

**MOTIVES OF THE EUROPEAN UNION ON IMPOSING
SANCTIONS: AN ANALYSIS OF NORMATIVITY**

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**MOTIVES OF THE EUROPEAN UNION ON IMPOSING
SANCTIONS: AN ANALYSIS OF NORMATIVITY**

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ABSTRACT

MOTIVES OF THE EUROPEAN UNION ON IMPOSING SANCTIONS: AN ANALYSIS OF NORMATIVITY

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There has been a vast amount of theories that aimed to explain what kind of a power the European Union is. One concept that has been a subject to many discussions, is, the Normative Power Europe theory by Ian Manners, which pictures the EU as a global power that functions in respect of its internalized norms. This theory is mainly derived from the idea that the Union utilizes ‘normative tools’ for ‘normative goals’ and the strictest policy it applies in its foreign affairs is its sanctions policy. Like many global powers, the Union has been imposing sanctions increasingly and throughout time it has managed to tailor a unified policy based on common goals. The European rhetoric argues that these measures are applied with the motivation of aligning wrongdoers with the European norms. Yet, an in-depth analysis of the EU’s relations with certain norm transgressor states demonstrates that the motives behind taking such restrictive measures do not always have to be normative. This thesis will examine the motives of the European Union on imposing sanctions by analyzing its relations with three norms transgressors; Iran, Russia and Israel. By doing so, it will suggest that the cost and benefit calculations are considerably relevant and must not be neglected when it comes to the Union’s decisions of imposing sanctions.

ÖZET

AVRUPA BİRLİĞİ'NİN YAPTIRIM UYGULAMA MOTİVASYONU: 'NORMATİF' KAVRAMININ ANALİZİ

AYGÜL LAÇIN ARTIKOĞLU

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Anahtar Kelimeler: Avrupa Birliği, İran, İsrail, Rusya, AB Yaptırım Politikası

Avrupa Birliği'nin nasıl bir güç olduğunu açıklamayı amaçlayan çok sayıda teori üretilmiştir. Bu doğrultuda üretilen ve oldukça tartışılan konseptlerden biri olan, Ian Manners'ın AB'yi normatif bir güç olarak tanımladığı teorisi AB'yi içselleştirdiği normlar doğrultusunda hareket eden bir global güç olarak tasvir etmiştir. Bu teori, AB'nin 'normatif yöntemler' kullanarak 'normatif amaçları' gerçekleştirdiği fikrinden ve en sert politikasının yaptırım uygulamak olduğu gerçeğinden türemiştir. Birçok global güç gibi, Avrupa Birliği de sıklıkla yaptırım uygulamaktadır ve zamanla ortak amaçlar üzerine kurulmuş, ortak bir yaptırım politikası oluşturmayı başarmıştır. Avrupa söylemi, yaptırım politikasının motivasyonun, normları ihlal edenleri Avrupa normlarına uyum sağlamaya ikna etmek yönünde olduğunu belirtmektedir. Ancak AB'nin bazı norm ihlalinde bulunan devletlerle ilişkilerinin detaylı bir analizi, Birliğin bu çeşit kısıtlayıcı tedbirler almasındaki motivasyonun her zaman normatif olmadığını göstermektedir. Bu tez, Avrupa Birliği'nin üç norm ihlalinde bulunan ülke (İran, Rusya ve İsrail) ile ilişkilerini analiz ederek AB yaptırım politikasının motivasyonunu inceleyecek ve AB'nin yaptırım uygulama kararı alırken söz konusu devlet ile ilişkilerinden edindiği kazancı ve ilişkilerini durdurunca uğrayacağı kaybı hesap ederek karar aldığını gösterecektir.

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Desteklerini her zaman hissettiğim anneanneme ve dedeme...

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LIST OF ABBREVIATIONS

AA Association Agreement	44
CFSP Common Foreign Security Policy	11
COREPER II The Committee of Permanent Representatives	13
CPE Civilian Power Europe	1
DCFTA Deep and Comprehensive Free Trade Area.....	45
EaP Eastern Partnership	44
EBRD European Bank for Reconstruction and Development.....	48
EC European Community	10
EEAS European External Action Service	12
EIB European Investment Bank	48
ENP European Neighborhood Policy	44
EPC European Political Cooperation	9
EU European Union	1
IAEA International Atomic Energy Agency.....	31
ICJ International Court of Justice	59
MTS The Medium-Term Strategy for the Development of Relations between the Russian Federation and the EU (2000-2010).....	41
NPE Normative Power Europe	1
NPT Non-Proliferation Treaty.....	32
OSCE Organization for Security and Cooperation in Europe.....	42

PCA Partnership and Cooperation Agreement	40
PLO Palestine Liberation Organization	54
PSC Political and Security Committee	11
RELEX Working Party of Foreign Relations Counsellors	11
SEA Single European Act	10
TCA Trade and Cooperation Agreement	30
TEU Treaty on European Union	12
TFEU Treaty on the Functioning of the European Union	13
UfM Union for Mediterranean	58
UN United Nations	9
UNSC United Nations Security Council	9
US United States	9
USSR Union of Soviet Socialist Republics	40
WEI Wider Europe Initiative	57
WMD Weapons of Mass Destruction	29

1. INTRODUCTION

The European continent, which has seen the most bloodshed wars for centuries, is now hosting the European Union (EU); a security community that is founded on common values and identity, functioning with the motto of “United in diversity”. Today, with 27 member states, what was once a pioneer regional economic project has turned out to be a global actor. As a *sui generis* entity, the European Union has been subject to questions regarding its actorness in international arena. The literature which studies the type of actor the EU is, varies and dates as early as 1970s. The earliest concept developed by François Duchêne suggests that the Union is a ‘Civilian Power’. The ‘Civilian Power Europe’ (CPE) concept argues that the Union promotes values that belong to its ‘inner characteristics’ such as equality, tolerance, and justice. According to this the Union has a moral motive to its actions as it aims to be force for the diffusion of civilian and democratic standards (Orbie 2004).

Building on CPE, Ian Manners coined a theory that aimed to shed further light to this issue in his seminal article of 2002. Manners argued that the European Union is a normative power (NPE), which pursues normative aims through normative tools and diffuses its norms in the global arena. In his study he highlighted that the Union’s true power lies on its capacity to shape conceptions of ‘normal’ in its affairs with third parties. The NPE theory triggered a number of reactions among scholars, and the nature of the European Union’s power along with its true motives in its external affairs remain as two subjects that are still open to question.

Both of these concepts rely heavily on the fact that the Union uses persuasion instead of coercion to create a change in third countries. The most effective mechanism that the Union operationalizes in creating incentives for third countries is its conditionality principle. Conditionality, which has an analogy with ‘the carrot and stick’ formula, creates a cost-benefit calculation for the third country. It offers an actor certain benefits linked to the actualization of certain conditions. While positive conditionality brings benefits as in ‘carrots’, negative conditionality can be seen as punishments or ‘sticks’ (Veebel 2009). This principle allows domestic alteration

to occur through a voluntary transformation. The EU often applies this through presenting ‘conditions’ to oblige in bilateral agreements.

One of the punishments that the Union applies in case of non-compliance is sanctions. The sanctions imposed by the Union often comes as diplomatic sanctions, suspension of cooperation with a third country, boycotts of sport or cultural events, trade sanctions, financial sanctions, flight bans, and restrictions on admission (*European Commission-Restrictive Measures* 2008). Moreover, the objectives for the sanctions stated by the Union are “promoting international peace and security, preventing conflicts, defending democratic principles and human rights, preventing the proliferation of weapons of mass destruction and fighting terrorism” (*Sanctions: How And When The EU Adopts Restrictive Measures* 2020). The NPE supposes that the Union derives its normative identity through its internalized values; respect for rule of law, promoting peace, human rights and democracy. Therefore, the objectives determined by the Union as the basis of the sanctions coincide with the normative character of the EU.

The EU currently has 35 countries listed in its sanctions list (*EU Sanctions Map* 2020). All have a set of measures applied based on the vehemence of the transgression they commit. In other words, the Union’s sanction policy is not ‘one-size fits all’. This variety and vagueness among the cases of sanction implementation still remains as a valuable area of study. The literature falls short on answering what exactly determines the severity of a violation in comparison to others and how EU tailors its sanctions accordingly. A question that is noteworthy to address is whether the motives of the Union are really normative or is it possible for Brussels to have a different agenda?

It can be argued that the variety, which exists in the EU’s sanctions policy, essentially depends on the relations between the violator state and the EU member states. Member states are presented as actors that are committed to EU values, but looking at events from a more realist perspective; member states’ egocentric motives can overshadow the norms they defend. Therefore, I argue in this thesis that the motives of the Union’s sanctions are not necessarily related to their commitment to community norms, but are rather shaped with cost and benefit calculations. In fact, I suggest that, for Brussels to apply sanctions strictly and effectively, the normative objection has to conjugate with the member states’ interests. Looking from this perspective, Brussels’ norm-based rhetoric can simply be a tool for legitimization of its actions instead of being the ‘driver’ of its actions. Assessing the normativeness of European Union in its sanction policy and validating this hypothesis requires an in-depth analysis of the relations between a number of transgressor states and the

Union along with the evaluation of implemented sanctions.

This thesis is divided into five chapters. The first chapter provides a brief discussion of the sanctions in international relations. First, the prominent ideas in the sanctions literature will be elaborated on. Next, the sanction policy of the European Union will be elaborated. The historical process of the development of a common policy along with the decision-making process will be presented. A systematic understanding of the decision taking process concerning sanctions is necessary to analyze the difficulties of sanction implementation. Moreover, the types of sanctions that the Union enforces will be discussed. Lastly, the literature on the European sanctions will be discussed.

The second chapter will present a theoretical framework in order to comprehend the use of norms by the European Union in global political sphere. The question that is explored is whether the European Union can be considered as a normative power or whether the norms are used for legitimization of egocentric actions through a focus on the EU sanctions policy. To do so, first of all the Normative Power Europe theory will be elaborated on. To understand the binding character of norms, one must look at how actors perceive the validity of norms. Thus, the persuasion process in international negotiations and the communication of norms in deliberations will be addressed with the support of argumentation theory.

The third, fourth and fifth chapters will present the case studies. The first case study that will be discussed in the fourth chapter is Iran. Iran is a country that was heavily sanctioned due to its uranium enrichment program. Iran's case directly falls under Brussels' goal of preventing the proliferation of weapons of mass destruction, promoting peace and security and enforcing international law. To grasp a better understanding of the process that has paved the way to Europe's implementation of sanctions in the case of Iran, first the historical background of the EU-Iran relations will be discussed, followed by a discussion of the nuclear weapon crisis and the sanctions implemented. The chapter will be concluded with a brief analysis of the normativeness of the motives, based on the theoretical framework that was presented.

The second case study that will be discussed in the fifth chapter is Russia. The Russian Federation has been dealing with long lasting sanctions since its illegal annexation of Crimea and Sevastopol. The sanctions has been expanding and extending since 2014. To develop a better understanding of the sanctions and the position that have been tailored towards Russia, first a brief summary of the EU-Russia relations will be given, next the Russian intervention in Ukraine will be elaborated on and the sanctions imposed on Russia will be explained. In the light of the theoretical

framework that was previously presented, the normativity of the Union's motives will be discussed.

The third and final study case that will present in chapter six is Israel. The Union has been developing and institutionalizing its relations with Israel since the 1960s, hence these two actors have a long history of cooperation. Israel stands out as a developed market economy in its region and shares Western democratic values. Thus, it has been a valuable trade partner for the EU. Nevertheless, due to its policies in the Occupied Territories, it has been labeled as a transgressor state by the United Nations. Although the Union has been continuously and publicly criticizing Israel's policies in the Occupied Territories, it has not taken a tangible action yet. The EU's hesitance over imposing negative measures has been subjected to denunciation, not only by the political elite but also by scholars. To understand the motives behind the Union's hesitation, first a historical overview of EU-Israel relations will be given; followed by a discussion of Israel's violation of international law. Moreover, the possible reasons for the EU's lack of action will be discussed and the chapter will conclude with a discussion of the Union's normative identity in respect of its stance towards Israel.

2. THE USE OF SANCTIONS IN INTERNATIONAL RELATIONS AND EU FOREIGN POLICY

2.1 Sanctions in International Relations

Sanctions are commonly accepted as punitive countermeasures against acts that are perceived as breaching international obligations. Due to the dramatic increase in the use of sanctions in the global arena after the 1990s, the topic of sanctions has gained a lot of attention among scholars. The literature focuses heavily on the efficiency and the costs of sanctions and scholars remain skeptic on their usefulness. Sanctions are described as “the temporary abrogation of normal state-to-state relations to pressure target states into changing specified policies or modifying behavior in suggested directions” (Tostensen and Bull 2002, p.374).

The sanctions imposed during 1990s were ‘comprehensive’ and the damage that was caused by the economic disruption ended up being too heavy for the civilians in several cases. The comprehensive sanctions imposed on Iraq is one of the severe cases where the humanitarian backlash UN imposed comprehensive economic sanctions against the Saddam Hussein regime in Iraq in 1990. The sanctions had severe humanitarian costs as child mortality increased and malnutrition flourished. Moreover the sanctions failed to topple Saddam Hussein (de Jonge Oudraat 2000). The humanitarian costs of such sanctions led think tanks, research institutions, UN agencies and non-governmental organizations (NGOs) to search for a more refined policy that could punish the violators and avoid others to be effected as much as possible. This search led to the creation of targeted (smart) sanctions (Tostensen and Bull 2002). The targeted sanctions were “designed to hit the real perpetrators harder and to spare potential innocent victims, leading to speedier change of sanctionee behavior” (Tostensen and Bull 2002, p.374).

The rising interest in the application of targeted sanctions intrigued scholars to study its effects. Kimberly Ann Elliott says “more targeted impact also often means more limited impact, even for those targeted” (Elliott 2005, p.11). Elliott elaborates on the types of targeted sanctions imposed and discusses their effects. She writes that travel and transportation sanctions along with visa bans often have “psychological and diplomatic costs” and the economic costs they have are often insignificant. Likewise the sanctions imposed on cultural, scientific or sports exchanges are mainly psychological. She notes that arms embargoes can have economic costs yet their main objective is to cease or reduce the violence (Elliott 2005, p.11). According to Elliott, the financial sanctions like freezing assets can be more enforcing as they can have effects on the market. Yet, she mentions that financial sanctions that can affect markets are not necessarily more humane and can have unintended effects on civilians (Elliott 2005).

There is a general acceptance among the literature that diplomatic sanctions tend to remain as symbolic as their capacity to initiate a change is very low. Therefore, economic sanctions are at the epicenter of the scholarly work. The theory behind economic sanctions is that they would cause an economic deficiency, which would trigger public anger and lead to civil protest (de Jonge Oudraat 2000). Hence the policy aims to spark a change from inside. In his book ‘A Breakfast for Bonaparte’, Eugene V. Rostow writes that the use of sanctions is a product of English radicalism. Enforcement of negative measures on economies shows a strong belief on the power of liberal markets and a faith in the fact that economic motives can substitute for military force (Rostow 1993).

The dispute in the literature centers on the efficiency of sanctions. A vast number of scholars, who have studied sanctions through empirical data, argue that sanctions are an ineffective foreign policy tool. Navin A. Bapat and Bo Ram Kwon suggest that sanctions are not effective because the sender cannot or will not actively enforce them due to the cost that such measures have on senders (Bapat and Kwon 2014). They suggest that the necessary condition for economic sanctions to work is when the exchange between sender’s companies and the target state are not insignificant but that they are also not valuable enough for the sender’s firms to get damaged. Hence, the economic effects of halting trade on the sender’s economy is a concern for policy makers when they are taking sanction decisions.

Aside the financial costs of imposing sanctions, there are also audience costs for senders. James Barber writes that “once commitments have been made to a policy, whether by individual political leaders, or by governments or international organizations, reputations and pride are at stake” (Barber 1979, p.380). Thus, another

concern for policy makers stands out as their credibility and prestige. The political costs of backing down are too high when there is a public audience watching the decision takers. The worry of prestige has led some scholars to debate on the possibility of sanctions to build to a war. David J. Lektzian and Christopher M. Sprecher argue that the audience cost of not being able to effectively impose a change in the target state could lead the disputes that come with imposing sanctions to eventually escalate to the military level (Lektzian and Sprecher 2007). The possibility of the use of military means has led some scholars such as Arne Tostensen and Beate Bull to suggest that sanctions can vary from oral condemnation to military intervention. They base this argument on the fact that the sanctions were in conjunction with military intervention during the 1990s (Tostensen and Bull 2002).

Nevertheless, there are a vast number of scholars who argue that the goal of imposing sanctions is to avoid the use of military forces in the first place; hence sanctions are an alternative to military power. Drezner writes that “ economic coercion acts as a foreign policy substitute for military coercion, rather than a complement” (Drezner 2003, p.650). Moreover, T. Clifton Morgan and Valerie L. Schwebach argue that the use of sanctions decreases the possibility of parties to resort to force (Morgan and Schwebach 1997). Their suggestion is that as the costs increase for the bargainers, their will to take on a negotiated settlement will increase, which will lead to a reduction in the possibility of war.

The costs that sanctions could have on the sender have led some researchers to focus on the credibility of the threat that comes with sanctions. Jonathan Eaton and Maxim Engers highlight the necessity of the sanctions’ credibility in the targets’ eyes for the sanctions to be effective: “The threat of a sanction or the promise of a reward can be effective only to the extent that the target believes that the sender will stick to its stated policy” (Eaton and Eagers 1992, p.901). Likewise, Thomas Biersteker and A.G. van Bergeijk underline that the “failure to lift sanctions after the situation changes undermines the legitimacy of sending institutions and makes it more difficult for them to secure compliance by others” (Biersteker and van Bergeijk 2015, p.28). Hence, if the target is aware that the persuader could not follow its own threats, perhaps due to the economic leverage that the target has over the sender, the threat of sanctions will not live up to its end goal. The failure of a sanction policy will not only minimize the legitimacy of the sanctioning state among its residents but it will also cause to a decrease in the persuader state’s credibility as a global actor.

The costs and credibility of threats that arises from sanctions still remains as a fruitful area to study. In a state-to-state relationship, the sanctioning party has to

put its gains from its relations with the target state behind for these measures to work. Bapat and Kwon write that “threats to impose sanctions are more likely to gain credibility when signaled through international institutions, and can be more effective if they are directed at democratic targets and threaten to suspend a large volume of trade” (Bapat and Kwon 2014, p.133). Sanctions that come from an international organization are more likely to be effective, as all participants are obliged to enforce the sanction decisions. The costs of being sanctioned by a group of states, such as the European Union, would be much higher for the target in comparison with being sanctioned by only one government.

