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Sanctions as an EU Normative Foreign Policy Instrument and Their Imposition on Russia Over Ukraine

We are currently witnessing the emergence of an entirely new reality in which the normative foreign policy actors moving beyond power politics are based on the argumentative force of their norms themselves, and seek to make the highly visible normative impact in the form of socialization, partnership or joint ownership. The urgent need of such actors to accumulate and even sometimes use material capabilities is mainly dictated by the fact that some states outside the “normative” limits continue to base their foreign policy on zero-sum logic. The purpose of the article is to determine whether the EU really acts as a normative foreign policy actor or simply maintains the hypocritical normative facade, applying hard power in the form of sanctions against Russia as a result of its aggressive actions towards Ukraine. After having analyzed in details the EU behavioral logic in this specific case, it can be concluded that the EU sanctions policy against Russia is the part of its normative foreign policy.

Keywords: Russo-Ukrainian War, EU sanctions policy, normative foreign policy actor, behavioral logic of foreign policy actors, EU hard power.

Санкції як інструмент нормативної зовнішньої політики ЄС та їх застосування проти Росії через агресію щодо України

Протягом всієї історії європейські держави набували рис, характерних для різних і навіть радикально протилежних політичних темпераментів, та застосовували жорстку силу для підкорення інших держав власній волі. Сьогодні ж вони надають перевагу діалогу як інструменту узгодження суперечливих міждержавних інтересів та воліють утримуватися від застосування сили й примусу у міжнародних відносинах, що характеризує їх як нормативних акторів зовнішньої політики. У цьому контексті слід зауважити, що цілковита відмова від сили у світі, де тривають понад три десятки збройних конфліктів, загрожує добробуту та безпеці держав, що обрали для себе нормативний шлях розвитку. Саме тому актуальним і важливим у практичному аспекті є окреслення кола випадків, коли активізація політики «жорсткої сили» є правомірним і об'єктивно виправданим кроком для нормативних акторів. Вищезазначене зумовило мету статті – визначити поведінкову логіку, якою керується ЄС у процесі застосування інструментів санкційного тиску на Росію через її агресивну політику проти України. Інакше кажучи, з'ясувати, чи діє ЄС як нормативний актор зовнішньої політики, впроваджуючи санкційні заходи проти Російської Федерації.

Проведений аналіз поведінкової логіки ЄС дозволив дійти висновку, що санкції є нормативним засобом зовнішньої політики, який країни-члени ЄС використовують проти Росії у спосіб, дозволений міжнародним правом, для досягнення нормативних цілей зовнішньої політики, з-поміж яких – відновити територіальну цілісність України та забезпечити мир у всій Європі. Зауважимо, що питання співвідношення нормативної сили з іншими видами сил, зокрема жорсткою, у сучасній науковій літературі є спірним та недостатньо розкритим, що зумовлює необхідність подальшого його вивчення.

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Ключові слова: російсько-українська війна, санкційна політика ЄС, нормативний актор зовнішньої політики, поведінкова логіка акторів зовнішньої політики, жорстка сила ЄС.

Formulation of the problem. It is highly paradoxical and remarkable that the European states, which waged bloody wars among themselves for centuries, have united their efforts “to act as a credible force for good”, moving “from building peace in Europe to being a peace-builder in the world”² (or, according to L. Aggestam, “from simply representing a power of attraction and a positive role model to proactively working to change the world in the direction of its vision of the global common good”³). In fact, the EU is considered as a long-term project, the goals of which are to prevent conflicts and wars on the European continent by deepening economic and political integration based on shared values and common interests of EU member states, and to encourage peace, security and prosperity outside of Europe⁴. As rightly pointed out by R. Kagan, a well-known political analyst and senior fellow at the Brookings Institution, “Europe is turning away from power, or to put it a little differently, it is moving beyond power into a self-contained world of laws and rules and transnational negotiation and cooperation”⁵. In turn, N. Tocci, a director of the Istituto Affari Internazionali, emphasizes that the EU is conceived as a “post-modern actor” that “acts on the belief that cooperating with and strengthening third countries is the best means to pursue EU interests”⁶.

It should also be noted that as far back as the 1970s, the Norwegian researcher J. Galtung and the Anglo-Swiss scholar F. Duchêne both predicted the EU to become a superpower that in the process of its formation would possess a unique power different from the one used by European states before the establishment of the Yalta-Potsdam system of international relations and by superpowers of the Cold War period⁷. As time has shown, their prediction has proven to be correct, as today the EU is endowed with a completely new kind of power that modern actors did not have before. Various scientists define it as the non-coercive or argumentative power – whether it is soft⁸, ethical⁹, normative¹⁰, responsible¹¹, reasonable¹², transformative¹³ etc. However, it is necessary to set the record straight that having the *sui generis* status does not preclude the possibility of using the power, typical for non-normative foreign policy actors, by the EU. Furthermore, according to R. Cooper, a British diplomat and Tony Blair's former special adviser on foreign affairs, the European states when “dealing with more old-fashioned kinds of state” (also defined by him as states that “still live in the nineteenth-century world of every

² Solana, J. (2007), Countering globalisation's dark side: policy dossier, *Europe's World*, Available from: https://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/articles/96791.pdf (Accessed: 10.08.2022).

