative values, changes with variation in the identity of third country

	country	
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Perception of threat will be explained briefly in order to understand what threatens the EU and how the EU perceives third countries. A norm promoter would perceive countries with a different identity as a threat, specifically if the EU's normative values are affected. A realist would indicate that strategic interests and maintenance of security, which may depend on trade and economic interdependence, are the main factors influencing the perception of threat. A change in the capabilities and intentions would affect the perception accordingly.

Furthermore, there will be a detailed explanation for the *understanding of norms (human rights and democracy)*. The focus on these norms deepen an understanding of which norms (detailed below) are emphasized by the EU; and whether or not the EU reacts to violations of certain norms but not others, and whether or not the focus on the norms varies with the strategic interests involved.

Human rights are one of the main political norms that set standards for governments, institutions, and regulate their actions/policies. Nickel (2013) states that human rights do not require the best possible results; instead, the main concern is preventing severe abuse. Thus, providing and protecting essential standards are sufficient in providing people a good life at minimal standards. However, this view on minimal standards is criticized by other writers (Brems 2009) since this mindset will restrain the realization of ideal human rights agendas and lead to the 'lack of interest' for certain developments as the concern is whether or not the border is crossed. Brems (2009) also emphasizes the centrality of the 'violation' in human rights discourse. The drawback with this is that "the uniform term 'violation' hides the distinctions between more or less serious violations" (Brems 2009: 354). Thus, one can say that human rights and their violations are understood not in terms of their degree but in terms of their existence/non-existence, and securing minimal standards is the main concern.

With this understanding, Brems (2009) defined four modest elements meeting minimal standards for human rights, which are: a) civil and political rights b) minority and group rights c) environmental rights d) social rights. He elaborates on these norms further. Except one point (right to enjoy clean, healthy and sustainable environment), they corresponds with the main principles of human rights stated in the European Convention on Human Rights (1950), which are "right to life, right to liberty and security, right to fair trial, right to respect for private and family life, right to an effective remedy, prohibition of torture, prohibition of

discrimination, prohibition of slavery and forced labor, no punishment without law, freedom of movement, abolition to death penalty, right to appeal in criminal matters, *freedom of expression, freedom of thought, conscience and religion, freedom of assembly and association, right to free elections*".

The last four norms of human rights are same with the fundamental elements of 'democracy'. The remaining essential elements of democracy according to two resolutions of the UN's General Assembly are: "respect for human rights and fundamental freedoms, respect for the rule of law, transparency and accountability in public administration, the right to take part in the conduct of public affairs either directly or through freely chosen representatives, a pluralistic system of political parties and organizations, the separation of powers and the independence of the judiciary, free, independent and pluralistic media" (OPPD 2009). As stated in OPDD (2009) document, the EU's view of democracy is best understood in line with democracy definition detailed in two resolutions of the UN's General Assembly as the EU has not set an explicit democracy definition.

These concepts drawn from previous studies and theoretical framework have guided the operationalization and will do so for data collection and analysis in order to respond to challenges in constructing external validity. Furthermore, multiple sources of evidence have been used to clarify 'understanding of norms' and these sources agrees upon the same facts that *constructs validity* in another significant way (Yin 2009: 40-42). Overall aim of these operational measures is to understand a specific EU foreign policy and to what extent it is norm-driven or interest-driven. Another researcher may apply findings regarding EU foreign policy to the analysis of another similar international organization that make it possible to *generalize* the findings of this study (Marshall and Rossman 2011: 252).

4. Methods and Data

4.1 Analytical Approach and Design

There are several theoretical explanations about the EU's behavior, and in this respect some critiques against EU sanctions policy have been highlighted in the research field regarding the rational/realist behavior of the EU in its foreign policy. However, such claims are more appropriate to make after describing the stated motivations of the EU and explaining the extent of their conformity with its actual practices basing upon in depth analysis of the cases. For this aim, perspective will be to understand to what extent the EU's behaviors/reactions against the third countries vary in accordance with normative values or strategic interests. The causes or intermediary factors influencing EU reactions that may be seen as non-use of sanctions on certain countries will be another point to explain.

These will be analyzed through a qualitative research with a deductive approach. What is intended with qualitative research is to comprehend a specific situation, role, group, or interaction. Thus, the research is shaped in the way researcher's sense of social phenomenon through an investigative process and by comparing, contrasting and classifying the study object (Creswell 2003: 22). Furthermore, in social sciences, theories are the main tools to answer questions. Therefore, it is essential to understand the role of theory in empirical research (Vaus 2001). This research will be done with deductive approach. Deductive approach begins with a theory, and observations are derived from the theory/theories. Some propositions are developed in order to observe whether certain things in the real world follow the theory. In the latter stage, correctness of predictions is assessed (Ibid.). For this purpose, this study will be conducted in accordance with certain hypotheses shaped with theoretical understandings.

As stated before, the EU uses various means within its foreign policy, such as technical assistance, financial aid, diplomacy, and sanctions are one of them. Among other foreign policy options, sanctions are preferred to be used as a last step (European Parliament) and by "no doubt" it is a very powerful EU foreign policy tool. Those criticizing sanctions call them "war by other means" or the "nuclear option" (Gebert 2013: 2). Hence as the most serious reaction within EU foreign policy, it is best to take sanctions predominantly as the basis of this study in order to really test how important the normative motives weigh, in relation to the more strategic interests.

The topic of EU sanctions policy may be described as a case of EU foreign policy since there is a choice of a particular policy among several other policies of the EU and the analysis of this particular policy may help to understand the EU in terms of its principles and values as well as its interests and choices, accordingly the EU's foreign policy.

There are certain *limitations* in the thesis. This study will be done on a limited number of documents and case countries. That's why this topic may also be searched through other relevant documents and supported with a wider dataset including in-depth analysis of other case countries. Furthermore, since this study is conducted with a qualitative technique, numeric data are not provided. Yet studying this topic with a quantitative research design may provide more comprehensive information regarding this study which presents descriptive information with regard to the EU's sanctions. Additionally with a purpose of finding EU actual motivations, the Country Strategy Papers will be used. They have been found appropriate for this study's purpose as they cover the EU's practices and strategies. However, being dependent on the EU's own statements may be counted as a limitation of this study. Nevertheless, since there is no other official document providing needed information, this study will be dependent on the EU's own official documents for finding the EU's actual motivations.

4.2 Case Selection

Following a *case-study design* and the sampling procedure, the countries chosen for the analysis are the Russian Federation, Belarus and Ukraine. The main criteria for selecting the countries is the existence of the violations such as respect for human rights and democratic principles in the countries against whom sanctions have been imposed or the possibility of imposing sanctions came to agenda but not used (Table 2).

Table 2: Country comparison

	Belarus	Russia	Ukraine
Population (2013, July estimation)	9,625,888	142,500,482	44,573,205
GDP per capita (PPP) (2012 estimation)	\$16,000	\$17,700	\$7,600
EU trade (million Euro) (2011)	11 437,4	306 627,1	36 172,3
EIU Democracy Index 2010/2011 (0 = authoritarian regime 10 = full democracy)	3.34/3.16	4.26/3.92	6.30/5.94
Human Rights Risk Index 2012	High	Extreme	High

The use of sanctions	Used	Not used	Not used
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Sources: CIA World Factbook; European Commission DG Trade Statistics; Economist Intelligence Unit Democracy Index; Maplecroft Human Rights Risk Atlas 2012; Portela 2010; Amnesty International 2012; Human Rights Watch.

Table 2 presents three similar countries in terms of high risk in violation of human rights. In addition to these, the countries have similarities in history, geography, cultural aspects but differ in terms of size, population and wealth. Furthermore, Table 2 demonstrates Russia having a high trade volume with the EU while Ukraine and Belarus lag behind in terms of volume of trade with the EU. According to 2011 European Commission DG Trade statistics, Belarus is only the 43th trading partner of the EU; Ukraine is the 22nd and Russia is the 3rd trading partner of the EU. Designed economic system of Belarus has made the investment in Belarus less likely for the EU. Also its territory is poor in terms of raw materials. On the other hand, Belarus is a transit country between the EU and Russia to deliver energy supplies (Tocci 2008: 35). In terms of GDP per capita Belarus is better than its neighbor Ukraine and relatively worse than Russia. Ukraine like Belarus is a transit country for Russian gas supplies to the EU. The EU does not have a membership perspective for Ukraine (Tocci 2008). Russia is, on the other hand, significant for the EU due to its role in the Union's energy security.

This study will try to deduce to what extent the EU acts in accordance with normative motivations or strategic interests through varying features of three case-countries that are similar in terms of state of human rights. As seen in the above explanations and table 2, the countries differs with regards to their capabilities such as resources, economic capability, and from the most capable to the less capable country, the order follows Russia, Ukraine and Belarus. By looking at how these varying features of the countries causes variation in the EU's behaviors, the study will try to understand the EU's motivations for using, or not using, sanctions as a part of its foreign policy.

4.3 Data Selection

Aim of gathering data is to conduct content analysis in order to uncover stated motivations of the EU for its use or non-use of sanctions and to reveal if the stated motivations of the EU in the documents match with its actual motivations. Therefore, the data for empirical study will be derived from the official documents and policy papers which are prepared by EU institutions. One type of material is Communications from the Commission and Joint Communications from the Commission and the High Representative. Especially final versions of these texts are chosen in order to produce interpretations on the basis of concluded views.

The Commission is representative of the EU internationally while keeping an eye on the interests of the EU, where the Communications produced by the Commission with purpose of communicating with respective EU institutional bodies carry the feature of being representative of the EU. This provides an appropriate basis to use these documents as they represent the EU. In particular, two Communications from the Commission and one Joint Communication will be used to find stated motivations. These Communications from the Commission are (1) the European Union's role in promoting human rights and democratization in third countries (COM 2001/252 final) (2) Governance in the European consensus on development towards a harmonized approach within the European Union (COM 2006/421 final); and Joint Communication is (3) Human Rights and Democracy at the Heart of EU external action—towards a more effective approach (COM 2011/886 final). Another type of empirical material is Country Strategy Papers which provide an analysis of particular country situation relating to human rights, the rule of law and democratization as they are significant instruments “for defining strategies and results to be achieved at the country level” (SEC 2000/1049). The Country Strategy Papers define the EU's strategies for the time period 2002-2006 and 2007-2013 which makes possible to analyze the EU from 2002 to 2013. Council Conclusions and Common Positions will also be used to track the process within each country over time and discover actual motivations of the EU for the use and non-use of sanctions.

4.4 Processing the Data

4.4.1 Processing the Communications

With an aim to comprehend stated motivations of the EU for using, or not using, sanctions and regarding other reactions, content analysis will be applied to three Communications. These documents will be examined by looking at the EU's understanding of norms (human rights and democracy), actions, policies and expressions regarding sanctions. The categories are determined as a result of the content analysis, and stated motivations will be assessed within the framework of those categories.

Qualitative content analysis “focuses on the characteristics of language as communication with attention to the content or contextual meaning of the text” (Budd, Thorp & Donohew 1967, Lindkvist 1981, McTavish&Pirro 1990, Tesch 1990; in Hsieh & Shannon 2005). Moreover, qualitative content analysis examines “language intensely for the purpose of

classifying large amounts of texts into an efficient number of categories” (Weber 1990; in Hsieh & Shannon 2005). Therefore, the materials will be examined accordingly.