2.2 Sanctions in EU Foreign Policy

Like many entities, the European Union (EU) has been exercising sanctions, which are often referred as ‘restrictive measures’ in official EU documents, increasingly. Sanctions have proved to be an effective instrument to use against belligerent entities, as it carries more normative connotations and fits in well with the Union’s ‘soft power’ identity. Moreover, using restrictive measures avoids the costs of using military power. The institutional dimensions of the European Union in imposing sanctions have developed from a loose collaboration to a multifaceted and well-developed forceful mechanism in the area of foreign policy and security. This paper will provide an elaborated analysis on the development of the European Union’s sanction policy, the decision-making process and the instruments that the Union uses for imposing sanctions.

2.2.1 The Development of European Union Sanctions Policy

There is a general disagreement among scholars studying the Union’s sanctions policy on when to start the analysis, as the sanctions were often put in order by national governments in the early years of the organization. An analysis of the development of the Union’s foreign policy can also help to grasp a better understanding of the evolvement of its sanctions policy.

As the economic integration of the then nine member states of the European Eco-

nomic Community turned out to be fruitful, integration in the political scope was deemed necessary. George Pompidou presented his 'completion, deepening and enlargement of Europe' ideas in a press conference in July 1969. What is also known as Pompidou's triptique, was approved in the Hague Conference in December 1969. Concerning the 'deepening' principle, Etienne Davignon, the political director of the French Ministry prepared the Davignon Report, which was adopted in October 1970 (Bindi 2010). The report paved the way for the establishment of the European Political Cooperation (EPC), which intended to institutionalize the principle of consultation and cooperation in foreign policy issues (Bindi 2010). Briefly, the goals of the cooperation can be gathered as; to create a mutual understanding of the major problems of international politics through regular consultation; to align the views and to coordinate the positions among the member states; and to achieve a unified approach to certain issues (Wessels 1982).

Nevertheless, cooperating in foreign affairs proved to be a challenge for the member states as the joint action was promoted in foreign policy while national sovereignty was kept in security policy (Kreutz 2005). The EPC only had direct control over diplomatic instruments such as declarations, demarches, and ratification of proposals in international conferences and in the General Assembly of the United Nations (UN). Hence, it managed to create practices for jointly implementing UN decisions, which fell under the national competences of member states until then (Paasivirta and Rosas 2001, p.209). However the autonomous restriction measures of the EC was not institutionalized, and the employment of negative or positive sanctions had remained as a vague area (Wessels 1982). The use of sanctions turned to be a policy area on which member states failed to adopt a unitary action. Great Britain and France clashed in the discussions of United Nations Security Council (UNSC) over the arms embargo to South Africa. Likewise, the Community could not come to a common ground on implementing sanctions to Iran in 1979, when the United States (US) asked them to join. They failed to take a decision on the matter and ended up commonly condemning the hostage taking in Tehran (Kreutz 2005).

The capacity of taking unitary action proved to be a challenge as foreign policy was an area where the member states did not want to transfer their sovereignty. Subsequently, the London Report was implemented in October 1981, with the goal of improving the organization's capacity for rapid reaction. Institutions such as Troika secretariat and a crisis procedure in which the Political Committee or Ministers could be called together within forty-eight hours were adopted (Kreutz 2005). Following the adoption of the report, the EC implemented its first unitary sanction to the Soviet Union and employed partial trade embargo as a response to the events in Poland (Kreutz 2005).

The sanctions policy of European Community (EC) took a turn with the ratification of the Single European Act (SEA) in 1987. Though the SEA focused on deepening economic integration by further liberalizing the internal economic market, it also brought a change to the decision-making procedures of the Union. The EPC became integrated to the EC structure as it had a Secretariat in Brussels. Moreover the Commission was given the responsibility of the implementation of decisions taken regarding economic sanctions by the EPC and the UN (Kreutz 2005).

The Council of Ministers wrote the Asolo List in 1991. The list aimed to distinguish a security strategy for the Union. The Asolo List identified four areas where all member states shared a common security concern, hence could and should take unanimous action (Dannreuther and Peterson 2006). These areas were recognized as economical as well as technological collaboration in armaments field, cooperation on armaments trade policy and non-proliferation (Kreutz 2005).

The fact that the Union had a sensitive approach towards the issues of security and arms production since its inception must be underlined. The Article 296 of the Rome Treaty which was initially named as Article 57 gave the member states the autonomy to take action in such circumstances:

“any Member State may take such measures as it considers necessary for the protection of the essential interests of its security which are connected with the production of or trade in arms, munitions and war material; such measures shall not adversely affect the conditions of competition in the common market regarding products which are not intended for specifically military purposes” (*Treaty establishing the European Community* 1957).

Moreover, the Council Working Group on Conventional Arms Exports was established in September 1991 for the purpose of coordinating national policies concerning conventional arms and arms embargoes. The Luxemburg Summit of 1991 established common criteria on granting arms export licenses. The first and foremost criteria instructed that all member states would follow the international commitments; particularly the prohibitions executed by the UN and the EC (Kreutz 2005). Moreover, a ‘Common Embargo List’ was settled on, specifying the list of military items and weapons that the common bans could be applied. The list addressed specifically military tools; hence it excluded the products, which could be used for both military and civilian purposes (Kreutz 2005).

The Maastricht Treaty, which came into force in 1993, introduced the three-pillar

structure. The EPC was replaced with the Common Foreign and Security Policy (CFSP). The CFSP strengthened the joint decision mechanism and formalized the decision-making process regarding sanctions (Kreutz 2005). Concerning the sanctions policy, the CFSP added a decision that the UNSC sanction decisions would constitute the minimum requirements while EU can take additional measures if it deems them necessary. As the CFSP entered into force, the decision process for utilizing sanctions became more centralized. The European Commission took the decisions on enforcing sanctions, with the exception of embargoes and targeted travel bans, which fell under national competency. In the early years of CFSP, EU sanctions especially arms embargoes were highly prominent in the integrationist agenda. ‘Common Positions’ replaced a majority of the sanctions that were implemented earlier (Kreutz 2005). Furthermore, by the end of the 90s there was an increase in the implementation of sanctions because the Union saw it as an alternative to the use of military power. Consequently, there was an increasing focus on the efficiency of such restrictive measures. Taking the 1991 criteria as its basis, a Code of Conduct on Arms Exports was adopted in May 1998 (Kreutz 2005).

The gradual institutionalization of the EU sanctions policy required guidelines and principles to support the standardization and integration of policies. The first document which the Council presented was ‘The Guidelines on Implementation and Evaluation of Restrictive Measures (Sanctions)’ in 2003 (hereby referred to as the Guidelines). Following this, the ‘Basic Principles on the Use of Restrictive Measures’ in 2004 was approved (hereby referred to as the Basic Principles). The last document adopted on the matter was ‘The EU Best Practices for the Effective Implementation of Restrictive Measures’ in 2008 (hereby referred to as the Best Practices). Moreover, in January 2004, a new formation called ‘Sanctions’ was created within the Working Party of Foreign Relations Counsellors (RELEX). The main tasks of RELEX was to share the best practices for certain cases, and to revise and implement common guidelines for an efficient and identical implementation of EU sanctions regimes among all member states (European Council 2017).

The ‘Basic Principles on the Use of Restrictive Measures’ was adopted in June 2004 by the Political and Security Committee (PSC) as a response to the Council’s request for the formation of a framework. It suggested the formation of a new Council body for a more efficient implementation of the sanction decisions (Giumelli 2013). The document hereby gives a rationalization of the EU’s sanctions policy and highlights that the Union is motivated with preserving and assisting normative values such as ‘peace’ and ‘security’ while applying sanctions. The related clause underlines that such measures are effective tools to “maintain and restore international peace and security in accordance with the principles of the UN Charter and of our common

foreign and security policy” (European Council 2004, p.2). It is specified that the sanctions should be targeting states, organizations and individuals whose behavior the Union aims to influence. The unintended consequences for those who are not targeted should be reduced as much as possible. Moreover, the document states that the EU can impose additional sanctions to the binding sanctions decisions of the UN if any entity breaches the Union’s core values. The document specifies this issue as in following: “the Council will impose autonomous EU sanctions in support of efforts to fight terrorism and the proliferation of weapons of mass destruction and as a restrictive measure to uphold respect for human rights, democracy, the rule of law and good governance” (European Council 2004, p.2).

‘The Guidelines on Implementation and Evaluation of Restrictive Measures (Sanctions)’ was first approved in 2003 and was updated in 2005, 2009, 2012 and 2017 (European Council 2020). The document further elaborates on the Union’s sanction objectives as well as the targeted measures that can be utilized. It presents directives on how to design, impose and measure the effectiveness of sanctions (Giumelli 2016). The third internal document that stands out is the ‘The EU Best Practices for the Effective Implementation of Restrictive Measures’ which was implemented in 2008 and updated in 2016 and 2018. It includes the information necessary for a successful targeted sanction. The document elaborates on how to identify the entities that are to be subjected to sanctions, the administrative procedure of financial restrictive measures and the modalities of granting exceptions (European Council 2018).

2.2.2 EU Decision Making Process on Sanctions

According to the Article 30 of Treaty on European Union (TEU), any member state can submit its initiatives or proposals to the High Representative of the Union for Foreign Affairs and Security Policy who can act with the support of the European Commission (*Consolidated Version Of The Treaty On European Union* 2012). The Sanction Proposal is announced by the Foreign Affairs Council and discussed in detail by the PSC as well as the geographical working groups of the Council. In these groups the delegates assigned by the member states negotiate the reasons for taking restrictive measures and decide by unanimity (as stated in the Article 31 of TEU) on the targets that are listed. Earlier on in the process, the European External Action Service (EEAS) makes suggestions on the measures that can be applied to specific cases, as well as whom to target. Next, the decision is taken to the RELEX,

where the representatives of member states negotiate the terms of each sanction. Following this, the decision goes to the Committee of Permanent Representatives II (COREPER II) and the Council for their approval (Giumelli 2013).

The Lisbon Treaty, which entered into force in 2009, appointed the European Council as the highest decision-making body in sanctions policy. Even the decisions for those sanctions, which target economies and finances, hence can have an impact on EU's internal market and thus should fall under the Commission's responsibilities, was given to Council. However, the Commission is still involved as an advisory body and can deliver a draft opinion (Giumelli 2013).

Different types of sanctions fall under different entities' administrations, hence a different approach is taken during the decision-making process. The Article 215 of Treaty on the Functioning of the European Union (TFEU) states that when the Council takes a decision to interrupt or diminish trade and financial relations with a third party under Chapter 2 of Title V of the TEU, the Council should act by a qualified majority on a joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the Commission. In such situations the European Parliament is only informed on the decisions (*Consolidated version of the Treaty on the Functioning of the European Union 2008a*). Nevertheless, Article 75 of TFEU, offers an exception, stating that when the sanctions concern 'preventing and combating terrorism and related activities', the Council and the Parliament should act according to the ordinary legislative procedure and they should outline a directive for administrative measures regarding capital movements and payments (*Consolidated version of the Treaty on the Functioning of the European Union 2008b*).

Sanctions such as travel bans and arms embargoes fall under national competences, hence no further legislation is necessary other than the relevant Council decision. The nation state is responsible of implementing the Council of Ministers decision on the issue, by implementing its own rules to monitor its borders (Giumelli 2013). Arms embargoes are an exceptional example as unlike other measures, it has taken its place in the Treaties since the beginning due to a provision on national security. The Council can compile the list of arms and specify the terms of their sale in ad hoc guidelines, however the final decision of sales remains with the member states (Giumelli 2013).

2.2.3 The Types of Sanctions Imposed by the EU

The European Union implements a variety of sanctions, which can be categorized as diplomatic sanctions (expulsion of diplomats, severing of diplomatic ties, suspension of official visits); suspension of cooperation with a third country; boycotts of sport or cultural events; trade sanctions (general or specific trade sanctions, arms embargoes); financial sanctions (freezing of funds or economic resources, prohibition on financial transactions, restrictions on export credits or investment); flight bans; and restrictions on admission (*European Commission-Restrictive Measures* 2008).

Diplomatic sanctions along with suspension of cooperation with a third country and boycotts of sport or cultural events are mainly symbolic measures employed to signal disapproval of an entity's behavior (Kreutz 2005). Thus the sanctioning powers of such measures are very low.

Arms embargoes are often applied to halt the flow of arms and military equipment to conflict zones, where they can be used for internal oppression or for belligerence towards another country. In regard to this, CFSP can prohibit the sale and supply of arms and ammunition, military vehicles and equipment as well as paramilitary equipment including spare parts. It can also prohibit "the provision of financing and financial assistance and technical assistance, brokering services and other services related to military activities and to the provision, manufacture, maintenance and use of arms and related material of all types" (*European Commission-Restrictive Measures* 2008, p.4). There are exemptions to arms embargoes if there is a humanitarian or protective use, institution building programs and/or crisis management operations as well as de-mining operations (*European Commission-Restrictive Measures* 2008). The first arms embargo imposed as a unitary decision was to Argentina in 1982, and until 2003, the Union enforced arms embargoes to 24 countries out of 28 that were imposed sanctions, mostly on the bases of intrastate conflict and human rights violations (Kreutz 2005).

Economic and financial restrictive measures could consist of trade sanctions that can apply to specific products, bans on the delivery of certain services like brokering or technical assistance, flight bans, prohibitions on investment and capital movements, or removal of tariff preferences. Keeping in mind the economic power of the EU, such measures can be detrimental on economies of targeted states and broad economic and financial sanctions can have unintended humanitarian costs. To minimize these accidental costs the Union often imposes targeted sanctions (*European Commission-Restrictive Measures* 2008).

Last but not least, the Council can request all member states to take measures to prevent the listed persons from entering into or transiting through their territories. Exceptions can be applicable for travel and visa bans due to humanitarian reasons, or if there is a necessity to comply with international law (*European Commission-Restrictive Measures* 2008). The first time which a restriction of admission ban was enforced was in 1990, towards the Union of Myanmar. The reason for such a measure were democracy and human rights violations (Kreutz 2005).

To conclude, the Union has been increasingly using restrictive measures to insert its power in international politics. There has been a gradual institutionalization in its sanctions policy and although uniform action has been a challenge for the EU in the areas of foreign and security policy, currently the EU sanctions policy has been centralized and unified to a certain extent. Over time, the Union has standardized its policies on whom and how it will impose sanctions and defined its targets as those who violate international law and breach norms that are internalized by the EU. Moreover, the list of sanctions has been carefully defined, as the Union has focused on imposing targeted sanctions to minimize unintended consequences. The Lisbon Treaty further centralized the decision-making procedure and the member states have become the ultimate decision maker as the European Council was given full responsibility over sanctions policy.

2.2.4 Assessing the Literature on EU Sanctions Policy

Similar to international sanctions literature, the European Union's sanction policy has intrigued a vast number of scholar's interests. The Union is a unique organization with its own functioning mechanism along with its own identity and agenda. The literature of EU sanction policy focuses on a vast spectrum of topics varying from the decision-making process in sanction policy to EU's reasons for imposing sanctions, exploring the subject empirically through a detailed analysis of cases of those countries that have been sanctioned. Furthermore a strand of literature recognizes the human rights violations that accompanies certain sanction mechanisms and highlights the Union's controversial policies in respect of human rights.

A significant number of scholarly works has focused on the technical process of decision-making in the European Union, and hardships of taking a unilateral decision when it comes to sanctions policy. Constance Barbou des Courieres writes that the supranationalisation that the EU sanctions policy has gained through Maastricht Treaty in 1991 has been reversed by the Lisbon Treaty in 2007. Through utilizing

the principal-agent model, she analyses the power struggle between national and supranational levels, and she suggests that the member states have set up control mechanisms to limit the powers of EU supranational bodies. She writes “the principals’ conflict of interests prevents them from giving clear instructions to the agents, thereby granting the later with greater room of maneuver to shape the policy-process according to their preferences” (Barbou de Courrier 2017, p.22). Likewise, De Vries and Hazelzet has referred to the hardship of taking a unilateral decision in foreign policy and write that the Union would prefer to apply positive conditionality to initiate a change in a targeted country instead of applying ‘restrictive measures’: “if there is any European sanctions policy, it would be a preference to use positive rather than negative measures, or carrots over sticks” (De Vries and Hazelzet 2005, p.95). Moreover they note that the EU applies sanctions for “the protection of their territorial integrity” along with “promoting human rights, democracy...and good governance” (De Vries and Hazelzet 2005, p.98).

Clara Portela suggests that the EU imposes sanctions when the UN fails to act. Hence “...the EU does not need to impose sanctions in situations where UN measures are already in place” (Portela 2005, p.85). Moreover, she argues that EU sanctions do not look much like sanctions, as they are targeted. In other words, they do not aim for the total interruption of the economic structure of a country and create a disruption on society like comprehensive sanctions. Portela also notes that there is no evidence for Brussels aiming for a significant change in a targeted country and this can be seen in the lack of a monitoring system along with the absence of a metric system created to evaluate the effects of the measures. She writes that “this situation suggests that the political message conveyed by the sanctions has been the main consideration, rather than the actual effects of the measures” (Portela 2016, p.39). Nevertheless she also recognizes that the sanctions imposed after 2010 on Iran, Cote d’Ivoire and Syria do not match the previous pattern of EU sanctions that were meant to be more ‘symbolic’ then ‘harmful’. Hence, she writes that the Union has a shift in its sanctions policy and she argues that there is an increasing consensus among the member states on the fact that sanctions imposed must have an economic impact (Portela 2016).

Similar to the literature on sanctions in international relations, the scholarly work on EU sanctions policy typically focuses on when and why the Union imposes sanctions and contributes to the debate that takes place on these measures’ effectiveness. In her 2005 excerpt, Clara Portela analyzes the cases in which Brussels has enforced restrictive measures between 1987 and 2004. She analyzes these cases in the basis of their geographic vicinity, conflict type and political objectives. She founds out that the neighboring states of the EU are sanctioned for directly security-related goals

such as fight against terrorism and post-conflict stabilization, while states that are located further are sanctioned for indirectly security-related goals such as human rights violations and democracy promotions (Portela 2005). She refers human rights promotion as an indirect security goal based on an idea that was put forward by Karen Smith in her book 'European Union Foreign Policy in a Changing World'. Smith writes that the Union's promotion of human rights is partly "the result of thinking that human rights promotion is a security strategy: violations of human rights threaten security and stability within countries and between them" (Smith 2003, p.98). Recognizing promotion of human rights and protections of democracy as a strategic concern as well as a norm, Portela writes that "strategic concerns and the promotion of norms are relatively balanced" in EU sanctions policy (Portela 2005, p.105).

