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**Understanding European Union Normative Power:
Assessing the Construction of the Norms of Human Rights and Market Liberalization in the EU's
Relationship with Russia**

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**Understanding European Union Normative Power:
Assessing the Construction of the Norms of Human Rights and Market
Liberalization in the EU's relationship with Russia**

By: Staci Ahonen

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Abstract

The European Union's (EU) identity as a normative power rests in its ability to construct norms within itself and in third countries. Russia has proven challenging for the EU's norm construction. Through constructivist analysis this thesis attempts to understand the EU's process of norm construction with Russia and domestically and consequently its construction of a normative identity.

Looking at the period between 2000 and 2008, this thesis presents two main arguments. First, in the EU's attempt to construct its norms of human rights and market liberalization it faced difficulties because as the context shifted, other norms, deemed more important, triumphed over the norms of human rights and market liberalization. This resulted in three identifiable normative shifts. Secondly, it focuses on the domestic formation of norms and argues that member states play a significant role in the EU's difficulty to construct norms, in that they have been unable to speak with one voice on human rights and market liberalization.

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List of Abbreviation

ACP – African, Caribbean and Pacific Group

CEES – Common European Economic Space

CFSP/ESDP – Common Foreign and Security Policy and European Security and Defence Policy

Common Strategy – Common Strategy of the European Union on Russia

DG COMP – Directorate General for Competition Policy

ECT – Energy Charter Treaty

EIDHR – European Initiative for Democracy and Human Rights

ENP – European Neighbourhood Policy

ENPI – European Neighbourhood and Partnership Instrument

EU – European Union

PPC – Permanent Partnership Council

TACIS – Technical Assistance for the Commonwealth of Independent States

Dedication

To my father, Henry Ahonen, whose star has shone on me every step of the way.

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I wish to express my sincere gratitude to those who have stood along side me during this process. First of all, I would like to thank my supervisor, Dr. Helène Pellerin for her guidance, continuous suggestions and patience. I would also like to thank my mom, my family and my fantastic friends for their enormous support. Most of all, I am forever grateful to Daniel Holton for the countless hours he gave to help with revisions, his offers of thoughtful criticism and constant encouragement. I am particularly grateful for his unwavering support and love because, without him, the final steps in this endeavour would not have been possible.

Chapter One: Introduction

The rule of law, market economy, good governance, human rights, and order and justice form the foundation of the European Union's (EU) normative actions. Some claim that the EU's identity as a normative power rests in its ability to construct norms within its border (Manners, 2002) and in third countries and through its foreign policy the EU has experienced success in its attempt to construct its normative ideals within third states around the world. Russia however has proven challenging for the EU. The relationship between the EU and Russia has evolved from a period of relatively uncontested efforts to incorporate Russia under the EU's umbrella of normative influence, to a relationship marked by turbulence and discord. This evolution has likely altered the course of norm production within the EU borders and with Russia, and shifted the norms of the EU, which consequently would have an impact on its identity as a normative power.

In addition to its bilateral relationship, EU member states have their own distinctive relationship with Russia. This adds another level of complexity to their relationship since all 27 member states have their own norms. These norms at times have superseded the overarching interests of the EU, affecting the overall EU-Russian relationship.

Over the course of eight years, between 2000 and 2008, the relationship between the EU and Russia has changed significantly, potentially shaping each party's perspective regarding norms and calling into question the EU's ability to act as a normative power. From a constructivist perspective, through discourse analysis, this thesis attempts to understand what norms are being created by the European Union, the EU's process of

norm construction internationally and domestically and consequently its construction of a normative identity.

Since norms are intersubjective, its ability to construct norms invariably affects its identity as a normative power. Normative power is a power that is able to shape the conception of normal and the EU, through its foreign policy promote its universal norms and principles, however to understand its ability to act as a normative power, it is necessary to understand the process of norm construction. The ability of the EU to construct its 'universal norms and principles' forms the foundation of normative power (Manners, 2002).

This thesis will use the examples of the EU's norms of human rights and market principles in two case studies: *The European Union's Construction of Human Rights Norms in Russia* and *Constructing Market Liberalization Principles in Energy Relations with Russia*. It also attempts to understand the role EU member states have played in the EU's ability to act as a normative and its subsequent identity. Historical context, proximity and mutual economic dependency between the EU and Russia provides an interesting case to assess norm construction.

Chapter Two: Background of EU-Russian Relations

The European Union: A Supranational Entity

The unique construction of the European Union plays a fundamental role in dictating how relations with third countries are conducted. Today, some argue the EU represents a model of post-Westphalian¹ structure in which state borders are blurred for the achievement of supranationality. As Andy Storey explains the EU's model of post-national governance is a means of reconciling national identity with a wider (in this case regional) identity which supersedes national allegiances and dilutes national rivalries. The EU, as it is argued, "provides a unique model for how people can live together simultaneously within and beyond nations, thus removing a perennial source of conflict between peoples" (Storey, 2006, p.331).

The post-Westphalian structure of the EU is based on Jean Monnet's vision that economic interdependence amongst countries would suppress the destructive nationalism that led to the two world wars. Established as the six-member European Coal and Steel Community, the Union now represents a unique economic and political partnership between 27 European countries, with a population of 498 million citizens. The normative principles of democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, economic governance, respect for human dignity, and the principles of equality and solidarity inform much of the EU's social, political and economic norms. Moreover, the historical decision to integrate the European market,

¹ It is argued that the European Union model of shared sovereignty is contrary to the historical understanding of the Westphalian system, the use of the term remains controversial by scholars. In this thesis, the use of post-Westphalian system refers to the EU's decision-making structure, monetary structure and open borders. It still maintains that each member state is sovereign and has not relinquished its power to the European Union, but it also recognizes the Euro-zone and the Schengen Area.

where sixteen Eurozone countries² share a common currency, has allowed it to become a major world power in economics, trade and monetary terms.

The structural evolution of the EU during the past 20 years has considerably changed the nature of the EU's foreign policy and conduct of foreign relations. The periodic addition of new member states through the 1970 to the 1990s, the end of the Cold War, and the large expansions of 2004 and 2007, leading to a total of 27 Member States, have created numerous challenges from the standpoint of foreign policy analysis. Until December 2009, the Europe's foreign policy was pursued through the Common Foreign and Security Policy and European Security and Defence Policy (CFSP/ESDP), the second pillar of a former three pillared structure³. Currently, the EU's foreign policy is pursued through the newly enacted Lisbon Treaty, a long awaited amendment to the Rome and Maastricht Treaties. 'Lisbon' gives more emphasis to the role of Europe as a global actor. It brings together "Europe's external policy tools and aims to give Europe a clear voice in relations with its partners worldwide, while respecting the particular interests of the Member States in Foreign Affairs" (European Commission, 2007).

Historically, without its own military to advance its foreign interests, the EU has astutely used its foreign policy as a means of influencing other states. Initially, the deliberate inclusion or exclusion of third states in European trade policy was the main instrument to promote its norms abroad. But in the post-Cold War period, purely

² The countries include: Austria, Belgium, Cyprus, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, the Netherlands, Portugal, Slovakia, Slovenia and Spain

³ Between 1993 and 2009, the European Union legally consisted of three pillars: The European Communities pillar handled economic, social and environmental policies; The Common Foreign and Security Policy (CFSP) pillar took care of foreign policy and military matters; Police and Judicial Co-operation in Criminal Matters (PJCC), originally named Justice and Home Affairs (JHA), it brought together co-operation in the fight against crime. This structure was introduced with the Treaty of Maastricht on November 1, 1993, and was eventually abandoned on December 1, 2009 with the entry into force of the Treaty of Lisbon, when the EU obtained a consolidated legal personality

economics-based external policy no longer sufficed as the only method of influencing third states,⁴ and the EU employed its founding principles as the basis for agreements with third countries. The ‘carrot’ of European Union membership was not only used as a means of stabilizing the economic and political systems of neighbouring former Soviet countries, but it was also used as means of ensuring the EU’s normative principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, as well as a functioning market economy⁵ were integrated into the structure of prospective member countries. The 12 countries⁶ that joined in 2004 and 2007 were subject to these conditions.

In order for the EU to maintain influence over the regions outside its borders, without extending the privilege of EU membership, it provided neighbouring countries⁷ a less-constricting alternative, the European Neighbourhood Policy (ENP). In a 2002 speech, former President of the European Commission Romano Prodi outlined the policy’s objectives, that “the EU should stabilize its periphery through a substantive concept of proximity, extending to this region ‘a set of principles, values and standards which define the very essence of the European Union” (Läidi, 2008, p. 104). Official European Union documents outline the new method of foreign influence: the more EU principles are embraced, the more benefits third states will receive, in that “the EU offers

⁴ According to the Europa” Eurojargon” website, third country simply means a non-EU country. The meaning is clearest when speaking about relations between two EU member states and another country - literally a third country - that is outside the European Union.

⁵ As outlined in the Copenhagen criteria, it requires candidate countries to have a functioning market economy and that their producers have the ability to react to competitive pressures and market forces within the European Union.

⁶ The 12 countries include Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovakia, Slovenia, Romania and Bulgaria.

⁷ The ENP framework is proposed to the 16 of EU's closest neighbours – Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Occupied Palestinian Territory, Syria, Tunisia and Ukraine.

its neighbours a privileged, deeper political and economic relationship building upon a mutual commitment to common values (democracy and human rights, rule of law, good governance, market economy principles and sustainable development) and the level of ambition of the relationship will depend on the extent to which these values are shared” (European Commission, 2010a).

European Union and Russian Relations

Currently, the EU is Russia's number one trading partner and Russia is the EU's third largest trading partner after the United States and China. Russia and the EU are mutually dependent for energy supply and demand. According to the European Union, “energy represents 65% of total EU imports from Russia. Russia is the biggest oil, gas, uranium and coal importer to the EU. In 2007, 44.5% of total EU’s gas imports and 33.05% of total EU’s crude oil imports came from Russia. In total, around 24% of total EU gas sources are originating from Russia. In general, energy dependency varies significantly between different Member States / regions in the EU” (European Commission, 2010b). Russia needs the EU, since the EU is an important market for its exports of raw material, notably energy (The Extraordinary European Council, 2008). Despite this economic interdependence, the history of European Union-Russian relations is complicated, and has set the stage for an equally complex and volatile present-day relationship.

As was the case for many countries, the end of the Cold War opened space for a new dynamic to be established in the development of EU-Russian relations. In the post-communist years, Russia found itself, out of necessity, reliant on a number of international donors for financial assistance and structural support. Promptly following

the 1991 collapse of the U.S.S.R., the EU responded to this need and opened a representation office in Moscow and launched Technical Assistance for the Commonwealth of Independent States (TACIS)⁸.

At that time, the EU's primary objective in the relationship was to eliminate all obstacles to bilateral trade and investment, and to assist the development of a Russia market economy through the implementation of legislation with a view to creating a stable legal framework and harmonization of technical standards. It has been argued that the EU attempted to pull Russia, along with many Eastern European countries, closer into its sphere of influence through heavily institutionalized frameworks and offers of financial assistance (Leonard & Popoescu, 2007)

For EU-Russia relations, the 1990s were a period of relative ease in the relationship during which EU member states generally agreed on a common approach to Russia. In the view of the EU, "Russia was in need of strategy that focused on democratizing and 'westernizing' the weak and indebted country," (Wilson, Popescu, & and Noël, 2009, p.4) on the assumption that persuading Russia to adopt a more 'European' approach to managing its affairs would "bring Russia into the 'postmodern' world of the EU, where security is achieved through transparency, a common legal framework, consensus and mutual interference in each other's internal affairs"(Leonard & Popoescu, 2007 p.25). With this normative objective in mind, the EU devoted time and energy to developing relations with Russia, both economically and politically.

⁸ TACIS is a foreign and technical assistance programme implemented by the European Commission to help members of the Commonwealth of Independent States in their transition to democratic market-oriented economies. The Tacis Programme provides grant-financed technical assistance to 12 countries of Eastern Europe and Central Asia (Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan)

In June 1994, with the signature of the Partnership and Co-operation Agreement (PCA) during the European Council at Corfu, the relationship became formalized under a single bilateral instrument which was implemented on December 1, 1997 for a period of 10 years. The cornerstone of EU-Russia relations, the PCA concentrated on trade and economic affairs, while giving impetus to the political dialogue and setting the framework for a stable partnership. Their cooperation has grown into a highly structured 'strategic partnership' based on 'common values' and 'shared interests' that meets on a biannual basis at joint summits to assess the progress of their relationship. Each summit is traditionally followed with a joint statement that outlines discussions on priority issues, generally reaffirms their commitment to the strategic relationship, and announces new initiatives or decisions.

The PCA addressed a broad range of policies, and the idea for the mutual partnership was aimed at strengthening political, commercial, economic, and cultural ties⁹ based upon the shared objectives of promoting of international peace and security, supporting democratic norms as well as political and economic freedoms. In addition, it equally introduced institutional arrangements to establish regular political dialogue between Russia and the European Union at all political levels in the form of two yearly summits with heads of state, consultations within the Permanent Partnership Council (PPC) at the ministerial level and regular meetings at the senior official and expert level.

⁹ The provisions of the PCA cover a wide range of policy areas including political dialogue; trade in goods and services; business and investment; financial and legislative cooperation; science and technology; education and training, energy, cooperation in nuclear and space technology; environment, transport, culture, and on the prevention of illegal activities.

Furthermore, the EU-Russia Parliamentary Cooperation Committee allows for the regular exchange of views between European and Russian parliamentarians.¹⁰

The New Millennium

After the ease and optimism of the late 1990's, the 2000s were described as “a period of disillusionment in EU-Russian relations” (Medvedev, 2006a, p.5). The political and economic uncertainties of a financial crisis in Russia in 1998 and the 1999 Presidential succession from Boris Yeltsin to Vladimir Putin, which brought about the return of a quasi-authoritarian bureaucratic state in Russia, prompted the EU to aim to stabilize the lines of cooperation for the future through structured agreements. At the same time, the EU became increasingly pessimistic about the prospects for the ‘Europeanization’ of Russia, since Russia was no longer willing to receive aid and direction from western countries (Medvedev, 2006a).

Structured Agreements

In an attempt to bring stability to the bilateral relationship, the Common Strategy of the European Union on Russia (Common Strategy) was adopted by the EU on June 1999, with a sunset clause limiting it to an initial period of four years. The aim of the Common Strategy was to diffuse European norms and values on market liberalization and democracy without the expectation of membership, and to make clear that the extent of

¹⁰ Currently, the EU is working with Russia on a new agreement to replace the expired PCA. Since the initial signing of the agreement the realities of their relationship have changes significantly. Ideally the new agreement would be a reflection of the political, economic and social changes in both the EU and Russia since the entry into force of the PCA in 1997. The aim of the new agreement will be to provide a durable and comprehensive framework for EU-Russia relations based on respect for common values and will provide the basis for the relationship in the coming years (<http://www.europarl.europa.eu/parliament/expert>).

the EU's willingness to engage and cooperate would depend on Russia's pursuit of internal reforms. It also sought to better integrate European security structures and accelerate economic development in Russia. Furthermore, the Common Strategy sought to move forward Russia's transformation into a democracy. This was emphasized in order to prevent the kind of human rights violations that put the EU in the untenable position of assisting the development of Russia, while at the same time condemning its actions in the appearance of increased human rights violations during the Chechen wars¹¹. The Common Strategy stressed the necessity of enhanced cooperation, while demonstrating the EU's belief that Russia belonged in the European sphere of influence, outlining:

A stable, democratic and prosperous Russia, firmly anchored in a united Europe free of new dividing lines, is essential to lasting peace on the continent...The EU welcomes Russia's return to its rightful place in the European family in a spirit of friendship, cooperation, fair accommodation of interests and on the foundation of shared values enshrined in the common heritage of European civilization. (European Council 1999)

The Common Strategy was unsuccessful in achieving its objectives and ended in 2004. As some scholars point out, another negative attribute of the Strategy was the precedence it set for the 'Christmas tree' method of European foreign policy making.¹²

Russia responded to the Common Strategy by adopting a medium-term strategy on EU relations in the same year. However, the Russian medium-term strategy also underlined the paradox of EU-Russian relations; even though the partners agreed on the wish to increase cooperation, expectations regarding the partnership seemed to be

¹¹ The EU was providing development funding to Russia through TACIS during the two Chechen wars, while human rights abuses were being committed.

¹² Christmas tree method refers to member states adding more and more 'decoration' to the document according to their national interests, rather than working on simplifying consensus on core issues. This method results in a race to the bottom and to the lowest common denominator of the most vague strategic policy pronouncements. (Hughes p 82)

fundamentally different (Kömen, 2009 p.2). Russia's strategy did not include any comments on the willingness to speed up its transition to democracy or to a market-based economy, two principles on which the EU Strategy was based.

Following the introduction of the European Neighbourhood Policy (ENP) in 2003, Russian leadership refused involvement, instead insisting on engagement that recognized it as an equal partner dealing with the EU on a bilateral basis terms and, if necessary, directly with individual member states. As a result, in 2003, the EU and Russia agreed to develop a plan for 'Four Common Spaces': common economic space; common space on freedom, security and justice; common space of external security; common space on research, education, including cultural aspects (European Union External Action, 2010). When compared to the objectives of the ENP, the only substantial difference is the name. In both cases the final agreement is based on provisions from the EU *acquis communautaire* and is jointly discussed and adopted. Funding for both the Common Spaces and ENP are received through the European Neighbourhood and Partnership Instrument (ENPI)¹³.

Despite structured and frequent meetings, the shared neighbourhood and 'common values' have not translated into a shared understanding between Moscow and Brussels on a range of issues. EU-Russian relations remain in many ways deeply conflictual, resulting in a frequently strained 'partnership'. Specifically, engagement on the issues of 'common values' continues to pose considerable challenges to the relationship. Indeed, some have argued, the closer the EU and Russia get to each other, territorially or economically, the more problematic their relationship becomes, so that

¹³ The ENPI replaces TACIS and is designed to target sustainable development and approximation to EU policies and standards - supporting the agreed priorities in the ENP Action Plans as well as the Strategic Partnership with Russia

interdependence and contiguity turn into a source of permanent frustration (Medvedev, 2006b).

A Strained Partnership

The election of Vladimir Putin as Russian President in 2000 created high expectations amongst many European politicians that relations between Russia and the European Union would drastically improve (Kömen, 2009, p.5). In reality, Putin's rise to power in 2000 and the EU's 2004 Enlargement resulted in Russia becoming one of the most divisive issues amongst European member states. The period between 2003 and 2005 is viewed as a one of stagnation. President Vladimir Putin's second term in office, which started in March 2004, led to changes in Russia that altered the chaotic but open-minded Yeltsin period into an era characterized by a concerted effort to consolidate and strengthen state power. From the Russian perspective, it no longer viewed itself as the "beggar at the doors of the EU and the West in general, as it used to be in the past decade, and ceased to be a secondary co-participant in relations, when it was addressed as 'partner' only out of kindness" (Pankov, 2008, p. 174).

The 2004 Enlargement to include Moscow's former satellite states marked a turning point in the European Union and Russia's mutual perceptions. Enlargement occurred after a symbolic political and strategic break between 'old Europe' and 'new Europe' over the Iraq War. Moreover, it took place at a time of soaring energy prices, which served to reinforce Russia's economic weight at the expense of its European partners (Gomart, 2008).

Labelled as one of the lowest points in EU-Russia relations, the years 2006-2008 are marked by disagreements and conflict. The Ukraine gas crisis of January 2006 caused severe mistrust of Russian within the EU, further damaging already fractious relations. Meanwhile, member states experiencing conflict with Russia brought these issues to the EU level of dialogue.