4.4.2 Processing Other EU Official Documents

Qualitative content analysis will also be applied mainly to the EU’s Country Strategy Papers with an objective of understanding the EU’s actual motivations and their conformity with the stated motivations. The documents will be examined in line with the perception of threat, actions/policies and understanding of norms as detailed in the operationalization section.

In this study where the effort is to understand motives for using the restrictive measures as the most serious reaction within EU foreign policy and the extent of the EU’s use of sanctions in line with normative or strategic causes, the research questions as stated in chapter 1.1 will be researched. The second question will be answered through the Communications, and the first and the third question will be answered by scrutinizing mainly the Country Strategy Papers through content analysis.

5. Results and Analysis

5.1 Examination of the Documents to Explore EU Stated Motivations

In this section, objective is to make content analysis of the Communications. These materials will be examined by looking at the EU's understanding of norms (human rights and democracy), expressions regarding sanctions, actions and policies. The categories are identified by making use of the content analysis and stated motivations are assessed in accordance with those categories.

5.1.1 Processing the Communications

5.1.1.1 The European Union's Role in Promoting Human Rights and Democratization in Third Countries (COM 2001/252)

The Communication presents the EU as a “substantial political and moral weight” as well as an “economic and political player”. In order to explain the EU's political and moral weight, the Communication emphasizes on member states' identities attached to democratic values and their commitment to promote these principles in their internal and external policies (COM 2001/252: 3), and the EU's role as an economic and global player is explained by referring to its ability of ‘global diplomatic reach’ and ‘substantial budget for external assistance’. This explanation provides basis for arguing that EU has ‘both influence and leverage’ that can be used for the objectives of promoting democratization and human rights in third countries (COM 2001/252: 4). The emphasis on influence and leverage can be evaluated as a relational perception of the EU's own *capabilities* vis-à-vis third countries. Having this influence and leverage politically, morally and economically is seen fundamental to realize the EU's objectives of democratization and promoting respect of human rights. This explanation provides a background for the following statement:

“The third country may have no genuine commitment to pursue change through dialogue and consultation, and negative measures may therefore be more appropriate” (COM 2001/252: 8).

In this statement, the Communication reveals that the EU has a ‘substantial weight’ to push the third country to realize ‘change’ through negative measures, and the success in this sense seems to be the main objective of the EU, since in cases where ‘dialogue and consultation’ are not effective to encourage third country to pursue change, the EU may consider using sanctions. Apart from these, the language used in above cited sentence indicates that the EU avoids to be perceived as threatening. In other words, the EU could be perceived as threatening if the sentence was, for instance, formed with an ‘If’ clause rather than merely

stating “may have no genuine commitment (...)”. Similarly, in the rest of the Communication, there is an effort to explain the EU’s intention which should not be associated with a ‘negative’ or ‘punitive approach’ (COM 2001/252: 9) that may be observed in the following statements:

“However the EU's insistence on including essential elements clauses is not intended to signify a negative or punitive approach.” (COM 2001/252: 9)

“It [the EU] pursues a positive approach by promoting social development through incentives and capacity-building measures, rather than sanctions.” (COM 2001/252: 8)

In the latter statement, there is comparison between ‘a positive approach’ and ‘sanctions’ which indirectly associates sanctions with a negative approach. It is also understood from the use of ‘sanctions’ and ‘negative measures’ interchangeably.

Another striking point with the first quoted extract -“The third country may have no genuine commitment to pursue change through dialogue and consultation, and negative measures may therefore be more appropriate”- is that motivation of using sanctions is not related to ‘violation’ or ‘breach’ of the rights but to achieve a ‘change’ by promoting desired values.

The Communication states that “all avenues for progress are explored before the EU resorts to sanctions” (COM 2001/252: 9). This implies that the EU applies to ‘all avenues’ that refer to the *actions* taken through ‘dialogue’, ‘consultation’, ‘capacity-building measures’, ‘incentives’ for progress, but in case ‘progress’ cannot be achieved through this way, sanctions are taken into consideration. This similarly supports the understanding of ‘sanctions’ for ‘progress’.

Other *actions* taken by the EU are also stated in terms of their focus on the development of human rights and democracy. The EIDHR and Tacis as well as Partnership and Co-operation Agreements (PCA) are stated as main mechanisms used for these purposes (COM 2002/252: 26).

The Communication refers to ‘sanctions’ as one of a wide-range of instruments and as a foreign policy instrument that is used to “promote human rights and democratization objectives in external relations” (COM 2001/252: 6). However, the understanding of ‘democratization’ remains vague.

In this context, the Communication refers to “civil, political, economic, social and cultural rights” (COM 2001/252: 3) to describe human rights which are accepted as universal and

indivisible. On the other hand, it specifies the understanding of democracy and emphasizes that democracies should be “functioning” and “participatory”, and governments should be “accountable, democratic and pluralist” (COM 2001/252: 4). Absence of these elements is associated with “corrupt and autocratic governments” and “conflict and instability” (COM 2001/252: 4).

Some striking points in this document are that the use of ‘sanctions’ or ‘negative measures’ are *primarily stated* as being *motivated* by the objectives of upholding respect for human rights and democratization process as well as by the objective of ‘change’ or ‘progress’ in the third country. The EU’s ‘substantial weight’ is expressed as serving to this purpose. On the other hand, the existence of functioning and participatory democracy is observed as a significant factor for preserving stability.

5.1.1.2 Governance in the European Consensus on Development (COM 2006/421)

This Communication highlights significance of good/democratic governance, human rights and democracy for achieving sustainable development, and ‘development’ is presented crucial for the maintenance of ‘peace and security’ (COM 2006/421: 3). As the Communication states that “development, human rights, peace and security are indivisible and mutually reinforcing” (COM 2006/421: 3). These casual relations mean changes in one area give way to changes in other areas that provide an understanding with regards to the motivation of the EU’s promotion of democratic governance, human rights and democracy.

The main means of promoting these objectives are mentioned as ‘political dialogue’ and ‘development aid programming’ (COM 2006/421: 3), but also ‘sanctions’ when ‘necessary’ (COM 2006/421: 7). The relationship between ‘dialogue’ and ‘sanctions’ will be explained further below in accordance with the following extract.

“Dialogue must be the preferred means of encouraging countries to embark on reforms. Unilaterally imposing new conditions must be avoided. Dialogue must have a substantial preventive dimension and permit the discussion of often politically sensitive issues such as respect for human rights, democratic principles and the rule of law, the reform of security systems, economic and financial governance, the management of natural and energy resources and matters of social governance. Sanctions may nevertheless prove necessary in serious cases. In such instances incentive approaches must also be developed to remedy the problems identified.” (COM 2006/421: 7)

Based on this extract, one may state that ‘dialogue’ represents *mutual relations* and *processes* while ‘sanctions’ represent *a unilateral process*, and if the conditions in problematic third

country continue despite a mutual dialogue, sanctions may be an option. Furthermore, it expresses the applicability of sanctions with the purpose of encouraging reforms in the third countries. However, the use of dialogue is emphasized as primary approach. It is stated that dialogue should allow discussion of “politically sensitive issues” and has a “preventive dimension”. Furthermore, it is expressed that dialogues are a way to develop new approaches for improving the conditions that are expected to end by the imposition of sanctions and encourage third countries for reform.

Nevertheless, the Communication particularly emphasizes that tendency of the EU is towards using ‘dialogue’ more than ‘sanctions and conditions’ because “the processes of democratic governance will be supported more effectively by dialogue than by sanctions and conditions” (COM 2006/421: 20). However, this does not mean that sanctions will not be used for the stated purposes. Rather, it means sanctions and conditions will not be as effective as dialogue for the processes of democratic governance. One may say that sanctions also have a role in ‘the processes of democratic governance’ and in ‘serious cases’ regarding ‘politically sensitive issues’ (see above extract).

The Communication describes ‘democratic governance’ by referring to a wide-range of elements including ‘respect of human rights and fundamental freedoms; support for democratization processes; human security; management of migration flows; sustainable management of natural and energy resources and of the environment; the promotion of sustainable economic growth’ (COM 2006/421: 5) and so forth. On the other hand, ‘democratic governance’ is associated with the eradication of ‘poor governance’ and elimination of the challenges such as ‘violations of human rights’, ‘armed conflict’ that occurs due to poor governance (i.e. of natural resources) (COM 2006/421: 6). Besides, the Communication adds “good governance is more than tackling corruption” (COM 2006/421: 5). Thus, it is not a matter of crossing the border between good governance and bad governance (dominated by corruption and human rights violations), but going beyond the borderline towards good governance. From another standpoint, it is revealed that there is a precautionary stance for not crossing the border because, as observed, ‘dialogue’ is added ‘a substantial preventive dimension’ (COM 2006/421: 7). Something bad, related to ‘politically sensitive issues’ which include ‘human rights’, ‘democratic principles’ but also ‘economic and financial governance’, ‘the management of natural and energy resources’, which may lead to human rights violations is attempted to be prevented through dialogue but if it cannot be prevented, ‘sanctions may prove necessary’ (see above extract).

Based on this document, it may be highlighted that since “development, human rights, peace and security are indivisible and mutually reinforcing” (COM 2006/421: 3), the understanding is that eradication of a challenge in one area contributes to the elimination of other challenges in some way. Thus, it may be presented that the use of sanctions is motivated not just for promoting rights and values in question, but also for providing security or stability in the problematic area. Furthermore, it seems that sanctions are *motivated* to be used in serious cases and provide borderline conditions, and then ‘progress’ can be achieved in terms of the processes of democratic governance by making the process of using sanctions mutual through for instance incentive approaches.

5.1.1.3 Human Rights and Democracy at the Heart of EU External Action – Towards a more Effective Approach (COM 2011/886)

The Communication underlines the challenges posed to human rights and democracy by stating some facts in relation to the events of 2011 that occurred in North Africa and Middle East. The record continues to not only state the facts, but also it explains the EU’s reactions and understanding regarding the developments. The following statement shows both simultaneously.

“At the UN, some States have contested well-established human rights norms, suggesting– wrongly– that human rights violations can be justified by cultural differences.” (COM 2011/886: 6)

For the EU, the cultural differences cannot be an excuse for the human rights violations. This understanding matches with the meaning revealed by the title of the section, which is “the EU as a global force for human rights” (COM 2011/886: 5). It is not a regional force but a ‘global’ force, and it is a global arena where one cannot mention unique culture and where the EU as an actor uses its force or power for human rights. Another statement of the fact is:

“The EU has been raising human rights questions and the situation of individuals under threat with other countries: in a growing number of human rights dialogues and consultations, at political meetings, in diplomatic démarches and publicly. The EU has been offering its advice and support in strengthening democratic institutions and human rights, and has taken action to impose restrictive measures because of serious human rights violations.” (COM 2011/886: 5)

In this statement, the EU first prepares a background for legitimizing its use of restrictive measures by mentioning about *actions* taken through ‘human rights dialogues and consultations’. From another standpoint, the use of adjective ‘serious’ is remarkable with regards to human rights violations. The Communication in 2006 similarly put an emphasis on

the use of restrictive measures if a ‘serious’ case² occurs although there is no an explicit reference to human rights violations in that Communication. Above all, the use of adjective ‘serious’ implies that EU’s approach to the violations of human rights has a degree, meaning that human rights violations are not reacted through restrictive measures basing upon just the existence of violations.