Building on Portela's work on geographic vicinity of EU's autonomous sanctions, Christian Hörbelt, conducts the same research, using the same methodology and studies the sanctions imposed between 2004 and 2015. With the goal of exploring whether Portela's research is still valid, Hörbelt finds out that while the previous research remains pertinent, the Union's enforcement of sanctions "against far away states significantly increased, in particular according to defending EU and international rights" (Hörbelt 2017, p.69).

Sanctions have also been widely discussed from a human rights approach, as it is one of the EU's flagship values. Specifically financial sanctions imposed by the Union have been a topic of debate as their violation of human rights is recognized. Sarah Léonard and Christian Kaunert remind the European Court of Justice's rule on the financial sanctions imposed against Kadi and Al Barakaat in 2008, which said 'the rights of the defense, in particular the right to be heard, and the right to effective judicial review of those rights, were patently not respected' (Léonard and Kaunert 2012, p.475). They explore the reasons behind the Union's use of a policy that contradicts with one of their core values. Léonard and Kaunert argue that the Union is committed to adopt "a UN-centered form of effective multilateralism" and it tries to align its sanction policies with UN's sanctions policies (Léonard and Kaunert 2012, p.487). They note that UN's human rights standards are lower than EU's human rights standards, thus the Union's financial sanctions policy remains as a controversial area.

Nevertheless, the EU sanctions literature focuses directly on the sanctions imposed and turns a blind eye to those cases in which sanctions could have been imposed. Hence it falls short of analyzing the Union's normativity through examining the bilateral relations of the Union with the 'transgressor countries' individually. This

thesis will attempt to contribute to the EU sanctions literature by analyzing the bilateral relations of the Union with several countries that violated international law, and it will seek to examine the EU policy towards these countries in order to reveal the real motives behind the approach that Brussels adopted.



3. THEORETICAL FRAMEWORK

The EU was first defined as a normative power by Manners' seminal article in 2002. Manners argued that the EU is constructed on a normative base considering its historical context, its hybrid polity and its political-legal constitution, which embodies democracy, human rights, the rule of law and social justice. Manners stated that the Union is predisposed to act in a normative way as a result of these characteristics (Manners 2002). According to Manners, the normative basis of Europe has developed over the years and was set through declarations, treaties, policies, criteria and conditions. Furthermore, he set five 'core' norms that can be found in the EU *acquis communautaire*; the centrality of peace, liberty, democracy, the rule of law and respect for human rights. In addition to these, he suggested four 'minor' norms; social solidarity, anti-discrimination, sustainable development and good governance. He pointed out to the historical relevance of these norms and mentioned that peace and liberty were the defining features of the post-war period in Western Europe and can be found in the preambles of the 1951 Paris Treaty and 1957 Rome Treaty, along with the symbolic Schuman Declaration of 1950. The norms of democracy, rule of law and respect of human rights, were first acknowledged in the 1973 Copenhagen Declaration on European Identity and constitutionalized in 1992 Maastricht Treaty (Manners 2002). The latter three values aimed to differentiate the democratic Western Europe from the communist Eastern Europe (Manners 2002).

Furthermore, Manners elaborated on the diffusion process of these norms and highlighted that the EU spreads its norms by setting an example and not through coercion; hence he considered the EU as a soft power. Joseph Nye presented a supportive argument in his book 'Soft Power: The Means to Success for in World Politics', which was published in 2004. He suggested that the Union itself stands as a symbol of unity hence carries an important soft power connotation (Nye 2004). Nye also mentioned that in addition to its attractive culture and domestic policies, Europe derived its soft power from its foreign policies, which often contribute to global public goods. According to Nye, the EU gains credibility from its positions on global climate change, international law, and human rights treaties (Nye 2004).

However, the European Union's normativity has evoked many criticisms as well. Tuomas Forsberg pointed out to the vagueness of NPE theory and argued that there is confusion on what kinds of norms can be recognized as normative. Moreover he suggested that whether 'normative' refers to identity, behavior or interests is not specified under the framework of NPE theory. Hence he builds on the theoretical weakness and writes that some of the diffusion mechanisms that were specified by Manners clash with the concept of normative power. For instance, he writes "... 'transference' points to economic conditionality as a means of fostering norms and so might be better seen as a form of economic power rather than as normative power" (Forsberg 2011, p.1196). Likewise, Sjursen wrote, "to move forward with regard to the 'normative', 'ethical', 'civilizing' power argument, a firmer theoretical basis, a clarification of analytical concepts and clear critical standards is necessary" (Sjursen 2016, p.98).

Other scholars focused more on the naivety of recognizing the Union as a force that acts for diffusion of 'good'. Jan Zielonka pointed out that along with soft power, the Union uses economic power such as sanctions, bribes and coercion to promote its objectives (Zielonka 2008). Zielonka defined the Union as 'imperialistic' and argued that by enacting positive and negative conditionalities; the EU tries to dominate and even annex other countries. He expanded this idea by highlighting that the Union legitimizes itself through claiming that its norms are right and presents its way of integration as the most efficient way (Zielonka 2008). Likewise Adrian Hyde-Price criticized NPE, suggesting that perceiving the Union as a novel entity of Kantian *foedus pacificum* neglects power relations and lacks a critical distance. He approached NPE from a neorealist perspective and argued that; "the EU is not a sovereign actor in its own right, but acts as a vehicle for the collective interests of its member states" (Hyde-Price 2006, p.220). Another criticism that prevails in the literature is the fact the NPE theory is treated as a contrast to self-interested action. Richard Youngs suggested that in reality "instrumentalist security-oriented dynamics persist within the parameters set by norms defining the EU's identity" (Youngs 2004, p.415). He writes that "providing a normative cloak" brings legitimacy to strategic interests and enables their effective realization (Hyde-Price 2006, p.421).

Hence, there is also a widespread recognition of norms as a 'cloak' that is used for legitimizing the Union's interests. Keeping these criticisms in mind, Manners' argument pushes one to develop a better understanding of norms and question their effects in decision making. Do norms drive the Union's decisions, in other words, does Brussels really have normative motives as the basis of its foreign policy? Or, are norms used for legitimization of tangible goals? Are norms solid constructions,

or can they be bent and reshaped during the process of decision-making? Sjursen writes that “to explain the binding character of norms we need a theory where the actor is conceived of as capable of assessing the validity of norms” (Sjursen 2002, p.500). Just like norm construction, the decision-taking process also depends on the practice of negotiation. Hence, communication must not be neglected while analyzing the actions of actors in international politics.

The dominant rhetoric in the logic of behavior in social sciences focuses on the ‘logic of consequences’ and the ‘logic of appropriateness’, two concepts introduced by James March and Johan Olsen in their 1989 book ‘Rediscovering Institutions: The Organizational Basis of Politics’. The ‘logic of consequences’ is derived from a rational choice approach and from an argumentation perspective; the concept treats the interests of actors as mostly fixed during the negotiation process. If actors are strategic entities driven by the motive of maximizing their profits, one can argue that “strategic rationality presupposes communicative rationality” (Eriksen 2000, p.48). In other words, rational choice takes the negotiation process as a strategic interaction, in which the participants try to realize their interests that they create through calculations of costs and benefits. Hence, the end goal is to maximize their interests.

Looking at the negotiation process through a rational choice perspective, all actors involved in a negotiation tend to sit on the table with their own identities, their set of goals and beliefs. Thus, international settlements are the products of acts of persuasion. In other words, “persuasion is the process by which agent action becomes social structure, ideas become norms, and the subjective becomes the intersubjective” (Finnemore and Sikkink 1998, p.914). The act of negotiation to reach a common agreement through persuasion involves belief structures. An actor’s goals, the importance it attaches to them and the relations between the goals and the meanings, form that actor’s belief structure (Sycara 1990, p.211). Driven with its egocentric motives, the persuader targets persuadee’s belief structures, and strategically form its arguments during a negotiation.

On the other hand, the ‘logic of appropriateness’, derived from social constructivist approach, suggest that human actors follow rules, norms and roles that are linked to certain identities. Rule-guided behavior disagrees with the individualist view that rational choice offers and strives for ‘doing the right thing’ for the greater good. “Constructivists claim against individualism that human agents do not exist independently from their social environment and its collectively shared systems of meanings (“culture” in a broad sense)” (Risse 2000, p.5). In ‘logic of appropriateness’, values that constitute the culture determines behavior along with identities

of actors (Risse 2000). Therefore, in the logic of appropriateness, shared norms and understandings shape identities and form the ‘rules of the game’, and actors argue to analyze the situation and apply the appropriate rule in a given circumstance. It could be suggested that Manner’s NPE theory is aligned with the ‘logic of appropriateness’ stance.

The process of argumentation, discussion, and persuasion is significant for decision-making and action taking in international relations. In the process of taking an action and deliberation, all actors involved aim to “develop a common knowledge concerning both definition of the situation and an agreement about the underlying ‘rules of the game’ that enable them to engage in strategic bargaining in the first place” (Risse 2000, p.2). Arguing is ideally a rational process, significant for seeking an optimal action in which all actors agree on a normative framework.

Basing argumentation on rationality allows one to see that norms have a constitutive and not necessarily a regulative role when it comes to exploring the validity of an argument and an action (Risse 2000). In other words, norms are not always taken as the solid concepts that they are thought as; they are often bent and reshaped in the process of arguing. Risse suggests that the reason behind this is that when actors participate in an argument with the goal of truth seeking, they are open to modify their views of events, their interests and maybe even their identities (Risse 2000). Therefore, one can claim that rational argumentation works best in an environment in which the identities and interests are not fixed; and neither are the meanings. Actors create and recreate meanings to align them with community principles; hence, the social structure does not manage the agents but the agents manage the social structure.

According to Jürgen Habermas, human actors often engage in truth seeking by aiming to reach a mutual ground and forming a reasoned consensus. The behavior of communicators is shaped by their aim of reaching common ground. Actors are motivated by truth seeking, not by their self-centered calculations; hence they have an inborn willingness to be convinced by the better argument (Grobe 2010). The argumentative rationality indicates that actors challenge the validity of claims in any statement and strive for a communicative consensus about their points along with a justification for the principles and norms that their actions are based on. Under argumentative rationality, the power hierarchy among the participants no longer matters; participants are open to be persuaded by the better argument. Thus, the interests, preferences and approaches of all partakers are subject to challenges. The end goal is to seek a reasoned consensus based on the ‘better argument’, not to attain one’s fixed preferences (Risse 2000). The Habermasian communicative rationality

assumes that actors do not use strategic arguments to push their own interests, hence he provides us with a constructivist approach towards argumentation.

However, according to Habermas, for argumentation to work, the agents must be capable of empathizing with each other, and there also has to be a ‘common lifeworld’, which is a collection of common experiences, often due to shared history, language and culture, that create a collective interpretation of the world and of themselves (Risse 2000). “The existence of a ‘common lifeworld’ represents a crucial background condition for argumentative behavior supplying common experiences with the world and its history as well as a common system of values and norms to which actors can refer in their communications” (Risse 2000, p.14). Moreover, Habermas argues that agents must see each other as equals, and they all must have an equal access to address an issue (Risse 2000).

A question that arises from Habermas’s ideal of argumentation is whether these conditions for healthy argumentation are present in the global political arena. The realist perception would suggest that actors operate under anarchy and hence they lack the ‘common lifeworld’. Additionally, rational actors always seek to maximize their advantages; hence the engagement of states with each other is never stripped down of power hierarchy. The concept of ‘common lifeworld’ in the international political arena is highly debated in literature. Christian Grobe argues that “...the culture of multilateral diplomacy and international public law only represents a thin layer of a shared lifeworld in international politics and thus states are likely to refrain from engaging in a communicative action” (Grobe 2010, p.7). On the other hand, Risse suggests that the “common lifeworld” does not have to be an organic structure and actors can very well build it almost from scratch and create stable interactions as well as expectations through dense collaboration patterns that are often formed through regulated international mechanisms. Likewise, high levels of international institutionalization, which provides actors with an arena to argue, can also shape actors’ perceptions of events by creating the necessary common lifeworld (Risse 2000). Moreover, international institutionalization brings an international public sphere into the equation, which provides actors with checks and balances mechanism (it allows materially less privileged actors, such as non-governmental organizations to join in) and enforces them to explain and justify their behaviors frequently. Debates that take place in international public spheres are likely to touch upon identity related matters and normative values (Risse 2000).

Henceforth, actors are socialized into international norms through dense structures of institutionalizations. These values can define a state as a civilized nation or as a pariah. In the case of transgression of a widely accepted value such as human rights

or international law, transnational and domestic advocacy groups become important actors in mobilizing public opinion. When a transgression happens, it would not be wrong to suggest that violator states and their opponents do not see each other as equals and cannot empathize with each other; both sides do not perceive each other as valid and truthful interlocutors. Hence Habermas' conditions of argumentative rationality are not met.

Yet, the negotiations happen anyway as the participants continue on negotiating for the sake of instrumental interests and strategic rationality (Risse 2000). While the opponent state uses rhetoric to legitimize its norm-based stance, international pressure tends to increase for the violating state. To ease the pressure, the transgressor government can accept the validity of norms, however it would still use rhetoric to ridicule its critics as an attempt to gain legitimacy from the domestic audience. In such cases the logic of arguing can only work when the international pressure further increases, which would convince the norm-violating part to engage in a rational conversation. Nevertheless, this would not meet with the 'ideal speech' framework that Habermas puts forward as one of the parties would be forced into the negotiation. Moreover, states can adjust their behavior and lessen their threatening stance due to the fear of losing their tangible benefits.

According to Risse, different approaches to behavior bring different types of argumentation. One type of communication would be bargaining, which indicates maximization and satisfaction of a preference in exchange of promises or threats. However the social psychological literature highlights that "biased or self-interested communicators are far less persuasive than those who are perceived to be neutral or motivated by moral values" (Risse 2000, p.17). Moreover, when one party threatens another with negative measures, the threatening party can end up with poorer tangible benefits along with stiffened opposition (Raiffa 1982). Although threats can result in beneficial outcomes in certain cases, a threat to go back to the status quo ante (for example by suspending an agreement), does not always provide the persuader party with benefits.

Therefore, a more effective and appropriate type of communication would be one in which actors seek legitimacy of their preferences among their social groups. Assuming that states are rational actors, who engage in strategic calculations to maximize their interests, Schimmelfennig's 'rhetorical action' argument, provides us with a satisfactory framework. His concept of 'rhetorical action', treats the strategic use of norm-based arguments as an intervening mechanism, especially in institutional environments in which the members are weakly socialized actors who are concerned about their identity and others' perception of them (Schimmelfennig 2001). In

institutional environments, such as the EU, members seek to legitimize their preferences and behavior. Actors who can validate that their motives overlap with the community's norms would have the power to shape collective action. Nevertheless, 'rhetorical action' presupposes an environment in which there is an understanding that all participants share the same beliefs and values, just like Habermas' "common lifeworld". Schimelfennig writes that this collective identity, created by shared understandings and values, creates a commitment to diffuse and enforce these norms. However, in this environment, participants would still have their own interests and in some cases, interests can shadow community values. "In specific decision-making situations actors often develop and instrumentally pursue egoistic, material interests that compete with their commitment to the community values and norms" (Schimelfennig 2001, p.62). Yet, the member states still need their interests legitimized for the sake of their reputation.

As previously discussed, Risse suggests that the "common lifeworld" could be built by the actors and could often be maintained through highly institutionalized environments. The original six has formed a 'common lifeworld' from scratch and created an identity based on values such as human dignity, freedom, democracy, equality, rule of law, and human rights, and became a significant economic and political player in the global arena. It was also mentioned that institutionalized environments would provide the actors with a public sphere for discussion and it would provide checks and balances mechanisms to the decisions that are taken. In the public sphere, accountability becomes more relevant than ever, and this could be a reason as to why the Union puts its norms and identity to the forefront when it comes to foreign policy. In other words, cloaking its actions, which are actually driven with the goal of acquiring tangible interests, in a normative language gives them legitimacy. The Union has built itself a behavior structure guided by norms under a highly institutionalized environment for the sake of proving legitimacy for its goals. A way for members to legitimize their individual interests is to engage in an argument with others and use a reasoning that overlays interests with community principles, which can resort to a collective action disguised by normative aims. This strategic behavior should not necessarily postulate a normative identity to the Union.

To sum up, I argue that Habermas' ideal communication is not applicable in international relations. Assuming that power asymmetries do not exist among actors and that negotiators seek the truth and not their interests does not give a realistic approach to the argumentation process. However, Habermas does suggest an important aspect to decision taking by offering the necessity of a "common lifeworld"; which creates a shared set of norms and beliefs to which all actors are expected to

oblige with and understand the events in the light of these aspects. Nevertheless, the assumption of the European Union being a normative entity, which behaves in accordance with its norms, gives it a more gallant character than what it really is. The true motives of the Union's actions are more complex than what the NPE suggests, as rational calculations of gains are prominent in international negotiations. Moving forward with the 'rhetorical action' theory, I argue that the logic of consequences reveals itself when actors try to enforce their interests in the global political arena through operationalizing strategically molded rhetoric based on norms adjusted to the receiving interlocutor's beliefs. The following chapters will present my case studies in which, I will elaborate on the relations between the Union and the country studied, and discuss the normativeness of the Union's motives in respect of the above given theoretical framework.