The Role of Member States in EU-Russian Relations

The individual relationships member states have with Russia, separate and apart from overarching EU-Russian relations, add another layer of delicacy to the partnership. Relations with countries neighbouring the Russian border tend to be more complex and strained relationships, whereas those in the EU's interior tend to have been amicable and cooperative. In some cases, more powerful member states are able to dictate or control the EU's agenda. A conflictual bilateral relationship can negatively impact the EU-Russian relations if the member state chooses to allow it to inform higher level discussion, affecting EU solidarity and policy coherence. Certain countries use tension with Russia in connection with paying historic debts, while some find it useful to distract from other issues, and for others it plays a role in domestic politics. "Beyond this instrumentalization, national solo acts are first and foremost caused by conflicting values" (Kempe, 2008). At the same time, economic initiatives driven by the interests of single EU member states can bypass deadlocked EU-Russian relations, while also taking advantage of other member states' reservations.

Rolf Schuette provides a summary of the dynamic between member states:

The common positions on Russia adopted by the E.U. as a whole sometimes only describe the smallest common denominator. The big member states (especially

Germany, France, Italy, and—earlier—the United Kingdom) and the immediate neighbors of Russia in the E.U. formulate their own positions. They feed them into the E.U. debate and actively engage in the formulation of E.U. policies. They try to influence and mobilize a Commission that also has to take account of the views and national interests of twenty-five member states and appears to be slow on occasion. Furthermore, member states with particular interests do not hesitate to take up with Russia bilaterally issues that the union as a whole could or should address. These include bilateral agreements on visa facilitation, bilateral dialogues on security and terrorism, individual approaches to the question of Russian minorities inside the E.U., and the Iraq war. (Schuette, 2004)

Past conflicts between the states emerged in 2006, just as EU countries had agreed to the PCA negotiating mandate. Poland stepped forward and vetoed the start of negotiations, requesting EU solidarity over a Russian ban on Polish meat imports. While a deal with Moscow was made in early 2008, Lithuania then blocked PCA talks, putting forward a rather more ambitious list of requests. Most notably, it insisted that PCA talks could only start once the EU had persuaded Russia to resume oil shipments through Lithuania's Druzhba pipeline, and let the Europeans play a stronger role in resolving the 'frozen' conflicts in Moldova and Georgia. The stand-off was resolved in May, when the other EU governments agreed to add a total of five annexes to the original negotiating mandate to take account of various special interests and concerns.

Human Rights and Energy Security

In understanding the EU's role in the international system, European diplomacy has steadily become associated with the absence of military power, but a distinctive set of principles, which include a preference for: diplomacy over coercion, the use of mediation to resolve conflicts, a preference for long-term economic solutions to political problems, and the promotion of human rights. The basis of normative power in the European Union,

and its relations with the rest of the world, is found within their founding principles of peace, freedom, democracy, human rights, rule of law, equality, social solidarity, sustainable development and good governance. The EU has attempted to use its normative principles as a basis for the structured relationship with Russia, so that the EU can influence Russian internal and external actions and policy decisions.

Since 1995, the EU has gradually pushed the human rights issue to the forefront of its relations with other countries and regions. In their founding agreement, the PCA, the European Union reiterates the importance that it places on the protection of human rights. In signing the document, Russia had committed itself to uphold this international norm and to act responsibly when violence erupted in Chechnya. However, despite this fact, Russia has been accused by numerous human rights groups, aid agencies, and foreign government and aid organizations of ignoring, and worse, committing serious and ongoing human rights violations in Chechnya (as discussed in Chapter Four).

Another principle the EU attempts to uphold in its relationship with Russia is market liberalization. In the view of the EU, an open market is essential not only for the prosperity of Russia, but also for strong bilateral relations. Energy relations have dominated the economic agenda of this relationship, as the EU has attempted to secure its own energy supply through the opening of Russian markets. However, there has been reluctance on behalf of Russia to take meaningful steps toward a fully open market, and the strategic nature of the resources involved have led to conflicts, and allowed Russia to decide the extent to which it will liberalize its energy markets.

Chapter Three: The Theory behind Constructing a Normative Power

I: European Union Foreign Policy

As with conceptualizing what the European Union is, defining the EU's role in the international system has proven despite the efforts of numerous international relations academics, think tanks and specialized press. In the last decade, the EU has been described as a 'superpower', 'quiet superpower', 'normative power', 'post-modern power', 'civilian power', 'civilian model', 'civilizing power', and even 'metrosexual power'. Conversely, its opponents refer to the EU as an appeaser, self-absorbed, guilty of shirking its responsibility for ensuring international security, irrelevant, or neo-colonialist (K. E. Smith, 2008) ¹⁴

However, the seemingly constant evolution of the European Union's structure and influences has created a difficult platform from which to define EU foreign policy. The tremendous changes faced by the EU in the past 20 years, with the periodic addition of new member states through the 1970's, the large expansion of the new millennium, and the end of the Cold War, have created numerous challenges and a blurred point of reference from the standpoint of foreign policy, economic and security analysis.

The European Union's formalized foreign policy is now pursued through the Lisbon Treaty, a long awaited amendment to the Rome and Maastricht Treaties. Replacing CFSP/ESDP, the second pillar of a previous three pillared system, is an emphasis to Europe as an actor on the global stage. Lisbon attempts to reconcile two

¹⁴ In Khanna, 'The metrosexual superpower', McCormick, *The European Superpower*, Manners, 'Normative power Europe', Maull, 'Europe and the new balance', Moravcsik, 'The quiet superpower', Muller-Brandeck-Boquet, 'Perspectives for a new regionalism', p. 579, Padoa-Schioppa, *Europa forza gentile*, Schanbel, *The Next Superpower?*, Sjurson, 'What kind of power?', M. Smith, 'The framing of European', Telo, 'Europe - a Civilian Power?', Whitman, *From Civilian Power to Superpower?*, Whitman, 'Muscles from Brussels'

issues, by bringing together ‘Europe’s external policy tools and aims to give Europe a clear voice in relations with its partners worldwide, while respecting the particular interests of the Member States in Foreign Affairs’ (European Commission, 2007). It established a new High Representative for the Union in Foreign Affairs and Security Policy, a new European External Action Service, a single negotiating personality to represent the EU’s interests on the world stage.

The study of EU foreign policy, as explored in this thesis, is more than an institutionalist’s bias towards the study of formalized treaties. Initial analyses of foreign policy focused on structural foreign policy mechanisms, however the studies of the former CFSP/ESDP and the newly enacted Lisbon treaty do not account for all foreign policy actions and decisions of the European Union. Current foreign policy literature takes a more holistic approach. As Ben Tonra explains, ‘analysis of the EU’s foreign policy involves the totality of the EU’s external relations, combining political, economic, humanitarian and, more recently, also military instruments at the disposal of the Union’ (Tonra & Christiansen, 2004).

The supranational structure of the EU prompted questions regarding the status or even the existence of a European foreign policy. Semantic debates have occurred over the use of the correct terminology to describe foreign policy in the EU: whether the satisfactory term should be ‘European Union foreign policy’, in reference specifically to the EU, or simply ‘European foreign policy’, so as to include the countries outside EU borders (White, 2001).

Analysis of EU foreign policy is a relatively new area of research, and in the initial years of study, literature had tended to focus on the EU’s capabilities as an

international actor, and by extension, the capacity of the EU to mimic the features of nation-states within the international system (Allen & Smith, 1990). These deliberations have established consensus on recognition of the non-stateness of the EU. As Martin Holland explains,

The notion of an international actor is wedded, at least historically, to the concept of the nation, sovereignty and the broad tenets of realpolitik ... the mismatch between the language of international affairs and the institutional and procedural realities of the EC has created an oasis for theoretical dispute and occasional obfuscation. (Holland, 1996)

Realists question the impact of the Union, emphasising the limits of cooperation, and arguing that international institutions cannot overcome these limits. States must survive in an anarchic international system, so they must perforce be concerned with whether or not other states will gain more than they do from any cooperative venture. Robert Cooper maintains that the EU cannot protect its post-modern paradise, much less spread its post-modern message, if it is not prepared to play by the rules of the jungle outside (Kratochwil, F. and Ruggie, J.G., 1986). For Robert Kagan, a Europe without strong military capabilities (and a willingness to use them) will always have to rely on the US to ensure international order and to protect common interests. On this view, the international system is not post-modern, but one with distinct Hobbesian characteristics; in such a system, power – and particularly coercive, military power – is the key currency, and the EU doesn't have it (Kagan, 2003).

In her critique of realism, Helen Sjursen wrote,

It is in fact difficult for the realist perspective to explain why the CFSP occasionally succeeds, why member states sometimes comply with common positions even if there is not evident gain for them in doing so, or why most member states seem to acknowledge that there will be no return to the pre-Maastricht situation of European Political Co-operation. (Sjursen, 2003)

With this observation in mind, Intergovernmentalists argue that international institutions can help overcome the limits to cooperation, however, they see institutions as a means of pursuing state interests through bargaining, and posit that large states will not accept outcomes that contravene those interests. As Moravcsik explains, only when cooperation brings benefits will states cooperate, and they will not make fundamental compromises just for the sake of agreement (Moravcsik, 1998).

The complexities of having 27 member states, each with diverse histories and a variety of competing priorities and interests, be in agreement of the EU's foreign policy direction is a difficult endeavour for the EU. The Union does not have exclusive jurisdiction over foreign policy, and member states can still act autonomously in international affairs. They may agree to act collectively – but that agreement is not mandatory and is not always forthcoming (K. E. Smith, 2008).

However, the Union does produce common foreign policies. For some observers the fundamental obstacle to EU foreign policy making is that member states still insist on pursuing their foreign policy interest separately, or at least ensuring that any Union policy causes the least damage to them (K. E. Smith, 2008). This observation has promoted some to ask, whether the EU is a foreign policy actor in its own right or the mere aggregation of the lowest common denominator of the EU member states' foreign policy? (Nugent, 2002). As Philip Gordon suggested, EU member states 'will only take the difficult and self-denying decision to share their foreign policy sovereignty if the gains of common action are seen to be so great that sacrificing sovereignty is worth it' (Gordon, 1997).

Neo-functionalist Michael Smith argues that structure-based, institutional analysis attempts to provide an explanation of actor behaviour as a function of international institutions, or other structures where actors are located. New institutionalists have become increasingly interested in analyzing member state's behaviours; as Smith explains, [amongst Member States], policy coordination is highly purposive and conjoined type of activity heavily dependent on institutionalized forms of cooperation. For example, the Commission can help to articulate common European interests, suggest policy options, and encourage agreement among the member states on policies that represent more than the lowest common denominator (K. E. Smith, 2008).

In recent years, the shift towards a holistic approach, incorporating social aspects into the institutional and actor-based analyses, brought about constructivism to foreign policy analysis. Constructivism challenges the established rationalist and intergovernmentalist approaches to the study of the Union's foreign policy. The constructivist view of EU foreign policy facilitates the understanding of the external actions of the EU, as Bretherton and Vogler explain, by developing an understanding of Europe's global role that does not concern itself with analyzing the processes of EU external policy formulation, but more with the 'the overall impact of the EC/EU' (Bretherton & Vogler, 2006). The combination of agency and structure in a constructivist analysis, identifies the various external roles of the EU as constructed from the 'interaction of external expectations and internal capacity'. It allows scholars to make a significant connection to structuralist approaches.

II: European Normative Power

As noted in the previous section, foreign policy literature has focused on defining and explaining the EU's international identity. This section will explore the EU's application of its foreign policy through the constructivist lens. In the constructivist sense of foreign policy, the objectives and values of EU policy may reflect processes of what is called 'normative globalization'¹⁵, meaning the ever-widening acceptance of norms, or standards of domestic and international conduct (K. E. Smith, 2008).

Concept of Normative Power

The debate on EU civilian/normative power started in the 1970's with Duchêne's view of the then European Community, calling it a 'civilian power'. He saw the use of civil means to support policy objectives and external 'civilizing' influence on the community, explaining,

'The European Community's interest as a civilian group of countries long on economic power and relatively short on armed force is as far as possible to *domesticate* relations between states, including those of its own members and those with states outside its frontiers. This means trying to bring to international problems the sense of common responsibility and structures of contractual politics which have been in the past associated exclusively with 'home' and not foreign, that is *alien*, affairs.' (Duchene, 1973)

Hedley Bull critiqued the concept of civilian power Europe, noting that "the power or influence exerted by the European Community and other such civilian actors was conditional upon a strategic environment provided by the military power of states,

¹⁵ K E Smith uses the term 'normative globalization' in an attempt to capture the world-wide process of agreeing on the specific content of norms and their growing acceptance. She admits it may be more accurate to set the limits of normative globalization to Western and Central Europe, North America, and other scattered territories to varying degrees, as certain areas of the world seem robustly immune to the spread of international norms (i.e. Human rights).

which they did not control” (Bull, 1982, p. 11). In addition there was not one ‘Europe’ but only a Europe of state governments – a concert of states. The inference to be drawn from Bull’s argument was that only with a European military capability would there be a European actorness.

However, when Ian Manners argued in 2002 that the international role of the EU was a promoter of norms, thus displacing the state as the centre of concern, he introduced the concept of normative power to the study of European foreign policy. He expanded upon Duchêne’s work and laid the framework for analyzing the international role of the European Union. The EU’s foreign policy, as he defined it, is a power that is neither military nor purely economic, but one that works through ideas and opinions. ‘Normative power,’ Manners writes, “is a power that is able ‘to shape conceptions of the ‘normal’”. The EU is normatively different and promotes ‘universal norms and principles’ in its relations with non-members (Manners, 2002, p. 239).

As Finnemore explains, norms are standards aimed at codifying the behaviour of actors sharing common principles in order to generate collective disciplines and to forbid certain conducts in the different fields of public policies (Finnemore and Sikkink 1998). The concept of normative power is an attempt to suggest that not only is the EU constructed on a normative basis, but more specifically that this predisposes it to act in a normative way in world politics. It is built on the crucial and usually overlooked observation that the most important factor shaping the international role of the EU is not what it does or what it says, but what it is (I. Manners, 2002).

Structurally Inclined to Impose Norms

It can be argued that the EU's unique foreign policy output derives from the very nature of the EU foreign policy system and that the objectives and values the EU promotes through its foreign policy are inherently linked to the international dynamic of the Union itself (K. E. Smith, 2008). The basis of normative power in the European Union and its relations with the rest of the world is found within their founding principles of peace, freedom, democracy, human rights, rule of law, equality, social solidarity, sustainable development and good governance (Treaty of Lisbon). The EU's international role as a normative power represents a turning point in theorizing how the EU is able to advance its interests.

As a supranational entity, being a normative power is important to the survival of the European Union's influential ability. The EU represents a new and different political form; it has evolved into a hybrid of supranational and international forms of governance which transcends Westphalian norms (King, 1999). Its unique and non-conventional structural, economic and political form challenges traditional conceptions of nation-state interactions.

The supranational system does not allow for traditional means of exercising power, while the EU's limited military¹⁶ and strategic means prevents it from competing in traditional power politics. Rather than relying on the threat of military force, the EU had to develop a new discourse, strategies and instruments to allow its voice to be heard internationally. Consequently, the EU must impose its norms on third states and within international organizations as a means of exercising its power.

¹⁶ The European Union can still deploy forces for peace-keeping and crisis management tasks.

Building on Manner's normative analysis, Michael Smith argues that normative power thus both encompasses and complements the Union's civilian power and 'fledging military power' through an ideational dimension which provides the ability to shape conceptions of 'normal' in international relations. The normative ambitions of the EU, exemplified by the inclusion of normative conditions in most of its international agreements, demonstrate its conscious efforts to shape its environment (Elgström & Smith, 2006).

As Chris Hill further elaborates, "European diplomacy has steadily become associated in the public mind with a distinctive set of principles', which include a preference for diplomacy over coercion, the use of mediation to resolve conflicts, a preference for long-term economic solutions to political problems, and the promotion of human rights" (Hill & Wallace, 1996, p.3).

However, Zaki Laïdi argues, "Europe is structurally inclined to impose norms on the world system in order to counter two difficulties. The first is to prevent global norms from being less exacting than European ones, so as to not place Europe at a comparative disadvantage. The second is its lack of power (hard power) to impose norms on reluctant actors. Europe needs the support of the international system to advance its own interests" (Laïdi, 2008, p.4).

This combination of historical context, hybrid polity and legal constitution has, in the post-cold war period, accelerated a commitment to placing universal norms and principles at the centre of its relations with its Member States. Implicitly, as Laïdi explains, "Europe makes the assumption that global governance goes through an increase of norms and that such governance through norms is the most suitable political model for

an interdependent world, since it constitutes a factor of equalization of power. Europe wants to exert its power through norms and at the same time it wants to make world powers act accordingly” (Läidi, 2008, p.6).

III: Constructing European Union Norms

Accepting the normative basis of the EU does not necessarily imply that it is a normative power. As some scholars argue, constructions of normative power can be understood as institutional articulations of the principles that EU actors uphold, which include rule of law, good governance, democracy, human rights, order and justice (Manners, 2006; Smith, 2005), but this definition does not fully explain how normative power within the EU is created. Determining the EU’s status as a normative power involves first understanding how these norms are created, how they are internalized within the EU, and finally, how they are diffused to third states.

Understanding norm development starts with understanding the process through which principled ideas (beliefs about right and wrong held by individuals) become norms (collective expectations about proper behaviour for a given identity) which in turn influence the behaviour and domestic structure of states (Risse-Kappen, 1996).

Discourse: The Battleground of Ideas

Understanding the creation of norms, social constructivists emphasize that ideas and communicative processes define in the first place which material factors are perceived as relevant, and how they influence understandings of interests, preferences and political decisions (Checkel, 1999). Material factors and conditions matter through

cognitive and communicative processes, the ‘battleground of ideas’, on which actors try to determine their identities and interests and to develop collective understandings of the situation in which they act and identify the moral values and norms guiding their interactions (Risse, Ropp, & Sikkink, 1999).

While ideas are about cognitive commitments, norms make behavioural claims on individuals (Katzenstein, 1996). To endorse a norm not only expresses a belief, but also creates an impetus for behaviour consistent with the belief. Norms have an explicit intersubjective quality because they are collective expectations.

However, the ‘power’ of ideas... is linked to their consensuality. Ideas become consensual when actors start believing in their value and become convinced of their validity. In other words, communicative processes are a necessary condition for ideas to become consensual. Instrumental use of ideas works because their value has been previously established in discursive processes of persuasion and deliberation. (Risse-Kappen 1996: 69-70)

Social constructivists do not take the interests of actors for granted, but instead problematize and relate them to the identities of actions. Essentially, what I want depends to a large degree on who I am. Identities then define the range of actors’ interests considered as both possible and appropriate. Identities also provide a measure of inclusion and exclusion by defining a social ‘we’ and delineating the boundaries against the ‘others’. Norms become relevant and causally consequential during the process by which actors define and refine their collective identities and interests.

Karin Fierke and Antje Wiener draws on a Wittgensteinian constructivism where meanings and language are central to the constitution of identity and interests. They argue “that once one enters the realm of social action and language, norms cannot be reduced to causes, and that the changing context within which identities and interests are mutually

constituted through a process of interaction” (Fierke & Wiener, 1999, p. 725). Elaborating this argument Kratochwil argues that,

Our conventional understanding of social action and of the norms governing them is defective because of a fundamental misunderstanding of the function of language in social interaction...Communication is therefore reduced to issues of describing ‘facts’ properly, i.e. to the ‘match’ of concepts and objects, and to the ascertainment of nomological regularities. Important aspects of social action such as demanding, apologizing, promising etc. cannot be adequately understood thereby. (F. V. Kratochwil, 1989, p. 5)

If the study of identity formation is accepted as a key component of constructivist research, then the role of language and of discourses become crucial. Ben Rosamond argues for a recognition of discourse as an instrument of policy making in the EU. March and Olsen add that, “Discursively-constructed role conceptions endow actors with norms of appropriate behaviour, thereby shaping how they line up and act on these issues. Actors follow a logic of ‘appropriateness’: they value the chosen course of action for itself than as a means for the attainment of selfish interests” (March & Olsen, 1989).