Another section in the Communication titled “responding to *serious* violations” (COM 2011/886: 16) reveals the same meaning. In this section, ‘asset freezes, arms embargoes or visa bans’ are indicated as some of the possible measures that can be taken “in reaction to *serious* human rights abuses in third countries” (COM 2011/886: 16). However, there is no expression regarding seriousness of nature within human rights violations.

The Communication highlights certain norms that are seen essential for human rights and democracy. “Freedoms of expression, association and assembly” (COM 2011/886: 7) are expressed as main norms underpinning democracy and essential quality for human rights. “The rule of law, including access to justice and the right to fair trial” (COM 2011/886: 7), on the other hand, are seen as the protector of democratic principles and human rights. These are briefly stated with the terms ‘freedom, dignity, equality and justice for all’, and ‘promotion’ and ‘protection’ of these goals are expressed as key foreign policy priorities. Similar to the points observed in the previous documents, it is stated that promotion and protection of human rights and democracy enhance “security, development, economic participation and social inclusion” and reinforce international peace, stability, and prosperity (COM 2011/886: 6, 7).

Furthermore, the Communication mentions about the concept of “deep democracy” that has been introduced through the European Neighborhood Policy. According to the Communication, ‘deep democracy’ aims at “setting a baseline of necessary accomplishments against which progress can be assessed” (COM 2011/886: 9). That is, there is a need of ‘baseline’ for real progress to be achieved and the term ‘progress’ refers to the process of achievements realized beyond the baseline. Thus, it is possible to indicate that the first objective is to establish baseline conditions, and making progress is the second objective.

Briefly, in this Communication restrictive measures are stated to be used against serious violations of human rights rather than just promoting and pursuing a change or progress. As

² “Sanctions may nevertheless prove necessary in serious cases” (COM 2006/421: 7)

observed in the Communication 2001, the EU's 'substantial weight' over the third countries is important which grants the EU ability to force, and it is emphasized that this force is used for human rights.

5.1.2 Categories Derived from the Examination of the Documents

Relevant Communications from the Commission are examined above to understand how the EU addresses the topics regarding sanctions, human rights, democracy and to comprehend stated motivations for using restrictive measures concerning the breaches of those rights. In these documents which are analyzed with content analysis, 5 categories (Appendix 1) have been identified concerning human rights, democracy and sanctions. These categories are: understanding of human rights and democracy; actions/policies proposed to be used before imposing sanctions; the EU's perspectives with regard to sanctions; self-definition of the EU's own capabilities; stated objectives/reasons of the EU for using sanctions.

Regarding the *understanding of human rights and democracy*, the EU states that human rights are universal and indivisible, and cultural differences cannot legitimize human rights violations. Concerning human rights and democracy, certain norms such as freedom of expression, association and assembly, the rule of law, access to justice and the right to fair trial are particularly underlined. For the protection of these norms, it is stated that there is a need for an environment of peace and security, functioning and participatory democracies, accountable, democratic and pluralist governments. The EU emphasizes promotion and protection of these norms as its main foreign policy principle. Through this way, the EU also aims at reaching stability, democratization and development in the third countries.

Regarding *actions/policies proposed to be used before imposing sanctions*, the importance of dialogue, consultation, incentives are highlighted to determine policies intended for improving and supporting human rights and democracy effectively. Besides, the EU emphasizes the necessity of adding a preventive dimension to dialogue. Additionally, capacity-building measures, programs are proposed to support the process.

Concerning *EU perspectives regarding sanctions*, it is seen that the EU pays attention on dialogue and improving mutual relations and tend to resort to these ways more than sanctions. Sanctions are attributed a negative meaning and seen as a last resort. It is also possible to understand this from the EU's use of sanctions and negative measures interchangeably.

With regard to the *Union's own capabilities*, the EU defines itself politically, economically and morally influential. This influence and leverage are stated to be used for promoting human rights and democracy. In this sense, the EU views itself as a global force.

In the general sense in three documents, it is observed that *stated objectives/reasons of the EU for applying sanctions* are stated as promoting human rights, democracy and democratic governance. While in the COM 2001, sanctions are applied depending on the 'third country's commitment to pursue change', in the latter documents it is observed that seriousness of the cases and violations are emphasized increasingly as a condition for using sanctions.

5.1.3 What are the stated motivations of the EU in imposing sanctions?

The Communications reveal *stated motivations* of the EU for the use of sanctions/restrictive measures as: to react to *serious violations* of human rights; to uphold human rights, democracy, the rule of law and good governance, to promote democratization processes; to promote good/democratic governance; to maintain peace and security. Content analysis of the documents also highlights that the motives regarding the use of sanctions is for 'change' or 'progress' and a reaction to 'serious' 'violations' of human rights.

The primary stated motivation for the use of restrictive measures is to uphold respect for human rights, democracy, the rule of law and good governance; however, the documents express promotion of these values also as a way to reach development and security because lack of these values in the third countries is associated with the 'conflict' and 'instability', in turn the exaggeration of violations of human rights.

The language used in the documents has a convincing tone since there is an aim to convince the reader that human rights and democracy are at the centre of the EU's foreign policy. The concepts 'substantial weight', 'global force', 'influence' and 'leverage' are used in relation to the objectives of promoting 'human rights' and 'democracy'. Restrictive measures are also used in relation to the concept 'negative measure'.

5.2 Understanding EU Actual Motivations through Three Countries

In this part of the study, objective is to understand the EU's actual motivations through three countries by applying content analysis mainly to the EU's Country Strategy Papers. Other relevant EU official documents will also support tracking the process. In the previous section, stated motivations of the EU regarding the restrictive measures have been observed, and this

section will look at the conformity of these stated motivations with the EU's actual practices. This will provide us more realistic information regarding to what extent the Union's behaviors are normative or strategic.

This section is divided into two as an "active" and "passive" period due to the differentiation in the EU's specified actions/policies as a response to the weaknesses of the countries (Belarus, Ukraine, Russia) in terms of human rights and democracy norms.

By using content analysis, the documents will be examined in line with certain categories which are human rights and democracy norms as unfolded in operationalization part, the EU's responses (actions/policies) and the EU's perception of threat.

The objective is to understand which norms the EU focuses on; whether the EU prioritize certain norms over others; if so with what purpose/intention; against which norms the EU triggers its restrictive measures; how the EU responds to the weaknesses of the countries in question, and what factors the EU perceives as a threat.

5.2.1 Processing EU Official Documents

5.2.1.1 An Active EU (2002-2006)

In this period the EU's policies and actions give priority to improve the respected countries' capacity to manage their borders, aid in the transition of the countries towards a market economy, but at the same time the promotion of human rights and democracy values through various instruments as shown below.

The country strategy papers (CSP) mention certain "soft" *threats* such as illegal migration, organized crime coming from all the countries in question. In the case of Ukraine inefficient *judiciary* is also seen as a soft threat and as the "the weakest pillar of power" (CSP c: 11) although efforts were made through Tacis and EIDHR program. An efficient judicial reform is advocated as necessary to tackle problems of organized crime, illegal migration and corruption as well as to promote the ability of Ukraine to meet the requirements of democracy and a market economy (CSP c: 15,17). However, in Ukraine the influence of political elite interests on the judiciary and the use of this influence against political rivals raise concerns in terms of a successful judicial reform. Similarly, Russia and Belarus have problems regarding the independence of the judiciary (Appendix 2). In the case of Russia, the

judicial reform is emphasized due to its prominence for providing appropriate climate for business and investment. In the case of Belarus, the point of view is on the necessity of an independent judiciary for the promotion of respect for human rights, civil liberties, the strengthening of the rule of law and the combating crime effectively (CSP a: 15). These differentiations in the departure point of motivation for promoting an independent and efficient judiciary show that this norm is associated with the EU's economic interests in Russia. The promotion of this norm is for the EU's security interests and normative considerations in the case of Ukraine and Belarus, but for Belarus the EU emphasizes more on its normative considerations.

The independence of the judiciary is also closely related to the *rule of law* because the absence of an independent judiciary prevents the application of the rule of law. The lack of respect for these norms is seen in Belarus in the form of incomplete investigation in the disappearances of four prominent people and "impunity for persons responsible for killing or injuring individuals" (CSP a: 15). The EU reacts to these negative developments through the restrictive measures in the form of the freezing of the assets and visa ban to the persons listed in 24 September 2004 (2004/661/CFSP). Ukraine similarly has problems regarding the respect for the rule of law. Appropriate application of the rule of law becomes impossible in Ukraine when it combines with other problems such as corruption, the increasing power of political-financial groups over the authorities, thus it has implications for "serious human rights violations". "Several unresolved murders of journalists" are presented as an example to this (CSP c: 6). As a response, the EU requires Ukraine to respect the rule of law and aims to strengthen it through the EIDHR program (Appendix 2). In the case of Russia, the rule of law is underlined as a key condition for market economy and the conflict in Chechnya is considered as a challenge for stability of Russia's reform process (Appendix 2). The strategy paper also highlights the EU's concerns for human rights violations, and proposes a "political solution of conflict and restoring the rule of law in Chechnya" (CSP b: 4). The EU supports the process in accordance with the projects with NGOs, Council of Europe and OHCHR (Appendix 2). Therefore, it becomes possible to say that in this time period the EU has mixed points of motivations for promoting the rule of law.

Furthermore, regarding the *free elections*, among the three only Belarus fails to fulfill international democratic standards (Appendix 2). Peaceful demonstrations following the elections resulted in violence causing "severe human rights violations" as stated on December 2004 Council Common Position which extended the restrictive measures to the persons

responsible for the violations and fraudulent elections (2004/848/CFSP). Suppression of peaceful demonstrations is also an obstacle to people's right to enjoy freedom of assembly.

The EU reveals its desire for the existence of *pluralistic political parties* for all countries, and it makes it explicit in what is required from Belarus; and what types of concerns and hesitations the EU has about the state of political parties in Ukraine and Russia (Appendix 2). Thus, in this respect there is an equal stance towards the three countries. The deficiencies regarding a pluralistic system of political parties do not become a reason for the use of restrictive measures, nor are they prioritized by the EU's policies and actions.

With regards to pluralistic system of *organizations*, the closure of OSCE Assistance and Monitoring Group (AMG) office in Belarus is brought to the fore. In the strategy paper, the closure of OSCE office together with "other negative developments" is evaluated as "reluctance" of Belarus to pursue democratic developments. As a response in 2002, 14 out of 15 EU Member States determined to apply visa ban on President Lukashenko and seven political leaders of Belarus (CSP a: 5). But after the replacement of the old office with a new one in 2003, the visa ban has been removed. In addition to these, religious organizations, the NGOs, higher education institutions in Belarus are suppressed and they lack freedom. For Ukraine the paper states that civil society should have more active role in the political development. For Russia, it is seen as the main way of consolidating "democracy, the rule of law, media freedom and social safety" (CSP b: 4), and the EU takes actions through EIDHR, Tacis and the Institution Building Partnership Program, the partnerships, projects and cooperation between the EU's and those countries' NGOs, higher education institutions. Thus, the EU actively takes actions in the cases of Russia and Ukraine.