4. IRAN

4.1 Introduction

After 1945, European powers recognized Iran as an important country to have as an ally, due to its rich oil resources. Especially after the 1973 Oil Crisis, Iran became more attractive as a market for European businesses (Ünver Noi 2005). Nevertheless, Iran's rogue state identity has pushed the European Union to disregard its own commercial benefits and implement negative measures to coerce Iran to obey international law. The Union followed a constructive approach towards Iran for a long time, and withdrew from imposing any negative measures when United States called the EU to impose sanctions in 1979. Brussels took the decision to implement sanctions after the United Nations called for it in 2006. It can be argued that the reasons behind the fact that the Union refrained from taking hard measures for a long time, was related to economic benefits and bilateral relations since the EU stood as Iran's main trading partner, forming 30 percent of Iran's total trade (European Commission 2005*a*). This chapter aims to shed a light on whether the motives of the Union to impose sanctions against Iran are normative. To do so, a historical and a chronological overview of EU-Iran relations, starting from the period after the 1979 Iran revolution, will be presented first. Next, the European stance towards Iran after the leak of the Iranian uranium enrichment project will be discussed. Subsequently, the sanctions implemented by the Union and the effects of all sanctions on Iranian economy will be presented. Last but not least, an analysis of motives will be depicted and the place of norms in EU's approach to conflict will be discussed in the light of the theoretical framework

4.2 Historical Overview of EU-Iran Relations (1979-2002)

After the Islamic Revolution of Iran in 1979, European countries had their own individual stances towards Iran and they were forming their bilateral relations individually. Nevertheless a few events which broke out in the 1980s played a determining role on EU-Iran relations. The capture of US diplomats as hostages in November 1979 led the US to take a strict position against Iran and the European Community (EC) member states showed trans-Atlantic solidarity despite their economic interests. Moreover, the Iran backed Lebanon hostage crisis of 1982, in which many Western Europeans were held as hostages, further increased the frictions between the two sides. However the event that really challenged the relations was the fatwa given by the Supreme Leader of Iran, Ruhallah (Ayatollah) Khomeini in 1989 on the British writer Salman Rushdie. Khomeini called Muslims to kill Rushdie due to his provoking writings on Islamic beliefs in his book “The Satanic Verses”. The fatwa led to a strong reaction from European states; all EC states withdrew their ambassadors from Tehran and suspended ministerial visits both at the political and technical levels. The member states took the decisions to resend their envoys after a month (Tzogopoulos 2004).

Iran’s relations with European states entered into a more constructive phase when Khomeini died and Rafsanjani became the president. Iran undertook several diplomatic and economic reforms to terminate its epoch of isolation and reenter into the international community. “Iran liberalized trade, encouraged foreign firms to enter into joint ventures, invited foreign oil companies to participate in oil operations and explorations, influenced the release of all Western hostages in Lebanon and moderated political rhetoric” (Ünver Noi 2005, p.85). It also started a normalization process in its relations with Arab states. Europeans welcomed these changes and it came handy as after the Gulf War broke out in 1990, Iraq was no longer seen as an appropriate trade partner, hence Iran’s significance as a market increased. France compensated its loss of market by elevating its trade relations with Iran in 1991 (Ünver Noi 2005).

The increasing importance of Iran in commerce, and the more positive approaches it had adopted in its external relations allowed major European states to adjust their attitudes and converge their interests. The European Council released the Edinburg Declaration in 1992 and established “critical dialogue” as the official strategy in EU-Iran relations. The “critical dialogue” process aimed to bring further moderation to Iranian policies. Human rights and battling with terrorism were the Union’s

priorities and non-proliferation was also on their agenda. The “critical dialogue” policy was devised by the German foreign minister Klaus Kinkel. Germany, as the initiating power in this policy, organized four “German-Iranian Human Rights Seminars” from 1988 to 1994 (Ünver Noi 2005). Moreover, hundreds of German soldiers were allocated to Iran to help with humanitarian assistance for Iraqi Kurdish refugees (Halliday 1994). During the “critical dialogue” period, the EU troika (the current, previous and the following presidency) and Iranian Foreign Ministry officials met twice a year discussing issues such as human rights, terrorism, regional stability and weapons of mass destruction (WMD) (Kienzle 2014).

At the time, the US was still employing a more destructive rather than a constructive approach towards Iran by implementing economic sanctions. Furthermore, it was pressuring the EU to adopt the same approach and mirror US sanctions. The Union refused to follow the US approach and a high-ranking French official said “the 15 are unanimous in wanting to maintain a certain autonomy toward Iran” (Eldar 1999, p.51). The European states were enjoying their individual bilateral trade relations. The French company Total invested in the South Pars gas field. Likewise, the British company Royal Dutch Shell followed France and invested 2.5 billion US dollars to build a gas pipeline across Northern Iran to transfer natural gas from Turkmenistan to Europe (Ünver Noi 2005).

Nevertheless the Union’s persuasion policy under the “critical dialogue” approach failed to pay off. Several Iranian exiles were assassinated in Europe and these killings were linked to the Vezarat-e Etela’at va Amniyat-e Keshvar (Iranian Ministry of Intelligence and Security) which was under the regulation of the National Security Council, directed by president Rafsanjani. These assassinations created a serious security concern in Europe and many criticized the EU troika meetings with Iran as ‘empty rituals’ (Kienzle 2014). One of the assassinations which led to an immense reaction was the murder of the former Iranian Prime Minister Shapour Bakhtiar in Paris in 1991 (Halliday 1994).

The last straw to break the camel’s back was the Mykonos restaurant assassinations and the Mykonos Verdict of 1997, which marked the end of the “critical dialogue” era. In 1992, at the zenith of the Kurdish separatist movements in Iran, three Iranian-Kurdish opposition leaders and their translator were assassinated in a Greek Restaurant in Berlin. The Mykonos trial sentenced four Iranians and one Lebanese to long sentences and recognized the Iranian government’s involvement (Eldar 1999, p.51). On the day of the verdict, the German government withdrew its ambassador from Tehran and expelled four Iranian diplomats. It also called for the suspension of the “critical dialogue” policy. The member states responded to Germany’s plea; they

also recalled their ambassadors, declared Iran's behavior as "totally unacceptable" and suspended the "critical dialogue" (Eldar 1999, p.50). Moreover the Union halted the bilateral ministerial visits and took the decision to deny visas to Iranians who held a post in intelligence or security (Tzogopoulos 2004).

However, the European condemnations and the withdrawal of ambassadors did not halt the relation between the two sides. There were no further restrictions taken as "the EU members, and the German Government in particular, had carefully avoided closing the door completely, hoping to restore ties as quickly as possible and minimize damage to individual bilateral relations with Iran" (Eldar 1999, p.51). The member states took a decision to authorize the return of their ambassadors in a time that they perceived appropriate. Germany and Denmark, the two countries that had initiated the negative diplomatic measures, were the first to resend their diplomats. However, Iran did not allow the entry of German and Danish envoys. The Netherlands, which held the rotating presidency in the European Council at the time, argued that all member states should refrain from sending their ambassadors to Tehran until a further notice. The presidency also declared that the EU policy regarding Iran was supported by all member states, and that the Union would not accept Iran's haphazard measures against Germany and Denmark for a policy supported by all member states of the Union (Eldar 1999, p.50).

In 1997, the moderate Mohammad Khatami won the presidential elections. The diplomatic ice started to melt in August 1997, when the Iranian foreign minister Kamal Kharrazi offered to meet with the EU ambassadors at the UN General Assembly, which was going to be held in following September. The same day, Kinkel stated that the EU should slowly reestablish contact and engage in discussions with the seemingly more liberal novel government (Eldar 1999, p.50).

These positive developments led to the 'comprehensive dialogue' era to start in 1998. The driving idea was that closer relations with Iran would increase the pace of reform movements, while protecting their interests related to Iranian resources. During this period, Iran and European officials along with civil society members met twice a year to discuss different human rights related issues. Moreover, the Union launched the Trade and Cooperation Agreement (TCA) negotiations with Iran in 2002. The EU aimed to push more reforms on issues such as human rights and democracy by creating an incentive via the agreement. Human rights and good governance chapters were added during these negotiations (Kienzle 2014). Nevertheless, the negotiations were suspended once the Iranian uranium enrichment project was revealed.

4.3 The Nuclear Weapon Crisis (2002-2006)

Iran was among the original guarantors of the Non-Proliferation Treaty. The treaty was ratified in 1970 and the Safeguards Agreement entered into force in 1974. Despite the fact that it was a signatory party, Iran started to work on its nuclear energy plans by mid 1970s. The plans were frozen with the 1979 Revolution; nevertheless, Iran picked it up in the 1990s and proceeded with its nuclear energy development program (Carrel-Billiard and Wing 2010). In August 2002, information on Iran's nuclear program was leaked to the Western press. In March 2003, the International Atomic Energy Agency (IAEA) confirmed that Iran was engaged in undeclared nuclear activity. The director-general of the IAEA reported that Iran had failed to meet its obligations under the Safeguard Agreement, and although the quantities of nuclear material it possessed were not large, Iran's breach of law was a concern (Carrel-Billiard and Wing 2010). Following further investigation, it was revealed that Iran was engaging in uranium enrichment program for eighteen years. Iran claimed that its uranium enrichment projects were never aimed to produce nuclear weapons; and that it aimed "to use energy generated by nuclear plants instead of using energy generated from crude oil, and therefore to use this crude oil to make processed oil which can be sold at a much more expensive price" (Ünver Noi 2005, p.89). However Iran's lack of transparency and failure to comply with the simplest rules of international law awakened a serious global concern.

One can say that the Union did not have a unitary stance towards WMD by the beginning of the 2000s. However, the existence of Iranian facilities triggered the Union to put the nuclear weapons issue on the table and create a unified voice. In June 2003, the High Representative for the CFSP at the time, Javier Solana, stated that the WMD are "potentially the greatest threat to EU security" in his "A Secure Europe in a Better World" report (Solana 2009, p.11). The Union started to work closely and cooperatively, as they perceived it as a massive threat to their security.

The nuclear negotiations with Iran began in October 2003 when the foreign ministers of France, Germany and United Kingdom (also known as the E3) met with Iranian officials in Tehran and resulted in the signing of the Tehran Agreement, which demanded Iran to suspend its nuclear activity. It is important to note that the E3 went to Tehran representing their own countries, and not the Union. The Brussels European Council, which was held on 4-5 November, decided that the Union should work for a durable and cooperative long-term political, commercial and technological relationship with Iran. It also established that the negotiations would resume

once the Iranian government suspended the nuclear project. By stating so, the Union presented conditionality to Iran. It also stated “that the European Union and its Member States would remain actively engaged - notably through the efforts of France, Germany, the United Kingdom and the High Representative - with the objective of achieving progress on the Iranian nuclear issue before the IAEA Board of Governors meeting starting on 25 November 2004” (of the European Union" 2004, p.10). In December, Solana joined the E3; hence the negotiations were officially embedded into the EU body. The Paris Agreement was signed in November 2004, which renewed Iran’s pledge to stop its nuclear works (Kienzle 2014). The agreement aimed for ‘long-term arrangements’ between the signatories, and it projected cooperation in three areas: political and security issues, economy and technology, and nuclear issues (Carrel-Billiard and Wing 2010).

Meanwhile, Iran faced pressure in all international platforms to comply with the Non-Proliferation Treaty (NPT). IAEA Board adopted a resolution in 2003, calling Iran to conclude and ratify an Additional Protocol for trust-building purposes, expressed as “(IAEA) Requests Iran to work with the Secretariat to promptly and unconditionally sign, ratify and fully implement the additional protocol, and, as a confidence-building measure, henceforth to act in accordance with the additional protocol” (IAEA 2003, p.3). The US, EU, IAEA and other G8 member countries pressured Iran to sign the Additional Protocol that would permit the signatories to realize short-notice inspections to the facilities (Ünver Noi 2005). Iran signed the protocol in December 2003 and assured its implementation after the ratification. However soon after, Iranian officials stated that the enrichment program could only be stopped temporarily. The US and the EU preferred Iran to import enriched uranium, and the Iranian officials stated that Iran could not trust foreign powers on something as essential as energy and thus it should be independent and self-sufficient. An Iranian expert on nuclear affairs, Ali Akbar Salahi stated that “Iran has learned from past experience that it cannot be dependent on others. Imagine after building them (the nuclear reactors) they say we cannot supply your nuclear fuel, what should we do? We cannot challenge the world to give us the fuel, so we have to have security of supply” (Dawn 2005).

4.4 Sanctions Implemented (2006-2012)

The ongoing negotiations between all actors remained futile. Iran refused to give access to IAEA inspectors to Natanz nuclear facilities, despite of what was agreed upon in Additional Protocol. Moreover, Mahmoud Ahmedinejad won the August 2005 presidential elections and restarted the enrichment program (Hanau Santini 2010). The IAEA published consecutive reports suggesting that Iran's doings on the WMD related activities fell short from its obligations under the NPT. Hence, the UNSC adopted Resolution 1737 in December 2006, which demanded all states to impose sanctions: "... all States shall take the necessary measures to prevent the supply, sale or transfer directly or indirectly from their territories, or by their nationals or using their flag vessels or aircraft to, or for the use in or benefit of, Iran, and whether or not originating in their territories, of all items, materials, equipment, goods and technology which could contribute to Iran's enrichment-related, reprocessing or heavy water-related activities, or to the development of nuclear weapon delivery systems" (UNSC 2006, p.3). Following this, the UNSC adopted three more resolutions (1747 in 2007, 1803 in 2008 and 1929 in 2010) expanding the imposed sanctions.

The sanctions targeted the Iranian nuclear energy sector, to make sure that only those who were involved were punished. Along with a ban on exports and imports of any services and equipment related to proliferation, these sanctions also included travel bans to individuals who were engaged with these activities, freeze of funds and assets of all persons who were involved, an arms ban, a call on all states to inspect Iranian cargoes, a ban on financial assistance and grants from all states to Iran (except for humanitarian and development purposes), and a call on all states for vigilance with their activities with Iranian Banks (Carrel-Billiard and Wing 2010).

The Union has implemented all the UNSC sanctions and it also took the decision to implement unilateral sanctions in the Foreign Affairs Council meeting of 23 January 2012. The Council banned import, purchase and transport of Iranian crude oil and petroleum products. Moreover, import of petrochemical products from Iran was also banned, and member states were prohibited to export any equipment and technology related to the petrochemical sector. It froze the assets of the Iranian Central Bank within the Union and took the decision to freeze the assets of eight more entities. It expanded its list of persons that were subjected to the visa ban. Lastly, trade in precious metals, gold and diamonds with Iranian public bodies were prohibited (European Council 2012). Some of these sanctions were so strict that

the Security Council failed to reach a consensus when it was brought to discussion (Kienzle 2014). As a result, Total and Shell, two EU companies which invested massive amounts to the Iranian economy suspended all of their activities (Küpeli 2016). Iran's petrol trade with non-EU countries was also affected due to the fact that most of the insurance companies that worked in the petrol sector was European, and they were banned from making business with Iran (Küpeli 2016).

The Iranian economy, which inherently suffers from structural problems, was damaged deeply with the combination of sanctions from the US, UNSC and EU (Küpeli 2016). The troubling situation which Iran faced led Iran to sit on the table for negotiation. In 2013 an interim agreement was signed between P5+1 (China, France, Russia, UK, US and Germany) and limited sanctions relief was provided for Iran. The Joint Comprehensive Action Plan, which was signed in 2015 between Iran and P5+1, presented conditionality and promised that the nuclear energy related sanctions to be lifted if Iran complied with its obligations. Under the JCAP, Iran agreed to limit its uranium enrichment program, inform IAEA on its activities and allow international inspection on its facilities (European Union External Action 2020).

4.5 Are the motives of the European Union normative?

The historical overview reveals that the European states have implemented short-term, diplomatic sanctions before the nuclear crisis, only two times: once after the Rushdie case and the other as a response to security threats created by the assassinations. Both cases were heavily concerned with human rights. Respect for human rights is one of the attributes that gives the Union its 'normative status', hence the motives behind the measures stand out as normative.

Respect to international law is another attribute that the Union takes pride on and derives its normativity from. In addition to transgressing international law, a state which attains weapons of mass destruction is perceived as a serious threat to international peace and the nuclear energy issue remains as a concern for many countries, directly paving the way for that state to be labeled as a 'rogue state' in the political arena. United under a 'common lifeworld' established by the international organizations such as UN and IAEA, the member states responded to the perceived threats and 'punished' Iran via enforcement of financial sanctions. The non-proliferation is a sensitive issue for all powers in global arena, hence the Union's stance and actions

against the threat posed by Iran, is accepted and supported vastly. Reacting to WMDs can directly legitimize the sanctioning entity as a normative one, as acting for peace and illegitimizing WMDs is perceived as the norm among all global actors based on their shared “common lifeworld”.

The normative identity of Europe can be found in strategically deliberated rhetoric of the European actors as it is embedded in the public discourse. The European elite often underlined that the Union was concerned not only for its own safety, but for regional peace as well. German Foreign Minister of the time, Joschka Fischer called Iran to ‘be reasonable’ and said “if Iran were to go nuclear, it would jeopardize stability in the entire region. This is not only Israel’s concern, but also of all Iran’s neighbors” (Fischer 2005, cited in Hanau Santini 2010, p.476). French Prime Minister, Philippe Douste-Blazy voiced his concerns in a more denunciatory manner. During an interview that was held on 8 August 2005, Douste-Blazy was directed a question on whether he believes in the good faith of Iranians when they argue that their enrichment program is for civilian purposes. The minister answered “it is difficult to think so” and he emphasized that the Union, along with international community, had put a lot of effort into restoring confidence, to which Iran did not respond. He continued his answer by saying “I personally hope it (the international community) will show itself united and firm, in the face of a grave crisis, deliberately provoked by Iran” (*Doust-Blazy Interview on Europe 1* 2005). In this interview, Douste-Blazy presented the Union as a force that tried to repair the relations and portrayed Iran as an actor that turns its back to global norms.

Likewise, in a joint statement Javier Solana and the foreign ministers of E3 (Doust-Blazy, Fischer and the British Foreign Minister Jack Straw) wrote that according to the IAEA rules, they were obliged to report Iran to UNSC when Iran’s nuclear plans were first discovered. However they say “we decided instead to find a way forward that would give Iran an opportunity to dispel concerns and prove that the aims of its nuclear program were entirely peaceful”. Moreover the statement says that “Iran appeared to be challenging the non-proliferation system” and it writes “we have pursued talks in good faith. But as well as breaking the Paris Agreement by resuming suspended activities, Iran rejected, without any serious consideration, detailed proposals for a long-term agreement that we presented last month” (Doust-Blazy et al. 2005).

The above-presented examples show that European rhetoric posits itself as ‘the good’ while clearly blames Iran for ‘consciously’ causing a crisis despite Europe’s far-reaching efforts and portrays Iran as ‘ungrateful and irresponsible’ (Hanau Santini 2010, p.477). The Union does not only voice its concerns over the breach of

international law but it also creates a sympathetic image of itself by suggesting that Brussels had done best of its capabilities to convince Iran to conform with international norms without using negative measures.

