EUROPEAN NORMATIVE POWER DURING UKRAINIAN-RUSSIAN CONFLICT

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ABSTRACT

During last two decades the European Union as "normative power Europe" has been associated with the export of certain universal norms, rules and practices to the other countries. Rule of law, democracy, strong commitment to human rights and fundamental freedoms, and social justice — these principles form the core of the identity of the European Union. Relying on shared political, economic and cultural ties among member states, the EU has sought to promote these norms also in the neighbouring countries, including Russia.

However, the outbreak of the violent conflict between Russia and Ukraine at the end of 2013 clearly demonstrates that the EU has failed in its efforts in Russia despite extensive mutual relations and comprehensive financial support provided by the EU. The aim of the current article is to analyse how consistent the EU has been in defending and promoting European values and norms in the international arena and with Russia during the Ukrainian-Russian conflict.

INTRODUCTION

Integration has played a key role in the prevention of armed conflicts between European countries since the end of the Second World War. In this light, the international community has placed high expectations upon the European Union (EU) also in the current Ukrainian-Russian conflict. It has materialized in the hope that violation of international law will be stopped and the territorial integrity of Ukraine will be restored. These expectations are based on the distinct nature of the role of the EU in international politics. Over the past two decades the European Union has been associated with the export of certain universal norms, rules and practices to other countries. In academic circles the concept is called "normative power Europe"[1]. Studies analysing the special role of the EU in the international arena describe the main principles and norms represented by the EU as follows: democracy, rule of law, strong commitment to human rights and fundamental freedoms, and social justice. These principles form the core of the identity of the European Union.

Relying on shared political, economic and cultural ties among member states, the European Union has sought to promote these norms also in neighbouring countries, including Russia. However, if the war with Georgia in 2008 came as a shock and posed serious questions about the reliability of Russia as a country dedicated to democratic goals, then the outbreak of the violent conflict between Russia and Ukraine at the end of 2013 clearly demonstrates that the EU has failed in its pursuit in Russia despite extensive mutual relations and comprehensive financial support the EU had provided. If normative power Europe concerns foremost the inner dimension of statal structure, it has clear implications on the role of a country as far as its conduct in the international arena is concerned. Along these lines, the developments over the last decade such as Russia's aggressive behaviour toward its neighbours and the imposition of its own interpretation of historical events concerning the Second World War suggest that Russia is developing its own model of „normative power". Therefore, considering especially the current security situation, questions over the balance of power in international politics and about the role of the EU as a normative power require enhanced attention.

If the EU has been generally failing in bringing Russia over to embracing and upholding the European values, despite the obvious enormity of such a task the question is about the seriousness of the EU as a normative power. Against this backdrop, the aim of the article is to analyse how consistent the EU has been in defending and promoting European values and norms in the international arena

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[1] Ian Manners, "Normative Power Europe: A Contradiction in Terms?" *Journal of Common Market Studies* Vol. 40, No. 2 (2002).

during the Ukrainian conflict. The analysis is based on the assumption that the image of the EU as a normative power is an essential part of deterrence and it would, therefore, help to apply pressure on Russia to withdraw from the Ukrainian conflict as well as to avoid potential conflicts with Russian participation in the future. This could be so if the European Union could convincingly maintain its strong image as an uncompromising defender of peace, democratic values and human rights and exert its influence on Russia to commit itself to European values. Based on this logic, it is important for the EU to systemically comply with its norms and values, since opposite behaviour would harm the identity of the EU in the international arena which, in turn, directly affects the balance of power between Russia and the EU. Of course, prescribing such a role to the EU involves a palpable paradox that requires immediate attention. A reflection of the EU's normative power in international relations, depending precisely on the normative aspect of that power, presumes not an active role characteristic of a traditional great power but rather a soft, even if strongly felt, influence that a country exerts over its neighbours and beyond. In confronted with an aggressive behaviour in its immediate neighbourhood that is meant to divert a transition country from its democratic path, the questions arises if the soft arm of the EU should be accompanied with a hard one fencing off that danger. However, would it not thereby contradict the very essence of its normative power? The paper proceeds by presuming a need for some such clearly articulated will and readily available instruments to effectively protect its values. This does not mean that the paradox is pushed aside. Indeed, the paper attempts to illustrate the contradictoriness of the situation when an essentially normative power is placed in a traditional realist international relations environment.