In terms of *freedom of assembly and association*, the most negative conditions are in Belarus. The threat on civil society actors and "serious violations of core trade union rights of ILO" are two problems in this respect. The EU displays its response to Belarus with at times harsh and other times encouraging and cooperative way depending on the nature of the developments. Serious violations of core trade union rights of ILO by Belarus, for instance, are met by a temporary withdrawal of EU Generalized System of Preferences (GSP) from Belarus (Appendix 2).

When it comes to *the right to take part in the conduct of public affairs*, among the three countries Ukraine is the one in whose political agenda public opinion has little impact, which is where the EU poses criticism against Ukraine and requires it to "foster a more open and

structured political debate, with public opinion playing a greater role in the determination of Ukraine's political agenda" (CSP c: 10). For Russia, the strategy paper does not mention public opinion, the individuals' role in public affairs, and there is no requirement from it in this respect or any program by the EU for a positive progress. On the other hand, from 2000 to 2003 the EU supports Belarusian people for an active participation in the development of democracy and civil society through the Civil Society Development Program (CSP a: 17).

The strategy papers in question do not touch upon some of the human rights norms at all. These are *the right to respect for private and family life, effective remedy, prohibition of torture, slavery and forced labor, right to fair trial and abolition to death penalty*. Some other norms are underlined only in one of the countries. *Freedom of movement, freedom of thought, conscience and religion, prohibition of discrimination, the right to appeal in criminal matters* (Appendix 2). This information on the one hand shows that these norms are not constantly involved in all strategy papers, accordingly in the EU's entire strategy calculations towards the third countries. On the other hand, this presents that in this period there are no restrictive measures used to uphold these norms, or no circumstances triggering sanctions.

Concerning the *right to life, liberty and security and freedom of expression*, the papers raise the weaknesses of Belarus and Russia (Appendix 2). Especially regarding the latter, the papers reveal the EU's strong concern. Similarly, all countries have significant deficiencies in terms of *free, independent and pluralistic media*, where Russia and Ukraine³ have problems regarding *transparency and accountability in public administration* whereas this information is not available for Belarus (Appendix 2). These deficiencies are believed to be managed through the instruments other than restrictive measures.

5.2.1.2 Towards a Passive EU (2007-2013)

In this time period, the EU is passive in terms of addressing deficiencies of the countries, in particular Ukraine and Russia, in human rights and democratic values through specified policies and actions. However, the judiciary and the rule of law remains as the main areas addressed actively. In the case of Russia, the EU focuses mostly on trade-economic cooperation, Justice, Freedom and Security (JFS), research, education and culture, cooperation in the area of external security (four Common Spaces). In the case of Ukraine, the main areas of cooperation are trade, market, regulatory reform, JFS, economic, social reform

³ This period also corresponds with the 2004 "orange revolution" in Ukraine leading the country a reform period (CSP f: 4).

and development. Promotion of human rights and democracy are addressed through EC assistance. For Belarus, the promotion of human rights and democracy remains as the main priority, and in this period the EU starts to impose restrictive measures for progress/democratization. The policy of “critical engagement” including the Eastern Partnership and dialogues accompanies the restrictive measures (European Commission a).

Country strategy papers, similarly to the previous time period, do not place a focus on *the right to respect for private and family life, effective remedy, prohibition of slavery and forced labor*. Rarely mentioned are the other norms in the previous section such as *freedom of thought, conscience and religion, prohibition of discrimination and right to appeal in criminal matters*, which are not brought to the fore this time. However, this time the EU raises its concern over *death penalty* in Belarus. *Freedom of movement* is touched upon only in the case of Russia. Unlike the previous time period, there is a strong concern over the right to *fair trial* in Ukraine (Council of the EU c) and over the reported *tortures* in Belarus (CSP d: 9) and Russia (Council of the EU b). *Right to life, liberty and security* is underlined in terms of insufficient protection of asylum seekers and refugees in Belarus and Russia. The strategy paper on Ukraine does not mention this issue as similar to the previous time period. Concerning *the right to take part in conduct of public affairs* is the only strategy paper on Russia mentioning about this norm by stating the indifference of Russian citizens to political or civic rights, which is not raised in the previous paper on Russia. However, this time the papers do not reveal any information for Ukraine and Belarus as contrary to the previous papers (Appendix 3). This may indicate that the progress in these fields does not influence the strategy towards those countries or the EU does not keep an eye on these developments constantly.

The EU does not refer to any “soft” threats in the cases of Ukraine and Belarus, but emphasizes the importance of Ukraine for the diversification and security of energy supplies since natural gas imported through Ukraine is around 40% (CSP f: 28). On the other hand, the paper on Russia highlights the importance of cooperation with Russia for a stable supply of energy, the geopolitical stability of the CIS region, environment, nuclear safety and in the areas of justice and home affairs (CSP e: 3). Furthermore, the EU perceives instability in the neighboring regions as a threat to its security (Appendix 3). The conflict in Chechnya is also evaluated in terms of its effects on stability of wider region (Appendix 3). The EU accepts that the conflict has humanitarian consequences but only highlights its ‘concern’ regarding the

“stabilization, recovery and ultimately the development of the North Caucasus” which is supported through the EU financial assistance (Appendix 3).

Furthermore, the strategy paper on Ukraine does not mention issues on the state of *judiciary* even though it is counted among the “soft” threats in the previous paper. Nevertheless, the EU supports judicial reform in Ukraine with the assistance and through the European Neighborhood and Partnership Instrument (ENPI) since 2007 (Appendix 3). Despite this background, Ukraine took “politically motivated” decisions to convict the members of the former Government in 2012 (Council of the EU c). In return, the EU states its strong concern and expectations from Ukraine (Appendix 3). Politically-motivated convictions are also a concern in the cases of Russia and Belarus. In particular, “recent constitutional change” in Russia weakens the judiciary’s position which has already had a politically-biased position, and gives more power to the President (Appendix 3). The EU takes actions for Russia in the form of workshops, professional training and in the framework of the Common Spaces (Appendix 3).

When it comes to Belarus, this weakness together with other deficiencies disappoints the EU. The EU-Belarus relations were restricted through an extension of restrictive measures on November 2009⁴ due to “the lack of significant and irreversible progress in key areas of democratization” (European Commission a). “So-called democratization criteria” were established in the October 2008 GAERC conclusions, and they are: “no more political prisoners, progress on electoral legislation, respect for human rights notably freedom of expression and of the media, freedom of assembly and political association” (European Commission a). Travel ban which was suspended temporarily in October 2008 Conclusions was suspended again in the Council Conclusions of 17 November 2009 to encourage progress in Belarus. However, travel ban and asset freeze were updated with the 25 October 2010 Council Conclusions⁵ with a further 12 months travel ban suspension for the objective of democratic progress (European Commission a).

As seen above, *free elections* and *freedom of assembly* and *political association* in Belarus are other criteria for democratization. On the basis of “serious violations of election standards” during December 2010 Belarusian Presidential elections and the use of violence against

⁴ Council Conclusions on Belarus 2974th External Relations Council meeting Brussels, 17 November 2009.

⁵ Council Conclusions on Belarus 3041st Foreign Affairs Council meeting Luxembourg, 25 October 2010.

demonstrators and the members of oppositions, the EU extended existing restrictive measures⁶ (travel ban and asset freeze) on January 2011⁷ against those responsible (European Commission a). In the case of Ukraine, the standards of *free elections* fluctuate over time. While 2006 parliamentary elections were conducted fairly and freely, 2012 parliamentary elections failed to achieve the required standards. The opposition leaders could not stand for the elections due to unfair trials and convictions; accordingly the EU reveals its expectation from Ukraine for upholding OSCE commitments and initiating an inclusive dialogue with the opposition (Council of the EU b). In 4 March 2012 Russian Presidential elections, according to observation of OSCE there were some shortcomings in the conduct of the elections and the voters' choices were restricted, but there were no interference in the protests (MEMO/12/158). The 4 December 2011 Duma elections in Russia, on the other hand, raised 'serious concern' due to procedural violations, biased media, "harassments of independent monitoring attempts" and in this respect the EU expressed its expectations from the authorities (Council of the EU a). Thus Russia and Ukraine differ from Belarus in terms of their tolerance to freedom of assembly and the EU does not use its restrictive measures only in the case of failures in the free elections.

The application of the *rule of law* which is closely related to the independence of the judiciary is another problematic area in all countries. The papers point out the arbitrary detention of a former Minister Mikhail Marinich in Belarus, the selective application of the rule of law in the Yukos Affair in Russia, and arbitrary enforcement and unclear laws in Ukraine (Appendix 3). The EU makes the promotion of the rule of law as one of its priority areas for all countries; explains policy mechanisms planned for use in Ukraine, but for Belarus, a clear indication of willingness for progress towards the respect for the rule of law and democracy values is set as a precondition for deepening the relationship. Furthermore, the EU states its concern for non-investigation of the death of lawyer Sergei Magnitsky in pre-trial detention in 2009 and non-application of the justice to the perpetrators in Russia (Council of the EU b).

Regarding the *pluralistic system of organization*, the EU merely expresses the promoting of NGOs as an objective without referring to any specified actions. When it comes to the *political parties* and *transparency and accountability in public administration*, the EU's

⁶ Council Common Position 2006/276/CFSP of 10 April 2006 concerning restrictive measures against officials of Belarus and repealing Common Position 2004/661/CFSP.

⁷ Council Conclusions on Belarus: 3065th Foreign Affairs Council meeting Brussels, 31 January 2011.

policies do not prioritize any support to political parties but prioritizes the promotion of the latter in Ukraine and Russia (Appendix 3).

Furthermore, murders of the journalists and the lack of *freedom of media* indicate two significant deficiencies of Belarus and Russia. As mentioned above, the lack of progress in the freedom of media is one of the reasons of the restrictive measures on Belarus and it is one of the criteria against which Belarus' democratization progress is assessed. However, regarding Russia, the strategy paper does not focus on the necessity of development in this field. The papers on Ukraine do not refer to freedom of media.

Freedom of expression is another field in relation to which Belarus' progress is assessed influencing the EU's decision on the restrictive measures. There is also limited freedom of expression in Russia and this issue is not raised for Ukraine. The EU raises its concern for the human rights situation throughout Russia in general. However, it is not included among the objectives of Common Spaces or the EU's policies.