The fact that Fischer called Iran to act ‘reasonable’ shows that the European elite perceived Iran as an irrational actor. In other words, the Union does not perceive Iran as an equal. The European rhetoric creates a clear-cut ‘us versus them’ dichotomy, which demonstrates the lack of ‘common lifeworld’ that is necessary for negotiations to reach to a success. Without a ‘common lifeworld’, actors are deprived from the tools necessary to understand each other. Hence for logic of arguing to work the persuader has to increase the pressure on the violator state. In this case, the lack of empathy and the failure of argumentation have led to implementation of sanctions.

While the European Union has deliberately shaped its rhetoric and supported its normative identity, the security dimension of the non-proliferation issue must not be disregarded. The literature criticizes Brussels for its one-sided perception of events and its lack of empathy. Ruth Hanau Santini argued that sanctions imposed were motivated heavily by European security concerns and the Union has securitized its ‘normative identity’. She suggests that as a global normative force, the Union ignored Iran’s possible perception of threat that could have been triggered by strong military presence of US in bordering Iraq and Afghanistan as well as Israel’s nuclear arsenal (Hanau Santini 2010). Hanau Santini wrote “...while claiming to be a global normative power, the EU is asymmetrically and unidirectionally securitizing this issue, taking into account only international and European security concerns while ignoring Iranian ones” (Hanau Santini 2010, p.477).

Similarly, Mohiaddin Mesbahi argued that the European security concerns have been in the forefront in Brussels’ approach towards Iran. Mesbahi debated that the international forces, which were concerned for their security, were quick to jump to a conclusion and brand Iran as a pariah and wrote “securitization has been instrumental in the deliberate attempt to deny Iran the benefit of ‘rationality’ on the nuclear issue and the concept of deterrence in its national defense posture” (Mesbahi 2011, p.24). Moreover, Mesbahi elaborated on the argument that Iran was identified as the bad ‘other’ and wrote that the negative label that was attributed to Iran is “a collectively produced and institutionalized” norm which is “available to all actors to be utilized in their relations with Iran when needed” (Mesbahi 2011, p.24).

Despite the rhetoric adopted by the European entities, which overlap with the Union’s normative identity, the Union’s security interest prevails as the driving motive in implementation of sanctions. Solana’s description of WMD as the ‘great-

est threat to European security’ as well as the implementation of EU’s independent sanctions on Iran by the Union on top of the UN sanctions, demonstrates the seriousness of Brussels’ perception of the threat. The nuclear crises stands out as a case in which, the Union’s interests and its norms have overlapped. The rhetoric used by the European elite for the international audience is a depiction of Schimelfenning’s ‘rhetorical action’ concept. By putting ‘peace’ and ‘international law’ to the vanguard, the Union strengthens its credibility as a ‘power for good’, yet it does not mean that the main motive behind the sanctions was the diffusion of norms. Moreover the density of sanctions along with the strictness of their implementation and the measures’ power of persuasion, proves that sanctions can be a success when the motives overlap with the norms in European foreign policy.

4.6 Conclusion

The historical development of relations demonstrates that the Union has favored its economic affairs with Iran despite the ups and downs in their relations until the UN sanction decisions. For almost two decades the Union aimed to implement a constructive external policy towards Iran. Both in ‘critical dialogue’ and ‘comprehensive dialogue’ phases, the Union held regular meetings with Iranian officials, organized seminars on human rights and deliberated on normative issues. The EU initiated the negotiations for a bilateral agreement, which were supposed to include two chapters on human rights and good governance.

According to Manners, human rights is one of the five core norms that EU derives its normativeness from. Hence the Union reacted to human rights violations with imposing diplomatic sanctions, which are often considered as symbolic. It can be suggested that, while being norm-based, these sanctions were not as convincing since the relations improved due to a policy alteration came with a government change in Iran in 1998, not necessarily because of the measures’ effects on Iran.

The real challenge between the Union and Iran came with the revelation of the uranium enrichment program. Iran violated the Non-Proliferation Treaty, which it was a guarantor. Its uranium enrichment activities were widely perceived as a threat to peace and a transgression of international law. Thus, one must note that the program posed a threat to the whole international community and Iran was shamed by an extensive audience. It can be argued that avoiding any action that

can pose a broad scale threat, which can disrupt international peace, is not only an interest but also a widely accepted norm in itself. Yet, the security dimension of the crisis must not be neglected.

Upon UN's call, the Union imposed strict and extensive sanctions and topped the UN sanctions with autonomous EU sanctions. The sanctions imposed by US, UN and EU targeted Iranian energy sector, which Iranian economy was dependent on. As a result, measures had detrimental consequences for Iranian economy and the Iranian government agreed to sign the JCAP. Unlike the early diplomatic sanctions imposed, the negative measures implemented as a response to the nuclear crisis prove to be more persuasive. While the European objections to the program stand out as being normative, the Union's immediate attempt to label Iran as the dangerous 'other' that 'deliberately' creates a threat and the intensity of EU sanctions demonstrate that the Union was highly motivated to provide the security.

Finally, as I previously argued, for European sanctions to be successfully implemented, the Union's interests must overlap with its norms. As it was mentioned before, the European sanctions imposed against the human rights violations were not successful. On the contrary, the sanctions imposed as a response to nuclear crisis were successful. The European Union successfully implemented dissuasive measures, because it had an interest in halting the nuclear enrichment program. Both examples of sanction implementation coincide with a norm that gives the Union its normative identity. However, the uranium enrichment program created a security gap for the EU and gave it an interest in imposing sanctions that the EU felt obliged to realize.

5. RUSSIA

5.1 Introduction

The European Union-Russia relations have transformed vastly with the end of ideologically bipolar world. By gradually building bilateral relations the Union attempted “ at locking Russia into a pan-European economic and political order based on liberal values and practices as they have been understood by the EU itself” (Haukkala 2015, p.26). In the first few years of the institutionalization of EU-Russia relations, Russian Federation adopted a cooperative approach and European Union put its efforts to persuade Russia into embracing European norms. By the end of 1990s, Russia made it clear to Brussels that it is an autonomous world power and it would be open to cooperate as long as it benefits from this collaboration. To put it in a different way, Russia clarified that it would have not been digested into the European political and economical system, and it would always prioritize its interests. As a consequence, there had been ups and downs in EU-Russia relations, yet both parties have been heavily reliant on each other due to Russia’s energy sector, hence the relations continued without a disruption until Russia’s illegal annexation of Crimea in 2014. Brussels took the decision to implement sanctions in mid-2014 and it has been gradually increasing the density of its measures and extending their application ever since. This chapter aims to shed a light on whether the motives of the Union to impose sanctions against Russia are normative. To do so, a historical and a chronological overview of EU-Russia relations will be presented first. Next, Russia’s annexation of Crimea and the Union’s stance in the conflict will be discussed. Subsequently, the sanctions implemented by the Union will be briefly presented. Last but not least, an analysis of motives will be depicted and the place of norms in EU’s approach to conflict will be discussed in the light of the theoretical framework.

5.2 Historical Overview of EU-Russia Relations (1989-2014)

With the end of Cold War, EU-Russia relations went through a significant change. The 1990s witnessed a period in which the European Union has tried to deal with the former archenemy of the Western world by following a policy of dialogue and cooperation. “Instead of shaping its policy towards Russia around traditional lines, based on a policy of non-interference, mutual respect and the balance of power, the EU hoped to bind Russia in a tightly-knit net of mutually acknowledged rules and regulations that would draw it into the western orbit” (European Union Center of North Carolina 2008, p.2). On the other hand, newborn Russian Federation had an objective to secure its access to the European market at the time. Hence, EU-Russian relations followed a path of institutionalization.

There was no formal relationship between the Union and Russia until the Trade and Cooperation Agreement, which was signed in 1989, right before the collapse of the Union of Soviet Socialist Republics (USSR). The collapse of the Soviet regime led the European Council to authorize the European Commission to design a new agreement that goes beyond economic cooperation. The 1992 Council meeting suggested that the new agreement should be based on the principles of the Conference on Security and Cooperation and respect for human rights (White and Feklyunina 2014). As a result, Brussels signed the Partnership and Cooperation Agreement (PCA) with Russia, which entered into force in 1997. The PCA was based on the values of international peace and security, liberal market economy, promotion of democracy and political freedom (European Union Center of North Carolina 2008). The PCA covered trade, business and investment issues, payments and capital, cooperation to prevent illegal activities as well as scientific, environmental and cultural cooperation. Creation of a set of institutional bodies to facilitate the political dialogue was also decided on (*EU-Russia Partnership and Cooperation Agreement* 2016). Thus, it deepened the consultation possibilities between parties and introduced an institutional framework. It established the Permanent Partnership Council, in which ministers met frequently. It also allowed biannual meetings of Heads of States and led to regular exchanges between the European Parliament and the Russian Duma (European Union Center of North Carolina 2008).

The Kosovo crisis is important to mention as it characterized the foreign policies of Russia and the Union in the late 1990s. Both parties were heavily concerned about the region and the crisis became an important promoter for EU-Russia cooperation at the time. Russian officials were very vocal about not wanting NATO intervention

in the area. Russia has a history of having a pan-Slavic stance in its foreign affairs. Hence it denounced NATO's aggressive policy towards Slavic Serbians. Germany also opposed a ground war. This allowed Russia to perceive the Union as an ally in the West during the German chairmanship of the European Council in 1990s (Maass 2016). Moreover Germany became Russia's largest foreign creditor after the economic turmoil that hit Russia in 1998 (Maass 2016). Hence, a close relationships between Germany and Russia, along with the cynicism Russia had towards NATO, had been the catalyzer that fostered EU-Russian relationships in the 1990s.

In 1999, the Union one-sidedly adopted the 'Common Strategy of the European Union on Russia'. The Common Strategy (CS) aimed to consolidate democracy and the rule of law in Russia, integrate Russia in the European economic and social area and to cooperate with Russia on common challenges and on strengthening European security and stability (European Council 1999). Moreover the document mentioned the establishment of EU-Russian relations on "the foundations of shared values enshrined in the common heritage of European civilization" (European Council 1999, p.7). The CS seems to position Russia as a vital partner, necessary for European security that could meet with the Union on a common ground under its norms and its terms.

Perhaps dazed by the Union's ambitions that carries a connotation of Westernization, the back-then Prime Minister Vladimir Putin prepared 'The Medium-Term Strategy for the Development of Relations between the Russian Federation and the EU (2000-2010)' and presented it in October 1999. The Medium-Term Strategy (MTS) did not mention any shared values or referred to democracy or rule of law, yet it promised to maintain the social reforms that had taken place in Russia (Aggestam 2007). Furthermore, it highlighted the autonomy of the Russian Federation and it referred to Russia as a 'world power'. It also implied that Russia had the right to protect the sectors of its economy, even if it contradicted the PCA. Moreover, the MTS also stated that Russia and the EU should cooperate in security matters and balance the 'NATO-centrism' in Europe and diminish US influence (Lynch 2004). In a sense, the MTS clarified that the Union was not going to be the sole power to shape EU-Russian relations and that Russia will engage with the Union based on its terms. It would not allow Brussels to interfere in its policies and it would make sure to ensure its interests.

Despite the differences in the outlook, there was a general consensus across both parties on the need to be strategic allies. Hence the relations continued on deepening and expanding as the EU-Russian energy dialogue started in 2000. The dialogue proved to be an important process as it allowed officials to held regular meetings

discussing questions related to energy varying from its exploration to transport. The Union and Russia adopted the Four Common Spaces in the 2005 Moscow Summit. These spaces were identified as; Common Economic Space; Common Space for Freedom, Security and Justice; Common Space of Cooperation in the Field of External Security; and Common Space on Research, Education and Culture. Each space was assigned a roadmap, which set the shared objectives of Russia and the EU and set the agenda for cooperation while determining the steps necessary to be taken (European Commission 2005*b*). However, progress on these roadmaps was hindered (European Union Center of North Carolina 2008).

The PCA was scheduled to expire in 2007; hence in 2006 the European Commission and Russia voiced their aspiration to negotiate for a succeeding agreement. Nevertheless, due to a trade dispute between Russia and Poland over Polish meat, Poland vetoed the start of the negotiations. Russian Federation banned Polish meat products' entrance to its markets and claimed that it was due to sanitary reasons. However, despite what was said by Kremlin; some have argued that the true reason was to punish the anti-Russian rhetoric of the right-wing Polish government established by Lech and Jaroslaw Kaczynski. With the succession of a more moderate government in Poland, under Donald Tusk in 2007, Russia lifted the ban to Polish meat products (European Union Center of North Carolina 2008). As a result the negotiations for a new agreement to replace the PCA commenced on 2008. The new agreement was supposed to be structured in a way that would get both parties to commit legal bindings "in areas such as political dialogue, justice, liberty, security, economic cooperation, research, education, culture, trade and energy" (Damen 2019). Nevertheless, the negotiations were suspended and the agreement was never concluded due to Russia's Crimea intervention in 2014.

Russia intervened militarily in Georgia in 2008, justifying its actions with humanitarian reasons on the basis of protecting Russian citizens abroad. However, 2008 was also the year in which Georgia's NATO membership started to shape; the Bucharest NATO summit of April 2008 concluded with an optimistic stance towards Georgia's request to become a NATO member. The pro-Western position of the Georgian President Mikheil Saakashvili worried Russia (European Court of Human Rights 2009).

The EU was directly involved in the Russia-Georgia conflict, as Georgia was a member of the Organization for Security and Cooperation in Europe (OSCE). The German government, the EU and the OSCE took on the mediator role in the conflict, brought in several plans and sponsored peace conferences. The de facto separatist governments of South Ossetia and Abkhazia, which were supported by Russia since

the 1990s, did not accept the EU-sponsored peace negotiations (Cohen and Hamilton 2011). The Union declared Russia's attack as unacceptable and suggested that "...the Russian counter-attack, including large-scale military actions in central and western Georgia and in Abkhazia, equally failed to respect the principle of proportionality and international humanitarian law, and constituted a violation of Council of Europe principles, as well as of the statutory obligations and specific accession commitments of Russia as a member state" (Parliamentary Assembly 2008, p.1).

A significant issue, which caused turbulence in EU-Russia relations and demonstrated the European security gap was the Russo-Ukrainian gas disputes of January 2006 and January 2009. The Union and Russia had a longstanding clash over Russia's energy policy. The EU urged Russia to liberalize its energy market while the Russian government strengthened its monopoly over Gazprom. In January 2006 Gazprom interrupted the gas supply to Ukraine, which caused a gas shortage in 9 out of the 25 member states in EU. The Union lacked a common energy policy, thus the affects among members varied; Germany and France had energy reserves for 75 days and 45 days respectively while Poland's reserve could only last for two weeks. The EU Commissioner for Energy and Transport at the time, Andris Piebalgs, stated that this crisis demonstrated the vulnerability of the Union due to its dependence on gas supply (Maass 2016, p.115). The 2006 crisis led the Commission to present 'An External Policy to Serve Europe's Energy Interests' paper, which called for the development of a common energy policy among the members. Without directly pointing fingers at Russia, the paper wrote that "some major producers and consumers have been using energy as a political lever" (European Commission SG/HR 2006, p.1). Brussels was convinced that developing a shared policy would halt the possibility of Russia to engage in a 'divide and rule' policy by negotiating gas prices with members individually (Maass 2016). The Gazprom CEO Alexey Miller responded to the threats of unifying policies by highlighting that they were in search for new markets in North America and China. He said; "attempts to limit Gazprom's activities in the European market and to politicize questions of gas supplies, which are in fact entirely within the economic sphere, will not produce good results" (BBC News 2006).

In 2009, approximately 80 per cent of the gas which was imported from Russia still passed through Ukraine and the remaining 20 per cent passed through Belarus. Although the dispute was between Gazprom of Russia and Naftogaz of Ukraine, because of the outstanding Ukrainian debt, a majority of the European countries were affected directly or indirectly when Russia decided to interrupt the gas flow to Ukraine. On the 1st of January, Russia stopped supplying gas for Ukrainian consumption, yet the gas transportation continued for European consumption. On

the night of 6th of January all gas supplies to Europe which passed through Ukraine was stopped and the cut continued until 20th of January (European Commission 2009).

As a response, a monitoring agreement was signed on 9 January between the Union, Russian government, Ukrainian government, Gazprom and Naftogaz, which was ratified by all signatories on the 12th of January. The conflict was terminated when the Russian Prime Minister Putin and Ukrainian Prime Minister Timoshenko signed a 10-year agreement on the purchase of gas by Ukraine and the transit of gas to the Union through Ukraine, after a summit participated by representatives from the EU, Russia and Ukraine. Nevertheless, both Russia and Ukraine lost their credibility as reliable partners. During the cut, a total of 12 member states were affected as Europe was deprived of 20 per cent of its total gas inflow (European Commission 2009). The economic consequences for Russia was damaging as well. Hence both parties agreed upon initiating an Early Warning Mechanism within the EU-Russia Energy Dialogue framework in November 2009. This agreement held the Russian government responsible of notifying the Union in case of another disruption (Euractive 2009).

The clash of European and Russian policies over Ukraine has been the most detrimental issue in EU-Russia relations. In May 2009, the Union initiated the Eastern Partnership (EaP) as a dimension of its European Neighborhood Policy (ENP). The joint initiative involved Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine; hence Russia perceived it as a tool for the Union to increase its influence over the post-Soviet area. The EaP provided the partner countries with bilateral agreements called Association Agreements (AA). These agreements are designed to support the partner countries' political and economic reforms, assist the prospective members' modernization process and align these countries closer to the EU while respecting the degree of integration chosen by each country. In a press conference that took place in December 2004, Putin stated that EU-Ukraine relations was not Russia's business and said, "if Ukraine wants to join the EU and if the EU accepts Ukraine as a member, Russia, I think, would welcome this because we have a special relationship with Ukraine" (*Press Conference Following Talks with Spanish Prime Minister Jose Luis Rodriguez Zapatero* 2004). Nevertheless the closer the EU and Ukraine became, Russia became more vocal on its concerns and "the EaP came at the price of alienating Russia" (Maass 2016, p.165).