³ Aggestam, L. (2008), "Introduction: ethical power Europe?", *International Affairs*, Vol. 84 No. 1, p. 1.

⁴ Яковенко, Н., Піскорська, Г. (2018), "Зміна співвідношення між м'якою та жорсткою силами в міжнародній політиці Європейського Союзу та Російської Федерації", *Вісник Київського національного університету імені Тараса Шевченка (Серія: Міжнародні відносини)*, Vol. 1/2 No. 47–48, p. 19; Опрощенко, Ю. (2019), "Політика розширення ЄС, як спосіб демонстрації «м'якої сили» в міжнародній політиці", In: Глебов В. (Ed.) *Соціально-політичні студії: наук. альманах*, Одеса: Одеський національний університет імені І. І. Мечникова, pp. 13–15.

⁵ Kagan, R. (2004). *Of Paradise and Power: America and Europe in the New World Order*, New York: Vintage Books, p. 3.

⁶ Tocci, N. (2008), "Profiling Normative Foreign Policy: The European Union and its Global Partners", In: Tocci, N. (Ed.) *Who Is a Normative Foreign Policy Actor? The European Union and Its Global Partners*, Brussels: Centre for European Policy Studies, p. 3.

⁷ Duchêne, F. (1972), "Europe's Role in World Peace", In: Mayne R. (Ed.) *Europe Tomorrow: Sixteen Europeans Look Ahead*, London: Fontana, pp. 32–47; Duchêne, F. (1973), "The European Community and the Uncertainties of Interdependence", In: Kohnstamm, M., Hager, W. (Eds.) *A Nation Writ Large? Foreign-Policy Problems before the European Community*, London: Palgrave Macmillan, pp. 1–21. DOI: 10.1007/978-1-349-01826-0_1; Galtung, J. (1973). *The European Community: A Superpower in the Making?* London: Allen & Unwin.

⁸ Nye, J.S. (1990), "Soft power", *Foreign Policy*, Vol. 80, pp. 153–171.

⁹ Aggestam, L. (2008), "Introduction: ethical power Europe?", *International Affairs*, Vol. 84 No. 1, pp. 1–11.

¹⁰ Manners, I. (2002), "Normative Power Europe: A Contradiction in Terms?", *Journal of Common Market Studies*, Vol. 40 No. 2, pp. 235–258. DOI: 10.1111/1468-5965.00353.

¹¹ Mayer, H. (2008), "Is it still called 'Chinese Whispers'? The EU's rhetoric and action as a responsible global institution", *International Affairs*, Vol. 84 No. 1, pp. 61–79.

¹² Manners, I. (2008), "The normative ethics of the European Union", *International Affairs*, Vol. 84 No. 1, p. 58.

¹³ Grabbe, H. (2006). *The EU's Transformative Power: Europeanization Through Conditionality in Central and Eastern Europe*. London: Palgrave Macmillan.

state for itself”) should partially or completely adopt the behavior of a hegemon, an empire or a great power: “revert to the rougher methods of an earlier era – force, pre-emptive attack, deception”¹⁴ – that is, as noted by scientists A. Goldthau and N. Sitter, use “soft power with a hard edge”¹⁵.

As since 2014 the EU has been facing a number of security problems, the solution of which requires the introduction of sanctions against Russia due to its aggression in Ukraine, the issue of determining whether in this case economic coercion applied by the Union fits into a pattern of normative behavior is becoming increasingly relevant. Thus, the article suggests the hypothesis, which is that the EU’s restrictive measures in the form of sanctions, first imposed in 2014 against the Russian Federation as a response to its illegal annexation of Crimea and further enhanced, especially in light of a full-scale Russian invasion of Ukraine, is nothing else than the reasonable and prudent reaction of normative foreign policy actor to the violation of fundamental norms established by the international community, such as peace, security, freedom, etc.

Formulation of the purpose and objectives of the article. The purpose of the article is to prove or disprove whether hard power in the form of sanctions was used by the EU against Russia due to its aggression in Ukraine in a normative way. To achieve the above goal, there is a need to solve the following important tasks: 1) to determine in what cases the use of hard power by subjects of international relations can be regarded as legitimately justified and necessary; 2) to investigate the behavioral logic of main foreign policy actors, such as status quo actors, great powers, empires, hegemony, civilian and normative powers; 3) and, finally, to determine whether the EU sanctions policy against Russia over Ukraine is the part of its normative foreign policy.