5.2.2 Assessment of the Results

In the beginning of 2000s, the EU actively responds the deficiencies of the countries in terms of human rights and democracy values but sometimes self-interests take precedence in this active promotion. For instance, promotion of independence of judiciary and the rule of law are associated with both the EU's normative values and interests (a predictable investment climate), and in this period there are also other norms such as *pluralistic system of organizations, free, independent and pluralistic media* which are supported actively through different projects, partnerships and programs mainly with normative motivations. However, not all norms are equally focused on by the EU in both time periods. In the recent period, the weaknesses of Russia and Ukraine regarding human rights are emphasized by the strategy papers but unlike the previous period the papers do not refer to the projects and programs to promote *pluralistic system of organizations, free, independent and pluralistic media*. However, the EU's actions/policies continues to prioritize the promotion of *the judiciary, the rule of law* and additionally *transparency and accountability in public administration* that are associated with the Union's normative motivations and also the promotion of investment climate to a certain extent. This presents that the EU acts relatively strategically in the passive period. Furthermore, in Ukraine and Russia, violations of the rights are observed as similar to

Belarus. However, differently from Ukraine and Russia, the violations of the rights *coexist* in Belarus where the restrictive measures are mainly used in response to the violations in the field of *rule of law, free elections and freedom of assembly*.

Particularly regarding the promotion of independent and efficient judiciary in the countries analyzed, the EU's different points of motivation come to the fore in the active period. The main motivation to promote judicial system is the creation of a predictable investment climate in Russia, whereas for Ukraine it is mainly the elimination of security concerns but also the promotion of democracy and market economy; and for Belarus it is mainly human rights, civil liberties and organized crime. This may be evaluated as the role of the EU's economic interests and security concerns on its *understanding of norms*, here independence of judiciary. Therefore, it is seen that time to time the EU's interests come to the fore in promoting this norm.

In the first half of the 2000s, concerns regarding *the rule of law, free elections, freedom of assembly* and violations of these rights become the main reasons of restrictive measures against Belarus. In the latter time period, the EU refers to the lack of significant and irreversible progress in certain areas of democratization as the main reason for the use of sanctions and starts to use the sanctions for progress. Seeing the lack of progress, the EU sets its democratization criteria to assess the progress achieved and these are *independence of judiciary and the rule of law* (politically-motivated imprisonments), *free elections, freedom of expression, freedom of media, freedom of assembly and political association*. The EU, at the same time, pursues critical engagement policy with Belarus and initiates political dialogues in order to make the process *mutual*. Among the abovementioned norms, the failure to conduct *free elections* on its own does not seem to be a reason for the use of restrictive measures by the EU because, as seen in the above cases, the EU reacts when failure to conduct free elections is generally followed by the suppression of peaceful demonstrations (freedom of assembly). Furthermore, the restrictive measures are generally applied in the form of asset freeze and visa ban which show that the EU keeps an eye on punishing only those responsible for the violations by applying such targeted restrictive measures. The EU uses its restrictive measures to promote democratization process and to uphold respect for human rights and democratic values and against violations of the rights in the case of Belarus which can be evaluated as a reflection of the EU's influence and leverage over Belarus.

Regarding the conflict between Russia and Chechnya, in the active period the EU emphasizes its concern for human rights violations, at the same time states its concern regarding the negative consequences of the conflict for stability of Russia's reform process. However, in the recent period, the EU *perceives* the conflict as a *threat* to its own security and to regional stability and prioritizes these concerns over the human rights violations.

Furthermore, as the materials present the promotion of the security as one of the stated motivating factors for the use of sanctions, and although the EU expresses its *perception of threat* with regards to the spreading instability due to the conflict between Russia and Chechnya, it does not pose a critique. Because it is clearly stated "as Russia becomes more assertive, the EU *must* rely on Russian *goodwill*, (...) for its efforts to promote a ring of stable and prosperous states to its east, based on democracy and respect for human rights" (CSP e: 8). This shows the relational perception of the EU's power/capabilities vis-à-vis Russia and relative weakness of the EU's leverage over Russia.

The EU has an influence/leverage over both Belarus and Ukraine (table 2), but the Union uses the restrictive measures against Belarus and not against Ukraine. It seems, in the case of Belarus, the EU perceives the violations of human rights and democracy norms as a threat or serious enough to trigger the restrictive measures because there are generally violations of the rights more than one. Violations of human rights and democracy norms are also characterized with Belarus' identity. For Ukraine, considering the EU's use of restrictive measures generally in the case of coexistence of violations of a few rights, it seems the EU sees sufficient to state the Union's expectations from Ukraine; use programs, EC assistance, and not to impose sanctions for the violation of the rule of law (active period) and independence of judiciary (passive period) in Ukraine.

By looking at the question of to what extent the EU's use and non-use of sanctions against certain countries are motivated in line with normative causes or strategic interests and in accordance with the abovementioned results, the EU's use of sanctions vis-à-vis Belarus is mainly motivated with normative causes; the EU's non-use of sanctions against Ukraine arise from normative causes; and the non-use of sanctions against Russia is predominantly due to strategic reasons.

The EU's active support of Russia and Ukraine through workshops, projects with NGOs in the active period and its use of restrictive measures against Belarus seem to have similar consequences. As similar to Belarus, the weaknesses of Russia and Ukraine in the field of human rights and democracy norms continue to be present over time. In response to the lack of progress in Belarus, the EU specifies its explicit demand from Belarus by defining the democratization criteria. For Ukraine and Russia the EU acts relatively strategically and narrows down its focus generally on the weaknesses of the norms that also concerns the investment climate.

Norms form the basis of stated motivations, and it is expected that stated motivations would conform to actual motivations and reflect on actual practices. However, here the perception of threat by undertaking an intermediary role influences actual practices, accordingly actual motivations. When the perception of threat is high, the norms such as freedom of expression, the rule of law forming the basis of stated motivations give way to motivations such as stability and security. It is expressible that when the perception of threat is low, the EU acts in accordance with normative causes, and in the case of high perception of threat and low capability, the EU acts relatively strategically. Thus, it seems the perception of threat and the EU's capabilities are influential on actual motivations.

5.3. Assessment of the Hypotheses

When the results are applied to the variables (Appendix 4), it is seen both neo-realism and normative theory have an explanatory power for understanding of norms, policies/actions and perception of threat while stated motivation is explained with normative theory. The understanding of norms and policies/actions change in line with the developments and for the promotion of norms in the active period, supporting normative theory while in the passive period the understanding of norms and actions/policies are shaped relatively strategically, conforming to neo-realist understanding. Strategic interests and maintenance of security are the main factors influencing EU perception of threat regarding Russia. Belarus with different identity is perceived as a threat to EU normative values, yet the violations of the rights in Ukraine seems not serious enough or as a threat, explaining the variation in application of EU sanctions.

Consequently and returning to the hypotheses, it may be indicated that both hypotheses explain the EU's use of restrictive measures to some extent. One hypothesis was: *If the EU acts strategically we would see variations in the use of sanctions depending on the strategic*

interests (economic and security interests) and capabilities of the Union. As the analysis of the materials presents, the Union emphasizes on the importance of regional stability and its own security more than human rights violations in the case of Russia, and the Union's leverage/capabilities over other countries has an influence on its behaviors and decisions, which leads to the variation in the use of restrictive measures. As this is the situation, the EU as a potential sender seems not eager to pay higher costs by imposing the restrictive measures on Russia. Therefore, the EU's use of restrictive measures varies depending on the Union's capabilities which are also associated with the EU's strategic interests (security part), leading the EU to act strategically towards Russia.

The second hypothesis also explains the EU's behavior in its external relations; *if the EU acts with normative motivations, we would see variations in the use of sanctions depending on the state of human rights and democracy in the specific third state.* In Belarus, human rights violations are seen more than one field persistently, and the coexistence of violations seems to be perceived as posing serious threat to the EU's normative values and was reacted with a series of restrictive measures. In Ukraine, there is continuing deficiencies in the area of human rights and democracy, yet violations of the rights are observed from time to time that seems as not being thought as causing a variation in the identity of third country and seems as not being perceived serious enough to use the sanctions. Therefore, the EU's use of restrictive measures can also be explained in accordance with the state of human rights and democracy in the specific third state - Ukraine and Belarus.

6. Conclusions

As not seen in the literature before, the EU's *motivations* regarding the use and non-use of sanctions and other reactions have been analyzed in-depth by using EU official documents. The study has also been limited to three case-countries (Russia, Ukraine, Belarus) to be able to make an in-depth research. This study has been conducted within the theoretical framework of neo-realism and social-constructivism/normative theory. The objective was to understand to what extent the EU's behaviors, reactions, especially the use of sanctions, against the third countries vary in accordance with strategic or normative motivations. For this purpose, the perspective was set to understand the EU's stated motivations and whether they match with their actual motivations.

By looking at the understanding of norms, actions/policies proposed to be used before imposing sanctions and in accordance with derived categories -stated objectives/reasons of the EU for using sanctions, self-definition of the EU's own capabilities, *stated motivations* have been found normative. It is seen that sanctions are perceived negative; there is an emphasis on the significance of dialogue before the use of sanctions; *serious* human rights violations are seen as main reason for using the sanctions; freedom of expression, association and assembly, the rule of law, access to justice and the right to fair trial are particularly underlined regarding the norms; the EU's capabilities are indicated as serving to promote the Union's normative values globally.

Considering the differentiation in the EU's actions/policies against the case-countries, the time period analyzed has been divided into two as "active" and "passive". In the active period the EU's focus on norms changes in accordance with the developments, and its actions/policies are taken properly and change for the promotion of norms. However, it is seen that the weaknesses in the field of human rights/democracy in all case-countries continue to be present over time. In the passive period, the EU's actions/policies and focus on norms are shaped relatively strategically as the EU focuses more on the weaknesses of certain norms associated also with the Union's interests and remains passive in addressing continuing weaknesses of other norms such as *pluralistic system of organizations, free, independent and pluralistic media* in Ukraine and Russia. Against Belarus the EU continues to impose sanctions, yet by defining its democratization criteria. Thus, it seems over time the EU's behaviors/reactions vary according to the consequences of the Union's actions/policies.

Disrespect to normative values and violations of the rights time to time in Ukraine seems to be significant concerns for the EU but seems not strong enough to be *perceived as a threat* to trigger the restrictive measures. For Belarus, the EU perceives the violations of human rights as a *threat* to the Union's normative values; for Russia, the EU's own security and regional stability seems depending on Russia's capabilities, leading the variation in the use of sanctions by the EU. Hence, neo-realism explains the EU's behavior vis-à-vis Russia while normative theory has more explanatory power regarding the EU's behavior vis-à-vis Ukraine and Belarus. Yet this study does not set a clear relationship between the use/non-use of sanctions and economic interests. In the study of Hazelzet (2001), it is indicated that EU economic interests and similarly security interests did not prevent the Union to react human rights violations via sanctions between 1989 and 2000.

The EU's stated motivations regarding sanctions and other reactions are normative. The results reached through in-depth analysis of three countries regarding the EU's actual motivations indicates that perception of threat and the EU's relative capability have an intermediary role of influencing EU sanctions and actions/policies. This result is believed to contribute in the literature regarding understanding the EU's future actions/policies and motivations.

In the case of normative power EU, the points taken into consideration are power of EU ideas and the ability of the EU to set international norms and diffuse them, and it is seen that normative motivations form the basis of EU restrictive measures, actions and policies. According to the results of this study, it can be said that the EU may use this "power" in proportion to its relative capability.