Thomas Diez argues that normative power Europe is a concept better seen as a discursive self-construction imbuing the integration project with new force and establishing an EU identity against “Others”, rather than an objective analytical concept. He explains, ‘normative power Europe’ is a discursive construction rather than an objective fact, and that the ‘power of normative power Europe’ rests in the identity it provides for the EU and the changes it imposes on others (Diez & Pace, 2007). Zaki Laïdi adds that speech is constitutive of reality, a fact that should be taken seriously into account. Kratochwil and Ruggie further elaborate that a constructivist approach to discourse as intervening in politics as opposed to a behavioural one, analyses the generation of substantive meaning rather than studying behavioural reactions to the

norms, rules and beliefs that emerged in the environment of supranational regimes (Kratochwil, F. and Ruggie, J.G., 1986).

Further elaborating on normative discourse, Ben Rosamond discusses how discourses are perceived by different actors. He argues that discourse matters in at least two respects. First, the way in which actors behave is not merely a reflection of the degree of accuracy and completeness of the information they possess; it is also a reflection of their normative orientation towards their environment and future scenarios. Second, understandings are likely to provoke divergent institutional contexts. Actors may share a common understanding of a situation, they may respond very differently to its perceived challenges and threats depending on whether one regards the future it promises in a positive or negative light (Hay & Rosamond, 2001).

Norm Development

Norm development in the EU establishes how these norms become entrenched within the EU itself. Checkel has identified three dynamics important in the process of norm development. The first dynamic is individual agency with entrepreneurial skills that can turn their beliefs into broader, shared understanding. Second, such entrepreneurs are successful in turning individually held ideas into broader normative beliefs when so-called policy windows are open. Third, processes of social learning and socialization are crucial for furthering the norm creation process first begun by individual agents exploiting open policy windows. Individual agency is insufficient to create durable social norms (Checkel, 1999).

Risse-Kappen further elaborate on the concept of socialization as a process by which international norms are internalized and implemented domestically by distinguishing three necessary types of causal mechanisms: processes of instrumental adaption and strategic bargaining; processes of moral consciousness-raising, argumentation, dialogue and persuasion; and processes of institutionalization and habitualization (Risse et al., 1999).

As Bicchi explains:

What starts off as intentional behaviour tends to be routinised over time, as the early rationale for action is subsumed by the repetitive pattern of routine-based behaviour. This habit forming pattern follows quite closely the path dependency, a hypothesis that has been used to explain how and why human rights spread. By 'talking the talk' and 'practising the practices', the repetition of social communication leads to change in actors' reciprocal disposition. Authoritarian regimes, under the pressure of transnational networks, put up a semblance of care for human rights, but over time their conformative discourse increasingly constrains their actions and then moulds their way of thinking so that despite their original intentions they fall into a pattern defined by human rights principles. Therefore, standardisation of practices, regardless of their inclusiveness, is justified by the attempt to change 'nasty' regimes, such as those existing in the majority of Mediterranean non-members. (Bicchi, 2006)

Norm Diffusion

More specifically concerning norm diffusion, Ian Manners suggests that the EU's normative power stems from six factors that shape norm diffusion in international relations¹⁷:

- 1) Contagion: Diffusion of norms results the intentional diffusion of ideas from the EU to other political actors.
- 2) Informational: diffusion is a result of the range of strategic communications (policy initiatives and declaratory communications).
- 3) Procedural: diffusion involves the institutionalization of a relationship between the EU and third party, such as inter-regional co-operation agreements, enlargement of the EU.
- 4) Transference: diffusion takes place when the EU exchanges goods, trade, aid or technical assistance with third parties through largely substantive of financial means (carrot and stickism).
- 5) Overt diffusion: occurs as a result of the physical presence of the EU in third states and

¹⁷ Drawn from analysis of done by Whitehead (1996), Manners and Whitman (1998) and Kinnvall (1995).

international organizations. (commission delegations, embassies of MS) 6) Cultural filter: affects the impact of international norms and political learning in third states and organizations leading to learning, adaptation or rejection of norms. The cultural filter is based on the interplay between the construction of knowledge and the creation of social and political identity by the subject of norm diffusion. (Manners, 2002)

Zaki Laïdi establishes two dominant diffusion pathways in practical terms, identifying specifically how the EU expresses its preference for norms. First, Europe has a strong support for the normative basis of global governance, which Laïdi defines as the body of international text and treaties that rules the international system. Europe has signed the most of the 40 documents that constitute the basis of global governance¹⁸ (Laïdi, 2008). Second, the European preference for norms is expressed by its commitment to multilateral institutions, within which it seeks to enhance normative standards in order to protect its own interest, such as the WTO (Laïdi, 2008).

As Pace tells us, the EU is often represented by EU actors as an exclusive organization and constructions of its normative power are manifested through tangible or intangible rewards or punishments: association agreements which accord neighbours and partners close engagement with EU actors (political reward); international recognition for adoption of EU norms (symbolic reward); financial assistance, market access, technical expertise, technical aid (material reward); and public praise by EU actors for change in partners; identity scripts (social reward) (Pace, 2007).

European 'Tools' to Shape Norms

The EU has employed tangible and intangible rewards to construct norms in third states. Two continuous structured methods, with tangible and intangible rewards, have

¹⁸ European member states have signed 34 of those treaties and text, compared to 11 for the US, 16 for China and 15 for India. The most emblematic among the text is the Kyoto Protocol on climate change

allowed the EU to shape norms in domestic societies, and in particular its near abroad are: Enlargement and the European Neighbourhood Policy. Enlargement, specifically the 2004 and 2007 enlargements, was a means of ensuring countries who desired to join the EU adhered to the EU normative principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, as well as a functioning market economy, as outlined in the Copenhagen criteria¹⁹.

The ENP is a process of norm diffusion in the European ‘near abroad’, largely influenced by the EU’s security concerns and realized under the constraints of the ‘enlargement fatigue’ (Parmentier, 2008). Through the ENP, the EU offers its neighbours a “privileged, deeper political and economic relationship building upon a mutual commitment to common values (democracy and human rights, rule of law, good governance, market economy principles and sustainable development) and the level of ambition of the relationship will depend on the extent to which these values are shared” (European Commission, 2010a).

In addition to clarifying to process of European norm diffusion, an understanding of how these norms are received by the ‘norm-takers’ provides a more in depth perspective. Parmentier has identified three levels of analysis: political discursive strategy, procedures and substance. The discursive strategic level deals with how the norm-takers reinterpret EU norms and values. The level of procedure addresses how the norm-takers incorporate the norms and values in the legal system (Constitution, laws, judiciary codes etc). The ‘substantial’ level relates to how the norm-takers implement or avoid the norms and values in practice (organizational ethic, role of bureaucracies etc) (Parmentier, 2008)

¹⁹ The Copenhagen criteria are rules laid down in 1993 that define whether a country is eligible to join the European Union. It requires states to have institutions that will protect democratic governance and human rights, has a functioning market economy, and accepts the obligations and intent of the European Union.

These levels of analysis allows for a deeper explanation of how norms are received, and consequently an understanding of the impact of European normative foreign policy.

It is important to bear in mind when studying norms, as Antje Wiener notes, any work on norms will proceed from the premise that norms – and their meanings – evolve through interaction in context. Norms are contested by default. This is particularly important in the beyond-the-state contexts where “no ‘categorical imperatives’ are in practice,” and where “the context and situation, within which activities take place is extremely important” (Wiener, 2007, p.6).

Contested Meaning of Norms

While norms may stabilize over extended periods of time, they remain flexible by definition, and to understand their normative meanings dialogue plays a crucial role. As Puetter explains, “the contestation over norms is revealed by discursive interventions, as ‘discourses do not exist ‘out there’ in the world; rather, they are structures that are actualized in their regular use by people of discursively ordered relationships’” (Puetter & Wiener, 2007, p. 11).

Wiener outlines three conditions which enhance the contested meaning of norms, “First, a situation of crisis raises the stakes for understanding meanings based on social institutions, the social feedback factor is reduced. Second, the change of governance processes, that is, the extension of governance practices beyond modern political and societal boundaries changes the social environment and hence the reference frame of social institutions. And thirdly, the historical contingency of normative meaning indicates

a change of constitutive social practices both cultural and organizational, and hence normative meaning over time” (Wiener, 2007, p.5).

In addition to norm contestation, it is also necessary to understand how Member States’ interpretation of norms can be part of norm contestation. It is argued that the key to explaining foreign policy decisions of individual EU Member States lies in the theoretical acknowledgement *and* the empirical demonstration of diverging interpretations of the normative structure in world politics. While a type of norm may be shared, say by signatories of conventions, treaties or agreements, the meaning of norms is usually not standardized. It hence remains subject to contestation. As a consequence, even those liberal principles which are considered as the fundamental norms of western democratic communities, i.e. human rights, democracy and the rule of law, become subject to contestation (Puetter & Wiener, 2007).

Accepting the normative basis of the EU does not inevitably make it a normative power. As some scholars argue, constructions of normative power can be understood as institutional articulations of the principles that EU actors uphold which include rule of law, good governance, democracy, human rights, order and justice (I. Manners, 2006), but this definition does not fully explain how normative power within the EU is created. Determining the EU’s status as a normative power involves first understanding how these norms are created.

IV: Research Question

The EU has a defined set of founding principles – rule of law, market economy, good governance, democracy, human rights, order and justice – that are understood as the basis of its normative power in the EU. Since the early 1990's the study of norms within the EU has increased in frequency and popularity. A breadth of literature has accumulated on the normative power of Europe, as outlined in this chapter, but the literature has principally focused on the process of projection and diffusion of the EU's normative principles on third states. While these studies are beneficial to further understand the EU's role in international relations, accepting the normative basis of the EU does not make it a normative power. This narrow focus has left an analytical gap in the literature regarding the understanding of the foundation of normative power, the process of European norm production and consequently its construction of a normative identity.

With this in mind, this thesis asks the questions: To what extent is the EU able to construct the normative principles of human rights and market liberalization domestically and internationally, specifically with Russia? How have these norms evolved and what role do member states play in norm construction?

Russia provides an interesting third state to study the EU's production of norms and its identity as a normative power because of its proximity to the EU, their shared relationship, and the evolution of normative discourse between the EU and Russia from a period of relatively uncontested EU efforts to incorporate Russia under its umbrella of normative influence to a relationship marked by turbulence and discord. Norms are inherently flexible, but require a degree of consistency in order to be standardized, both within the EU and Russia. This evolution has likely altered the course of norm production

within the EU borders and with Russia, and shifted the norms of the EU, consequently impacting the EU's identity as a normative power, and potentially challenging the ability of the EU to act as a normative power.

The EU's foreign policy is one that works through ideas and opinions rather than military or purely economic means and the EU has deliberately included its normative principles in its foreign policy as a means of exerting its influence to third countries. Premised on a constructivist argument, using discourse analysis to demonstrate the process of norm production, this thesis will use the case studies of 'The European Union's Construction of Human Rights Norms in Russia' and 'Constructing Market Liberalization Principles in Energy Relations with Russia' to understand the process of norm construction, how norms have shifted, and the impact of member states in norm construction.

V: Hypothesis

Given the information available regarding the turbulent relationship between the EU and Russia, this thesis hypothesizes that, through agreements and dialogue, the EU has indeed attempted to construct norms of two of the European Union's founding principles, human rights and market principles, both within its borders and within Russia. It also adds that competing norms have impacted the EU's ability to consistently and clearly articulate the normative principles of human rights and market liberalization, resulting in its difficulty to construct those norms domestically and with Russia. Also, with this attempt to construct norms, contextual changes through out the past decade have contributed to a shift in the production of each set of norms.

Given that the environment within which actors operate is an intersubjective structure and is given meaning through ongoing processes of social construction, understanding norm construction and, closely related normative shifts, is a key component of constructivist research. Possible explanations for these shifts can be explained by the changing norms of the actors involved, Russia and member states, the influence the contextual change of shifting power relations between the EU and Russia, and the inability of the EU to formulate norms that can bring consensus amongst its member states.

Analytical Approach

Normative production is not easily quantified. Given that the EU promotes its normative principles through its foreign policy, dialogue is key to understanding the construction of norms. This thesis will draw on Risse-Kappen's argument that ideas become consensual when actors start believing in their value and become convinced of their validity. In other words, communicative processes are a necessary condition for ideas to become consensual. As Wittgensteinian constructivism elaborates, meaning and language are central to the constitution of identity and interest. It will also draw on Diez's conception of *Normative Power Europe*, that Europe is a discursive construction rather than an objective fact and its power is the identity it provides for the EU and the change it imposes on others.

To understand the role member states play in European normative power, it will draw on Antje Wiener's argument that the key to explaining foreign policy decisions of individual EU Member States lies in the theoretical acknowledgement *and* the empirical

demonstration of diverging interpretations of the normative structure in world politics. While a type of norm may be shared, say by signatories of conventions, treaties or agreements, the meaning of norms is usually not standardized. It hence remains subject to contestation.

The EU has constructed a framework of agreements with Russia through which communication is frequent. This thesis will analyze their discursive interactions for norm construction and normative shifts. It will also look within the EU at communication amongst institutions, and more importantly its member states. Given that the social world is intersubjective, that discourse and language are crucial to identity formation, and that communicative processes are a necessary condition for the ideas to become consensual, member states play an important role in constructing the EU's normative identity.

An empirical analysis of discourses and discursive shifts surrounding the European Union's formation of normative principles on human rights and energy market liberalization requires a time frame of approximately ten years so that changes in discourse and thus normative principles can clearly be reflected.

The period between 1999 and 2008 is essential to understand how norms have evolved, as both the EU and Russia were subject to transformations within their borders, and numerous conflicts between the EU and Russia emerged. Formal relations began in 1997 under the PCA, at which point the EU began formally promoting its normative ideals of respect for human rights and market liberalization.

For the case study of human rights, Chechnya constitutes a key indicator of the EU's ability to construct norms. The ten-year timeframe allows for a deeper understanding of the EU's ability to construct norms, and for an analysis of their

integration into Russia society. During this period, Russia was faced with the challenges of the second war in Chechnya beginning and ending, ongoing accusations of human right abuses, and the EU seeking to deepen its relations with Russia.

With regard to the EU's construction of norms in the energy market, formal energy relations commenced in 2000 and, during the following eight years, the EU sought to pursue the norm of energy market liberalization of its internal energy market structure while energy became a more strategic resource as commodity prices increased. During this period, a gas crisis increased tensions, and EU member states sought to strengthen individual bilateral relations with Russia. This time period will allow for a better understanding of the construction of norms and the shift of European energy market norms.

Chapter Four: The European Union's Construction of Human Rights Norms in Russia

Introduction

Respect for human rights is key among the core principles that form the foundation of formalized relationship between the EU and Russia, as clearly stated in Article 2 of the PCA: “respect for democratic principles and human rights as defined in particular in the Helsinki Final Act and the Charter of Paris for a New Europe, underpins the internal and external policies of the Parties and constitutes an essential element of partnership and of this Agreement”(Partnership and Cooperation Agreement, Article 2). Despite having been drafted at a time when Europe enjoyed a decisive advantage in the negotiation of agreement language, Russia nevertheless agreed to this framework of principles, which continues to serve as the normative basis for the relationship. This emphasis on the protection of human rights is consistent with the EU's broader view of human rights as a fundamental requirement for the viability of the democratic state. In contrast to this laudable principled commitment and humanitarian rhetoric, promoting the implementation of respect for human rights in Russia has not been as effortless.

Russia, meanwhile, claims principled agreement with the importance of protecting human rights, it has been accused by numerous journalists, human rights groups, aid agencies, and foreign government and aid organizations of ignoring, and worse, committing serious and ongoing human rights violations in Chechnya. Internally, the EU views Russian behavior in this conflict as a crucial measuring stick for Russian adherence to the ‘common values’, and when considering the EU's ability to act as a

'normative power' with third states, it is argued that conditions in Chechnya constitute a key indicator of the EU's normative success or failure.

In fact, Russia has sought to circumvent its principled commitment to the protection of human rights in Chechnya by assertively maintaining that its operations in the region are counter-terrorist in nature. While the EU has generally sought a Russian commitment to political reconciliation, Russia viewed military action as the only possible solution, making the negotiation of references to human rights abuses in Chechnya in joint summit statements a delicate and difficult endeavour (Schuette, 2004).

Chapter Objective

Given that the principle of human rights is a key component of the EU's normative foundation, this chapter aims to explore the extent to which the EU has been able to construct human rights norms both in Russia and within its borders. The construction and impact of its normative discourse on human rights with Russia is best captured in the case study of Chechnya. In a constructivist framework, norms are intersubjective and are given meaning through ongoing processes of social construction. Bearing this in mind, through discursive analysis over the period of eight years, three identifiable phases in human rights norms appear: principled humanitarianism, equivocal humanitarianism and apathetic humanitarianism. Analysis of the discourse between the EU and Russia, as well as within the EU, clearly demonstrates that the EU has not been successful in its efforts to incorporate an effective human rights dimension into its normative engagement with Russia. Moreover, its failure in these efforts has undermined its identity as a normative power. It will demonstrate that human rights norm construction

has not remained static, and contextual changes in the relations have led to the production of different norms, resulting in normative inconsistency in its relations with Russia. It will also demonstrate conflicting norms amongst member states have also contributed to normative shifts and weakened the EU's identity as a normative power.

In Brief: The Conflict in Chechnya

Two main conflicts during the 1990s in Chechnya are responsible for the current divisions between Russia and Chechnya. Relations initially became fractious following the collapse of the Soviet Union, as struggles for territorial control between Russia and Chechnya ensued. Chechnya declared its independence from Moscow in 1993. On December 11, 1994, Russian forces entered Chechnya to “establish constitutional order in Chechnya and to preserve the territorial integrity of Russia,” (Finch, III, MAJ Raymond C., 1996, para. 3) marking the start of the first Chechen War. Fought from December 1994 to August 1996, there is no clear consensus of the actual cause of the first Russo-Chechen War. For Russia, however, it represented a military failure and a national humiliation, while, for Chechnya, an implied humanitarian disaster. Human rights organizations accused Russia's federal forces of engaging in indiscriminate and disproportionate use of force whenever encountering resistance, resulting in a high number of avoidable civilian deaths. In one notable example, as reported by Human Rights Watch, Russian artillery and rocket attacks killed at least 267 civilians during the December 1995 separatist raid on Gudermes (Human Rights Watch, 1996).

The Second Chechen War began in August 1999 when Chechen field commanders led military incursions into the neighbouring Republic of Dagestan, and a

series of bomb explosions targeting civilians occurred in major Russian cities, including Moscow. A key consideration during this period was also Chechnya's failure to establish internal sovereignty, which resulted in independent warlords exporting violence. On October 1st of that year, Russian Prime Minister Vladimir Putin responded by sending Russian troops back into Chechnya to restore federal control over the territory. Russia described this as a counter-terror operation, aimed at eliminating the chaos that had reigned in Chechnya since the end of the 1994-1996 Chechen war, and at liquidating terrorist groups that had found haven there. It has also been argued, however, that Russia was significantly motivated by the objective of reversing the humiliating defeat it suffered in Chechnya three years prior. During this time and the years following, human rights abuses were described as horrifying, brutal and sustained. Reports claim that five months of indiscriminate bombing and shelling in 1999 and early 2000 resulted in thousands of civilian deaths, while three massacres, which followed official combat operations, took the lives of at least 130 people. (Denber, 2004)

Violence has erupted periodically since 2000, notably including the bombing of apartment blocks in Moscow and the notorious Beslan siege. Moreover, lawyers seeking justice and accountability for human rights violations in Chechnya have been killed, and in an event that received international media coverage, investigative reporter Anna Politkovskaya was shot dead outside her Moscow apartment in October 2006 after writing numerous articles critical of the human rights situation in Chechnya. The European Court of Human Rights has condemned Moscow more than 150 times for its actions in the Caucasus and for the disappearance of more than 200 persons, most of them in Chechnya.