The topic is of particular importance for the EU member states that are potentially targeted or indirectly influenced by Russia's actions. This applies to the EU countries either directly bordering Russia (e.g. the Baltic countries, Poland), sharing historical legacy with Russia (i.e. the Baltic countries again) or developing close economic relations with Russia's neighbours which could be Russia's potential targets in the future[2] (e.g. Ukraine has extensive economic relations with Germany, Poland, Hungary and Italy; Kazakhstan is trading a lot with Germany, France and Italy; etc.). It would be in the best interests of these countries if the European Union could function as a guarantee for regional security and stability. The question is why it has failed in such an attempt with regard to Russia. And also, could a stronger position be logically and practically expected from the EU as a normative power?

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[2] Viljar Veebel, "Russia's Neo-Imperial dependence model: Experiences of former Soviet republics," *Romanian Journal of Political Science* Vol. 17, No 1 (2017).

1. MAIN FEATURES AND CRITCISM OF THE CONCEPT OF NORMATIVE POWER EUROPE

The concept of normative power Europe has its roots in the 1930s in the works of Bertrand Russell, Edward Hallett Carr, Johan Galtung and others, who discussed the multifaceted nature of power and various forms of power. Next to military and economic power they introduced the idea of "power over opinion", capturing aspects like morality, ideational power and propaganda. In more recent studies this distinction has transformed into the idea that the European Union has power to change the normality of international relations. The normative power is, therefore, by definition „a power that is able to shape conceptions of the "normal"[3] and it "works through ideas, opinions and conscience"[4]. Gerrits[5] stresses that changing "the other" is essential aim of normative power. This is also emphasized by Manners and Diez, stating[6] that normative power conception focuses "on the power of norms to influence actors' identity and behaviour".

The topic has received particular attention since the late 1990s, after the Maastricht and Amsterdam Treaties were signed. It was declared in the Treaty on the European Union that the Union reinforces the European identity and its independence in order to promote peace, security and progress in Europe and in the world[7], which clearly refers to the normative role of the EU in the international arena. At the same time, in the late 1990s the EU started "to move beyond a civilian power and to develop a defence dimension to the international identity of the Union", to quote Whitmann.[8] This development points to the paradox revealed above when a normative power is placed within a traditional international relations environment. Nevertheless, inasmuch as this defence dimension is also necessary, the question is how exactly should one understand its role without positively harming normative power? Another problem embedded in this situation consists of the ambivalence in the relations that a normative power like the EU has with its neighbours. There appear no problems as long as its high values are appreciated, adhered to and followed voluntarily by the neighbours. The situation changes when the normative power is coupled with an active role in promoting those values, using sticks and carrots to

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[3] Ian Manners, *supra* note 1.
[4] Thomas Diez and Ian Manners, "Reflecting on Normative Power Europe"; in: F. Berenskoetter and M.J. Williams, eds., *Power in World Politics* (New York: Routledge, 2007).
[5] André Gerrits, *Normative power Europe in a changing world: a discussion* (Clingendael, Netherlands: Netherlands Institute of International Relations, 2009).
[6] Thomas Diez and Ian Manners, *supra* note 4.
[7] *Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union* (2012).
[8] Richard Whitman, *From Civilian Power to Superpower? The International Identity of the European Union* (Basingstoke: Macmillan, 1998).

shape the policies of the neighbours.[9] In this case, is it possible to speak about a normative power proper? Especially when a nominally normative power starts to exhort its principles, despite the authentic value of the principles the relationship transforms easily into one of a patron and a client. These dangers clearly exist in the relationship between the EU and its Eastern European neighbours.

Manners argues[10] that the normative role of the EU derives from the historical context (legacy of the two World Wars), hybrid policy (i.e. the EU as a post-Westphalian order with supranational and international institutions) and political-legal constitutionalism (integration is elite-driven and is based on treaties). Common values such as defence of democracy, international law, universal freedoms and human rights are derived from this basis, and that gives the European Union more legitimacy in the international arena compared to individual member states. In comparison, as stated by Hyde-Price[11], for the national states, the issues related to security are dominant over ethical values. Manners[12] suggests that the norm diffusion is shaped by six channels: contagion (unintentional diffusion by the EU), informational factor (strategic and declaratory communications by the EU), procedural factor (institutionalisation of relationship by the EU), transference (exchange of benefits by the EU and the third parties), overt (physical presence of the EU in the third countries or international organisations) and cultural filter (cultural diffusion and political learning in the third countries and organisations). Various strategies have been suggested of how to diffuse the norms and construct the "self" and the "other", such as representation of the "other" as an existential threat (securitization), as inferior (the self is constructed as superior to the other), as violating universal principles (the standards of the self are seen both superior and of universal validity), as different (the other is represented neither as inferior nor as a threat but just different), or as abject (the other is part of the self)[13]. Diez and Manners[14] have also argued that "the EU must be humble and avoid constructing the other in ways that sustain hierarchies". This would help to avoid the conflict. Thus, the strategies of constructing the other as different or as an abject should be preferred. Last but not least, Manners[15] suggests that normative power should be legitimate in the principles being promoted (meaning that legitimacy of principles

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[9] Viljar Veebel, Liina Kulu, and Annika Tartes, "Conceptual factors behind the poor performance of the European Neighbourhood policy," *Lithuanian Foreign Policy Review* Vol. 31 (2014).