The analysis of sources and recent research. The behavioral logic of foreign policy actors has been a core focus of the research conducted by N. Tocci, H. Janusch, M. Kahler, T. Risse and others. For their part, J. Galtung, D. Buchan, B. White, H. Mayer, L. Aggestam, K. E. Smith, T. Forsberg, Z. Laïdi, H. Behr, Y. A. Stivachtis, T. Diez, I. Manners, R. G. Whitman, H. Sjurksen, M. Myronova, T. Sydoruk, V. Pavliuk, M. A. Vakhudova, O. Moskalenko, V. Solovykh, A. Martynov, etc. have attempted to determine by which foreign policy type activation the EU most often achieves its goals. On the other hand, some authors, including A. Persson, P. Müller, X. Chen, Y. Shaohua, I. B. Neumann, O. Shapovalova, etc. have tried to evaluate the effectiveness of EU normative efforts to promote European values in many regions and countries. It should also be noted that the views regarding the connection between the normative power of EU member states and their material capabilities have been expressed, inter alia, by A. Björkdahl, C. Portela, S. Fernandes, M. Emerson, N. Yakovenko, H. Piskorska.

Hard power of foreign policy actors. The world history knows the periods when countries relied on power, and the strength of each sovereign entity was measured by its capacity to seize new territories, effectively resist the external aggression and threats, as well as to advance its own interests through military and coercive means. Because of this, the possession and use of hard power are still most often associated with the behavior of non-normative foreign policy actors¹⁶, but, in fact, this may not always be the case. There are a number of situations when the subject of international law can employ hard power resources to pursue certain interests without losing the status of the normative foreign policy actor on the international arena. For example, this applies in the case when the normative power tries to achieve the desired normative impact: “encourages others to participate in a dialogue about

¹⁴ Cooper, R. (2004). *The Breaking of Nations. Order and Chaos in the Twenty-first Century*. London: Atlantic Books, pp. 61–62.

¹⁵ Goldthau, A., Sitter, N. (2015), “Soft power with a hard edge: EU policy tools and energy security”, *Review of International Political Economy*, Vol. 22 No. 5, pp. 941–965.

¹⁶ This statement is partially correct, because unlike a hegemon, an empire or a great power that are considered as aggressive, martial, and evil, the normative foreign policy actor demonstrates the ideational power rather than material or physical, and conducts politics guided by morals, justice, human rights, democracy, etc. Telò, M. (2006). *Europe: a Civilian Power? European Union, Global Governance, World Order*. New York and Basingstoke: Palgrave Macmillan; Whitman, R. G. (1998). *From Civilian Power to Superpower? The International Identity of the European Union*. Basingstoke: Palgrave Macmillan; Manners, I. (2002), “Normative Power Europe: A Contradiction in Terms?”, pp. 235–258; Manners, I. (2009), *The Concept of Normative Power in World Politics*, *DIIS Brief*, p. 2, Available from: https://rucforsk.ruc.dk/ws/portalfiles/portal/38384152/Ian_Manners_the_concept_of_normative_power_in_world_politics_DIIS_Brief_2009.pdf (Accessed: 12.08.2022).

norms"¹⁷. In some cases, it is also permissible to “pressure participating actors to accept other participants in an open dialogue”¹⁸, and to punish actors who deprive the participating actor of opportunities to further develop cooperative relations with other participating actors.

Furthermore, there are several strong arguments in favour of why the normative foreign policy actor should necessarily possess the potential to use and accumulate hard power. Firstly, the normative foreign policy actor “needs material capabilities and a corresponding position of strength, because it is the relinquishment of that position that characterizes a power as normative”¹⁹. In this regard, it should be clarified that it is crucial for this type of international actor to refrain from using material incentives and coercion, but not to completely refuse from it “in a world where such refusal is perceived or experienced as powerlessness”²⁰. Secondly, a neglect of both physical and psychological defences (or tendency towards it) makes normative players vulnerable, because there are still countries on the world map that continue to be governed by the laws of the jungle²¹. And finally, the very fact of normative foreign policy actors being equipped with all the necessary material capabilities dispels misconceptions of some scientists, among them R. Kagan²², that the international actor chooses the normative path only in order to mask its economic or military weakness.

Hence, as long as there are some international actors outside the normative limits that continue to “base its foreign policy on balance of power and zero-sum logic”²³, there is an urgent need for civilized states to accumulate, develop and even sometimes use material capabilities. The following paragraph describes the behavioral logic of the main foreign policy types, which are known as realpolitik, imperial, status quo and normative.

Behavioral logic of normative and non-normative foreign policy actors. The normative foreign policy actors, unlike hegemony, empires or great powers, are distinguished by their compliance with norms, which come from international instruments, especially those adopted by the United Nations, in accordance with the *logic of appropriateness* envisaging the following: foreign policy actors “comply with certain norms because they consider this behavior appropriate”, and “even if an existing norm minimizes its utility, they will continue to comply with it”²⁴. Such norms, compliance with which are consistent with this logic, are commonly referred to as “constitutive”²⁵, and the desire to comply with, defend and diffuse the constitutive norms – as “the normative foreign policy goal” (or “the milieu goal”, as A. Wolfers refers to it²⁶)²⁷. The states pursuing normative foreign policy goals aim the favourable conditions beyond their national boundaries by “regulating it through international regimes,

¹⁷ Janusch, H. (2016), "Normative power and the logic of arguing: Rationalization of weakness or relinquishment of strength? ", *Cooperation and Conflict*, Vol. 51 No. 4, p. 9. DOI: 10.1177/0010836716640836.

