

# **WHO IS A NORMATIVE FOREIGN POLICY ACTOR?**

**The European Union and its Global Partners**

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# PREFACE

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This book is without doubt a highly original and ambitious endeavour to peer into one of the major 'known unknowns' of the 21st century. The question is what will become the rules of the game for foreign policy at the global level when, as obviously now emerges, there are multiple major powers on the world scene. The 20th century era when the United States came to rule virtually alone is over.

This project starts from the perspective of the European Union. The EU sees itself as both an emerging global actor, and one that clearly identifies itself in principle with certain norms and values: democracy, human rights, international law and a functioning multilateral order. But we have to see what it does, as well as what it says. Is it true that the EU is a 'normative' foreign policy actor in practice? And what about the other major actors – China, India, Russia and the US? What do they say, and what do they do? What does it mean to be a 'normative' foreign policy actor? Who – if anyone – proves to be a normative foreign policy actor in practice?

This project led by Nathalie Tocci applies a rigorous common analytical framework to explore these vital questions. High standards are set for 'normative' foreign policy: there has to be consistency in the objectives, the means employed and the results obtained. Otherwise, it is just talk. The analytical framework identifies four paradigms of foreign policy behaviour: the normative, the *realpolitik*, the imperial and the status quo actor.

The originality of this research project has been to apply this analytical grid to case studies of the actual foreign policy behaviour of our new gang of five – China, the EU, India, Russia and the US. What emerge are two big complications. The first is that each major power can have its own conception of the normative. Whereas the EU and the US share a large common ground, each of the other three countries brings its own distinct history, political philosophy and resources to bear upon the question. The biggest cleavage is between the old democracies that give weight to their values and elements of international law that they themselves established,

and the new powers who have in living memory experienced colonialism or humiliating defeats at the hands of the old democracies, and as a result give weight to the principles of non-interference, blended in the cases of India and China with more ancient philosophical traditions. The second complication is that in applying the common analytical grid to actual policies, it is found that all five actors reveal different episodes corresponding to each and every possible paradigm of foreign policy behaviour. Everyone is capable of everything.

But surely this is not a satisfying result. Where nonetheless is the centre of gravity in the behaviour of each actor, and how has this centre of gravity possibly shifted over time? And what has induced these actors to behave in such different ways according to the case in point? The case studies and concluding chapter wrestle with these questions, and have much of substance to report, which it is not the role of a mere preface to try to summarise.

Still the book can claim to be a path-breaking attempt to delve in some depth into the fundamental question – What or who is a normative foreign policy actor? It does not claim to supply definitive answers to this question, but hopefully will stimulate further contributions. Returning to the starting point, namely the EU's own ambitions to be a distinctively 'normative' foreign policy actor, the book is a sobering reminder to all its artisans that no such claim can be taken for granted. The EU is not always as 'normative' as it sometimes says, and the other actors have their own and often different ideas as to what is the 'normative'. But the even more sobering reminder to all the actual or aspiring global actors is that they have somehow to work out what is going to happen to the world order, or disorder, when different conceptions of the 'normative' are backed by multiple centres of huge human and economic resources: convergence, or complementarity, or conflict?

Our final word is to thank the scholars contributing to this book to have accepted to 'play the game', by subjecting their own country of expertise to the common analytical framework devised by Nathalie Tocci, especially Daniel Hamilton, Radha Kumar, Andrey Makarychev and Brantly Womack. Some squeals of unease or discomfort were heard in the course of so doing, but we trust that the product has justified the effort.

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# 1. PROFILING NORMATIVE FOREIGN POLICY: THE EUROPEAN UNION AND ITS GLOBAL PARTNERS

*NATHALIE TOCCI\**

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*This chapter is the first in a series intended to explore fundamental aspects of foreign policy at the global level, against the backdrop of a proliferation of global actors in the 21<sup>st</sup> century, following half a century with only one undisputed global hegemon: the US. The European Union is itself a new or emerging foreign policy actor, driven by self-declared normative principles. But Russia, China and India are also increasingly assertive actors on the global stage and similarly claim to be driven by a normative agenda. The question is how will these various global actors define their foreign policy priorities, and how they will interact, especially if their ideas of normative behaviour differ? This introductory chapter sets out a conceptual framework for exploring these issues and defines 'normative' as being strongly based on international law and institutions, and thus the most 'universalisable' basis upon which to assess foreign policy. The foreign policy actor nevertheless has to be assessed not only on its declared goals, but also on the means it employs and the results it obtains. The truly normative foreign policy actor should score consistently on all three counts and in many different contexts, which will condition the extent to which normative policies are chosen, viable and effective. Subsequent chapters in the book will apply this conceptual framework to five case studies on China, the EU, India, Russia and the US.*

## 1. Introduction

In both academic debate and policy discourse, the European Union has traditionally been considered as a distinctly 'different' type of international actor. Over the years the EU has been described as a civilian power, a soft power and more recently as a normative power in international relations. These three concepts have been closely interlinked. Dûchene's 'civilian

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power' included the idea of pursuing the domestication or 'normalisation' of international relations by tackling international problems within the sphere of contractual politics (Dûchene, 1973, p. 19). Nye's 'soft power' was related to forms of foreign policy influence which relied on cooptation, multilateral cooperation, institution-building, integration and the power of attraction (Nye, 2004, p. 5); an idea which Hill considered as describing most accurately the EU's fledging foreign policy (Hill, 1990). Introducing the idea of the EU as a normative power, Manners (2002, 2006) described the EU as a foreign policy actor intent on shaping, instilling, diffusing – and thus 'normalising' – rules and values in international affairs through non-coercive means. The EU's official texts make similar claims about the Union's role in world politics. Most recently, the Lisbon Treaty states that in international affairs the EU would be guided by and would seek to promote the values on which the Union is founded, including democracy, human rights, fundamental freedoms and the rule of law (Article III-193(1), Article I-2 and I-3).<sup>1</sup>

The principal explanations for this allegedly 'normative' role in foreign policy have focussed on the EU's *sui generis* nature. What the EU *is* has been considered as the principal explanation for what it *does* beyond its borders (Manners, 2002; Whitman, 1998). Different reasons for this have been brought to the fore. Some have focussed on the EU's institutional set-up, arguing that the multiple layers of EU authority (member state governments, parliaments, courts, EU institutions and public opinion) create a set of constraints that make the EU's pursuit of hard-nosed *realpolitik* less likely (H. Smith, 2002, p. 271). Others have focussed on how the Union's institutional setting filters and channels member state interests, shaping the output of EU external policies in normative terms. The EU's internal governance is thus transposed externally (Lavenex, 2004), moulding the nature of its foreign policies. More specifically, the EU's internal system of rules and laws is transposed externally through the contractual relations the Union establishes and develops with third parties (Tocci, 2007).

Others still have argued that the EU's normative foreign policy is the result of the fundamentally different way in which the Union views the world. To some (Leonard, 2005; Cooper, 2000), this is the result of EU

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<sup>1</sup> As numbered in the draft Constitutional Treaty.



strength. After centuries of warfare, members of the European family appreciate that cooperation and integration are the only route to shared security, peace and prosperity. This internal Kantian logic is then extended to the realm of foreign policy, engendering a normative European foreign policy. Hence, the EU is conceived as a 'post-modern' actor, which unlike the modern state, does not base its foreign policy on balance of power and zero-sum logic. It rather acts on the belief that cooperating with and strengthening third countries is the best means to pursue EU interests. A greater sense and changed understanding of security on the inside has induced the Union to promote a developed and well-governed environment on the outside. By contrast, others have argued that the normative lens through which the Union views the world is predicated upon its weakness (Kagan, 2003). The Union wishes to promote a Kantian world because of the weakness of its foreign policy instruments and its incoherent foreign policy apparatus, unable to confront decisively the real threats and challenges it faces. The 'dirty work' is left to its ally the US, which has the military clout and the strategic resolve to act in world affairs, allowing the EU to free-ride on the US and NATO's achievements.

Common to all these arguments, which stem from a rich diversity of theoretical approaches and empirical analyses, is the understanding that EU foreign policy is 'normative' and that the reason for this lies in what the EU is. The aim of this paper is to set a frame of reference in order to test the validity of these claims. What or who is a normative foreign policy actor, how does it act, what does it achieve and what are the conditioning factors determining or guiding its actions? Is the EU a normative foreign policy actor and if so is this the result of its hybrid nature? Or is it the product of its status within the international system? In other words, does the Union categorically differ from other foreign policy actors such as the US, Russia, China and India? Historically, all states and empires have been based on specific normative underpinnings, reflecting these in their foreign policies. The values of liberty, equality and fraternity that underpinned the French revolution; American republican and liberal norms that aim to transcend the power politics of the old continent, or the Panslavist values of the Tsarist Empire are but a few examples. More generally, the study of norms, ideas and values has long been an accepted domain in foreign policy analysis (Smith & Light, 2005). Hence, in so far as states also claim to pursue normative aims, what makes the EU 'different'? Do arguments about the normative nature of EU foreign policy overplay the Union's ontological differences with state actors, covering-up EU weakness and

presenting it as virtue? While the EU is undeniably a novice actor in the international system in so far as it lacks the typical attributes of sovereignty, does this necessarily make it a more normative actor in world affairs? This paper aims to present a conceptual framework to help answer these questions, a framework that can be applied equally to the EU and to its global partners in order to be able to discern what, if anything, distinguishes the Union from other international actors.

## **2. The Dimensions of a Normative Foreign Policy**

In order to ascertain what characterises a normative foreign policy actor, we must first define what we mean by 'normative'. 'Normative' can be interpreted in a neutral or non-neutral manner. First, 'normative' can be taken to simply mean what is considered 'normal' in international affairs (Manners, 2002, p. 32). It can thus convey a sense of standardisation and the expectation of non-deviance, rather than a moral imperative. Under such an interpretation, norms become closely associated with power, in so far as only major international actors have the power to shape or determine what is considered 'normal'. In other words, all major international actors would have 'normative' foreign policies by definition, in that they all contribute to determining and shaping the 'norm' in international affairs (Sjursen, 2007). Hence, the EU – just like the US, Russia, China, India, and perhaps even Japan, Brazil or South Africa – would be a normative foreign policy actor, at least in those regions and in those policy areas in which it has an active interest and presence (e.g. in its neighbourhood). For this reason, we can discard an ethically 'neutral' interpretation of what a normative foreign policy consists of.

This leads to a second 'non-neutral' interpretation. This is the interpretation most commonly found in the literature on EU foreign policy and which will be explored here. In opting for this second non-neutral interpretation of normativity, however, we have to avoid the serious pitfall that has bedevilled much of the literature on EU foreign policy: subjectivity and presumed universality. If we associate a normative foreign policy with a 'good' or an 'ethical' foreign policy, then we have to take great care not to slide into an imperialistic imposition of what is subjectively considered 'good' on the grounds of its presumed universality. Doing so is not only problematic in and of itself, but would also lead us back to a definition of normativity which is inextricably tied to power and power-based relations. It is indeed critical to strike a balance between claims to the 'objective' and

universal nature of particular norms and the 'subjectivity' from which these derive (Luccarelli & Manners, 2006, pp. 203-205). Projecting or coercively imposing specific norms with a claim to their universality amounts to little more than an imperialist export of one's chosen form of political organisation. Examples of this include Napoleon's export of the tenets of the French revolution or *la mission civilisatrice* of European colonial powers (also known as the white man's burden), which proclaimed the virtues of free trade, Christianity and science that would bring peace, order, and civilisation to the rest of the world.

By contrast, particularly if we intend to analyse and compare different international actors and the normative (or otherwise) nature of their foreign policies, it is necessary to avoid, as far as possible, claims of presumed objectivity, recognising the role played by time, place and power in shaping these claims. At the same time, simply asserting the subjectivity and relativity of specific norms leaves us without a solid basis for a clear definition to guide subsequent comparative analysis. In other words, our definition of a normative foreign policy, while being non-neutral in ethical terms, must be based on set standards that are as universally accepted and legitimate as possible. These standards require an 'external reference point' (Manners, 2006a, pp. 170-22) and cannot be simply defined and interpreted by the international actor in question at will. Related to this, our definition of what is normative, rather than being a pure expression of power, must undertake the function of 'taming' and regulating power. In the search for these standards, we will consider three dimensions of a normative foreign policy: what an actor wants (its goals), how it acts (the deployment of its policy means) and what it achieves (its impact).

## ***2.1 Normative goals***

What constitutes normative versus non-normative foreign policy goals? Several distinctions can be considered. One is the distinction between values (normative) and interests (non-normative). Yet this distinction has been eloquently criticised from different theoretical perspectives. Hans Morgenthau claimed that 'the choice is not between moral principles and the national interest, devoid of moral dignity, but between one set of principles divorced from political reality and another set of principles derived from political reality' (Morgenthau, 1982, p. 34). Chris Brown, on the other hand, argued that pursuing the interests of one's people is no less of a value than respecting and promoting the norms of international

society, as both set of priorities involve interests and ethics (Brown, 2005, p. 26). Constructivists have focused on the subjective and self-constituting nature of interests and values. On the one hand, the interpretation of a value is conditioned by the underlying interest-based incentive structure shaping an actor's choices. On the other hand, values represent the conceptual prism through which interests are constructed, interpreted, prioritised and operationalised, that is, the 'bounded rationality' within which they operate.

The difficulty this entails is exacerbated when we apply these observations to specific cases. All-encompassing values such as 'democracy', 'peace', 'justice' or 'order' can be interpreted in a myriad different ways by different actors at different points in time. In addition, the pursuit of different values may be viewed as contradicting one another in specific circumstances. In some instances, pursuing the prosecution of war criminals may be considered to harm the goals of promoting a peace agreement between warring parties. In other instances respecting the independence of peoples or fighting organised crime may contradict the protection of individual human rights. In other instances the promotion of democracy might contradict the value of maintaining order and stability. Specific interpretations of values and the chosen hierarchy between them are largely shaped by underlying interest configurations. Moreover, new norms (i.e. what is considered 'normal') result from the assertion of changing interests and the ability to impose particular interests over others. The idea of the 'pre-emptive war' in the run-up to the attack on Iraq in 2002-03 is a clear example of when a norm begins to take root due to powerful interests pushing in that direction.

Another problematic distinction juxtaposes normative goals and strategic ones. Hence, whereas normative goals would include the promotion of peace, democracy, human rights, the rule of law, international law and sustainable development; strategic goals would include the protection of commercial interests, migration management or energy security. Yet also in this case a clear distinction proves elusive. The pursuit of strategic objectives is not necessarily 'un-normative'. According to Lieven and Hulsman, goals such as stability, prudence, the search for compromise and accommodation have real normative content (Lieven & Hulsman, 2006). Moreover, the pursuit of allegedly normative goals may underlie strategic objectives. Waging war in the name of democracy can cover strategic aims such as advancing energy security or pursuing hegemonic control. Likewise, the promotion of the normative goal of

multilateralism may conceal a mid-level power's strategic objective of asserting its power and promoting multipolarity within the international system (e.g. China).

Following on from this, our definition of normative goals refers back to Wolfers' definition of 'milieu' goals, in contrast to possession goals. Milieu goals are those which, while indirectly related to a particular actor's specific interests, are essentially concerned with the wider environment within which international relations unfold. Furthering milieu goals may contribute to the advancement of possession goals. However, unlike possession goals, milieu goals are pursued consistently over time, and not only at the time when they also represent immediate possession goals. As put by Wolfers:

One can distinguish goals pertaining, respectively, to national possessions and to the shape of the environment in which the nation operates. I call the former 'possession goals', the latter 'milieu goals'. In directing its foreign policy toward the attainment of its possession goals, a nation is aiming at the enhancement or the preservation of one or more of the things to which it attaches value. The aim may apply to such values as a stretch of territory, membership in the Security Council of the United Nations, or tariff preferences. Here a nation finds itself competing with others for a share in values of limited supply'... 'Milieu goals are of a different character. Nations pursuing them are out not to defend or increase possessions they hold to the exclusion of others, but aim instead at shaping conditions beyond their national boundaries. If it were not for the existence of such goals, peace could never become an objective of national policy'... 'Similarly, efforts to promote international law or to establish international organizations, undertaken consistently by many nations, are addressed to the milieu in which nations operate and indeed such efforts make sense only if nations have reason to concern themselves with things other than their own possessions. (Wolfers, 1962, p. 73)

In order to provide as sound a definition as possible, we could add that normative foreign policy goals are those that aim to shape the milieu by regulating it through international regimes, organisations and law. As put by Risse, a high degree of international institutionalisation and regularisation allows for and induces a 'common lifeworld'. International institutions, regimes and law provide a 'normative framework' structuring relations - including the pursuit of possession goals - in different policy

areas (Risse, 2000, p. 15). This relates to Dûchene's idea of a civilian power, which aims to domesticate relations between states by drawing international problems within the sphere of contractual structures and relations (1973, p. 19). It is however fundamental to add that a normative goal is one that pursues international regularisation in a manner that binds the behaviour of all parties, including that of the actor in question. It is particularly important to add this proviso because international law is also the product of international power relations and not a magic formula that perfectly objectivises and universalises norms. Notwithstanding this, a focus on law diminishes the risks of imposing one's chosen definition of norms on others through the sheer exercise of power, as well as of acting inconsistently and selectively in world affairs. In other words, law can provide a normative boundary within which several codified norms can be interpreted and pursued.<sup>2</sup>

## ***2.2 Normative means***

In principle, the promotion of normative goals such as the institutionalisation and legalisation of human rights and democratic standards could be pursued through a variety of means. Yet pursuing the entrenchment of democratic standards through war unauthorised by international law can hardly be viewed as normative. To be normative, foreign policy must pursue normative goals through normative means. But what is meant by normative foreign policy means?

When normative foreign policy is equated or associated with the notions of 'civilian' power, the normative character of foreign policy means emphasises economic, social, diplomatic and cultural instruments as opposed to military ones. In relation to the European Community, Dûchene (1973) argued that the lack of common military means, far from being a source of weakness, represented a virtue of the Community's role in the world. Transposing this claim to present circumstances, Whitman (1998) argued that even if the Union develops a military capability, its civilian character remains intact in view of the secondary nature of its military means as opposed to the prime emphasis placed on economics and

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<sup>2</sup> The substantive and detailed mapping of the bodies of law (and strong quasi-legal policy rules) that are relevant to the foreign policy field will be the subject of another paper in this series.

diplomacy. There is in fact a stark 'normative' difference between the protection of human rights and democracy through military means as opposed to the pursuit of these same goals through aid, diplomacy or technical assistance. Yet attributing normative value solely to the type of instrument deployed is problematic. In some instances, the deployment of economic sanctions can be as or more harmful and coercive to affected populations than the conduct of war.

As such, more relevant to our definition of normative foreign policy means is *how* rather than *which* policy instruments are used. Here we relate back to Nye's definition of soft power, as power that relies on cooptation rather than coercion (Nye, 2004, p. 5). Using Holsti's classification, we can refine this distinction further by introducing a continuum of foreign policy means, ranging from soft methods of persuasion, moving to the granting or promising of rewards, to the threat or infliction of punishments, ending with the hard methods of the use of force (Holsti, 1995, pp. 125-126). Related to this continuum, some authors have classified soft methods based on joint ownership, engagement, persuasion and cooperation as more 'normative' than coercive methods such as conditionality, sanctions or military action. Methods based on joint ownership, cooperation and dialogue in principle hedge against the dangers of imposing allegedly 'universal' norms through sheer power and against the needs and desires of local populations in third countries. These methods allow for and are driven by motivations which are 'other-empowering' rather than 'self-empowering' (Manners, 2006b).

Yet serious doubts can be raised about the rationale of these presumably more normative means. First, it is awkward to argue that cooperation with an authoritarian regime is more 'normative' than punishment-based incentives towards it. Second, the use of persuasion when exercised by the strong towards the weak is devoid of concrete meaning. The voluntarism inherent in these theoretically 'soft' methods falls victim to the power-political context in which they are exerted, rendering the distinction between persuasion and coercion meaningless in practice. In so far as persuasion is premised on the recognition of parity between actors, the strong does not in practice exert influence on the weak through sheer persuasion and is certainly not perceived as such by the latter. On the other side of the coin, relying on persuasion may be the mere result of weakness rather than of virtue. When lacking coercive means, a weak international actor may have no alternative to the use of persuasion.

Related to these arguments, others have considered positive forms of conditionality such as political engagement (political rewards), recognition (symbolic awards), or market access, technical assistance and aid (economic rewards) as preferable to negative ones such as sanctions or war (Cortright, 1997 and Dorussen, 2001). From a normative perspective, positive incentives are viewed as being less intrusive into a third country's sovereignty and thus less likely to generate psychological retrenchment and rigidity (K. Smith, 2004). Unlike negative forms of leverage, they are also less likely to harm local populations. Furthermore, positive conditionality allows for the retention and development of open political channels with third parties, which in turn provide additional avenues to exert influence. In this respect, the lack of official contact with certain authoritarian regimes such as Belarus or Libya has been criticised for failing to influence domestic political dynamics in these countries. Others have rebuked that while being more 'normative' at face value, in practice positive and negative incentives hinge upon similar coercive logics intended to alter the cost-benefit calculus within third parties. In different contexts they can equally represent forms of hard power exerted and delivered with the velvet glove of diplomacy. In addition, when applied to specific cases, the withdrawal of benefits such as aid can be as coercive and harmful as the imposition of sanctions. The context in which these incentives or disincentives are applied is thus critical in determining the extent to which they can be viewed as normative or otherwise.

Hence, while a focus on 'normative foreign policy means' calls for greater attention to *how* rather than *which* policy instruments are deployed, there is no clear consensus as to what constitutes 'normativity' in the deployment of these means. A way forward may be to adopt the distinction made in sociology between normative as opposed to cognitive approaches. Whereas normative approaches delimit the sphere of permissible acts, cognitive approaches permit, through trial and error, all means and methods to pursue specific ends. Picking up on the discussion on normative foreign policy goals, we define normative foreign policy means as instruments (regardless of their nature) that are deployed within the confines of the law. Legality in the deployment of foreign policy instruments relates first to the legal commitments of a foreign policy actor towards itself, i.e., the deployment of foreign policies in respect of internal legal standards of democracy, transparency and accountability (Stavridis, 2001, p. 9). It also relates to external legal commitments, that is, acting



multilaterally where possible and with UN authorisation and more generally respecting international law.

Legal foreign policy means can be considered as normative in different ways. First, it asserts the primacy of right over might, taming the power of the strong while protecting that of the weak, and thus preserving a minimal level of equity within the international society. Second, it sets the rules governing choices when different normative/non-normative goals compete (e.g. peace versus human rights or democracy in certain situations). While far from a perfect guide to normative action, in such situations the law ensures that choices are not crude reflections of political contingency, but rather are made within the boundaries of legally permissible acts.

### ***2.3 Normative impact***

A third and final variable of a normative foreign policy focuses on its results. Most studies on civilian, soft or normative foreign policy tend to place primary emphasis on declared intent rather than on actual results. Yet highlighting what a foreign policy actor actually does or does not do – its external impact – seems to be as important as an analysis of its internal aims and instruments. First, a focus on results would act as a double check on what a foreign policy actor's objectives actually are. Put simply, when declared objectives point towards the desirability of strengthening the rights of refugees and asylum seekers, yet ensuing policy action prioritises possession goals such as the containment of migration flows, declared objectives cannot simply be taken at face value. Second, the analysis of results derives from an understanding of normative foreign policy grounded upon consequentialist ethics (Manners, 2006b). By consequentialism here we do not mean a mere utilitarian approach, permitting any action in order to achieve a particular result (which as argued above would violate normative foreign policy means). A normative foreign policy would thus pursue normative goals through normatively deployed means *and* it would be effective in fulfilling its normative intent. Here equal focus would be placed on discerning foreign policy actions as well as inactions.

A normative impact is one where a traceable path can be drawn between an international player's direct or indirect actions and inactions (or series of actions) on the one hand and the effective building and entrenchment of an international rule-bound environment on the other.

The task would be that of delineating when, how and to what extent specific foreign policies engender specific institutional, policy or legal changes within a third country. Doing so is no simple feat. Rarely is a particular change within a third country the simple result of a specific foreign policy at a precise moment in time. With the (partial) exception of highly coercive military measures whose impact is highly visible, impact assessment of most foreign policies requires a detailed analysis of the interaction between policy on the one hand and the political opportunity structure underpinning the situation within a receiving party on the other.

### 3. The Interplay between the Three Dimensions of Normative Foreign Policy

Taking our three variables, which collectively constitute a normative foreign policy and exploring different combinations between them, we arrive at a set of stylised alternatives. These stylisations reflect and describe different foreign policy actors. Beginning with the first two ‘internal’ variables in foreign policy (goals and means) and exploring different combinations between them, we reach a 2x2 matrix of stylised alternatives (see Table 1).<sup>3</sup> These stylisations represent different foreign policy types, which can be labelled as normative, *realpolitik*, imperial and status quo.

Table 1. Foreign policy types

		Legitimisation of foreign policy goals	
		Normative	Non-normative
Foreign policy means	Normative	<b>Normative</b>	<b>Status Quo</b>
	Non-normative	<b>Imperial</b>	<i>Realpolitik</i>

A **normative** foreign policy type is one which satisfies both conditions (goals and means). It thus justifies its foreign policy actions by making reference to its milieu goals that aim to strengthen international law and institutions and promote the rights and duties enshrined and specified in international law. It does so by respecting its internal and international legal obligations. On the opposite end of the spectrum we

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<sup>3</sup> I would like to thank Thomas Diez for suggesting this matrix.

find the *realpolitik* foreign policy type. Here an international actor pursues possession goals by deploying all policy instruments at its disposal (coercive and non-coercive) regardless of its internal and international legal obligations. Beyond these two extremes, two further stylised alternatives can be depicted as follows. The **imperial** foreign policy type claims to pursue normative foreign policy goals, yet not in a manner that binds itself. Rather than conforming to international law and multilateral frameworks, it uses all means at its disposal to impose new norms, even if this entails the breach of international law. The imperial type does not view itself as bound by existing law. Like a Gramscian hegemon, it shapes the normative milieu by abrogating existing rules, promoting or preventing the adoption of others, and playing a dominant role in creating others still in order to regulate its subjects in a manner that best serves its interests. A final stylised foreign policy type is the **status quo** foreign policy type. In this case, an international actor operates in the international system and pursues its policies in respect of its domestic and international legal obligations and, where relevant, it operates within the context of international organisations (Diez & Manners, 2007). Yet it is not driven by and does not attempt to pursue normative foreign policy goals; that is the entrenchment and development of international law and institutions. It operates as a status quo actor, respecting existing laws and rules without wishing to pursue their further development in different regions and issue areas.

Depending on whether the achieved impact reflects original goals or not, the foreign policies of the four stylised types can be 'intended' or 'unintended' (see Figure 1 and Table 2). An intended outcome is one in which the goal reflects the impact regardless of whether they were normative or otherwise. An unintended impact is where the goals are normative but the impact is not, or vice versa. Adding this dimension to the classification of impacts, we have eight logical possibilities.

Figure 1. Foreign policy types and nature of impact

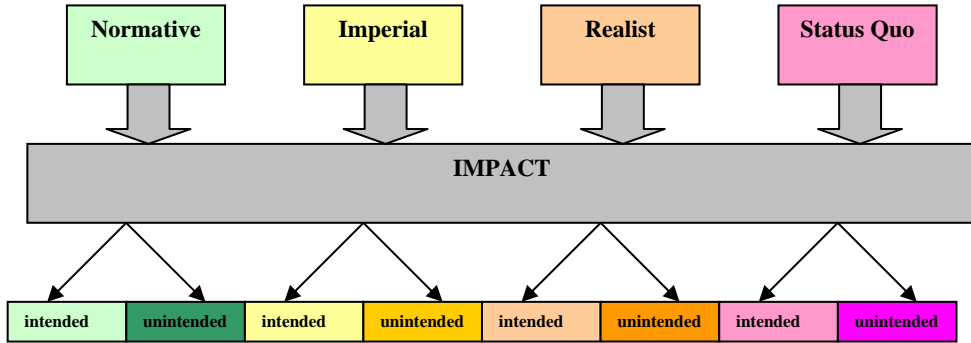


Table 2. Foreign policy outcomes

Type of actor	Normative		<i>Realpolitik</i>		Imperial		Status Quo	
	Intended	Un-intended	Intended	Un-intended	Intended	Un-intended	Intended	Un-intended
Goals								
Means								
Impact								



Non-normative



Normative

In order to have an effective or ‘powerful’ normative foreign policy, an international actor not only needs to pursue normative goals through normative means, it also needs to achieve a discernible normative impact. The impact of its policies must be **‘intended’**. Empirically, meeting all three conditions fully is arduous and may only rarely be achieved. The relevant question would thus be to determine whether in a particular instance, an actor’s foreign policy ‘essentially’ fulfils these three conditions. An a priori determination of what ‘essential’ entails is hard to achieve and requires a case-by-case qualitative analysis. Alternatively, an international actor could pursue normative goals through normatively deployed means, yet it may fail to achieve a normative impact: its results will then be **‘unintended’**. While its foreign policies may achieve particular political, economic or social impacts, these are not related to the development/entrenchment of international law and institutionalisation and to the promotion of rights and duties enshrined in international law. This international player could pursue normative goals through normative means because of the weakness of its internal capabilities and its lack of internal resolve. Its weakness generates an overlap between its milieu and possession goals. The weak actor protects itself by trying to strengthen international law and institutions. International regularisation protects the weak actor from the encroaching power of the strong and hedges against threats it has no weapons to confront. Lacking the means and resolve to pursue its possession goals, this actor conforms to internal and international legality, but its normative action is the result of a lack of choice. Alternatively and more benignly, this international player may full-heartedly pursue normative goals through the deployment of normative means. Yet it may fail to achieve normative results because of an unfavourable external environment, which it, alone, cannot shape.