The literature review presents four possible different points of motivations -ideational commitment, empathy, altruism, self-interest- for promoting norms, and in order to find with which of these motivations the EU directs its sanctions, a possible research may be done by taking only the countries subjected to EU sanctions.

Furthermore, this thesis has been limited to the information expressed by the EU's official documents. That's why a future research may gather the information in different ways such as the structured interviews with the relevant officers in EU institutions. The analysis of this time period with different research techniques, the use of more documents and the examination of more case-countries are also suggested.

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Appendix 1: Content Analysis - Categories derived from the Examination of the Communications

	COM 2001/252	COM 2006/421	COM 2011/886
Stated objectives/reasons of the EU for using sanctions	To promote human rights and democratization process Motivation for using sanctions is ‘progress’ and ‘change’	Sanctions support the process of democratic governance. Sanctions when necessary In serious cases	Because of human rights violations
EU perspectives regarding sanctions	Negative approach ‘Sanctions’ and ‘negative measures’ are used interchangeably.	Shift the unilateral process of sanctioning into a mutual process The EU tends to use sanctions less than dialogue.	
Actions/policies proposed to be used before imposing sanctions	Dialogue, consultation, capacity-building measures, incentives EIDHR and Tacis as well as Partnership and Co-operation Agreements (PCA) Exchanging views to decide most effective measures/actions/policies for human rights.	Political dialogue, development aid programming Preventive dimension of dialogue	Human rights dialogues and consultations, political meetings, diplomatic demarches
Understanding of human rights and democracy	Human rights are universal and indivisible Democracy: “functioning” and “participatory” - governments should be “accountable, democratic and pluralist”. “Such governments [Corrupt and autocratic] also generate conflict and instability in their region. Democratic, pluralist governments which respect the rights of minorities are less likely to resort to nationalism, violence or aggression, either	“Development, human rights, peace and security are indivisible and mutually reinforcing” (COM 2006/421: 3). Democratic governance refers to “respect of human rights and fundamental freedoms; support for democratization processes; human security; management of migration flows; sustainable management of natural and energy resources and of the environment; the	Cultural differences cannot be excuse for human rights violations Emphasis on ‘serious’ human rights violations Essential elements for human rights and democracy: ‘Freedoms of expression, association and assembly’ The rule of law, including access to justice and the right to fair trial: protector of

	internally, against their neighbors or further afield”(COM 2001: 4)	<p>promotion of sustainable economic growth [...]” (COM 2006/421)</p> <p>Poor governance leads to human rights violations.</p>	<p>democratic principles and human rights.</p> <p>Protection and promotion of “freedom, dignity, equality and justice for all” are key foreign policy priorities.</p> <p>The promotion of human rights and democracy enhance “security, development, economic participation and social inclusion” and reinforce international peace, stability, and prosperity.</p> <p>Deep democracy: “setting a baseline of necessary accomplishments against which progress can be assessed”</p>
Self-definition of the EU’s own capabilities	<p>Substantial political and moral weight, economic and political player.</p> <p>The EU’s influence and leverage used for the promotion of human rights and democracy.</p>		The EU as a global force for human rights.

Sources: COM 2001/252; COM 2006/421; COM 2011/886.

Appendix 2: Content Analysis – Case Countries (2002-2006)

Democracy- Human Rights Elements & Perception of threat	Belarus 2002-2006	Russia 2002-2006	Ukraine 2002-2006
<p>Perception of threats (security, stability, trade, economy)</p>	<p>Weak Increasing migration movements, legal and illegal (CSP a: 14)</p> <p>Belarus “claims credit for its efforts to halt illegal migration on its territory, which would otherwise infiltrate the EU” (CSP a: 7)</p> <p>“The transition towards a market economy is less advanced in Belarus than in almost all CIS countries” (CSP a:12)</p> <p>“Belarus’ trade pattern has little evolved since independence, in terms of trade partners as well as the commodity structure of import and export” (CSP a: 13)</p> <p>EU response: Finalization of border demarcation on the borders with Lithuania and Latvia is priority. Tacis assistance to this end (CSP a: 14).</p> <p>Cross-border cooperation strategy (CSP a: 94).</p> <p>EU program for financial and technical assistance to third countries in the area of migration and asylum – applies to Belarus as well (CSP a).</p>	<p>Strong “Soft” security threats from Russia: nuclear safety, the fight against crime, including drug trafficking, illegal immigration, the spread of diseases, environmental pollution.</p> <p>“Should Russia go in a more authoritarian direction, e.g. with regard to media freedom, and should it not achieve a deep reform of its judiciary and public administration, this would threaten the investment climate and economic development and make deeper partnership with the EU and other western partners more difficult” (CSP b: 10)</p> <p>Dependence on energy supplies from Russia; "The EU has a key interest in maintaining and enhancing Russia’s role as a secure and reliable supplier of natural gas and oil on favorable conditions to the EU market" (CSP b: 4)</p> <p>“Our trade relationship with Russia is very significant, given Russia’s huge market size and natural resources” (CSP b)</p> <p>“Due to its size and location, Russia is a key actor for the stability and security of the entire European continent” (CSP b)</p>	<p>Medium/Weak With enlargement, more sensitive to “soft” security threats- environment (following up to the closure of Chernobyl, nuclear safety, climate change), justice and home affairs (judicial reform and combating organized crime, corruption, illegal immigration), public health (transmissible diseases) (CSP c)</p> <p>“While trade flows with Ukraine remain limited, there is potential for an increase, considering the size of its 50-million inhabitant market, its geographical proximity and its links with future EU members” (CSP c: 1)</p> <p>EU response: Border control. Focus on the improvement of Ukraine’s capacity to manage its borders (CSP c: 19)</p> <p>“energy policy reform will remain essential for Ukraine’s economic and political future, (...) and for safe and efficient transit of energy to the EU, and should remain a priority for EC-Ukraine co-operation” (CSP c: 15)</p>

		<p>EU response: Particular attention paid to strategic energy sector through EU-Russia Energy Dialogue (CSP b)</p> <p>“EU-Russia relations over the last decade have been shaped by the EU’s interest in developing liberalized trade and investment relations, (...) founded on the core principles of democracy, respect for human rights and rule of law” (CSP b)</p>	
<p>right to life, right to liberty and security</p>	<p>Positive: trafficking in persons, the smuggling of migrants, insufficient protection of victims and witnesses (CSP a: 14)</p> <p>New legislation & governmental actions has been adopted (CSP a)</p> <p>Negative: Weak protection of asylum seekers and refugees, stateless persons. But a new (third) version of the Law of the Republic of Belarus on Refugees entered into force in 2003. (CSP a: 14)</p> <p>EU response: Regional dialogue, information & experience exchange - i.e. Söderköping process. (CSP a: 14)</p>	<p>Negative: Basic individual rights are often not adequately protected. (CSP b: 9)</p>	
<p>right to fair trial</p>			
<p>right to respect for private and family life</p>			
<p>right to effective remedy</p>			
<p>prohibition of torture</p>			
<p>prohibition of discrimination</p>	<p>Positive: policy for ensuring equality, elimination of discrimination against women (CSP a: 9)</p>		
<p>prohibition of</p>			

slavery and forced labor			
freedom of movement		The movement of goods and people - The Commission Communication on Kaliningrad on January 2001(CSP b)	
abolition to death penalty			
right to appeal in criminal matters	<p>Negative: Mistreatment of detainees and prisoners, detention officials suppress suspects' appeals. (CSP a: 15)</p> <p>EU response: Detention personnel would benefit from appropriate training (CSP a)</p>		
<i>freedom of expression</i>	<p>Negative: the lack of freedom of expression (CSP a)</p> <p>EU response: Strong concern - In 2002-04 the EU has several times drawn attention in public to the lack of freedom of expression (CSP a)</p>	<p>Negative: Reported attacks and intimidation of journalists- leads to self-censorship (CSP b: 7)</p> <p>EU response: Worrying development (CSP b: 7)</p>	
<i>freedom of thought, conscience and religion</i>		Positive: Established freedom of opinion (CSP b)	
<i>freedom of assembly and association</i>	<p>Negative: 2006- systemic, serious violation of core trade union rights of ILO⁸/labour rights (European Commission b)</p> <p>EU response: December 2006 temporary withdrawal of EU GSP⁹ from Belarus (European Commission b)</p>		
<i>free elections</i>	Negative: 2001 presidential elections, 2003 local elections failed to meet	Positive: Democratically elected President and Parliament (CSP b)	Positive: Ukraine's President and Parliament are democratically elected.

⁸ The International Labour Organisations of which Belarus is a member.

⁹ The EU Generalised System of Preferences

	<p>international democratic standards/ OSCE¹⁰ commitments (CSP a: 4,6)</p> <p>Negative: “The parliamentary elections and referendum in Belarus on 17 October 2004 fell significantly short of Belarus' basic OSCE commitments.” (2004/848/CFSP)</p> <p>Negative: Peaceful demonstrations were suppressed causing “severe human rights violations” (2004/848/CFSP)</p> <p>EU response: Restrictive measures against certain officials of Belarus were expanded to some other Belarusian authorities (2004/848/CFSP)</p>		<p>Parliamentary elections are due in March 2002 (CSP c).</p>
<p>a pluralistic system of political parties and organizations</p>	<p>Negative: Authoritarian system of power, introduced by President Lukashenko in 1996/7 (CSP a)</p> <p>Negative: “There are eighteen registered political parties, but a multiparty parliamentary system is not developed. The political opposition is currently almost absent in the national assembly.” (CSP a: 6)</p> <p>Negative: the lack of freedom of religious organizations, systemic repression of NGOs, higher education institutions (CSP a)</p> <p>EU response: In 2002-04 the EU has several times drawn attention in public,</p>	<p>Positive: “Some fundamentals of a real democracy, such as wide acceptance of political pluralism (...), have been established.” (CSP b)</p> <p>Negative: “But autocratic tendencies are still strong” (CSP b: 9)</p> <p>Negative: “A new law on political parties is likely to lead to a drastic reduction in the number of political Parties” (CSP b)</p> <p>“It may lead to the emergence of a three-party system: the Communists, the pro-presidential factions and liberals (possible merger between the “Union of Rightist Forces” and “Yabloko”) (CSP b)</p>	<p>Positive: “While public opinion, civil society and more consolidated political parties are emerging, the direction of change will depend much on the conduct of the next parliamentary elections and the political battle for the succession of President Kuchma.” (CSP c: 10)</p> <p>EU Response: Tacis-funded LIEN (Linking Inter-European NGOs), partnership with NGOs, EIDHR – to support civil society, NGOs (CSP c).</p> <p>Critique - more active role of civil society needed for pol. development (CSP c: 6)</p>

¹⁰ OSCE (Organization for Security and Co-operation in Europe) monitors elections in accordance with the international democratic standards.