¹⁸ But at the same time, the normative foreign policy actor mustn't “use its physical power to influence the dialogue itself”. Janusch, H. (2016), "Normative power and the logic of arguing: Rationalization of weakness or relinquishment of strength? ", p. 10.

¹⁹ Janusch, H. (2016), "Normative power and the logic of arguing: Rationalization of weakness or relinquishment of strength? ", p. 8.

²⁰ Laïdi, Z. (2008). *Norms over Force: The Enigma of European Power*. Basingstoke: Palgrave Macmillan, pp. 7–8.

²¹ Cooper, R. (2004). *The Breaking of Nations. Order and Chaos in the Twenty-first Century*. London: Atlantic Books, pp. 61–62.

²² Kagan, R. (2004). *Of Paradise and Power: America and Europe in the New World Order*, New York: Vintage Books.

²³ Tocci, N. (2008), "Profiling Normative Foreign Policy: The European Union and its Global Partners", p. 3.

²⁴ Kahler, M (1998), "Rationality in International Relations", *International Organization*, Vol. 52 No. 4, pp. 919–941; Janusch, H. (2016), "Normative power and the logic of arguing: Rationalization of weakness or relinquishment of strength? ", p. 6; Manners, I. (2009), *The Concept of Normative Power in World Politics*, p. 2.

²⁵ I. Manners, the father of the concept of Normative Power Europe, has identified nine norms that have the constitutive nature in EU: peace, human rights, democracy, the rule of law, liberty, anti-discrimination, sustainable development, social solidarity, good governance. Manners, I. (2002), "Normative Power Europe: A Contradiction in Terms?", pp. 242–244.

²⁶ Wolfers, A. (1962), "The Goals of Foreign Policy", In: Wolfers, A. (Ed.) *Discord and Collaboration: Essays on International Politics*, Baltimore: The Johns Hopkins Press, pp. 73–78.

²⁷ Tocci, N. (2008), "Profiling Normative Foreign Policy: The European Union and its Global Partners", pp. 5–8; Janusch, H. (2016), "Normative power and the logic of arguing: Rationalization of weakness or relinquishment of strength? ", pp. 6–7.

organizations and law”, but do not seek to “increase possessions they hold to the exclusion of others”²⁸. Thus, the giving of a preference to the logic of appropriateness in the process of normative goals achievement is one of the indicators that the behavior of a certain foreign policy actor is normative.

On the other hand, norm compliance by the foreign policy actor may be in accordance with the *logic of consequentialism* (in this case, norms are referred to as “non-constitutive” or “regulative”): an actor “will abide by a norm as long as it maximizes benefits”, and “finds itself competing with others for a share in values of limited supply”²⁹. Regulative norms “exist only in relation to the subject to whom the benefit or advantage, moral or material, would accrue”³⁰, and the desire to comply with, defend and diffuse them is commonly referred to as “the possession goal”. Such a goal, unlike the normative one, relates to “the enhancement or the preservation of one or more of the things to which it attaches value” (for example, “stretch of territory, membership in the Security Council of the United Nations, or tariff preferences”)³¹. Therefore, the states that pursue possession goals are the non-normative foreign policy actors.

State goals, be it normative or not, are achieved through foreign policy means such as economic, diplomatic, cultural means, social aid, technical assistance, sanction, coercion, etc. In this regard, it should be borne in mind that symbolic and economic rewards are “viewed as being less intrusive into a third country’s sovereignty and thus less likely to generate psychological retrenchment and rigidity”³². For his part, I. Manners originally systematized in his publication “Normative Power Europe: A Contradiction in Terms?” the main normative foreign policy means – means with which to achieve socialization, partnership and joint ownership: contagion, informational diffusion, procedural diffusion, transference, overt diffusion and cultural filter. That is, the desired normative impact is made possible, inter alia, by the institutionalization of relationships, cultural and strategic communications between states, etc. The Finnish researcher T. Forsberg, in turn, has highlighted four normative means of influence: “by persuasion, by activation of international norms, by shaping the discourse and by setting an example for others to follow”³³.

Thus, the use of means listed by I. Manners and T. Forsberg to diffuse constitutive norms corresponds to the normative foreign policy behavior. At the same time, the use of negative ones such as sanctions, pressure, coercion to create a free and open discourse is more common for hegemons, empires or great powers, but not always: as mentioned in the above section, the material incentives used by a foreign policy actor who views the world through the normative lens may sometimes also be fully justified and legitimate³⁴. Because of this, in this article the focus of attention is shifted from which to how foreign policy instruments are employed, and the term “means having normative nature” is used to refer to both positive and negative incentives employed by the subject of international law in a legit-

²⁸ Wolfers, A. (1962), “The Goals of Foreign Policy”, p. 74; Tocci, N. (2008), “Profiling Normative Foreign Policy: The European Union and its Global Partners”, p. 7.