The other foreign policy types may also have intended or unintended impacts. As in the case of the normative foreign policy type, the extent to which impacts are ‘intended’ or ‘unintended’ are a question of degree, which calls for careful qualitative assessments. The *realpolitik* type may ‘succeed’ in its non-normative intent, fulfilling its possession goals by exploring and deploying all policy instruments at its disposal as it sees fit regardless of its domestic laws and international legal obligations. Unsurprisingly, its foreign policy impact is not normative nor is it intended to be. Alternatively, the *realpolitik* actor may perversely achieve an entrenchment and development of international law. Precisely as a reaction to its encroaching power, other international players may pursue the

development of international law and institutions more actively as a means to contain and constrain the *realpolitik* player's foreign policies. In other words, the flouting of international law in the exclusive pursuit of possession goals may generate the unintended result of a further development of international law and multilateral frameworks – as a boomerang effect of the *realpolitik* actor's policies.

Similarly, the imperial type may achieve its normative goals, despite its flouting international law and institutions. More precisely, in this case the imperial actor would succeed in creating new norms, subsequently codified and enshrined in new international law. Alternatively, the imperial actor may fail to achieve a normative impact given that, while having the capability and resolve to pursue normative goals, its breaking of the law sets a strong a model and precedent for other international players, which impedes the achievement of an overall normative impact.

Finally, the status quo type may both achieve impacts exclusively confined to the pursuit of its possession goals; or alternatively, by acting within the confines of the law, it may unintentionally trigger further international legalisation and institutionalisation. In the former case for example, the pursuit of commercial interests can encourage the growth of 'crony capitalism' or rising socio-economic inequalities in third countries. In the latter case, the status quo player, pursuing its commercial interests within the framework of the WTO and its international trade agreements, may unintentionally trigger the regularisation of market economies in third countries even though results fall beyond the scope of its original intent.

#### **4. Conditioning Factors**

Rarely if ever does a foreign policy actor fall squarely into one of the typologies described above. In different regions and in different policy areas the same international actor can display a normative, *realpolitik*, imperial or status quo foreign policy at different points in time. Moreover, when analysing a particular foreign policy and examining how it evolves over time, different traits are likely to come to the fore. Hence, merely describing different foreign policies according to their normative or non-normative features may be of little interest and explanatory power in and of itself. The choice of which foreign policies to focus on, in which regions and at which points in time inevitably leads to different empirical results, rendering the exercise highly subjective in nature. The challenge is thus to identify under which conditions and circumstances an international player

is normative (as opposed to *realpolitik*, imperialist or status quo). And returning to the original question spelled-out at the outset, under which conditions do different international actors opt for similar or different foreign policy approaches? Under similar conditions, does the EU act in similar or dissimilar ways to the US, Russia, China or India? When it pursues a normative foreign policy is this the result of its *sui generis* nature, or do state actors adopt similar foreign policy approaches under similar conditions?

In order to tackle these questions, we have identified three principal conditioning factors that shape and influence the likelihood that an international actor will pursue a normative (or non-normative) foreign policy. The first two conditioning factors relate to the internal nature of the foreign policy actor in question and more precisely to the features influencing its chosen foreign policy goals and means. The third conditioning factor relates to the external environment in which foreign policy unfolds.

#### ***4.1 The internal political context: What interests are at stake?***

A first conditioning factor is the internal political context in which a foreign policy actor conceptualises, interprets, prioritises and operationalises its foreign policy goals. It takes into account the different constituencies (e.g. political parties, interest groups, civil society, the media, public opinion, business, etc) pushing for the adoption of particular foreign policy goals as well as the role played by official institutions developing, articulating, channelling, interpreting and operationalising those goals.

Are there, for example, internal constituencies pushing for the adoption of particular milieu goals? Is there an internal 'demand' for them? On issues such as Burma/Myanmar for example, Western public opinion and media attention on the widespread human rights violations have been sparse, ad hoc and confined to specific incidents. This has reduced the incentives of European or American foreign policy-makers to adopt and pursue strong milieu goals on the question.

Do internal political and institutional forces push for the adoption of milieu and/or possession goals? Actors such as the EU and the US have paid limited attention to human rights and international law violations in Chechnya and Tibet respectively. In some instances (e.g. in the early period of the first Chechen war), Western countries took a strong stance against

ongoing violations, while in later years (i.e. during the second Chechen war), despite ongoing violations, the pursuit of strategic trade or energy related goals appear to have trumped the pursuit of milieu goals.

Is the articulation of milieu goals presented as competing or complementary to the fulfilment of possession goals? In the context of the WTO for example, business lobbies can conceptualise and pursue their commercial interests in a manner that is either competitive or complementary to the pursuit of milieu goals in the fields of development, environment, labour rights or health.

When milieu goals are conceptualised as competing with possession goals, do internal stakeholders push for the prioritisation of the former or the latter? In the aftermath of the September 11 attacks, a highly securitised environment often led to the clear prioritisation by official institutions, the media and public opinion of security concerns over the need to respect civil and political rights. Moreover, the respect for human rights, such as the right against torture, has at times been viewed as hindering an effective fight against terrorism.

#### ***4.2 Internal capability: What foreign policy means are available?***

A second conditioning factor is the internal capability of a foreign policy actor, shaping above all its chosen foreign policy means, although also the scope of its foreign policy goals. The extent to which a foreign policy actor deploys its foreign policy instruments in a normative or non-normative way depends crucially on its internal capability and resolve and the different foreign policy instruments at its disposal.

Does a foreign policy actor have the capability to pursue non-normative means? Does it have the foreign policy instruments to pursue particular objectives by breaking international law and operating outside international organisations? This relates back to the question of strength and weakness as discussed above. Enjoying strong military means or economic leverage, major powers such as the US, Russia, China or India have more possibilities to pursue their foreign policy goals by breaching international law through the use of force or unauthorised sanctions than a small neutral state such as Switzerland or a small under-developed country in sub-Saharan Africa.

What is the relational context in which a foreign policy actor deploys its means? As Hannah Arendt argued, power is never an attribute of an



individual, but exists when a group allows and empowers an individual to act in a particular way (Arendt, 1969, p. 44). The ability to act is determined first by the material configuration of relations between parties, i.e., by the levels of dependence and interdependence between them. This, for example, determines the extent to which an actor may rationally consider the deployment of economic sanctions, even when these are unauthorised by international law. If the targeted third party's economic dependence is low instead, it is less likely that a foreign policy actor will choose to bear the costs of violating international law, given that the prospects of its sanctions achieving their desired foreign policy results are low. The opposite situation may arise instead, whereby a foreign policy actor does not have the sufficient relational power vis-à-vis a third country to deploy its foreign policies within the confines of contractual relations. In the case of migration for example, the EU has tended to conclude and make use of readmission agreements with its Eastern neighbours. However, the weakened relational power of the EU vis-à-vis its North African neighbours, due to heightened European concern over border security, has hindered the conclusion of such agreements. Lacking an appropriate legal framework to deal with the question of readmission, the Union has thus tended to reach ad hoc and informal arrangements with countries such as Morocco (Cassarino, 2007).

### ***4.3 The external environment: How does a foreign policy unfold in the international system?***

The third conditioning factor shaping when, to what extent and why a foreign policy actor may fall into one or another stylised category relates to the external context in which the foreign policy actor operates. When analysing the role played by the external environment in shaping the results of a particular foreign policy – at times reinforcing and at other times hindering the pursuit of an actor's foreign policy goals – three principal levels of analysis and accompanying questions could be borne in mind.

First, how does a foreign policy interact with the domestic dynamics within the targeted third state? In the case of Kosovo for example, the unauthorised NATO bombing in 1999 seriously weakened but did not lead to the direct overthrow of the Milosevic regime in Belgrade. The overthrow of the regime occurred one year later, when a critical mass of domestic political opposition organised and counter-mobilised, triggered by the

results of the September 2000 presidential elections. In the case of EU-Turkey relations, while EU conditionality spurring democracy and human rights reforms led to few and superficial reforms between 1999 and 2002, it was only after the 2002 watershed elections in Turkey that a strong government, backed by large swathes of civil society, passed a set of fundamental constitutional and legal reforms in the country, in compliance with EU demands.

Second, how does a foreign policy interact with the policies of other international actors within a third state or in a specific issue area? In the case of the Ukraine or Georgia for example, the 2003 Rose Revolution in Georgia or the 2004-05 Orange Revolution in Ukraine were declaredly aimed at redirecting these two countries towards the US and the EU, and promoting democratic, good governance and market economy reforms. Yet equally, if not more important than the normative foreign policies of the EU or the US towards these two post-Soviet states, Russia's *realpolitik* approach towards Tbilisi and Kiev reactively mobilised change within these two post-Soviet states.

Third, how does a foreign policy interact with the wider international context shaping the developments within a third state or issue area? Here several issues could be considered. What international pressures bear upon a foreign policy actor and how do these influence foreign policy choices and their ensuing results? In the case of the EU vis-à-vis the Palestinian government, following the signature of the Mecca agreement between Fateh and Hamas in February 2007, internal forces within the EU were inclined to recognise the Palestinian government and consider the resumption of financial aid to it. However the US and Israel's strong opposition to this and the EU's priority to maintain cooperation with both, and unity within the Quartet, militated against lifting the boycott on the PA. Alternatively, what is the role played by a foreign policy actor within international organisations and how do these organisations affect the foreign policy impact of an international player? A key determinant of normative foreign policy is the extent to which normative goals are promoted, monitored and enforced by international organisations, as well as the degree to which a foreign policy actor successfully makes use of these organisations to promote its goals. For example in pursuing EU policies of conditionality on democratic standards and human rights in Central and Eastern Europe, the norms promoted by the UN, the OSCE, the Council of Europe or NATO played a key role in determining the extent to which the Union succeeded in achieving normative foreign policy results.

## 5. Concluding Remarks

There has been a growing body of literature and debate in the last decade describing and analysing European foreign policy in normative terms. Yet in academic literature, in policy research and in official discourse, this representation of the EU has tended to be rather self-referential, being conducted largely by Europeans and for a European audience. Unsurprisingly, it has had limited resonance and support in wider academic and policy circles.

Strongly believing that a normative understanding of foreign policy in general and of European foreign policy in particular is not only long overdue but also highly desirable, this paper offers an analytical framework to broaden the existing debate. It does so by providing a definition of what is 'normative' that is strongly based on international law and institutions, claiming that law, while man-made and far from immune to international power politics, represents the most universal and universalisable 'normative boundary' within which to assess foreign policy.

This paper has also provided three primary variables: goals, means, and impact, whose normative qualities need to be ascertained in order for a foreign policy to be considered overall as being normative. Fulfilling all three conditions may be viewed by some as setting the bar at an unrealistically high level. To this one could nonetheless respond that having or claiming to have a normative foreign policy is no mean feat in itself. Finally, and based on the premise that any international actor is likely to pursue normative, as well as realist, imperial and status quo policies depending on time and place, this paper has set out three 'conditioning factors', which could help understand when and why a particular international actor may or may not pursue a normative foreign policy. It has done so by presenting more questions than answers. Yet hopefully these are questions that may prove useful in conducting subsequent empirical research applied to different international actors and to the nature of their foreign policies.

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## 2. THE EUROPEAN UNION AS A NORMATIVE FOREIGN POLICY ACTOR

*NATHALIE TOCCI*

*WITH CASE STUDIES BY HAKIM DARBOUCHE, MICHAEL  
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GERGANA NOUTCHEVA AND CLARA PORTELA\**

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*The opening chapter set out the conceptual framework for exploring the question of Who is a normative foreign policy actor? The European Union and its Global Partners. This chapter constitutes one of several case studies applying this framework to the behaviour of the European Union, whereas the others to follow concern China, India, Russia and the United States. A normative foreign policy is rigorously defined as one that is normative according to the goals set, the means employed and the results obtained. Each of these studies explores eight actual case examples of foreign policy behaviour, selected in order to illustrate four alternative paradigms of foreign policy behaviour – the normative, the realpolitik, the imperialistic and the status quo. For each of these four paradigms, there are two examples of EU foreign policy, one demonstrating intended consequences and the other, unintended effects. The fact that examples can be found that fit all of these different types shows the importance of ‘conditioning factors’, which relate to the internal interests and capabilities of the EU as a foreign policy actor as well as the external context in which other major actors may be at work.*

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## 1. Introduction

Since its inception, the European Union has been conceptualised (and prided itself) as being a distinctly ‘different’ type of international actor. Over the decades, it has been described as a ‘civilian’ (Dûchene, 1973, p. 19), a ‘soft’ (Hill, 1990) and most recently a ‘normative’ power in international relations (Manners, 2002, 2006). The EU’s official texts make similar claims about the Union’s role in world politics. Since the 1970s, in fact, norms and values began distinctly to permeate European foreign policy documents and declarations (see Hill & Smith, 2000). At a two-day meeting of EU heads of state on 14-15 December 1973, which resulted in a declaration on Europe’s identity, the delegates talked about building a ‘just basis’ for international relations. The 1986 Single European Act called upon the Community to “display the principles of democracy and compliance with the rule of law and with human rights” in its conduct of external relations. The 1988 Rhodes European Council called for an EU role in preserving international peace, promoting the solution to regional conflicts, demonstrating solidarity for democracy, supporting the Universal Declaration of Human Rights, strengthening the effectiveness of the United Nations and improving social and economic conditions in less developed countries. The Maastricht Treaty went further, calling for the preservation of peace and security, the promotion of international cooperation, the fight against international crime, the development of democracy and the rule of law, the respect for human rights and fundamental freedoms, and the support for economic and social development (Article J.1). Most explicitly, the Reform Treaty states that in international affairs the EU would be guided by and would seek to promote the values on which the Union is founded, including democracy, human rights, fundamental freedoms and the rule of law (Article III-193(1), Article I-2 and I-3).<sup>4</sup>

This chapter seeks to test these assertions. Rather than assuming that the EU is a normative international player simply by virtue of its ‘different’ non-state nature, we show that in different geographical regions and at different points in time, the Union’s foreign policies have taken on dramatically different forms. If by a normative foreign policy we mean pursuing normative goals through normatively deployed instruments and having a discernible normative impact, then what emerges, perhaps

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<sup>4</sup> As numbered in the draft Constitutional Treaty.

inevitably, is that the EU is not always a normative international actor. Through the analysis of eight case studies, this chapter examines how EU foreign policy has at times been normative, while at other times it has been realist, imperialistic and status quo-oriented. In a final section we tease out the principal dynamics at work in determining why the EU acts the way it does in different cases and draw some lessons concerning the nature of the EU’s role in the world.

We reproduce below the table developed in chapter 1, showing the eight case studies of EU foreign policy selected for analysis in this paper.

*Table 1. The EU’s role in the world: Selected sub-case studies*

Type of actor	Normative		<i>Realpolitik</i>		Imperialistic		Status Quo	
	Intended	Un-intended	Intended	Un-intended	Intended	Un-intended	Intended	Un-intended
Goals								
Means								
Results								
Case Study	Central and Eastern Europe	Belarus	Russia	Syria	Kosovo	Israel-Palestine	North Africa	Ukraine

**2. Enlargement Policy towards Central and Eastern Europe, 1989-2007: Normative Intended**  
*Contributed by Gergana Noutcheva*

**2.1 Normative goals**

The normative objectives of democratisation and economic modernisation, achieved by anchoring the post-communist states in Central and Eastern Europe (CEE) in the Western model of political pluralism and economic



liberalism, have been the cornerstones of the EU's enlargement policy in the 1990s. The EU's response to the collapse of communism in Eastern Europe in 1989 was to extend the prospect of membership to the countries in the region, in an attempt to steer their domestic transformation and return to the European mainstream. The EU's offer of membership was made conditional on these countries' achievement of high standards of domestic governance and the normalisation of their relations with their neighbours. The 'Copenhagen criteria' embodied the EU's vision of the necessary political and economic trajectory to emerge from the deep economic, political and social crises that resulted from the region's abrupt change of regime.

In essence, the accession requirements of democracy, market economy and legal harmonisation with the EU can be seen as an invitation to take on board the EU's political, economic and legal *acquis* before being admitted to take part in EU power-sharing mechanisms. Although especially designed to evaluate the readiness of the CEE candidates to join the EU, the Copenhagen criteria are deeply rooted in the EU's own legal traditions and common policy practices. Art. 6 of the Treaty on the European Union codifies the EU's democracy, human rights and rule of law principles as constitutive elements of the EU's political community. The joint governance of the EU's economic space through common policies and institutions has a firm legal basis in the EU's treaties too. What the EU asked the candidates to comply with prior to accession is in principle applicable to EU member states too. The design and implementation of the enlargement policy by EU institutions can be viewed as an expression of the Union's own identity.

## **2.2 Normative means**

To understand the normative dimension of the EU's enlargement policy, one needs to keep in mind the voluntary nature of the process, attributing normative qualities also to the policy means employed by the Union. In the early 1990s, it was the Eastern European countries that demanded integration into EU structures, not least as protection against the former imperial power – the Soviet Union. The EU was reacting to external events and developing an enlargement strategy in parallel to its internal agenda.

The major instrument for pursuing the EU's normative goals in the enlargement context was the conditionality principle of 'carrots and sticks' (Schimmelfennig & Sedelmeier, 2004). Accession conditionality as practiced

by the EU has not involved the active punishment of EU candidates that fell short of reform expectations. Instead, the EU withheld benefits from the accession hopefuls by delaying their progress on the way to membership. It also played up symbolic politics by allowing good performers to advance in the process while highlighting lost opportunities to the laggards. Academics have described this conduct as ‘reinforcement by reward’ (Schimmelfennig, Engert & Knobel, 2006) or ‘gate-keeping’ (Grabbe, 2003). In principle, the EU was more inclined to encourage and reward performance than to sanction underperformance, except indirectly. This is not to disregard the power asymmetry between the EU and the candidate countries. The EU was the one to decide on each candidate’s suitability to become a member of the club by setting the accession criteria and evaluating the preparedness of the applicants. Whereas in theory the candidates formally negotiated accession, in practice very little negotiation took place. The *acquis* was non-negotiable, with the exception of some transition periods and temporary derogations. And the EU alone could decide whether and how a candidate fulfilled the criteria for membership.

Yet what empowered the Commission to demand compliance with its accession requirements were especially its references to political values and economic norms. The Commission progressively felt comfortable to criticise and ‘shame’ the candidates’ shortcomings by publicly announcing policy recommendations, mobilising further reform constituencies within these countries and galvanising other international actors with stakes in the reform process, e.g. international organisations, donors and international business (Grabbe, 2001). By acting in pursuit of its normative goals, the EU demanded conformity with its values of candidates wishing to become equal partners in the European project.

In addition, conditionality was accompanied by softer mechanisms of policy transfer in various sectors based on social interaction and contacts between the EU institutional machinery and the national administrations and political bodies of the candidate countries. In the first half of 1990s, the EU signed Association Agreements (known as Europe Agreements) with the CEE applicants which not only liberalised trade exchanges but also institutionalised the political relations between the EU and the respective national authorities. The Accession Partnerships initiated in the late 1990s provided a further forum for dense institutional contacts between the EU and the candidates’ public bodies, detailing reform priorities and monitoring mechanisms. The annual monitoring reports of the European Commission, which evaluated progress towards accession of each

candidate, offered another opportunity for information exchange between Brussels and the national capitals. In short, the active socialisation of the applicants into the 'European way of doing things' complemented the more forceful incentive-based method of conditionality, although the latter was by far given more credit for the results achieved in the short period of accession preparations.

### ***2.3 Normative results***

The eastern enlargement in two successive rounds in 2004 and 2007 has widely been acknowledged as the EU's biggest foreign policy successes to date. This is due to the pace and depth of the political and economic transformation that enlargement engendered in Central and Eastern Europe between 1989 and 2004-07. On the whole, in just over one decade, the East European countries established the institutional foundations of modern states and transformed themselves from being full-blown dictatorships into liberal democracies with vibrant pluralism and engaged civil societies (Vachudova, 2005). They also went through deep economic change cutting down on the losses of the centrally planned system and establishing the fundamentals of modern market economies, attracting billions of euros of foreign direct investment (FDI) every year and growing at high rates (Gros & Steinherr, 2002).

This is not to say that everything went smoothly and every country achieved the same results. Some countries took longer than others to embark on a consistent reform track. Some had more favourable starting conditions than others and progressed faster. Some went through setbacks and had to struggle harder to overcome domestic resistance to change. But the overall record is highly positive. Critics may still question the quality of domestic governance in the new member states compared to the older ones. A governance quality gap between Western and Eastern Europe still exists. But given their point of departure in the early 1990s, the Central and Eastern European countries have gone a long way towards becoming credible partners in the European integration project.

### ***2.4 Conditioning factors***

What explains the EU's normative behaviour in the enlargement context? The answer to this question is complex, but the key to understanding these

normative results is the combined effect of external and external dynamics which converged to produce the observed outcome.

### *Internal interests*

Above all, the EU's internal political context became increasingly favourable towards enlargement. Enlargement-sceptics were progressively silenced over the course of the 1990s and an overall sense of priority emerged around the enlargement agenda. Points of difference between the member states existed but related more to questions of how and when to enlarge rather than to whether and why. This internal consensus was critical for finding solutions to the many problems and difficulties along the process. Did rational interest-based motives underlie the 'normative' appearance of the EU's enlargement discourse? For some scholars, the EU had good geo-political and economic reasons to support the transition process in Eastern Europe and attempt to influence developments there to its advantage (Vachudova, 2005). For others, the EU had no real interest in proposing full institutional inclusion to the Eastern European states and in accepting their leaders as equal partners in EU decision-making structures (Schimmelfennig, 2001). An advanced association with the EU might have served the geostrategic objective of anchoring these countries to the West both in political and economic terms. What could explain the EU's generous offer of membership is the feeling of kinship and moral duty to the East Europeans who were cut off from the European integration project as a result of unfortunate geo-politics in the aftermath of the Second World War (Sjursen, 2002). Official EU documents and speeches indeed often invoke the widespread sentiment among EU policy-makers that this was 'an historic opportunity' to reunite the continent and do away with ideological divisions and artificial barriers. Yet regardless of whether interests also dictated or influenced EU actions, this does not belittle the predominance of normative goals in the Eastern enlargement policy.

### *Internal capacity*

Beyond the convergence on normative priorities, the EU initially did not know how to support the transition process from communism to democracy and a market economy, nor did anyone else. There was no grand plan to achieve the desired objectives apart from the promise of EU membership, and the EU's enlargement policy was in many respects improvised and reactive to developments on the ground. The Commission

was entrusted by the member states to oversee the enlargement dossier which it took very seriously, not least because this was an opportunity to raise its institutional profile in the foreign policy domain. Subsequently, the Commission mobilised its internal resources and worked devotedly to build the necessary internal capacity to see this process through to a successful end. The Union put at work the policy instruments it knew how to use best – those linked to integration – rather than foreign policy capabilities, which it was known to lack.

### *External environment*

Finally, the external environment was conducive to the EU's overall normative role in Central and Eastern Europe in the post-communist period. The geo-political change triggered by the fall of the Berlin Wall and the dissolution of the Soviet Union challenged the ideological division that had marked Europe's post-war history. It also triggered a realignment of geo-strategic orientations and foreign policy priorities in Eastern Europe. Not only was the West ready to offer financial support and security guarantees, but also the East Europeans were willing to integrate in the Euro-Atlantic structures as an expression of their normalisation and 'return to Europe'. The US firmly supported the anchorage of the region in Western institutional frameworks and contributed to the democratisation and economic modernisation of these countries. In this sense, a favourable constellation of external and internal factors existed and prepared the ground for the EU's normative role.

## **3. Sanctions against Belarus: Normative Unintended** *Contributed by Clara Portela*

### **3.1 Normative goals**

The goals pursued by the EU vis-à-vis Belarus through its sanctions policies are unequivocally normative. The EU refers to the 'violations of international electoral standards' in the 2006 presidential elections and the 'crackdown on civil society and democratic opposition' as the primary reasons for the imposition of sanctions. The EU sanctions strategy against Belarus has followed an incrementalist logic, unfolding in parallel to the evolution of the Belarusian state towards authoritarianism.

The EU's goals have also been consistent over time: Belarus represents a clear case for sanctions tailored to the advancement of

democracy. The origins of the current sanctions regime can be traced back to the EU's reaction to the Belarusian constitutional crisis of 1996: restrictions on the freedom of demonstration and the freedom of speech, followed by the enactment of a new constitution concentrating powers in the president's hands were met by a first wave of negative EU measures: the Council decided, among others, to limit political contacts with the Belarusian authorities, and froze negotiations on a Partnership and Cooperation Agreement and on a new TACIS aid programme. For its part, the European Parliament announced its intention to withdraw assent to any bilateral agreement with Belarus. Subsequently, every step towards greater authoritarianism was met by a tightening of EU sanctions. On top of successive flawed elections, the disappearance of four Belarusian citizens triggered a separate sanctions regime. EU sanctions now encompass a visa ban and freezing of assets on individuals connected with the violations of international electoral standards, the repression of peaceful demonstrators and the obstruction of justice.

Beside CFSP sanctions, the EU has also suspended the application of trade privileges, the generalised system of preferences (GSP), due to the lack of freedom of trade unions. Finally, the European Commission (2006) has declared in a non-paper that it expects Belarus to guarantee the rights of entrepreneurs to "operate without excessive intervention by the authorities". In sum, all EU institutions – the Council, Parliament and the Commission – converge in their condemnation of the Belarusian regime, although the focus on pro-democratic reforms and the strengthening of the rule of law has recently been supplemented by requirements pertaining to free-market liberties.

The legitimacy of EU goals is enhanced by the fact that its sanctions were imposed in support of claims made by pan-European organisations. The disappearance of the four public figures had been the subject of an April 2004 report of the Parliamentary Assembly of the Council of Europe (the 'Pourgourides Report') demanding an independent enquiry. Elections were deemed to be flawed because they failed to meet OSCE standards. Accordingly, the EU has pledged to review its position "in the light of reforms made to the Electoral Code to bring it into line with OSCE commitments" and "actions by the authorities to respect human rights with regard to peaceful demonstrations", such as the "release and re-habilitation of political detainees". Concerning the disappearance of the four citizens, the EU announced that it would take into account the willingness of the authorities to conduct a full and transparent investigation and to bring

those responsible to justice. Finally, the minimum standards for the freedom of trade unions, which Belarus fails to respect, are set by the International Labour Organisation (ILO).

### ***3.2 Normative means***

The means applied by the Union in pursuit of these predominantly democratic standards are also normative, i.e. they can be located within the confines of the law. This is due to the fact that the measures wielded against Belarus consist in the withdrawal of unilaterally granted benefits. In other words, the EU is simply refraining from providing benefits that it is free to withhold. No international actor is obliged to provide technical assistance to another state, grant visas to third country nationals or offer preferential trade conditions unless it is committed to do so by treaty. In the case of the EU, granting of preferential trade is governed by an EC Regulation stipulating the conditions under which preferential treatment can be granted. The suspension is foreseen only after the time-consuming and meticulous investigation of a third state's non-compliance with internationally agreed ILO standards.

The EU follows a declared double-track approach, drawing a distinction between those responsible for the violation of electoral standards and human rights, and the Belarusian population at large. Its asset freeze and visa ban target the responsible individuals whose names appear in public blacklists, thereby earmarking them "persona non grata" (Pomorska, 2006). By contrast, the EU maintains contacts with mid-range officials. At the same time, the EU has consistently made clear that it would "avoid sanctions which harm the wider population" (Ferrero-Waldner, 2006). Indeed, it claims to support the 'needs of the population' through social and economic development. No trade restrictions have ever been imposed, and the EU continues to provide assistance which directly benefits the population through NGOs. In response to the original crisis in 1996, the EU pledged to examine ways of associating civil society with the democratisation process. The EU supports democratisation, for example, through the funding of independent TV and radio programmes.

### ***3.3 Non-normative results***

The increasing assertiveness in the EU's responses to the deterioration of the state of democracy in Belarus has not fulfilled its normative intent. In

the early phases of Lukashenko's rule, EU-inspired sanctions solved a dispute over the ill-treatment of Western diplomats (the Drozdy crisis) and reversed the closure of the OSCE mission in Minsk (Toledano, 2001). However, EU sanctions have not promoted wider democratic practices. Equally, and in spite of the EU's dedicated effort to send a positive message of support to the Belarusian people, democratic forces in the country have not been substantially strengthened as a result of EU pressure. It is generally assumed among Western observers that if free elections were held under present circumstances, President Lukashenko would still win a majority (Grant & Leonard, 2006).

### ***3.4 Conditioning factors***

In comparison to traditional coercive policies, such as blanket trade embargoes, the EU displays a sophisticated strategy respecting the division between the individuals it aims to condemn, and the wider population it intends to support. How can the failure of the double-track strategy be accounted for? Why has the EU failed to compel change in the behaviour of the leadership, or in substantially strengthening Belarusian democratic forces?