	<p>strong concern, greater financial support to NGOs (CSP a)</p> <p>Negative: no democratic progress; in 2002 closure of OSCE AMG¹¹ office in Minsk (CSP a)</p> <p>EU response: 14 out of 15 EU MS applied visa ban against President Lukashenko & 7 political leaders (CSP a)</p> <p>Positive: 2003, establishment of new OSCE office (CSP a)</p> <p>EU response: visa ban lifted (CSP a)</p>	<p>Centralization of power & weakening of opposition caused serious concerns about human rights (CSP b)</p> <p>Traditionally weak civil society (CSP b)</p> <p>Development of civil society -considered a major objective to consolidate democracy, the rule of law, media freedom, social safety (CSP b: 4)</p> <p>Response: Actions taken through EIDHR & Tacis to promote partnerships with NGOs on social welfare and to develop civil society (CSP b: 11,17)</p>	
Rule of law	<p>Negative: Impunity for persons responsible for killing or injuring individuals; no full investigation of four prominent people's disappearances¹² (CSP a: 8,15)</p> <p>EU response: <i>restrictive measures</i>; visa ban, freezing of assets (2004/661/CFSP)</p>	<p>Positive: Since 1991 progress in governance of market economy with rule of law (CSP b: 9)</p> <p>Negative: Conflict affects the rule of law in Chechnya (CSP b: 4)</p> <p>EU response: "The EU supports <i>political solution</i> of conflict and restoring the rule of law in Chechnya" (CSP b: 4)</p> <p>Projects with NGOs, CoE, OHCHR to assist victims of human rights violations in the northern Caucasus (CSP b)</p> <p>Conflict in Chechnya is seen challenge for stability of reform process: "Even with steady economic development, Russia needs to address deep social</p>	<p>Negative: No respect for rule of law (CSP c).</p> <p>"Problems of corruption and human rights infringements continue to remain a feature of Ukrainian reality. This has allowed for the rise of so-called "oligarchs", or political-financial groups gaining power and wealth through their connections to the authorities. It has also allowed for serious human rights violations. Examples of this include several unresolved murders of journalists" (CSP c: 5,6)</p> <p>EU response: Requirement: "Ukraine needs to (...) respect for the rule of law" (CSP c: 10)</p> <p>EIDHR-strengthening the rule of law (CSP c)</p>

¹¹ OSCE Assistance and Monitoring Group (AMG)

¹² This case may also be analyzed within the framework of the *independence of judiciary*. The two norms are closely associated, as stated in the strategy paper for Belarus: "An independent judiciary is also a prerequisite to ensure the rule of law and respect for human rights and civil liberties, as well as to effectively combat crime." (CSP a: 15)

		problems, which could threaten the stability of the reform process (...). Another challenge is the ethnic problem, embodied first and foremost by the conflict in Chechnya, which urgently needs a peaceful, political solution” (CSP b: 10,11)	
transparency and accountability in public administration		<p>Negative: Weak level of trust in public institutions (CSP b)</p> <p>Negative: Public administration often lacks transparency and efficiency (CSP b: 9)</p> <p>Positive: A law under preparation to lay down foundations for a genuine anti-corruption policy (CSP b: 9)</p>	<p>Negative: Weak political accountability due to fragile civil society (CSP c: 5)</p> <p>Negative: Corruption (CSP c)</p> <p>EU response: EIDHR supporting administrative accountability (CSP c)</p> <p>Combat corruption-EIDHR (CSP c)</p>
right to take part in conduct of public affairs	<p>-</p> <p>EU response: In 2000-03, CSDP (Civil Society Development Program) has encouraged people to take an active part in the development of civil society, democracy. (CSP a: 17)</p>		<p>Positive: “There are signs of the emergence of a more structured political debate, with public opinion and media playing a more assertive role in the determination of Ukraine’s political agenda.” (CSP c: 6)</p> <p>Negative: Public opinion has had little influence on policy-making, and politics remain largely the concern of a small "elite" (CSP c: 10).</p> <p>EU response: “Ukraine needs to foster a more open and structured political debate, with public opinion playing a greater role in the determination of Ukraine’s political agenda” (CSP c: 10)</p>
separation of powers and independence of the judiciary	<p>Negative: Authoritarian system of power: the replacement of the democratically elected Parliament with a national assembly nominated by the President in 1997 (CSP a)</p>	<p>Positive: Democratically elected Presidents and Parliament (Presidential democracy) (CSP b)</p> <p>Negative: Weak level of trust in judicial system – Despite past Tacis</p>	<p>Negative: “The issue of the division of power between the President, Parliament and Government, make the prospects for further democratic and economic reform uncertain” (CSP c: 10)</p>

	<p>Negative: “Although the independence of the judiciary is ensured in the constitution, actual practice is often different” (CSP a)</p> <p>EU response: “An independent judiciary is a prerequisite to ensure the rule of law and respect for human rights and civil liberties, as well as to effectively combat crime” (CSP a)</p>	<p>initiatives, judiciary is the weakest pillar of power. (CSP b: 11)</p> <p>Negative: The judicial system cannot be considered completely independent from other branches of power (CSP b: 9)</p> <p>Negative: “Independence of the judicial system remains weak and curtailed by competing political elite interests.” (CSP b)</p> <p>EU response: Serious reform of judiciary needed for business and investment climate (CSP b: 10)</p> <p>Projects with NGOs, OHCHR¹³, CoE¹⁴ to strengthen independence of judiciary (CSP b: 13)</p>	<p>Negative: Limited role of courts (CSP c)</p> <p>Negative: The use of law enforcement authorities against political enemies (CSP c: 6)</p> <p>Positive: The judicial reform agenda encompasses a complete overhaul of the pre-trial and court system (CSP c)</p> <p>Negative: The judiciary is the weakest pillar of power, curtailed by competing political elite interests (CSP c: 10)</p> <p>EU response: Support for institutional, legal and administrative reform-Tacis (CSP c)</p> <p>EIDHR- independence of judiciary (CSP c)</p>
<p>free, independent and pluralistic media</p>	<p>Negative: In 2002-04, no freedom of media, systemic pressure on independent media outlets (CSP a)</p> <p>Harassment of critical intellectuals and journalists (CSP a: 7,8)</p> <p>Closures of independent media outlets (CSP a: 8)</p> <p>EU response: Strong concern, greater financial support to NGOs working to strengthen independent media (CSP a)</p>	<p>Negative: There is media pluralism but media independence is weak - powerful media empires control all media outlets (CSP b)</p> <p>The state-owned media has a strong position, and state authorities maintain some leverage over formally independent media, especially in the regions (CSP b).</p> <p>EU response: Concern about media independence, possible political intolerance (CSP b)</p> <p>Projects with NGOs, CoE, OHCHR to promote</p>	<p>Negative: Weak press freedom (CSP c: 10)</p> <p>EU response: Promotion of independent and responsible media and free press - through EIDHR (CSP c)</p>

¹³ OHCHR: The Office of the UN High Commissioner for Human Rights

¹⁴ CoE: Council of Europe

		independent media (CSP b: 13)	
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Sources: Country Strategy Paper (CSP) a, b, c; 2004/848/CFSP.

Appendix 3: Content Analysis – Case Countries (2007-2013)

Democracy-Human Rights Elements & Perception of threat	Belarus 2007-2013	Russia 2007-2013	Ukraine 2007-2013
Perception of threat (security, stability, trade, economy)		<p>Strong</p> <p>“The main interests of the EU in Russia lie in fostering the political and economic stability of the Federation; in maintaining a stable supply of energy; in further co-operation in the fields of justice and home affairs, the environment and nuclear safety in order to combat ‘soft’ security threats; and in stepping up cooperation with Russia in the Southern Caucasus and the Western NIS for the geopolitical stability of the CIS region, including for the resolution of frozen conflicts.” (CSP e: 3)</p> <p>“If the regions adjacent to Russia are not stable, this will have consequences for the security of the EU itself.” (CSP e: 5)</p> <p>“Progress towards achieving the Common Spaces is vulnerable to security threats. The <i>conflict in Chechnya</i> has provoked widespread humanitarian problems, and the continuing crisis has threatened to tip the wider Northern Caucasus into <i>disarray and conflict</i>. The EU is thus concerned to support the <i>stabilization</i>, recovery and ultimately the development of the North Caucasus.” (CSP e: 3)</p>	<p>Strong</p> <p>“Ukraine is a key strategic partner for the EU in order to secure and diversify energy supplies. Ukraine is a key transit country for oil and gas supplies, with 40% of the EU’s natural gas imports crossing the Ukraine network” (CSP f: 28)</p> <p>EU response: “The EU and Ukraine are (...) considerably stepping up their cooperation in the field of energy” (CSP f: 28)</p>

		<p>EC response: EC financial cooperation (CSP e: 5)</p> <p>“As Russia becomes more assertive, the EU must rely on Russian goodwill, (...) for its efforts to promote a ring of stable and prosperous states to its east, based on democracy and respect for human rights” (CSP e: 8)</p> <p>“The Energy Dialogue is intended to ensure energy security and price stability for both the EU and Russia” (CSP e: 22)</p>	
right to life, right to liberty and security	Negative: “Providing protection to asylum seekers and refugees as well as stateless persons remains weak” (CSP d: 13)	<p>Negative: “Russian legislation implementing the UN Convention relating to the status of refugees permits an asylum-seeker only 24 hours in which to make a claim. Asylum-seekers are not given papers entitling them to stay in Russia while awaiting a decision on their claim, making them vulnerable to removal as illegal immigrants. During that period – which can last for 1-2 years – the applicant has no other legal rights and is not entitled to work or receive state medical assistance. State facilities for asylum seekers are minimal” (CSP e: 9, 10)</p> <p>EU response: exchange information on migration management policies, etc. (CSP e: 39)</p>	
right to fair trial			<p>Negative: No respect for international standards of fair trials (Council of the EU c)</p> <p>Response: Strong concern (Council of the EU c)</p>
right to respect for private and family			

life			
right to effective remedy			
prohibition of torture	<p>Negative: “Torture is reported to be used routinely to extract confessions from detainees”(CSP d: 9)</p> <p>Belarus is a party to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, but it has not ratified the European Convention for the Prevention of Torture. (CSP d: 9)</p>	<p>Negative: Regarding the case of lawyer Sergei Magnitsky's death in pre-trial detention: “Two independent investigations, conducted by the Public Oversight Commission for Human Rights Observance in Moscow Detention Centers and by the Russian Presidential Council on the Development of Civil Society and Human Rights, revealed that Sergey Magnitsky was subjected to inhumane conditions, deliberate neglect and torture.” (Council of the EU b)</p>	
prohibition of discrimination			
prohibition of slavery and forced labor			
freedom of movement		<p>EU response: The facilitation of the movement of persons/readmission through the Common Space of Justice, Freedom and Security (CSP e: 39).</p>	
abolition to death penalty	<p>Negative: Belarus implements the death penalty (CSP d: 9)</p> <p>EU response:“The EU called on the authorities to declare an immediate moratorium on the use of the death penalty, with a view to its abolition.” (European Commission a: 8)</p>		
right to appeal in criminal matters			
freedom of expression	<p>Negative: “Freedom of expression and of the press deteriorated further” (CSP d:10)</p>	<p>Negative: “freedom of expression is tolerated only within limits” (CSP e: 30)</p>	
freedom of thought, conscience and religion			
freedom of	<p>Negative: Following the</p>		