The Importance of Human Rights within the EU

The EU describes civil, political, economic, social and cultural rights as universal and indivisible, claiming that it “actively promotes and defends them both within its borders and in its relations with outside countries” (European Union, 2010). At the same time, the EU does not seek to usurp the wide powers in this area held by the national governments of its member states. As part of its normative agenda “to shape the conception of the normal”, as Ian Manners writes, since 1995, the EU has gradually pushed the human rights issue to the forefront of its relations with other countries and regions.

In an intentional effort to diffuse its normative principles to third countries, all agreements on trade or cooperation with third countries contain a clause stipulating that human rights are an essential element in the relations between the parties. By including its normative principles in treaties and agreements, constructivist theory tells us, ideas become intersubjective, which thereby contributes to the creation of norms governing behaviour, since norms help make their environment and their environment help makes them. In the EU’s view, its instruments of foreign policy (agreements, dialogues, and financial assistance) provide a framework for strengthening democracy and human rights in the world. Respect for human rights is also one of the preconditions for any candidate country's accession to the Union. To further the normative principle, the EU raises human rights in all dialogues and discussions with third countries. It may also decide, either on its own initiative or at a third country’s request, to initiate a human rights-specific dialogue with a particular third country. (European Council, 2001)

Furthering the Normative Agenda

Above and beyond diplomatic channels and trade negotiations, to further strengthen its normative agenda, different types of dialogue are employed by the EU with third countries in an attempt to diffuse norms on human rights issues. These include: general dialogues based on treaties, agreements or conventions (e.g. the Barcelona process, relations with the Balkans, the Cotonou Agreement, the Association Agreements, etc.); dialogues focusing exclusively on human rights (e.g. the EU-China Human Rights Dialogue); ad hoc dialogues extending to CFSP-related topics; dialogues in the context of special relations based on broadly converging views (e.g. with Canada, the associated countries or the United States).

As the European Commission explains, “Dialogues on human rights pursue the following objectives: to discuss issues of common interest and to cooperate better within international bodies (e.g. the United Nations); to analyze problems in relation to human rights in the country concerned; to gather information; to endeavour to improve the situation” (European Council, 2001). The EU has more than 120 such agreements around the world, the most comprehensive being the Cotonou Agreement²⁰. With rewards of norm construction, punishment is inevitable and to demonstrate its ability to flex its normative power, if any African, Caribbean and Pacific Group (ACP) country is deemed to be failing to respect human rights, EU trade concessions can be suspended and aid programmes reduced or curtailed.

The EU brought the same approach of intentional norm construction to its engagement with Russia, promoting the protection of human rights by incorporating

²⁰ The trade and aid pact which links the Union with 78 developing countries in Africa, the Caribbean and Pacific (the ACP group)

related principles in its agreements and dialogue. Within the EU and Russia's relationship, the EU attempted to diffuse its normative principles through its major agreements, most notably including the PCA and Common Spaces. Matters were also discussed through a variety of media: joint summit meetings, meetings of the PPC, political dialogue and, in certain occasions, ad hoc condemnations by the EU in response to specific cases of concern. Joint statements constitute some of the most valuable sources for understanding the process of norm construction, stresses and tensions in the strategic relationship, and the diffusion on normative principles.

The majority of human rights related criticism has been communicated through the aforementioned channels, save for one instance in 2000 in which the EU placed sanctions on Russia as punishment for its failure to act on human rights abuses during the conflict in Chechnya. However, in 2005, a structured mechanism devoted to human rights consultations was established that holds regular consultations on human rights between the two partners, with a report presented at the year-end joint summit. The EU and Russia still pursued meaningful human rights talks through other set channels, but these consultations allowed for deeper discussion, providing the EU an opportunity to directly address specific issues including : the human rights situation in Chechnya and the rest of the North Caucasus, including torture and ill-treatment; freedom of expression and assembly, including freedom of the media; the situation of civil society in Russia, notably in light of the laws on NGOs and extremist activities; the functioning of the judiciary, including independence issues; the observation of human rights standards by law enforcement officials; racism and xenophobia; and legislation relating to elections. For its

part the Russian side raises matters of concern to it in developments inside the EU (European External Action Service, 2010).

More recently, the EU has sought to support the development of democracy, the protection of human rights and the development of a healthy civil society in Russia, most notably through the European Initiative for Democracy and Human Rights (EIDHR). According to the EU, since January 2007, this program has enabled the EU to “work with NGOs and partners as for example the Council of Europe in fields such as: penal reform; improving the capacity of lawyers and law enforcement officials to apply the European Convention on Human Rights; combating human rights violations in the North Caucasus; human rights of conscripts in the armed forces; promoting children’s rights; promoting the rights of indigenous peoples” (European Commission, 2010c). However, despite its efforts to employ many channels to further the construction of norms, successes or failures are most clearly assessed through the outcome of the joint summits.

II: Human Rights Normative Discourse Analysis

Wittgensteinian constructivism posits that meaning and language are central to the constitution of identity. In the EU’s attempts to influence human rights norms in Russia, applying this analytical framework to discourse between the EU and Russia provides insight into the production of norms by the EU, its identity and therefore its ability to act as a normative power.

Since the beginning of its formal dialogue with Russia, the EU has made a concerted effort to include language on human rights, and specifically on the human rights abuses in Chechnya. In the view of Diez, the dialogue is necessary because the

EU's normative power is a discursive self-construction, and to reaffirm its normative identity, it must maintain its normative dialogue (Diez, June 2005). An increased discourse on human rights with strong, pointed language would imply stronger normative power. In addition, identity is given meaning not only through language, but also through action. The more the EU is able to construct norms through the implementation of clear and consistent norms in its relations with Russia, the stronger its identity as a normative power.

The inclusion of the normative principle of human rights in all documents and speeches pertaining to Russia clearly demonstrates the EU's attempt to diffuse its normative principles. Given that the EU views Russian behaviour on human rights in Chechnya as a crucial measuring stick for Russian adherence to common values, making Chechnya a key indicator of the EU's normative success or failure, this section will analyze the EU's discursive patterns in norm construction with Russia between the period of 1999 to 2008, identifying the norms being constructed and assessing normative shifts. It will outline three phases of human rights norms in EU-Russia relations: principled humanitarianism, equivocal humanitarianism and apathetic humanitarianism. Finally, given the intersubjective nature of norms, an element of uniformity and consistency must exist to encourage their internalization by a third state. This chapter will analyze how conflicting norms of individual member states has impacted the EU's normative identity and ability to act as a normative power.

Principled Humanitarianism: 1999-2001

In understanding the normative power of the EU, it is important to keep in mind that norms become relevant and causally consequential during the process by which actors define and refine their collective identities and interests, which creates an impetus for behaviour. In the late 1990's, Russia was in a period of self-redefinition as a post-communist country, and the EU understood itself as an agent of change to help "shape the conception of the normal" in Russia through its foreign policy. In 1999, formal structured bilateral dialogue began, and, in the view of the EU, Russia had committed itself to uphold international norms, norms that could be promoted and safeguarded by the international community, and to act responsibly when violence erupted in Chechnya (Forsberg, 2009). The asymmetric nature of this post-communist relationship allowed for the EU to offer sharp criticism of Russia's failure to accept international human rights norms. This led to a tense relationship, but Europe's role as aid-provider to Russia mitigated any rebuttal.

This period is characterized by the norm of principled humanitarianism, in which the EU employed strong normative rhetoric and decisive policy actions in its relations with Russia. Based on general consensus amongst EU member states, the objective was to construct human rights norms modeled after those of the EU. Principled humanitarianism remained the norm from 1999 until the end of 2001. During this period the EU experienced success in norm construction, strengthening its identity as a normative power.

When the second Chechen War erupted in August 1999, EU member states were the first to denounce Russia's actions. At the end of September 1999, Germany, France

and Italy issued a common statement expressing their deep concerns about Russia's bombing campaign in Chechnya. The Finnish EU Presidency followed the lead of these member states the same day, and issued a statement strongly criticizing Russia's handling of the war, denouncing Russia's use of 'excessive force' and calling for negotiations towards a political solution. The continuing war and reports of serious human rights violations in Chechnya also renewed discussion within the EU of whether to adopt sanctions against Russia, with consideration being given to avoiding disruption of burgeoning EU-Russian relations. In October, it was noted by the Commission that cutting foreign assistance to Russia in response to the war in Chechnya would not constitute a sensible policy at that time (Forsberg, 2009).

Member states Germany and France, on the other hand, took further steps in criticizing Russian behaviour in Chechnya. German Foreign Minister, Joschka Fischer went so far as to cancel his participation in the Helsinki meeting of the Northern Dimension, which Russia was scheduled to attend (Gomart,). In Germany's national newspapers, *Die Zeit* and *Le Monde*²¹ Fischer, alongside French Foreign Minister Hubert Védrine argued that "Russia was conducting an ill-conceived policy in relying solely on military solutions, rather than multilateral consultations involving its neighbours" (Forsberg, 2009). At the EU-Russia level, following the adoption of the PCA, the conflict was first referenced in the October 1999 Helsinki Summit's joint statement, which discretely noted that "the European Union and the Russian Federation exchanged views on the situation in the Northern Caucasus" (Schuette, 2004, p. 19).

²¹ "Das neue Tandem," interview with Joschka Fischer and Hubert Védrine, *Die Zeit* (Hamburg), October 28, 1999

The norm of principled humanitarianism was reinforced two months later as the EU's language strengthened towards Russia on the situation in Chechnya, when the UN, the OSCE and the Council of Europe produced a rare declaration urging Russia to respect human rights in Chechnya. Tensions rose further following the attacks on the Chechen city of Grozny, which coincided with the December 1999 meeting of the European Council. The situation in Chechnya was immediately moved to the top of the Council agenda and, following extensive deliberation, the Council produced the strongest language and tangible punishment from the European Union to date. The 'Declaration on Chechnya' from Heads of EU member states condemned Russia for the violence caused by its military, and in protest to Russia's actions, the EU froze the 'strategic partnership with Russia' and cut EU TACIS funding in protest against the Russian military intervention in Chechnya (European Parliament, 1999). For the EU, the imposition of sanctions demonstrated its resolve in responding to Russian human rights abuses.

The sanctions sparked a debate amongst EU member states on their fundamental effectiveness. British Prime Minister Blair challenged the EU's approach, stating "some say that because of our concerns about Chechnya we should keep some distance from Moscow. I have to tell you that while I share those concerns, I believe that the best way to register those concerns and to get results is by engaging with Russia and not isolating Russia" (BBC News, 2000). Keeping in mind the nascent EU-Russian relationship, former EU High Representative for Common Foreign and Security Policy, Javier Solana echoed Blair's concerns, arguing the need for the EU to address the Chechen issue without endangering future EU-Russian relations.

2000

Throughout 2000, the EU continued to criticize Russia's management of the situation in Chechnya, including a European Council condemnation of "the use of disproportionate and indiscriminate force", and pushed its normative principle by urging "the opening of a political dialogue with representatives in Chechnya", and calling for "an independent investigations of human rights violations". The May 2000 EU-Russia summit demonstrated the EU's effort to maintain human rights norm construction and push the Chechnya issue further with a new Russian President, since the human rights situation had continued unchanged.

The summit was the first formal discussions between recently-elected President Putin and his EU counterparts. They discussed the meaning of 'common values', highlighting what was at stake in Chechnya, and the joint statement placed stronger emphasis on its human rights norms: "the EU reaffirmed its support for the policy of reforms by the new Russian leadership... the EU expressed its well known concerns about the situation in Chechnya... [the EU] welcomed the intention of Russian leadership to reach a political solution" (Joint Statement, May 2000). The EU had continuously urged Russia to find a political solution, but it had yet failed to articulate what was meant and expected by a political solution, leaving the interpretation of its norms open to Russia. Just as it had not reacted to the EU's condemnations and sanctions, Russia did not meaningfully attempt a political solution in the aftermath. Following the Summits, in June of that year, in an attempt to build stronger relations with President Putin and give him the benefit of the doubt, the EU reversed its earlier decision and lifted its sanctions on Russia.

Language from the EU towards Russia remained unchanged following the October 2000 EU-Russian Summit in Paris. However, France, one of the strongest voices condemning Russia, abruptly changed its tone of rhetoric upon taking the EU Presidency. Up to that point, its bilateral relationship with Russia had suffered, implying negative costs for France. At the joint summit, the EU continued its strong emphasis on Russia's adoption of human rights principles but its tone reflected the optimism regarding the new President, as it lauded the fact that "policy reforms instituted in Russia herald the beginning of a new stage in its development" and offered tangible material rewards to further norm construction, adding it was ready "to support the institutional, economic and social reforms, with a view to strengthening the rule of law and meeting democratic requirements of a modern economy and society." In regards to Chechnya, human rights norms were discussed, and the joint statement demonstrated a slight moderation of human rights norms that favoured Russia as they "agreed upon the need to seek a political solution as a matter of urgency," but added, "with due regard for the sovereignty and territorial integrity of the Russian Federation" (Joint Statement, October 2000).

Under the Swedish EU Presidency, in May 2001, the norm of principled humanitarianism was at its most powerful, as the joint statement produced the strongest, most substantial critical language pertaining to Russia's commitment to the "common values" with a focus on human rights norms. While having allowed for "an open and constructive dialogue on all issues" (Joint Statement, May 2001), the EU suggested that Russia had contradicted their common values, clearly stated continued worries over the Chechen conflict, and reiterated the need for a political response. In the statement, the work of the Council of Europe experts is noted, an early return of the OSCE Assistance

Group²² is requested, and Russia declared its readiness to cooperate with the EU in connection with programs of humanitarian assistance to Chechnya. Never before, nor since has the EU so concretely enunciated so many of its questions and concerns about internal norm developments in Russia in a summit document (Schuette, 2004).

Equivocal Humanitarianism: 2002-2005

To endorse a norm not only expresses a belief, but also creates an impetus for behaviour consistent with that belief, and during the period between 1999 and 2001, the EU endorsed the normative principles of human rights and clearly attempted to construct human right norms in Russia, evoking the norm of principled humanitarianism. However, during the period between 2002 and 2005, these efforts changed, and the EU's discourse and actions began to conflict with its normative principles, resulting in a normative shift towards equivocal humanitarianism. Through discourse analysis of the statements between the EU and Russia, EU institutions and EU member states, this section will demonstrate the emergence of the norm of equivocal humanitarianism from within the EU, and outline the member states who contradict the founding principle of norms of human rights. The unclear nature of the EU position and those of its member states during this period resulted in a weakened EU normative identity.

²² Organization for Security and Co-operation in Europe Assistant Group to Chechnya was established in 1995 by the Permanent Council until its mandate was not extended in 2003. In conjunction with Russian federal and local authorities, and in full conformity with Russian Federation, its duties included promoting respect for human rights and fundamental freedoms, facilitating the delivery to the region by international and non-governmental organizations of humanitarian aid for victims of the crisis; ensuring the return of refugees and displaced persons to their homes in the crisis region, promote the peaceful resolution of the crisis and the stabilization of the situation in the Chechen Republic in conformity with the principle of the territorial integrity of the Russian Federation and in accordance with OSCE principles and pursue dialogue and negotiations, as appropriate, through participation in 'round tables', with a view to establishing a cease-fire and eliminating sources of tension.

The September 11th terrorist attacks changed the context of the situation in Chechnya, as reflected in the significantly revised discourse of the November 2001 joint summit in Brussels. The global sensitivity towards terrorism was reflected in the EU's language on Chechnya, which adopted an increased emphasis on contextualizing Russian views of the situation. In the joint statement, the need for a political statement was made clear, but was immediately followed by the phrase, "we have reiterated our commitment to the fight against international terrorism." (Joint Statement, November 2001). For the EU, the use of the word terrorism in reference to the situation in Chechnya implied sympathy with Russia on an issue that it once unequivocally condemned, marking a notable change in its norm on Chechnya, and the beginning of its broader failure to meaningfully exercise normative power over Russia.

This change in posture was further evident in the following months, as conflicting norms began to emerge amongst powerful EU member states, and European leaders publicly abandoned the common EU position on Chechnya. Germany's President Schröder declared that the Chechen conflict must be reassessed in light of September 11th. Britain added that "the whole perception of Russia, in Europe and in the West, has been transformed" (The Jamestown Foundation, 2002, para. 1) Overlooking the issue of human rights, Prime Minister Blair took the argument further, declaring that Russia had a *legitimate right of self-defense against extremism and fundamentalism*. French Prime Minister Lionel Jospin added that terrorism must be fought wherever it manifested itself, included in Chechnya.

EU normative discourse, its overall ability to influence Russian norms, continued to weaken at the November 2002 EU-Russia summit. The norm of equivocal

humanitarianism was reinforced as Chechnya no longer factored as a priority issue on the agenda. Russia's ability to influence the EU became more apparent when the EU bowed to Russian pressure to move the summit location from Copenhagen to Brussels; the summit followed shortly after the Beslan hostage taking²³ and Russia firmly objected to Copenhagen as a summit venue because Denmark allowed Chechen exiles to hold their world congress in Copenhagen. Russia accused Denmark of supporting terrorism, and Putin announced that he would not travel to Copenhagen for the twice-yearly summit. For the sake of neutrality, and to prevent the issue from further escalating, the EU moved the summit to Brussels. The summit itself failed to produce a joint statement, forcing the EU to clarify its position on Chechnya to the rest of Europe.

The EU also received harsh criticism from European media for its failure to produce a joint statement, questioning whether Chechnya was even mentioned in summit, and speculating the EU was primarily concerned with reaching an agreement on the Kaliningrad transit²⁴. Demonstrating the strong pressure from within the EU to maintain normative dialogue and influence with Russia, EU External Relations Commissioner, Christopher Patten made a special statement to the European Parliament the day after the summit. He stated, "Chechnya had been discussed during this summit", even in an "extremely vigorous exchange", as had been the case in all of the previous ten summits. He also commended "the Danish Presidency for the vigour and intelligence with which

²³ Chechen rebels seized a Moscow theatre and held about 800 people hostage. Most of the rebels and over 100 hostages were killed when Russia forces stormed the building.

²⁴ Kaliningrad region of the Russian Federation became an enclave in the EU as a consequence of the EU enlargement in 2004. The EU recognized Russia's concerns about a possible negative impact of the enlargement on transit of persons and goods between Kaliningrad and the rest of Russia. This led to an agreement between the EU and Russia on 11 November 2002 on a transit regime for persons. A joint statement of 27 April 2004 contains provision to ensure efficient transit of goods. The dispute threatened to disrupt the talks in November 2002.

they have raised concerns about Chechnya while condemning out of hand terrorism” (Schuette, 2004, p. 21).

2003

During the period between 2003 and 2005, the EU and Russia underwent major transformations within their respective borders, significantly altering the overall dynamic of the relationship. Under President Putin, Russia had increased its role and voice internationally, and was yet less interested in adopting EU norms. The EU, meanwhile, enlarged from 15 to 25 member states, bringing a major change in its internal political composition, which significantly altered the context of EU-Russia relationship. New member states, which were once part of the former Soviet Union, were not interested in close ties with Russia. Meanwhile, stronger traditional EU member states were keen to build more robust bilateral ties with Russia, an approach which stood in conflict with prevailing EU norms.

In January 2003, reinforcing the norm of equivocal humanitarianism, a new emphasis on due process²⁵ emerged within the EU towards Chechnya. The Chechnya rapporteur for the Parliamentary Assembly of the Council of Europe (PACE) Lord Judd put forward a resolution calling on Russia to postpone a constitutional referendum for Chechnya planned for March, citing the escalating conflict and persistence of human rights abuses and a poor security environment. After a heated debate reflecting internal discord on the issue, PACE rejected this proposal, and instead called on Russia to ensure appropriate conditions for the referendum. Lord Judd resigned in protest. In March 2003

²⁵ Due process ensures the government will respect all of a person's legal rights instead of just some or most of those legal rights

the constitutional referendum was held in Chechnya, and 95% of the vote approved a draft constitution and solidified its place in the Russian Federation. Despite the fact that separatist leaders warned the move wouldn't bring peace, the next day the European Union responded by welcoming the constitutional referendum in Chechnya as a "positive step" (Lobjakas, 2003) .