Russia was worried about losing its relations built around the Commonwealth of Independent States. Thus it stood against the development of tighter EU-Ukraine relations. Putin requested Viktor Yanukovich, the President of Ukraine, to freeze

the AA and initiate trilateral negotiations on the agreement in which Russia would be a part. Sergei Glazyev, Putin's advisor on economic integration criticized EaP as a tool that EU uses to enforce its own rules and benefits. The Russian elite started to condemn EU for meddling with Ukraine's governance. Right before the Vilnius Summit, Glazyev claimed that the Union was using its agents to convince Ukraine to sign the AA. He blamed the Union for paying to the protestors in the pro-EU protests of Ukraine and he called on Ukraine to resist becoming a 'colony' to the Union and invited them to join the Eurasian Union; a regional economic project that consists of Russia, Armenia, Belarus, Ukraine and Kazakhstan (Maass 2016). Likewise, Leonid Slutsky, the First Deputy Chairman of the State Duma Committee on International Affairs, said that the EaP was a 'tactic' deliberately designed to enhance Europe's power over the post-Soviet sphere. Fyodor Lukyanov, the Chairman of the Council on Foreign and Defense Policy, argued that Ukraine's signature on AA would be unprofitable and serious economic losses would be unavoidable for Ukraine (Maass 2016). Hence the tighter the relations between EU and Ukraine became, the more the Russian elite started to disparage the initiatives and the motives of Brussels.

The Union responded to heavy Russian criticism through a joint statement published on 25 November by José Manuel Barroso, the president of the European Commission and Herman van Rompuy, the president of the European Council. In their statement, they underlined that the Ukrainians have demonstrated their preference to align with EU. They also underlined that the Union was aware of the Russian pressure over Ukraine and they suggested that this should not shadow their strive for future benefits (Maass 2016). The statement wrote that Ukraine should choose its alignments freely and said that "the European Union will not force Ukraine, or any other partner to choose between the European Union or any other regional entity" (Rompuy and Barroso 2013, p.1). Finally, they wrote that neither the AA nor the Deep and Comprehensive Free Trade Area (DCFTA) aims to harm the relations of the Eastern partners with their neighbors. AA is rather designed for giving advantages to all participants by forming stronger economic relations: "The Eastern Partnership is conceived as a win-win where we all stand to gain. The European Union continues to stand ready to clarify to the Russian Federation the mutual beneficial impact of increased trade and exchanges with our neighbors, whilst fully respecting the sovereignty and independence of our Eastern Partners and the bilateral nature of AAs and DCFTAs" (Rompuy and Barroso 2013, p.2). Kremlin responded to this statement by rejecting the accusations of external pressure and Putin requested Brussels to refrain from criticizing Russia (Maass 2016).

Yanukovich, yielded to the pressure from Russia and abstained from signing the AA during the Vilnius summit of 29 November 2013 (Maass 2016). Moreover,

Yanukovich agreed and asked Kremlin to be involved in the EU-Ukraine agreement during his speech in the summit. The president called for a “coordinated plan of actions aimed at the elimination of contradictions and settlement of problems in trade and economic cooperation with Russia and other members of the Customs Union related to the establishment of a free trade area between Ukraine and the EU” (Maass 2016, p.167). His request of trilateral negotiations was rejected by the Union. In December 17, Russia signed a new gas deal with Ukraine, lowering the price for gas deliveries by a third. Following this, Russia also offered a loan of 15 billion dollars to Ukraine. This move by Russia, was widely perceived as a reward for Ukraine’s refrainment (Maass 2016).

Following the Vilnius Summit, van Rompuy said that “on numerous occasions, [we] reiterated that action taken by Russia vis-à-vis the eastern partners are incompatible with how international relations should function on our continent in the 21st century. The Union will continue insisting that any Russian actions [which] influence Eastern European partner countries’ sovereign choices could be in breach of the [OSCE’s] Helsinki principles which commit to respect each other’s right to freely define and conduct as it wishes its relations with other states in accordance with international law” (Van Rompuy 2014, cited in Maass 2016, p.168). Hence the European Union officially started voicing its concerns over Russia’s transgression of international law.

On the following EU-Russia Summit which was held on 28 January 2014, van Rompuy reminded that the Union was ready to move on with the AA as it was presented previously and said that “association agreements, including free trade agreements, between the EU and partners like Moldova, Georgia or Ukraine are fully compatible with Russia’s existing trade arrangements with these countries” (*Remarks by President of the European Council Herman Van Rompuy following the 32nd EU-Russia Summit* 2014, p.2). On the other hand, Putin stressed that the previously-mentioned loan that Russia agreed to give to Ukraine along with the price decrease in energy, was for the sole purpose of helping the citizens; “... both the loan we spoke about and the gradual quarterly decrease in energy prices, first and foremost gas, are based on necessity and our wish to provide support – not to a particular government, but to the Ukrainian nation. You know, we have an expression: when the nobles fight, the servants suffer” (*Russia-EU Summit* 2014). He continued by addressing the accusations on Russia’s pressure on Ukraine and said that “Russia has always respected the sovereign rights of all participants in the international community, and will continue to do so” (*Russia-EU Summit* 2014).

5.3 Russia's Annexation of Crimea (2014)

Yanukovich's decision to not to sign the AA sparked a mass pro-European protest which eventually dragged Ukraine to the verge of a civil war, paving the way for Euromaidan Revolution of February 2014. Yanukovich was removed from the office on 22 February and Oleksandr Turchynov, an actor from the opposition with a strong rhetoric to align Ukraine with the European Union was selected as the head of the interim administration (Sotiriou 2015). In the midst of the civil unrest and political instability, the local legislative institution of Crimea adopted a decree called 'On the Crimean Referendum' on 6 March 2014. The resolution offered the following choices: "(1) Do you support the reunification of the Crimea with Russia as a subject of the Russian Federation? (2) Do you support the restoration of the Constitution of the Republic of Crimea of 1992 and the status of the Crimea as a part of Ukraine?" (Grant 2015, p.68). The following day Turchynov suspended the Crimean decree, which called for a referendum and on 14 March the Constitutional Court of Ukraine published a decision that suggested only under an all-Ukrainian referendum the territorial integrity of Ukraine could be legitimately addressed and only the national parliament could authorize for a referendum. The referendum was held despite the opposition on 16 March (Grant 2015).

The Venice Commission of the Council of Europe agreed that the referendum call was not lawful as it contradicted with the Ukrainian Constitution. The OSCE supported Venice Commission's point. Perhaps threatened by the existence of a pro-Western president in Ukraine, Putin took immediate action and signed an executive order 'On Recognizing Republic of Crimea' on 17 March. The next day, Russia and the local institutions of Crimea signed an agreement on the admission of the Republic of Crimea into the Russian Federation (Grant 2015).

Russia's annexation of Ukraine transgressed three international treaties, which Russia was one of the signatories. The first one was the 'Budapest Memorandum', which was signed in 1994 between Ukraine, Russia, the United Kingdom, and the United States for Ukraine to dismantle all of its nuclear weapons that were left from the Soviet era. In return, the signatories guaranteed to respect Ukrainian sovereignty and territorial integrity. The second agreement was the 'Treaty of Friendship, Co-operation and Partnership', which was signed between Ukraine and Russia. The last one was the agreement signed between Russia and Ukraine in 2003, in which parties agreed on the fact that Crimea would remain as an integral part of Ukraine (Dolya 2016).

5.4 Sanctions Implemented (2014-)

As a response to the illegal annexation of Crimea, the Union imposed a set of diplomatic as well as economic sanctions. The initial restrictions included diplomatic exclusion of Russia from meetings, travel bans and asset freezes. However, as the tensions increased, economic sanctions were implemented in mid-2014, which were expanded, strengthened and extended though time.

The Foreign Affairs Council held an extraordinary meeting as early as March 3 and took the decision to suspend the preparations for the G8 Summit that was supposed to be held in Sochi, Russia in the following June. The Summit has been held as a G7 ever since. The Union also froze Russian membership negotiations to the OECD and the International Energy Agency (*EU Restrictive Measures in Response to the Crisis in Ukraine* 2020). Hence, the Council implemented diplomatic measures, perhaps to dissuade Russia from taking any further actions.

On 17 March, the first set of individual restrictive measures were implemented against 21 Russian and Ukrainian elites who were involved in the crisis in the form of travel bans and asset freezes within the EU (*Foreign Affairs Council, 17 March 2014* 2014). As a result of the 20-21 March meeting of the Council, the list of elites were expanded. The Union also cancelled the planned EU-Russia Summit, banned member states from holding bilateral meetings with Russia, and asked the Commission to prepare economic and financial sanctions that could be implemented (*European Council, 20-21 March 2014* 2014).

The first set of economic bans came on 23 June and the EU banned goods which originated in Crimea and Sevastapol from entering into EU unless they were certified about their origins by the Ukrainian authorities (*Foreign Affairs Council, 23 June 2014* 2014). On July 16, the Council took the decision to suspend the signature of new financing operations in Russia and called on the member states to work with the European Investment Bank (EIB) and the European Bank for Reconstruction and Development (EBRD) to adopt a similar position (*Special Meeting of the European Council, 16 July 2014* 2014).

On 29 July, the Union brought restrictions to EU nationals and companies for buying or selling bonds, equity or similar financial instruments and prohibited services that involved issuing of such financial instruments, including brokering. Moreover, an embargo on the trade of military weapons was implemented and the trade of dual use goods and technology related to military were prohibited. Finally, restriction of

access to technologies necessary for the energy sector was implemented (European Council 2014a). On 12 September, the Union banned all EU companies and individuals to provide loans to five Russian state-owned banks, and banned the supply of certain services necessary for oil exploration and production (European Council 2014b).

The following decisions taken by the Council on restrictions were built on the above given examples and strengthened, expanded and extended these sanctions. Currently a total of 175 persons and 44 entities are subject to asset freeze and travel bans. On 12 September 2019, Brussels extended the asset freezes and travel bans for a further six months, until 15 September 2020. Moreover, on 29 June 2020, the economic measures were extended for a further six months, until 31 January 2021 (*EU Restrictive Measures in Response to the Crisis in Ukraine* 2020).

Additionally it must be noted that some of the sanctions implemented by the European Union targeted the energy sector in Russia much like the sanctions implemented in Iran. However, the two cases present differences regarding the sanction policies and accordingly, their results. The sanctions implemented to the Iranian energy sector proved to be much stricter and much more detrimental while the sanctions implemented on the Russian energy sector carried loopholes. This is mainly because the oil market is global and integrated, and Russia is a massive contributor. Taking out a large oil producer out of the market would have heavy consequences for whole world, mainly in the form of price shocks (Goldthau and Boersma 2014). Furthermore, as it was previously mentioned the Union has a great dependency on Russian energy. The Union receives 30 per cent of its oil and 35 per cent of its gas from Russia, hence hitting the Russian oil would directly have consequences on Europe itself (Van De Graaf and Colgan 2017, p.62). While Russia is vastly integrated in the global economy, Iran had been isolated long before the sanctions were imposed. Hence crippling Iranian economy had more bearable consequences for European powers and the US (Goldthau and Boersma 2014).

The European sanctions imposed on Russia's energy sector exclude the gas sector. The sanctions enforced simply forbid the European countries from supplying technology or services necessary for developing Arctic, shale and deepwater oil reserves. Thus, measures aim to keep the Russian energy sector deprived from European expertise, and not to curb oil production. As a result, these sanctions do not come as detrimental measures due to the fact that they do not target Russia's oil sector in the short or medium term and Russia has continued to keep the taps open. Moreover a loophole that is presented is the fact that the sanctions do not apply to the agreements that were signed before 12 September 2014. As a result many

European oil giants, such as BP, Shell and Total can still collaborate with Russian companies as long as they work under the framework of a contract concluded before 12 September (Van De Graaf and Colgan 2017).

5.5 Are the Motives of Europe Normative?

Russian Federation identifies itself as an autonomous and ‘equal’ partner to European Union and implies that it is open to cooperate as long as it benefits early in their relations. While the Union denotes its ambitions to integrate Russia to Western system with Russia’s adaptation of the ‘shared values’ in its 1999 Common Strategy initiative, Russia takes a solid stance and positions itself as a world power that cannot be assimilated in its 1999 Medium Term Strategy. Noticing this, one could argue that the Union and Russia are two equal voices in the global negotiation sphere.

Russia aspires to remain as a separate entity with its own political and economic model, and with its own interests on its agenda. Furthermore it sees Brussels as a threat, expanding on its sphere of influence and it does not hesitate to take action for the cost of being labeled as a pariah state. While Europe legitimizes its sanctions by denying the lawfulness of the Crimean referendum because of the Ukrainian Constitution, Russia reasons its rightfulness by putting the ‘self-determination’ norm to the forefront and arguing that it has the right to protect its citizens. Both powers have different objectives and both strive to legitimize their actions in front of the international audience by using norm-based argumentation. This demonstrates that Russia and EU, two weakly socialized actors in global politics, are concerned with their identity hence they put norms to the vanguard for the sake of proving their rightfulness. Moreover, the norms that are put to the forefront by both actors are the norms that are shaped by the globally constructed values and the “common life-world”. The fact that the Union and Russia has opposing motives and perceptions, yet they both can still use commonly accepted norms in their rhetoric, demonstrates that norms are semantic structures that have room for interpretation and they can be bent and reshaped through argumentation for the purpose of legitimizing interests.

Nonetheless, it is a commonly accepted knowledge that Russia transgresses three international agreements, and that Russian intervention has disrupted regional peace.

As it was previously mentioned, Manners' Normative Power Theory suggests that the Union centralizes peace and rule of law as two of the five core norms to its identity and behavioral reason. Keeping this in mind, it would be right to argue that the motives of the sanctions imposed are in line with the NPE theory.

However, the fact that the measures imposed do not carry a convincing power as they are far from having substantial short or medium term effects, is striking and it must be elaborated. In this case, the sanctions enforced on the norm-violating party have been more controlled; the Union has lessened its threatening stance for the sake of not losing its tangible benefits in comparison with the Iranian case. As a result, the Union as a persuader does not hold a leverage over the persuadee and the dispute still continues. Despite the limitations that have been introduced, European entities can still engage in relations with Russian entities, because going back to the status quo ante by suspending all agreements would have consequences for Brussels.

Moreover, Russia is a powerful equal for the EU, and "bringing Russian economy to its knees" carries the risk of creating a "tumbling nuclear state on Europe's doorstep" (Van De Graaf and Colgan 2017, p.62). Hence, Europe has security concerns not only because of its Russian dependency when it comes to energy, but also because of its uncertainties on the extent that Russia as a pariah state can go. The security gap that Russia creates for Europe has clearly motivated Brussels to diminish its threatening stance and the tangible benefits that the EU receives from cooperation has evidently overshadowed its desire to enforce Russia to oblige with international law. In other words, although the motives prove to be normative at first glance, the Union's concerns over its security withheld Brussels to take effective action. The means were far from being successful at enforcing norms and this shows a trade off between Brussels' will for ensuring security and its commitment to enforcing norms.

5.6 Conclusion

The historical overview of the events between these two global powers shows that the relations have developed through mutual respect and strategic cooperation. The Russian Federation persuaded the EU to recognize Russia as a powerful equal. The Union attempted to diffuse Western norms and systems in Russia, however, the Russian elite clarified that Russia was an autonomous power with its own agenda. While the Union is heavily reliant on Russia for gas, Russia is dependent on Western

capital; hence, the relations continued to evolve as strategic partnership.

The 2000s stand out as a decade of problematic relations. Russia-EU relations go through turbulence due to 2008 Georgia War and 2006 and 2009 Ukrainian Gas Crisis. The 2006 and 2009 gas disputes presented a preview of the troubles that Brussels would have to deal with if it ever halts its energy relations with Russia. During the 2008 Georgia War the Union recognized Russia's transgression of humanitarian law as well as its commitments to Council of Europe, yet it did not take a negative action aside of public criticism. This can be interpreted as a consequence of Union's cost and benefit calculation. Knowing that the Union had to go through a gas cut previously in 2006, one could assume that Brussels aimed to avoid a harsher stance towards Russia in 2008. The 2009 gas crisis demonstrated the European dependence on Russian energy and revealed that the Union could no longer perceive Russia as a credible partner. Hence, it revealed a major factor that rendered EU security fragile.

The match in the powder barrel was the Russian intervention to Ukraine. Russia's annexation of Crimea in 2014 encountered a strong international opposition. The Union enforced sanctions in mid-2014 and regularly increased their intensity. The sanctions have been expanded and extended for years, yet they have failed to persuade Russia to conform with international norms. The given analysis of EU sanctions on Russia demonstrates the reason behind of this failure as the weakness of sanctions and the loopholes in their applications. The European sanctions on Russian energy sector are not strict enough to push Russia towards a change in its policy, since limiting EU-Russia energy trade would have severe consequences on EU. Moreover, Russia has always presented itself as a powerful match to EU and it exhibited a profile that would not hesitate to bite back. Thus, it is likely that the Union has hesitations on exacerbating a pariah that is geographically close to EU.

The motives of the Union on imposing sanctions stand out as normative; the goal is to provide peace in the region and convince Russia to obey the international law. However, the Russian case offers an example in which the normative objections contradict with the EU interests. The failure of sanctions proves that the Union is only capable of imposing effective sanctions, when its interests and its norms conjugate. In this case, EU's implementation of effective sanctions could create a threat instead of closing a security gap. Hence the Union's security interests withhold Brussels from enforcing sanctions effectively and a trade off between the Union's identity as a norm diffuser and the community interests is observed.

6. ISRAEL

6.1 Introduction

The European Union and Israel have developed concrete bilateral relations through time despite the ups and downs in their relationship. The Union, which has constructed itself an identity as a defender of international law and promoter of human rights, took on the role of mediator for the conflict between Israel and Palestine. Israel is declared as a transgressor of international law by the United Nations, and the Union acknowledges UN's decisions. It is an established fact that the Union does not operationalize hard power to initiate a change in a third country. It prefers to apply conditionality in its bilateral relations as an incentive-maker. Without a doubt, conditionality is a very effective tool when the privileges promised are fruitful and punishments are realized. As most of EU bilateral agreements do, the agreements signed with Israel have clauses that present conditions. However, Brussels have always avoided implementing negative conditionality to Israel. What is striking here is that Brussels penalized many other countries on the grounds of breaking international law by imposing sanctions, which often had more detrimental results for the country than any other negative conditionality. This paper aims to shed a light on the reasons behind the Union's failure to operationalize conditionality in its relations with Israel. To do so, first a historical overview of EU-Israel relations will be presented. Next, Israel's violations of international law will be discussed and finally, the reasons behind the Union's hesitance of imposing conditionality on Israel will be analyzed.

6.2 A Historical Overview of EU-Israel Relations

The state of Israel was established in 1948. The EU and Israel established their diplomatic ties as early as 1950s. Israel was one of the first states to ask for diplomatic relations with the then-European Community, letting Brussels know about this wish in 1958. David Ben-Gurion, Israel's first prime minister foresaw that the newborn community would become a major player in global politics, and thought that Israel should establish close ties with it (Martins 2016). The first bilateral agreement, which aimed to establish trade relations, was signed in 1964. This was followed by a preferential trade agreement, signed in 1970, aiming to establish the first stage of trade relations (European Commission 1988).

