

Special Issue

Arguing Sanctions. On the EU's Response to the Crisis in Ukraine*

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Abstract

Despite diverging perspectives and interests, the EU's Member States have forged a common response to the Russia–Ukraine crisis. How can this be? In this article, we suggest that in order to explain the Member States' ability to reach agreement in this case, we must take into account the normative force of the arguments presented in favour of a common response. We find that neither a concern for security (as would be expected from a realist perspective) nor the institutionalization of a norm of cohesion (which would be the constructivist expectation) triggered the collective response. Instead, agreement was established due to concurrence over a fundamental breach of the Ukrainians' right to self-determination. This finding is significant in theoretical terms in that it confirms that norms may trump interests. It does not, however, allow for definite conclusions with regard to the robustness of integration in EU foreign policy.

Keywords: EU foreign policy; constructivism; deliberative perspective; Ukraine; EU cohesion

Introduction

The EU's ability to agree on a response to the crisis in Ukraine was unexpected (United Kingdom, House of Lords, 2015, p. 345). It is generally assumed that the EU is only capable of collective action on issues of low salience in international politics, and that any cohesion will evaporate in the face of major crises (Gegout, 2010; Hoffmann, 1966, 1982; Hyde-Price, 2006; Menon, 2013). As Schimmelfennig and Thomas (2011, p. 190) note, 'Sceptics often deride talk of an EU foreign policy as little more than wishful thinking'. In this article, we discuss why cohesion was achieved with regard to the crisis in Ukraine and, more specifically, why the EU Member States managed to agree on imposing sanctions against Russia. What enabled this agreement to come about?

There were many reasons to expect that the Union would fail to establish a common stance in response to events in Ukraine. EU Member States have diverging interests and policy priorities with regard to Russia, with some states heavily dependent on Russian energy exports. Whereas countries such as Sweden and the United Kingdom advocated strong sanctions against Russia from the start of the crisis, others (such as Italy, Greece and Hungary) repeated their scepticism throughout (MacFarlane and Menon, 2014). How is it, then, that in spite of all these differences and the cost to Member States, they managed to agree on what to do?

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We find that collective action was anchored in an agreement on the need to sanction what was seen as a clear breach of Ukraine's territorial integrity as well as Ukrainian citizens' right to self-determination. This finding, which suggests that norms trumped interests, is in line with the insights of 'constructivist' scholarship on EU foreign policy (Juncos and Pomorska, 2006, 2011; Juncos and Reynolds, 2007; Meyer, 2006; Smith, 2001, 2004; Tonra, 2003). But how can we account for such an outcome? Why are norms important and how do they lead to a determinate outcome? Drawing on a deliberative perspective, we suggest that in order to explain the agreement it is necessary to identify the substantive argument that made it possible (Eriksen, 2014/2013). We further suggest that a deliberative perspective provides the theoretical ammunition lacking in constructivist scholarship: it enables us to counter realist and rationalist expectations that unless they are subject to coercion, EU Member States will never agree on a policy beyond the lowest common denominator.

I. The Approach

The EU and its Member States have been criticized for their handling of relations with Russia and Ukraine. It has been suggested that the Union underestimated Russian security concerns and failed to consider that offering an association agreement to Ukraine might be seen as an infringement on Russia's sphere of influence (Kissinger, 2014; MacFarlane and Menon, 2014; Mearsheimer, 2014; Sakwa, 2015).¹ Such criticisms are frequently accompanied by suggestions that in response to Russian aggression, the EU and 'the West' need to return to a foreign policy inspired by a logic of geopolitics and take into account what the authors consider 'the realities of power' (Auer, 2015; Mearsheimer, 2014; Rynning, 2015; Sakwa, 2015).

Rather than contribute to this normative discussion on what the EU 'ought' to do, we seek to explain the choices that were actually made. We aim to determine why the EU's Member States agreed on a common response and, more specifically, how they managed to concur on imposing sanctions against Russia.² As noted in the introduction, this agreement was surprising for many reasons. Since the end of the Cold War, most of the EU's Member States have developed close economic and political ties with Russia. Indeed, according to a hearing in the UK House of Lords, 'EU Member States and Russia are heavily economically interdependent' (United Kingdom, House of Lords, 2014). For example, at the beginning of the crisis, France was on the brink of selling two military ships to Russia, and the Italian Energy Company (ENI) was planning the South Stream pipeline with Gazprom. The financial sectors in many EU Member States and capitals, including the City of London, have close ties with Russian financial elites. Several of the East European Member States depend heavily on Russian natural gas imports. Russia also constitutes an important market for agricultural exports from Member States such as Greece, Italy and the Netherlands. These various economic ties confirm the potential costs involved for most Member States in confronting Russia, and also suggest that these costs would be higher for some countries than for others.³ Furthermore, there are enormous differences in the Member States'

¹ See also the investigation in the British House of Lords (United Kingdom, House of Lords 2015), which concluded that the EU was 'sleepwalking into the Ukraine crisis'.