#### *The internal political context*

The internal political context is key to understanding the normative framing of the sanctions against Belarus. The European Parliament and a number of national parliaments have been vocal supporters of the sanctions, as well as the initiators of the positive measures that are adopted in parallel. The preoccupation for sparing the population typically accompanies EP demands for negative measures. Particular interest groups and civil society organisations have played a central role in the suspension of the GSP. According to the EC Regulation on GSP, investigations on non-compliance leading to suspension can only be initiated at the request of affected groups. In this case, it was the initiative of international trade unions that set the process in motion. The decision to suspend was taken reportedly against the will of Belarus neighbours Lithuania and Poland, which saw the interest of their cross-border enterprises negatively affected. But by and large the internal political consensus crystallised in favour of sanctions.

This is largely because little contradiction exists in this case between so-called 'possession goals' and 'milieu goals', discussed in detail in CEPS



Working Document No. 279.<sup>5</sup> Sanctions have not imperilled possession goals, such as the pursuit of commercial and energy interests. CFSP sanctions do not affect trade – commercial exchanges between the EU and Belarus have continued. According to 2006 statistics, Belarus is only the 47<sup>th</sup> trading partner of the EU, and its planned economic system makes it unattractive for further investment. Virtually deprived of raw materials, Belarus is only relevant as a transit country for Russian energy supplies. When bilateral cooperation has become pressing, it has taken place in spite of the sanctions. Sanctions have not prevented holding discussions on energy matters between the Commission and Belarusian mid-rank officials in the aftermath of the crisis with Russia in January 2007. Given that possession goals (trade and energy security) do not collide with milieu goals (pro-democracy sanctions), there is no internal constituency within the EU that is fundamentally opposed to the sanctions.

### *Internal capability*

In theory, the EU is well-placed to coerce Belarus through economic means. In relational terms, Belarus is dependent on trade with the EU, while Belarus is a negligible market for the EU as a whole. The EU is Belarus' second trading partner, and its first export partner, absorbing over 45% of its exports. By contrast, Belarus accounts for a mere 0.3% of the EU's total trade volume. Thus, trade restrictions could greatly harm Belarus without causing much damage to the EU's economy. The limitation on the EU's side is rather its unwillingness to incur any tangible cost for the sake of Belarus' reorientation towards democratic rule. Firstly, a possible retaliation by Belarus consisting in stopping the supply of Russian energy and oil would entail serious costs to the EU and compete with the goal of ensuring energy security. Secondly, there is virtually no constituency inside the EU that would support forceful means, while Lithuania and Poland, as well as the wider business communities, would strongly oppose it.

### *The external environment*

Beyond the unwillingness to incur high costs, the main reason explaining the EU's failure to engender normative results in Belarus is located within the country's domestic dynamics. As typically the case with many

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<sup>5</sup> See also Wolfers (1962).

countries under sanctions, the leadership has been able to capitalise on Western condemnation to its advantage. It portrays the country as being 'demonised' and 'under siege'. This perception is partly aided by the fact that the country has been subject to sanctions of diverse nature (most recently the suspension of GSP). This is unsurprising in a country where free media and civil liberties are severely constrained. Public diplomacy aside, other circumstances weigh heavily in the attitude of Belarusian citizens. In economic terms, Belarus was better off than its southern neighbours Ukraine and Moldova when the Soviet Union collapsed and this despite the scarcity of raw materials (Beichelt, 2007). This difference persists today, despite these countries' Euro-Atlantic choice. The comparatively high living standards in Belarus, coupled with an unusually positive image of Russia as a protector, have all aided the popular perception of Lukashenko as both the guarantor of close ties with Russia and of Belarusian wealth (Zurawski, 2005).

The domestic configuration of Belarusian politics is closely linked to the role of Russia as a 'protecting power'. Russian support has been critical to the resilience of the Lukashenko regime. In economic terms, Russia has supplied Belarus with subsidised energy. In political terms, the close ties with Russia have allowed Belarus to present itself as displaying an 'Eastern orientation', rather than being internationally isolated (Zurawski, 2005). However, the relationship between the two countries has come under considerable strain in recent years, suggesting that Russia no longer offers unconditional support to its Western neighbour. Interruptions of Russian gas supplies, provoked by the Belarusian rejection of increases in energy prices, have taken place consecutively in 2006 and 2007. The 2007 energy crisis prompted Belarus to establish 'structured discussions' on energy issues with the EU - a cooperation framework at expert level falling short of a fully fledged 'energy dialogue'. These developments suggest that a weakening support of Russia might open the space for increased EU leverage on Minsk.

The influence of other international actors also plays an important albeit secondary role. The EU finds itself between two powers whose influences and positions largely cancel each other out. When imposing sanctions against Belarus, the EU has acted in concert with the US. Transatlantic cooperation is habitual in sanctions policies, and in this case it is unknown which side took the initiative. Given that Belarus is in a state union with Russia, such move was seen as a step aimed at challenging Russia's sphere of influence. However, given that neither the US nor Russia

considers Belarus a priority, and that the nature of sanctions have not seriously affected Belarus' economy, the sanctions were bound to remain rather uncontroversial in the wider international context.

#### **4. EU Policies towards Russia, 1999-2007: *Realpolitik* Intended** *Contributed by Sandra Fernandes*

##### **4.1 *Non-normative goals***

EU declarations on Russia are rife with normative intent, but revealed preferences suggest these have been trumped by other goals, notably related to energy security and the penetration of Russian markets goals. Yet unlike the cases of Eastern Europe and Belarus, the pursuit of these goals vis-à-vis Russia has contradicted the EU's normative agenda. In 2003, the Wider Europe initiative and the European Security Strategy clarified that the EU aimed to create prosperity and security on its borders and highlighted the importance of its relations with Russia. In particular, the EU repeatedly stated its intention to promote, in its institutionalised dialogue with Russia, the rule of law, good governance, the respect for human rights, including minority rights, the promotion of good neighbourly relations, the principles of market economy and sustainable development. The spirit of the EU-Russia Partnership and Cooperation Agreement (Emerson et al., 2006b, pp. 62-94) also included the goal of promoting international security, in equality and partnership. The goals stated by the EU advocate an international order based on 'effective multilateralism' and international law, as codified by the United Nations, the Council of Europe and the OSCE (Organisation for Security and Cooperation in Europe). Yet other goals and objectives have progressively come to trump the EU's normative agenda vis-à-vis Russia. In particular, since the beginning of President Putin's second mandate in 2004, the EU has mainly acted in pursuit of its energy interests and pushed for Russia's WTO accession in order to make Russia a more economically attractive, credible and trustworthy partner. Normative goals have thus remained dead letter, while concrete actions have focused on the pursuit of narrow possession objectives.

## 4.2 *Non-normative means*

The EU's normative goals vis-à-vis Russia have thus been sidelined, as the relationship has evolved through cooperation on an issue-by-issue basis achieving progress on several concrete issues such as visa facilitation. The most visible example of the EU's normative neglect in its ties to Russia has been its stance on the Chechen conflict, in which Russia has adamantly refused international interference and the EU has accepted Moscow's view, treating Russia as a partner – despite the growing normative gap between the two. Even during times of crisis, Putin has been received by EU leaders as a special guest (for instance, during the Lahti informal summit in October 2006).

The EU has established a specific institutionalised human rights dialogue with Russia since March 2005, which was considered a notable normative achievement. But consultations never took place in Russia and the dialogue appears to have become an empty shell. Recently, the Mafra Summit has evidenced the EU's inability to use effectively the dialogue with Russia, with the failure to agree upon an OSCE election observer mission in Russia for December 2007. There is some wishful thinking on the European side that the dialogue could produce its desired effects in the long-term. Yet the EU is unlikely to socialise Russia into human rights observance, as opposed to the case of Eastern enlargement.

In recent years, the goal of promoting peace has made it onto the EU-Russia agenda with institutionalised dialogue covering the frozen conflicts in Moldova and Georgia and the adoption of the Road Map for the third common space in November 2005. Nonetheless, these conflicts are not addressed in a manner that challenges Russia's primary and not always constructive role in these conflicts (Pozzo di Borgo, 2007, pp. 25-27). In particular, the EU has done nothing to alter Russian coercive policies such as its selective visa and trade restrictions on Georgia and Moldova.

Technical assistance and aid to Russia are also not consistent with the EU's declared normative goals. Since 1994, enlargement became an EU priority and since 1999 this tendency was reinforced. In relative terms, Russia like other non-accession countries lost out as a result of this reprioritisation. More specifically, EU aid to Russia as a proportion of the Union's external assistance budget has decreased over the years (Fernandes, 2006). This trend is set to continue as Russia now seems unwilling to receive assistance through the ENPI (European Neighbourhood and Partnership Instrument), because of its economic

recovery and growing national pride. Political conditionality as a means to achieve normative goals is also not being effectively used in the case of Russia.

### **4.3 *Non-normative results***

Not only have EU policies failed to induce Russia's compliance on democracy, human rights and conflict resolution. Far more seriously, the EU's declaratory insistence on its common principles with Russia has contributed to an unexpected boomerang effect in Russia. The Kremlin reasserts Russia's cultural specificity and its right to have a different interpretation of democracy ('sovereign democracy'). More recently, President Putin has criticised the democratic shortcomings in several member states and the US, while strengthening his control over Russian public opinion through the media and restrictions on and repression of NGOs and political opposition. This tendency has become particularly acute in the run-up to the Russian elections in the fall of 2007, which have seen a peak in Slavophile discourses. The human rights dialogue with the EU thus seems to be provoking a negative effect rather than stimulating convergence on the basis of shared values. On the one hand, some member states feel disappointed and deceived by Moscow, while on the other hand, Russia feels misperceived and devalued by a self-righteous EU (Entin, 2006). The EU's attempt to engage Russia on Moldova and Georgia's conflicts has also not borne concrete results. On the contrary, Russia views the ENP as unwelcome interference in its 'near abroad', albeit not as problematic as the engagement of NATO or the US (with its anti-missile project). In general, the EU's post-enlargement aims in the common neighbourhood are those of a post-modern actor, contrasting with Russia's traditional sovereign prerogatives (Epstein & Gheciu, 2006; White, 2005). Instead of becoming a normalised European partner, Russia is becoming an increasingly challenging foreign policy actor. When Europeans strive for a common internal energy policy and an engagement with Russia to regulate the energy market, Russia's reaction is to seal bilateral agreements with select member states to secure supplies to national consumers, as well as to create a strong Gazprom monopoly and a sister of this company in the civil nuclear realm (*Atomenergoprom*) in order to consolidate its monopoly in the electricity market.

#### 4.4 *Conditioning factors*

##### *Internal political context*

Although the EU declares a set of milieu goals in its relations with Russia, these are not consistently pursued; while possession goals, related to energy and the penetration of Russian markets, often take the upper hand. This is largely explained by the EU's internal political context, whereby Russia has been able to play national European interests against each other undermining an integrated EU approach. There is an EU demand to bind Russia to common economic rules (milieu goals), but there is also a lack of internal consensus about which rules should apply. Indeed there are different national perspectives in the EU on Russia and there is no consensual approach towards Moscow. Some member states wish to reconsider cooperation with Russia on the basis of Russia's non-normative behaviour, while others favour a more pragmatic approach (Allison et al., 2006). For instance, the three Baltic states and Poland are prone to defend a united EU voice towards Russia and to deal with Russia at the EU level on all issues. Others, like France, Germany and Italy, have privileged bilateral relations with Moscow. On energy in particular, bilateral agreements have been celebrated last year to secure gas supplies between several member states and Russia.

##### *Internal capacity*

The Union's relative power vis-à-vis Russia and its *sui generis* nature constrain its capacity to pursue normative goals towards Russia with success. Internally, there is no straightforward process whereby a bilateral member state problem with Moscow can be translated and tackled at EU level, despite growing intra-EU solidarity at the level of rhetoric. There is also a lack of integrated EU foreign policies in general and external energy policy in particular, again, inducing member states to go-it-alone with Moscow. In turn, member states and the EU as a whole fall back to a disintegrated pursuit of security and commercial goals towards Russia partly because of insufficient capacity at EU level.

##### *External environment*

The external environment also explains why the EU has acted as an intended *realpolitik* player vis-à-vis Russia. Most importantly, Russia is increasingly able to reject what it perceives as an imposed convergence on

EU standards and insists on the recognition of its specificities (Massias, 2007) by successfully using its energy leverage and playing divide and rule between member states. The increasingly hard-line attitude of Putin's regime, aided by the Kremlin's re-found role in the regional and global scene, makes it less likely for the EU to insist on its normative agenda. The Russian veto in the UN Security Council and its ability to block progress on several 'hot' international issues, such as Kosovo, as we shall see below, further heighten Moscow's assertiveness towards the EU. Furthermore, the EU's strategic alliance with the US adds a further external constraint to a normative EU approach towards Russia.

## **5. Policies towards Syria, 2003-07: *Realpolitik* Unintended** *Contributed by Ruth Hanau Santini*

### **5.1 *Non-normative goals***

EU policies towards Syria represent an interesting case in several respects. First, the Middle East is the only region that was singled out in the 2003 Security Strategy as an area, beyond the Union's immediate neighbourhood, of significant geo-strategic interest and concern to the EU, in which the Union is intent in promoting political and economic development in line with its proclaimed norms. Second, the EU's repeatedly asserted claim regarding the need to uphold multilateral institutions and reinforce their global role directly impacts upon the EU's external action in the Middle East in view of the frequent crises in the region and related UN resolutions. This has made the Middle East in general a litmus test for the EU's foreign policy consistency. In this context, Syria plays a special role, given its close involvement in Lebanese affairs, in which several EU member states are present under the aegis of the UN, and given the importance of a future peace agreement between Syria and Israel in paving the way for an overarching Arab-Israeli peace.

Up until World War II, Europe was perceived by Syria as an imperial power, due to French colonial ties in the Levant and British interests in the broader Middle East. At that time, in view of its non-involvement in Arab affairs, a Wilsonian US enjoyed a more positive reputation in the area. For Syria the tide changed in 1948 with the creation of the state of Israel, staunchly backed by the US, particularly after 1967. In Washington, the determining factor changing the relationship with Syria was the country's slide into the Soviet camp. In 1979, Syria was inserted on the list of states

sponsoring terrorism, leading to the imposition of US sanctions. The EU instead, having suffered from the 1970s' oil crises and seeking secure energy supplies, signed a Cooperation Agreement with Syria in 1977, and its political rhetoric started displaying a far more pro-Arab attitude. The relevance of Syria as an oil provider is still far from negligible: in 2004 Syria was the EU's 9<sup>th</sup> largest source of imports in this sector. Energy has indeed been the most discernible European interest in Syria at least until the beginning of the Oslo process which promised regional agreements between Israel and its neighbours. With the beginning of the Oslo process in the 1990s, Brussels began redressing the balance between the pursuit of its possession (i.e. energy security) and milieu (i.e., regional peace and stability, normalising Syria's regional and international role) goals. In other words, since the 1990s, two principal European objectives have dominated relations with Syria: safe access to Syrian oil reserves and an attempt to influence Damascus' behaviour towards Israel without, however, undermining US policy preferences.

Yet by favouring the status quo in the regional balance of power and following American policy imperatives, the European room for manoeuvre and its potential influence on the peace process have been limited. Up until 2003, Brussels timidly tried to promote a resumption of negotiations with Israel over the Golan Heights and the Sheeba farms. With the launch of the Quartet's 'road map to peace' in April 2003, however, the Syria-Israel (as well as the Lebanon-Israel) tracks have been excluded from the political agenda. Hence, despite diplomatic talk of a 'comprehensive settlement', the EU has considerably narrowed its political goals, failing to provide a much-needed holistic approach to the Arab-Israeli conflict. This *realpolitik* approach not only reflects a short-sighted attitude towards the conflict, but, as detailed below, it is fundamentally linked to the US resistance to engaging in dialogue with Damascus. Finally, the non-normative nature of EU policy goals vis-à-vis Syria is exemplified by the residual role of democracy promotion in what is mainly an economic relationship based on trade and energy. It could be argued that the EU's liberal reform paradigm, which posits that economic reform would lead to political reform, has normative content. Yet, the unwillingness of EU leaders to advance a political reform agenda in Syria points unambiguously towards a *realpolitik* approach rather than a cautiously normative one.



## 5.2 *Non-normative means*

With the end of the Cold War and the beginning of the Middle Eastern Peace Process (MEPP), Syria has been involved in EU-promoted regional stabilisation and alleged democratisation efforts through the Barcelona Process. EU-Syrian relations also foresaw the drafting of an Association Agreement (AA), covering the three (economic, political and cultural) baskets of the Euro-Mediterranean Partnership. After years of standstill, in October 2004 negotiations on an agreement appeared to be on the verge of successful conclusion (Raphaeli, 2007). In these talks Syria had allegedly agreed to sign a non-proliferation clause, which together with the December 2003 WMD strategy is designed to be inserted in all agreements with third countries. After initial resistance justified by Israel's rejection of an analogous clause in its Association Agreement with the EU, Damascus demonstrated its goodwill. Furthermore, in December 2003, Syria introduced a resolution in the UN Security Council calling for a WMD-free zone in the Middle East (Zunes, 2004, p. 163). While not representing a watershed in EU-Syrian economic relations (the AA would have only marginally upgraded the 1977 agreement, given the persisting limits on agricultural trade), the conclusion of the agreement would have sent a strong political signal not only to Damascus but also to Israel and the US concerning the EU's seriousness in its conduct of the relationship.

Yet with Washington's adoption of a new set of sanctions in May 2004, the US began exerting strong pressure on EU member states to resist the EU-Syrian agreement. Alongside this, European attitudes towards engagement with Syria became increasingly negative after the assassination of the Lebanese anti-Syrian Prime Minister Rafik Hariri in February 2005. In turn, negotiations were halted and, beyond not extending benefits to Syria, the EU undertook negative measures by imposing a freeze on Syrian funds and included several Syrian suspects in its terrorist list. Moreover, the EU strongly backed UN efforts to establish an international tribunal regarding the Hariri murder, a tribunal whose sole mandate is to try Syria. Hence, rather than using the potential of contractual relations to engage and influence Syria within the framework of EU laws and rules (as in the case of Eastern Europe), the Union opted to sideline the AA and use its non-conclusion as an additional stick on Syria. In a visit to Damascus in March 2007, in fact, EU High Representative Javier Solana (2007) declared that the AA would be "unlocked" only "if Syria acts against the suspected flow of weapons to Lebanon and helps ease tensions between the pro-

western government and the pro-Syrian opposition". The absence of the agreement also reduced the EU's ability to influence Syria's participation in the November 2007 Annapolis conference and its aftermath.

Finally, EU aid to the southern Mediterranean, as in the case of Russia, also highlights the absence of a strong normative commitment: €800 million in 2005 were directed to programmes dealing with the control of illegal immigration, while a mere €10 million were channelled through the European Initiative on Democracy and Human Rights (EIDHR). The tune is strikingly similar when one looks at individual member states' democracy assistance: with the exception of Central Asia, the Middle East is the region receiving the least money from member states. Brussels of course did play a part in inducing Syria's withdrawal from Lebanon in 2005, but it did not do so in the name of democracy in Syria. On the contrary, some EU 'governance projects' have been co-opted by the ruling Syrian elite to strengthen the state's capacities, while on the rare occasions in which domestic opposition has been voiced in Syria (as in 2006), Brussels has shied away from lending active support.

### ***5.3 Normative results***

Quite unexpectedly, Syria has nonetheless skilfully and instrumentally adopted a number of relatively normative policies. It would be mistaken to trace these policy shifts exclusively to the EU. On the contrary, as and when the EU opted not to be a partner of Syria, it opened the space for greater interference by other actors.

This notwithstanding, several normative shifts can be detected. The first is Syria's withdrawal from Lebanon. In the aftermath of the Hariri assassination and following the 14 March group's protests against Syrian involvement in Lebanese affairs, in April 2005 (after UNSC Resolution 1559 in September 2004 calling for 'all remaining forces' to withdraw from Lebanon), Damascus withdrew its military forces from Lebanon. It is important to point out, however, that despite ending a three-decade-long military presence in Lebanon, Damascus still exercises significant influence over Lebanese political life. A second manifestation of goodwill vis-à-vis multilateral institutions was Damascus' acceptance of a reinforced UNIFIL mission patrolling its borders with Lebanon in the aftermath of the summer 2006 war between Israel and Lebanon. What would have been probably considered as a blow to national sovereignty was deemed as an act of constructive cooperation. Finally, Syria has manifested an attitude of

cautious opening towards Israel, signalling its predisposition to resume talks. This reveals Syria's will to reduce its international isolation, and thus diminish Syria's dependence on Iran, to which Damascus only attaches tactical value.

#### ***5.4 Conditioning factors***

Despite the EU's role as a secondary player, how have EU policies interacted with and influenced Syria's partial normative shift?

##### *Internal interests*

Internal EU interests, while divided, by and large tip in favour of the EU's non-normative objectives vis-à-vis Syria. The main cleavage within the EU is between those prioritising a comprehensive peace deal in the region and those whose transatlantic loyalty trumps all other objectives and thus shapes EU policy choices towards Syria. To date, the latter school of thought has taken precedence. The ratification of the AA with Syria failed as a consequence of the interplay between a changed political climate after the murder of PM Hariri (particularly in view of the strong ties between Jacques Chirac's France and the Hariri family) and US pressure on some member states to postpone ratification. The AA was strongly resisted by the US, which feared that this would have paved the way for further EU-Syria economic ties (e.g. through the ENP) and bolstered Syrian claims to enter the WTO, thus reducing the effectiveness of Washington's cornering strategy. Alongside France's strong ties with the anti-Syrian camp in Lebanon, the transatlantic priorities of several member states have represented the single-most important factor driving the deadlock in EU-Syria relations and limiting Damascus' options to end its international isolation.

##### *Internal capability*

Beyond divided interests, does or would the EU possess the political clout and economic leverage in its relations with Damascus? EU-Syrian economic relations, despite being significant in relative terms, remain limited to a few sectors and their intensity has decreased in recent years. In terms of engendering political reforms instead, the 'Governance Facility' in the context of the ENP could be directed to Syria to support reforms. But so long as Syria is excluded de facto from the ENP (i.e. up until the conclusion

of the AA) and as long as it does not proceed willingly on reforms (for which it could be ‘rewarded’ through the Governance Facility), this potential is unlikely to materialise.

### *The external environment*

Despite the EU’s limited capabilities and its divided interests, some normative results can be detected. The most relevant explanation accounting for this is the role of the external environment. On the one hand, is the Union’s dependence upon US policy in the region: in view of US pressure on Syria and heightened concerns over WMD proliferation, the EU has essentially bended its policies and interests in order to accommodate Washington. This strategic choice, exemplified by the Union’s freezing or severing of ties with Damascus, represents the Union’s preference to maintain close ranks with the US irrespective of its normative agenda in Syria and in the region in general, as noted below in the Israel-Palestine case study as well. The second factor explaining the unintended normative results is instead Damascus’ shaky reliance on problematic regional partners. In sharp contrast to the case of Belarus, which feels bolstered by Russian support, the Ba’athist regime, feeling regionally cornered, has only cultivated relations with Iran and Turkey. On the one hand, Iran has provided the necessary security umbrella for the small Levant country, shielding Syria from threats emanating from regional adversaries and international actors such as the US. Yet this is a double-edged sword, as Damascus’ association with Teheran is both unreliable and has complicated further Syria’s relations with the West, including the EU. In the current situation, Syria is in fact increasingly entrapped. To escape this bind, Syria has intensified its economic and military cooperation with Turkey, epitomised by the opening of a Free Trade Area in 2007. Turkey’s close ties with the West and its friendly relations with Israel explain Syria’s attempt to forge ties with Ankara, in order to hedge against the possibility that its ties with Tehran become increasingly costly.

## **6. Policies towards Kosovo, 1999-2007: Imperialistic Intended** *Contributed by Gergana Noutcheva*

### **6.1 Normative goals**

If there is one overarching goal in the EU’s complex involvement in Kosovo, it is the peaceful settlement of Kosovo’s final status through a

long-lasting solution. Kosovo has been on the EU's security agenda since the establishment of a UN administration of the province in 1999, following NATO's military strikes against the Milosevic regime and the subsequent withdrawal of the Serbian army from Kosovo's territory. Since then, Kosovo has been a UN protectorate with its external status awaiting a final settlement. Officially the province remains part of Serbia, although Belgrade has no effective control over the territory.<sup>6</sup> The Kosovar population and the international community consider the status quo as unsustainable and negotiations have been under way throughout 2006 and 2007 to find a compromise solution.

Normative discourse on conflict resolution notwithstanding, the EU has high stakes in settling the matter. In other words, its milieu and possession goals largely overlap. In the 1990s, the EU's international reputation suffered a big loss in the face of its incapacity to prevent and stop the bloodshed during Yugoslavia's dissolution. In the aftermath of the Kosovo crisis, the EU tried to reverse this image and took the lead in the economic reconstruction of the province under UN auspices.<sup>7</sup> It included Kosovo in all its regional initiatives designed to stabilise the Western Balkans, such as the Stability Pact for South East Europe, the Stabilisation and Association Process and the CARDS programme for financial assistance. Above all, the EU extended the membership prospect to Kosovo and it did so without prejudice as to the final status outcome.<sup>8</sup> In short, goodwill on the EU's side to help resolve the problem was not lacking, although the Union has not been in the lead in proposing a concrete plan for the settlement of the conflict.

The EU has opted to play a secondary role on the status question by supporting the UN-led process to define the parameters of a mutually acceptable compromise. Officially, the EU has abstained from favouring any outcome, although it has made clear that certain propositions would

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<sup>6</sup> UN Security Council Resolution 1244 (1999) regulates the protectorate status of Kosovo as well as its legal relationship with Serbia.

<sup>7</sup> The EU takes the lead of the economic pillar of the United Nations Mission in Kosovo (UNMIK).

<sup>8</sup> The EU's heads of state extended the membership perspective to the Western Balkans at the Feira European Council in 2000 and reconfirmed their commitment to the region at the Thessaloniki European Council in 2003.

not be acceptable as a matter of principle, such as the partition of Kosovo or its unification with another state (European Council, 2005). This is to say that a scenario envisaging a change of borders is a non-starter as far as the EU is concerned, given the latent grievances of various minorities in the region and the considerable international efforts already invested in former Yugoslavia to promote multi-culturalism and respect for minority rights. Furthermore, the EU's support for the 'standards before status' policy that characterised the UN-led post-war involvement in Kosovo also attests to the high priority the EU placed on the democratic development of Kosovo, irrespective of its final status. Whereas one can doubt the feasibility of democratic governance in a legally undefined and socially contested polity, the EU's emphasis on democracy and the rule of law in Kosovo can be viewed as part and parcel of the Union's overall normative objectives in Kosovo.

## ***6.2 Non-normative means***

Despite these normative goals, the international efforts to resolve Kosovo's conflict of which the EU has been part, have deviated from international legal norms and multilateral frameworks. This goes back to the 1999 NATO military strikes against the Milosevic regime, which many EU member states supported and directly took part in but which occurred without the official authorisation of the UN Security Council. Russia and China blocked the UN channel at the time and Western powers led by the US bypassed the formal procedures and resorted to force in violation of international law. Gross human rights violations and even threatened genocide were cited as reasons for NATO's military actions but this 'normative' goal was pursued in breach of international law and in violation of the multilateral principles governing the international system.

The negotiations on the 'Ahtisaari plan' for 'supervised independence' of Kosovo is another example of the resort to means that are not entirely respectful of international rules and norms of multilateralism. In mid-March 2007, the Special Envoy of the UN Secretary General for Kosovo's status talks, Maarti Ahtisaari, presented his comprehensive proposal recommending eventual independence for Kosovo as well as extensive guarantees for the Serbian minority in the province through institutionalised decentralisation and international presence on the ground to monitor implementation. It was the West's hope that Ahtisaari's proposal would be endorsed by the UN Security Council through a new

resolution, paving the way for the deployment of an EU civilian mission in Kosovo (ICG, 2007). The plan, however, was rejected by Russia, with China expressing unease and opposition to it as well. To appease Russian and Serbian objections, a second round of direct negotiations between the Serbs and the Kosovars was launched in June 2007, with the mediation of an international troika – the US, the EU and Russia. In essence, this step moved the process beyond the UN’s multilateral framework and away from earlier ideas about seeking agreement on a new UN Security Council Resolution that would settle Kosovo’s status. While formally not in breach of legal norms, this negotiating format deviates from formal UN channels.

Without prejudice to final status, the EU has prepared to deploy a civilian rule of law mission in the aftermath of a settlement. It has signalled that it will launch an ESDP operation on the legal basis of the UN Security Council Resolution 1244, without explicit UN authorisation. This broad interpretation of the legally permissible actions under UNSCR1244 has been the EU’s second-best choice, yet the only feasible option given the lack of consensus among the permanent five members of the UN Security Council on a new resolution. Furthermore, on the controversial issue of Kosovo’s status, the EU has silently participated in a gradual process of legitimising an outcome of independence. The Troika process has given the EU a more visible and responsible international role in settling the matter, intensifying the debates among the member states on possible scenarios and action plans. Starting from the proposition that there is no viable alternative that would ensure peace and stability, EU member states have progressively converged on the independence option, even though publicly they have refrained from taking a position, contrary to the US which has firmly and openly backed Kosovo’s independence (Moore, 2007). In other words, whereas the EU’s aims may merit the label ‘normative’, the way in which the Union has deployed its policy instruments has not been entirely in line with its self-professed backing of the international legal order.