The Six-Day Wars in June 1967 was one of the most significant wars of the Arab-Israeli conflict as it paved the way to the territorial dispute that had lasted for over 50 years. Israel fought against Egypt, Jordan and Syria for six days and took over the Gaza Strip, Sinai Peninsula, Golan Heights and the West Bank. This war played an important role in the Israeli perception of the EC, due to the fact that Israel emerged from this war as the winner and proved itself as the dominant power in the region. This war also led Israel to feel neglected by the EC due to diplomatic inactivity of the Europeans (Del Sarto 2011). As an organization that took economic partnerships at its epicenter, the Community was only engaging in trade related issues; hence it distanced itself from the conflict that was taking place in the region at the time. EC-Israel relations further deteriorated after the Yom Kippur War in 1973. Following the conflict, European rhetoric vigorously emphasized Palestinian rights and the need for peace negotiations within the UN framework. In 1973, Abba Eban, the Israeli foreign minister, stated that the Community could not take any part in peacemaking unless it starts embracing and internalizing the ideas of peace (Del Sarto 2011). Such public declarations proved that the Community lost its credibility among the Israelis, as Israel perceived the EC to be pro-Palestinian. However, keeping sentimental issues apart from economic gains, Israel signed another trade agreement with the Community, known as the Cooperation Agreement in 1975 (Del Sarto 2011). This agreement stood out as the first free trade area agreement signed between two sides, strengthening the economic relationship to an important extent.

The most detrimental event for the Israeli-European relations at the time was the Venice Declaration of June 1980. The Declaration supported the Palestinians' right to self-determination and recognized the Palestine Liberation Organization (PLO),

which advocated Israel's destruction. Moreover, it emphasized that the settlements in the occupied territories and any changes in the status of Jerusalem were unlawful (Del Sarto 2011). Israel's invasion of Lebanon in 1982, its ongoing settlement activities in the occupied territories and its handling of the first intifada led Europeans to continuously call Israel to abide by international law, freeze the settlement activities and respect the rights of the Palestinians. As a result, EC was criticized by the Israeli government for "being willing to put Israel's security at risk for the sake of Arab oil supplies" (Del Sarto 2011, p.118). Thus, the 1980s was a significant period for Israeli-European relations as the tension and the distrust among parties reached to its zenith.

In the 1990s the Union became more involved in the peace process. Allying with the US, it positioned itself as the mediator in the conflict. EU-Israel relations took a positive turn with the start of the Oslo Process in 1993. Oslo Accords managed to bring the authorities from Israel and PLO together, and initiated a more concrete step for ending the everlasting belligerency. Oslo Accords referred to several agreements that took place between 1993 and 1995, aiming to sponsor and realize the two-state solution. One of the agreements that was signed during this period was the Interim Agreement on the West Bank and the Gaza Strip of 1995. The Accords decreased Israel's military presence in Palestinian territories and allowed for limited Palestinian self-governance through the establishment of the Palestinian National Authority. The success of a diplomatic document can be evaluated on the basic criterion of whether it reaches its declared objective. Although the Oslo Accords started with exchange of letters from Yasser Arafat, the leader of PLO and Yitzhak Rabin, the prime minister of Israel, declaring their recognition of each other, it failed to bring peace to the region (Kittrie 2003). The Oslo Process aimed to build trust and left the central issues of the conflict to be resolved after the trust-building process (Kittrie 2003). Instead of a recognized Palestinian state, free society and prospering economy, Palestinians continued to deal with expanding settlements, high rates of unemployment, poverty and a corrupt Palestinian Authority (Baumgart-Ochse 2009).

The next maneuver to improve the relationship came with the 1994 Essen Declaration, which stated that "Israel, on account of its high level of economic development, should enjoy special status in its relations with the European Union on the basis of reciprocity and common interests" (*European Council Meeting on 9 and 10 December 1994 in Essen Presidency Conclusions* 1998). In 1995, a new multilateral framework called the Euro-Mediterranean Partnership (aka the Barcelona Process and referred to as Euromed from now on) was launched. The Euromed mostly aimed to establish a free trade area by eliminating any trade and investment barriers be-

tween the EU and Southern Mediterranean countries as well as between Southern Mediterranean countries themselves. By doing so, the EU hoped to establish an area of peace, stability and prosperity (European Commission 2020a). The Union established bilateral relations with each participant, including Israel, through the signing of Euro-Mediterranean Agreements (also referred to as Association Agreements). The EU-Israel Association Agreement was signed in 1995 and it replaced the previous Cooperation Agreement of 1975. Following the ratification of all 15 EU Member States' parliaments, as well as the European Parliament and the Israeli Knesset, the agreement entered into force on 1 June 2000 (European Commission CHAFEA N.d.).

The Association Agreement is significant as it forms the backbone of current EU-Israel relations. This agreement is wide-ranging due to the fact that it covers political dialogue, free trade in industrial and select agricultural products, free movement of capital, and the harmonization of regulatory frameworks as well as social and cultural cooperation (Tocci 2009). The Association Agreement offers a beneficial trade partnership by prohibiting any quantitative restrictions that could be applied to both imports and exports between the Community and Israel in Article 16 and Article 17 under Chapter 4 (*Euro-Mediterranean Agreement* 2000).

In the following years, the Israeli-EU partnership spilled over to other areas by ratification of other agreements under the overarching Association Agreement in areas such as science, technology and culture. In 1996, Israel became the first non-EU country to be accepted as a full member in the European Research Area participating in the Framework Programs for Research and Technological Development (currently known as Horizon 2020) (Zahavi 2018).

Despite all these bilateral developments, the relations started to deteriorate when Binyamin Netanyahu became the Prime Minister in 1996. The Union criticized Israel for suspending the implementation of withdrawal from the Occupied Territories, despite coming to common grounds in the Wye River Memorandum in 1998; an agreement which aimed to commence the application of the previously-mentioned Interim Agreement on the West Bank and the Gaza Strip of 1995. The 1999 Berlin Declaration called for an independent Palestine and addressed the 1947 UN Partition Plan to remind that Jerusalem is a corpus separatum; an international city administered by the UN (Del Sarto 2011). Netanyahu responded by saying that "it is particularly regrettable that Europe, where one-third of the Jewish people perished, has seen fit to try and impose a solution which endangers the State of Israel and runs counter to its interests" (*154 Reactions By Prime Minister Netanyahu And Foreign Minister Sharon On The EU Statement On Jerusalem- 25 March 1999* 1999). The

tensions increased in the region and the Second Intifada broke out in 2000. Israel's partial reoccupation of the West Bank in 2002 led them to face more condemnations from Brussels. In return, Israel accused the Union for failing to comprehend the need to fight terrorism (Del Sarto 2011).

As Ariel Sharon became the Prime Minister in 2001, tensions slightly decreased. The Palestine-Israel conflict received more attention from the international community, and mediator actors became more active. The Middle East Quartet was set up in 2002 for the purpose of mediating peace negotiations, and supporting economic development and facilitating the institution building in Palestine as a step to becoming a state. The quartet consisted of United Nations, the European Union, United States and Russia (*UNSCO Middle East Quartet* N.d.).

The 2000s was also a period for the Union to expand and deepen its bonds with the neighboring states. Upon launching the 'Wider Europe Initiative' (WEI), which was renamed as the European Neighborhood Policy, the political discussions took an upturn. The Enlargement Commissioner of 2003, Günter Verheugen said "I consider Israel to be a natural partner for the EU in the new neighborhood policy. Although Israel is somewhat untypical of the countries that fall within our neighborhood (. . .) our relations will be tailor-made and can range from the status quo to the type of close interconnection that we have with countries like Norway or Iceland in the European Economic Area" (Del Sarto 2010, p.67). This declaration and the initiative were welcome in the Israeli press. Adar Primor, a journalist, wrote in the Israeli newspaper Ha'aretz that "a wiser Europe has extended a hand to Israel and is ready to turn it into the leading star of its new initiative" (Del Sarto 2010, p.68). The Barcelona Process had a regional logic; hence it was concerned with the peace process to an extent. On the other hand, the WEI gave the idea that progress in the peace process would no longer bind EU-Israeli relations (Del Sarto 2010).

Building on the Barcelona Process, the Union launched the European Neighborhood Policy in 2004. The EU had its 'big bang enlargement' in May 2004; by accepting 10 new member states. The European Union defines the objective of the ENP as to avoid any dividing lines among the member states and the EU neighbors, while ensuring the delivery of more prosperity, stability and security of all parties ("European Neighborhood Policy"). While Euromed still remained relevant, the ENP was supposed to give Brussels the ability to work more flexibly to meet each country's needs. Hence the ENP offered a more tailor-made agreement to the signing partners under specific 'Action Plans'. These Plans signed with each country entailed the partnership perspectives and the priorities of action. The EU-Israel Action Plan was signed in 2009 (Musu, 2010, p. 130). The Plan itself was "rich with benefits

that other neighbors could not aspire to” (Tocci 2009, p.395). It is noteworthy to mention that it also met Israelis’ expectations by not tying its benefits to progress in peace.

Simultaneously, Ariel Sharon’s disengagement plan was accepted in 2004. This plan stated that Israel would withdraw from the Gaza Strip as well as the Northern Samaria and the Judea regions. The Plan drew a road map on how to do it and clearly specified the end goals as demilitarizing the regions, allowing Palestinians to live a normal life and demolishing the basis to the claim that these regions were occupied (*Prime Minister Ariel Sharon’s Disengagement Plan* 2004). The EU offered financial support for Israel’s 2005 withdrawal from the Gaza Strip and also sent a border mission to facilitate the process. An important development in Israel-EU relations was the Hamas triumph in the 2006 Palestine elections. The Union boycotted the Hamas government, which it recognized as a terrorist organization. Israel was pleased with Brussels’ stance. Nonetheless, Israel declared war to Gaza in 2008 and imposed a blockade on humanitarian aid. Brussels pressured Israel to declare ceasefire and announced that Israel’s blockade on the Gaza Strip was ‘unacceptable and politically counterproductive’ (Del Sarto 2011, p.120).

Despite the unceasing political tensions between two actors, bilateral relations continued to deepen. The Union came up with another multilateral initiative called the Union for the Mediterranean (UfM) in July 2008, thanks to Sarkozy’s interest in the region, who was the President of France back then (Del Sarto 2011). The UfM aimed for the creation of a new single European Mediterranean Policy (Musu 2010). It took further economic integration into its epicenter and promoted partnership on projects concerning energy/security, support to small businesses, infrastructure, education, and environmental issues. However the UfM was far less successful than the previous initiatives, especially in the peacebuilding process, due to the Mediterranean states’ reluctance to engage with the ongoing Israeli-Palestinian conflict (Tocci 2009, p.392). During the 2010s the EU signed further agreements with the state of Israel on issues concerning science, technology, trade, etc.¹ This proves that bilateral relations deepened while there was no progress shown in the peace process.

¹Agreement on Conformity Assessment and Acceptance of Industrial Products was signed in 2010, Israel Space Agency Agreement was signed in 2011, the Open Skies Agreement was signed in 2013 and the Pan-Euromed Convention on Rules of Origin was signed in 2013.

6.3 Israel as a Transgressor of International Law

As it was mentioned before, Israel's presence in the Occupied Territories dates back to the 1967 Six-Days War. The UNSC Resolution 242 of 22 November 1967 declared that the territories concerned are 'occupied' and it called Israel to withdraw for the first time (*General Assembly Resolution 242/67, Question of Palestine, S/RES/242* 2004). Since 1967, Israel has been transferring its own citizens to the occupied territories. Until 2004, Israel had transferred approximately 230,000 civilians to 145 illegal settlements (Galchinsky 2004, p.116).

The settlement policy of Israel has been subject to a vast amount of criticism from the international community, due to the fact that it was an official breach of the Fourth Geneva Convention. The Convention, which was adopted in August 1949, and was ratified by Israel on 6 June 1951, has an article specifically tailored for protecting civilians during wartime. Article 49 directly writes; "The Occupying Power shall not ... transfer parts of its own civilian population into the territory it occupies" (*Geneva Convention Relative To The Protection Of Civilian Persons In The Time Of War Of 12 August 1949* 1949, p.185). Moreover, the United Nations passed Resolution 2334 in 2016, which once again declared that Israel's settlement policy in the Occupied Territories does not have legal validity and that it is perceived as an act of 'flagrant violation' of International Law (*Israel's Settlements Have No Legal Validity, Constitute Flagrant Violation Of International Law, Security Council Reaffirms, SC/12657* 2016).

Furthermore, in 2002 the government of Israel approved the construction of a barrier in and around the West Bank with the justification that it was a protective measure to maintain security and stop the Palestinian attacks in Israel (United Nations Office For The Coordination Of Humanitarian Affairs N.d.). Upon a request from the UNSC, in July 2004, the International Court of Justice (ICJ) issued an Advisory Opinion in which it stated that this construction would breach the Hague Regulations of 1907 and the Fourth Geneva Convention and emphasized that it would impede Palestine's right to self-determination. Moreover it would affect the liberty of movement of the inhabitants of the territory; a liberty that is guaranteed by the International Covenant on Civil and Political Rights. It also found the barrier as a violator of the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, due to the fact that it would effect "the right to work, to health, to education and to an adequate standard of living." It stated that "... Israel must put an immediate end to the violation of its international

obligations by ceasing the works of construction of the wall and dismantling those parts of that structure situated within Occupied Palestinian Territory and repealing or rendering ineffective all legislative and regulatory acts adopted with a view to construction of the wall and establishment of its associated régime” (International Court Of Justice N.d.). The Union acknowledged ICJ’s decision, yet in December 2004 the Commission still approved the ENP Action Plan.

6.4 Conditionality principle of the Union

Since the 1970s, Brussels expressed its concerns about the never-ending unrest in the region, emphasized the necessity of compliance with human rights, democracy and international law, and it continuously condemned the Israeli policy, aligning itself with the widely accepted international rhetoric. It tried to act as a broker and always seemed less biased than the US.

Yet, the Union has widely been criticized for only condemning and not implementing any measures to create an incentive for peace when dealing with Israel’s breaches of international law. Many have questioned whether the norms such as respect for human rights, democracy and the rule of law, which allegedly form the backbone of the Union’s actions, is just rhetoric. As Tocci highlights, “the Union has been uncharacteristically compromising in practice, giving Israel little incentive to modify its behavior in line with European norms” (Tocci 2009, p.395).

The 1995 EU-Israel Association Agreement presents the following condition in the 2nd Article: “Relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement” (European Commission 2020a, p.L147/4). The article states that the signatories are obliged to respect human rights and democracy, not only in their internal affairs, but also in their external affairs, in a straightforward manner. The same agreement gives a non-execution article and specifies that if there is a case in which one of the signatories fails to fulfill their obligations, the other side can take the necessary measures. The Article 79 writes that “ if either Party considers that the other Party has failed to fulfill an obligation under the Agreement, it may take appropriate measures” (European Commission 2020a, p.L147/17).

Hence on paper, transgression of human rights could cause negative measures to be

taken and it could even justify the suspension of the agreement. However, the Union has avoided imposing negative conditionality on Israel, and continuously publicized that Brussels would follow a ‘constructive engagement’ (Tocci 2009). The 2002 Seville Declaration stated that the end that is pursued must be two states existing together in coherence and it strongly emphasizes the sole mean to achieve this is through conducting negotiations; “A settlement can be achieved through negotiation, and only through negotiation” (European Council 2002, p.35). Although the previously mentioned ‘advantageous’ ENP Action Plan of 2004 mentioned the peace process, respect for human rights and international law, it also lacked any conditionality.

6.5 Are the motives of the European Union normative?

The historical development of EU-Israel relations shows that the European stance towards Israeli breach of international law is not persuasive. The Union recognizes the UN declaration on Israel as a transgressor, yet history demonstrates that Brussels has never gone beyond condemning Israeli policy. Moreover, it deepened and expanded its bilateral relations. Through the years, some member states highlighted the need for a more persuasive approach to be taken against Israel. Nevertheless, members have failed to reach a consensus over enforcing sanctions. As a result, the Union has been widely criticized for not implementing negative conditionality.

The literature agrees that the Union has failed to commit to the conditionality principle in its relations with Israel. The negative conditionality has not been used as a tool and one might even say that “carrots have rarely been dangled, but rather are normally simply given to Israel” (Tocci 2009, p.395). By constantly talking about ‘constructive engagement’ the EU seemed to maintain the status quo rather than endorsing change. The reasons behind its hesitance to take action evoke curiosity. Hence a question that should be asked is why the Europeans have failed to operationalize conditionality and take norm-based action to implement sustained change. The answers can be found in historical factors, economic reasons and the fragility of transatlantic relations.

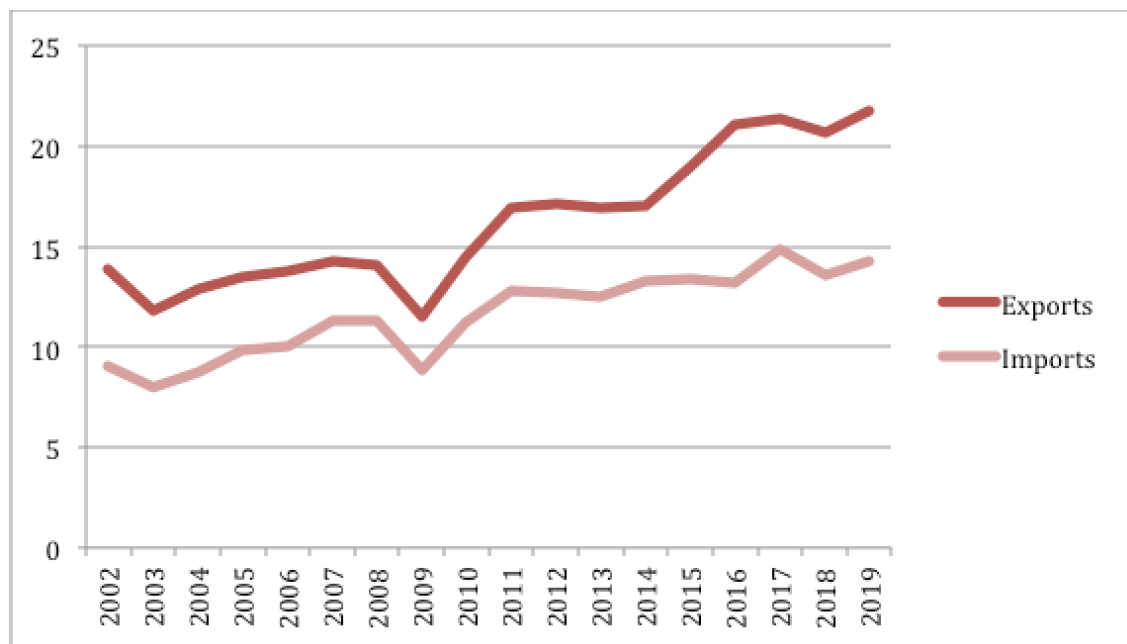
The EU Foreign Affairs Council takes all its foreign policy decisions by unanimity, which cripples Brussels’ capacity to take an action on the matter. “The EU’s position on Israel is determined by the fact that there is no internal consensus over

the use of negative conditionality. Hence, irrespective of Israel's widespread human rights abuses and violations of international humanitarian law, the Union has never seriously contemplated the use of ex post conditionality..." (Tocci 2009, p.395). Throughout time Israel has developed close relations with some Central and Eastern European member states and created alliances with, particularly Hungary. Moreover, the current Israeli President Netanyahu has been working with Greece and Cyprus on Eastern Mediterranean pipeline plans, which would transport natural gas from Israel and Cyprus to Greece and into the other European countries (Oppenheimer 2020). Hence Israel has allies among member states that would benefit from amicable relations.