As violence erupted again in Chechnya that year, the humanitarian issue continued to be ascribed declining importance, and divisions on the issue between member states grew. The EU's emphasis on human rights norm construction disappeared entirely at the November Rome Summit, where the joint statement contained neither a written reference to Chechnya, nor did it not contain the usual catchwords regarding the EU and Russia's shared values: democracy, human rights, or the rule of law.

European Union solidarity was meanwhile fracturing over the issue of human rights in Chechnya, resulting in visibly conflicting norms and member states norm contestation. Bearing in mind that norms are not standardized and evolve through interactions in context, national interpretations of human rights norms can vary amongst member states, opening potential for divergent interpretations. During this period, Denmark and the Netherlands expressed their ongoing support for human rights norms in Chechnya, whereas larger member states were engaging in bilateral talks with Russia and felt the need to express their support for Russia.

Human Rights Norms versus Silvio Berlusconi

Italian Prime Minister and then-EU President Silvio Berlusconi's infamous comments at the Rome Summit demonstrated the growing dissonance amongst some

member states. The collective European Union position was that it was concerned with Russia's movement towards a more autocratic regime, and there was consensus on the need to continue to condemning its anti-democratic tendencies, while reminding Russia of the importance of continuing on a democratic path. In a move that stood in stark contrast to this commitment, at a joint press conference following the November 2003 EU-Russia Summit, Prime Minister Berlusconi acted as Putin's self-appointed advocate, clearing him of any criticism over the handling of the Chechen conflict (Hughes 2006), stating, "In Chechnya, there is terrorist activity that has provoked many attacks against Russian citizens. There has never been a corresponding response on the part of the Russian Federation that suffered these attacks." He congratulated Putin for the efficient 'management' of Russian domestic problems, intervened against journalists' questions regarding Chechnya and defended Putin's policy against 'terrorists' in Chechnya. He even congratulated him on the handling of the affair surrounding former Yukos boss, Mikhail Khodorkovsky"²⁶ (Emerson, 2004) .

It is altogether possible that Italy's interpretation of norms resulted in this contestation of European Union norms. As Wiener argues that the key to explaining foreign policy decisions of individual EU Member States lies in the theoretical acknowledgement *and* the empirical demonstration of diverging interpretations of the normative structure in world politics. As a consequence even those liberal principles which are considered as the fundamental norms of western democratic communities, i.e. human rights, democracy and the rule of law, become subject to contestation.

²⁶ Once Russia's wealthiest man Mikhail Khodorkovsky made his money from the controversial post-Soviet privatisation of state assets. He was the head of Russian petroleum company Yukos. He was arrested on October 25, 2003 on charges of fraud, embezzlement and tax evasion charges. The controversy lies in his political actions. He gave money to all the political parties, including the communists, hired a journalist known to be critical of President Putin for his newspaper. His supporters claim that his arrest is the Kremlin's way of punishing him.

Berlusconi's undermining of the EU position proved a critical moment in member state cohesion, as it demonstrated the conflicting human rights norms growing within the EU and weakened EU's ability to act as a normative power.

Berlusconi's break from EU policies also highlighted seriously conflicting norms, creating strong discomfort and prompting protest from within the EU. Many partners felt that the EU could not be silent about humanitarian developments in Russia and Chechnya. The European Council of Heads of State and Government in December 2003 responded by requesting the Council of Ministers and the Commission draw up an assessment report about EU- Russian relations and propose measures aimed at strengthening the strategic partnership and respect of the values on which it is based.

2004

A comprehensive report, entitled "Communication from the Commission to the Council and the European Parliament on Relations with Russia" was presented in February 2004. The report gave a stark analysis of the EU's normative influence in the strategic partnership, stating that, "Putin's four years...witnessed a weakening of the values to which the EU and Russia (as a member of the Council of Europe and OSCE) are committed," and questioned Russia's commitment to common values, noting that "reports by international organisations, including the OSCE and Council of Europe, the conduct of Duma elections in December 2003, events in Chechnya and indications of the selective application of the law raise questions about Russia's commitment and ability to uphold core universal and European values and pursue democratic reforms" (European Commission, 2004). The report also addresses the discord and conflicting norms amongst

the EU and its member states, reiterating to EU member states the fact that EU values are the foundation of the Union, and that it pursues its foreign policy through these methods, stating:

The EU can influence developments in Russia if it is ready to take up difficult issues with Russia in a clear and forthright manner. The EU as a whole should confirm that shared European values remain the basis for deepening relations. Thus, for example, concerns over recent political developments, which demonstrate discriminatory application of the law, or the non-respect of human rights, should be raised vigorously and coherently by the EU and its Member States. (European Commission, 2004)

The report clearly attempts to refocus EU normative efforts onto the objective of shaping norms of Russia, and calling for the EU to reassert its attempt to influence Russian norms and to be “ready to discuss all matters with Russia and should not hesitate to defend EU interests vigorously; the partnership must be founded on shared values and common interests. This implies discussing frankly Russian practices that run counter to universal and European values, such as democracy, pursue a more balanced cooperation agenda with Russia and promote policy coherence.”

In the lead up to the May 2004 Joint Summit, numerous structural changes to the EU impacted the strategic relationship, resulting in a refocused effort on norm construction: The EU enlarged to include 25 member states, the ENP was introduced for EU border countries except Russia, as it insisted on its own bilateral agreement based on equal partnership and created the four Common Spaces²⁷.

In the wake of this change, and following the EU-led analysis of the EU-Russian relationship, under the Irish Presidency, the EU demonstrated stronger normative

²⁷ At the St. Petersburg Summit in May 2003, the EU and Russia agreed to reinforce their cooperation by creating the long term four ‘common spaces’ in the framework of the PCA and on the basis of common values and shared interests. Issues included are Economy, freedom, security and justice, external security cooperation and scientific research, education and culture

language at the May 2004 Joint Summit. Specifically, Irish EU President Bertie Ahern further confused the common EU position on human rights at a Joint Summit press conference, in which he reverted back to the strong human rights rhetoric of the past, stating: “As strategic partners we have always openly discussed any questions of concern, including human rights. We have discussed our respective positions on Chechnya. The European Union is firm in its condemnation of the recent events in Chechnya in which people lost their lives. President Putin has expressed determination to rebuild and bring democracy to Chechnya” (Joint Press Conference, May 2004). He concluded by saying: “When it comes to human rights we are open to discuss all questions. We have set out our respective positions clearly and now must resolve these matters in such a way as to satisfy both sides.” Following the summit, a mutually agreed upon “Joint Statement on EU Enlargement and EU-Russian Relations” demonstrated a resurgence of European normative rhetoric on its commitments to human rights, noting that they, “welcome EU membership as a firm guarantee for the protection of human rights and the protection of persons belonging to minorities. Both sides underline their commitment to the protection of human rights and the protection of persons belonging to minorities” (Joint Statement, May 2004). Notably, Putin ensured the inclusion of references to concerns of human rights abuses within the EU.

Germany, France, Italy and Russia

Despite the report earlier that year calling for more member state solidarity, the human rights norms of larger member states remained inextricably tied to bilateral relations with Russia. At the August 2004 trilateral summit in Sochi between Russia’s

President Putin, France's President Jacques Chirac and Germany's Chancellor Gerhard Schröder, the EU member states openly demonstrated their support for Russia. For Germany, France and Italy, the norm of bilateral economic cooperation, specifically focused on energy relations with Russia, took primacy over the common EU norm of protecting human rights. In the case of France, French President Jacques Chirac saw Russia as a strategic partner, vital to his vision not just of a multilateral world where decisions are shared, but of a multipolar world, where power is shared (Gomart, 2007). At this summit, Chirac publicly stated his support for Russian-supervised elections in the Chechen region, despite Western criticism of their freedom and fairness. He also veered away from EU's policy by defending Putin's Chechnya policy, noting his support for President Putin's efforts to seek a political solution in Chechnya, provided that it preserves Russia's territorial integrity. A political solution is necessary and this is what Russia wants but a political solution has a limit. Germany had strong energy links to Russia, which affected the dynamic of the relationship (as discussed in the Energy Relations chapter).

Shifting Human Rights Norms

In the fall of 2004, as violence escalated in Chechnya, the EU yet again confirmed the equivocal humanitarianism norm, as discourse on human rights norms failed to materialize altogether, conflicting with its strong rhetoric from only a few months previous. The weakened state of the EU's normative identity was compounded by President Putin's continuously growing power and the ongoing conflicting norms amongst EU member state.

In August 2004 the mid-air destruction of two Russian civilian airliners was blamed on Chechen suicide-bombers, while President Putin pointed to international terrorist links to Chechen separatist fighters in the context of the September 2004 seizure of a school in Beslan, North Ossetia²⁸. Political measures announced by President Putin in September following Beslan were not seen as motivated by a will to effectively fight terrorism, but as an attempt to exploit the events as a pretext to further curtail democracy (Schuette, 2004).

These major tragedies sparked a conflicted response from the EU. On one hand, major leaders of EU member states were quick to sympathize with the Kremlin and condemn Chechen terrorism (Forsberg, 2009). On the other, The Netherlands offered criticism, as Foreign Minister Bernard Bot called on the Russian government to explain “how this tragedy could have happened,” to which Moscow responded harshly, calling Minister Bot’s comments “inappropriate and blasphemous”. The European Commission, wishing to swiftly dispel any miscommunication and minimize harm to overall relations, was quick to assure Moscow that Bot’s comments on the tragedy had been misinterpreted (Forsberg, 2009), and that “the blame cannot be put on anyone but those who committed the horrible crime.”

Despite the EU’s attempt to refocus its normative agenda with Russia, its actions were viewed as unsatisfactory from many external and internal sources. Adding to the pressure for the EU to prioritize its normative values over beneficial relations with Russia, a letter from 115 prominent European and American politicians and foreign policy experts to the EU and NATO highlighted the hypocritical role of the EU:

²⁸The Beslan school hostage crisis was a three day hostage-taking by Chechen rebels demanding the withdrawal of Russian troops from Chechnya. The siege ended three days later when Russian security forces stormed the building more than 300 deaths occurred, many of them children

Western leaders continue to embrace President Putin in the face of growing evidence that the country is moving in the wrong direction and that his strategy for fighting terrorism is producing less and less freedom...The present Russian leadership is breaking away from the core democratic values of the Euro-Atlantic community. Leaders of the West have to rethink how and to what extent we engage with Putin's Russia...it is imperative that we do not look the other way in assessing Moscow's behaviour or create a double standard for democracy in the countries which lie to Europe's East. We must speak the truth about what is happening in Russia. We owe it to the victims of Beslan and the tens of thousands of Russian democrats who are still fighting to preserve democracy and human freedom in their country. (Project for the New American Century, 2004)

Regardless of the EU's overall position, the European Parliament expressed its doubts regarding Russia's commitment to the 'common European values', vocalizing concern over recent tragedies. Commission-designate for External Relations in the European Commission, Benita Ferrero-Waldner, when pressed during a speech to the Parliament, highlighted the EU's inability to influence norms due to the ongoing conflicting norms within the EU, by giving an unprecedented response that "due to the diverging positions of the Member States it will be hard for the Commission to pursue a united Russia policy." She added that she considered it important to "speak on an equal footing with this partner" to support the democratization of Russia. On the conflict in Chechnya, she abruptly stated that "the combating of terrorism does not excuse the violation of human rights" (Euractiv.com, 2010b). The EU's identity as a normative power was in danger given the EU was clearly confronting seriously conflicting norms, as EU institutions were unable to reach consensus, and the EU's own actions became inconsistent with key normative values of its own choosing.

2005

The norm of equivocal humanitarianism persisted into 2005, despite the implementation of bi-yearly human rights consultations in March of that year. Created as part of the 2003 Common Spaces on Freedom, Security and Justice, the consultations provided “for a substantial dialogue on human rights issues in Russia and the EU and on EU-Russian cooperation on human rights issues in international fora” (European External Action Service, 2010).

The May and October 2005 Joint Summit statements reveal a continued overall weakening of EU normative discourse on human rights, as economic stability norms took priority, particularly as the “leaders focused especially on closer EU-Russian cooperation in the energy sphere”. Though statements do briefly reference Chechnya, noting that “the EU and Russia addressed in a constructive spirit internal developments in the EU and Russia, including the situation in Chechnya,” language on human rights was vague, demonstrating the norm of transparency. Rather than human rights promotion, the statement of the first set of human rights consultations noted only that “progress has been made through the creation of regular consultations on human rights,” offering minimal insight into their discussions, committing only to “recognize the importance of Chechnya” as “one of the main issues to be discussed with Russia. For its part the Russian side raises matters of concern to it in developments inside the EU.”

Although formal normative human rights dialogue between the EU and Russia at this point was paltry, pressure from within the EU to uphold its norm of human rights and to act on the human rights situation in Chechnya continued. A text adopted on May 26, 2005, by the European Parliament on EU-Russian relations clearly demonstrates the

importance of human right norms to EU member states, and delineates its expectations for a political solution, something the European Union had failed to do in its discussions with Russia. The Parliament:

Condemned the killing of Mr. Maskhadov²⁹ and called on all sides to end the violence. It is imperative to arrive at a political solution which involves all the democratic components of Chechen society and guarantees to all people residing in or returning to Chechnya a real right to life, freedom and security and to the Chechen people respect for their cultural and national identity and dignity. At the same time, this solution should respect the territorial integrity of the Russian Federation and be fully compatible with the pursuit, by legitimate and effective means, of stability and security throughout the North Caucasus and the entire Russian Federation. (European Parliament, 2005)

Given that the conditions in Chechnya are a measuring stick for Russia's adherence to common values, and constitute a key indicator of the EU's normative success or failure, the norm evident during this period of time, equivocal humanitarianism, undoubtedly demonstrates the EU's failure to effectively construct human rights norms in Russia.

Apathetic Humanitarianism: 2006-2008

In seeking to understand the construction of human rights norms, the period between 2006 and 2008, can be best characterized, as involving the norm of apathetic humanitarianism. The EU claims to be a strong supporter of human rights, attempting to influence the norms of the countries in which it interacts through dialogue and agreements, but the rhetoric, however, in its relations with Russia has provided evidence of the emergence of new norms that eclipse the norm of human rights, leading to the impression of an ambivalent attitude on behalf of the EU towards human rights. The 2006

²⁹ Aslan Maskhadov was chief of staff of the Chechen armed forces but at the forefront of peace negotiations in 1995 and 1996. It is claimed he did more than any other fighter in Chechnya to win the 1994-1996 war against Russia. He also did more than any other negotiator to bring peace

Ukraine gas crisis, led to the emergence of secure energy relations as a norm, which resulted in the marginalization of human rights as a primary normative objective.

The dawn of 2006 saw a normative shift within the EU as the norm of secure energy relations eclipsed all other priorities in the relationship. Russia's decision to cut its natural gas supply to Ukraine³⁰ in January 2006 severely undermined trust within the EU towards Russia. The EU found itself in a position of having to consider diversifying its energy imports, and rethink the fundamental nature of its relationship with Russia.

In terms of human rights norms, in a significant move, the European Parliament used its January 2006 "Resolution on Chechnya After the Elections and Civil Society in Russia" to highlight the European Union's fractured response to the elections, and outline broader divisions amongst the European Union institutions over its abandonment of normative principles on human rights. According to the resolution, the Parliament "remain[ed] deeply concerned that the Council and Commission have failed to address the ongoing serious human rights violations in the Chechen Republic", urged "the Council and Commission to confront their responsibilities in the face of the most serious human rights issues in the immediate neighbourhood of the European Union" and, while reminding the two EU bodies of their commitment to EU values, it urged "the Council and Commission to take an active role in preventing further human rights violations... insisting the necessary measures are taken to ensure that the rights guaranteed by the European Convention on Human Rights, to which Russia is a signatory, are fully respected in the Chechen Republic" (European Parliament, 2009)

³⁰ Russia provides ¼ of EU natural gas imports. Ukraine transports 80% of Russian gas to the EU.

Following the gas crisis, the norms of secure energy relations persisted, but the tone was also adjusted to reflect the objective of stabilizing the EU-Russian relationship. The language in the May 2006 joint statement demonstrates the clear focus on energy norms, as “the leaders underlined the strategic importance of co-operation on energy and the need to enhance EU-Russia energy relations.” It also projected the idea of stable relations, however referring to the meeting as “friendly and open”, and, regarding the PCA, “the leaders discussed the future EU-Russia relations after the expiry of the first period of validity of the Partnership and Co-operation Agreement (PCA) in 2007. They looked forward to the start of negotiations for a new agreement.”

In the statement, references to human rights norms were fleeting, as the EU and Russia addressed in a “constructive spirit internal developments in the EU and Russia, including the situation in Chechnya.” The EU also reverted to its previous approach of offering positive incentives for cooperation related to human rights norms; despite a lack of evidence of their effectiveness in the past, the EU offered tangible reward for human rights cooperation, “as they welcomed the European Commission €20 Mio programme for assistance to socio-economic recovery in the.” Beyond these monetary rewards, however, there is little evidence that the EU engaged Russia in a serious conversation on the state of human rights in Chechnya.

Tensions regarding Chechnya mounted in October of that year following the shooting death of Russian investigative reporter and human rights activist Anna Politkovskaya outside her Moscow apartment. Through her numerous articles and books describing alleged abuses committed by Russian military forces and Chechen rebels, she urged greater responsibility and concern from Western governments. According to

reports, on the day of her murder, Ms. Politkovskaya had planned to file a lengthy story on torture practices believed to be used by Chechen security detachments known as Kadyrovites. The EU pushed this issue further with Russia, only to have President Putin rebuff their claims. Former Commissioner for External Relations Benita Ferrero-Walder commented on the EU's failure to influence Russia on human rights in her report to Parliament on the state of EU-Russia relations.

Consistent with the norm of apathetic humanitarianism during this period, instead of focusing on the protection of human rights related to Chechnya, Ferrero-Walder employed more moderate language focusing on the less controversial norm of due process, stating that "the EU raised concerns on the human rights situation in Russia notably the killing of Anna Politkovskaya; President Barroso indicated that the perceived lack of due process caused concerns in the EU. President Putin defended the situation in Russia."

2007

While this time period can be described as an apathetic attitude towards the production of humanitarian norms, norms were still being constructed, resulting in normative shifts. Relations between the EU and Russia in 2007 were characterized by overall turbulence amongst EU member states, and further inconsistency in discourse on human rights. During this period, the dynamic between the EU and Russia shifted as Russian-friendly heads of states, Chirac, Schröder and Berlusconi were replaced by heads of state who viewed the relationship in a more critical manner. In sharp contrast to previous actions by Germany, as EU President for the first-half of 2007, German

Chancellor Angela Merkel took a tough stance on Russia's human rights violations. During her first official visit to Russia she met with several human rights NGOs to discuss ongoing human rights concerns, making it clear that Germany was not willing to turn a blind eye to human rights abuses in Russia, as it once had.

At the May 2007 Joint Summit, Ms. Merkel offered harsh criticism of Putin for barring protesters from the meeting in the southeastern Russian city of Samara, (Landler, 2007) and in its press release, titled "EU-Russia Summit: Despite difficulties a common path," there is critical language and tone regarding the human rights situation in Chechnya, noting, "considerable differences of opinion, particularly on the subject of human rights". Human rights were, however, overshadowed by the norm of secure energy relations with Russia, as the EU reaffirmed its commitment to the strategic partnership, and the emphasis focused on the developing "overall economic trade and investment relations", and "other important issues, namely, what we can do in terms of energy".

Member States versus Russia

The number of member states uploading their issues with Russia to the EU level was significant during this period, with serious consequences vis-à-vis progress on human rights norms and, more importantly, the EU's identity as a normative power.