[10] Ian Manners, *supra* note 1.

[11] Adrian Hyde-Price, "A 'tragic actor'? A realist perspective of 'ethical power Europe'," *International Affairs* Vol. 84, No. 1 (2008).

[12] Ian Manners, *Normative Power Europe: The International Role of the EU*, European Community Studies Association, Biennial Conference (2001).

[13] Thomas Diez and Ian Manners, *supra* note 4.

[14] Thomas Diez and Ian Manners, "Reflecting on Normative Power Europe"; in: Thomas Diez, ed., *A Different Kind of Power? The EU´s Role in International Politics* (New York: Idebate Press, 2014).

[15] Ian Manners, "The Concept of Normative power in World Politics," *DIIS BRIEF* (May 2009).

may come from previously established international conventions, treaties or agreements), it should be coherent (different principles and practices to promote the norms need to be sound and non-contradictory), and perceived as persuasive in the actions to promote these principles (such as involving constructive engagement, the institutionalization of relations and the encouragement of multi- and plurilateral dialogue among participants).

The concept of normative power Europe and the diffusion of European norms and values are closely related with the theory of external governance, which operates as a form of interdependence in which internal rules are extended beyond the formal membership group. The theory has become one of the main explanations for the integration of other countries into the system of European rules and regulations. Whereas in earlier studies from late 1990s,[16] external governance has been related to the Central and Eastern European countries and Eastern enlargement, then later[17] the concept was in one way or another associated with all countries participating in the European neighbourhood policy.

In this light, the normative role of the EU in the international arena is perceived as closely linked to the external governance and conditionality. This, however, diminishes the role of a "normative image" of the EU in the form of statements of the EU institutions and political leaders, and enhances the role of binding commitments and the EU's financial support in diffusion of European values and norms. Beyond this, many studies have severely questioned the normative role of the European Union in general. For example, Nicolaidis and Howse[18] argue that while "the idea of Europe as a civilian power is more relevant than ever, such narratives require our engagement with their reflexive nature: what is usually projected is not the EU as it is, but an EUtopia." Thus, at least theoretically, the possibility should be maintained that the European Union does not have any normative power at all. In the current context, this means that the EU is not able to influence the Ukrainian conflict, or that it has only selective normative power meaning that it could cause changes in Ukraine, but not in Russia.[19]

Last but not least, some studies have argued that in practice the EU's behaviour has diverted from its norms and values and in conflict situations the European Union seems to be more focused on maintaining the *status quo* rather than initiating a

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[16] Lykke Friis and Anna Murphy, "The European Union and Central and Eastern Europe: Governance and Boundaries," *Journal of Common Market Studies* Vol. 37, No 2 (1999).

[17] Sandra Lavenex, "EU external governance in 'wider Europe'," *Journal of European Public Policy* Vol. 11, No.4 (2004).

[18] Kalypso Nicolaidis and Robert Howse, "This is my EUtopia …': Narrative as Power," *Journal of Common Market Studies* Vol. 40, No. 4 (2002).

[19] Viljar Veebel and Raul Markus, "Lessons from the EU-Russia sanctions 2014-2015," *Baltic Journal of Law & Politics* 8:1 (2015).

change. Diez[20] argues that in the democratic uprising in the Arab world the EU claimed to promote democracy, but at the same time in the framework of the European Neighbourhood Policy supported authoritarian rulers in the Arab world to safeguard oil supplies or to hold back migration across the Mediterranean. Hardwick[21] states that the EU has acted in its "near abroad" as a realist power and not as a normative power. Moreover, Skolimowska[22] investigates three recent conflicts such as the Kosovo conflict between Albania and Serbia during the declaration of independence in 2008, the Ukrainian conflict between Russia and Ukraine during the dispute over Crimea in 2013–2014, and the Transnistrian conflict in 2004–2015, and concludes that the identity of normative power Europe is "in a state of deep crisis". She posits that "a gap [exists] between normative activity of the EU and the way it is perceived in the international environment" and argues that the normative role of the EU constitutes "a certain type of a meta-narrative, utopia, or a form of ideological measure relating to the identity of the EU in international relations".[23]

2. IS THE EU ACTING AS A NORMATIVE POWER?: AN ASSESSMENT OF THE PUBLIC MESSAGES OF THE EU INSTITUTIONS DURING THE UKRAINIAN-RUSSIAN CONFLICT

The ensuing analysis focuses on the following questions: have European values like democracy, rule of law, peace, security and human rights been consistently stressed and pursued by the representatives of the EU institutions during the Ukrainian conflict in association with Russia or Ukraine? Which channels were used to diffuse European norms and values? In more detail, the conclusions of the European Council and statements of the leaders of the European Commission and of the High Representative of the Union for Foreign Affairs and Security Policy from November 2013 to June 2017 will be addressed.