Furthermore, one can assume that history plays an important role in shaping EU-Israel relations. Built on a continent which hosted the most bloodshed wars as well as the Holocaust, the European Union has turned a blank page and created a normative identity, which takes respect to human rights, international law and democracy to its epicenter. The previously given examples of public statements from Israeli elite shows that Israel does not hesitate to use a rhetoric which blames EU for being anti-Israel and anti-Semitic when it faces an inconvenience such as criticism from Brussels. Such accusations in international negotiation sphere shadow the normative identity that the Union tries to build. Thus the EU prefers to go with constructivist engagement and is sensitive when it comes to applying negative conditionality to Israel. In other words, "European actors value highly the development of cooperative relations with Israel in order to shed memories of a past that represents the antithesis of Europe's self-identity in the post-war period" (Tocci 2009, p.397).

Furthermore, Israel has a pro-western outlook; it has an established democracy and a developed economy. Israel is ranked as the 30th most important trade partner for the EU in 2019. In 2019, the EU exports of goods to Israel amounted to 20,1 billion euros and its imports from Israel aggregated to 13 billion euros. The data shows that in 2019, the Union had a positive trade balance of 7,1 billion euros. It is important to mention that this is not an exclusive situation for 2019. The below given chart proves that the Union has been enjoying a trade surplus from Israel each year. On the other hand, the Union is Israel's top trading partner. The EU's total trade value is approximately 33 billion euros and it ranks as the first place forming 27.5 percent of Israel's total trade in 2019 (European Commission 2020b). This beneficial trade arrangement encourages both parties to keep 'politics' and 'economics' separate, and is a critical reason for not operationalizing conditionality.

Figure 6.1 Exports from the EU and Imports to the EU from Israel (in bn euros)



(Eurostat-Data Explorer 2020)

Finally, the Union prioritizes transatlantic relations and US still remains as an important ally. The neutrality of US has always been questionable, however it functioned as a broker since the Oslo Accords. The US policy towards Israel-Palestine conflict took a turn during Trump's term. When Donald Trump, the president of the US announced in 2017 that he recognizes Jerusalem as the capital of Israel and the US embassy would move from Tel Aviv to Jerusalem, the EU affirmed its concerns about the statement (Euractive 2017). The US Embassy moved to Jerusalem in 2018. The Trump administration has also ended its funding for the UN Relief and Works Agency for Palestinian Refugees in the Near East and it closed the Washington office of PLO (Oppenheimer 2020). He also recognized Israeli sovereignty over Golan Heights, coming against the UNSC Resolution 242/67. Most recently US has published a deal for Palestine-Israel peace, which was widely criticized for allowing Israel to annex 30 per cent of the West Bank while officially giving Jerusalem to Israel. One can say that the US shows "unconditional support for Israel while turning the screws on the Palestinians" (Oppenheimer 2020, p.7). Brussels have been repetitively announcing its concerns and disapprovals about Trump's strategy.

It is also necessary to mention that the American position is relevant to EU decision-making process. The member states have been divided as Europeanists and Atlanticists. Europeanists, the most prominent one being France, defend the perception of an 'autonomous Brussels' while the latter carefully align themselves with the US. This division can make decision taking very difficult as it depends on unanimity.

Hence the US position influences the EU's decisions to a great extent (Gombert 1999).

The Union's rather 'soft' approach towards Israel's expansion policy over the Occupied Territories has definitely shadowed its normative identity. Israel's policies over the occupied lands do not only breach international law but also undermines the rights of the Palestinians. In other words, Israel does not only transgress international law but also violates human rights principles. Respect for international law and human rights are two of the aspects that give Europe its normative identity, and the Union has operationalized sanctions to many countries due to their breach of these aspects as it was elaborated in previous chapters. Yet, when it comes to Israel, the European rhetoric typically suggests that negative measures are counter-productive and success can only be reached through a 'negotiation only' approach.

The Union presented conditionality to Israel in its 1995 Association Agreement and never operationalized it. The relations have been expanding and extending with additional bilateral agreements and arrangements ever since. With a developed economy, Israel seems to have secured itself as an important trade partner. Suspending the Association Agreement under the conditionality clause to persuade Israel to accept Western norms would be loss of an important income door for the EU. A threat to go back to the status quo ante, once again, would not be fruitful for the Union.

Aside of the economic benefits that the EU receives by keeping bilateral relations intact, Israel's diplomacy of blaming Brussels for being anti-Semitic could also create an incentive in Brussels. This shows that norms have a constitutive and not necessarily a regulative role. Norms can be bent and strategically shaped for persuasion. By calling EU 'anti-Semitic' and using a rhetoric that reminds the Holocaust, Israel refers back to a shared history; a 'common lifeworld'. Moreover, it attacks the Union's self claimed normativity in a way, by accusing the EU for being biased. By strategically using norms and experiences, one can suggest that Israel targets EU's belief structures. Being attacked as 'anti-Semitic' in a public arena, in front of an international audience would directly push the Union to adjust its behaviors.

Finally, regardless of occasional unrest in US-EU relations, US remain as an important ally that some members are hesitant to lose. It was mentioned that the support Israel receives from US stands out as a critical factor for Brussels' constructive engagement policy. While supporting Israel, the US have advocated against Iran and Russia. Hence, US influence stands out as a noteworthy aspect in evaluating European sanctions policy.

Consequently, there seems to be a variety of calculations that member states are obliged to keep in mind when it comes to the policy that will be followed towards Israel. Some member states have good-natured relations with Israel, and some are sensitive about Israel's past, while some are careful about losing US as an ally. Schimelfenning's 'rhetorical action' argument seems to fit as egoistic incentives of these member states appear to shadow the community values. Due to the unanimity principle, the interests of these specific member states become the EU decision. The binding nature of community norms present themselves in European rhetoric; the Union has been condemning Israeli policies in the region and it has been calling Israel to obey international laws and respect Palestinian rights. The EU, concerned with its identity and other's perception of it, utilizes a normative rhetoric. Nevertheless, its actions fall short from corresponding its rhetoric. Hence, Brussels try to justify its behavior by arguing that implementation of any negative measures would be 'counterproductive' and its hopes to repulse the criticisms by suggesting that it works for an 'effective' solution. In other words, the EU, concerned with its identity, becomes obliged to put forward the 'negotiation only for a successful result' rhetoric to close the gap between its Israel denunciations and its ongoing and developing bilateral relations. The trade off between EU's normative identity and the tangible benefits that it gains from keeping good-natured or at least stable relations with Israel can clearly be noticed.

6.6 Conclusion

The historical background of EU-Israel bilateral relations goes back as early as 1960s. Israel, which has a developed economy, has offered the Union a fertile partnership on trade. Despite their political discordance on Palestine-Israel conflict, they continued on expanding, extending and deepening their bilateral relations. Although remaining distant from the conflict at first, history shows that the Union has become more involved with the peace process after 1990s, and started criticizing Israel heavily for its policies on the Occupied Territories.

Respect to human rights and obedience to international law are two of the normative principles of the EU. Through its policies in the occupied lands, Israel breaches both of these norms and disrupts the regional peace. The previous chapters, which studied Iran and Russia, presented two cases in which the violators were 'punished' for breaching EU norms. Hence, the fact that the EU has never enforced any negative

measures, despite its recognition of Israel as a transgressor country stands out. The Union aims for maintaining peace and security and defending democratic principles with its sanctions policy, yet it fails to take a tangible action against Israel. This demonstrates a gap between the rhetoric and the practice.

A deeper investigation of the EU-Israel relations reveals that the economic benefits that the EU receives by keeping bilateral relations intact, is an important incentive for the Union's approach towards Israel. Moreover, Israel often follows a diplomacy of referring back to its shared history with Europe and shames Brussels for being anti-Semitic. The Israeli rhetoric on EU being pro-Palestinian or anti-Semitic can be interpreted as an attack to the Europe's self-created normative identity. Thus such accusations can dissuade the European elite from adopting a harsher stance. Furthermore, the US support for Israel stands out as another factor that seems to play a role in Brussels' constructive engagement policy. The Union has a difficulty of reaching to unanimity in taking a decision on external policy, and this remains valid for Israel's case. Some member states have good-natured relations with Israel, and some are sensitive about Israel's past, while some are careful about not losing US as an ally.

Keeping these in mind, it would be right to suggest that the Union's motives for maintaining its relations with Israel are quite high. Hence, the case of Israel offers another example in which the normative objections contradict with the EU interests. In this case, the interests outweigh the community norms to an extent that the Union fails to go beyond condemnations and the implementation of sanctions is not even brought into question.

7. CONCLUSION

The European continent has gone through centuries of destructions caused by member states' hostility towards each other. The establishment of the European Union was a peace and prosperity project to generate and maintain security on the continent. The Union has built itself an identity as a flagship of set of norms and values ever since its establishment and it has been strategically diffusing these norms to other countries via presenting conditionality. According to Manners, the five core values that the Union derives its normativity from are peace, liberty, democracy, rule of law and respect for human rights. The assumption of the NPE is that Brussels behave in the light of its norms.

The Union has developed, centralized and unified its sanction policies through time. It has set a list of sanctions that can be imposed and it has also brought together a list of events that requires a reaction through the enforcement of negative measures. The EU specifies the objectives of its sanction policy mainly as maintaining and promoting peace and security, defending democratic principles and preventing the proliferation of weapons of mass destruction. All the objectives stated by the Union align with the values specified by Manners. Nevertheless, looking at some of the individual cases of sanctioned countries along with an analysis of the violator countries' relations with the EU, it is seen that Brussels can have a difficulty of putting the community values above its benefits and motivations can easily move away from 'diffusing its norms' to acquiring interests. After the Lisbon Treaty, the European Council has become the ultimate decision maker in implementing sanctions; hence the individual member states have the final word, and not the EU. The member states can prioritize their needs and their strategic partnerships with the transgressor countries. Hence, the unanimity principle of the decision process of the Union's foreign affairs is a glitch that can lead to pushing the values into the background. Furthermore, sanctions can freeze the relations to a great extent, and deprive the EU from benefits of bilateral relations. This is why, not every norm regression result with imposition of sanctions and this can be interpreted as a concession of norms from the EU's part. In fact, the cases studied demonstrate that the normative ob-

jection must conjugate with community interest. In other words, aside of a norm violation, the Union must have interests in imposing dissuasive sanctions.

In the case of Iran, the US and the UN took the decision to implement sanctions, and the EU enforced the UN sanctions soon after the UN's decision. The uranium enrichment program of Iran caused a threat for the whole international community; hence the EU reacted with the goal of preventing the proliferation of weapons of mass destruction. The Union took additional measures on top of the UN sanctions to halt the program once and for all. In Iran's case the goal of the sanctions fits in with the normative identity of Europe. Iran was not only working on nuclear energy but it was also breaching the Safeguard Agreement by doing so. Hence aside from creating a major threat in Western perception, it was also transgressing international law, which contradicted with the promotion of the rule of law, a norm that is internalized by the Union according to the NPE theory. Nevertheless, the security crisis that Iran caused for all concerned parties united with a shared perception due to the existence of a 'common lifeworld' must be noted. The decisions taken were shaped by a common perception of threat; hence the security element of the Union's decision should not be overlooked. The Union's second batch of unilateral sanctions proves the extent of the threat that the EU had perceived.

The EU targeted directly the Iranian energy sector, which the Iranian economy is heavily dependent on. The measures enforced did not only stop European entities from doing business in the Iranian oil sector, but it also caused the other countries to halt their businesses as most of the intermediary companies, such as insurance companies, were Europe based. The sanctions imposed damaged Iranian economy to the extent that Iran was convinced to sign the JCAP. Thus, the sanctions were implemented effectively and led to the policy change that the Union aimed for.

The case of Russia presented a more complex and highly intertwined EU-transgressor country relation. The Union has a great dependency on the Russian energy sector, and the Russian economy needs the EU for financial reasons. After the collapse of the USSR, it is seen that the EU attempted to align Russia with its values, but faced a resistance. Russia has positioned itself as an autonomous world power that will put its benefit above anything else. In other words, it presented itself as an 'equal' to the Union in the global sphere and placed its own security and power in the agenda of EU-Russia relations. The 2006 and especially the 2009 gas crisis that initially took place between Russia and Ukraine, but affected the EU, showed that Europe could no longer see Russia as a credible partner. It also gave a preview of the troubles that Brussels would face if it ever halted its energy trade with Russia.

After Russia's illegal annexation of Crimea, and transgression of three international

laws, the Union imposed a set of sanctions along with the US. The greatest support to this assertive policy came from Eastern European and Baltic member states. However, the sanctions that targeted the energy sector were tailored in a way that would not hurt the European energy needs. The motives of the sanctions can still be identified as normative as the goal was to persuade Russia to obey international law. Nevertheless, the Russia case study shows that the Union can tailor a sanction policy based on the material benefits that it can get through cooperation. Due to the cost-benefit calculation that the Union engaged in, the sanctions imposed on Russia have so far been inadequate. This demonstrates that the EU prioritizes its security over diffusing its norms and it can only act for the sake of peace when its interests do not trump its normative concerns. The sanctions have not been successful, because halting relations to an extent that would have consequence on Russian economy would be disadvantageous for the Union.

The last case study on Israel, proves that the Union can turn a blind eye to the diffusion of its values and unlike what the NPE suggests, its capacity to shape norms does not actually exist on equal terms. In its relations with Israel, the European Union avoided imposing sanctions at all costs and it clearly hesitated to take any other negative measures as well. Despite the fact that the Association Agreement has a clause which offers conditionality, the benefits given by the Union to Israel are not attached to conditionality. In other words, the Union's conditionality does not work in Israel because Brussels does not operationalize it. Brussels recognizes the UN's decision that declares the Golan Heights, West Bank and Gaza Strip as 'Occupied Territories' and Israel's settlement policy as an obvious violation of international law. Yet, it solely condemns Israel for its breach of international law and calls Israel to withdraw from the Occupied Territories. Due to the "common lifeworld" of EU and Israel, whenever the Union criticizes, Israel fires back with bringing back the memories of Holocaust and shadowing the Union's normative identity. The fruitfulness of the economic partnership, along with Europe's history of Holocaust and US support to Israel stand out as the reasons of why the Union is hesitant to take any tangible action. Either way, the case of Israel clearly demonstrates that the tangible benefits of cooperation overshadow the Union's commitment to community values. The wide gap between the European discourse on the goals of its foreign policy and European actions is visible in the approach of Brussels to Israel and its norm transgression.

The elaborated case studies show that while the norms matter for sanctions to be imposed, the Union must also have benefits that it hopes to acquire from adopting negative measures. The more the interests matter, the stricter the imposition of sanctions will be and as a result the measures will be more likely to be successful. The

motives of the Union's sanction policies are not solely normative and the community norms do not shape the decisions given. The decisions given are rather justified by the use of norms. Iran breached international law and caused an immense security threat for the Union. Its actions were responded by sanctions but the case of Russia and Israel show that norms can easily be pushed to the background. Hence a gap between the rhetoric and the actions of the European Union is observed. The European rhetoric suggests that the Union is a preserver of international peace and a flagship of human rights as well as democracy, and it will act in respect of these characteristics. Nevertheless the analysis of the practice demonstrates that the actions and the words do not always overlap.

The justification of the Union on Iranian case matches with the NPE rhetoric. Yet, the pace of events as well as the intensity of sanctions pushes one to consider the valid security threat that Iran posed to the Union as the main motive. The next chapter showed that Russia's sanctions were customized in a way that the Union would not lose its benefits. The justification of the Union on Russian case matched with the NPE rhetoric. Nevertheless, the 'softened' sanctions show that Europe prioritizes its security over its norms. Lastly, Israel case proves that the decisions are taken on a cost and benefit calculation. There are no tangible actions taken towards Israel, despite of its violation of international laws. This study also demonstrated that the Union had US support in imposing sanctions to Iran and Russia. On the contrary, the US has been a significant ally to Israel in its every step. Knowing the importance EU attaches to its transatlantic relations, the US stance towards cases seems to be an important influence in EU decision-making process.

The case studies also demonstrated that, the Union adopts a normative language no matter what the underlying motive is. While imposing sanctions Brussels put the norm violations to the forefront and not its main concerns. Similarly, when it does not impose a sanction, it recognizes the norm regression, yet argues that enforcing negative measures are not 'counterproductive' and the solution will be found only through negotiations. The usage of a normative discourse legitimizes the actions taken in front of an international audience. Schimelfennings 'rhetorical action' concept becomes explanatory for analyzing the Union's sanction policy. As argued in the concept, although the Union is motivated to diffuse its norms, the member states' interests can shadow their commitment to EU norms. In weakly socialized institutional settings, the entities who are concerned with their identity and other's perception of them, turn to norm-based arguments.

To conclude, this thesis exhibited that for sanctions to be implemented norm regression is not the sole motivation. The transgression of community norms has to meet

with the tangible interests of the Union. The security concerns, economic gains and the transatlantic relations stand out as the major factors that drive the sanction decisions, while the norms remain relevant. The binding nature of norms can be observed in the rhetoric, not necessarily in the motivation.



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