² The EU's response to the crisis encompasses a number of political, diplomatic and economic initiatives. The key element in the EU's response – and what is most difficult to explain – is the sanctions against Russia, which were imposed in three increasingly wide-ranging stages. It is the agreement on these sanctions, as well as the EU's ability to sustain them, that this article aims to explain.

³ On the expected costs of sanctions, see also *EurActiv* (2014) and BBC (2014).

historical experiences with Russian power, as well as in their views on how best to organize relations with Russia. In Member States such as Austria, Hungary, the Netherlands and Germany, the question of how to deal with Russia was also domestically divisive for political as well as economic reasons, whereas in the United Kingdom and Sweden, the line chosen by the executive was uncontroversial.

It is particularly difficult to understand how the agreement on sanctions came about because there are no formal opportunities for coercion within the EU's foreign policy system. Due to the intergovernmental nature of the Common Foreign and Security Policy (CFSP), there is in principle little room for the supranational institutions to shape policy, and no possibility for them to enforce compliance. In addition, because each Member State has an equal right to veto decisions it disagrees with, in theory the more powerful states cannot dictate policy. In this policy-making system, a collective decision on what to do must come about *voluntarily*. Classical realists (Hoffmann, 1966, 1982; Menon, 2013), structural realists (Hyde-Price, 2006) and rational institutionalists (Gegout, 2010) converge in predicting that, in the absence of coercion, 'Co-operation in the second pillar will remain limited to a set of "second order" concerns agreed on the basis of the lowest common denominator' (Hyde-Price, 2006, p. 231). However, Ukraine was not an issue of 'second order concern' for the EU and its Member States, and the outcome was clearly beyond the lowest common denominator of Member State preferences.

Drawing on a constructivist approach, some scholars have pointed to a fundamental transformation in European foreign policy-making, finding that Member States have developed similar understandings, a sense of community and belonging, and even a sense of common purpose (Juncos and Pomorska, 2006, 2011; Juncos and Reynolds, 2007; Meyer, 2006; Tonra, 2003). They further highlight the importance of EU institutions and structures in shaping the positions of Member States (Allen, 1998; Howorth, 2003, 2010; Smith, 2001, 2004).

When seeking to account for the observed changes, these scholars draw on a concept of socialization (Adler, 1997; Checkel, 2005; Johnston, 2001). As Ana Juncos and Karolina Pomorska have suggested, 'Socialisation would (...) lead group members to a consistent compliance with the groups' norms' (Juncos and Pomorska, 2011). Or, as Tonra asserts, 'processes of social learning [...] mediate the position of individual agents and the regime as a whole, with the result that these agents have a commitment to, and an investment in, the protection of the rules and norms underpinning the policy structure' (Tonra, 2003, p. 749). To the extent that these observations are correct, they may help us to understand how certain minimum conditions for achieving agreement came to be in place. However, if we are to understand an agreement on what to do with regard to a concrete issue, such as the crisis in Ukraine, references to socialization are insufficient.

This is so because the idea of socialization points to a process of transformation that is indeterminate (Eriksen, 2013/2014). Even if socialization has been at work, and Member State perspectives have become more similar, this does not mean that they will agree on what to do in all instances. In order to explain a specific agreement, the decisive factor that triggered that agreement must be identified.

What is more, the concept of socialization is theoretically underspecified. It does not identify the mechanism whereby Member States might be convinced to change their positions on a specific issue. Nor does it provide a theoretical account of what could trigger the longer-term transformation in national perspectives and the development of common views that is implied in this concept.

Realists would suggest that the decisive factor triggering agreement was some form of coercion. In order to seriously consider the possibility that there was a *voluntary agreement* on sanctions, we draw on a deliberative perspective (Eriksen, 2013/2014). Although the deliberative perspective shares with constructivist scholarship the assumption that agreements can be achieved due to normative convergence, it departs from constructivism in decisive ways (Eriksen, 2013/2014; Eriksen and Weigård, 2003). Most importantly, it proposes a theoretical account of change by emphasizing the force of reason.

In a deliberative perspective, norms are considered 'autonomous sources of motivation owing their validity to their impartial justification i.e. that they can be defended in an open, free and rational debate (among all affected)' (Eriksen and Weigård, 2003). It is through a deliberative process in which norms are rationally assessed that their relevance and binding nature is established (Habermas, 1984). This diverges from constructivist accounts, in which norm-following is linked to habit, a specific role conception or identity (Checkel, 2005). Following a norm is instead conceived of as a 'rational choice', as rationality is linked to actors' ability to justify and explain their actions and to the ability to evaluate arguments presented by others (Eriksen and Weigård, 2003; Sjursen, 2003, 2006). Deliberation is thus seen as an action-co-ordination mechanism and one might expect that support for sanctions was obtained through a process in which there was an exchange of arguments and reasons. The agreement need not have been an ideal consensus. Rather, we may conceive of a working agreement in which actors concur based on different but mutually acceptable reasons (Eriksen, 2009, pp. 49–53).