Based on the main features of the concept of normative power Europe such as legitimacy, coherence and persuasiveness of the values and principles being promoted, and the image of the EU in the international arena as a defender of peace, rule of law, inclusive governance, international law and human rights, it could be assumed that the topics related to the violation of sovereignty and territorial integrity of Ukraine are today unremittingly on the EU's agenda and that this is reflected also in the public statements and messages of the institutions and leaders of the EU.

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[20] Thomas Diez, "Constructing the Self and Changing Others: Reconsidering Normative Power Europe," *Millennium: Journal of International Studies* No. 3/33 (2015).
[21] Daniel Hardwick, "Is the EU a Normative Power?" *E-International Relations //* http://www.e-ir.info/2011/09/03/is-the-eu-a-normative-power/.
[22] Anna Skolimowska, "The European Union as a 'Normative Power' in International Relations. Theoretical and Empirical Challenges," *Yearbook of Polish European Studies* Vol. 18 (2015).
[23] *Ibid*.

Likewise, considering that the Ukrainian conflict constitutes large-scale violation of international law over the last decade, it could be expected that the messages given out by the members of the European Council and the European Commission, and by the High Representative of the Union for Foreign Affairs and Security Policy are consistent and uniform.

2.1. CONCLUSIONS OF THE EUROPEAN COUNCIL DURING THE UKRAINIAN-RUSSIAN CONFLICT

During the study European Council conclusions between December 2013 and December 2016 were analysed both in terms of normative communication towards Russia and supportive communication towards Ukraine. Altogether sixteen European Council Conclusions were analysed from which nine consisted of communication to one side or to both sides of the conflict.

After the outbreak of conflict in November 2013, European Council reacted immediately in its conclusions in December 2013 by "calling for restraint, respect for human and fundamental rights and a democratic solution to the political crisis in Ukraine that would meet the aspirations of the Ukrainian people. The European Council also emphasizes the right of all sovereign States to make their own foreign policy decisions without undue external pressure[24]". At the same time, Russia remains unmentioned until the next Council conclusions issued in March 2014. Conclusions issued in March after the annexation of Crimea and Sevastopol by the Russian Federation consist of a string and straightforward message by stating that:

> The European Council strongly condemns the annexation of Crimea and Sevastopol to the Russian Federation and will not recognise it. While remaining open for dialogue, the European Council does not exclude additional and far reaching consequences for relations with Russia in case of any further steps by the Russian Federation to destabilise the situation in Ukraine.

Condemning Russia was accompanied by strong support of Ukraine and by signing the political provisions of the Association Agreement with Ukraine.

As the pressure in Donetsk and Lugansk continued to grow in April and May 2014, the European Council issued with its conclusions another set of decisive messages to Russia: "The European Council urges the Russian Federation to actively use its influence over the illegally armed groups and to stop the flow of weapons and militants across the border." But also to Ukraine: "The European Council calls upon all parties to genuinely commit to the implementation of the peace plan and to

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[24] Hereinafter all similar quotations are taken from the official conclusions of the European Council from the period of November 2013 to June 2017.

cement the cessation of the military activities". The European Council, acting according to the model of normative power as stakeholder taking responsibility, also "reconfirms its commitment to support the economic stabilisation process in Ukraine".

Shooting down of the Malaysia Airlines flight MH17 in July 2014 affirms the strong tone of the previous messages to Russia and Ukraine: "The European Council condemns the increasing inflows of fighters and weapons from the territory of the Russian Federation into Eastern Ukraine as well as the aggression by Russian armed forces on Ukrainian soil. It calls upon the Russian Federation to immediately withdraw all its military assets and forces from Ukraine." Additionally, this brings a visible change in the Councils rhetoric considering the role of the EU in the conflict, as an active commitment of the Union disappears ("The European Council once again stresses its support for a peaceful settlement of the crisis in Ukraine. The European Union reiterates the urgent need for a sustainable political solution based on respect for Ukraine's sovereignty, territorial integrity, unity and independence") and is replaced by the responsibility of certain member states ("The European Council supports the diplomatic efforts by Ukraine, the Russian Federation, France and Germany"). This new or modified practice follows the Council Conclusions whereby it perceptibly gives up a central role in solving the crisis. Thus, in negotiating and signing the Minsk I Protocol in September 2014 and the Minsk II Protocol in February 2015 the intergovernmental format was applied where next to the Russian Federation and Ukraine, France and Germany acted as active stakeholders from the European Union side.