### ***6.3 Normative results***

The outcome for Kosovo is of course still unknown, but the two parties’ positions have remained as diametrically opposed today as when negotiations started in 2006. Pristina refuses to acquiesce to anything that falls short of independence, while Belgrade refuses to agree to anything that undermines its territorial integrity. This leaves international mediators

to weigh and adjudicate the legal and moral arguments behind different solutions.

The normative argument in support of Kosovo's independence is grounded in 'just secession' theories justifying claims to self-determination as a last resort when serious injustice has been committed against a community by a state (Coppieters & Sakwa, 2003). The mass violation of human rights of the Albanian population in the 1990s by the Milosevic regime constitutes the basis for accepting Kosovo's claim to self-determination. The international legal system, however, protects the sovereignty of states and thus Serbia's borders. Violating such norms also creates dangerous precedents that threaten to undermine the international legal order. The EU has presented Kosovo as a *sui generis* case, but no persuasive argument has been advanced as to why it is special (or more special) compared to other cases and thus why it should be treated differently.

Hence, while a normative case for Kosovo's independence exists, it has not been made convincingly by the EU or any other international actor. This raises legitimate questions as to the extent to which Kosovo's eventual independence can be used as a model for resolving other secessionist conflicts in the world. If priority is to be given to the protection of individual human rights over state sovereignty, the implications for the international system as a whole are potentially very serious. The EU has dismissed such interpretation, but the issue has already entered the public debate over other 'frozen conflicts' (Socor, 2007). In the absence of a clear explanation of the uniqueness of Kosovo's case, this selective application of new rules strongly hints at the West's (and the EU's) hegemonic behaviour, even if in the name of allegedly normative ends. Aware of the European (and American) position, it seems likely that Kosovo will ultimately declare independence and not reintegrate into Serbia.

#### **6.4 Conditioning factors**

What explains the EU's 'imperialistic intended' foreign policy in Kosovo? Two factors seem critical. On the one hand, EU security interests call for an efficient solution that minimises security risks in terms of instability and resort to violence. On the other hand, the EU is constrained by the international setting, in particular by an uncooperative Russia suspected of using every opportunity to block established multilateral channels in order to advance its own international agenda.



### *Internal interests*

On the substance of the status settlement, EU member states have been divided and as such are unable to take a firm stance. It is no secret that member states such as Spain, Greece, Cyprus, Slovakia and Romania are not keen on recognising an independent Kosovo for fear of sending the wrong message to their own sizable minorities as well as to secessionist movements elsewhere. In this context, the Kosovo discussions in the EU have focused more on the need to preserve unity among the member states and to speak with a single voice than on what is normatively desirable for Kosovo itself.

Division on substance notwithstanding, the EU unanimously views Kosovo as a security problem that needs to be fixed. There is a sense of urgency within EU policy-making circles to close the chapter and move on, allowing the conflict parties to concentrate their energies on domestic governance in the framework of the accession process. Furthermore, in so far as Kosovo is a 'European problem', given its geographical location and EU membership prospects, member states feel the responsibility to actively contribute to a lasting solution. In this context, even the more sceptical member states seem to appreciate that independence has progressively grown to represent the only viable option for stability and peace in Western Balkans.

### *External environment*

In addition, the internal situation in Kosovo itself has not only called for urgent action but also shaped perceptions of what is a feasible and durable outcome. Without a clearly defined status, Kosovo has been on life support from international donors for almost a decade. Economic development and modernisation have been severely hampered by the uncertainty surrounding its constitutional future. The social cost for the population has grown heavier with young generations facing no bright prospects for professional realisation and losing patience with the status quo. In short, the domestic situation has urged determined international action, with the Kosovar leadership declaring independence unilaterally in December 2007, if no mediated solution is found by then.

Yet, on the other hand, the wider international context has induced the EU to pursue its goals in non-normative ways. As noted also in the Russian case study, the EU is confronted with an increasingly assertive Moscow, which, in its comeback on the international scene, uses all means

at its disposal to assert its role and presence in an often-confrontational manner. While the EU would like to treat Russia as an equal partner, Russia's positions are often seen as pursuing narrow self-interest rather than contributing to the solution of international problems. Hence, the EU and the US have found themselves induced to stretch the interpretation of international legal norms and work around multilateral channels in order to avoid complete blockage. The international environment therefore also partly accounts for EU policy towards Kosovo, as well as for the results on the ground.

## **7. Policies towards Israel-Palestine, 2000-07: Imperialistic Unintended** *Contributed by Nathalie Tocci*

### **7.1 Normative goals**

The aim of a peaceful resolution of the Israeli-Palestinian conflict has consistently been amongst the EU's principal foreign policy goals (Tocci, 2005). The articulation of these goals has been distinctly 'normative'. More specifically, the EU's declared goals have been based on two interconnected pillars. The first pillar is the need to respect the self-determination rights of the Israeli and Palestinian peoples. The EU historically upheld Israel's right to statehood, living in peace within secure and internationally recognised borders. The European position towards the Palestinians was defined progressively over the decades, first acknowledging the Palestinian right to self-determination in the 1980 Venice Declaration and culminating with the 1999 European Council in Berlin, which affirmed that "the creation of a democratic, viable and peaceful sovereign Palestinian state...would be the best guarantee of Israel's security" (European Council, 1999). With the collapse of the Oslo process in 2000, the Union explicitly advocated the creation of two states, Israel and Palestine. The state of Palestine would be viable, independent and sovereign, and it would be established along the 1967 borders.

The second pillar has been the importance of respecting human rights and international humanitarian law (IHL) as well as democratic standards and good governance. Most European declarations on the Middle East conflict since the 1970s have condemned Palestinian violence and terrorism. Since 1973, member states have criticised the acquisition of territory by force, called upon Israel to end the occupation of the territories it

conquered in 1967, and opposed Israeli settlements in the occupied territories (OTs) in violation of the 4<sup>th</sup> Geneva Convention (European Council, 1990). Since 2000, the Union has re-intensified its calls to halt and reverse settlement construction and condemned Palestinian suicide bombings, Israeli military incursions, extra-judicial killings, forms of collective punishment as well as the construction of the West Bank barrier. EU declarations advocating a Palestinian state have added that such a state should be democratic and well governed, calling for the reform of the PA.

## **7.2 *Non-normative means***

Despite the consistent formulation of normative foreign policy goals, the Union has frequently refrained from pursuing its goals in a normative way. Beginning with the association agreements with Israel and the PA, the EU has never made use of its rights embedded in the essential elements (Art. 2) and non-execution (Art. 79) clauses to suspend the agreements on the grounds of the gross violations of international law, human rights and democratic standards (EMHRN, 2005, 2007). The inclusion of Israel and the PA in the ENP does not promise to alter this fact. *Vis-à-vis* the Palestinians, the ENP has been frozen since the 2006 election of Hamas, and may be reactivated only with the unelected Fatah government in the West Bank. *Vis-à-vis* Israel, only one in six ‘priorities for action’ in the Action Plan refers to the conflict and human rights, and does so in a vague and open-ended manner (Tocci, 2007a, chapter 6).

Far more seriously, the EU has risked acquiescing to Israel’s violations of international law (Tocci, 2007a, chapter 6 and EMHRN, 2005). One example of this has been the preferential export of Israeli goods produced in settlements, where the Union has risked acquiescing to Israel’s application of the AA to the OTs, thus extending EU trade benefits to settlement enterprises. An analogous problem lies in the area of research, where Israel has considered as eligible for EU funding Israeli entities within the OTs, leading to EU financing under its Framework Programmes of several settlement entities. Future problems are likely to emerge in other fields. In the context of the ENP, the European Neighbourhood and Partnership Instrument (ENPI), tailored to border regions, does not include safeguard mechanisms to ensure that funds will not be directed to support actors or actions that contravene public international law in the OTs.

The (non)-normative dimension of EU policies is more nuanced when it comes to the area of PA reform. Particularly in 2002-05, the Union was

relatively successful in conditioning its aid policies to constitutional, judicial and fiscal reforms of the PA. The EU also went the extra mile to ensure that EU funds were not redirected to finance political violence. However, the Union has also been unwilling to completely suspend aid to the PA, an act that would trigger the collapse of the Authority and oblige Israel to undertake its financial responsibilities as the occupying power. This has given rise to a critical dilemma, exemplified by the post-2006 Palestinian election period. Following the election of Hamas, the Union accepted the Quartet's conditions on the new PA government. Yet with the exception of conditionality on violence – which the Union is bound by in view of Hamas's inclusion in the EU terrorist list – the remaining two conditions have extremely shaky legal grounds (Tocci, 2007b). Yet not only has the Union endorsed legally questionable conditions. It has also been unwilling to follow through with its policy, fearing a total collapse of the PA. By May 2006, the EU partially resumed aid through a Temporary International Mechanism, intended to bypass the Hamas government by relying on the presidency and international organisations and directly providing material supplies and financial allowances to individuals. While leading to a 30% rise of EU aid, the manner in which aid has been delivered has reversed the partial steps forward in PA reform promoted by the EU in previous years. The situation worsened still after the political violence and ensuing separation between Fatah/West Bank and Hamas/Gaza in June 2007, leading to the establishment of an unelected Fatah government in the West Bank to whom the EU has enthusiastically resumed aid and the re-empowerment of the more hard-line elements within Hamas in the Gaza Strip.

### ***7.3 Non-normative results***

The EU, as a secondary external actor in the Israeli-Palestinian conflict, could not have represented the major determinant in the evolution of the conflict. Yet, in light of the EU's highly developed bilateral relations with the parties, has the Union put its policy means to the best use? The answer is largely negative. In a structural context of Israeli dominance and Palestinian weakness, there has been a diminishing prospect for the establishment of a viable Palestinian state in view of Israel's accelerating colonisation of the OTs. Despite its declaratory support for a two-state solution, EU policies have reinforced this trend. Over the Oslo years, the EU supported the PA and the peace process, without paying much

attention to the PA's performance and Israel's expanding grip on the OTs. Since then, EU efforts have mitigated the humanitarian effects of the conflict by pouring aid into Palestine (Le More, 2005). Yet aid to Palestine and acquiescence to Israel have supported the deteriorating trends on the ground, which are likely to persist despite the Annapolis conference and the ensuing process in the fall of 2007.

#### ***7.4 Conditioning factors***

What explains the EU's behaviour as an 'unintended imperialistic actor' in the Israeli-Palestinian conflict? Why has the Union failed to contribute to an approximation of its normative goals in the Middle East conflict?

##### *Internal interests*

The principal and most convincing factor explaining why the Union has deployed its policy instruments in contradiction with its normative goals lies in the EU's internally competing interest agenda. It would be mistaken to view the Union's advocacy of a rights-bound, two-state solution in the Middle East as being purely hypocritical. Indeed, as discussed above, the EU's goals in the Israeli-Palestinian conflict have been distinctly normative. Yet while the Union might genuinely support these milieu goals, its concomitant pursuit of possession objectives have induced the EU to deploy its policies in non-normative ways. In the Middle East, the Union has viewed the protection of Israel and close relations with it as a high order priority. Europe's history of anti-Semitism has generated a deep-felt preference, particularly in some member states, to foster close relations with Israel and promote its security. Although the EU has repeatedly underlined that a two-state solution is the only long-term guarantee of Israel's security, the EU majority has also wished to avoid antagonising Israel through concrete responses to its conduct in the conflict. This has occurred to the extent of bending the Union's own laws and rules for the sake of accommodating (illegal) Israeli policies.

Another competing EU interest in the Middle East that has trumped the pursuit of the EU's normative agenda has been the priority to seek close and cooperative relations with the US. As in the case of Syria discussed above, this has generated also in the Israel-Palestine context strong EU incentives to accommodate American policies. During the Oslo process, this meant that irrespective of the parties' conduct on the ground, the Union's priority to keep the US-sponsored peace process alive meant

refraining from criticising the conflict parties' actions on the ground. Post-Oslo, it has led to a considerable EU focus on Palestinian reform only when this was the main tune played in Washington. Once that tune changed (following the election of Hamas), the EU's priority to rebuild bridges with Washington on the Middle East (after the Iraq war) has led the EU to undo its partial reform successes in Palestine and first boycott the Hamas-led government and then opt to support its unelected Fatah branch in the West Bank.

### *Internal capability*

Capability or rather limited capability provides a second explanation of the EU's convergence on a non-normative deployment of policy instruments. On the one hand, it lacks the necessary 'hard power' to compel the parties to alter their conduct. On the other hand, its relational power vis-à-vis Israel is supposedly weak, in so far as the EU gains from key commercial advantages in its relations with Israel which it is unwilling to rescind. Yet these arguments belittle the fact that Israel accords high value to its relations with the EU. Israel is a small country, whose openness to international trade is critical to its economic survival. The EU is Israel's largest trading partner. The political value attributed by Israel to the EU is arguably even more important, in so far as Israel's desire of finding a place of belonging in Europe (rather than in the Middle East) is deeply embedded in the Israeli Jewish majority (of European descent). Hence while salient, internal capability (or lack thereof) only provides a limited explanation of EU policies, while the principal reason must be sought in the Union's internal interest configuration.

### *The external environment*

Finally, the external environment provides the principal explanation of the non-normative results on the ground. Developments in the conflict have been dictated mainly by domestic factors rather than by the EU (Karam et al., 2006). More specifically, the flaws in the Oslo process, which came to a head at the Camp David II summit, the unwillingness of Arafat to rein-in the intifada in its early stages, the election of Sharon and the subsequent escalation of violence and colonisation of the OTs underlie the shift away from a two-state solution and the mounting violation of human rights and IHL. In particular since 2000, several interrelated features have constrained the EU's role. In Israel, the feeling of existential threat aroused by

Palestinian suicide attacks explained Sharon's freehand in crushing the Palestinian uprising in open disregard of rights and law. The growing Israeli popular desire to 'disengage' from the Palestinians and the rising awareness of the 'demographic threat' posed by them underpinned the 'separation barrier', the Gaza disengagement and the preference for a unilateral pursuit of Israel's perceived interests. The 2006 Lebanon war, Hamas' takeover of Gaza in 2007 and the Bush administration's desire to resurrect its tarnished image in the Middle East explain both the resumption of a diplomatic process (in Annapolis) and the probability that - more so than the Oslo process - this is unlikely to alter facts on the ground.

## **8. EU Trade Policy towards North Africa, 1995-2007: Status Quo Intended**

*Contributed by Hakim Darbouche*

### **8.1 Non-normative goals**

The EU's trade policy vis-à-vis North Africa, as encapsulated by the 1995 Euro-Mediterranean Partnership (EMP) and reinforced by the 2003 European Neighbourhood Policy (ENP), is characteristically introspective. Its intended goal is little more than the preservation of the asymmetrical balance of the EU's trade relations with the region. Although avowedly predicated on the axiomatic tenets of free trade, the EU's trade policy does not uphold reciprocity and fairness. The aim of establishing a Euro-Mediterranean free-trade area by 2010, long viewed as the backbone of the Barcelona process, is now considered chimerical. Indeed the immediate visible goal behind this policy is the preservation of the EU's status as the region's main trading partner against a noticeably growing presence of American and Asian operators. By locking the North African countries into free-trade agreements, the EU hopes to deepen its commercial penetration in the region but fails to reciprocate by refusing to rid itself of the restricting interference of the Common Agricultural Policy and other Community policies. The resulting exemption of agricultural goods from trade liberalisation is far from beneficial for countries like Tunisia and Morocco whose main comparative advantage lies precisely in this sector. Besides sectoral protectionism, the notion of free trade between the EU and North Africa has been further undermined by restrictive regimes on the movement of people northwards.

The EU's trade policy towards the Maghreb has been formulated in the context of a broader policy framework providing for political and cultural 'partnerships' as well. As such it was said to have a normative vocation aimed at inducing political liberalisation. However, the failure of the EU to meaningfully promote democratic practices in these countries and its unwillingness to dialogue with all political actors in the region has confirmed its prioritisation of commercial self-interest over other considerations. In this vein, EU trade policy is also seen as aiming to reduce the flow of migrants from the Maghreb as concomitant FDI is expected to generate employment opportunities for the local workforce. But far from being a vehicle for the transfer of technology to the local economies, thus endowing them with a competitive edge, the quasi-commercial nature of the FDI encouraged by the EU has further reinforced the recipients' position as mere outlets for European goods.

## ***8.2 Normative means***

Contrary to past bilateral arrangements between the EU and the Maghreb countries, the Euro-Med association agreements (AA) have been normatively less contentious relative to existing GATT/WTO provisions. Despite ongoing polemics between the EU and its southern partners regarding agricultural trade liberalisation, the EU holds that a more restrictive regime in agriculture in the context of its free-trade agreements is admissible under Article XXIV of the GATT (Pierros et al., 1999, p. 194). As such, its non-normative trade policy goals in North Africa are being channelled through normative means.

Furthermore, as its bilateral mechanisms, the AAs also reflect the principles of the Barcelona Declaration beyond mere trade. Besides the establishment of a free-trade area in order to share prosperity between the EU and its associates, the aims of these agreements are also to: a) facilitate the achievement of peace and stability, induce political dialogue and promote democratic practices and human rights; and b) promote intercultural dialogue so as to achieve understanding and rapprochement between the peoples of the region.

Finally, the contents of the AAs, although broadly similar, have been specifically tailored to and carefully negotiated with the individual countries, explaining for instance the protracted negotiations in the case of Algeria. The implementation of the association ties has also been normatively crafted. After the ratification of the AAs by the national



parliaments of all member states and those of the Maghreb countries, in addition to their scrutiny by the European Parliament, their implementation process is reviewed annually by association councils constituted of officials from the Commission and the respective partner country. Thus, structurally the AAs are the instruments of a partnership based on shared norms. Similarly, the ENP Action Plans (AP) provide the tools for deepened cooperation with the EU with a view to culminating in the progressive integration of the Maghreb economies into the EU's internal market. By complementing both the structure and methodology of the AAs, the APs offer the means to the Maghreb countries to choose the areas of cooperation with the EU in which they wish to go further, based on mutually-delineated normative objectives. So far, however, only Morocco and Tunisia have opted for ENPAPs.

### ***8.3 Non-normative results***

Despite the normative instruments at its disposal, the EU's trade policy has largely resulted in the reinforcement of the status quo which benefits the EU as the strongest actor more than its North African partners. In effect, the asymmetry in the trade relationship continues to favour the EU. While being the Maghreb countries' major trading partner, the EU still exports a majority of capital and manufactured goods in return for raw material and semi-finished products. This pattern has kept the EU's trade surplus with these countries intact, except with Algeria which, due to the high oil prices, has in recent years realised a trade surplus with the EU. Furthermore, the insignificance of intra-Maghreb trade, representing less than 5% of the region's total, has exacerbated these countries' dependence on the EU. Their failure to secure the EU's reciprocity in liberalising its agricultural sector in return for their abolition of industrial barriers has brought extra costs onto their already weak economies.

More importantly, the EU strategy has not helped the Maghreb economies develop efficient export-oriented industries, which are paramount for the success of their free-trade commitments. Their inability to attract the necessary FDI and acquire the required technological know-how due to the burdensome bureaucratic and financial structures of their economic apparatuses have been central to this failure. The expected impact of the AAs in addressing these shortfalls in the Maghreb economies has not materialised. The expected rationalisation and modernisation of these countries' regulatory frameworks as a result of their interaction with

the EU in the context of the AAs has been confronted with, and largely failed to overcome, the autocratic nature of the political regimes in place. The unwillingness of the EU to tackle the political deficiencies of the Maghreb countries in parallel with its trade policy has reduced the prospect not only of an effective economic liberalisation but of its eventual political spill-over as well.

The main beneficiaries of the EU's trade policy towards the region are European businesses, which have had easier access to the markets of these countries and their counterparts in the Maghreb which operate on large-scale and have been active in foreign trade already. The latter's links with the governments in place allow them to adapt and modernise through access to loans and foreign expertise often channelled through official institutions. This has allowed these local businesses to expand into monopolies, but their corrupt practices have prevented any wealth creation from trickling down to the broader society. Combined with increasing unemployment due to the dismantling of infant industries as a result of bankruptcy or privatisation, this situation has often been the origin of increasing inequalities in these societies. Consequently, the EU is perceived in these countries as a force which, far from being interested in their welfare, contributes to the perpetuation of their underdevelopment, which is beneficial to its own economy as well as to the local elites in these countries.

#### ***8.4 Conditioning factors***

What explains the EU's pursuit of non-normative goals through its trade policy despite the normative means at its disposal?

##### *Internal interests*

The EU's myopic pursuit of possession goals in North Africa runs counter to the calls emanating from certain European political and civil society actors advocating the pursuit of normative goals such as sustainable development and respect for human rights and democratic values. It vindicates the view that, despite the EU's broader normative discourse, priority in practice is given to the pursuit of narrower interests. This can partly be explained by the specific interests of several member states. Whereas the share of the Maghreb in the EU's total trade remains largely insignificant (less than 3%), its relative importance for the southern member states (Spain, France and Italy) – the main architects of the EU's

Mediterranean policy – has translated into an interest on the part of these countries to reinforce the existing patterns of trade between them and the Maghreb countries. More specifically, the influence of business lobbies in the EU with vested interests in the Maghreb is an internal element that needs to be factored-in to account for the EU's policy. Businesses with an economic interest in the North African market push for a liberalisation of trade with the region, whereas those competing with its imports advocate greater trade restrictions. The result is a strategy that posits the pursuit of sustainable development in the Maghreb as competing with the EU's commercial interests.

More convincingly, the EU's preoccupation with energy security and migration in its broad relations with the Maghreb has raised the importance attributed to its political relations with the incumbent elites in these countries. This has meant that the Union has taken great care not to upset the commercial interests of the domestic political actors in these countries with key stakes in trade ties with the EU. The EU's choice has thus been to preserve the prevailing configuration of its relations with the Maghreb.

### *Internal capability*

The EU is able to pursue possession goals through normative means because of its framework of rules and institutions. The EU's trade relations with the region have developed over the course of 50 years, in which through trial and error, the EU has successfully built a framework of interaction incorporating its normative and strategic interests. The EU's active involvement and power in the formulation of the world trade regime has also meant that it has succeeded in legalising the pursuit of its commercial interests.

### *The external environment*

Factors external to the EU have also been important determinants of EU trade policy towards North Africa, contributing to an explanation of the EU's non-normative results. These are internal to the region or pertaining to the policies of other international actors. Specifically, the EU's status in North Africa as the main trading partner and only policy entrepreneur in this issue area has enabled it to set the policy agenda, leaving the North African countries to react and accommodate their interests to the EU-dictated framework. The relatively advanced state of convergence between

the Moroccan and Tunisian regulatory frameworks and that of the EU, however, has translated into more positive outcomes for these countries' economies as a result of the EU's trade policy. The resulting relative leverage gained by these countries has allowed them to pursue their own possession goals more effectively than countries like Algeria, which has been less willing to reform in the economic realm. Internationally, the EU has recently seen its traditional position as the region's main trading partner being challenged by the increasing presence of actors like China, Russia and the US. The policies of these international actors towards North Africa have been aimed exclusively at pursuing crude possession goals without any consideration for normative conditionality. In view of rising international competition, the EU is increasingly prioritising the pursuit of its own possession goals.

## **9. Policies towards Ukraine, 2005-20: Status Quo Unintended** *Contributed by Michael Emerson*

### **9.1 Non-normative goals**

The EU's political declarations and official documents on Ukraine are always expressed in highly normative language, hoping to see Ukraine become a well functioning democracy and European-style social-market economy, with wholesale convergence on European values and standards. While the EU has not been able to agree on the goal of Ukraine's full membership perspective, even for the long-term, Ukraine itself, especially under President Viktor Yushchenko, has made this its headline political objective. After the Orange Revolution of 2005, he even advocated membership by 2010, which Brussels told him could not even be discussed.

The reasons for the EU's refusal to offer the prospect of membership, casting in doubt the degree of its normative commitment to Ukraine, seem to be a mix of three arguments, both of which are linked to possession considerations. The first, partly couched in possession goal terms, is a general opposition to further EU enlargement beyond present commitments. The reasons for this are firstly a concern for the EU's institutional capability to function with further major expansions, which may be viewed as a relatively neutral and technical reason to object. The second consideration however has serious implications for our study; it is that some existing member states, especially from the original six, give a large weight to avoiding a further dilution of their own power within the

EU, and less weight to the normative argument that advocates a widening of the European space of democracy, human rights and the rule of law. A third reason, also non-normative in nature, is deference to Russia, as noted also in the Russia case study. In the early post-Soviet period, an EU policy of 'Russia-first' was quite evident. This has been diluted over time as Ukrainian independence has been confirmed, and as Russia has turned less democratic. Nevertheless, this 'Russia-first' tendency is not extinguished, and to the extent that this in part motivates the blocking position over Ukraine's membership perspective, it amounts to confirming the non-normative quality of the EU position in the post-Orange revolution period.

## **9.2 Normative means**

The means employed by the EU have clearly been of normative character, however, and devoid of forceful *realpolitik*. The framework for EU policy was initially the Partnership and Cooperation Agreement (PCA), succeeded now by the Action Plan of the European Neighbourhood Policy (ENP). The PCA was the first text to invite Ukraine down the path of convergence on EU norms and standards. It identified 21 domains of policy where approximation of EU laws was prescribed as a priority task. The Ukrainian government, under Leonid Kuchma at the time, instructed its Ministry of Justice to embark on an ambitious programme of legislative action to this end. The ENP, beginning in 2004, was designed to upgrade the PCA, without however granting the still sought after membership perspective. The Commission drew up an Action Plan prescribing about 300 lines of political, legal and economic reform. Ukraine was pressured into negotiating and agreeing upon this plan, which was largely based on a watered-down version of the criteria for EU accession, even while grumbling that it was not what it wanted.

In the middle of this negotiation came the dramatic Orange revolution of 2005. At the heart of the crisis the EU was invited as a mediator to its great surprise. This happened when the presidents of Lithuania and Poland were invited to Kiev, and they called Solana to join them, which he did. This incident illustrated how the new member states began to change the behaviour of the EU towards a more substantial concern for Ukraine's political future. Soon after the Orange revolution, there were efforts by Ukraine, backed by several Eastern European member states, to get a better ENP Action Plan, but these yielded only token results. However the EU did later agree to open negotiations for a 'deep free trade'

agreement as soon as Ukraine has acceded to the WTO. The 'deep free trade' concept, as set out in a feasibility study done for the Commission and government of Ukraine by CEPS, goes far in building a strong normative and positive governance content into a trade deal (Emerson et al., 2006a). This is through proposing alignment by Ukraine on the EU's internal market laws and policies, which therefore goes into the reform of Ukraine's deeply corrupted domestic governance.

The EU has also agreed in 2006 to open negotiations for an 'Enhanced Agreement' to replace the PCA. This new treaty would have a comprehensive coverage of all EU competences and political criteria for membership (without conceding the membership perspective point) - for the political system, human rights, the rule of law, convergence on the EU market law, market economy, border management and migration rules, and even association with EU foreign policies. This proposed agreement may become a new template for the EU's relations with its close neighbours, alongside various improvements to the ENP which have been under negotiation within the EU itself (Emerson, Noutcheva & Popescu, 2007).

The EU also agreed to respond positively to the invitation of Ukraine and Moldova to send a Border Management mission to the Moldovan secessionist entity of Transnistria. This mission of EU border guards has the mission of controlling smuggling through the borders into both Ukraine and Moldova, and is a case study in itself of assistance in bringing the rule of law into grossly corrupted state mechanisms (extending way beyond the borders of Transnistria into the workings of the Ukrainian port of Odessa).

### ***9.3 Normative results***

Under Kuchma, Ukraine's part in the PCA process was thoroughly discredited in the eyes of the EU because of the rampant corruption of the regime up to the top, its notorious habit of sending contradictory messages to Brussels and Moscow (or what came to be referred to as a 'milking two cows at the same time' policy), and finally to the sordid Gondgadze murder (the secret services taped, and later leaked, Kuchma's conversations in which he gave instructions to get rid of this inconvenient journalist). Under Kuchma there were no results at the level of governance of Ukraine. Yet the social pressures that triggered the Orange revolution were building up during those years, and Ukraine's civil society and media freedoms had developed impressively. Although the Orange revolution soon faded

amidst chronic divisions and disorganisation at the political level, Ukraine has remained a vibrant democracy, with no relapse into a strong state regime, refusing notably to copy the model of the Putin regime. Despite these normative results, Ukraine remains nonetheless fragile, with a dysfunctional democracy. Powerful oligarchs remain in deeply corrupted collusion with all parts of the political system. The struggle remains between social pressures in favour of European values versus a status quo, or between pro-Western and pro-Russian interests. There are some tendencies on the part of the oligarchs to orient their priorities increasingly towards integration into the European economy.

#### ***9.4 Conditioning factors***

##### *The internal political context*

The divisions between EU member states over both the membership perspective and the 'Russia first' question have undermined substantially the EU's behaviour as a would-be normative actor in the Ukrainian case. EU member states have been deeply divided on the question of membership, with Poland and Sweden leading a group that would like to offer the seemingly magic words 'membership perspective', whereas France and Belgium lead the group who are categorically opposed. There is a further middle group, including probably Germany and the UK, who take a low-profile position. But since anything to do with the EU's enlargement becomes a matter requiring unanimity, this division means that the EU is by default refusing the membership perspective.