But what kind of argument could have convinced states that from the outset were against sanctions to comply with a joint sanctions regime? We distinguish between two different types of norm based reasons that may have produced such a change. The first type refers to value-based norms, which are linked to ideas of a common good that are grounded in the identity of a specific community. The idea of a duty to cohesion could be defined as a value-based norm, as it indicates what is considered appropriate behaviour for countries that are part of the European Union. Rights-based norms, on the other hand, refer to ideas of what is just or right regardless of an actor's connection to a particular community (cf. Habermas 1993). For example, rights-based norms may be linked to the right to self-determination or to the respect for the territorial integrity and sovereignty of states. These two norms differ to some extent, as the latter is a legal norm, but they are also interconnected, as the right to sovereignty can only have normative justification insofar as it ensures citizens' right to self-determination in a democratic world. And, vice versa, this right will be breached if the principle of sovereignty is overruled.

Methodology and Sources

In order to explain the agreement between the EU Member States, we have examined the arguments that they put forward to justify their views on what should be done (Sjursen, 2002). Such an approach is particularly useful for establishing whether normative considerations played any part in the decision to impose sanctions. It further leaves it open to empirical investigation to determine the relative importance of different kinds of normative considerations *as well as* the importance of any pragmatic considerations concerning costs and benefits. Thus, this approach provides a more nuanced understanding than analyses that only consider material factors as relevant.

Our approach follows the tradition of 'explanation through interpretation' in the Weberian sense: social science in this view 'is a science concerning itself with the interpretative understanding of social action and thereby with a causal explanation of its course and consequences' (Weber, 1978, p. 4). This suggests that in order to understand an action, we need to make the goals for which it was undertaken intelligible (Kratochwil, 1989, p. 24). In our case, the task is not only to understand how each individual Member State saw the crisis, what obligations they believed they had with regard to the crisis and how they individually thought that they should respond; we must also identify the arguments that were used to ensure collective action. Only when these arguments are uncovered will it be possible to reveal the basis upon which collective action was decided (Sjursen, 2002).

Our analysis draws on relevant secondary literature, primary documents such as parliamentary debates and speeches, and statements by government representatives.⁴ We have also carried out ten semi-structured interviews with representatives of Member States and EU institutions.⁵

Realists may often be correct in claiming that 'talk is cheap' and thus that the arguments presented by the actors are not a reliable source of information. In order to compensate for such potential shortcomings, we have checked all the written evidence for consistency over time and in different contexts as well as across actors. Although it may be easy to lie once or twice, it is more difficult to do so over time and in a variety of contexts. It is even more difficult for different actors with different interests and values to lie in a co-ordinated fashion. Further, the arguments in publicly available documents have been compared to interview data as well as secondary literature. Analysis of the written material permits a fairly precise quantitative indication of the arguments that were most frequently used by all actors across different contexts. However, frequent repetition does not necessarily mean that an argument becomes convincing. Consequently, the interviews were also important in that they allowed us to check which arguments the actors found most difficult to rebut and why. In addition, even the most powerful politicians are subject to expectations of consistency and coherent argumentation. Furthermore, in order to be considered credible by their European colleagues political leaders must live up to expectations of truthfulness and consistency also when they co-ordinate behind closed doors.

The analysis proceeds in two steps. We first explore what insights into our research question may be gained through constructivist and realist perspectives. Building on these insights, we then discuss in the second step the extent to which it is possible to fill remaining gaps and lacunas in the account by drawing on a deliberative perspective.

⁴ Systematic searches have been made in parliamentary and governmental databases in Austria, France, Germany, Hungary, Italy, Sweden and the UK. In addition, searches have been performed in the databases of the Foreign Ministries of the Czech Republic and Latvia. The governmental databases encompass speeches by ministers – mainly prime ministers and foreign ministers – as well as the ministries' reports and press releases that match the search terms. The material from the parliamentary databases is mainly plenary debates and parliamentary questions (oral and written), but also includes inquiries and minutes from committee meetings. All official documents for the period from November 2013 to December 2014 were collected. The broad range of Member States was selected in order to cover states that were in favour of a strong reaction (the United Kingdom, Sweden, the Baltic States and Poland), those that held more of a middle ground (Germany, France) and those that were relatively reluctant to impose sanctions (Austria, Hungary).

⁵ The interviews were conducted between September 2015 and March 2016. The interviewees were high-level diplomats from the EU institutions and/or the Member States. All interviewees were promised anonymity. In order to clarify whether quotes come from the same or different interviewees, the interviews are numbered from 1 to 10.