However, the lack of success in implementing the Minsk Protocols forces the Council to resume a more active role and brings the conflict topic back to the Council conclusions agreed in October and December 2014 and March 2015: "The EU and its Member States remain fully engaged in support of a political solution to the Ukrainian crisis".

Hence one can see how strong normative messages to Russia ("The European Council reiterates that it will not recognize the illegal annexation of Crimea. The Russian Federation should assume its responsibilities for the full implementation of the Minsk agreements") are accompanied by a hesitating understanding of its own role ("The EU and its Member States remain fully engaged in support of a political solution to the Ukrainian crisis, including through contributions to enhance the OSCE monitoring capacity, scaling up their humanitarian assistance").

As a visible change, the Council conclusions from October and December 2014 introduce conditionality to the EU support measure to Ukraine: "… encouraging and assisting Ukraine in its process of reforms, in particular on decentralisation and

protection of rights of persons belonging to national minorities. The European Council reiterates its willingness to support Ukraine as it addresses political and economic reform." With that the EU starts to act as a passive conditional stakeholder towards Ukraine ("The European Council congratulates Ukraine on its new government and welcomes its determination to carry out political and economic reforms. The EU and its Member States stand ready to further facilitate and support Ukraine's reform process").

A normative position coupled with the conditional approach are visible in the Council conclusions from March 2015:

> The European Council called on all parties to swiftly and fully implement the Minsk agreements and honour their commitments, and underlined the Russian authorities' responsibility in this regard. The EU stands ready to support the process. The EU will continue to support Ukraine's reform process, together with other donors and in line with IMF conditionality.

The Council conclusions from June 2015 to November 2016 do not include normative or conditional messages for Russia or Ukraine. At least as far as the Russian Federation is concerned, this was followed by an unofficial political line of the French and German leaders, both decidedly ignoring Russian attempts for political communication until Russia starts to fulfil its promises in the Minsk Protocols.

The topic of Ukraine re-appears in the European Council conclusions again in December 2016, when:

> The European Council welcomes the results of the EU-Ukraine Summit and stresses the Union's continued resolve to deepen and strengthen its relationship with Ukraine in the face of current challenges. It recognises Ukraine's achievements in implementing reforms to meet EU standards and the fact that it has met the conditions for a visa-free regime with the EU.

In sum, based on the conclusions issued during the conflict, the European Council can be said to have been following the role of normative power until July 2014, by actively communicating its positions to all sides of the conflict and committing to an active participation in solving the conflict. From July 2014 on, a visible change was introduced in the Councils position: it declared that the active role will be taken by the governments of Russia, Ukraine, Germany and France. By doing that the Council not only visibly withdrew itself from the active role of a normative power, but also promoted Russia to an equal stakeholder status. The second visible change was introduced by the Council conclusions in October 2015, where the Council defines the EU as a passive actor in conflict "ready to assist and advise", provided its political conditions are fulfilled, but not showing clear commitment of taking responsibility in terms of conflict solution. To reduce its commitment even further,

the Council conclusions started stressing the commitment and an active role of the OSCE and the IMF, thereby losing its credibility as a representative of European normative power completely beginning in June 2015.

2.2. STATEMENTS OF THE EUROPEAN COMMISSION DURING THE UKRAINIAN-RUSSIAN CONFLICT

The current subsection summarises the content and the tone of the statements and speeches of the members of the European Commission from November 2013 to June 2017. In total 75 sources were selected by the authors with regard to both Russia and Ukraine.

First, a clear difference can be observed between how the former President of the European Commission until November 2014, José Manuel Barroso, and the current President of the European Commission, Jean-Claude Juncker describe the Ukrainian-Russian conflict. During the initial stage of the conflict the statements of Barroso and the members of his commission clearly indicate that the Ukrainian-Russian conflict is a crisis that jeopardises European values and norms, and that Europe has to defend the rights and freedoms of each individual and every nation to make their own choices. To illustrate this conclusion, three examples are given in this study. The first example is from the statement of Štefan Füle in Vilnius in December 2013:

> The massive support for European integration, for reform and modernisation, that has been shown by Ukrainian citizens over recent weeks suggests that a large part of the population has made up its mind about where Ukraine should go, and that Ukrainians are committed to defending their choice by peacefully exercising their civil rights, their freedom of association and freedom of expression. The people of Ukraine, its independence and sovereignty should not become victims of geopolitical zero-sum games or secret agreements.