²⁹ Wolfers, A. (1962), “The Goals of Foreign Policy”, p. 74; Janusch, H. (2016), “Normative power and the logic of arguing: Rationalization of weakness or relinquishment of strength?”, pp. 6–7.

³⁰ Thin, S. (2019), On Interests and Values, *Maastricht University*, Available from: <https://www.maastrichtuniversity.nl/blog/2019/09/interests-and-values#:~:text=An%20interest%20exists%20only%20in,advantage%2C%20but%20of%20objective%20good> (Accessed: 20.08.2022).

³¹ Wolfers, A. (1962), “The Goals of Foreign Policy”, p. 73–74.

³² Smith, K. E. (2003). *European Union Foreign Policy in a Changing World*. Cambridge: Polity Press, pp. 69–194.

³³ Forsberg, T. (2011), Normative Power Europe, Once Again: A Conceptual Analysis of an Ideal Type, *Journal of Common Market Studies*, Vol. 49 No. 6, p. 1184. DOI: 10.1111/j.1468-5965.2011.02194.x.

³⁴ E.g. the Ukrainian scientist M. Myronova has cited the EU as an example of the subject of international law whose normativity is deeply rooted in the EU Enlargement Strategy and the European Neighborhood Policy, which, in turn, are based on the “carrot and stick” approach (the principle of conditionality) – i.e. the EU can actively use both a system of benefits and incentives (positive conditionality) and sanctions (negative conditionality) in order to influence the foreign policy actors. Миронова, М. (2015), “Східний вимір Європейської політики сусідства: виклики для зовнішньополітичної стратегії ЄС”, *International relations, part “Political sciences”*, Vol. 8, pp. 216–218. In this context, it is worth emphasizing that the EU retains the status of the normative policy actor, only if the application of both negative and positive political conditionalities with third countries are in accordance with the logic of appropriateness and in order to make the normative effect in the form of socialization, partnership or joint ownership.

imate way³⁵. Consequently, the “non-normative means” are considered as those chosen by the international actor in a way not authorized by international law to maximize its material gains and achieve possession goals.

Apart from the normative foreign policy actors that are characterized by the choice of the logic of appropriateness in the process of constitutive norm compliance and by means having normative nature to achieve normative goals, there are also three main types of non-normative foreign policy actors such as *realpolitik*, imperial and status quo³⁶. *Realpolitik* foreign policy actor pursues the possession goals, be it geopolitical or economic, using both coercive and non-coercive means (*the logic of consequentialism*), and does not act in accordance with the international law. Such an actor is, as a rule, interested in promoting the norms, which are not ends in themselves, as long as it maximizes the benefit. For its part, imperial foreign policy actors such as hegemony, empires or civilian powers are distinguished by their desire to achieve normative goals by applying coercion and incentives and by neglecting their internal and/or external obligations³⁷. In this regard, it should be noted that hegemony differs from empires in more dependence on cooperation and less on military coercion, and civilian powers – in reliance on economic incentives without physical force. And finally, the last type of foreign policy actor – the status quo actor – is considered by I. Manners and T. Diez as the subject operating “within the context of international organizations, but without wishing to pursue its further development in different regions and issue areas”, and pursuing its “policies in respect of its domestic and international legal obligations”³⁸. That is, the status quo foreign policy actor prefers the relinquishment of physical strength in the norm diffusion process and chooses positive and/or negative incentives having normative nature to achieve non-normative goals.

Understanding the behavioral logic of the main foreign policy types, which are known as *realpolitik*, imperial, status quo and normative, makes it possible to determine whether the EU's current sanctions policy towards Russia is part of a normative type of foreign policy.

EU sanctions policy towards Russia over Ukraine since 2014. In 2014, it was the first time the EU had imposed a set of punitive measures against Russia since the end of the Cold War. The reason for this was its annexation of Ukraine's Crimea peninsula. Subsequently, the EU decided to extend the economic sanctions due to Russia's failure to fulfill its Minsk agreements' obligations, among which are the following: to enforce immediate and comprehensive ceasefire in certain areas of the Donetsk and Luhansk regions of Ukraine; to disarm all illegal armed groups operating on the territory of the country; to reinstate the full control of the state border by the government of Ukraine throughout the conflict area; etc^{39,40}. The current tightening of sanctions by the EU has been caused by the full-scale

³⁵ To employ in a legitimate way means to act in the ethically good way as to take into account the interests of all political equals, the external legal commitments and the legal commitments towards itself. Føllesdal, A. (2006), *EU Legitimacy and Normative Political Theory*. In: Cini, M., Bourne, A. (Eds.) *Palgrave advances in European Union studies*, Houndmills: Palgrave, p. 156; Sjørusen, H. (2006), "The EU as a 'normative' power: how can this be?", *Journal of European Public Policy*, Vol. 13 No. 2, p. 245. DOI: 10.1080=13501760500451667; Manners, I. (2008), "The normative ethics of the European Union", *International Affairs*, Vol. 84 No. 1, pp. 45–60.

³⁶ Obviously, each international actor may display both normative and non-normative patterns of foreign policy at different points in time.