II. The Possibility of Ideational Consensus

It is not entirely self-evident how constructivists' emphasis on socialization can be translated into a concrete hypothesis on a specific issue such as why there was agreement on sanctions against Russia. Leuffen *et al.* (2013) take the constructivist proposition to be that integration in foreign policy is the result of an ideational consensus on the appropriateness of a European approach (Leuffen *et al.*, 2013, p. 205). In a similar manner, Schimmelfennig and Thomas (2011, p. 180) suggest that constructivists posit preference convergence. However, it is far from clear that this is consistent with the claims made by constructivist analyses of EU foreign policy.⁶ Constructivist scholarship on EU foreign policy has identified changes in the ways in which national perspectives are defined. Moreover, they point to an expectation of unity and a commitment to seek agreement. They also find evidence of Member State behaviour that is consistent with efforts to comply with this commitment. While they attribute these observations to processes of socialisation, they do not suggest that socialization has brought about (nor do they expect to find) convergent preferences or indeed an ideational consensus (Howorth, 2010; Juncos and Pomorska, 2011; Tonra, 2003).

Our findings do confirm much of what is suggested by constructivist scholars. Member States factored in the views of their partners when defining their own positions. A statement by then-Foreign Minister Hague to the House of Commons in early March 2014 illustrates the quest for collective responses. Hague emphasized the importance of a co-ordinated EU response to the crisis in Ukraine and declined requests to elaborate on the UK's position before the European Council had agreed on a position (United Kingdom, House of Commons, 2014a). Similar statements were made by German government representatives. For instance, in its answer to an inquiry from *Die Linke* on the topic of Russian sanctions, the government referred to the abolition of sanctions as a political issue that had to be determined 'in the circle of the 28 Member States of the EU' (Germany, Bundestag, 2014c). Statements by Swedish Foreign Minister Bildt also indicated the need for consultation. Bildt did not want to enter into a discussion about who to sanction before Catherine Ashton had made her recommendations – 'then we'll decide on our position' (Sweden, Riksdagen, 2014a).

To be sure, these statements could merely be evidence of the executives' efforts to prevent critical scrutiny of their policies; on their own, they do not prove any real intent to co-ordinate with European colleagues. However, the Member States' commitment to engage in a permanent process of information sharing and to test and assess what might be considered an acceptable course of action from the perspectives of other Member States comes across very strongly in the interviews (I #7, 8, 9, 10). While acknowledging that they did not have any formal commitments, interviewees stressed that in their view, membership entails a normative obligation. As one interviewee put it when explaining why it was necessary to seek consensus, 'We are members of a Union' (I #7). Interviewees also confirmed instances in which they had to change their initial position after learning the positions of their European colleagues (I #7, 10). Furthermore, in line with such a culture of consensus, Member States were also concerned about not isolating countries that had difficulties with a specific policy (I #7, 8).

⁶ We would like to thank one of the anonymous referees for pointing this out to us.

Further in line with constructivist scholarship, our findings also suggest that the Brussels-based institutions have gained considerable autonomy to define policy, and that they used this to push for a cohesive response. Although the decision to sanction was made by the Member States, these institutions were directly involved in working out the specific list of measures to be undertaken (I #5). In order to pin down a final agreement on economic sanctions, the Commission made separate country fiches that outlined the cost of sanctions for each of the Member States. These were not shared amongst the States, but provided the basis for bilateral discussions between each Member State and the Commission on what kinds of sanctions should be introduced. Subsequently, the list of sanctions was presented to COREPER in a closed session. Member States were given 10 minutes to consult with their home ministries over the list prepared by the Commission before the meeting started. Similar time constraints were placed on the Member States by the European External Action Service (EEAS), which prepared the list of people who would ultimately be subject to political sanctions (I #9, 10).

The close interactions between the Member States, as well as the involvement of the EEAS and the Commission, probably facilitated agreement. But it is difficult to conclude that they alone ensured it. As noted in the introduction, such processes of interaction are indeterminate and cannot therefore explain how Member States ultimately agreed on a specific course of action (Eriksen, 2013/2014); In order for Member States' commitment to seek common solutions to have triggered agreement, it would have had to *override* the many divergent preferences, perspectives and values involved. There is not sufficient evidence to suggest that it did. Most IR scholarship would then assume that agreement did after all come about due to some form of coercion, either from the most powerful states within the Union or from the EU's external environment. Was this the case?

III. The Limited Role of Coercion

Security Concerns: The Importance of a Sense of Threat

Realists would suggest that agreement was not due to any particular normative commitment; rather, they would consider it due to a purely pragmatic assessment of the cost of standing alone in a situation in which national security was at stake (Hyde-Price, 2006; Menon, 2013; Walt, 1987; Waltz, 1979). Member States that under normal circumstances operate independently might have considered that in a global context of contestation and competition for power, threats to national security weighed more heavily than anything else. Such extraordinary circumstances could trigger what would most likely be a temporary agreement on common action. It is reasonable to assume that incentives to co-operate were particularly high for this crisis, as the United States signaled from the outset a desire to play a minor role. This meant that there was no obvious alternative venue for European states with a desire to demonstrate strength in the face of an external security threat.