As clearly indicated, Ukraine is seen as part of a European integration process, the reform process in Ukraine is seen as valuable for the EU and the European Union is also ready to take responsibility for the future of Ukraine.

As a second example of a high-level commitment and solidarity, José Manuel Barroso, the President of the European Commission, declares in his "Statement on the current situation in Ukraine. The New Narrative for Europe conference" in December 2013:

> And if sometimes in Europe some of us have doubts about how important these values are, just look at Ukraine. When we see in the cold streets of Kiev, men and women with the European flag, fighting for that European flag, it is because they are also fighting for Ukraine and for their future. And I think the European Union

has the right and the duty to stand by the people of Ukraine in this very difficult moment, because they are giving to Europe one of the greatest contributions.

Finally, in March 2014 José Manuel Barroso delivered a clear message that the European Union is not accepting the illegal annexation of Crimea and the EU shares the commitment to restore justice and Ukrainian territorial integrity:

> What happened in Crimea was an unprovoked and unacceptable violation of Ukrainian sovereignty and its territorial integrity. The developments which started with the people of Ukraine expressing a clear wish to take their future into their own hands, have called for a robust and united European response. This is, in a way, a test of our Union. Any attempt to legitimise a referendum in Crimea is contrary to the Ukrainian constitution and international law and quite clearly illegal.

However, at a later stage of the conflict starting at the beginning of 2015, the statements of the European Commission under the guidance of the new President Jean-Claude Juncker witnessed a significant change. Instead of emphasising the Union's moral responsibility to protect European values and norms in Ukraine, the members of the current European Commission welcomed the political and economic reforms carried out in Ukraine, stressed Ukraine's own role and responsibility in the conflict, and mentioned that the EU has already contributed a lot to support Ukraine. Notably, remarks on Russia´s role in the conflict were avoided. For example, vice-president of European Commission, Valdis Dombrovskis declared in April 2015: "Europe stands together with Ukraine during these difficult times, both politically and financially. The European Union has made an unprecedented effort to support democratic transition of the country. It is now important that Ukraine implements a clear and ambitious reform plan."

The president of the European Commission, Jean-Claude Juncker followed similar principles in his speech in September 2015: "We have already done a lot, lending €3.41 billion in three Macro-Financial Assistance programmes, helping to broker a deal that will secure Ukraine's winter gas supplies and advising on the reform of the judiciary." And in September 2016: "We provide unwavering support to Ukraine's territorial integrity, sovereignty and independence, and remain committed to full implementation of the Minsk agreements."

In light of these statements it can be argued that although the EU's support for Ukraine's reform processes is also confirmed by the new composition of the European Commission, it cannot be compared with the strong statements of the Barroso's Commission. Secondly, a significant change could be observed concerning the tone of the statements of the consecutive compositions of the European Commission towards Russia. Whereas in 2013–2014, the members of the EC, in a somewhat

demanding way and clearly presuming a superior moral platform, stress that the European Union is not going to overlook Russia's activities in Ukraine: "Russia needs to accept fully the right of these countries to decide their own future and the nature of relations they chose to have with Russia".

A few years later in 2016, in Saint Petersburg the changes are even more visible, in his speech the President of the European Commission Jean-Claude Juncker addresses Russia as a partner committed to peace, welfare and social values around the world, and seeks a dialogue in combating global challenges:

> Today, and in spite of our differences, the European Union works with Russia to tackle a number of global issues and regional conflicts, ranging from the fight against terrorism to the nuclear programme in Iran, and the conflict in Syria. I have always believed in the power of dialogue. When our relations are tense, we must keep talking. And if I am here with you today, it is because I want to build a bridge. And in this world, Russia has an opportunity and also a duty, I would say – to use its power for the greater good, working alongside the European Union.

The relatively mild and open tone of the statements of the European Commission under the guidance of Jean-Claude Juncker at the later stage of the Ukrainian-Russian conflict could refer to a differentiation of declarative communication, as far as different target groups in terms of Russia versus the international community are concerned. In direct communication with Russia the European Commission's statements have been rather mild and focused on cooperation, common responsibility and on the "good" that Russia gains from a stable and democratic Ukraine: "A stable and democratic Ukraine that continues its economic transition can only be good for Russia: good for the Russian economy, good for Russian businesses and good for Russian citizens". At the same time, both in the international arena and in public communication towards Ukraine, unwavering support to Ukraine's territorial integrity, sovereignty and independence is declared. This diplomatic approach is politically understandable; however, when reading together both statements stemming from the same period of time, the discrepancy in the European values is obvious. The talk about "unwavering support" to Ukraine's territorial integrity and sovereignty is thoroughly discredited while the EU simultaneously requests for cooperation in other issues with a state that has annexed Crimea.