³⁷ In other words, such an actor chooses the non-normative foreign policy means for goals achievement.

³⁸ Diez, T. and Manners, I. (2007), *Reflecting in Normative Power Europe*. In: Berenskoetter, F. and Williams, M.J. (Eds.) *Power in World Politics*, London: Routledge, pp. 173–188.

³⁹ UN Department of Political and Peacebuilding Affairs. (2015), *Package of Measures for the Implementation of the Minsk Agreements*, *United Nations Peacemaker*, Available from: <https://peacemaker.un.org/ukraine-minsk-implementation15> (Accessed: 31.08.2022); Helwig, N., Jokela, J., Portela, C. (2020). *Sharpening EU sanctions policy for a geopolitical era*. Helsinki: Valtioneuvosto.

⁴⁰ The EU's anti-Russian sanctions have had a negative impact on the entire aggressor country's economy since 2014, but have not forced the Kremlin to stop its aggression in Ukraine yet. The questions therefore arise whether these restrictive measures will accomplish their goals and if so, how much time they should take to do so, and whether the European Union's capacity to prevail over Russia in normative war at all. In this context, note that the EU's sanctions should not be considered as the main and practically the only mean of struggle, because these are “inherently a long-term instrument” that does not “work in isolation, but in combination with other policies and developments”. Рибачок, Д., Фещенко, Б., Гнатюк, М. (2018), "Санкції в політиці ЄС: приклад Російської Федерації 2014-2015 рр.", *Наукові записки кафедри політології НаУКМА*, Vol. 1, pp. 77–78; Liik, K. (2018), "Winning the normative war with Russia: An EU-Russia Power Audit", *ECFR publications*,

Russian military invasion of Ukraine, the Kremlin's decision to recognize the non-government-controlled areas of the Donetsk and Luhansk oblasts as independent entities, as well as by Russia's annexation of a significant part of Southern and Eastern Ukraine – Donetsk, Luhansk, Zaporizhzhia and Kherson regions⁴¹. Thus, long-term compliance of Russia with the aggressive foreign policy behavior has resulted in its gaining the status of the most sanctioned country in the world.

In fact, the EU sanctions measures are the reaction to the flagrant violation by Russia in the process of implementing its aggressive policy towards Ukraine of jus cogens norms – the fundamental principles of international law⁴², among them *the principle of refraining from the threat or use of force in international relations* (the invasion of the armed forces of the Russian Federation of the certain territories of Luhansk and Donetsk regions, Crimea, and later of the entire territory of Ukraine; the use of military force and/or blackmail to compel Ukraine to abandon a part of its national territory and of its sovereign rights; the annexation of four Ukrainian regions; a series of massive drone and missile attacks on objects of military and civilian infrastructure of Ukraine, as well as the homes of the civilian population by the Russian armed forces; Russia's use of chemical weapons against Ukraine; etc.), *the principle of peaceful settlement of international disputes* (neglecting Ukraine's interests and making tough ultimatums to Kyiv during the negotiating process), *the principle of non-interference in the internal affairs of states* (direct or indirect interference in the internal affairs of Ukraine: deliberate incitement by Russia of anti-Ukrainian sentiments in the temporarily occupied territories; unlawful instruction of Putin to send troops to the so called LPR and DPR in order to perform pseudo-peacekeeping functions⁴³; forcible passportization of the temporarily occupied territory's residents and coercing them to serve in the armed forces of the Russian Federation; etc.), *the principle of the sovereign equality of States* (the creation by the Russian authorities of unfavourable conditions for realization of the full range of Ukraine's interests, including political, social, economic and cultural; a clear disrespect for the sovereignty and territorial integrity of Ukraine, which is expressed through the destruction of Ukrainian cities and towns, the acts of violence, murders and crimes perpetrated by Russian soldiers against the civilian population, the removal of all Ukrainian symbols in the temporarily occupied territories of Ukraine, the issuance of Putin's decrees on recognition of the independence of two illegal formations in the territory of certain areas of Donetsk and Luhansk regions, ratification by the State Duma of the agreements on friendship, cooperation and mutual assistance with those pseudo-republics, etc.), *the principle of fair accomplishment of the international obligations* (a severe violation of the obligations undertaken by the Russian Federation under the Budapest Memorandum, the UN Charter, the Minsk agreements (although these agreements are not a binding international instrument, they have great political significance), etc.).

Available from: https://ecfr.eu/publication/winning_the_normative_war_with_russia_an_eu_russia_power_audit (Accessed: 14.10.2022).

⁴¹ As of 6 October 2022, the EU has introduced eight packages of anti-Russian sanctions. For example, the latest package includes a number of additional restrictive measures on Russia, including restrictions to the non-government controlled areas of Ukraine; sanctions against those individuals and entities, responsible for undermining Ukraine's territorial integrity, sham “referenda” in the occupied territories of Donetsk, Luhansk, Kherson, and Zaporizhzhia regions, etc.; financial, IT consultancy and other business services; new export restrictions in order to reduce Russia's access to specific items used in the defence and security sector; new import restrictions; the G7 oil price cap; etc. Sanctions adopted following Russia's military aggression against Ukraine, *The official website of the European Commission*, Available from: https://finance.ec.europa.eu/eu-and-world/sanctions-restrictive-measures/sanctions-adopted-following-russias-military-aggression-against-ukraine_en (Accessed: 12.10.2022); European Union. (2022), II Non-legislative acts, *Official Journal of the European Union*, Vol. 65 L 259I, Available from: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2022:259I:TOC> (Accessed: 12.10.2022).