In late 2006, Poland blocked the new PCA agreement over Russia's banning of imports of Polish meat. This marked the most visible instance where a single EU member state has blocked an important policy development between the EU and Russia. Lithuania threatened to veto EU-Russia negotiations on a new treaty because the EU had reacted

slowly to a Russian decision to cut off oil to Lithuania. The decision by Estonian officials to relocate a monument of Second World War-era Soviet soldiers resulted in a bilateral conflict and sparked angry protests by Russians outside the Estonian embassy in Moscow. The EU intervened, reminding Russia of its obligations under the Vienna Convention on Diplomatic Relations to protect diplomatic missions. Estonia asserts that the protests were choreographed by extremist nationalist groups from Russia (Eke, 2008).

In each instance, member state norms of self-interest conflicted with the EU norm of solidarity. Conflicting norms amongst member states and the EU signify a lack of cohesion in norm production and overall EU solidarity and demonstrate a state of internal discord, which results in a weakened identity for the EU itself, as it is no longer the central norm producer.

Demonstrating a recognition of this issue as a serious concern, in addition to the norm of secure energy relations between the EU and Russia, the norm of member state solidarity emerged in response to the conflicts at the 2007 Samara Joint Summit. The dialogue at the closing press conference referenced the critical issue of member state solidarity. Recognizing that member state solidarity is integral for its identity as a normative power, and normative power identity in advancing the objective of stronger relations with Russia, the EU addressed the matter directly: “We are a Union based on principles of solidarity. We are now 27 Member-States. So, a Polish problem is a European problem. A Lithuanian, an Estonian problem is a European problem as well. And this is very important, if you want to have a real, good, close cooperation, to understand that the European Union is based on the principles of solidarity.” This sent a

message to Russia, that the EU was ready to protect its solidarity, but also to member states.

2008

From the beginning of 2008, the relationship was still in a fractious state, and the EU did not attempt to construct its normative principle of human rights or discuss the situation in Chechnya. Lithuania refused to lift its veto on initiating talks on a new partnership agreement between the EU and Russia, believing that the mandate presented by the Slovenian EU Presidency was not satisfactory, and reiterated its request that Russia repair the oil pipeline to the sole Lithuanian refinery and peacefully resolve frozen conflicts in Georgia. At that point, discussions on a new agreement had been deadlocked for a full 18 months.

Dimitri Medvedev's May election as Russian President brought a renewed optimism regarding prospects for a stronger, more cooperative relationship, resulting in strong EU-Russian relations. Against this backdrop, Lithuania relinquished its veto, and, at the June Joint Summit that year, the EU and Russia announced the decision to launch negotiations in July for a new EU-Russia Agreement. When considering the EU's ability to act as a normative power with third states, it is argued that conditions in Chechnya constitute a key indicator of the EU's normative success or failure. The continued absence of humanitarian norms in European rhetoric further reinforce apathetic humanitarianism, and the EU was actively criticized by human rights groups who identified a 'credibility gap' between its words and deeds, and accused the EU of

violating its own principles and values by failing to actively assert itself on this key normative issue.

In September, the European Council requested a review of EU-Russia relations before the November summit. The review presented a sober view of the state of relations, noting the failure of the EU's effort to construct any semblance of norms on human rights and pointing to a "growing gap with regard to common commitments in the Council of Europe and the OSCE". It also recognizes that the more moderate norm of transparency had replaced the norm human rights protection, as "human rights consultations with Russia take place twice a year; while their impact remains relatively limited, the latest round took place in an open and constructive atmosphere. It is important to build on what has been achieved." The limited achievements of the human rights consultations demonstrate that the norm of transparency had superseded the fundamental purpose of the consultations, to make advances in human rights in Russia.

In October of 2008, the world's financial crisis crippled aspects of the EU-Russia relations, prompting the emergence of a norm of economic stability. It eclipsed any other norms during the joint summits, as the joint statement underlined the acute need for Russia to modernize and diversify its economy (The Extraordinary European Council, 2008). Given these circumstances, at the November 2008 Joint Summit in Nice, discussions focused mainly on Georgia³¹, pan-European security and the international

³¹ A war in which Georgian, Russian and South Ossetian forces were all involved. Georgia and Russia both accused each other of military buildup near the separatist regions Abkhazia and South Ossetia. A series of clashes between Georgian and South Ossetian forces in the summer of 2008 prompted Georgia to launch an aerial bombardment and ground attack on South Ossetia on 7 August. Georgian forces controlled the South Ossetian capital, Tskhinvali, for part of the following day. Russia, meanwhile, poured thousands of troops into South Ossetia, and launched bombing raids both over the province and on targets in the rest of Georgia.

financial crisis. No mention to human rights was made in the joint statement, despite consultation on human rights (European Council, 2008).

Conclusion

The aim of this chapter was to understand the construction of human rights norms within the EU and with Russia. The EU views human rights as a fundamental requirement for the viability of the democratic state and Chechnya is considered crucial indicator for Russian adherence to this 'common values'. Bearing this in mind, discourse analysis reveals that norms have evolved based on the context of interaction, and the EU's attempt to construct human rights norms has resulted in three phases of norm human rights production occurred over the period of 1999 to 2008: principled humanitarianism, equivocal humanitarianism and apathetic humanitarianism.

The phases outlined in this chapter demonstrate the EU's inability to construct human rights norms over the past decade. The shift in norms can be explained by three factors: the EU's inability to articulate clear and consistent norms, contextual changes, and the role of member states. Norms are inherently flexible, but require a degree of consistency for norms to become standardized. Through analysis of discourse between the EU, member states and Russia, it demonstrates that the EU did not clearly articulate its expectations related to human rights. The EU was also inconsistent in its articulation of human rights expectations, as recognized between the years 2002 and 2005. These inconsistencies can be explained to a degree by contextual changes.

During the period studied, numerous events occurred that changed the context of the EU and Russia's relationship: the terrorist attacks of September 11th gave Russia an

opportunity to label its operation in Chechnya as counter-terrorism, thus circumventing the issue of human rights, the EU enlarged to include 27 member states changing the context within the EU and the Ukraine gas crisis shifted the emphasis of norms towards energy security. The analysis also reveals that, despite the absence of humanitarian norms, other norms were still being constructed to reflect the evolving context of the bilateral relationship. Understanding that norms and their meanings evolve through interaction in context, inconsistent application of the EU's 'universal norms and principles' resulted in a weakening of the EU's identity as a normative power.

Member states have also played a role in the EU's inability to construct human rights norm and its weakened identity. Conflicting norms from member states obstructed the ability of the EU to construct its norms within the EU. As demonstrated by Italy, France and Germany, if the EU cannot speak with one voice on the normative principles that form its foundation, the identity of the EU itself is compromised. Decisions on the part of Poland, Lithuania and Estonia to upload to the EU level their respective bilateral conflicts with Russia damaged EU solidarity and thus its ability to construct consistent norms.

Given the critical intersubjective meaning that is created within the EU, these three factors contributed to the EU's inability to construct the norm of human rights within its border, and with Russia, impacting the EU's normative identity. From this perspective it becomes evident the inability to maintain an identity as a normative power within its own structure severely weakens the credibility as a normative power internationally and compromises its ability to act as a normative power on Russia.

Chapter Five: Constructing Market Liberalization Principles in Energy Relations with Russia

Introduction

Given that each is dependent on the other for supply and demand, energy is a crucial element of EU-Russia relations, at times serving as a high-profile source of turbulence. Energy relations have been volatile in recent years, implying significant variability in European access to Russian resources, which has had a direct impact on the overall stability of the relationship. Specifically, stable and secure energy relations serve both sides' interests.

Secure energy relations are a key foreign policy objective for the European Union and, as with most of its foreign policy initiatives with Russia, the EU has attempted to construct its normative ideals within Russia in this case relating to energy market liberalization. Europe's supply dependence on Russia, however, limits its ability to threaten trade-related consequences to support the proliferation of European norms in Russia, implying that it must rely on the support of the international system to seek progress towards its normative objectives. The EU's ability to construct norms in Russia correlates strongly with its identity as a normative power. The ability of the EU to extend the reach of its normative power is viewed as a reflection of the strength of its foreign policy influence.

In the EU and Russia's initial energy agreement in 2000, the normative principle of market liberalization was intentionally included as a mechanism to secure energy relations. With a view to regularizing its commercial engagement in this area, the EU has consistently declared one of its primary objectives to be the elimination of all obstacles to

bilateral trade and investment, and to assist the development of a Russian market economy through the approximation of legislation, a stable legal framework, and the harmonization of technical standards (Schuette, 2004).

Chapter Outline

Market liberalization is one the EU's founding normative principles. With this in mind, this chapter will examine the case of EU-Russia energy relations as a means of understanding the construction of market principle norms within the EU and Russia. Through discourse analysis, it will attempt to reveal how norms have shifted, and clarify the role of member states both in norm construction and reinforcing the EU's identity as a normative power.

Viewed through a constructivist lens, as Diez explains, Europe is a discursive construction rather than on objective fact, and the 'power of normative power Europe' rests both in its identity and on the changes it imposes on others. In studying the EU as a normative power, as noted previously, norms are given meaning through the ongoing processes of social construction, and ongoing social construction reinforces the identity of the EU as a normative power. With this in mind, through discursive analysis, this chapter will explain how the EU has attempted to construct the normative principle of open markets within its borders and in Russia, and that over the period of 1999 to 2008, there have been three phases of European energy relations norms: market liberalization, politicization and securitization. Further, it will demonstrate that the norm of market liberalization did not remain static, but in fact contextual changes in the relations led to the production of different norms surrounding energy, resulting in the shifting norm.

Finally, because norms are intersubjective and the EU requires validation from EU member states, it will analyze the context of individual member state's bilateral energy relations with Russia, and the impact of conflicting norms in this context on European normative identity and power.

EU-Russia Energy Relations Overview

Russia is the world's largest energy producer, the world's largest exporter of natural gas and, alongside Saudi Arabia, one of the world's two largest producers and exporters of oil. EU-Russia energy relations are characterized by deep interdependence: oil and gas are Russia's largest exports to the EU, Russia is the EU's largest energy supplier, and the EU is the largest source of foreign investment into the Russian energy sector. Energy represents 65% of total EU imports from Russia. Russia is the biggest oil, gas, uranium and coal importer to the EU. In 2007, 44.5% of total EU's gas imports and 33.05% of total EU's crude oil imports came from Russia. In total, around 24% of total EU gas sources are originating from Russia (European Commission, 2010b).

Energy is the Russian government's single most important source of revenue, allowing it to repay its foreign debt and bolster domestic expenditure. Oil and gas money has boosted the state budget and dramatically decreased Russia's dependence on foreign funding. Russia's gas market, including its export pipelines, is monopolized by state-controlled Gazprom. Despite the benefits for Russia, the state-controlled company has proven to be an obstacle for oil and gas development as Gazprom is heavily in debt, and has avoided developing large new fields, which hold the potential to expand long-term supply, in favour of developing smaller fields nearer to existing ones (Monaghan &

Montanaro-Jankovski, 2006). According to the International Energy Agency, Russia will not be able to meet either foreign or domestic demand without pursuing major restructuring, massive new investments and substantial market liberalization (International Energy Agency, 2007).

Given that energy security is defined as the “adequate, affordable, and reliable supply of energy,” (International Energy Agency, 2007) without foreign investment, Russia stands the risk of becoming an unreliable energy source, potentially threatening the energy security of the EU. Energy security operates on the principles of reciprocity, in which importers have access to “affordable, reliable, diverse and ample supplies of oil and gas” along with adequate transit infrastructure, and exporters are able to access cultivated and reliable export markets for their energy products (Hadfield, 2008). Applying the reciprocity principle to EU-Russia relations highlights the asymmetric aspects of the energy relationship. Russian companies are increasingly present in the EU market, whereas European companies are denied access to the networks in Russia due to the monopoly of exports allocated to Gazprom. The EU has often expressed unhappiness about this imbalance.

The state-controlled structure of the Russian energy market and its fixed prices has long been a point of contention with Europe. Energy prices in Russia are a fraction of their price on world markets, a factor which the EU views as affording Russian exporters an unfair advantage. State-controlled markets contradict the EU’s normative principles, and the EU has sought to ensure that the state of its import markets reflect its principles. In the mid-1990’s, the EU introduced its first electricity and gas directives, with the objective of opening up the electricity and gas markets by gradually introducing

competition. Most member states implemented the electricity and gas directives by late 2000. A second gas and electricity directives, adopted in June 2003, included 'unbundling', whereby energy transmission networks have to be run independently from the production and supply side. According to the directives, markets for all non-household gas and electricity customers were to be liberalized by July 2004, with deadlines for private households being July 2007. After these dates, businesses and private customers would theoretically have been able to choose their power and gas suppliers freely in a competitive marketplace.

For the EU, the overarching objective of establishing a wide international energy market managed in a manner consistent with EU regulations shapes all other issues within the "Energy Dialogue". In particular, demand for the reform of Russia's monopolies were founded in the EU's legislation on liberalization, improvement of business climate in Russia, mutual opening of the markets and non-discriminative access to exploration, production and transit of hydrocarbons. The European Commission has long supported the principles of market liberalization, and produced proposals for 'unbundling' that would loosen the grip of national energy companies. The Commission has also indirectly warned Gazprom that it would be subject to competition policy within the EU, and would not be allowed to move into downstream activities. Despite this rhetoric, however, little action has been taken by the major member states, especially the key states of France and Germany, to implement the Commission's proposals.

As pointed out in by Leonard and Popescu, Russia, however, has worked to undermine the EU's attempts at a common energy strategy by strengthening its political relationships, and by recruiting big business to lobby for Russian interests inside key EU

countries. Its state-controlled companies have built partnerships with companies such as E.ON and BASF in Germany, ENI in Italy, GDF in France and Gasunie in The Netherlands (Leonard & Popoescu, 2007). Gazprom has always preferred to have bilateral arrangements with European companies on investment issues via so-called 'package agreements', which constitute a political compromise over access to investments upstream for European companies in Russia the access to downstream in particular European states for Gazprom (Belyi, 2009). In addition, in the past five years Russia has become increasingly assertive in defending its sovereignty over the management of its energy assets. Russia's energy vision alternates between the idea of profit-maximization and using energy to advance Russia's global political status, a logic that does not correspond to the normative principles of the European Union (Proedrou, 2007).

EU-Russia Energy Relations Structure

The construction of normative power can be understood as the institutional articulation of the principles EU actors uphold. With this concept in mind, this section will delineate the structure in place for energy relations through which the EU can construct norms.

Acknowledging their mutual interdependence, and with a view to providing greater structure to energy-related engagement, the EU and Russia launched government-to-government energy relations in 2000. The early 2000s saw the creation of the foundational agreements and guidelines that form the basis of EU- Russia energy relations today. This initial period focused heavily on economic-based relations, as the

EU's main objective was to promote the liberalization of Russia's state-controlled energy markets, and rebuilding its economic infrastructure in a similar fashion to its own.

Insofar as norms are given meaning through ongoing social processes and interactions, the intersubjectivity of norms is reinforced in the EU's interactions with Russia and its member states. In addition to its primary goal of strengthening energy security, the EU has pursued formal energy relations with Russia to further strengthen its own identity by beginning the process of gradually moving the jurisdiction of energy security under the purview of the European Communities, a move that came at the expense of the member states' sovereignty, but benefited the supranational structure of the EU. The European Commission's decision to promote continent-wide liberalization of energy markets was a way of reducing the energy-dependence of the EU without aggravating its member states (Romanova, 2008 p.8). This resulted in the creation of a stable regulatory regime inside the EU, and strengthened its identity, and its ability to promote its significance as a large and integrated market outside its own borders.

Energy Norm Construction

From a constructivist perspective and drawing from Manner's emphasis on the EU's desire to shape the concept of normal, normative power stems from specific factors that shape norm diffusion in its energy relations with Russia. The EU has chosen to construct its norms in Russia through the structured method of 'institutionalization' and 'informational'. While the legal basis for the overall EU-Russian relationship lies in the PCA, the energy relationship was 'institutionalized' when formal relations were launched at the October 2000 EU-Russian Summit in Paris. To enable progress on the EU-Russian

energy partnership and the liberalization of Russian energy markets a regular ‘energy dialogue’ was instituted. Counterpart to institutionalized norm diffusion is an ‘informational’ aspect, in which norms are promoted through strategic communications. In short, the EU has sought to diffuse its market principle norms in this energy relationship through a set of specific agreements and pacts, in which Russia had agreed to participate.

Energy Dialogue

While decisions made at the joint summits remain the most consequential, the EU-Russia energy dialogue constitutes an important working group established to discuss and analyze specific details of the energy relationship, which includes as a key objective the elimination of barriers to European investment in the Russian energy sector. A yearly report is submitted to the EU and Russia during its end-of-year Joint Summit. The dialogue is structured on three levels: High level Interlocutors, Expert groups on infrastructure, investments, energy efficiency and trade comprising official and industry experts from member states, Commission and Russia. The basic premise behind the dialogues is a simple complementary of interests: Russia needs more European investment to develop their energy resources, while Europe needs stable energy resources from Russia (Monaghan & Montanaro-Jankovski, 2006).

Energy Charter Treaty

To further institutionalize the relationship and construct its norms, the EU incorporated market economy principles with the legal framework of the Energy Charter

Treaty (ECT) in its 2000 agreement with Russia. This served to underline Europe's view of energy as a factor in opening and sustaining European markets that was supported by legal predictability. Briefly referred to in the PCA, the ECT is a "legal instrument on non-discriminatory and market based conditions for trade, transit and investment in energy products. 51 countries have ratified the Treaty that is largely based on same elements and principles as WTO rules and the EU legislation" (European Commission, 2006). In essence, the ECT aspires to provide transparent and market-based rules for international energy cooperation. For Russia, this means opening up the development of its hydrocarbon reserves and management of pipelines to foreign commercial involvement. Russia has not ratified the Treaty, only accepting its provisional application³², as Moscow believes that the document was prepared at a time of weakness and reflects the interests of energy consumers, at the expense of energy producers.

Common European Economic Space

In an attempt to lock Russia into a long-term economic relationship, "cloaked by the term 'convergence', and to create bilateral fora and policy programmes through which it can influence Russian policy," (Hughes, 2007) the EU proposed the concept of the Common European Economic Space (CEES) at the May 2001 EU-Russia Summit in Moscow. It was then formally implemented at the St. Petersburg Joint Summit in 2003, when the EU and Russia agreed to reinforce their co-operation by creating four long-term Common Spaces in the framework of PCA. The objective of the CEES, of which energy relations is a key dialogue, was to create an open and integrated market between the EU

³² This means that Russia applies the Energy Charter Treaty to the extent that it is consistent with its own constitutions, laws and regulations

and Russia, “with the intention of removing trade barriers and investment and promote reforms and competitiveness, based on the principles of non-discrimination, transparency, and good governance”. (Europa.eu, CEES). At the 2005 Joint Summit, the EU and Russia adopted ‘Road-maps’ to implement the shared EU-Russian objectives and priorities in the Common Spaces.

Third Liberalization Package

Furthering its attempt to diffuse its normative ideal of market liberalization into its energy relations with Russia, in 2007 the EU introduced the ‘third liberalization package’, that included a controversial ‘reciprocity principle’³³. The package was an attempt by the EU to fix some “serious malfunctions” in the market for industrial consumers (Euractiv.com, 2010a) and to update the market structure in the EU. The package provided companies in the member states with two options for separating gas and electricity production from supply provision. A third option was later added at the insistence of France and Germany.

Applied between EU Member States by the *acquis communautaire*, the liberalization package posits that if a country opens its own market that country should gain access to other Member States’ markets. In the agreed upon text, the ‘reciprocity clause’ requires all non-EU countries to comply with the same unbundling requirements

³³ Under the agreed text, all non-EU countries will be required to comply with the same unbundling requirements as EU companies before they are certified to operate in the common market. Moreover, member states must refuse certification if it is deemed to “put at risk the security of energy supply of the member state and the Community” The clause gives sufficient scope for member states to decide whether to let a third-country company enter its market, acknowledging that member states have the right to “national legal controls to protect legitimate public security interests”

as EU companies before they are certified to operate in the common market. It is a political instrument to implement market opening and allow for the protection of markets against others who have not liberalized their energy sectors to the same degree, effectively moderating market liberalization in strategic sectors of economy. The 'reciprocity clause' was widely interpreted as being directed at Gazprom, which is seeking to increase its share of the EU market (Euractiv.com, 2009).