Thirdly, at the later stages of the Ukrainian-Russian conflict an increasing tendency to link the progress achieved by Ukraine to European norms and values could be observed in the declarative communication of the European Commission. Several extracts from the statements and speeches of the members of the European Commission could be highlighted to illustrate this:

> Ultimately, the Ukrainian dream, the dream of the Maidan is European: to live in a modern country, in a stable economy, in a sound and fair political system. The European Union has made an unprecedented effort to support democratic transition of the country. We have already done a lot, lending €3.41 billion in three Macro-Financial Assistance programmes. The EU has played a central role in preserving the stability and integrity of Ukraine.

This can be interpreted as another intimation of the EU's attempt to distance itself from the direct solution of the Ukrainian-Russian conflict, although the territorial integrity of Ukraine is not restored and the conditions of the Minsk agreements are not fulfilled. Instead of it, the European Commission stresses that the EU has already contributed a lot to resolving the conflict.

2.3. COMMUNICATION OF THE HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY DURING THE UKRAINIAN-RUSSIAN CONFLICT

This subsection addresses the content and the conclusions of the statements of the High Representative of the Union for Foreign Affairs and Security Policy from November 2013 to June 2017. In total, 28 sources were analysed in which the High Representatives of the EU for Foreign Affairs and Security Policy Catherine Ashton or Federica Mogherini expressed their views on the Ukrainian-Russian conflict.

In broad strokes, the same pattern that occurred in the statements of the European Commission can be observed also when the declarative communication of both High Representatives of the Union for Foreign Affairs and Security Policy is analysed. Similar to strong solidarity statements of the former President of the European Commission José Manuel Barroso, also the former High Representative of the Union for Foreign Affairs and Security Policy, Catherina Ashton, declared in December 2013 that it is highly important to protect the European norms and values both in the EU neighbouring countries as well as around the world: "To remain true to its nature, the EU needs the capabilities to protect its values in its neighbourhood and beyond. Europe is aware that to remain true to its nature as a peace project, it needs the capabilities to protect and uphold its values in its neighbourhood and beyond".

However, differently from Barroso, the tone of the statements of Catherine Ashton was targeted rather at partnership and cooperation, stressing the arguments of mutual benefits: "We discussed the Eastern Partnership and I stressed that Russia too will benefit from more stability and prosperity from what this Partnership can bring to our Eastern Partners, including Ukraine, and therefore also to Russia". The tone of her statements nevertheless became tougher after the annexation of Crimea

and Sevastopol to Russia in February 2014 and this approach is sustained until November 2014 when she leaves the position of the High Representative. Her statements contain two main aspects. On the one hand, she stresses that Russia has to stop violating territorial integrity of Ukraine and the EU will not accept the illegal annexation of Ukrainian territories: "We've been clear about Russia's violation of Ukraine's sovereignty and territorial integrity. It is just unacceptable. Russia has contravened the international law, and its own international commitments. We will not recognise the annexation of Crimea or the referendum that took place there as legitimate". On the other hand, she clearly links Ukraine with the European values like peace, security, economic stability and sustainability: "My interest is to try and support the people of Ukraine to find peace and security, to ensure that they are able to enjoy territorial integrity, a future that is economically viable, sustainable and growing, and good relations with the neighbours and with the region". However, it should be noted that meanwhile Russia had already distanced itself from the Ukrainian conflict and has been developing its own model of normative power and international law.[25]

Following closely on the footsteps of the current President of the European Commission, Jean-Claude Juncker, the statements of Federica Mogherini from November 2014 on are largely similar. Like Juncker, she also stresses the importance to be committed to the reforms in Ukraine and stresses that reforms are preconditions for future donations: "But apart from forming a government soon, we also made clear that we will ask the new government to commit to reforms internally, as this is crucial to guarantee that European Union support and assistance is there". However, related to Russia´s commitment to Minsk agreements, Mogherini stays strong and focused to fulfil the conditions of the Minsk agreements: "First of all from Russia, to implement the Minsk agreement, in all its points". On the other hand, she is presenting Russia as a positive actor in the region and as a part of possible solution: "The main discussion today was how to relaunch or how to reengage in a dialogue – given that Russia is for sure part of the problem, but it is also for sure part of the solution."

Like Ashton, Federica Mogherini also places emphasis on the argument of joint ownership and reciprocity over the conflict. This is illustrated by her statement from December 2014: "President Putin and the Russian leadership should reflect seriously about the need for introducing radical change in the attitude toward the rest of the world and to switch to a cooperative mode". However, except for the previously quoted statement at the end of 2014, Federica Mogherini has avoided direct confrontation with Russia and stressing the country's role in the Ukrainian conflict.