To be sure, security concerns were critical for several of the Member States from the very onset of the crisis. In particular, Russia's close neighbours and former members of the Warsaw Pact (such as Poland and the Baltic States) defined the Ukrainian crisis primarily in terms of security. In early March 2014, Lithuanian President Dalia Grybauskaitė was reported as stating that 'having occupied Crimea, Russia is trying to redraw the neighbouring states' borderlines, and that Moldova, the Baltic States and Poland could

be next in line' (*Lithuania Tribune*, 2014). In line with this perspective, these countries actively sought reassurance from its partners. However, it was not only states geographically close to Russia or with past experiences of Russian dominance that stressed the security dimension of the crisis; the UK and Sweden also raised security issues in their justifications for why the EU needed to develop a collective response to the crisis (United Kingdom, House of Commons, 2014b; Sweden, Riksdagen, 2014a).

These states (Poland, the Baltic States, the United Kingdom and Sweden) played a particularly important role in the first phase of the crisis in terms of pushing the issue onto the EU's agenda (I #7, 9, 10). The UK was also an outspoken supporter of an EU weapons embargo and, according to Foreign Minister Hague, decided to start suspending licences bilaterally in March 2014 (United Kingdom, House of Commons, 2014b; also Sweden, Riksdagen, 2014b). It would seem, though, that the Swedish and British governments were mainly driven by a sense of solidarity with the Central and East European states, rather than by a concern for the security of their national territories. For example, in a debate in the House of Commons in late July, UK Prime Minister David Cameron argued (United Kingdom, House of Commons, 2014d):

'When one sits in the European Council and listens to the testimony of the Baltic states or countries such as Romania, with their concerns about what is happening in Transnistria, one can see that if we do not act on this occasion firmly, clearly and consistently, while totally changing the approach we have taken, there will be other such problems to come'.

In a similar manner, in a meeting with the Visegrad countries, the German Foreign Minister is reported to have said that their concerns were 'not Hungarian, or Czech, or Slovak or Polish worries but European worries, and therefore our concerns, too' (Hungarian Ministry of Foreign Affairs, 2014a).

Security concerns unquestionably drove some of the Member States to press for collective action. There is some evidence of security concerns being directly linked to EU cohesion. According to German Foreign Minister Steinmeier, 'Europe must stand as one and issue a common reply. Russia knows that, if splits were to arise within Europe on such a key issue, this would put an end to Europe's common foreign policy before it ever began' (German Ministry of Foreign Affairs, 2014; see also United Kingdom, House of Commons, 2014c). However, neither the publicly available documentation nor the interviews suggest a unanimous understanding of the Ukrainian crisis as raising security concerns for the EU's Member States. Many governments clearly stressed that they did not consider the events in Ukraine to entail any threats to their own territory (I #7, 8, 9, 10). In a statement to the Bundestag in March, German Chancellor Angela Merkel confirmed that any further destabilizing actions on the part of Russia would be seen as a threat to its European neighbours (Germany, Bundestag, 2014a). At the same time, German authorities emphasized to the parliament that the crisis was not seen as a threat to German security (Germany, Bundestag, 2014b). Member States such as Hungary and Slovakia, who share a border with Ukraine, sent at best contradictory signals with regard to the potential security threat. In an interview with *Die Welt*, the Hungarian Foreign Minister insisted that 'at present, we are not as threatened as the Baltic republics'. At the same time, however, he stressed that when NATO – in response to a Baltic bid for reassurance – made a show of its presence in the Baltic area, Hungary could also feel safe (*Die Welt*, 2014). Although these somewhat ambivalent statements indicate that Hungary might have

been feeling threatened as well, it does not seem to have been a decisive factor in the definition of their position.

Paradoxically, much of the Realist critique of the EU's policies during the crisis confirms that security was not a vital concern. The Realist argument is that the EU *ought* to take the security threats seriously. However, by promoting this claim, they confirm that the events were not understood as a security crisis by the EU. Instead, as Realists also stress, the crisis represented a clash of worldviews between Russia and the EU (Auer, 2015; Mearsheimer, 2014; Rynning, 2015). As Auer argues, 'In order to challenge Putin's Russia effectively, I argue, Europe and Germany should indeed reclaim geopolitics for their own purposes' (Auer, 2015, p. 958).

Consequently, while there were concerns for national security as a result of the events in Ukraine, there is little evidence to suggest that these concerns alone produced agreement amongst the EU's Member States.