##### *Internal capability*

The EU has a comprehensive set of instruments actually or potentially at its disposal in the context of the ENP. This was illustrated by Romano Prodi's remark when he was President of the Commission that the partner states, and Ukraine in particular, could be offered 'everything but institutions'. The most ambitious conception of the ENP thus offers widespread participation in EU policies and approximation or simple copying of EU norms and standards, ranging from technical product standards to highly political questions. The EU is feeling its way gradually towards this model. Yet the member states that have refused the membership perspective are acting as a brake even on giving full throttle to an 'everything but institutions' version of the ENP. The EU's present internal capability is thus

constrained to a lower level than that which can be envisaged. The EU could be said to have a potential capability for a much stronger normative role in Ukraine. Yet against this there are powerful voices asserting that the EU must now define its final frontiers, since otherwise it will destroy itself, and in particular its reality as a community of values, by over-expanding its frontiers. This argument is effectively denying the EU's potential capability in its Eastern neighbourhood.

### *The external environment*

The unintended normative impact of the EU's status quo approach towards Ukraine can instead mainly be attributed to Russia, which, in a diametrically opposite way than in Belarus, has helped strengthen the appeal of the EU's normative model by behaving towards Ukraine in such a clumsily *realpolitik* mode. There are numerous examples of this, aside from the notorious gas war of January 2006. Russia has been refusing to negotiate and agree a precise demarcation of its frontier with Ukraine, undermining the consolidation of Ukrainian statehood. In 2004 Russia tried unilaterally and forcefully to change the map of the Azov Sea, building a land bridge to a crucial island, until finally even Kuchma screamed hard enough to stop it. Putin then blatantly backed Yanukovich in the fraudulent elections that led to the Orange revolution. Russia has rented crowds of babushkas and Cossacks in Crimea to protest NATO activities. It has suggested revising the agreement for their fleet to quit Sebastopol by 2017. These actions have contributed positively to the consolidation of Ukrainian national unity and identity, and the perceived need for a European anchorage, in spite of remaining national divisions.

## **10. Conclusions**

### ***10.1 The EU as a multifaceted foreign policy actor***

The EU, as an international player, can act and has acted in a variety of different ways in world politics. Without excessively forcing our matrix of options, we have been able to find and fit one case per each of the eight possible categories. In cases such as the eastern enlargement and policies towards neighbouring Belarus, the EU has pursued normative goals through policy instruments that were crafted and deployed within the confines of the law. Yet while the EU succeeded in engendering democratisation and economic modernisation in Eastern Europe, its



double-track strategy has, to date, failed to alter the nature and strength of the authoritarian Belarus regime. The Belarus leadership has not reacted positively to sanctions, while EU actors recognise that they have been unable to convey effectively their message of support to the Belarusian population.

By contrast, in the case of Russia and Syria, the EU has behaved in an overall *realpolitik* manner. *Vis-à-vis* Russia, commercial and energy interests explain the sidetracking of EU political pressure on Moscow exerted through dialogue (let alone conditionality). Likewise in Syria, realist concerns, such as preserving the regional balance of power between Israel and its neighbours and following the line set by the US, have had a larger sway over EU policies than aims to see political transformation and a law-based agreement with Israel. In turn, the deployment of EU policy means has been rather inconsistent, ranging from unkept promises of ratifying Syria's AA, to sporadic pressure on the regime (i.e. regarding Lebanon) without constant attention to Syria's human rights record.

In Kosovo and Israel-Palestine, the EU has behaved as an imperialistic actor. While intervening in the pursuit of normative goals (i.e. a two-state solution and respect for human rights in the Middle East; and the prevention and rectification of injustice in Kosovo), the EU has often acted by sidelining the law. Yet results have differed. While Kosovo remains an unfinished story, the likelihood is that a solution will be reached recognising independence, possibly leading to a revisionist setting of 'new norms'. In the Middle East, by contrast, a viable two-state solution appears to be an increasingly distant chimera (Annapolis notwithstanding), while violations of human rights and international law persist unabated.

Finally, the EU has acted as a status quo player in North Africa and Ukraine. In both cases, the Union has primarily pursued non-normative goals. In North Africa, not only has the EU prioritised its trade interests over the promotion of political reform, but it has done so in a manner beneficial to itself while detrimental to growth and modernisation of the dependent North African economies. In Ukraine instead, while favouring Kiev's European orientation and its reform process in principle, normative EU aims have been hollowed-out by the resistance of several member states to grant Ukraine a European perspective, not least out of fear an eventual dilution of their internal power. In both cases, however, the means pursued by the EU have been normative. Relations have been conducted through EU contractual ties, including the AAs, the PCSs, and, more recently, the

ENP. Given that the EU has been on the stronger side of these contractual ties, Brussels has ensured that the pursuit of its possession goals has been channelled through clear and transparent legal rules. The results have differed however. In North Africa, EU involvement has not opened the way to a deep process of political and economic transformation, while in Ukraine, despite widespread feelings of deception from the EU and ongoing political instability and corruption, the post-revolution period has seen the consolidation of democracy.

## ***10.2 The dynamics at work in EU foreign policy***

But what do these cases tell us about the EU as a (normative) foreign policy actor? And more precisely which are the factors determining how and why the EU acts in specific ways in different cases? By taking our eight cases studies together, several broad lessons can be brought to the fore.

Beginning with the goals pursued, we can contrast the normative and imperialistic cases, in which the EU opts for normative goals, with the *realpolitik* and the status quo cases, in which non-normative objectives prevail. Analysing the conditioning factors in these cases, it emerges that in the former two either milieu and possession goals overlap or there are no strong and contradictory possession goals working against the pursuit of norms. Whereas in the case of Belarus, the EU is able to pursue its (limited) trade interests alongside its democracy-driven sanctions, in the case of Eastern Europe, once the member states converged on the idea of 'reuniting Europe', they could not afford to accept blatant violations of norms, in so far as these could ultimately threaten the EU from within. In this respect, enlargement policy can be seen as a special case precisely because it is not, *strictu senso*, foreign policy. Likewise in the two imperialistic cases, after decades (in the Middle East) or years (in Kosovo) of standstill, the member states converged at the level of rhetoric, to pursue normative objectives consisting in a rights-based, two-state solution in both Israel-Palestine and Serbia-Kosovo. In both cases, discursively agreeing on normative goals has been the least controversial and divisive option for the EU. In the *realpolitik* and status quo cases, instead, the configuration of internal interests and intra-EU divisions has been far more pronounced, leading to a prioritisation of possession goals. On the one hand, strong and competing possession goals such as energy (Russia), the balance of power in the Middle East and transatlantic cooperation (Syria), commercial interests, the migration management (North Africa), and member state preservation of

their internal power (Ukraine) have trumped competing normative objectives. On the other hand, the primary concern of several member states to pursue their disjointed self-interests at the expense of EU-wide objectives and member state ability in EU foreign policy to veto collective action explains the prioritisation of possession goals in these cases.

Turning to the means, here normative behaviour can be found in the normative and the status quo case studies, in contrast to the *realpolitik* and imperialistic cases, in which the EU has acted in contravention of or sidelined law and multilateral institutions. The primary, albeit not only, explanation of why this has been the case seems to lie in the EU's internal capability, although in a manner that partly contradicts the intuitive consensus about EU foreign policy. The problem in fact does not seem to lie in the EU's *insufficient* capabilities, particularly in the military domain. Normative means tend to be deployed when the EU chooses to act within the confines of its contractual relations with third states and has no or limited coercive instruments at its disposal. Indeed, normative means have been deployed in cases where the primary vehicles of EU policy have been contractual relations, whether the accession process (Eastern Europe), the association process (North Africa), the Partnership and Cooperation process (Belarus) or the ENP (Ukraine). By contrast, whereas the EU has disposed of contractual options in the *realpolitik* and imperialistic cases, it has either chosen not to make use of these instruments (Syria) or it has pursued its objectives beyond the blueprint and stated aims of these contracts (Russia, Kosovo and Israel-Palestine). Of course, in some cases, the EU has been strongly pressed by external actors and factors to sideline rules and law. In the Middle East, the US has induced the Union to either avoid concluding a contractual agreement (Syria) or set aside or to violate the norms, rules and laws embedded in these agreements (Israel-Palestine). In the other cases, Russia's new assertiveness has either obstructed international legal channels (Kosovo) or cornered the Union into sidelining the human rights and democracy standards spelt out in its bilateral agreements with Moscow.

Yet while important in defining or constraining foreign policy means, the external environment is critical in influencing above all the EU's foreign policy impact. Naturally, what the EU does is the primary determinant of its impact. Hence, it is far more likely that the Union will have a normative impact when it pursues normative goals and means (Eastern Europe) than when it acts in an imperialistic, *realpolitik* or status quo way. But on the one hand, the Belarus case exemplifies that this is not always the case, while on

the other hand the cases of Syria, Ukraine and Kosovo suggest that the EU can have a normative impact even when either its goals or policy means are not normative.

Especially in these non-intuitive cases, the role of the external environment is of the essence. A conducive external context is of primary importance for an effective normative impact. In Syria, Damascus' isolation by the West and its many internal weaknesses explain in part why, to some extent, the Ba'ath regime has abided by international norms. Furthermore, the EU is Syria's first trading partner and is viewed as a less aggressive actor than the US. Hence, against all odds, Damascus strives to keep a door open to Brussels. In Kosovo, despite Russian resistance, the West has the power to assert the end-game even if in contravention of international law. In Ukraine, paradoxically it is the nearby influence of Moscow that has induced pro-reform actors in Kiev to latch on to the EU irrespective of what the Union says and does. In the case of Eastern Europe instead, to bolster the effectiveness of normative EU goals and means has been these countries' welcoming of the EU's involvement coupled with the complementary support of other international actors, e.g. the US and the international financial institutions (IFIs).

By contrast, however, an unfavourable external environment, coupled with EU weakness vis-à-vis third states or the wider milieu, reduces the likelihood of a normative impact. In Belarus, in the absence of free media, the Belarus leadership has divulged its own vision of reality, hardened its stance and instrumentalised Western pressure to induce a 'rally around the flag' effect. Belarus' relatively stable economic situation and its geopolitical anchorage to Russia have also made the country less dependent upon Europe. In Russia, the discovery of energy leverage and an accompanying political assertiveness on the international scene have contributed to undermining the effectiveness of the EU's normative message and allowed Moscow to play member state interests against each other. In the Middle East, the EU's acceptance of playing second fiddle to the US, its preoccupation of maintaining close ties with Israel and the hold that Israel itself has on the EU have all induced the Union to strive for a modicum of stability in the region short of seeking peace and respecting rights. Finally in North Africa, whereas the EU has sufficiently strong bargaining power vis-à-vis these countries, the resilience of these regimes has reduced the prospect that the EU's (secondary) normative goals will have a discernible impact on the ground.

### ***10.3 Transforming the EU into a normative power in the world***

The discussion on means and impact points to a conundrum. On the one hand, the EU is more likely to pursue normative means when power relations between the EU and a third state are relatively balanced and relations develop within the confines of mutually negotiated agreements. On the other hand, power and particularly relational power seems to be of critical importance to engendering a normative impact given that even the best of intentions may be an insufficient condition of success (Belarus). How can the EU escape this conundrum and maximise its chances of acting as a 'normative power' (Manners, 2002), as it repeatedly proclaims is its role in the world?

In so far as the EU and its member states do not live, at least not always, on Kagan's Venus (Kagan, 2003), but rather are also driven by possession goals just like any other international actor, there is little point in naively asserting that the EU should sideline its possession goals in the name of its proclaimed milieu norms. Desirable as it may be, simply calling for this to happen will not change the dynamics at work. Neither can the EU single-handedly affect the external environment in which its foreign policies unfold. While it can certainly influence the external context, particularly in its neighbourhood where it has real foreign policy presence, it is bound to also rely on fortuitous external circumstances to effectively assert its normative power.

One suggestion is to improve the EU's internal capabilities. This would not necessarily mean strengthening capabilities in the classic sense of the term such as for example acquiring greater economic leverage or building military means. Strengthening capabilities in these terms could, by contrast, damage the EU's normative role by generating internal EU incentives to bend the law in order to pursue foreign policy goals in the interests of the EU or its member states. Instead, the Union could strengthen its web of contractual relations with third states in a manner that would 'tie its own hands', thus reducing its ability to act non-normatively. This would entail developing further the set of rules and laws that bind EU external behaviour in relation to third states, and link these rules and norms explicitly to the obligations set under international law. It would also entail establishing or strengthening the EU's internal institutional watchdog mechanisms, ensuring that when one EU actor behaves or is tempted to behave in contravention of set rules, others are ready and able to prevent this from happening. Understanding the

importance of working in this direction is predicated upon an appreciation that the EU is not necessarily normative and that its internal actors are often driven by the very same set of interests and priorities that motivate other international actors. A shift in this direction would also substantiate claims that the EU's *sui generis* nature reflects a truly novel identity as a normative actor in world politics.

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### 3. THE UNITED STATES: A NORMATIVE POWER? *DANIEL S. HAMILTON\**

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*To what degree can the US be considered a normative power? The US foreign policy mainstream tends to reflect a varying blend of normative and hegemonic approaches. The US has been and continues to be simultaneously a guardian of international norms; a norm entrepreneur challenging prevailing norms as insufficient; a norm externaliser when it tries to advance norms for others that it is reluctant to apply to itself; and a norm blocker when it comes to issues that may threaten its position, or that exacerbate divisions among conflicting currents of American domestic thought. On balance (and despite exceptions), the US has sought to manage this normative-hegemonic interplay by accepting some limits on its power in exchange for greater legitimacy and acceptance of its leadership by others. The unresolved question today is whether the US and other key players are prepared to stick with this bargain. Closer examination of the US case also raises a considerable number of questions about the notion of the EU as a 'normative power'.*

#### **Introduction**

Is the US a normative power? How does it act, what does it seek to achieve and what are the conditioning factors determining or guiding its actions? To what extent is the normative nature of US foreign policy due to the nature of its society and to what extent is it due to the status and role of the US within the international system?

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To facilitate the comparisons intended by this project, I have aligned myself with the general approach outlined by Nathalie Tocci in chapter 1. After presenting a number of case studies, I come to a conclusion similar to that reached by the other contributors to this volume: if by a normative foreign policy we mean pursuing normative goals through normatively deployed instruments and having a discernible normative impact, then one can conclude, perhaps inevitably, that the US is not always a normative international actor. The eight case studies underscore how the US has at times been a norm entrepreneur and at other times a norm blocker; it has acted with the coldest calculations of *realpolitik*, behaved more as a hegemon but at times also as an imperial power, and has been content with the status quo. It has had successes and failures.

In and of themselves, however, the case studies tell us little about where the centre of gravity lies in US foreign policy, or which of these stylised foreign policy types best characterises the US role in the world. For that reason I have supplemented each case study with various other examples of normative, imperial/hegemonic, *realpolitik* or status quo policies. Throughout the process, however, I have found myself confronted with some troubling or incomplete aspects of the notion of ‘normative’ power as well as the overall framework. Thus some preliminary comments on the theme itself seem to be in order.

## 1. Normative power?

In her introductory essay, Nathalie Tocci sets a high bar for considering any country to be a normative power. “A normative foreign policy”, she states, “would pursue normative goals through normatively deployed means *and* it would be effective in fulfilling its normative intent”. If this is the test, then the United States is not a normative power. Neither is the EU. In fact, no nation on earth could pass this test with any consistency.

On its own, the label ‘normative power’ is too categorical, too one-dimensional and too static to capture the complex and dynamic nature of any country’s foreign policy. Nations employ a variety of instruments to advance a range of foreign policy goals, and both instruments and goals change over time. The issue is really less *whether* a nation is a ‘normative

power', but *the degree* to which it is one.<sup>9</sup> This requires a framework that establishes some weighting, or illuminates some relationship, between normative ends and means and other interests and instruments of a nation's foreign policy, both in particular circumstances and over time. As Tocci states, the challenge is to identify under what conditions and circumstances an international player seeks normative goals through normative means, and achieves normative results, as opposed to other types of ends, means, and outcomes.

A related question is what we mean by norms. Norms are generally understood as standards of appropriate behaviour. 'Appropriate', of course, is subjective. Who sets the standard? For Stephen Krasner (1983, p. 2), appropriate behaviour should be measured in terms of "rights and obligations" toward others. For Martha Finnemore and Kathryn Sikkink, appropriate behaviour is determined from within, by "actors with a given identity" (Finnemore & Sikkink, 1998; Finnemore, 1996, p. 22; Katzenstein, 1996, p.5; Simon & Martini, 2005, p. 2). Krasner highlights external factors; Finnemore and Sikkink underscore internal influences. Each aspect is important as we examine to what degree the United States is a normative power.

Finnemore and Sikkink's reference to constitutive norms that create identity or define interests is relevant to the literature on EU foreign policy and 'normative power EU', which underscore the importance of norms as an instrument in identity politics. Ian Manners posits that the EU's allegedly 'normative' role in foreign policy can be explained in part by the *sui generis* nature of the EU itself. What the EU *is*, he contends, is the principal explanation for what it *does* beyond its borders (Manners, 2002; Whitman, 1998). In his own paper for this project, Brantley Womack underscores the need to understand a nation's own norms in order to assess the extent to which that nation could be considered a normative foreign policy actor. "Understanding China in its own terms as an intentional actor", Womack (2008, p. 1) states, "would be a prerequisite to understanding China as a normative foreign policy actor."

This is true for the United States as well. To understand the degree to which the US may be considered a normative power, one must seek to

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<sup>9</sup> See the critique of the fashionable notion of Germany as a 'civilian power' by Tewes (1998, p. 353).

understand how it understands its own norms. To understand what the US *does*, one needs to understand something of what America *is* – the nature of American society and the various and often conflicting domestic currents that drive US foreign policy. Before turning to specific case studies, therefore, I offer below some background on the domestic roots of foreign policy.

The external dimension deserves additional comment as well. Krasner's approach and Tocci's introductory framework focus more on regulative norms that order or constrain behaviour. This leads us to consider international law as a common 'normative boundary' and standard for our comparative case studies. Yet the normative boundaries of international law can be quite blurred. International law offers no clear or easy normative guide, for example, when it comes to trade-offs between national sovereignty and respect for human rights. Today, when the world's most lethal conflicts take place within states rather than between them, the claim of national sovereignty can be – and is – invoked as a normative barrier shielding massive violations of human rights. Womack also questions Tocci's reduction of what is 'normative' to the benchmark of international law, and cites instances when international law has been wielded by the strong against the weak in clear violation of what might generally be considered 'appropriate behaviour'.

In short, established norms can be difficult to change, especially as they become institutionalised in formal organisations or enshrined in law. And yet they may fail to deal with new or other normative challenges, or may themselves pose trade-offs between different norms. The dramatic structural upheaval of the post-cold war period has posed significant challenges to such fundamental norms as state sovereignty, non-intervention, the legitimate use of force and multilateralism, which have underpinned the international institutional order since World War II (Job, 2006, p. 56). The Iraq crisis exposed a number of structural and normative challenges to the notion of a UN-centred world order. Some of these challenges, it seems, can be resolved only with institutional reform. Other challenges may be resolved through the reinforcement or re-articulation of existing norms, or by the creation of new ones (Thakur & Sidhu, 2006, pp. 520-521).

In this context, Finnemore and Sikkink refer to the 'life cycle' of norms and discuss the role of 'norm entrepreneurs' and 'norm blockers' in the evolution of norms over time. They describe the strength of norms as

evolving through a ‘life cycle’ of three stages. In the norm emergence stage, norm entrepreneurs attempt to convince others to follow their desired norm. In the norm cascade stage, the ‘norm leaders’ – those who have accepted the norm – attempt to socialize others to accept the norm and become ‘norm followers’. Some budding norms may fail in either the emergence or cascade stages, if the entrepreneurs or norm leaders are unable to convince enough states to follow them. Norms that pass through the first two stages reach the norm internalisation stage, by the end of which “norms acquire a taken-for-granted quality and are no longer a matter of broad public debate” (Finnemore & Sikkink, 1998, pp. 895-905).

Norm entrepreneurs are early catalysts who create the initial momentum behind consideration of new norms. Norm blockers contest and resist new norms, rather than create and support them. They challenge the new ‘framings’ advanced by norm entrepreneurs, using a logic that reaffirms the need and desirability to adhere to more deeply embedded norms. For norm entrepreneurs to succeed in their effort to win wide support and perhaps even institutionalization of new norms, they must also engage the holdouts, or norm blockers, who continue to reject their relevance or ‘appropriateness’. If the norm entrepreneurs succeed, the second step is to define and then enforce adherence to such new norms (Finnemore & Sikkink, 1998; Job, 2006).<sup>10</sup>

When it comes to considering the United States (as well as the EU and other actors), the notions of normative life cycles, norm entrepreneurs and norm blockers seem more apt descriptions than the sweeping, one-dimensional, static designation of ‘normative power’.<sup>11</sup> The term “normative power” relates to being rather than acting, what it is rather than what it does, whereas norm entrepreneur suggests more what Manners describes – that the EU, on occasion and on certain issues, has sought to advance new norms.

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<sup>10</sup> For the difficulties in this ‘second stage’, particularly for the EU, see Katzenstein (2006). For the role of ‘norm entrepreneurs’ in the campaign against terrorism, see Simon & Martini (2005). For issues involved in the UN as ‘norm entrepreneur’, see Månsson (2002).

<sup>11</sup> This role is not exclusive to the US or the EU, of course; other countries have played such a role at certain times. It is not even limited to states, since non-state actors can at times advance norms that challenge the established order.

A further distinction of relevance to the US is that between norm entrepreneurs who seek to establish and apply particular norms to all actors, including themselves, throughout the international system, and what may be called 'norm externalisers', i.e. actors that seek to advance new norms for others but not for themselves.

Zaki Laïdi (Laïdi, 2007, for instance, suggests that normative power refers to the capacity to produce and put in place a global framework of norms that applies to all, including the most powerful. Therefore, when considering the degree to which the US is a normative power, it is important to examine the extent to which the US has felt bound to the rules or norms it has sought to implement, or under what circumstances it has acted to exempt itself from the very frameworks it has helped to establish.

Ian Manners is careful not to exclude the use of military force or economic sanctions from his definition of 'normative power'. This is particularly important, because the role of coercive and non-coercive means in advancing particular norms is critical when examining the role of the United States. Is the US more easily able to be a normative power because it has the means to set and enforce norms? Is it less of a normative power because it has the means to avoid adhering to such norms?

Tocci mentions "inaction" as an important element in any consideration of normative power, but the framework with which we have been asked to work emphasises action over inaction. Failure to act in defence of widely-shared norms, however, must also be included. For instance, shouldn't the failure of the US, the EU and other major powers to act in the face of genocide in Rwanda be considered as part of the discourse on normative power?

Finally, upon closer inspection it seems as if the normative-*realpolitik* categories offer more of a continuum than the imperial-status quo categories. The first two have to do with underlying notions of ideals and interests; the second two reflect more how actors relate to relative power. For nations with less relative power, the imperial option is not available while the status quo option facilitates free-riding. Nations that possess what might be called systemic power, on the other hand, face tougher choices: Do they use such power to change prevailing norms (what Tocci would label imperial), or do they use such power primarily to preserve the status quo? Was the American-led post-war order normative, imperial or something else? This schematic also seems to ignore the issue posed by rising powers, who have a third option, which may be called revisionism or

revolutionary, i.e. whether to turn over the apple cart of the prevailing system altogether, either for normative or *realpolitik* reasons.

In short, in the idealised world of the four paradigms, the mutually exclusive nature of each paradigm seems to break down along the normative/*realpolitik* and imperial/status quo lines. Can't a normative actor prefer the status quo? Can't a *realpolitik* actor also act imperially?

The assumption inherent in this framework is that normative influence can be measured by such metrics of international law as the number of new treaties signed. Yet that begs questions of effective implementation and the degree to which new norms are internalised within nations. The EU is particularly bad in this area; a cursory review of EU agreements indicates that implementation lags woefully across member states.

Some of the literature on normative power is troubling in this regard, because it tends to focus on the number of states signing up behind a particular norm rather than how many states actively change their behaviour as a result of the norm becoming accepted. Finnemore & Sikkink (1998), Adriana Lins de Albuquerque (2007), Suzanne Katzenstein (2006) and others, however, make the case that the only way to measure the influence of norms is to examine whether they cause states to act differently than they would in the absence of the norm, i.e. whether the government or population of a country actually internalises the norm over time.

I draw on these various points in the following three sections. I begin with the domestic roots of US foreign policy, and how the struggles between competing conceptions of America's role in the world affect consideration of the United States as a normative actor. The next section offers specific cases of US foreign policy within the framework suggested by Nathalie Tocci. The final section summarises and offers some final conclusions.

## **2. Domestic Currents and US Foreign Policy**

The US is a perplexing case. On the one hand, norms and values permeate US foreign policy declarations and documents. The very founding of the Republic in the 18<sup>th</sup> century was grounded and justified by normative assertions and universal values. In the 20<sup>th</sup> century, the US was arguably the world's greatest champion of multilateral rules and institutions, and a fierce advocate of democracy, human rights and the rule of law. No other



country has advanced such far-reaching and elaborate ideas about how rules and multilateral institutions might be established to manage international relations.

This was particularly true in the aftermath of the Second World War. Ramesh Thakur and Weheguru Pal Singh Sidhu (2006, p. 5) comment:

After World War II, Washington was the chief architect of the normative structure of world order based on the international rule of law. There was, alongside this, deep and widespread confidence in the United States as a fundamentally trustworthy, balanced and responsible custodian of world order, albeit with occasional lapses and eccentricities.

Samuel Huntington (1999, pp. 35-38) added this in 1999:

In a fashion and to an extent that is unique in the history of Great Powers, the United States defines its strength – indeed its very greatness – not in terms of its ability to achieve or maintain dominance over others, but in terms of its ability to work with others in the interests of the international community as a whole.

On the other hand, the US has also consistently resisted entangling itself in institutional commitments and obligations. It has been reluctant to tie itself too tightly to the normative standards and principles it has championed for others. It has used military force on a fairly regular basis, and has intervened overtly and covertly across borders on a range of issues. Eliot Cohen (Cohen, 2005, p. 16) highlights this apparent dichotomy in American attitudes and actions:

The Woodrow Wilson who proclaimed the ideal of open covenants openly arrived at sent the US Marines to Veracruz and presided over a naval build-up designed to displace the Royal Navy as the arbiter of international order; and the Richard Nixon who, more than most 20<sup>th</sup>-century presidents, saw the world in the pale grey light of *realpolitik* spoke the language of both arms control and human rights.

The 2003 US invasion of Iraq exposed these contradictory impulses perhaps as never before. Robert Tucker and David C. Hendrickson (2004, p. 32) sum it up:

World opinion now sees the United States increasingly as an outlier – invoking international law when convenient, and ignoring it when not; using international institutions when they work to its advantage, and disdaining them when they pose obstacles to US designs.

How can we account for these contradictory impulses? Robert E. Osgood captured this quandary in his seminal book *Ideals and Self-Interest in America's Foreign Relations*, which discusses how the United States has always struggled with the tension between the ideals at the core of the American Republic and the realities imposed by a harsh world.<sup>12</sup> The United States is not alone in facing such dilemmas, of course, but the peculiar origins of the American Republic, together with its current power, render them particularly acute.

Unfortunately, much standard analysis, which tends to classify US foreign policy debates as those between realists and idealists, hawks and doves, unilateralists and multilateralists, or isolationists and interventionists, does not adequately address the points raised above, particularly the domestic forces that often drive foreign policy, and is unlikely to help us get to the core of the issue: whether, or to what degree, the US might be considered a 'normative power'.

Moreover, examining US foreign policy through these lenses often leads to distorted or misleading interpretations, which engenders sympathy with those foreign observers who are often baffled by the swings and contradictions in US foreign policy. Particularly for our exercise it is important to understand that there are many different political traditions in the US that reflect divergent and often competing ideas of how the US should relate to the rest of the world. Therefore, before examining the various case studies and typologies set forth by Nathalie Tocci, I believe it useful to look at the question of the US as a normative power by reviewing a framework developed by Walter Russell Mead, derived from work by historian David Hackett Fischer (1989).<sup>13</sup>

According to Mead (2002, p. xvii),

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<sup>12</sup> Osgood (1953) offers another way of thinking about the distinction Arnold Wolfers makes between milieu goals and possession goals. See Wolfers (1962, pp. 67-80).

<sup>13</sup> Throughout this section I draw closely on Mead, to whom I am indebted. While Mead's basic framework is particularly useful for this exercise, he is not alone in arguing that different traditions compete for the privilege of directing American foreign policy. For other perspectives of differing American approaches, see McDougall (1997); Nau (2002); Binnendijk & Kugler (2007).

Americans through the centuries seem to have four basic ways of looking at foreign policy, which have contrasting and sometimes complementary ways of looking at domestic policy as well. *Hamiltonians* regard a strong alliance between the national government and big business as the key both to domestic stability and to effective action abroad, and they have long focused on the nation's need to be integrated into the global economy on favorable terms. *Wilsonians* believe that the United States has both a moral obligation and an important national interest in spreading American democratic and social values throughout the world, creating a peaceful international community that accepts the rule of law. *Jeffersonians* hold that American foreign policy should be less concerned about spreading democracy abroad than about safeguarding it at home; they have historically been skeptical about Hamiltonian and Wilsonian policies that involve the United States with unsavory allies abroad or that increase the risks of war. Finally a large populist school I call *Jacksonian* believes that the most important goal of the US government in both foreign and domestic policy should be the physical security and the economic well-being of the American people.