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[25] Lauri Mälksoo, *Russian Approaches to International Law* (Oxford: Oxford University Press, 2015).

CONCLUSIONS

In summary, the declarative communication of the institutions and the leaders of the European Union during the Ukrainian conflict from November 2013 to June 2017 appears to be inconsistent, if not controversial. Inconsistencies in protecting the European norms and values have occurred on two levels. First, within the statements of the EU institutions, e.g. the members of the European Commission while confirming "unwavering support" to Ukraine's territorial integrity, have simultaneously requested for cooperation with Russia in other issues. The same can be witnessed among different compositions of the European Commission and the High Representatives of the Union for Foreign Affairs and Security Policy before and after November 2014. Whereas in the initial stage of the conflict José Manuel Barroso, the members of his European Commission, and Catherine Ashton declared the importance to protect European norms and values around the world, then after stepping into office of Jean-Claude Juncker's team, he and Federica Mogherini point rather to the importance to be committed to the reforms in Ukraine, to fulfil the conditions of the Minsk agreements and to engage in dialogue with Russia. Basically, from mid-2015 on, references to the Ukrainian-Russian conflict and to Russia's role in it disappear in the declarative communication of the European Council, the European Commission and the High Representative, despite the fact that the territorial integrity of Ukraine is not restored and the conditions of the Minsk I and II agreements are not fulfilled. Furthermore, at a later stage of the Ukrainian-Russian conflict the declarative communication of the EU institutions seems to be focused on linking the progress achieved by Ukraine to the European norms and values. This could be interpreted as another of the EU's attempt towards distancing itself from the direct solution of the Ukrainian-Russian conflict, and, therefore, also from the European norms and values.

Referring to the above outlined theoretical remarks on the collective identity of the EU and on the unity and consistency of public statements and messages of the institutions and leaders of the EU being very important part of this collective image, it would definitely help to improve the image of the EU as a normative power if the EU would formulate the core values and norms which the EU is ready to unwaveringly protect in critical situations, as well as to what is the expected outcome of the conflict. In this regard, particularly an introduction of double standards should be avoided. Keeping in mind the importance of unity and consistency of both Union's actions and declarative communication, this does not refer only to situations where, for example, democratic values are stressed yet simultaneously supporting authoritarian regimes,

but also to situations where declarative communication differs depending on the target groups of the specific communication.

Paradoxically, the difference of opinion between both the EU member states as well as the EU institutions consisting of the representatives of the EU countries is also inherent in the collective image of the EU given its distinct nature. Although the statements which harm collective unity of the EU cannot be simply eliminated in the future, considering the fact that there are various channels for groupings to have an influence on the EU institutions, the leaders of the EU institutions – as the authors see it – have the moral and political responsibility to express more unambiguously the fundamental collective position of the Union to maintain and develop the normative power of the EU in the international arena.

As a framework for this argument, this article outlines a paradox – once which occurs when a normative power is placed within a traditional international relations environment. The question is: how could the normativity of the EU power be maintained when the reality of international relations demands an active role in developing a realist position in pursuing its interests? The upholding of the high standards and ideals of rule-based international relations is compromised when the value of peace with Russia is pursued. The situation is short of the normative ideal because the particular peace pursued involves conceding Russia's interests[26]. Thus, it may be concluded that, indeed, the case analysed in this article illustrates the contradictoriness of the situation when an essentially normative power is placed in a traditional realist international relations environment.

Even if the concept of the "power over opinion" may partly be an idealistic phenomenon, the distinct nature of the EU in the international arena should not be ignored. The normative power of the European Union in international relations arises not only from the high level of interdependence with "others" in the form of cooperation agreements, EU membership perspective or financial support, but also from the collective identity of the EU which reflects both a common political will of the EU institutions and the EU member states. In this light, both unity and consistency of public statements and messages of the institutions and leaders of the European Union are very important in constructing the image of the EU as a normative power in the international arena and in providing credible deterrence against Russia's geopolitical ambitions.

Furthermore, as far as the maintenance and the diffusion of European norms and values is concerned, it is even more important for the leaders of the EU institutions to find the means to ensure the consensus among the EU member states

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[26] Viljar Veebel and Raul Markus, "At the Dawn of a New Era of Sanctions: Russian-Ukrainian Crisis and Sanctions," *Orbis* Vol. 60, No 1 (2016).

about both the values and the measures implemented during the conflicts. Considering the ongoing differences of opinions among the EU countries about how Russia should be treated after the annexation of Crimea and Sevastopol, the leaders of the EU institutions in particular should pay more attention to smoothing out the disagreements and finding common ground for the protection of the European norms and values not merely without, but within the European Union itself.

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