Internal Threats and the Possibility of a Great Power Directoire

But if external coercion, in the form of a security threat, does not account for the agreement, could it have come about as the end result of some form of internal coercion? It is often argued that EU foreign policy is run by a Great Power Directoire (Gegout, 2010), and it is usually assumed that the United Kingdom and France are the dominant foreign policy powers. To the extent that such a Directoire was at work during the Ukrainian crisis, it would have acted through the so-called 'Normandy format', which consisted of France and Germany (not the UK), as well as Russia and Ukraine. However, the Normandy negotiations over how to resolve the situation in Ukraine only started in the summer of 2014; it therefore had nothing to do with the EU's agreement on sanctions (I #6, 9, 10). Normandy could potentially have influenced the discussion on the continuation of sanctions beyond 2014, but that lies beyond the scope of this article.⁷

There is no evidence of a concerted effort by France, the UK and Germany to force through sanctions. Although the UK played an important role internally in pushing for a strong reaction, it appears to have been acting separately from France and Germany. In the early stages of the crisis, both France and Germany were reluctant to take a hard line. For Germany's part, this was linked to internal divisions between Chancellor Merkel and her Foreign Minister, Steinmeier. Ultimately, Merkel's pro-sanctions stance won out. Furthermore, the UK was not included in the many *démarches* concerning Ukraine. This is widely considered to be due to the country's conflict with Russia and President Putin over the Litvinenko affair. Nevertheless, states that pushed for a strong reaction early on in the crisis confirm that it was important to have the support of the United Kingdom. They further confirm that the resistance of larger states (such as Italy) was more challenging than that of smaller states (such as Hungary). This suggests that size matters, but there is no evidence to suggest it was decisive in this case. In fact, contrary to the expectation that the size of a country determines its influence, interviewees also stressed for example that the Netherlands, despite being a small country, is 'a country that is listened to' (I #9, 10).

⁷ The potential for great power coercion would be important in particular if Germany and France had struck a deal with Russia in the Normandy format, as they would most likely have needed the other Member States to back up the agreement for example by easing the sanctions regime.

Arguably, there was an element of arm-twisting in the way in which the EEAS and the Commission ensured agreement on the specifics of the sanctions. Yet, the idea that the supranational institutions coerced Member States into agreement does not at all match the conception of EU foreign policy as run by a Great Power Directoire. Moreover, the Commission could have considered it to be in its own interest to protect commercial interests in Russia, suggesting that it would oppose sanctions on these grounds. Most importantly, however, in order for the realist inspired conception of EU foreign policy as determined by the most powerful states to be confirmed, there would have to be a specific interest on the part of the great powers to drive through an agreement on sanctions. Even realists themselves have confirmed that this was not the case: 'Others (Germany and the United Kingdom) have long had substantial trade, investment and financial ties to Russia and fear that these would be jeopardised by robust retaliation' (MacFarlane and Menon, 2014, p. 100).

In sum, drawing on Constructivist and Realist insights, it was possible to identify some factors that may have contributed to facilitating agreement. But these are not sufficient to explain how agreement came about. Firstly, the decisions on sanctions appears to have been taken through intensive consultation; however, the fact that consultation took place on a large scale (and involved state and non-state actors) cannot have been decisive. We need to identify the specific factor that ensured agreement. Second, the larger states did play an important role; however, there is no evidence to suggest that they imposed a specific course of action on other states, nor that they bought off reluctant states. We cannot explain agreement with reference to their influence alone. Can the remaining gaps and lacunas in the explanation be filled by drawing on a deliberative perspective?

Deliberative theory posits the ability of actors to act on generalizable reasons. It thus suggests an explanation based on the insight that impartial arguments can explain collective decisions. This need not imply the establishment of an ideal consensus. Actors may agree with different, but mutually acceptable arguments (Eriksen, 2009). From this perspective then, the challenge is to identify the substantive argument that *convinced* Member States that it was necessary to respond with sanctions. In the first part of the article, we sought to refine the general reference to 'normative arguments' in constructivist scholarship by suggesting a distinction between two types of arguments, building on different normative evaluations. The first of these arguments were ethical political arguments that could be revealed through references to values and traditions seen as constitutive of European identity. Concretely, this might include references to particular obligations that the EU and its Member States had towards Ukraine as a European state. The second argument was moral, suggesting a reference to justice and rights that would have a broader appeal, beyond any specific identity. Could such arguments have triggered agreement?

IV. Sovereignty and Self-determination

We find that collective action was anchored in an agreement across all Member States that fundamental principles of international law were breached. The arguments in this regard point unambiguously towards agreement on the unacceptability of a breach of Ukrainian sovereignty and territorial integrity, accompanied by arguments concerning the need to respect human rights and Ukrainian citizens' right to self-determination.