Mead names his schools after leading figures in American history. He does not seek to 'prove' from documents or declarations that these schools have existed throughout US history, nor does he argue that these schools coincide with particular political parties. He is not attempting to build a theory of state action or foreign relations, and the general nature of his categories is certain to be criticised by historians and political scientists alike. But for the purposes of our exercise, his approach can help us think more clearly about the domestic sources of American conduct abroad, and in turn about the question of the US as a 'normative power'.<sup>14</sup>

As we shall see, the similarities and differences between these approaches do not allow us to align them along either a simple conservative-liberal or isolationist-internationalist spectrum. They also allow us to illuminate the often-bitter debates *within* the Democratic and Republican parties. In the following I draw on a variety of sources to

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<sup>14</sup> According to Mead, "the four schools are definite and distinct entities, but they change over time, they mix and blur, and most important, they are part of a political history of ideas. They are movements and communities of interest and feeling rather than abstract principles. They are churches rather than creeds". (Mead, 2002, p. 172).

explain and contrast these different approaches, but in general stick to Mead's framework.

## **2.1 *Wilsonians***

Wilsonianism is grounded in two basic notions. The first is that democracies are more likely than others to develop fair and effective legal systems, and thus make better and more reliable partners than monarchies or autocracies. The domestic character of countries is a major determinant of national behaviour and hence, world peace. The second premise is that the United States is a nation set apart by its values and principles from the rest of the world, and thus has both a moral duty and a practical need to spread democracy to the ends of the earth.

Wilson believed strongly that the "force of America is the force of moral principle" and that the "idea of America is to serve humanity". Long before he became president, Wilson wrote of his conviction that the United States had a "plain destiny [to] serve [rather than] subdue the world". Later, as president, he would contend that this destiny to serve was the only possible motivation for American actions in the world.

The Wilsonian belief that the cause of peace can and should be advanced through the spread of democratic values and institutions leads them to interventionist policies, reflected in Wilson's famous statement:

We are glad...to fight thus for the ultimate peace of the world and for the liberation of its peoples...for the rights of nations great and small and the privilege of men everywhere to choose their way of life and of obedience. The world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty.<sup>15</sup>

Wilson was not averse to using force to advance his vision. To help other peoples become, in his opinion, more democratic and orderly, Wilson sent American troops twice into Mexico, to Haiti, the Dominican Republic and Cuba, and maintained US military 'protection' of Nicaragua. He also intervened militarily twice in the Russian civil war. Wilson best expressed his attitude toward such interventions in 1914: "[T]hey say the Mexicans are not fitted for self-government and to this I reply that, when properly

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<sup>15</sup> Cited in Nathan & Oliver (1976, p. 21).

directed, there is no people not fitted for self-government.” When Wilson finally made the decision to enter World War I in April 1917, he again justified his action in highly idealistic terms that enabled the American people to come to regard the war as a crusade to “make the world safe for democracy.”

While Wilsonians have not hesitated to advance normative goals through non-normative means, one can point to at least three broad areas in which Wilsonian tradition has led the US to act as a normative power.

First, Wilsonians look – with some justice – to the development and expansion of a democratic Atlantic community as vindication of their approach. In this cause they aligned with the Hamiltonian school, described below. Second, Wilsonians have been determined opponents of colonialism. This is a chequered history, of course, but in many instances US determination to advance decolonisation against some of its closest allies aligned the US with the rise to independence and development of growing portions of the non-European world. Third, the Wilsonian tradition has been a leading force in international efforts to prevent war, including through codes of conduct and arms control; and in efforts to develop alternatives to war, for instance through the development of arbitration treaties and of international organisations for collective security such as the League of Nations, the World Court and the United Nations. Much leadership in these areas has been European, but American Wilsonians have participated and often been successful in securing US government support for these and other initiatives, driven by their conviction that multilateral organisations and international regimes can extend such bedrock American values as respect for the rule of law, due process and human rights.<sup>16</sup>

Of course, the US does not always conduct its foreign policy along Wilsonian lines. Sometimes other currents have subverted Wilsonian

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<sup>16</sup> For non-US affirmation of this role, see Thakur & Sidhu (2006, p. 8). Henry Kissinger, realist *par excellence*, once noted with some personal chagrin that, “[I]t is above all to the drumbeat of Wilsonian idealism that American foreign policy has marched since his watershed presidency, and continues to march to this day.... Wilson’s historic achievement lies in his recognition that Americans cannot sustain major international obligations that are not justified by their moral faith.” See Kissinger (1994, pp. 30 and 50).

efforts; at other times they have amplified them. This can lead the US to appear as a world-class hypocrite. “Wilsonians proclaim noble principles and sincerely plan to apply them”, Mead (2002, p. 171) notes, “but then, alas, they sometimes lose policy battles. The Clinton administration extended most favoured nation status to China despite the country’s un-Wilsonian approach to human rights. The United States fell far behind in its UN dues, despite the fervent lobbying of its Wilsonian friends.”

In short, the Wilsonian tradition has employed both normative and non-normative means to advance what its adherents consider to be quintessentially normative goals, and with highly uneven results. As Mead (2002, p. 38) notes, there is much in the Wilsonian school that makes foreign and domestic actors uncomfortable, particularly the insistence that “the United States has the right and the duty to change the rest of the world’s behaviour, and that the United States can and should concern itself not only with the way other countries conduct their international affairs, but with their domestic policies as well”.<sup>17</sup>

Yet US support for the Wilsonian ideal has won tolerance, support and sympathy for US influence and power, and has prompted nations and progressive elements in many societies to identify with this ideal and to seek closer ties with Americans. “How useful it is”, Mead (2002, p. 171) concludes, that “so many people around the world see Wilsonian ideals as defining the norm of American foreign policy, and interpret its other aspects as unfortunate and temporary deviations from it.”<sup>18</sup>

## ***2.2 Hamiltonians***

The Hamiltonian school is named for Alexander Hamilton, the nation’s first Secretary of the Treasury and a co-author of the *Federalist Papers*. Hamiltonians believe that the United States has a profound interest in maintaining a relatively open, international and largely maritime trading and financial order. Hamiltonians readily speak of the ‘national interest’ and ‘the balance of power’, and while they would fit most readily in the ‘realist’ category, their motivations and approaches should not be mistaken for Continental European realism. Hamiltonians view open international

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<sup>17</sup> See also Eichenberg (2005, pp. 140-177), Kull (2003) and Drezner (2007).

<sup>18</sup> See also Lind (2007).

commerce, framed by a predictable world order based on international law, as a potential cause of peace. These beliefs have led Hamiltonians to champion US efforts to ensure freedom of the seas, freedom of the skies, an open door for American goods, open access to supplies of strategic materials and an international legal and financial order that permits the broadest possible global trade in capital and goods. While some observers might relegate such aims to the category of 'possession goals', this tradition most assuredly considers such objectives as 'milieu goals'.

Throughout much of US history, these goals appeared to be protected by the British Empire. The collapse of the Empire led Hamiltonians to believe it was incumbent upon the United States to replace Great Britain as the 'gyroscope' of an economically-oriented world order that could circumvent the zero-sum problem that condemns purely security-based systems to endless bouts of war and revisionism. Hamiltonians did not hesitate to build strong military forces and international security alliances to protect US interests in the emerging cold war, of course, but equally important in their mind was a global economic system resting primarily on the free participation of independent states. Together with Wilsonians, they set out to create a set of international institutions that would 'civilise' policies around the world, particularly in Europe.

The result, John Ikenberry (2004) argues, was an "'American system' organized around a dense array of rules, institutions, and partnerships spread across global and regional security, economic and political realms. It has been an order built on 'liberal hegemonic' bargains, diffuse reciprocity, public goods provision, and an unprecedented array of intergovernmental institutions and working relationships."

This approach survived the cold war period. George H.W. Bush is a classic Hamiltonian. While Bush Senior rejected much of the Wilsonian credo as dangerous and illusory, he understood that a more cohesive democratic community could advance not only American ideals but also American interests. Even before the Berlin Wall fell, Bush argued that the West had to move beyond a grand strategy "based on the concept of containment" of communism, to encourage a "growing community of

democracies anchoring international peace and stability, and a dynamic free-market system generating prosperity and progress on a global scale".<sup>19</sup>

Bill Clinton picked up the challenge, creating the Asia-Pacific Economic Community and advancing most-favoured-nation status for China; securing US support for the creation of the World Trade Organisation (WTO); and ensuring ratification of the Uruguay Round of multilateral free trade negotiations and the North Atlantic Free Trade Agreement (NAFTA). Although this order has been challenged and weakened during the presidency of George W. Bush, it has proved its resilience in the face of considerable dispute and largely continues today.

In this system, interests and norms cannot easily be separated. Building up institutions after the Second World War was a projection of American norms, but it also safeguarded American interests (Cox, 2003, p. 9). In Wolfers' terms, for many decades the milieu goal of an open international order coincided in significant ways with the possession goal of safeguarding American interests.

Hamiltonians continue to join with Wilsonians to believe that international cooperation is necessary to meet today's challenges – whether it is the fight against terrorists, curtailing weapons proliferation, curbing the spread of deadly diseases, or containing global warming. Such cooperation, they believe, is more likely to be available and effective if it is regularised within an institutional setting and according to agreed rules and procedures. While Wilsonians would insist that such cooperation could only be sustained with other democracies, Hamiltonians are more willing to work on common goals with undemocratic regimes as well, if such cooperation is necessary to advance a particular objective.

The alliance between Hamiltonians and Wilsonians has been a powerful force in US foreign policy, but it has not always carried the day.

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<sup>19</sup> The Hamiltonian-Wilsonian alliance continued into the Clinton Administration. Bill Clinton, who more comfortably fits the Wilsonian creed, made the enlargement of the community of free-market democracies a central tenet of his foreign policy, and was able to secure Hamiltonian support, particularly within the Republican Party, for important elements of this approach.



At times the two schools have split, and at times two other schools have succeeded in blunting Hamiltonian-Wilsonian projects.<sup>20</sup>

### **2.3 *Jeffersonians***

This school is named after Thomas Jefferson, 3<sup>rd</sup> President of the United States and principal author of the Declaration of Independence. Jeffersonians have often opposed both Hamiltonian and Wilsonian policy because they believe the most vital interest of the American people is to protect and develop democracy at home. “Like Wilsonians”, says Mead, “Jeffersonians believe that the American Revolution continues.” Whereas Hamiltonians believe that the United States is a country that once had a revolution, Wilsonians and Jeffersonians believe that America remains a revolutionary country (Mead, 2002, p. 178). Rather than act on the Wilsonians’ almost missionary impulse to promote democratic revolutions abroad, however, Jeffersonians believe that America is best suited to be an exemplar for others by fulfilling the democratic promise of its revolution at home. Jeffersonians are preoccupied with the gap between American aspirations and American achievements. They believe that liberty, while precious, is fragile, and could be subverted as easily from within as from without. They are concerned, in Mead’s words (2002, p. 185), that “excessive intervention in the Hobbesian world of international politics would corrupt and undermine the Lockean, democratic order that the American people had established at home”, and so support a limited foreign policy that defines US interests as narrowly as possible.

Foreign observers may characterise this school as isolationist, but for the purposes of this exercise it is important to recognise that this movement is not simply a knee-jerk impulse, born out of a sense of US invulnerability, but derives rather from a profound concern about the vulnerability of American norms and values to the consequences of developments abroad. “Whatever America hopes to bring to pass in the world”, Dwight D.

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<sup>20</sup> Samuel Berger (2004, p. 50) has characterised domestic struggles over foreign policy broadly as “a battle fought between liberal internationalists in both parties who believe that our strength is usually greatest when we work in concert with allies in defense of our shared values and interests, versus those who seem to believe that the United States should go it alone – or not go it at all”.

Eisenhower admonished, “must first come to pass in the heart of America.”<sup>21</sup>

Jeffersonians do not oppose peaceful commercial relations and mutually beneficial interactions with other nations, but they insist that the priority of Americans must be to build a model society that others might emulate, rather than to invest inordinate energy and resources on imposing American ways on nations with different histories and traditions. Jeffersonians fear excessive concentration of economic, military or potential power domestically as well as internationally. They believe that breathless talk of spreading liberty, democracy, freedom of speech, civil rights and civil society abroad ignores the daily reality that such principles are honoured in the breach by racial segregation or discrimination against Americans and others at home. They embrace America’s system of checks and balances, constitutional restrictions on excessive power and the role of the Congress in foreign policy.

The Jeffersonian tradition is important for our discussion because it refutes the premise asserted by Thomas Diez, in his debates with Ian Manners about ‘normative power’, that the US lacks a tradition of self-reflection that Diez considers to be an important component of such power. At its core, the Jeffersonian school represents precisely such a tradition, one ever on its guard against abuse of power, investigating and often controverting claims made by Wilsonian and Hamiltonian activists.

During the early years following World War II, Jeffersonians fought unsuccessfully against Hamiltonian-Wilsonian efforts to build the post-war international order. While their influence was muted during the early years of the cold war, they enjoyed a certain revival in the wake of Vietnam and again after the cold war. Jeffersonians pushed through the War Powers Act and the Freedom of Information Act, and have been consistent supporters of efforts to subject executive branch intelligence and military agencies to constant and rigorous congressional oversight. They have joined with Wilsonians to limit arms, and they share Wilsonian abhorrence at US activities, such as treatment of prisoners at Abu Ghraib or Guantanamo

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<sup>21</sup> Eisenhower could not be classified as a Jeffersonian, but he did have a keen sense of the limits of American power, was cautious about excessive concentration of power at home and understood that such themes evoked sentiments shared across the body politic.

Bay, because they represent Executive branch violations of the cherished American principle of rule of law. Jeffersonian opposition to fast-track trade authority is often viewed abroad as a sign of isolationism, protectionism or of US efforts to exempt itself from international treaties, but this stance more directly reflects Jeffersonian concerns about the constitutional integrity of congressional authority over trade and the norms of American democracy.

In short, Jeffersonians are not without influence. In the person of Ralph Nader, Jeffersonians arguably torpedoed Al Gore's bid for the Presidency in 2000, and in so doing paved the way for George W. Bush. Yet Jeffersonians have been vociferous opponents of the 'war on terrorism', fearful of its expansive connotations and its impact on civil liberties, and wondering, in Michael Ignatieff's words (2003a), whether via its actions the nation "risks losing its soul as a republic". John Quincy Adams's warning of 1821 is emblazoned upon the efforts of present-day Jeffersonians: Americans should resist the temptation of going abroad "in search of monsters to destroy", he cautioned, for if America were seduced into becoming "the dictatress of the world, she would be no longer the ruler of her own spirit."<sup>22</sup>

## ***2.4 Jacksonians***

The Jacksonian tradition, named for Andrew Jackson, the country's seventh President, represents less an intellectual or political movement than an expression of the social, cultural and religious culture of a large portion of the American public. Unlike the other schools, which are rooted in a civic identity grounded in principles of democracy and the rule of law, Jacksonian tradition is rooted in a 'folkish' or populist community of national experiences – close to what could be termed a national ethnic identity, except that Jacksonians, too, have opened to different ethnic, religion and other groupings.

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<sup>22</sup> John Quincy Adams, while Secretary of State under President James Monroe, in a speech before the US House of Representatives in honour of Independence Day in 1821 (excerpt at <http://www.uiowa.edu/~c030162/Common/Handouts/Other/JQ-ADAMS.html>).

Jacksonians assert that the prime goal of US domestic and foreign policy must be the physical security and economic prosperity of the American people. They are instinctively democratic and populist, skeptical of domestic or foreign 'do-gooding' (welfare at home, foreign aid abroad), mistrustful of federal authority but supportive of a strong military and fond of federal support for the middle class, and deeply attached to the Bill of Rights – particularly the Second Amendment and the right to bear arms as the 'citadel of liberty'. (Mead, 2002, p. 225). Jacksonians believe the world is and will remain violent and dangerous; Americans must remain vigilant and well-armed. Like Jeffersonians, Jacksonians prefer selective or limited engagement with the outside world. But when engaged or enraged, they are ruthless, and offer no quarter.

Jacksonians are often obstructionists in foreign policy. Jacksonians led by Senator Robert Taft opposed the formation of NATO and the permanent deployment of troops to Europe, believing that the US could and should have relied on the unilateral exercise of military power to defeat Soviet designs. They fought the creation of the World Bank and the International Monetary Fund and abhor the UN. They are wary of trade liberalisation and economic interdependence, which could imply greater vulnerability and loss of economic autonomy.

Jacksonians are the least likely to support Wilsonian initiatives for a better world, have the least regard for international law and practice, are least tolerant of Jeffersonian calls for restrictions on US power, and are the least willing to support Hamiltonian strategies of balanced engagement. For most foreigners continental Jacksonians are the most deplored school. As Mead (2002, p. 225) notes, "Jacksonian chairs of the Senate Foreign Relations Committee are the despair of high-minded people everywhere as they hold up American adherence to the Kyoto Protocol, starve the UN and the IMF, cut foreign aid, and ban the use of American funds for population control programs abroad." Jacksonians readily fit foreign stereotypes of US foreign policy as an unhealthy and dangerous mix of ignorance, isolationism and 'cowboy diplomacy'. Jacksonian influence has tended to centre in the Congress rather than the Executive branch, but has enjoyed considerable influence during the administration of George W. Bush.

## ***2.5 Assessing the Four Schools***

If one were to characterise recent US presidencies in terms of these four approaches, one would say that the George H.W. Bush administration was

uniformly composed of Hamiltonians; that the Clinton Administration was an uneasy blend of liberal Wilsonians, Jeffersonians and Hamiltonians; and that the presidency of George W. Bush began as an amalgam of Jeffersonians, neo-conservative Wilsonians and Jacksonians. George W. Bush came to office proclaiming such Jeffersonian themes as the need for 'selective engagement' and a 'humble' foreign policy, but notably excluded many Hamiltonians, who were the legacy of his father's administration – people such as Brent Scowcroft and James Baker, who were anathema to George Junior. Before the new administration could articulate its particular approach to foreign policy, however, the attacks of September 11 empowered the neo-conservative Wilsonians, enraged the Jacksonians and silenced the Jeffersonians, resulting in an historical anomaly – an alliance of Wilsonians and Jacksonians. The next US administration is likely to offer a different blend of traditions.

These four schools compete to shape the direction of US foreign policy. Each has significant weight in American debates. Each views foreign policy primarily as an extension of its domestic political orientation. Each has held sway at particular points in American history, but policies that have proven to be sustainable have typically needed support from two if not three of the schools. They are not neat and tidy categories; there is considerable overlap between them. But together they can serve as a general guide to help illuminate the sources of American conduct in the world.

Although each of these schools offers a different approach to US foreign policy, they are united by a common belief in American exceptionalism and the transformative power of America. "From the start", Daniel Bell (1989) notes, "Americans have believed that destiny has marked their country as different from others – that the United States is, in Lincoln's marvellous phrase, 'an almost chosen nation'." Throughout American history, exceptionalist belief has framed the discourse of foreign policy-making by providing the underlying assumptions and terms of reference for foreign policy debate and conduct (Lepgold & McKeown, 1995).

What are often interpreted as lusty swings between internationalism and isolationism are perhaps better understood as competition and shifting alliances among these competing schools over the most appropriate way to express their shared belief in American exceptionalism. Thomas Diez and Ian Manners (2007) point explicitly to this common belief in American

exceptionalism as reason to question whether the US could in fact be considered a ‘normative power’ – another element to consider in our case studies.

### 3. Case Studies

With this as a background, let us now examine US foreign policy through the categories set forth by Tocci. Since an individual case study cannot convey the weight any particular approach may have within broader currents of policy, I have also offered in each category other possible examples as food for thought.

*Table 1. US case studies*

Normative		<i>Realpolitik</i>		Imperial		Status quo	
Intended	Un-intended	Intended	Un-intended	Intended	Un-intended	Intended	Un-intended
Creating the WTO dispute settlement mechanism, 1995-2007	US sanctions against and targeted assistance to Belarus	US policy towards Iraq, 1980-84	US position on the Internat'l Criminal Court, 2002-07	US invasion of Panama, 1989	US invasion and occupation of Iraq, 2003-07	US policy towards Taiwan, 1978-2007	US and South Africa, 1948-90

#### *3.1 Normative Intended: Creating the WTO dispute settlement mechanism, 1995-2007*

When has the US acted in ways that could be characterised as ‘**normative intended**’, i.e. when has it pursued milieu goals aimed at strengthening international legality and institutions in ways that have respected its own domestic laws as well as its international legal obligations, and did this effort truly have a normative impact and be perceived by its recipients as such? This is a tough standard to meet, but one can find a number of cases in which US action can be so characterised.

I have chosen to highlight US leadership in creating the World Trade Organisation, particularly its dispute settlement mechanism, in part to challenge passing references that consider open commercial activities as a possession goal rather than as a milieu goal. When it comes to setting forth a structure and rules for international trade, milieu goals can be

paramount. This case also addresses a second important question in the debate about normative power, i.e. whether the US is really willing to be bound by international law.

### *Narrative*

Interest in establishing a predictable open international economic order led to US support in 1995 for two related initiatives: a more formal treaty-based organisation, the World Trade Organisation, to replace the looser General Agreement on Tariffs and Trade (GATT) created after World War II; and a relatively binding trade dispute settlement mechanism under the new multilateral system.

As the world's leading economy, the US has an interest in widely shared rules and procedures that can underpin a stable, non-discriminatory trading order. To ensure the commitment of other governments, the US needed to establish its reliability and commit itself to be bound by the same rules and obligations. A procedure for settling disputes existed under the old GATT, but it had no fixed timetables, rulings were easier to block, and many cases dragged on for a long time inconclusively. Frustration with the GATT led the US to seek enforceable multilateral rules. The WTO oversees about 60 different agreements with the status of international legal texts that are binding on its 151 member states. Since the creation of the dispute settlement mechanism, the United States has been the most engaged WTO member, both bringing cases and complying with cases it has lost.<sup>23</sup>

### *Goals, means and impact*

The goal of the US effort to create the WTO and its dispute settlement mechanism was to establish a rules-based, multilateral organisation obliging all member nations, including the United States, to conform to predictable trading relationships, as outlined in WTO statutes. The means consisted of a negotiating effort to replace the loophole-ridden GATT with a formal institution under international law. The result requires sustained cooperation from member states. While the WTO's mandate to negotiate further liberalisation of trade via the Doha Round continues to be a

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<sup>23</sup> For further background, see Lawrence (2007), Jackson (1994 and 2006) and Van den Bossche (2005).

struggle, the dispute settlement mechanism is respected and continues to work as an arbiter of trade disputes, offering an alternative to costly trade wars. Without a means of settling disputes, the rules-based system would be less effective because the rules could not be enforced. The WTO's procedure underscores the rule of law, affirms the principle that trade must be non-discriminatory, and makes the trading system more secure and predictable. The WTO not only ensures open markets for the United States, it exerts pressure on the US to keep its own market open. When any nation, including the United States, is found to have violated WTO statutes, there are provisions for redress. While there is room for improvement in ensuring compliance, transparency and accessibility, the system has worked reasonably well. Despite continuing debates about the WTO in many countries, the fact that 151 nations have ratified their membership, bring cases to the WTO for resolution and largely comply with its judgments must be seen as a significant milieu achievement and as a positive contribution to international law and institutions.

The dispute settlement system has reduced the need for the United States or others, including the EU, to resort to unilateral retaliatory measures. Since the advent of the dispute settlement system, the United States has generally abided by its agreement not to impose unilateral trade sanctions against WTO members without WTO authorisation. Moreover, the US has respected WTO decisions against it – recent examples include US removal of steel tariffs and abandonment of safeguard measures in three other areas, all in response to losses at the WTO.

### *Conditioning factor: Domestic context*

It is perhaps useful to note that while the US helped to create the WTO as a full-fledged international institution, US opposition to a similar status for the WTO's predecessor, the GATT, was the primary reason the post-war international trade regime remained relatively weak. In December 1945, at US initiative, major trading countries entered into negotiations to conclude a multilateral agreement for the reciprocal reduction of tariffs on trade in goods. Moreover, the US prompted the UN to adopt a resolution in February 1946, to begin efforts to create the charter of an International Organisation for Trade (ITO), which was agreed in October 1947. The ITO Charter, however, never entered into force. Jeffersonians and Jacksonians argued successfully that the new organisation would intrude on domestic



economic issues, and in December 1950, President Truman announced that he would no longer seek Congressional approval of the ITO Charter.

Over time, however, the lack of agreed-upon enforcement procedures under the GATT generated considerable US frustration. Hamiltonians and Wilsonians joined together to advance US support for the dispute settlement mechanism, united in the belief that free trade and open markets would not just promote economic prosperity, but could promote democracy and mitigate bitter conflicts with key trading partners, which also happened to be America's closest allies. According to this view, open markets tend to open societies, liberalise politics and integrate and socialise nations into a predictable order. To achieve this goal, the US would also need to commit itself to the dispute settlement mechanism, and thus its possession goals and milieu goals were mutually reinforcing.

In this second try at a stronger trade regime, neither Jeffersonians nor Jacksonians carried enough weight in the Congress or in the Executive to challenge the effort. Domestic critics, reflecting both Jacksonian and Jeffersonian perspectives, continue to charge that the WTO is an intrusion on US sovereignty. Supporters underscore that that in the end, the WTO panels have no power to order any member to change its laws, or to impose retaliation, but that the US decision to join the WTO and abide by its procedures is itself an exercise of sovereignty.

### *Conditioning factor: Capabilities*

As we examine the question to what degree the US can be a normative actor, a key underlying issue in each of these cases is the relationship between norms and power. To what degree are the normative intended results due to US power to shape outcomes? Is it necessary to have significant capability to set a norm, i.e. can only major powers be normative in terms of results? In her introductory essay, Nathalie Tocci (2007) states that "our definition of what is normative, rather than being a pure expression of power, must undertake the function of 'taming' and regulating power".

As the world's largest economy and champion of the rules-based post-war international economic order, the US clearly possessed significant 'shaping power' to advance this 'milieu goal' of establishing the WTO and its dispute settlement mechanism. In fact, the US position was enhanced by its argument that unless an effective international enforcement procedure could be created, the Congress would continue to insist upon unilateral

remedies against what it deemed to be ‘unfair’ trade practices by other countries.<sup>24</sup> Yet while US leadership proved essential, it is not evident that the final result was engineered by the US to serve its national interests at the expense of others. If the WTO was viewed solely as an instrument of US power, it is unlikely that 150 other nations would have joined, taking steps to secure domestic ratification of their own membership, or that others still seek to join. Moreover, the US has been playing by the rules and has agreed to be bound by WTO judgments in cases it has lost.<sup>25</sup> In all of these senses, then, US normative action was able to ‘tame’ and ‘regulate’ power.

*Conditioning factor: External context*

As outlined above, by the 1980s the weaknesses of the GATT had become apparent to most trading countries, and there was general consensus on the need for an overhaul of the regime. While the US joined with most other major trading countries to advance the negotiations leading to the WTO, it is perhaps interesting for the purposes of our exercise to note that the initial negotiations pitted US advocacy for a strong legal model that stressed adjudication against EU and Japanese advocacy for what William J. Davey (1993) has termed an “anti-legalistic” model emphasising negotiation and consensus. In the end, the EU and Japan apparently persuaded themselves that the risk of US unilateral action was a greater danger than a demanding international legal system governing trade (Hudec, 1993, p. 237). Here then,

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<sup>24</sup> Innumerable bilateral conflicts with the European Union over its Common Agricultural Policy (CAP) and with Japan over its closed market in the 1970s and 1980s led the US to pass laws such as Section 301 of the Trade Act of 1974 and the Super 301 provisions of the Omnibus Trade and Competitiveness Act of 1988, which sought to remove ‘unreasonable and unjustifiable’ barriers to US exports by threatening unilateral trade sanctions. While these measures met with mixed results, they did help convince other countries of the merits of establishing a more effective system at the WTO (see Lawrence, 2007).

<sup>25</sup> While Beth Simmons cautions that even though “much international behavior is consistent with international law...it has been far more difficult...to show any causal link between legal commitments and behavior”. An investigation of 984 US antidumping investigations, supplemented by 2,748 potential cases never initiated, from 1978 through 2002, however, makes it clear that the US is less likely to investigate and impose unilateral antidumping duties against members of the WTO. See Simmons (1998) and Busch et al. (2006).

we find that the threat of US unilateral action, born of frustration with weak or ineffective multilateral arrangements, can in fact galvanise action to strengthen rules-based international mechanisms.

### *Summary*

How representative are these examples of the US acting as a normative power? Other examples certainly could be cited, including the creation of the World Bank and the IMF; the Marshall Plan or President Eisenhower's push for the creation of the International Development Association (IDA) facility to helping the poorest of nations; the creation of the Peace Corps; the formation of APEC, the OAS and NAFTA; the Camp David Agreement; brokering the 1998 Ecuador-Peru peace treaty; US support for and active engagement in the Stability Pact for the Balkans following the Kosovo conflict; creation with others of the Lyon Group, the Financial Action Task Force, the Egmont group, and other 'international non-organisations' and 'name and shame' activities that support new international norms against drug trafficking, human trafficking and terrorist financing; the 1967 Outer Space Treaty; creating the Community of Democracies; creation of the Proliferation Security Initiative and the Container Security Initiative; and the Nunn-Lugar Program to dismantle nuclear weapons and to provide assistance to a variety of states, including Russia, in defence conversion, export control, housing for demobilised military personnel and environmental restoration. The US has ratified a variety of international treaties, such as the Genocide Convention (1989), the International Covenant on Civil and Political Rights (1992) and the Convention on the Elimination of All Forms of Racial Discrimination (1994). Recent examples include creation of the Millennium Challenge Corporation to assist the poorest nations of the world; the President's Malaria Initiative; the Multilateral Debt Relief Initiative for relief to the world's poorest, most heavily indebted nations; and the Global Fund for HIV/AIDS, Malaria, and Tuberculosis.