<p>assembly and association</p>	<p>March 2006 Belarusian presidential elections, the demonstrators and the members of opposition were suppressed by use of violence and arrested (CSP d: 8)</p> <p>EU response: 10th April 2006 restrictive measures (see also ‘free elections’ section).</p> <p>March 2006, “the EU expresses its concern over the systematic infringements on fundamental rights and freedoms, such as the rights of assembly, association” (CSP d: 10)</p> <p>“The EU has repeatedly expressed its disappointment with the deterioration in the freedom of assembly and association” (European Commission a)</p> <p>Negative: The events after the Presidential elections of 19 December 2010 (European Commission a)</p> <p>EU response: “The EU decided on 31 January 2011 to reinstate and extend sanctions against persons responsible for the electoral fraud that occurred and for the violent crackdown that followed” (European Commission a: 4)</p> <p>Negative: Continuing failure to protect core labor rights (CSP d: 1)</p> <p>EU response: withdrawal of GSP entered into force (21 June 2007) ¹⁵ (CSP d: 1)</p>		
<p>a pluralistic system of political</p>	<p>Negative: “Although civil society is developing in</p>	<p>Negative: “Recent changes in the law on NGO</p>	<p>Positive/Negative: “The attempt, during summer-</p>

¹⁵ “GSP withdrawal is not a sanction related to the political situation but the cancellation of a privilege over non-implementation of core labour standards” (CSP d: 1)

<p>parties and organizations</p>	<p>Belarus, many NGOs have been closed down for minor administrative irregularities.” (CSP d: 10)</p> <p>EU Response: Support for democratic development including NGOs is a priority area (CSP d: 25)</p>	<p>registration may further discourage the emergence of a true civil society in Russia.” (CSP e: 7)</p> <p>“The Kremlin is getting into the game of ‘creating’ NGOs to counter the influence of Western-funded organizations operating in its sphere of influence.” (CSP e: 8)</p> <p>Negative: “The political opposition remains weak and fractious. Party political rivalry appears to be a mask for the struggle between rival clans for control of the national wealth.” (CSP e: 15)</p>	<p>autumn 2006, to create a government of national unity bringing together Mr Yanukovich’s Party of the Regions and President Yushchenko’s “Our Ukraine” bloc did not succeed.” (CSP f: 6)</p> <p>EU Response: Development of civil society/NGOs is an objective (CSP f: 13).</p>
<p><i>free elections</i></p>	<p>Negative: An OSCE report on the March 2006 Belarusian presidential elections referred to “<i>serious violations of election standards</i>”. “The European Union called the Presidential elections in Belarus “fundamentally flawed”” (CSP d: 8)</p> <p>The EU response: The 10th April 2006, the <i>restrictive measures</i> were adopted against President Lukashenko, the Belarusian leadership and officials responsible for the violations¹⁶ (CSP d: 8). (see ‘freedom of assembly’ for other reasons of this restrictive measures)</p> <p>Negative: The Presidential elections in December 2010 (European Commission a)</p> <p>EU response: “The FAC of 31 January 2011¹⁷ decided to reinstate and extend</p>	<p>Negative: 4 March 2012 Russian Presidential elections – several shortcomings such as the restriction of the voters’ choices, irregularities in the conduct of elections (MEMO/12/158).</p> <p>EU response: The EU encourages Russia to address these shortcomings (MEMO/12/158).</p> <p>4 December 2011 Duma elections – OSCE/ODIHR reports of procedural violations, such as lack of media impartiality, lack of separation between party and state, and the harassments of independent monitoring attempts, are however of serious concern (Council of the EU a).</p> <p>Expectation from the authorities to address these shortcomings (Council of the EU a).</p>	<p>Positive: First truly free and fair parliamentary elections on 26 March 2006 (CSP f: 6)</p> <p>Negative: Several shortcomings with the conduct of the 28 October 2012 parliamentary elections, “a deterioration in several areas compared to standards previously achieved” (Council of the EU c)</p> <p>Negative: “The opposition leaders were prevented from standing in the parliamentary elections.” (Council of the EU c: 2)</p> <p>EU Response: The EU “expects the Government of Ukraine to implement in an inclusive dialogue with the opposition (...) to establish a reliable electoral system based on an Election Code and clear rules for balanced media access for electoral competitors.” & The EU</p>

¹⁶ Council Common Position 2006/276/CFSP of 10 April 2006 concerning restrictive measures against officials of Belarus and repealing Common Position 2004/661/CFSP.

¹⁷ Council Conclusions on Belarus: 3065th Foreign Affairs Council meeting Brussels, 31 January 2011

	sanctions against persons responsible for the electoral fraud and for the violent crackdown that followed.” (European Commission a: 8)		“expects Ukraine to uphold and promote all existing OSCE commitments” (Council of the EU c: 1,3)
The rule of law	<p>Negative: “Some detentions are arbitrary”- “In September 2005, the UN Working Group on Arbitrary Detention declared the detention of Mikhail Marinich, a former Minister, to be arbitrary” (CSP d: 9)</p> <p>Negative: “There are still significant challenges in terms of strengthening the rule of law” (European Commission a: 4)</p> <p>EU Response: “The EU is willing to deepen its relationship with Belarus, including access to the full benefits of the ENP, once the Belarusian authorities clearly demonstrate their willingness to respect democratic values and the rule of law.” (CSP d: 6)</p> <p>In 2011 FAC Conclusions, the EU reiterated that deepening of the EU-Belarus relationship is “conditional on progress towards respect” by the Belarusian authorities for the rule of law, human rights and the principles of democracy (European Commission a: 8).</p>	<p>Negative: “The Yukos affair provides the most high profile recent example of (...) its (Russia’s) clumsy handling demonstrating the selective application of the rule of law” (CSP e: 31)</p> <p>EU Response: Improvement of law enforcement systems is assessed among the objectives of Common Spaces (CSP e: 38).</p> <p>“Improvement of the legislative and law enforcement systems for the protection of intellectual, industrial and commercial property rights in order to enhance competitiveness and improving the investment climate” (CSP e)</p> <p>Negative: The death of lawyer Sergei Magnitsky in 2009 in pre-trial detention – no full investigation, perpetrators were not brought to justice. (Council of the EU b)</p> <p>EU response: Statement for EU’s concern (Council of the EU b)</p>	<p>Negative: often unclear laws and regulations, and uneven and arbitrary enforcement - makes the investment climate unpredictable (CSP f: 7)</p> <p>EU response: Political dialogue, reform, EC assistance to strengthen the rule of law (CSP f)</p> <p>EU response: From 2007 on EC assistance is provided to Ukraine through the European Neighborhood and Partnership Instrument (ENPI) that includes the rule of law as a priority area (CSP f).</p>
transparency and accountability in public administration		<p>Negative: The corruption of the bureaucracy – “Russia ranks on a par with Albania on the Transparency International scale of corruption” (CSP e: 15)</p> <p>EU response: “The EU also provides support for anti-corruption measures in Russia and for the reform of the Russian judicial system in general.” (CSP e: 23)</p>	<p>Negative: Corruption, not fully transparent (CSP f: 8)</p> <p>EU response: Policy measures are required to fight against corruption, to improve transparency (CSP f: 8)</p> <p>Political dialogue, EC assistance (CSP f)</p> <p>“Improving the investment climate”: “Objectives</p>

		<p>Fighting corruption is one of the priorities of Common Spaces (CSP e: 44)</p> <p>“While investors currently active in Russia are generally satisfied with returns, there is hesitation on the part of potential new investors. Corruption continues to be a major problem.” (CSP e: 34)</p>	<p>include improving transparency, predictability and simplification of regulation.” (CSP f: 5)</p>
right to take part in conduct of public affairs		<p>Negative: “Russian citizens in general are not sensitive to political or civic rights issues.” (CSP e: 15)</p>	
separation of powers and independence of the judiciary	<p>Negative: “Although the Constitution provides for an independent judiciary, the President appoints six of the twelve judges of the Constitutional Court and all other judges.” (CSP d: 9)</p> <p>“There are credible reports of “telephone justice”, whereby judges receive telephone instructions from government officials” (CSP d: 9)</p> <p>EU response: Assistance to support reform of the judiciary (CSP d: 27)</p> <p>Negative: <i>The politically-motivated</i> criminal prosecution (European Commission a: 7)</p> <p>EU response: politically-motivated criminal prosecution is one of the reasons of restrictive measures - the Council Conclusions of 17 November 2009¹⁸ (European Commission a).</p>	<p>Negative: <i>Politically-biased</i> legal system, powerful repressive law enforcement agencies, power is increasingly concentrated within the Presidential administration. (CSP e: 3)</p> <p>Negative: No independent judiciary (CSP e)</p> <p>“Many observers express increasing concern about <i>recent constitutional change</i> and the position of the judiciary in particular.” (CSP e: 15)</p> <p>Negative: Constitutional change; i.e. “the nomination by the President of regional governors and the ability that the Kremlin now has to dissolve regional Dumas” (CSP e: 31)</p> <p>EU Response: Contributing to the efficiency of the judicial system is one of the aims of the Common Spaces. Actions taken through exchange of information, professional training, workshops (CSP e: 44)</p>	<p>Negative: 2012, “the <i>politically motivated convictions of members of the former Government</i> after trials which did not respect international standards as regards fair, transparent and independent legal process” (Council of the EU c)</p> <p>EU response: Strong concern & the Council expects Ukraine to take additional steps on judicial reform (Council of the EU c)</p> <p>EU response: From 2007 on EC assistance is provided to Ukraine for judicial reform through the European Neighborhood and Partnership Instrument (ENPI)</p>
free, independent	Negative: ““Reporters	Negative: Lack of	

¹⁸ Council Conclusions on Belarus 2974th External Relations Council meeting Brussels, 17 November 2009.

<p>and pluralistic media</p>	<p>Without Borders” ranks Belarus in 152nd place out of 167 under the press freedom index (2005)” (CSP d: 10)</p> <p>Negative: “prosecutions against journalists are common” (CSP d: 10) “Two investigative journalists have recently been murdered.” (CSP d: 10)</p> <p>EU response: During 2010 the EU has repeatedly expressed its disappointment with the deterioration in the freedom of media. (European Commission a)</p>	<p>independent media (CSP e: 7)</p> <p>Negative: “The media is forced to exercise a prudent self-censorship” (CSP e: 30)</p> <p>Negative: Murder of journalist Anna Politkovskaya (CSP e)</p>	
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Sources: Country Strategy Paper (CSP) d, e, f; Council of the European Union a, b, c; European Commission a; MEMO/12/158.

Appendix 4: Applying the results to the variables

	Neo-realism	Social Constructivism/ Normative theory
Stated motivation	Strategic (normative, in second order)	<i>Normative</i>
Understanding of norms	<i>Passive Period: Focus on norms changes in accordance with strategic interests</i>	<i>Active period: Constant focus on norms/ changes in accordance with the developments</i>
Policies & Actions	<i>Passive Period: Change in accordance with strategic interests</i>	<i>Active period: Proper policies/reactions against the developments (i.e. human rights violations) in accordance with norms– change for the promotion of norms</i>
Perception of threat	<i>Russia: Threat to security/stability & trade/economy, changes with variation in the capabilities/intentions of third country</i>	<i>Ukraine, Belarus: Threat to normative values, changes with variation in the identity of third country</i>