In all countries we investigated, heads of state and government justified the EU's sanctions with reference to international law and territorial sovereignty. Such arguments played a particularly important role in countries like Austria, where the government had to defend its support for sanctions in parliament. In the words of Foreign Minister Kurz, 'the Bundeskanzler was completely right in agreeing to the three stage-plan in Brussels, because to be neutral, militarily neutral, does not mean to have no opinion, and it does not mean to recognize violations of international law' (Austria, National Council, 2014b). The Hungarian Foreign Minister, Martonyi, expressed general support for the EU's sanction regime on the grounds that the 'territorial integrity and sovereignty of states must be respected, international laws must be obeyed, and there is no compromise possible in these matters. If the EU sets clear boundaries as to how far things can go, it must follow through consistently' (Hungarian Ministry of Foreign Affairs, 2014b).

In a similar manner, in speaking to representatives from the House of Lords, Dr. Heusgen, Foreign Policy and Security Adviser to Chancellor Merkel, was reported to have said that 'he felt that the EU had a moral obligation to support countries under pressure from Russia. This included helping the citizens of Ukraine, who should have a sovereign right to choose the future path of their country' (United Kingdom, House of Lords, 2015, p. 119). Merkel herself described the conflict as a clash of global perspectives, portraying the EU and its Member States as committed to international law: 'The right of the mighty is put up against the strength of law, unilateral geopolitical interests against understanding and cooperation. (...) It is about the territorial integrity of a neighbouring European country, about the respect for the principles of the United Nations, about principles and methods for balancing interests in the twenty-first century' (Germany, Bundestag, 2014a).

In the words of one interviewee, a key reason why it was necessary for the EU to stand united was to send a uniform message to Russia that 'you just cannot behave this way; you cannot break international law (...) and invade other countries' (I #1). Another interviewee confirmed that 'it was indeed very difficult for those that did not want sanctions to argue against this principle', and 'When they argue against sanctions, they never mention Crimea. Instead they talk about Russia as an important neighbour' (I #10). Another interviewee stressed, 'The overall climate towards Ukraine was so positive that it was totally unacceptable to put forward one's own interest' (I #9). The same interviewee highlighted the dramatic change in the positions of both Germany and France with regard to Russia that took place as events in Ukraine unfolded, claiming that 'It is linked to the bloody events in Maidan plus the Russian intervention which was a clear breach of international law'.

Although the downing of the Malaysia Airlines flight MH17 in July 2014 further strengthened Member States' commitment to sanctions, it was not decisive (I #9, 10). Instead, interviewees argued that a point of no return was reached once it was clear what had actually happened in Crimea: 'We lost six weeks because we did not know what really happened in Crimea' (I # 10). When the truth was known, it became difficult to resist sanctions. As British Foreign Minister Hammond put it, Russia's actions represented 'a clear violation of the hitherto well-observed principle of international law that we do not resolve border disputes in Europe by force of arms' (United Kingdom, House of Commons, 2014e). In announcing the extension of sanctions at the end of July 2014, the European Council (2014b) stated that it was intended as a severe warning: '... illegal

annexation of territory and deliberate destabilisation of a neighbouring sovereign country cannot be accepted in 21st century Europe’.

Arguments referring to a particular moral obligation to uphold certain principles do seem to have been the key to agreement amongst the Member States. They did trump interests, and paved the way for a collective stance on sanctions. Still, citizens’ right to self-determination is jeopardized regularly in many parts of the world, without this leading to such a clear and cohesive policy response from the EU’s Member States. So why did the concern for these principles have such a unifying effect this time? Arguments emerge in a particular context, and it would seem that the particular context of this crisis was vital for the agreement to come about. The references to the importance of respecting the territorial integrity of Ukraine and the Ukrainians’ right to self-determination did not stand alone; often they were combined with references to the fact that these principles were breached *in Europe*.

V. ...and a Particular Duty to Europe

What comes across in a number of statements from Member States is the sense of a particular responsibility to contribute to resolving the conflict due to the EU’s strong involvement with Ukraine, as well as the fact that Ukraine is so geographically close to the Union. The EU thus had to act collectively in the Ukraine crisis because ‘It’s the neighbourhood’ (I #8).

For example, in announcing the decision on the first round of sanctions, the European Council declared that the EU ‘has a special responsibility for peace, stability and prosperity in Europe’ (European Council, 2014a). This statement resonates with how interviewees stressed the long history of close co-operation between the EU and Ukraine. One interviewee described it as ‘completely natural’ that the EU should respond, given that it was Ukraine’s ambition to join the Union that prompted the crisis in the first place (I #1). The EU could not have chosen to remain passive in the conflict because the Union had become closely tied to Ukraine through the preparations for an association agreement and the Deep Comprehensive Free Trade Agreement (DCFTA) (I #1). Other interviewees also emphasized the historical ties between the EU and Ukraine, and how the EU has been engaged and invested in Ukraine over the past several years (I #8).