In addition, the US has been the most active, and most actively requested, mediator of international conflicts since 1945 (Touval, 1992; Crocker et al., 1999). Moreover, there are various examples of mediation efforts by actors other than the US that do not come to closure until the US itself engages or demonstrates its support for those mediation efforts. Examples include Bosnia, Sudan, Jordan and Mozambique. Bosnia is a particularly striking example when it comes to notions of the EU as a

'normative power'. As Richard Holbrooke has commented, it is absurd that inter-European squabbling and impotence required America to broker the peace agreement for Bosnia, particularly when in 1991 (in echoes of 'normative power Europe') Jacques Poos, the foreign minister of Luxembourg, declared: "This is the hour of Europe, not the hour of the Americans."

Finally, US cases raise the question whether legitimacy derives from norms developed by sovereign states, some of which may be odious, or from other principles, such as democracy. The first would make the imprimatur of the UN the test of legitimacy; the second would argue that support from the democratic community is a better test. US proposals leading to the creation of the Community of Democracies in the Clinton administration, and the current proposal by Republican presidential candidate John McCain for a League of Democracies, are examples of this normative thrust in US policy.

In these and many other areas, the US has advanced normative goals through normative means with largely normative results. Such efforts on the whole have strengthened international law and institutions and promoted rights and duties enshrined and specified in international law, including the rights and duties of the US itself. They highlight the fact that at times the US functions as a 'norm entrepreneur'.

Nathalie Tocci and her colleagues have offered EU enlargement as an example in this category. Doesn't the continuing enlargement of NATO belong here as well? It strengthens an international institution linked to the UN system; it is implemented through a treaty process ratified through parliamentary means in the US, all allied states and the accession states; it is certainly perceived by the 'recipients' of membership as an enhancement of their stability and anchoring of their democracy; and it reinforces a particular set of norms, such as civilian control of the military, that ground European and transatlantic security. It is certainly not perceived as normative by Russia. But I would argue not only that it is normative, but that it has been critical to the EU's own 'normative' enlargement. More on this later.

### ***3.2 Normative unintended: US sanctions and targeted assistance regarding Belarus***

In her introductory essay, Nathalie Tocci poses a basic question for our exercise: under similar conditions, do different international actors opt for similar or different foreign policy approaches? More specifically, under similar conditions, do the EU and the US act in similar or dissimilar ways? In direct response to Tocci's question, I have chosen to examine the same **normative unintended** case study as was used in the chapter on the EU, namely the case of Belarus.<sup>26</sup>

#### *Narrative*

Following the election of President Aleksander Lukashenko in 1994, Belarus saw a rapid rise in authoritarianism and a subsequent decline in democratic freedoms and civil liberties. Under Lukashenko's rule, political repression in Belarus has been rampant: several of Lukashenko's political opponents have disappeared, others have been jailed, and political activists and NGOs face constant harassment. Mass gatherings are illegal without consent from the government. In response, the US has worked closely with the EU to impose an incremental series of sanctions and targeted assistance tailored to support democracy for the people of Belarus while punishing the regime for its abuses.<sup>27</sup>

#### *Goals, means and impact*

The goal of US policy – to support initiatives that have the potential to advance democracy and the rule of law in Belarus – is certainly normative. The US has also employed normative means to advance this goal. Similar to EU efforts, US actions have been consistent, incremental and tailored in

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<sup>26</sup> As Tocci notes, time is a crucial determinant when considering such cases. For instance, the United States never recognised the incorporation of the Baltic states into the Soviet Union. This reflected in part principle, in part pressure from Baltic-American groupings at home, and in part a useful instrument to tweak the Soviets. But when the cold war ended, the US found itself, perhaps unexpectedly, on the 'right side of history' on this issue, and capitalised on it to advance Baltic integration into the West. What began as a 'normative unintended' example perhaps became a 'normative intended' example.

<sup>27</sup> For an overview, see Hamilton & Mangott (2007).

response to events in Belarus. The US and EU have coordinated their approaches, and have had the support of other international organisations and NGOs. US assistance programmes focus on human rights monitoring and education, independent trade unions, democratic political party and coalition development, voter education, strengthening civil society, rule of law, and electoral reform and monitoring, and has worked closely with EU partners in these areas. The US and the EU have also worked to highlight the Lukashenko regime's abuses and to hold authorities accountable who are implicated in wrongdoing, for example, by imposing travel restrictions and investigating the sources of their assets. US officials are careful to stress that these sanctions are aimed at the regime rather than at the people of Belarus. US efforts appear to have had little effect, however, in advancing the normative goal of greater democracy in Belarus.

*Conditioning factor: Domestic context*

The US has few if any possession goals regarding Belarus; the milieu goal of a continent of democracies governed by the rule of law has far higher precedence. The issue is remote enough not to stir Jeffersonians or Jacksonians. It is marginal to Hamiltonians, and so the field has been left to Wilsonian activists. Such activism alone, however, is not sufficient to truly drive the US to higher-profile or more energetic activities, despite the relative ineffectiveness of current approaches.

*Conditioning factor: Capabilities*

While the US is a major economic power, its capability to affect Belarus through economic sanctions is limited because of the limited commercial relationship between the two countries and the ability of Belarus to avail itself of other channels.

*Conditioning factor: External environment*

As with the EU, the US is unwilling to incur high costs to advance its approach to Belarus, particularly in relations with Russia. Moreover, Belarus has enjoyed a more beneficial economic and energy relationship with Russia than some of Russia's other neighbours, and so the effects of sanctions have been limited.

Politically, since its independence from the USSR, Belarus has retained close political and economic ties to Russia, with Moscow essentially financing the Belarus economy over the past decade and a half

by providing energy and prices far below market rates. This situation changed dramatically in 2007, however, when Russia more than doubled the amount Belarus must pay for Russian natural gas, and forced Belarus to relinquish a 50% stake of its state-owned gas transport company, Beltranshaz, to Russia's state-controlled gas monopoly Gazprom. Lukashenko now finds himself under intense pressure from both the West and the East, and the very basis of his regime's stability – low oil and gas prices – is in danger. In such a context, current US and EU policies might carry additional bite.

### *Summary*

Despite seeking normative goals through normative means, the US failed to achieve normative results through its approach to Belarus. The US has limited influence over Belarus, even after joining together with the EU. There is bipartisan yet relatively shallow support at home for vigorous US action, and US interests vis-à-vis Russia may mitigate the full impact of US policy on Belarus.

How representative is this case for the US? Is the US often frustrated in its ability to advance normative ends through normative means? A number of other examples could be cited, for instance US sanctions against Myanmar; efforts to broker settlements in Darfur, Cyprus, the Palestinian-Israeli conflict, Transnistria, Abkazia, South Ossetia and Nagorno-Karabakh; or US efforts to advance international efforts against corruption. The United States took a leading role in the writing of treaties such as the Covenant of the League of Nations, the Kellogg-Briand Pact and the Human Rights Covenants. In the end, however, the US often recoils from adhering to the far-reaching obligations of such multilateral treaties. US engagement in the Korean War, sanctioned by the UN, could also be considered normative unintended, given the inconclusive ending to the conflict more than 50 years later. The invasion of Afghanistan, sanctioned by the UN, is another example; it is listed here because of the continuing struggle there and the highly uncertain outcome.

In short, the history of US foreign policy is littered with normative efforts that have been stymied or gone awry. Failure has had many fathers, but relatively weak US influence over conflicting parties, or US reluctance to engage fully due to other domestic or external considerations, has often played a part. Yet if one compares the relatively abundant, and in some cases, impressive list of successful normative initiatives outlined in the first

case, one must conclude that the US serves regularly as a major ‘norm entrepreneur’ – at times with failure, but at other times with considerable success. Moreover, such efforts did not come to a wholesale end in some ‘golden age’ of American post-war enlightenment, as Ian Manners seems to suggest, but continue – albeit quite unevenly – today.

### ***3.3 Realpolitik intended: US policy towards Iraq, 1980-1984***

The US has also acted in ways that may be characterised as *realpolitik intended*, i.e. it has deployed policy instruments to pursue possession goals with results that were neither normative nor intended to be. A particularly instructive example is offered by the approach of the Reagan administration toward Iraq between 1980 and 1984.

#### *Narrative*

Tensions between Iraq and Iran led Iraqi leader Saddam Hussein to attack Iran in September 1980, believing he would secure a quick victory. In the end, the war lasted eight years.<sup>28</sup> The UN Security Council called for a ceasefire and for all member states to refrain from actions contributing in any way to the conflict's continuation. The Soviets, opposing the war, cut off arms exports to Iran and to its Iraqi ally (although arms deliveries resumed in 1982). In 1980 the US broke off diplomatic relations with Iran because of the Tehran embassy hostage crisis (Iraq had broken off ties with the US during the 1967 Arab-Israeli war).

The US was officially neutral regarding the Iran-Iraq war, and claimed that it armed neither side. By mid-1982, however, Iraq was on the defensive, and the Reagan administration, having decided that an Iranian victory would not serve its interests, began supporting Iraq. The White House and State Department pressured the Export-Import Bank to provide Iraq with financing, to enhance its credit standing and enable it to obtain loans from other international financial institutions. The State Department removed Iraq from its list of states supporting international terrorism. The US Agriculture Department provided taxpayer-guaranteed loans for

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<sup>28</sup> For a full account, see Battle (2003). Almost all of the primary documents cited here and included in the briefing book were obtained by the National Security Archive through the Freedom of Information Act and were published in 1995.



purchases of American commodities. Moreover, despite US official neutrality in the conflict, the Reagan administration secretly began to provide Iraq with intelligence and military support.<sup>29</sup>

During the conflict Iran accused Iraq of using chemical weapons. The Geneva Protocol requires that the international community respond to chemical warfare, but Iran was relatively isolated diplomatically and its accusations received little attention. In October 1983, Iran demanded a full UN Security Council investigation. The US had intelligence confirming Iran's accusations; internal documents described Iraq's "almost daily" use of chemical weapons.<sup>30</sup> The intelligence indicated that Iraq used chemical weapons against Iranian forces, and, according to a November 1983 memo, against "Kurdish insurgents" as well.<sup>31</sup>

The Reagan administration responded on 26 November 1983, with National Security Decision Directive (NSDD) 114, which called for heightened regional military cooperation to defend oil facilities and improvements to US military capabilities in the Persian Gulf. "Because of the real and psychological impact of a curtailment in the flow of oil from the Persian Gulf on the international economic system", the Directive stated, "we must assure our readiness to deal promptly with actions aimed at disrupting that traffic." It did not mention chemical weapons.<sup>32</sup>

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<sup>29</sup> Policy directives from President Reagan to this effect, including National Security Decision Directive (NSDD) 99, were prepared pursuant to his March 1982 National Security Study Memorandum (NSSM 4-82) asking for a review of US policy towards the Middle East. For the documents, see Battle (2003).

<sup>30</sup> See US Department of State, Bureau of Politico-Military Affairs Information Memorandum from Jonathan T. Howe to George P. Shultz, "Iraq Use of Chemical Weapons", 1 November 1983, reproduced in Battle (2003), which also notes: "We also know that Iraq has acquired a CW production capability, presumably from Western firms, including possibly a US foreign subsidiary."

<sup>31</sup> Department of State, Office of the Assistant Secretary for Near Eastern and South Asian Affairs Action Memorandum from Jonathan T. Howe to Lawrence S. Eagleburger, "Iraqi Use of Chemical Weapons" [includes cables entitled "Deterring Iraqi Use of Chemical Weapons" and "Background of Iraqi Use of Chemical Weapons"], 21 November 1983, reproduced in Battle (2003).

<sup>32</sup> National Security Decision Directive (NSDD 114) from Ronald W. Reagan, "US Policy toward the Iran-Iraq War", 26 November 1983 (available in Battle, 2003).

In December 1983, Donald Rumsfeld (who at the time headed the multinational pharmaceutical company G.D. Searle & Co.) was dispatched as Presidential envoy to the Middle East, including Baghdad, where he met with Saddam. The two discussed regional issues of mutual interest, shared enmity towards Iran and Syria, and other issues, but Rumsfeld made no reference to chemical weapons. He also met with Iraqi Foreign Minister Tariq Aziz. The two agreed that “the US and Iraq shared many common interests”, and Rumsfeld affirmed the Reagan administration’s “willingness to do more” regarding the Iran-Iraq war, but “made clear that our efforts to assist were inhibited by certain things that made it difficult for us, citing the use of chemical weapons, possible escalation in the Gulf, and human rights”.<sup>33</sup>

In mid-March 1984, the US publicly condemned Iraq's chemical weapons use, but discussions continued regarding Export-Import Bank credits to Iraq and US efforts to cut off arms exports to Iran. Although US policy still barred the export of US military equipment to Iraq, some was apparently provided. When asked whether the US conclusion that Iraq had used chemical weapons would have “any effect on US recent initiatives to expand commercial relationships with Iraq across a broad range, and also a willingness to open diplomatic relations”, the department's spokesperson said “No. I’m not aware of any change in our position. We’re interested in being involved in a closer dialogue with Iraq”.<sup>34</sup>

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<sup>33</sup> United States Embassy in United Kingdom Cable from Charles H. Price II to the Department of State, “Rumsfeld Mission: December 20 Meeting with Iraqi President Saddam Hussein”, 21 December 1983; United States Embassy in the United Kingdom Cable from Charles H. Price II to the Department of State, “Rumsfeld One-on-One Meeting with Iraqi Deputy Prime Minister”, 21 December 1983 (both available in Battle, 2003).

<sup>34</sup> During the spring of 1984, the US reconsidered policy for the sale of dual-use equipment to Iraq’s nuclear programme, and its “preliminary results favor[ed] expanding such trade to include Iraqi nuclear entities”. Department of State, Special Adviser to the Secretary on Nonproliferation Policy and Nuclear Energy Affairs Memorandum from Dick Gronet to Richard T. Kennedy, “US Dual-Use Exports to Iraq: Specific Actions” [includes document entitled “Dual Use Exports to Iraq” dated 27 April 1984], 9 May 1984 (available at Battle, 2003). On 3 March, the State Department intervened to prevent a US company from shipping 22,000

Iran had submitted a draft resolution asking the UN to condemn Iraq's chemical weapons use. The US delegate to the UN was instructed to lobby friendly delegations in order to obtain a general motion of 'no decision' on the resolution. If this was not achievable, the US delegate was to abstain on the issue. Iraq's ambassador met with the US ambassador to the UN, Jeanne Kirkpatrick, and asked for 'restraint' in responding to the issue – as did the representatives of both France and Britain. On 30 March 1984, the Security Council issued a presidential statement condemning the use of chemical weapons, without naming Iraq as the offending party.

On 5 April 1984, Ronald Reagan issued NSDD 139, codifying US determination to develop plans "to avert an Iraqi collapse". Reagan's Directive said that US policy required "unambiguous" condemnation of chemical warfare (without naming Iraq), while including the caveat that the US should "place equal stress on the urgent need to dissuade Iran from continuing the ruthless and inhumane tactics which have characterized recent offensives". The Directive did not suggest that "condemning" chemical warfare required any hesitation about or modification of US support for Iraq.<sup>35</sup>

A State Department background paper dated 16 November 1984 said that Iraq had stopped using chemical weapons after a November 1983 démarche from the US, but had resumed their use in February 1984. On 26 November 1984, Iraq and the US restored diplomatic relations.

### *Goals, means and impact*

The US was determined to use Iraq to prevent Iranian victory, as one means to stabilise the broader region and keep Middle Eastern oil flowing. Iraq's possession and use of chemical weapons, both as part of the war and even on its own Kurdish citizens, was viewed as a potentially embarrassing public relations problem that complicated efforts to provide assistance to Iraq, but not as a barrier to doing business. Saddam's repressive internal policies, though well known to the US at the time, did not figure in US

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pounds of phosphorous fluoride, a chemical weapons precursor, to Iraq (see Battle, 2003).

<sup>35</sup> National Security Decision Directive (NSDD 139) from Ronald W. Reagan, "Measures to Improve US Posture and Readiness to Respond to Developments in the Iran-Iraq War", 5 April 1984 (available in Battle, 2003).

internal directives or in discussions with Iraqi leaders. During this period US policy was able to ensure stalemate in the conflict and to blunt any international effort to condemn Iraq in such a way that it would be unable to prosecute the war or to hinder broader US objectives in the region.

*Conditioning factor: Domestic context*

Despite domestic concern about Iraqi use of chemical weapons, there was no significant pressure on the Reagan administration to toughen its largely rhetorical opposition to Iraqi actions. In the wake of the US Embassy hostage crisis in Tehran, US opinion leaders were fiercely opposed to actions that could enhance Iranian influence or capabilities in the area.

*Conditioning factor: Domestic capabilities*

Although constrained by US law in areas such as export-import loans, the administration did what it could to press for provision of such loans to Iraq, and where it had a freer hand, such as agricultural commodities, it acted with alacrity. It also made use of its considerable global capabilities to provide intelligence information to Saddam. The US had various tools at its disposal to stop Iraqi efforts, but made little to no avail of them.

*Conditioning factor: The external environment*

While opposed to taking sides in the Iran-Iraq conflict, other members of the Security Council did little to buck US efforts to water down Security Council condemnation of Iraqi possession and use of chemical weapons. The broader framework of the cold war and Western concerns about stability of oil flows blunted any meaningful opposition to US policy. The oil-rich Gulf states, concerned with Iranian resurgence, provided Iraq with significant financial assistance.

*Summary*

Given the strident moral rhetoric used by George W. Bush in the lead-up to the 2003 invasion of Iraq, US policy toward Saddam between 1980 and 1984 is a particularly striking example of American *realpolitik*. How much weight can we assign to *realpolitik* when considering US foreign policy?

When discussing the issue, it is important to distinguish between ‘realism’, which more often than not means a pragmatic approach to policy choices, and *realpolitik*, which is described by Tocci for the purposes of our

exercise as a consciously non-normative pattern of behaviour, focused narrowly in terms of state interest and power, to the exclusion of other concerns. Much debate conflates the two terms; here I am focused on the latter.<sup>36</sup>

Other contemporary examples of US *realpolitik* could include US support for energy-rich yet democratically dubious Middle East sheikdoms and Eurasian rulers. Cold war examples in this category could include support for unsavoury regimes on most continents of the earth, who in the jargon of the time “may have been SOBs, but at least they were *our* SOBs;” US policies in the Cuban missile crisis; covert support for the Taliban in their fight against the Soviets in Afghanistan; Kissinger’s ‘shuttle diplomacy’ after the 1973 Arab-Israeli war, where he pushed the Israelis to partially withdraw from the Sinai in deference to political realities created by the oil crisis; the US tilt towards Pakistan in the South Asia crisis of 1971 (Gandhi, 2002); or Nixon’s turn to communist China in order to open a ‘new front’ in America’s competition with the Soviet Union. The United States has on various occasions supported autocracies through aid, trade, recognition and friendly diplomatic relations, because other US policy goals have outweighed the US penchant for promoting democracy and the rule of law. The Bush administration’s approach to General Musharraf’s rule in Pakistan is a prominent contemporary example.

Richard Nixon and Henry Kissinger are perhaps the most prominent adherents of American *realpolitik*, but the examples cited above underscore that leaders of both parties have engaged in such practices, and on a relatively frequent basis.<sup>37</sup> Yet if one returns to the schools outlined in the first section of this study, when it comes to basic questions of principle, Kissingerian *realpolitik*, in the continental European sense of the word, sits uneasily with the American body politic. It does not fit well with Hamiltonian predilections, much less Wilsonian aspirations, and

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<sup>36</sup> For additional commentary, see Lind (2007), Mearsheimer (2001), Gilpin (1996) and Krasner (1983, pp. 335-339).

<sup>37</sup> Kissinger continues to advocate the necessity of great power balancing, but even he qualifies this as including principles such as legitimacy and shared values, and not only mechanical ‘equilibrium’ or balancing of power. See, for instance, Kissinger (1994 and 2001).

Jacksonian America disparages the very type of power balancing that Henry Kissinger and other *realpolitiker* advocate.

On the other hand, a systematic analysis of public opinion survey data and empirical literature over three decades reveals that when it comes to specific cases, American public opinion is far more receptive to *realpolitik* than would seem likely (Drezner, 2007). Although 72% of respondents in a recent poll agreed that “moral principles” should be the guiding light in US foreign policy, a more systematic look at polls also show that in specific instances Americans are prepared to make other choices (Council on Foreign Relations, 2004). Data from the Chicago Council on Foreign Relations (CCFR) polls on top foreign policy priorities over the past 30 years show that policies emphasising security and autonomy consistently earn more than 60% public support, whereas liberal policy priorities, emphasising multilateralism, democracy and human rights consistently earn less than 50% support. The 2002 CCFR report concludes: “Most Americans want a foreign policy that pursues justice as well as security. But protection of one’s own security and well-being naturally comes first” (Bouton, 2002, p. 21).

After surveying survey data, Daniel Drezner (2007) concludes that “Americans think like intuitive neo-realists – they prefer balancing against aggressive and rising powers”, and Andrew Kohut and Bruce Stokes (2006) observe: “If asked to choose, Americans prefer proactive, assertive unilateral action to multilateral efforts beset by delay and compromise.” Indeed, Americans still favour reserving the right to use pre-emptive military force to a much greater extent than Europeans. Kohut and Stokes conclude: “In case after case, Americans are multilateralists in principle and unilateralists in practice.”

### ***3.4 Realpolitik unintended: The US and the International Criminal Court, 2002-07***

The US has also acted in ways that may be characterised as *realpolitik unintended*, i.e. it has pursued non-normative goals in ways that have actually served to achieve an entrenchment and development of international law and institutions. The US approach to the International Criminal Court is a prominent contemporary example.

### *Narrative*

The International Criminal Court (ICC), established in 2002, is the first global permanent international court with jurisdiction to prosecute individuals for “the most serious crimes of concern to the international community”.<sup>38</sup> The United States initially supported the idea of creating an international criminal court and was a major participant at the Rome Conference forging the Rome Statute, its founding treaty. President Clinton signed the Statute in 2000, but declared that it contained “significant flaws” and indicated that he would not submit it to ratification “until our fundamental concerns are satisfied”. In May 2002, the Bush administration informed the United Nations that it did not intend to submit the treaty for ratification, and renounced any obligations under the treaty. Subsequent US efforts to qualify the reach of the International Criminal Court, by requiring UNSC approval of referred cases, and then to subvert the Court’s jurisdiction itself, hardened international opposition to US demands, and strengthened the determination of signatory states to make the court truly independent of the Security Council and to embolden opponents committed to more binding forms of multilateralism.<sup>39</sup>

The US has made various claims against the court.<sup>40</sup> The first is the ICC’s possible assertion of jurisdiction over US soldiers charged with ‘war crimes’ resulting from legitimate uses of force, and perhaps over civilian policy-makers, even if the United States does not ratify the Rome Statute.

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<sup>38</sup> These include genocide, crimes against humanity, war crimes, and potentially the crime of aggression, if the Assembly of States Parties is able to reach an agreement defining it. The founding Rome Statute is available at [http://www.un.org/law/icc/statute/99\\_corr/2.htm](http://www.un.org/law/icc/statute/99_corr/2.htm).

<sup>39</sup> For further background, see Congressional Research Service (2006), Lee (1999), Morris (2001), Schabas (2004) and Wedgwood et al. (2001).

<sup>40</sup> In 2002, then Under Secretary of State for Arms Control and International Security John Bolton summarized the US position regarding the ICC: “For a number of reasons, the United States decided that the ICC had unacceptable consequences for our national sovereignty. Specifically, the ICC is an organization whose precepts go against fundamental American notions of sovereignty, checks and balances, and national independence. It is an agreement that is harmful to the national interests of the United States, and harmful to our presence abroad”. See Bolton (2002).

The United States sought to exempt US soldiers and employees from the jurisdiction of the ICC based on the unique position the United States occupies with regard to international peacekeeping (Grossman, 2002). Opponents depict the objection as US reluctance to be held accountable for gross human rights violations or to the standard established for the rest of the world. Second, the US has argued that the court lacks sufficient oversight mechanisms for confirmation of officials, and their impeachment where necessary. Third, the US insisted that a prosecution should require a positive referral from the Security Council. Opponents rejected this claim, and no such requirement now exists. A prosecution can be started on the prosecutor's own initiative, overseen only by the court's own judges. Fourth, some Americans have criticised the court for not protecting defendants' human rights through provisions commonplace in the US legal system, and hence that ratification by the United States of the Rome Statute would require an amendment to the US Constitution.<sup>41</sup> Supporters of the Rome Statute contend it contains a comprehensive set of procedural safeguards that offers substantially similar protections as provided in the US Constitution.

When the US proved unsuccessful in its efforts to reform the Rome Statute, it began to undertake measures to circumvent the court, to subvert it and to shield US nationals from it. In 2002, the US Congress passed the American Servicemembers' Protection Act (ASPA), which contained a number of provisions, including prohibitions on the United States providing military aid to countries that had ratified the Rome Statute.<sup>42</sup> More ominously for ICC supporters, Section 2008 of APSA authorised the President to use "all means necessary and appropriate" to bring about the

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<sup>41</sup> RenewAmerica articulates this: "Because the ICC is inconsistent with fundamental constitutional protections, the federal government is without authority to ratify the treaty absent a constitutional amendment." If the US Government were to ratify an ICC treaty, there almost certainly would be an immediate legal challenge to the authority of the government to forfeit any constitutional right except by a constitutional amendment (see Voigt, 2006).

<sup>42</sup> There were a number of exceptions to this prohibition, including NATO members, major non-NATO allies and countries that have entered into an agreement with the United States not to hand over US nationals to the Court (see Article 98 agreements below). ASPA also excluded any military aid that the US President certified to be in the US national interest.



release of covered United States and allied persons, upon the request of the detainee's government, who are being detained or imprisoned by or on behalf of the ICC. APSA limited US cooperation with the Court to cases dealing with enemies of the United States. The United States also threatened to use its Security Council veto to block renewal of the mandates of several UN peacekeeping operations, unless the Security Council agreed to permanently exempt US nationals from the Court's jurisdiction.<sup>43</sup> In 2004, the Nethercutt Amendment to the Foreign Appropriations Bill suspended Economic Support Fund assistance to ICC States Parties without bilateral immunity agreements (BIAs) with the United States. The funds affected support initiatives including peacekeeping, anti-terrorism measures, democracy-building and drug interdiction.

As part of the US campaign to exclude its citizens and military personnel from extradition by the ICC, the US Bush administration also approached countries around the world to conclude Bilateral Immunity Agreements, or 'Article 98' agreements. The United States has used bilateral diplomacy to persuade many nations to sign these agreements. The US has a law requiring the suspension of military assistance and US Economic Support Fund (ESF) aid to those States Parties that do not sign these agreements. The granting of such special favours is of course always subject to diplomacy. ESF funding entails a wide range of governance programmes including international counter-terrorism efforts, peace process programmes, anti-drug trafficking initiatives, truth and reconciliation commissions, wheelchair distribution and HIV/AIDS education, among others.

The height of US bellicosity came in 2003, when the United States stopped military aid for 35 countries (among them nine European countries). However, in what some view as a sign that the administration is

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<sup>43</sup> After the Bush administration threatened to veto a United Nations Security Council resolution to extend the peacekeeping mission in Bosnia on the ground that it did not contain sufficient guarantees that US participants would be immune to prosecution by the ICC, the Security Council adopted a resolution that would defer for one year any prosecution of participants in missions established or authorised by the UN whose home countries have not ratified the Rome Statute. That resolution was renewed through 1 July 2004, but was not subsequently renewed (see Congressional Research Service, 2006).

softening its stance with respect to the ICC, the United States did not exercise its veto power at the Security Council to prevent the referral of a case against Sudan's leaders for the alleged genocide in Darfur.

### *Goals, means and impact*

Initially supportive of a new norm to address “the most serious crimes of concern to the international community”, yet with qualms about certain implications for US interests stemming from such a far-reaching initiative, Washington initially sought to reform the treaty. Having failed in this attempt, the US actively engaged in efforts to circumvent, subvert and shield Americans from the Court. Overall such efforts have failed. The Court is now a reality, and anti-ICC laws and impunity agreements have only served to align the US with pariah states of the international criminal justice system. The major impact of the US anti-ICC campaign has been to diminish the credibility of US efforts to forge coalitions against human rights abusers and to undermine future US efforts to advance international justice in discrete cases. Furthermore, the US is unable to vote in these bodies, may not nominate US nationals to serve as judges, may not cast a vote in elections for or against judges or the Prosecutor (or for their removal), and may not vote on the ICC's budget. It will not be able to vote on the definition of the crime of aggression or its inclusion within the jurisdiction of the ICC, or on any other amendment to the Rome Statute, unless it ratifies it. By appearing to demand special treatment in the form of immunity from the ICC, the United States has bolstered the perception of its unilateral approach to world affairs and its unwillingness to abide by the same laws that apply to other nations. This perception could undermine US efforts at coalition-building to gain international support for the present war against terrorism and operations in Iraq, as well as future international endeavours. In March of 2006, even Secretary of State Condoleezza Rice admitted that the US position was “sort of the same as shooting ourselves in the foot” (Congressional Research Service, 2006).