⁴² I.e. as rightly pointed out by the Norwegian researchers H. Sjørnsen and G. Rosén, the centripetal factor constituting the EU's response to the Russian aggression in Ukraine – “the blatant violation of territorial integrity in Europe” – was normative. Sjørnsen, H., Rosén, G. (2017), “Arguing Sanctions. On the EU's Response to the Crisis in Ukraine”, *Journal of Common Market Studies*, Vol. 55 No. 1, pp. 20–36.

⁴³ Указ Президента Российской Федерации № 71. (2022), О признании Донецкой Народной Республики, Available from: <http://publication.pravo.gov.ru/Document/View/0001202202220002> (Accessed: 31.08.2022); Указ Президента Российской Федерации № 72. (2022), О признании Луганской Народной Республики, Available from: <http://publication.pravo.gov.ru/Document/View/0001202202220001> (Accessed: 31.08.2022).

All these principles are legal in nature, because they derive from international legal instruments, such as the UN Charter, the Declaration on Principles of International Law, the Final Act of the Conference on Security and Cooperation, etc. Moreover, these principles are based on common fundamental norms (values), including, inter alia, international peace, security and freedom. In this context, it is worth noting that in order to restore peace on the continent and protect other norms mentioned above, the EU is resorting to different measures that significantly minimize the Union's economic and other benefits: in REPowerEU Communication, the EU has declared the intention to rapidly reduce dependence on Russian fossil fuels by the end of this century⁴⁴; since 2014, the EU has been introducing tough sanctions packages against the Russian Federation, realizing that such a step would lead to significant financial losses, damage to the economic interests of some members towards Russia, the breakdown of the cultural bonds^{45,46}; EU member states have frozen or completely stopped cooperation with Russia in many different spheres such as science and technology⁴⁷; etc. Taking into account all of the above, one can draw the conclusion that the EU complies with, defends and diffuses the aforementioned norms⁴⁸, even if they minimize its benefits – i.e. acts in accordance with the *logic of appropriateness*, and is pursuing *the normative foreign policy goals* vis-à-vis Russia through its sanctions policies⁴⁹.

As of October 2022, the European Union has implemented the restrictive measures in the form of economic sanctions against sectors of the aggressor country's economy, sanctions against individuals and entities, restrictions on business, diplomatic measures, restrictions on economic cooperation and on media⁵⁰. It should be pointed out that all of the above means are unequivocally *normative*, because,

⁴⁴ In this regard, at the 2022 EU-US Defense & Future Forum P. Naimski, Polish Secretary of State, noted the following: “we are in a war, the consequences are very clear: War is costly”. That is, there is now a greater need than ever before for the EU to counter Russian aggression at all costs for the sake of future peace and security on the entire European continent. The Delegation of the European Union to the United States, the Atlantic Council's Europe Center. (2022), EU-US Defense & Future Forum, *Atlantic Council*, Available from: <https://www.atlanticcouncil.org/event/2022-eu-us-defense-future-forum> (Accessed: 31.08.2022).

⁴⁵ As rightly pointed out by Ursula von der Leyen, President of the European Commission, at the plenary session of the Parliament, “these sanctions will come at a cost for our economy ... I believe that the people of Europe understand very well that we must stand up against this cruel aggression. Yes, protecting our freedom comes at a price. But this is a defining moment. And this is the cost we are willing to pay. Because freedom is priceless, Honorable Members. This is our principle: Freedom is priceless”. In this context, note that for many EU member states, sanctions are needed to “signal the EU’s moral position – but some admit that they accept sanctions as the price of solidarity”. European Parliament plenary session. (2022), Speech by President von der Leyen at the European Parliament Plenary on the Russian aggression against Ukraine, *The official website of the European Commission*, Available from: https://ec.europa.eu/commission/presscorner/detail/en/speech_22_1483 (Accessed: 31.08.2022); Liik, K. (2018), “Winning the normative war with Russia: An EU-Russia Power Audit”.

⁴⁶ Hellquist, E. (2016), “Either With Us Or Against Us? Third-Country Alignment with EU Sanctions Against Russia/Ukraine”, *Cambridge Review of International Affairs*, Vol. 29 No. 3, p. 1007.

⁴⁷ Gaid, N., Else, H. (2022), “Global research community condemns Russian invasion of Ukraine”, *Nature*, Available from: https://ec.europa.eu/commission/presscorner/detail/en/speech_22_1483 (Accessed: 31.08.2022).

⁴⁸ I.e. these norms have a constitutive effect on the EU’s behavior.