Similar assertions are found in the written documentation. Polish Foreign Minister Sikorski contended that Poland was engaged in the Ukraine crisis because the Ukrainians were neighbours, fighting for the same rights as the Poles did in 1989 (*Der Spiegel*, 2014; Polish Ministry of Foreign Affairs, 2014). Italian Foreign Minister Mogherini echoed this sense of responsibility in her statement to the Italian Parliament in March 2014, in which she argued that the European Union ‘in particular’ would have to take action to support the Ukrainian government and its people (Italy, National Assembly, 2014a). Four months later, she stated that this was a crisis ‘around our European borders (...), and so there is a direct responsibility of the European Union’ to engage (Italy, National Assembly, 2014b).

Even Hungarian Foreign Minister Martonyi referred to the concept of a collective duty on the part of the EU. When commenting on the EU’s response to the crisis, he argued that the EU can ‘only respond’; it ‘must stand by its values and principles and put aside internal disputes amid the current state of affairs’ (Hungarian Ministry of Foreign Affairs, 2014b).

In the same vein, EU governments also described Europe's relations with Russia as different from those of the US. British Prime Minister Cameron stressed that EU sanctions against individuals require a legal underpinning, which may create differences between the foreign policies of the EU and the US (United Kingdom, House of Commons, 2014c). Austrian Foreign Minister Kurz emphasized that the EU's strategy was to threaten sanctions rather than to introduce them immediately (Austria, National Council, 2014a). And Sweden's Prime Minister Reinfeldt highlighted the fact that Europe's integration with Russia was enormous – financially, economically and in terms of energy: 'We need to remember that when the US is talking about economic sanctions against Russia, they do not have the same relationship with Russia that many of the European states have. It would be a very big move to go through with both in breadth and depth. Still, that is what we are preparing' (Sweden, Riksdagen, 2014b).

Arguments referring to the need to react to a violation of the right to self-determination seem to have been the key to ensuring agreement amongst Member States. Nevertheless, the many references to Europe indicate that an additional reason why agreement was reached had to do with the fact that it was European citizens who were suffering. We cannot conclude from this that Member States would not have agreed if this had concerned a country further from home; however, all things otherwise being equal, it certainly suggests that agreement would have been far more difficult to achieve with regard to a crisis outside Europe.

Conclusions

The aim of this article has been to determine how EU Member States managed to agree to impose sanctions on Russia in response to the crisis in Ukraine. In accordance with a tradition of explanation through interpretation we have examined the different reasons presented by the actors involved. On the basis of our analysis, we found that Member States accepted the political and economic costs of sanctioning Russia due to a sense of collective commitment to the principles of sovereignty and self-determination. This finding echoes constructivist scholarship in international relations in that it suggests that agreement was due to normative convergence. However, it moves beyond this scholarship in particular in two ways. Firstly, it moves beyond the simplistic dichotomy between interests and norms upon which most constructivist scholarship rests. To be sure, agreement did not stem from concerns for the territorial integrity of the EU itself or of its Member States, nor was it due to coercion from internal actors, as there was little evidence of threats or considerations of the costs of non-compliance. But this does not mean that a general reference to 'normative convergence' suffices as an explanation. In fact, there were heated disagreements within the EU *both* over the cost of sanctions *and* divergent political and normative assessments of how best to respond to the events. Thus we have distinguished between different types of normative arguments and found that agreement was only made possible due to the references made to the specific norms of sovereignty and self-determination.

Secondly, the analysis moves beyond constructivist scholarship by highlighting the normative force of arguments as a key mechanism that can trigger a change in position. This emphasis on an argumentative process provides a theoretical underpinning for the general concept of processes of socialization within EU institutions, and it also allows

for a theoretical account of agreement that is on par with that of bargaining. Thus, it facilitates the investigation of concrete cases of decision-making within foreign policy that would allow constructivists to counter the standard objection of realists and rationalists, who claim that ‘Socialisation is possible, but its impact is either nil or negligible’ (Gegout, 2010, p. 181; also Schimmelfennig and Thomas, 2011, p. 180).

Perhaps paradoxically, the findings here raise some doubts regarding the robustness of European foreign policy cohesion that is often implied in constructivist scholarship. Although the EU turned out not to be weak or divided with regard to this particular crisis, this does not mean that Member States will be able to maintain cohesion in future crises. In fact, our analysis suggests that the CFSP is an unsettled political system. On the one hand, there is a constant risk of great power dominance, as is visible in particular through the Normandy format. On the other hand, the decision-making process was characterized by *ad hoc* solutions, which deviated significantly from the prescribed procedures of the CFSP. While this might point to a necessary flexibility in times of crisis, it could also imply that there is an element of unpredictability and uncertainty in the system. In sum, cohesion does seem linked to the specificity of this crisis.

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