II: Norm Discourse Analysis

Following Wittgensteinian constructivism, which posits that language and meaning are central to the constitution of identity and interests, discourse between the EU and Russia can serve as a window into the state of relations between the two partners and the EU's ability to construct norms. The EU has attempted to construct its normative ideals with Russia through the binding agreements, pacts and dialogue with Russia. The EU's ability to construct open market norms in its energy relations with Russia has been limited due to the influence of both internal and external variables.

This section will analyze the EU's discursive patterns in norm construction with Russia, determine which norms have been constructed, and describe how they have shifted. Discourse analysis will clarify the generation of substantive meaning rather than studying behavioural reaction to the norms. Through joint summit statements, discourse from EU institutions, and statements by member states, it will outline three conflicting phases in European energy norms – market liberalization, politicization, and securitization and analyze how these normative shifts have impacted the EU's identity as a normative power.

Finally, it will analyze how the conflicting energy norms of individual member state have impacted the EU's normative identity. It will bear in mind when understanding norm construction that interests are based on states perceptions of interests and in an intersubjective world, states react based on these interests. To study identity formation, the role of language and discourse is crucial and the ability of the EU to consistently communicate clear norm expectations is directly linked to its ability to act as a normative power. The intersubjective nature of norms implies that an element of uniformity must exist to encourage their internalization by the third state.

Energy Market Liberalization: 1999-2003

During its initial period of engagement with post-Communist Russia on energy, the EU enjoyed a distinct position of power. From the perspective of the EU, shaping Russian norms in its own light would benefit the country, as well as the EU itself, giving reason for the EU to focus largely on the inclusion of the European normative principle of market liberalization in the burgeoning energy relations. At the outset, market liberalization was a common norm between the EU and Russia, in view of the frequency it was articulated in formalized agreements. The discourse in initial joint statements demonstrated the use of strong normative language by the EU, in a demonstration of the strength of its normative power.

Formalized in 1997, the PCA, the cornerstone bilateral agreement, reinforces the market economy principle. The EU objectives for Russia in Article 1 of the PCA are “to strengthen political and economic freedoms” and “to support Russian efforts to consolidate its democracy and to develop its economy and to complete the transition into

a market economy.” On energy, it states more specifically that energy cooperation “shall take place within the principles of the market economy and the European Energy Charter against a background of the progressive integration of the energy markets in Europe.”

The opening statement of the May 2000 Joint Summit in Paris reiterated their common values as they “reaffirm the particular importance we attach to strengthening our strategic partnership, based on the principles of democracy, respect for human rights, the rule of law and the market economy” (Joint Statement, May 2000). The Summit produced the first channel of formal energy discourse, the ‘Energy Dialogue’. Its goals were to:

Provide an opportunity to raise all the questions of common interest relating to the sector, including the introduction of cooperation on energy saving, rationalisation of production and transport infrastructures, European investment possibilities, and relations between producer and consumer countries. The planned ratification of the Energy Charter Treaty by Russia and the improvement of the investment climate will be important aspects in this context. (Joint Statement, May 2000)

This demonstrates the decidedly economic approach to dialogue initially adopted by the EU. While energy security was undoubtedly the objective, the EU viewed the indirect method of market liberalization as the most appropriate means of achieving its objective. Closely following the establishment of the ‘energy dialogue’, the European Commission published the ‘2000 European Commission Green Paper on Energy Policy’, with the aim of addressing weaknesses in the European Union’s supply of energy. It reinforced the EU’s liberalization approach to ensuring energy security, justifying the need for “ongoing dialogue with producer countries and not only in response to major movements on the market,” as it “will lead to greater transparency on the market and obtain stable prices” (European Commission, 2000).

2001

The EU continued to eagerly construct the norm of open markets with Russia at the May 2001 Joint Summit in Moscow, “encourage[ing] EU investment and technology transfer to Russia’s energy sector” and stressing the need for “transparency of the energy markets”. Further, it underlined that “the ratification of the Energy Charter Treaty by Russia would help to create a more favourable environment for the support of International Financial Institutions and for international investments.” (Joint Statement, May 2001). The ratification of the ECT was undertaken to emphasize the importance of Russian progress towards an opening of its energy sector to foreign investors, and to facilitate both the development of hydrocarbon reserves and the management of key companies.

While the terrorist attacks of September 11th altered the tone of the relationship in other areas as greater emphasis shifted onto the fight against terrorism, it did not significantly influence the EU’s manner of discourse on energy. The October 2001 summit introduced short- and long-term guidelines “in order to promote investment, increase energy security and boost commercial relation.” Elaborating on the CEES agreed to at the May 2001 Joint Summit, the guidelines contained strong normative language related to market liberalization:

Russia and the European Union share the same concerns regarding the stability of energy markets...the EU appreciates Russia’s intention to continue the structural reform of its economy and the energy sector, and Russia acknowledges that the development of the EU’s internal market is building the world’s largest and most integrated energy market in its immediate proximity. For this reason, the energy dialogue between the two Parties should be seen... as a contribution towards achieving the concept of a common economic area (Schuette, 2004).

More concretely, with the purpose of boosting European investment in the energy sector, it outlined actions that Russia would be required to perform to modernize its energy markets and established a high-level Committee on Energy Cooperation that was consistent with European normative ideals to implement the short- and long-term priorities.

The EU's strong normative language and insistence on action related to market principles in energy continued into 2002. At that year's Joint Summit in Moscow, the language used in reference to Russia in the joint statement demonstrates the EU's strong influence during discussions. The statement notes that "the Russian Federation confirmed its intention to complete reforms, aiming in particular at the gradual elimination of restrictions to trade and other steps aimed at liberalization of its energy markets, and the gradual implementation of market principles in its energy policies, including with respect to pricing" (Joint Statement, May 2002). Given the intersubjective nature of norms, the EU's identity as a normative power was strengthened and reinforced following Russia's agreement to take concrete steps to further open its energy markets. The first clear reference to potential impacts of the impending Enlargement on its relationship highlights the asymmetry of the relationship, the document notes that "the EU enlargement will open new prospects for our relations but at the same time will possibly create new problems, including in the sphere of trade, economic cooperation and human contacts. We agree to discuss more actively the essence of the Russian concerns in the framework of the PCA" (Joint Statement, May 2002).

Crossing the Rubicon

November 2002 marked a turning point in the relationship, as Russia attempted to end the asymmetry of the relations and exert its own voice in the strategic partnership, permanently altering the course of EU-Russia energy relations and the impact of the EU's capacity to construct normative ideals. At Russia's insistence, the November 2002 Summit was deliberately moved from Copenhagen to Brussels in order to avoid a Chechnya-related conflict with Denmark and Russia³⁴. The growing unease resulted in no joint statement being released. Instead, four separate statements pertaining to specific areas were released: Joint Statement on the Middle East, Joint Statement on the fight against terrorism, Report of the High-Level Group (HLG) on the common European economic space to the EU-Russia Summit of 11 November 2002, and EU-Russia Energy Dialogue Third Progress Report. The failure to release a negotiated joint statement summarizing the discussions indicates discord amongst the bilateral partners (Joint Statements, November 2002).

Nonetheless, the EU's normative influence was still evident in the HLG report, as it was prepared in the months leading up to the Summit. In relation to CEES, the HLG has launched discussions on its ultimate objectives, agreeing "that the overall aim is to bring the EU and Russian economies - including the rules and regulations within which they operate - closer together. The process will take into account relevant aspects of the PCA, the impact of EU enlargement on EU-Russia relations and the economic interests of both Parties as well as the priority placed on Russia's accession to the WTO" (HLG Report, November 2002).

³⁴ As discussed in Chapter Four: The European Union's Construction of Human Rights Norms in Russia

The discourse surrounding subsequent joint summits features a notable absence of references to common values on market liberalization, and a moderation of the market-orientated language, based on less prescriptive language than the strong normative rhetoric in the May 2002 statement. At the 2003 summits, the reference to common values and energy sector market principles were replaced with a decidedly negotiated statement, “the momentum of the energy dialogue should be maintained, with particular emphasis on promoting investments and improving the investment climate,” and a reiteration of intentions to pursue regulatory convergence. Using the instance of energy prices, Richard Wright, the EU’s Ambassador to Russia, justified the EU’s shift in strategy, stating simply, We have shifted our position, we no longer insist on EU energy prices for Russia. What the EU asks is that prices of energy to industrial users should be above the loss-making level. The trouble now is that we don’t know at what price Gazprom sells gas at a loss (Schuette, 2004).

Politicization of Energy: 2004-2006

The period between the years 2004 and 2006 marked a significant shift in EU-Russia relations, and in the EU’s own approach to energy relations. Characterized by instability and lack of progress, overall EU-Russian relations came to a standstill shortly after the 2004 Enlargement, and the EU found itself in a period of conflicting norms. Norms, and their meanings, evolve through interaction in context (Wiener, 2007) and the changing context of the relationship encouraged the EU to include the issue of energy relations in its political relations with Russia to achieve its goals, rather than maintaining consistency of norm production in its pursuit of energy security through indirect

structural improvements of market liberalization in Russia. This period of politicization can be viewed as a transitional period, in that it was the beginning stage of the larger normative shift towards securitization.

In politicizing energy relations, rather than using strictly economic agreements through bureaucratic channels, the EU deliberately included energy relations in its government-to-government relations with Russia. This allowed it the opportunity to use its political persuasion to seek reform in the Russian energy market. Shifting norms from market principles to direct political advocacy can be viewed as an interest-based reaction to the changing context, which resulted in conflict with the EU's founding normative principles.

The EU faced four factors that provided the contextual impetus for its shift towards a politicization of energy relations. First was the failure to produce tangible results in energy relations. As an energy consumer, the EU began to recognize that “ensuring access to energy resources involves negotiating with a variety of external actors. As a result, energy is deeply connected to the external affairs of political and commercial actors alike” (Hadfield, 2008).

Second, unprecedented rises in international oil prices, coupled with growing Russian assertiveness under President Putin, gave Russia the sense of being an energy superpower. During this period, Putin's new confidence halted any progress towards more open energy markets, and strengthened the ambition of Gazprom's management and Russia's political class in 2005 to increase the cash flow from gas sales by preserving its monopoly of the sector, and hold its majority of stakes in the biggest companies.

Finally, the tone of discourse changed following Enlargement, as EU-Russian bilateral relations focused on integrating 10 new member states into the PCA. The new member states, each with its own unique history with Russia, contributed to the changing discourse as they were uneasy about being energy dependent on Russia, looking instead to further distance themselves from Russia. Russia viewed ‘Enlargement’ as undermining the EU-Russian strategic partnership, contributing to the discourse change.³⁵

European Union documents demonstrate the ideational beginnings of the discursive shifts in the EU’s method of securing energy resources towards politicization. A January 2004 study by the Clingendael Institute, undertaken at the request of the European Commission, was the first document to clearly identify the link between geo-political events and developments in EU oil and gas markets, and advocated for a shift in strategy. Specifically, the study represented the first time that energy security was analyzed not simply as something that depended on the free markets, but more importantly on the political and economic stability in supply and transit countries. It mapped out two possible approaches to energy security: market freedoms or geo-political principles. In terms of market liberalization, it stated that, “It is sensible and prudent to assume that the market alone will not suffice...Therefore it is reasonable to anticipate a greater use of external trade and foreign and security policy-making as an important energy security of supply policy tool” (van der Linde, 2004). Moreover, it suggested that the EU’s requirement for a stable energy supply be integrated into all of the EU’s external activities: commercial, foreign and security policies.

³⁵ In which transit to the Kaliningrad Oblast and the reorientation of the Eastern European countries that joined NATO are at the heart of the controversy.

Further reinforcing this discursive shift in 2004, in its working paper, the European Commission noted that the “EU–Russia Energy Dialogue has become a major element in bilateral EU–Russia relations” (Hadfield, 2008), and “that Russian foreign policy attitudes had shifted significantly, but its subsequent report underlines “the importance [sic] foreign policy dimension of its [Russian] energy policy, with a stress on increasing energy exports” (Hadfield, 2008). The central assertion of a latter 2006 European Commission policy paper on the external security-dimension of energy (European Commission, 2006), reinforced the politicization of relations, explicitly noting that certain producers had used energy resources to pursue political goals. Calling for a unified European response, the paper reiterated the earlier recommendation to integrate energy into all aspects of external activities, to request that partners ensure openness and transparency of energy-related activities, and guarantee the widest possible diversification of resources, sources, and transportation infrastructure.

United Kingdom European Union Presidency

The politicization of energy discussions was reinforced by the high policy priority attached to the issue under the UK presidency of the EU during the second half of 2005. Given the importance of energy corporations to network in and out of London, declining North Sea output and the increasingly self-interested role of member states (as discussed further in the chapter), the UK presidency promoted a common and coordinated European approach to energy policy through increased institutionalization of joint discussions on energy security. It placed energy high on the agenda at the meeting of the PPC on October 2, 2005, recognizing that the dialogue “now encompassed a broader set

of interlocutors that encompassed Russian and EU business and political authorities” (Monaghan & Montanaro-Jankovski, 2006).

The Joint Summit in London that year did not mention the common values on which the relations were initially enunciated, instead referring to energy relations in the more political manner of “common interest”. At a press conference following the summit, Prime Minister Tony Blair stressed, “how important the relationship between Europe and Russia is now becoming,” and the “important realities that give strength to this relationship...the economic exchange between Russia and Europe, particularly in the area of energy.” When questioned by a reporter whether the EU’s energy dependence on Russia constrains them from criticizing Russian failings on democracy and human rights, Tony Blair replied, “We discussed the issue of Chechnya today, however the relationship between us is important in terms of our common interest.” (Joint Press Conference, October 2005) The British keenness for EU co-ordination of energy policy is also a result of underlying political tensions arising from the fact that some EU countries, particularly Germany, who has proceeded quickly to strengthen their energy relationship with Russia on a bilateral basis (Hughes, 2007).

Securitization of Energy: 2006-2008

Under the Austrian and Finnish presidencies in 2006, the analysis of discourse demonstrates a further normative shift away from open-market normative principles and towards the norm of securitization of energy in response to the dramatic contextual changes that occurred following the 2006 Russian-Ukraine gas dispute. To that point, the EU had been unsuccessful in its attempt to use economic and political means to motivate

Russia to open its energy markets to competition, and thus secure a stable energy supply for its member states. Given the EU's normative power rests in the identity it provides for the EU and the changes that it imposes on others, the EU's identity as a normative power decreased significantly. The Russian-Ukraine gas dispute in January 2006 amplified European concerns over energy insecurity yet further,³⁶ highlighting European energy dependency on Russia. Consequently, European policy debate about the need for diversification of the EU's energy supplies was reinvigorated, leading to a normative shift towards securitization of energy, based on several EU member states' experience of suffering a short interruption of gas supplies. This interruption forced the Commission to call an emergency meeting of the EU's Gas Coordination Group on January 4, 2006.

It should be emphasized that securitization of energy is a completely different concept than energy security. Energy security, as defined by the IEA, means "adequate, affordable and reliable supplies of energy." Securitization conversely is defined as a conceptual view in which issues are perceived as existential threats to the referent object. In the domain of energy, the referent object is the state, and the survival thereof (by ensuring a stable supply of energy to a hydrocarbon-based economy). The nature of this threat emanates from the prospect of failure to maintain energy security where the momentum of industrialization and modernity grinds to a halt and survival itself becomes far less certain" (Roberts, 2004). In the face of such threat, securitization serves as a justification to suspend the traditional 'rules of the game' politics and strategy.

³⁶ The dispute arose when Gazprom decided to make Ukraine move from a highly subsidized pricing regime to world prices without a transition period, thus effectively quadrupling Ukraine's costs. The dispute was undoubtedly linked to the recent political changes in Ukraine. The fact that several EU member states saw a short interruption of gas supplies forced the Commission to call an emergency meeting of the EU's Gas Co-ordination Group on January 4, 2006.

The EU's dramatic shift towards securitization occurred directly following the crisis as media, EU policy makers and government officials labeled Russian gas as 'insecure' and Russia as an unreliable partner. As previously discussed, the EU had initially considered liberalization and the internal European energy market as solutions to energy security through the diversification of energy supplies and the improvement of competitiveness of the energy sector. However, by contrast, gas supply concentration upstream from the EU, as was the case in Russia, was viewed as a threat to energy security and "the instability in transit of gas constituted a bifurcation in EU security policy toward Russia's energy supplies" (Belyi, 2009).

The rising perception of Russia as a security threat to the EU indicated a normative shift that damaged the initial EU vision of a strategic partnership based on 'common values' and 'shared principles'. The discourse emanating from the EU during this period of securitization stood in stark contrast to its traditional normative rhetoric of market liberalization of the energy sector. The prominent introduction of phrases foreign to the EU lexicon such as, 'security of supply' and 'energy independence' demonstrated a marked shift towards US-style rhetoric.

The Russian issue became the most complex and important factor of the EU's external energy policy. The crisis also occurred immediately in the wake of a major new Russo-German bilateral energy infrastructural project that reinforced European dependence on Russian gas supply.³⁷ In its bargaining with Russia over energy, the EU sought to demonstrate increasing assertiveness in stressing its interpretation of the ECT

³⁷ An agreement between Russia's Gazprom and the German concerns BASF and Ruhrgaz saw construction start on a 1200-km long North European Gas Pipeline directly linking Vyborg in Russia and Greifswald in Germany via the Baltic Sea. When completed in 2010 the pipeline will triple gas supplies to Europe. The pipeline deal has considerably strengthened Russian-German bilateral economic and political ties, but given that it will also reduce Russia's dependency for gas transit on Ukraine, it has caused strains with Poland

as requiring that Russia commit itself to ‘non-discrimination’ (the opening up to outside interests) in access to its pipeline system.

European Strategy for Sustainable, Competitive and Secure Energy

In March 2006, the European Commission’s Green Paper suggested that a “new energy partnership with Russia was needed” to ensure energy security and demonstrates the EU’s inability to coherent energy strategy within the EU:

The energy challenges facing Europe needs a coherent external policy to enable Europe to play a more effective international role in tackling common problems with energy partners worldwide. A coherent external policy is essential to deliver sustainable, competitive and secure energy. It would be a break from the past, and show Member States’ commitment to common solutions to shared problems...If Russia continues to refuse ratification of the ECT, the EU needs to prepare an alternative strategy. (European Commission, 2006)

Both Energy Council meetings following this publication put relations with Russia as the main focus of discussions. The European position at that time can be summarized as active support of the ratification of the ECT by Russia, and a continuation of the EU–Russia Energy Dialogue and Permanent Partnership Council of Energy.

Recalibrated Market Liberalization

Following the normative shift to securitization, the language in the joint statement of the May 2006 Joint Summit demonstrated a change in tone as it emphasizes the ‘friendly and open’ nature of the meeting. The rhetoric in the statement was conciliatory as the overarching emphasis of strong EU-Russian relations emerged, coupled with a reintroduction of market liberalization norms. The market liberalization norm this time was recalibrated to reflect the changed state of relations, as both sides called for

“reciprocity in terms of access to market infrastructure and investments” and “the leaders underlined the strategic importance of cooperation on energy and the need to enhance EU-Russia energy relations” (Joint Statement, May 2006).

Discourse provides a window into the state of norm construction and at this time the discourse highlights the fragile state of relations and underlines the shift away from constructing strong market liberalization norms towards politicization of relations. In the lead up to the November 2006 Helsinki Summit, the emphasis on strong EU-Russian relations persisted as Commission President Barroso underlined the lack of substantial progress in energy relations, stating, “It is more important than ever before that the EU and Russia have a clear and common understanding of their mutual interest in the field of energy” (Joint Press Conference, November 2006). At the Summit, President Putin pushed back on the EU’s attempt to convince Russia to ratify the ECT. The ECT was one method of the EU to construct norms with Russia, and unratified by Russia President Putin’s rejection of the ECT “as it stands” further reinforces the EU’s inability to act as a normative power.