⁴⁹ The EU’s normative foreign policy goals have also been consistent over time: the EU has systematically been introducing sanctions against the aggressor country, which are intended to foster the conditions for a resumption of a peace process towards a comprehensive, just and lasting peace on the European continent, since 2014.

⁵⁰ Interesting judgements can be found in the article of the Swedish scientist E. Hellquist, where she defined the politics of sanctions as a “multi-relational battle over normative substance (what is good/bad, who merits punishment) and procedure (who should decide, who should lead)” (or, according to K. Liik, a senior policy fellow at the European Council on Foreign Relations, “an open battle over the norms of international conduct”), and regarding the EU's sanctions policy, pointed out the following: “For a Union that still lacks its own military, sanctions can be seen as a substitute for the use of force, and alignment with sanctions draws normative boundaries in ways analogous to military alignment”. Hellquist, E. (2016), “Either With Us Or Against Us? Third-Country Alignment with EU Sanctions Against Russia/Ukraine”, p. 998, 1115; Liik, K. (2018), “Winning the normative war with Russia: An EU-Russia Power Audit”. In fact, the EU in its relations with Russia, that has been destabilizing the situation in the entire European region by implementing an aggressive policy towards Ukraine since 2014, still refrains from using more radical hard power instruments and imposes sanctions on Russia only as an exception, until the reasons why they were introduced are removed, which correspond to the model of normative foreign policy behavior.

firstly, they are “not punitive, but designed to bring about a change in policy or activity by the target country” (to change Russia's aggressive foreign policy in order to restore Ukraine's stability and territorial integrity⁵¹), secondly, they are employed in a way authorized by international law and are fully compliant with the external legal commitments undertaken by the EU and the legal commitments towards itself⁵², and, finally, these sanctions are “carefully targeted, and designed to be proportionate to the objectives they seek to achieve”⁵³.

A detailed analysis of the EU behavioral logic in the case discussed above concluded that sanctions are the mean having normative nature used by the EU member states against the Russian Federation in a way authorized by international law to achieve normative foreign policy goals such as to diffuse constitutive norms, including international peace, freedom, etc., beyond their national boundaries and to create the most favourable conditions for deepening cooperation with Ukraine in different fields.

Conclusion. A complete refusal to accept power would make normative foreign policy actors vulnerable targets for those states that continue to be governed by the laws of the jungle in the implementation of their foreign policy. That is why in today's realities, having the potential to use and accumulate hard power is a necessary condition for the existence of even those foreign policy actors who prefer to relinquish the position of strength and to achieve the desired goals by using normative leverage.

The article presents the results of the study of peculiarities of the behavioral logic of the main foreign policy actors such as realpolitik, imperial, status quo and normative: 1) real normative foreign policy actors use hard power instruments in a way authorized by international law to safeguard constitutive norms; 2) non-normative foreign policy actors use hard power instruments to maximize its material gains in a legitimate way or to achieve normative goals, while neglecting the external legal commitments or the legal commitments towards themselves.

After having analyzed in details the EU behavioral logic, it can be concluded that the EU's sanctions policy, which have been being implemented towards Russia threatening the existence of Ukraine as the sovereign state for more than 8 years, is a part of its normative foreign policy: the EU's use of hard power against the Russian Federation over Ukraine to safeguard constitutive norms, including international peace and security, is objectively justified. I.e. the hypothesis put forward in the article is proved. It is encouraged to focus further studies, inter alia, on the effectiveness assessment of hard power measures such as existing sanctions imposed by the EU against Russia over Ukraine in achieving its intended normative foreign policy goals.

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⁵¹ I.e. in this case, the EU is based on the argumentative force of its norms to make the normative impact in the form of political dialogue.

⁵² The introduction of restrictive measures in the form of the interruption or reduction, in part or completely, of economic and financial relations with one or more third countries, unless this contradicts Union's objectives in the field of the Common Foreign and Security Policy, is provided for by the EU Treaties. Thus, the imposition of anti-Russian sanctions is a prudent normative course for EU member states, because it is done as a reaction to the violation of an international norm by Russia and in accordance with commitments within the Union to safeguard the common values and fundamental interests; consolidate and support the principles of international law; preserve peace, prevent conflicts; etc. European Union. (2012), Consolidated version of the Treaty on the Functioning of the European Union, *Official Journal of the European Union*, C 326/47 Art. 215–216; European Union. (2012), Consolidated version of the Treaty on European Union, *Official Journal of the European Union*, C 326/13 Art. 21; Beaucillon, C. (2021), "Restrictive Measures As Tools of EU Foreign and Security Policy: Promoting EU Values, from Antiterrorism to Country Sanctions", In: Montaldo, S., Costamagna, F., Miglio, A. (Eds.) *EU Law Enforcement The Evolution of Sanctioning Powers*, London and New York: Routledge, pp. 195.

⁵³ Overview of sanctions and related tools, *The official website of the European Commission*, Available from: https://finance.ec.europa.eu/eu-and-world/sanctions-restrictive-measures/overview-sanctions-and-related-tools_en (Accessed: 01.09.2022).

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