The EU’s identity as a normative power was weakened as the 2007 Joint Summit in Samara revealed the deep division between the EU and Russia, and within the EU itself. The summit failed to produce progress, and the meeting was almost cancelled preemptively, as various eastern European leaders threatened not to attend or to use it as a mechanism to vent their ire at Moscow’s foreign policy (Joint Summit Statement 2007). The meeting demonstrated the growing list of conflicts causing upheaval between the two partners and member states, based on clearly divergent views of the relationship as a whole, and energy more specifically.

In an attempt to rein its member states in from making bilateral energy deals with Russia, and to reinforce the norm of marketization of energy, the EU proposed a new initiative, the ‘third energy package’, on full ownership unbundling accompanied by restrictions on non-EU investments into transmission/distribution grids. Ownership unbundling is controversial within the EU, dividing its Member States, and is perceived by Russia as one of the most radical moves against Gazprom. This so-called Gazprom clause suggested that non-EU companies are denied an access to the privatization of transmission and distribution networks.

Renewed Relations

The election of Russian President Medvedev in 2008 brought a renewed optimism and a reinvigoration of dialogue in the EU-Russian relationship. At the Joint Summit in Khanty-Mansiysk, negotiations for a new EU-Russia agreement were launched. The language of the joint statement was marked by new enthusiasm, noting that “the aim is to conclude a strategic agreement that will provide a comprehensive framework for EU-Russia relations for the foreseeable future and help to develop the potential of our relationship. It should provide for a strengthened legal basis and legally binding commitments covering all main areas of the relationship” (Joint Statement, May 2008).

This refocused attention continued at the November 2008 Joint Summit in Nice. At a joint press conference the norm of European governance emerged, promoting the integration of markets to curb potential conflict, as French President Nicholas Sarkozy stated his conviction that it was in the joint interests of the Russian Federation and Europe to “work on the perspective of a common economic area, allowing the creation of

interdependencies and common interests, thus banishing any form of confrontation” (Joint Statement, November 2008). In addition, Commission President Barroso proposed negotiations on the partnership agreement between the European Union and Russia, and recalled the European Commission's support for Russia's entry into the WTO. He emphasized the importance of intensifying dialogue on energy, recalling that this summit had allowed clarification on certain important principles in that area.

The language in the Energy Dialogue 2008 report demonstrates a notable shift in rhetoric and a refocusing of its goals including an emphasis once again on market liberalization, but tempered by further considerations absent from the initial agreements. The report outlined “the strategic partnership between Russia and the EU in the energy sector is aimed at providing reliability, security and predictability of the free-market in the long-term,” and for the first instance in the report, “the parties share the common opinion that creating a favourable climate for investments in the development of the energy sector both in Russia and the EU will be mutually beneficial to both sides” (2008 Energy dialogue report).

The EU’s Second Strategic Energy Review, released that year stressed the need to protect EU citizens from the excessive reliance on Russian supply and highlighted the need to finance energy infrastructure that would increase the energy option of the Union. The energy projects that would strengthen internal cohesion were ones that would provide alternate gas supplies to that of Russia, thus diversifying overall supply.

III: Member States' Conflicting Norms

An evolution in the normative dynamic of EU-Russian energy relations occurred throughout the new millennium resulting in conflicting norms within the EU, from energy norms primarily focused on market liberalization, shifted to politicization of energy and subsequently to the non-European norm of securitization of energy. This evolution has proven inconsistent with the notion of the EU as a normative power and has compromised its ability to construct norms in energy relations. Compounding the EU's inability to maintain consistent norms in its external relations are its own member states who, during the period between 1999 and 2008, embraced norms that conflicted with those of the EU. These conflicting norms have undermined the EU's normative position, its ability to construct norms and effectively disabled the EU's ability to develop as a coherent and consequential normative power.

The intersubjective nature of norms requires mutual recognition of these norms by external sources, but also, importantly by both the EU and its member states. Interests are based on states' perceptions of interests and in an intersubjective world, states react based on these interests, therefore a significant part of the EU's normative identity rests in the hands of its member states. In general, the more powerful member states have a preference for bilateralism and have independent institutional capacity to pursue their national interests irrespective to the EU (Hughes p.84). The subject of energy has further highlighted this preference as Germany, France and Italy have consistently pursued bilateral energy relations with Russia, resulting in energy policies and practices that conflict the EU's goal of creating a common and effective energy policy. These relations not only undermine the EU's position and identity as a normative power, they negatively

impact other member states, putting one of the underlying principles of member state solidarity at risk.

Germany, France and Italy have vehemently and routinely opposed the EU's attempt to liberalize its own internal market and the Russian energy market with the most recent example being their opposition to the Directorate General for Competition Policy's (DG COMP) proposed directorate that would force the unbundling of companies dealing with both the supply of natural gas and electricity and with distribution to industry and consumers (K. Smith, 2008). Relations between these countries and Russia were so close that early on relations with Russia, former French President Jacques Chirac and former Italian Prime Minister Berlusconi formed a foursome with Putin and Schröder of Germany. For more than four years the European "troika" met frequently with President Putin to discuss amongst themselves key Russian-European policies, leaving the rest of Europe on the outside and reinforcing the EU's inability to construct market liberalization norms. Recalling that norms are collective expectations about proper behaviour for a given identity, the EU has established its norms of market liberalization in energy relations and member states contribute to the collective expectations that inform the identity of the EU. If norms of certain member states conflict with the overall EU norm, it provides conflictual information of the collective expectations and thus weakens the identity of the EU as a normative power.

Antje Wiener's explanation of norm contestation in member states, aids in understanding the conflicting norms amongst member states because it also necessary to understand how Member States' interpretation of norms can be part of norm contestation. She argues that the key to explaining foreign policy decisions of individual EU Member

States lies in the theoretical acknowledgement *and* the empirical demonstration of diverging interpretations of the normative structure in world politics. While a type of norm may be shared, say by signatories of conventions, treaties or agreements, the meaning of norms is usually not standardized. It hence remains subject to contestation. This is the case with Germany, France and Italy. Despite their beliefs in the EU normative values, the actions by these member states demonstrated the conflicting norms between the EU and its member states and the impact it has on their relationship.

Germany

German-Russian relations have proved the most destructive to European normative power and its normative identity, given the stature of Germany in EU policy making³⁸. Germany's own strong energy norm conflicted with primary European energy norms for several years. Since Germany has a strategic interest in strong energy relations with Russia and of the EU member states, Germany's relationship with Russia is the most robust. Their historical ties, close proximity and Germany's positive attitude towards Russia partly justify the strength of their relationship.

Another major contributing factor is Germany and Russia's very strong and mutually favourable political and commercial relationship. Former Chancellor Schröder and President Putin had a strong friendship, aiding strong bilateral relations³⁹. Commercially, Schröder had a desire to be the leading figure in the West's relationship

³⁸ The number of votes allocated to each EU country roughly reflects the size of its population. Germany has the highest population of 82 million people and is allotted 29 votes in the Council of the European Union and has 99 seats in the European Parliament.

³⁹ Soon after stepping down as chancellor of Germany, Gerhard Schröder accepted Gazprom's nomination for the post of the head of the shareholders' committee of Nord Stream AG, raising questions about a potential conflict of interest. German opposition parties have expressed concern over the issue, as have the governments of countries over whose territory gas is currently pumped.

with Russia. As a result, the majority of western loans to Russia have come from German banks. Since Germany is very dependent on Russian energy in terms of energy consumption and investments, German businesses have invested heavily in the Russian energy industry through large-scale loans and guarantees to invest in Russia. German energy firms RWE, E.ON Ruhrgas and Wintershall have become major joint venture partners of Gazprom and Germany has also been granted more favourable consideration than other companies from western countries by President Putin. The German government also has a high tolerance for artificially high energy prices of Russian-supplied natural gas⁴⁰, and its continuing position opposing the EU's DG COMP's proposed unbundling of companies dealing with both the natural gas and electricity and its distribution to industry and consumers has led to speculation that German energy companies are in collusion with Russian importers.

Germany's conflictual energy norm was most apparent in its strong opposition to opening its domestic market to greater competition from other European energy firms. Neighbouring countries complain that companies E.ON Ruhrgas and RWE have blocked efforts to build more electricity and gas interconnectors with neighbouring states. This resulted in accusations of acting as the leading opponent to adoption of an effective, coordinated EU energy policy, and consequently negatively impacting the EU's normative identity and member state solidarity since the EU was attempting to construct norms inside the EU and in Russia. The intersubjective nature between the construction of norms and normative identity and mutual recognition of European norms between the EU, third states and within the EU member states is crucial to the survival of the EU's

⁴⁰ For the past several years, Gazprom has purchased Turkmen or Kazakh gas for one-quarter to one-sixth of the price that Gazprom has charged the German consumer.

influential ability. In this instance, Germany, France and Italy rejected the EU norm of energy market liberalization, joining together to stop energy market reform within the European Union, preventing greater competition and transparency and consequently damaging the EU's identity as a normative power and ability to influence the norms of third states.

France

In the case of France and Russia, motivations for conflicting norms stem from the norm of self-interest, since France desired to strengthen its own position and leverage in international relations. Unlike Germany France is not dependent on Russia for energy, instead receiving its gas from Norwegian and Algerian sources. Historically, however, France has attached great importance to its relations with Moscow. Relations were friendly during former President Jacques Chirac's term, with each partner wanting to increase its leverage in the international system and Chirac saw Putin as a diplomatic ally over the Iraq War, the conflict in Georgia, and Ukraine's accession to NATO, all positions that contrasted the United State's position. These friendly relations extend into energy and commercial relations. France took a pro-South Streamline⁴¹ position in the European pipeline 'disputes' and was often boastful of its preferential channels of communications in Moscow (Braghiroli & Carta, 2008).

⁴¹ Gazprom has two major projects, Nord Stream and South Stream. Nord Stream will run for 1,200km along the bed of the Baltic Sea, and South Stream under the Black Sea. Gazprom has signed up big European partners: Italy's ENI for South Stream, and German companies E.ON Ruhrgas and Wintershall - along with Dutch provider Gasunie - for Nord Stream. BBC <http://news.bbc.co.uk/2/hi/europe/7240462.stm>

Italy

Similar to Germany, Italy's norm of self-interest stems from its close relationship with Russia is based on their energy and economic ties. Under the Italy's EU Presidency, of Silvio Berlusconi, relations with Putin were very warm. Italy is reliant on Russian gas, importing 32% of its gas from Russia and Russian trade with Italy is the third largest after Germany and China. Notably, Italian energy giants, ENI agreed with Gazprom in 2007 to build a controversial 10 billion Euro gas SouthStream pipeline under the Black Sea, which would result in an increased monopoly power of Gazprom.

Invoking Rosamond's explanation helps to understand the conflicting norms of EU member states, the way in which actors behave is not merely a reflection of the degree of accuracy and completeness of the information they possess; it is also a reflection of their normative orientation towards their environment and future scenarios. Understandings are likely to provoke divergent institutional contexts. Actors may share a common understanding of a situation, they may respond very differently to its perceived challenges and threats depending on whether one regards the future it promises in a positive or negative light. In each instance, historical context has shaped the member states normative orientation of country self-interest in the energy market, despite the common EU position, resulting in a negative impact on the EU's identity.

The Undermining of Europe's Energy Norms

Compounding the EU's frustrations in norm construction, since January 2006, Moscow began negotiating separate deals with energy companies from Germany, France, Italy, Slovakia and Denmark that could undercut Europe's efforts to build additional

pipelines to bypass Russia's near monopoly of supplies from Central Asia, but also its ability to construct coherent energy norms within the EU and strong relations with Russia. The smaller countries have watched with some frustration as the conflicting self-interest norms prompted Germany, France and Italy secured their own energy supply arrangements with investment deals with Russia. Knowing that the EU has been unable or unwilling to enforce a common energy strategy, these countries (Austria, Hungary, Bulgaria and Greece) are now looking for separate deals with Russia that favour their own national energy firms.

The European Commission Green Paper released in March 2006 highlighted these conflicting norms and suggested if the 'EU backs up a new common policy with a common voice on energy questions, Europe can lead the global search for energy solutions... A new comprehensive European energy policy' that carves out a role in global energy politics represents burgeoning EU "actorness" and a more coherent general approach to the bundling of foreign policy issues (European Commission, 2006). Germany, Italy, France and Spain however remain opposed to a common EU energy strategy, whether it pertains to dependency on one major import source for energy or support for greater competition within EU countries.

Meanwhile the smaller and poorer new member states have been left on their own in trying to counter Russian energy pressures. In response, the norm of member state solidarity emerged as new members within the European Parliament, led by the Polish, in an attempt to regain control of EU energy norms and to bring attention to the internal conflicting norms, gained Parliamentary approval for far-reaching statements on energy security, most notably the September 26, 2007, resolution calling for "a common

European foreign policy on energy.” Although it was supported by many Western European parliamentarians, it was not implemented by the Commission or the Council, given that the large Western European states still make the major decisions within these two EU organizations.

Without a common and effective EU energy policy that diversifies the sources of oil and gas and conflicting norms, it is not surprising that many Central European governments end up caving in to Russian demands for greater control over their energy infrastructure and distribution facilities. These countries have little choice but to accept oil and gas prices dictated by Transneft and Gazprom. The lack of political backing by the Commission in the face of Russian energy cutoffs to Latvian, Polish, Lithuanian, Estonian, and Czech facilities also leave Central Europeans feeling powerless when they attempt to resist Moscow’s demands for equity in their energy infrastructure, or in enforcing commercial contracts with Russian companies.

With norms being inherently intersubjective, the conflicting norms of member states on a matter as significant as energy security creates disputes within the EU and weakens the EU normative identity. If certain member states fail to view the EU as a normative power, it calls into question the very existence of the EU’s normative power.

Conclusion

This chapter aimed to use the case of energy relations between the EU and Russia to understand the construction and evolution of market principles norms related to the Russian energy market, and the role of member states in reinforcing the EU’s identity as a normative power through norm construction.

Through analysis of the discourse between the EU, Russia and EU member states, three phases of norm construction in energy relations became evident: market liberalization, politicization of energy and securitization of energy. Initially the EU set out to construct the norm of market liberalization in energy relations between the EU and Russia as a means of opening the closed Russia market to competition, with the complementary objective of establishing a secure a supply of energy. When these attempts were unsuccessful, the EU included the subject of energy in its political discourse with Russia. Finally, the gas crisis of 2006 changed the context of the relationship, and, deeply fearful of energy scarcity, the EU's normative focus turned to securitization. As this fear subsided, relations resumed the overarching norm of market liberalization, with a more balanced approach that reflected the importance of Russia, and changed relationship.

The shift in norms can be explained by three factors: the EU's inability to articulate clear and consistent norms, contextual changes, and the role of member states. Norms are inherently flexible, but require a degree of consistency for norms to become standardized. The discourse analyzed between the EU, member states and Russia, demonstrates that during the period of politicization and securitization, the EU was unable to consistently articulate its open market expectations for energy relations due to contextual factors and the role of member states.

During the eight years analyzed, energy became a more strategic resource for the EU and Russia. The monetary benefits of energy trade allowed Russia to be self-sufficient, ending its reliance on the European Union for aid. At the same time, Vladimir Putin became Russian President, which meant coupled with the rise in wealth, it no

longer had to accept the European norm of market liberalization. The 2006 gas crisis significantly damaged the trust between the two partners, thus resulting in a norm shift towards securitization of energy. When market liberalization norms were not being discussed, norms other than the EU's normative principles were still being constructed regarding energy relations. However, relations saw a return to the norm market liberalization. Understanding that norms and their meanings evolve through interaction in context, each contextual change in the relationship resulted in a weakening of the EU's identity as a normative power.

The EU's attempt to speak with one voice to Russia on market principles was obstructed by conflicting member state norms, resulting in weakened solidarity and a weakened normative identity. Germany, France and Italy had competing and conflicting norms with those of the EU and adamantly rejected the norm of market liberalization. They pursued bilateral energy relations with Russia at the expense of the EU's pursuit of one energy market. Their bilateral relations also created conflict amongst member states, impacting the EU's identity and reduced the EU's credibility to act as a normative power on Russia. As such, it is evident that the EU's normative identity has been compromised during this period; despite the EU's normative efforts and despite the renewed discourse on market liberalization, it was unable to introduce greater competition and market-orientated regulation into its energy sector.

Chapter Six: Conclusion

Traditionally, studies of the EU's normative power have focused on the projection and diffusion of norms through foreign policy. While valuable, an analytical gap in the literature exists regarding the understanding of the foundation of normative power, the process of European norm production and consequently its construction of a normative identity. Specifically, in addition to the modalities of its pursuit of norm projection and diffusion abroad, as a supranational entity, the EU's very identity as a normative power provides the foundation for its capacity to exert influence abroad. Simultaneously, this identity is itself conditional on achieving success in its efforts to exert influence abroad. Noting this, the crucial factor in identity formation lies in its ability to construct its normative ideals in third countries, and also inside its own borders. Russia was chosen as the third state to analyze this two-fold process because of its geographical proximity to the EU, historical context with its member states, and the interdependent nature of its relationship to the EU. Therefore, the goal of this thesis was to provide a specific analysis of norm construction in two of the key domains of norm production that form the basis of the EU's normative power: The promotion of human rights and market liberalization.

In these two case studies, it is clear that norms are evolving, at times leading to a lack of clarity or outright normative inconsistency. Noting that Russian behaviour in Chechnya constitutes a key indicator of the EU's normative success or failure. Chapter Four, *The European Union's Construction of Human Rights Norms in Russia*, identifies three shifts in human rights norms: principled humanitarianism, equivocal humanitarianism and apathetic humanitarianism. While at the outset, from the years 1999

to 2001, the EU pursued an assertive emphasis on promoting human rights. This emphasis weakened during the years between 2002 and 2005, as more moderate norms, such as due process, supplanted the stronger norms of the earlier period. Finally, within less than a decade, by 2008, the EU's emphasis on human rights disappeared entirely.

Noting that market liberalization was viewed as a means of securing energy resources, Chapter Five, *Constructing Market Liberalization Principles in Energy Relations with Russia*, similarly divides EU-Russian energy relations during the period of year-year into three normative phases: market liberalization, politicization and securitization. From the outset of their energy relations, market liberalization norms were strong. However, upon its failure to secure a stable energy supply with Russia, in the period between 2003 and 2005, the EU added a political level to its economic relationship with Russia, and finally, contextual changes 2006 Ukraine gas crisis led to the brief abandonment of market principles. Following this, market principles reemerged, but in a recalibrated manner.

A key consideration in understanding these shifts and inconsistencies is the contestation of norms by individual member states, which have significantly challenged the EU's ability to construct and maintain consistent norms. In examining the case of human rights, the conflicting actions of Italy, France and Germany compromised the EU's ability to speak with one voice on human rights. Furthermore, decisions by Poland, Lithuania and Estonia to upload to the EU level their respective bilateral conflicts with Russia damaged EU solidarity and thus its ability to construct consistent norms. In examining the case of energy relations, Germany, France and Italy rejected the EU's

attempt to liberalize the EU's internal markets, choosing instead self-interest energy norms, thus hindering the ability of EU desire for open market to come to fruition.

It can be concluded that during the timeframe, the EU was unable to influence the conception of normal regarding human rights and market principles in Russia. Contributing to its inability to construct these two normative principles are changing interests of the actors involved, the EU, Russia and EU member states. Taken as a whole, this set of changes and inconsistencies in norm construction have undermined the EU's ability to act as a normative power in its relations with Russia.

With these finding in mind, it leads to other questions of research interest concerning the European Union's normative power. Is the EU's ability to act as a normative power inextricably linked to its formation of an identity as a normative power? Is identity is based on the EU's construction of its normative principles inside the EU and in Russia? Does the geographical proximity dictate the influence of the EU to construct norms? Is the EU able to construct norms of its other domains of normative principles, democracy, the rule of law and environmental sustainability?

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