### *Conditioning factor: Domestic context*

Initial Wilsonian enthusiasm for a far-reaching new norm in international law gave way to more sober conclusions about the implications of the ICC for the US position in the world, and galvanised significant opposition from Jacksonians and Jeffersonians enraged that an international court lacking, in their view, any democratic legitimacy and lacking basic

constitutional provisions, could potentially hold sway over US citizens abroad or even at home. The inability of subsequent US administrations to arrange the type of opt-out clauses or Security Council protections typical of other kinds of multilateral arrangements only stiffened domestic opposition.

*Conditioning factor: Domestic capabilities*

Through its efforts to reform the Rome Statute, as well as its efforts to get around its provisions, the US demonstrated that it had a significant number of options at its disposal. In the end, however, US efforts proved counterproductive.

*Conditioning factor: External environment*

The external environment proved hostile to US efforts to arrange special carve-outs or privileges under the treaty, and subsequent US unilateral activities only harden opposition to any particular recognition of the US role in the world.

All of those declared by the president to be enemy combatants, including US citizens Yaser Esam Hamdi and Jose Padilla, are, according to the Bush administration, excluded from the protections granted to prisoners of war by the Geneva Conventions as well as the due process rights afforded defendants in the American court system by the US Constitution and acts of Congress.

*Summary*

How much weight can we assign to US *realpolitik* efforts that go wrong? The Bush Administration's assertion that it can exclude anyone declared to be an 'enemy combatant' from the protections granted prisoners by the Geneva Conventions, despite Supreme Court judgment otherwise, and with results that have questioned prevailing standards of international law, have damaged international regard for the US. In these cases the conditioning factors appear to be fairly significant; if an Administration decides to advance a *realpolitik* policy, it often finds acquiescence within the Congress and in the broader public, or at least enjoys a period of time to initiate such a policy before the inevitable domestic checks and balances come into play. It also has considerable capabilities to advance such a

policy. Rarely does the external environment, geared more to power than to principle, stand in the way. Given this rather permissive setting, then, it is perhaps striking that such policies are relatively limited in the broad panoply of US foreign policies. The Iran-Contra affair is another prominent example (National Security Archive, 2006). This case highlights that the US can also act as a 'norm blocker', even as it acts as a 'norm entrepreneur' in other areas.

### ***3.5 Imperial intended: The US Invasion of Panama, 1989***

The US has also acted in ways that may be characterised as **imperial intended**, i.e. exercising control over weaker countries in ways it has claimed are normative, yet are widely judged to be in breach of international law.

#### *Narrative*

The United States invasion of Panama, codenamed Operation Just Cause, deposed Panamanian military leader and political dictator Manuel Noriega in December 1989, during the administration of US President George H. W. Bush. This action was preceded by over a year of diplomatic tension between the United States and Panama, the highlights of which were specific allegations by the US that Noriega was complicit with money launderers and drug traffickers and a nullified national election in 1989. Several months of US troop build-up followed these events in military bases within the former Panama Canal Zone.

President Bush (1989) gave four basic reasons for the invasion. The first was to safeguard the lives of the 35,000 US citizens in Panama. There had been numerous clashes between US and Panamanian forces; one American soldier had been killed a few days earlier and several incidents of harassment of Americans had taken place. Bush stated that Noriega had declared that a state of war existed between the US and Panama and that he also threatened American lives. The second reason was to combat drug trafficking. Panama had become a centre for drug money laundering and a transit point for drug trafficking to the US and Europe. The US had evidence that Noriega was directly involved in these operations, and in February 1988 had been indicted for drug trafficking. The third reason given was to protect the integrity of the Torrijos-Carter Treaties governing the Panama Canal. Members of Congress and others in the US political establishment claimed that Noriega threatened the neutrality of the

Panama Canal and that the United States had the right under the treaties to intervene militarily to protect the canal. The fourth was that elections scheduled earlier in the year, which would have brought Guillermo Endara to power, had been illegally nullified by Noriega, thus subverting Panamanian democracy.<sup>44</sup>

A few hours after the invasion began, Guillermo Endara was sworn in at Rodman Naval Base. Military operations lasted only a few days. Noriega obtained refuge in the Vatican diplomatic mission in Panama City and finally surrendered to the US military on 3 January 1990. He was immediately put on a military transport plane and extradited to the United States.

### *Goals, means and impact*

The US sought to maintain control over Panama in the years leading to the final transfer of the Panama Canal to Panamanian authority. When Noriega, who had once been a valuable US intelligence asset, began to act in ways considered 'destabilising', the US conveyed a clear warning to Noriega, as recounted by former US Ambassador Briggs: "Our underlying message was this: You know the current state of our relations with the Sandinistas in Nicaragua (where the Pentagon was providing support to the Contras in their war against the ruling government). If you continue to act as a destabilizing force, you can expect the United States to turn on you as we have turned on them" (Briggs, 2007). Noriega ignored this warning and turned against the US. When he blocked the election of US-supported candidate Endara, the Bush Administration concluded that Noriega had to go. Estimates of casualties from the invasion range from 300-3,000. Following the invasion and Endara's assumption of power, relations between the Panamanian and US governments again became close.

### *Conditioning factor: Domestic context*

Despite having ratified the Torrijos-Carter Treaties that would relinquish US control of the Panama Canal by the turn of the century, members of Congress were concerned that Noriega would politicise operation of the

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<sup>44</sup> The Inter-American Commission on Human Rights (1989) concluded that numerous human rights violations occurred in Panama during Noriega's government.

Canal, with negative consequences for the United States. President Bush's popularity ratings soared after the invasion. In the end, the US did fulfil its obligations under the Torrijos-Carter Treaties and turned over the canal and military bases to Panama in 1999.

*Conditioning factor: Domestic capabilities*

The US had a range of instruments to deal with Noriega. He was indicted for drug smuggling, funds were channelled to support the opposition, an economic blockade was imposed and ultimately military force was used to depose him.

*Conditioning factor: External environment*

On 22 December 1989, the Organization of American States (OAS) passed a resolution deploring the invasion and calling for withdrawal of US troops. The OAS Charter, to which the US is a signatory and party, prohibits members from invading other members for any reason. Key European states supported the US, however: a draft UN Security Council resolution demanding the immediate withdrawal of United States forces from Panama was vetoed on 23 December by France, the United Kingdom, and the United States which cited its right of self-defence of 35,000 Americans present on the Panama Canal. On 29 December, the General Assembly of the United Nations voted 75–20 with 40 abstentions to condemn the invasion as a “flagrant violation of international law”.

*Summary*

The US has a long history of using ‘gunboat diplomacy’ to maintain its sphere of influence and ‘stabilise’ regimes in Central America and the Caribbean. The Reagan Administration’s invasion of the tiny island of Grenada is another example from this period. The Clinton Administration intervened in Haiti without UN authorisation.<sup>45</sup> Defining the Western Hemisphere to extend into the Pacific Ocean, Americans targeted such Pacific Islands as Hawaii and Guam as appropriate venues for American

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<sup>45</sup> These direct operations, however, have been extremely low-risk, limited operations. The Reagan Administration, for instance, intervened by proxy in Nicaragua and El Salvador.

expansion and development. Between 1893 and 1898, an American-led coup toppled the independent Hawaiian constitutional monarchy and led to annexation of Hawaii by the United States, and the American defeat of Spain in Cuba, Puerto Rico and the Philippines won for the United States an empire of its own – though the United States permitted Cuba to go its way as an independent country. Further American exertions of power and influence won the independence of Panama from Colombia, followed by a coerced treaty between the US and Panama that gave the United States territory on the Panamanian isthmus and, ultimately, the Panama Canal.

Other examples of ‘imperial intended’, if we use Tocci’s framework, would be intervention by the US and its European partners in Bosnia and again in Kosovo. The Bosnian intervention was carried out with support of the UN. The Kosovo intervention did not gain support in the UN Security Council, but the US and its European partners acted anyway in the face of massive human tragedy. In this sense, the Kosovo intervention was not ‘intended’ to violate UN principles, but the paralysis of the Security Council prompted the US and Europe to act anyway. The Kosovo intervention, according to one observer, “was illegal in the sense of not having followed the letter of the UN Charter but legitimate in the sense of being consistent with the norms and principles that the charter embodies” (Jentleson, 2007, p. 281; Independent International Commission on Kosovo, 2000).

All of these examples raise a core question: Should the US be considered an imperial, rather than a normative power? Today, ‘American empire’ is a term of approval and optimism for some and disparagement and danger for others. Neoconservatives celebrate the imperial exercise of US power, which they believe to be a liberal force that promotes democracy and undercuts tyranny, terrorism, military aggression and weapons proliferation. Max Boot (2003) insists that the “greatest danger” facing the US, in fact, “is that we won’t use all of our power for fear of the ‘I’ word – imperialism... Given the historical baggage that ‘imperialism’ carries, there’s no need for the US government to embrace the term. But it should definitely embrace the practice.” Neo-imperialists are refuted by domestic critics, however, who worry about unacceptable financial costs of empire, its corrosive effect on democracy and the threat it poses to the institutions and alliances that have secured US national interests since World War II (Ignatieff, 2003b).

Michael Ignatieff (2003a) also uses the term ‘empire’, but acknowledges that:

America’s empire is not like empires of times past, built on colonies, conquest and the white man’s burden....The 21st century imperium is a new invention in the annals of political science, an empire lite, a global hegemony whose grace notes are free markets, human rights and democracy, enforced by the most awesome military power the world has ever known. It is the imperialism of a people who remember that their country secured its independence by revolt against an empire, and who like to think of themselves as the friend of freedom everywhere. It is an empire without consciousness of itself as such, constantly shocked that its good intentions arouse resentment abroad.

Ignatieff argues that this does not make it any less of an empire. I beg to differ. Words matter, and the difference between hegemony and empire is significant for our purposes. Rather than simply blur the definition, it is better to understand the distinction.

The classic understanding of imperialism is a form of direct or monopoly control of another nation or region. Empires are “relationships of political control imposed by some political societies over the effective sovereignty of other political societies” (Maier, 2007; see also Lind, 2007a; Mandelbaum, 2005). Over the centuries empires have shared characteristics of subordination; coercion; some form of ethnic, national, religious, or racial difference between the imperial power and the society it controls; and assertive efforts by the empire, when challenged, to perpetuate its imperial rule, if need be by force, as in the case of France in both Indochina and Algeria after World War II. Empire is dictatorship by foreigners. Hegemony is different. In old Greece, a hegemon referred to an army commander who led armed forces consisting of free citizens of the polis and city-states. During that period, it was assumed that he acted in the interest of mutual security. Hegemony is traditionally defined as an international interaction and a leadership relationship “whose existence and maintenance are dependent, on the one hand, on the power resources, the will and the strategic competence of a leading state (the hegemon), and on the other hand, on the voluntary acquiescence, at least in principle, of a homogenous – in terms of organization of power – group of states.” (Maier, 2007)

Which pattern more accurately describes the United States? Ultimately, the notion of empire is misleading and misses the distinctive



aspects of the global political order that has developed around the various dimensions of US power – military, economic, political and normative. After reviewing and comparing empires throughout history, Maier (2007) underscores “the difficulty of shoehorning the United States into the received models of imperial power”, and suggests instead that “hegemonic power” is a more apt description.

As discussed, the US has a long tradition of pursuing crude imperial policies, most notably in Latin America and the Middle East. But as John Ikenberry (2004) notes, for most countries, the US-led order has been a negotiated system wherein the United States has sought participation by other states on terms that are mutually agreeable. This is true in three respects. First, the United States has provided public goods – particularly the extension of security and the support for an open trade regime – in exchange for the cooperation of other states. Second, power in the US system is exercised through rules and institutions; power politics still exist, but arbitrary and indiscriminate power has largely been reigned in. There are obvious exceptions, but these are exceptions that tend to prove the rule. Finally, weaker states in the US-led order are given ‘voice opportunities’ – informal access to the policy-making processes of the United States and the intergovernmental institutions that make up the international system. The American order is hierarchical and ultimately sustained by economic and military power, but it is put at the service of an expanding system of democracy, free markets and the rule of law, and open to others willing and able to join. This is not empire; it is a US-led democratic political order that has no name or historical precedent.

American influence in the world is certainly considerable, but the instances where the US has exercised direct control in the manner defined above are limited and rather specific, and even in these cases with other attributes, such as an effort, as in the Balkans, to share this control with others, or to divest itself of its responsibility as quickly as feasible, as in Haiti in the 1990s. There is no denying that such cases exist, but they are exceptions that prove the rule that the US acts more as a hegemonic than imperial power (Mandelbaum, 2005).<sup>46</sup>

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<sup>46</sup> In *Colossus*, Niall Ferguson (2004) argues that the US is an empire and that this is good for the world. Ferguson's concern is not that there is too much American empire but too little; Benjamin Barber (2004) argues in *Fear's Empire* that empire is

The debate about empire also misses the most important international development of recent years: the long peace among great powers. Capitalism, democracy, nuclear weapons and a shared concern about terrorism all help explain this peace. But so too does the unique way in which the United States has gone about the business of building an international order. US success stems from the creation and extension of international institutions that have limited and legitimated US power. Ultimately, the current debate centres on this question: Does the US remain committed to this extensive and deep-rooted system, or does its assertion of power since the end of the cold war and particularly since September 11 represent a fundamental break with the past? A more conclusive answer might come after examining the next category: imperial unintended.

### ***3.6 Imperial unintended: The US invasion and occupation of Iraq, 2003-07***

The US has also acted in ways that may be characterised as **imperial unintended**, i.e. pursuing normative goals in disrespect of international law and outside the boundaries of international institutions, yet failing to achieve its intended results. I have chosen the US invasion and occupation of Iraq for two reasons. First, even though the operation continues today and its ultimate outcome remains uncertain, the Bush administration clearly did not achieve its intended results in the four years following the invasion. Second, the Bush Administration's invasion of Iraq is potentially pivotal to the debate about the US as an imperial or normative power.

#### *Narrative*

The 2003 invasion of Iraq took place 18 March-1 May 2003, and was led by the United States, backed by British forces and smaller contingents from Australia and Poland. Other countries were involved in its aftermath.

The objectives of the invasion, according to US President George W. Bush and former UK Prime Minister Tony Blair, were to disarm Iraq of weapons of mass destruction, to end Saddam Hussein's support for terrorism, and to free the Iraqi people. Bush said the actual trigger was

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not inherent in US dominance but is a temptation, to which the Bush Administration has succumbed.

Iraq's failure to take a "final opportunity" to disarm itself of nuclear, chemical, and biological weapons that US and coalition officials deemed to be an immediate and intolerable threat to world peace.<sup>47</sup>

No such weapons were found. In January 2005, the Iraq Survey Group concluded that Iraq had ended its WMD programs in 1991 and had no WMD at the time of the invasion (although some misplaced or abandoned remnants of pre-1991 production were found).

After the invasion of the Gulf War of 1991, the US and the international community maintained a policy of containment towards Iraq. This policy involved economic sanctions, US and UK patrols of Iraqi no-fly zones declared to protect Kurds in northern Iraq and Shiites in the south, and ongoing inspections to prevent Iraqi WMD development. In October 1998, US policy began to shift away from containment and towards 'regime change', as the US Congress passed and President Clinton signed the Iraq Liberation Act in response to Iraq's termination of its cooperation with UN weapons inspectors. The Act provided \$97 million for Iraqi "democratic opposition organizations" to "establish a programme to support a transition to democracy in Iraq". This legislation contrasted with the terms set out in UNSC Resolution 687, which focused on weapons and weapons programmes and made no mention of regime change. One month after the passage of the Iraq Liberation Act, the US and UK launched a bombardment campaign of Iraq called Operation Desert Fox. The campaign's express rationale was to hamper the Hussein government's ability to produce chemical, biological and nuclear weapons, but US officials also hoped it would help weaken Hussein's grip on power.

With the inauguration of George W. Bush in 2001, the US moved towards a more active policy of 'regime change' in Iraq. Nine days after September 11, President Bush addressed a joint session of Congress and announced a new 'war on terrorism', which conflated the challenge posed by al-Qaeda and that offered by Saddam Hussein, and which was also accompanied by a doctrine of 'pre-emptive' military action. Some Bush advisors favoured an immediate invasion of Iraq, while others advocated

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<sup>47</sup>. In preparation for the invasion, 100,000 US troops were assembled in Kuwait by 18 February 2003. The United States supplied the vast majority of the invading forces, but also received support from Kurdish troops in northern Iraq (see <http://www.whitehouse.gov/news/releases/2003/01/20030131-23.html>).

building an international coalition and obtaining UN authorisation. Bush eventually decided to seek UN authorisation, but held out the possibility of invading unilaterally.

Throughout 2002, the Bush administration made clear that removing Saddam Hussein from power in order to restore international peace and security was a major goal. Bush made his case to the international community for an invasion of Iraq in a 12 September 2002 address to the UN Security Council. Key US allies, including France and Germany, were critical of plans to invade Iraq, arguing instead for continued diplomacy and weapons inspections. After considerable debate, the Security Council adopted a compromise resolution, 1441, which authorised the resumption of weapons inspections and promised “serious consequences” for non-compliance.

In February 2003, US Secretary of State Colin Powell presented evidence at the UN alleging that Iraq was actively producing chemical and biological weapons and had ties to al-Qaeda, claims that have since been widely discredited. As a follow-up to Powell’s presentation, the US, UK and Spain proposed a UN Resolution authorising the use of force in Iraq, but US NATO allies Canada, France and Germany, together with Russia, strongly urged continued diplomacy. Facing a losing vote as well as a likely veto from France and Russia, the US eventually withdrew its resolution.

The US and UK then abandoned Security Council procedures and decided to pursue the invasion without UN authorisation, a decision of questionable legality. On 17 March 2003, Bush gave Hussein and his two sons 48 hours to leave Iraq. Iraq rejected this demand, maintaining that it had already disarmed as required. The invasion of Iraq began on 20 March, without UN support.

While never making an explicit connection between Iraq and the September 11th attacks, the Bush administration repeatedly insinuated a connection, thereby creating a false impression among the American public. Similarly, assertions of significant operational links between Iraq and al Qaeda were subsequently largely discredited by the intelligence community and eventually retracted by Secretary Powell himself.

The Bush Administration worked very hard for a UN resolution to authorise an attack on Iraq. It extorted cooperation primarily by threats to act unilaterally rather than through persuasion or concessions. It condemned the UN for lacking the courage of its convictions with regard to 12 years of Security Council resolutions demanding full Iraqi compliance.

Between Iraq's invasion of Kuwait in 1990 and the US/UK invasion of Iraq in 2003, the UN Security Council passed nearly 60 resolutions on Iraq and Kuwait. The most relevant to this issue was Resolution 678, passed on 29 November 1990, which authorised "member states co-operating with the Government of Kuwait...to use all necessary means" to 1) implement Security Council Resolution 660 and other resolutions calling for the end of Iraq's occupation of Kuwait and withdrawal of Iraqi forces from Kuwaiti territory and 2) "restore international peace and security in the area". Resolution 678 was not rescinded or nullified by succeeding resolutions. Resolution 1441 was most prominent during the run-up to the war and formed the main backdrop for Secretary of State Powell's address to the Security Council one month before the invasion.<sup>48</sup> At the same time, Bush administration officials advanced a parallel legal argument using the earlier resolutions. Under this reasoning, by failing to disarm and submit to weapons inspections, Iraq was in violation of UNSC Resolutions 660 and 678, and the US could legally compel Iraq's compliance through military means. Critics and proponents of the legal rationale based on UN resolutions argue that the legal right to determine how to enforce its resolutions lies with the Security Council alone, not with individual nations.

### *Goals, means and impact*

The administration's goals were to disarm Iraq of weapons of mass destruction, to remove Saddam Hussein from power, and to "free" the Iraqi people. In addition, there were many statements indicating support for the creation of a stable, democratic Iraq closely tied to the United States. The US military demonstrated overwhelming military prowess and ended the military campaign in a very short time. Astonishingly, however, the administration did little to plan for securing the peace after it had won the war. Efforts to ensure stability, therefore, suffered considerably in the wake of insurgent conflict, and throughout the four-year period Iraq never

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<sup>48</sup> For the transcript of Secretary Powell's address, see <http://www.cnn.com/2003/US/02/05/sprj.irq.powell.transcript/index.html>. Luis Moreno-Ocampo, the lead prosecutor for the International Criminal Court, stated that his extensive investigation found no evidence for any war crime or any crime against humanity.

established a secure environment in which to rebuild its economy and reorient its politics.

While estimates on the number of casualties vary widely, the majority of deaths and injuries – numbering in the hundreds of thousands – occurred after US President Bush declared the end of major combat operations on 1 May 2003. The administration was unable to use the tremendous military and economic power of the United States to create the stable Iraq it had sought, and failed to broaden its small coalition to include other major allies or countries. Moreover, the Bush administration’s ability to use economic or other incentives as political leverage to enlist the support of other countries for the US effort was strikingly limited. It failed, for instance, to secure the support of countries such as Angola, Chile, Guinea, Mexico and Pakistan in the Security Council before the war began. The bold unilateral exercise of military power, coupled with efforts to disentangle the US from the constraints of multilateralism, undermined US legitimacy throughout the world and severely compromised the authority that flowed from such legitimacy.

The Iraq war proved to be damaging to all major players. The US suffered considerably in terms of global perceptions of its legitimacy and effectiveness. The EU experienced a bitter split among its members. The UN was condemned by those who went to war for lacking the courage of its convictions with regard to 12 years of Security Council resolutions demanding full Iraqi compliance, and condemned equally by those who opposed the war for lacking the courage of its convictions and not censuring the invasion (Thakur & Sidhu, 2006, pp. 12-14).

### *Conditioning factor: Domestic context*

The Bush administration won domestic authorisation for an invasion in October 2002 when the US Congress passed a Joint Resolution authorising military force against Iraq. A few days before the Senate vote, about 75 senators were told in closed session that Saddam Hussein had the means of delivering biological and chemical weapons by unmanned aerial vehicle (UAV) drones that could be launched from ships off the Atlantic coast to attack US eastern seaboard cities. In fact, Iraq had no such capability (Nelson, 2004; Lowe, 2003; and Mackay, 2003). While the resolution authorised the President to “use any means necessary” against Iraq,

Americans polled in January 2003 widely favoured further diplomacy over an invasion.<sup>49</sup>

The Bush administration's continued insinuations of a tie between Saddam Hussein and international terrorism, however, did have a significant impact on US public opinion: by September 2003, 70% of Americans believed there was a link between Saddam Hussein and the 9/11 attacks.<sup>50</sup>

Critics of the war argued that Iraq was not the top strategic priority in the war on terror or in the Middle East and suggested that it could potentially destabilise the surrounding region. They were marginalised, yet included not only Democrats but leading figures within the Republican party. Prominent among such critics was Brent Scowcroft, who served as National Security Adviser to George H.W. Bush. In a 15 August 2002 *Wall Street Journal* editorial entitled "Don't Attack Saddam", Scowcroft warned: "Possibly the most dire consequences would be the effect in the region" where there could be "an explosion of outrage against us" that "could well destabilize Arab regimes" and "could even swell the ranks of the terrorists". All his predictions came to pass.

### *Conditioning factor: Domestic capabilities*

The US had considerable military capability to win the war, but as indicated demonstrated a striking lack of ability to secure the peace. Little effort was undertaken to plan for the peace or to anticipate insurgent activity and an unsettled security environment for the years following the invasion. The State Department's Future of Iraq plan was dismissed by both the Pentagon and the White House, which appears to have imagined that once the conventional battle against Saddam was won, its job was done, and a new state would build itself. Stabilisation and reconstruction capabilities were relatively weak, particularly when compared to the task at hand. Efforts to ensure stability, therefore, suffered considerably in the wake of insurgent conflict, and throughout the four-year period Iraq never established a secure environment in which to rebuild its economy and reorient its politics.

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<sup>49</sup> "Poll: Talk First, Fight Later", *CBS.com*, 24 January 2003.

<sup>50</sup> "Poll: 70% believe Saddam, 9-11 link", *USA Today*, 6 September 2003 ([http://www.usatoday.com/news/washington/2003-09-06-poll-iraq\\_x.htm](http://www.usatoday.com/news/washington/2003-09-06-poll-iraq_x.htm)).

*Conditioning factor: External environment*

The US and its small coalition of allies faced considerable opposition from most other nations in the world. Opposition rallies were held in cities all over the world. International organisations largely decided against engagement in Iraq due to security concerns, and a number of key US allies refused to participate.

*Summary*

US policies toward Israel-Palestine may also be considered as imperial unintended, in ways similar to those Tocci has charted in her case study on the EU. The Bush administration's declaration of a war on terrorism, in which countries are either "with us or against us", has also failed to garner enthusiastic support for a US-led global effort. The unsuccessful US intervention in Lebanon in the early 1980s and US efforts to destabilise the Sandinista regime in Nicaragua, for which the United States was convicted at the International Court of Justice (cf. *Nicaragua vs. United States*), are other examples of 'imperial unintended' policies.

As mentioned, it is still premature to conclude that the Bush Administration's invasion of Iraq signals a sustained US turn away from the liberal hegemonic system that the US shaped, led and profited from over the previous six decades. The record of those six decades, on the whole, was successful, however, while the record of efforts to turn away from that order, to subvert it, or to turn US pre-eminence into true imperialism, has largely been one of failure. In fact, Iraq has the potential of becoming the most significant foreign policy blunder in the history of the American republic. One consequence may well be a national abandonment of the attitudes that were responsible for it.

There are important signs, as reflected both in public opinion and in the statements of the three leading Presidential candidates, that there is majority support for a course affirming that US interests and ideals are advanced best in the world through consensus-building leadership to advance the peaceful growth of a relatively stable zone of democracies and market economies. Republican as well as Democratic candidates for the presidency are, with varying degrees of explicitness, promising a restoration of what amounts to traditional American internationalism – that is, a repudiation of the historically curious alliance between Jacksonians and neo-con Wilsonians that marked the Bush administration in favour of a new domestic coalition.



### ***3.7 Status quo – Intended: US policy towards Taiwan, 1978-2007***

The US has also acted in ways that may be characterised as **status quo – intended**. US policy regarding the status of Taiwan is a good example.

#### *Narrative*

Over roughly three decades since US-China normalisation, the US has favoured the preservation of the fundamental status quo regarding Taiwan, i.e. indefinite acceptance by all parties of Taiwan's ambiguous political status. The island should continue to enjoy de facto independence, but not internationally recognised legal independence, until Taipei and Beijing can agree on a peaceful resolution of their dispute.

The United States does not support Taiwan's independence and opposes unilateral changes to the status quo by either Taiwan or Beijing. It has encouraged both sides to establish a substantive cross-Strait dialogue, and supports expansion of transportation and communication links across the Strait aimed at increasing political, economic, social and cultural exchanges and reducing the chances of any miscommunication or misunderstanding. That rationale enables Washington to acknowledge Beijing's position that there is only one China and that Taiwan is part of China while continuing to sell arms to Taiwan and maintain an implicit commitment to defend the island against a Chinese military assault.

Under this approach, the US pursues two tracks. First, it does not want to give Taipei any reason to declare formal independence, as Jacques deLisle (2001) states: "either by creating excessive confidence that the United States will stand fully behind Taiwan in a cross-strait crisis produced by 'unprovoked' moves toward full separate statehood or by creating excessive worry about the United States' commitment to Taiwan such that moves toward a claim of de jure independence look like a reasonable gamble in perilous circumstances." Second, Washington does not want to give Beijing any reason to believe it could coerce Taipei, again, in deLisle's words, "either by allowing doubt about the US commitment to preserving Taiwan's autonomy or by threatening to cross Beijing's threshold of intolerable 'interference' to 'separate' Taiwan from China".

The United States has anchored its status quo approach in a series of documents and proclamations, particularly its 'one China' policy, the Taiwan Relations Act, three US-China Joint Communiqués, President Clinton's 'three nos' (no support for Taiwan independence; for two Chinas

or one-China, one-Taiwan; or for Taiwan's membership in states-only organisations) and carefully crafted policy statements embodying a policy of 'strategic ambiguity'.<sup>51</sup>

### *Goals, means and impact*

The US seeks to preserve the status quo arrangements regarding a potentially explosive relationship, which if it unravelled could drag the US into conflict and damage vital US interests in East Asia. It does this in a variety of ways, resulting in a relatively tolerable situation between Taipei and Beijing. In addition, within the international space created by this approach, Taiwan has transformed from dictatorship to democracy, and its economy has developed close interactions with the Chinese mainland, providing another incentive for both Taipei and Beijing not to rock the boat as each seeks to benefit further from the global economy. Moreover, continuation of the status quo preserves confidence in American commitments throughout the region and gives American allies in East Asia less cause for serious reassessment of regional power arrangements.

### *Conditioning factor: Domestic context*

Although Congressional ire due to its exclusion from the US effort to recognise Beijing and de-recognise Taipei led to Congressional activism, particularly the Taiwan Relations Act, for decades the Congress has left Taiwan policy largely to the Executive branch. Today, congressional concerns tend to focus more on economic relations with Taiwan, arms sales and human rights issues. In general terms, however, US domestic politics has provided support for the triangular status quo approach of successive administrations.

### *Conditioning factor: Domestic capabilities*

The US commands a panoply of economic, military, diplomatic and political tools with both Taipei and Beijing, and seeks to use them in an integrated fashion to preserve its status quo approach. Whenever Taiwan pushes too hard on independence, or when Beijing undertakes any untoward motion suggesting reunification, Washington does not hesitate to

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<sup>51</sup> For a recent iteration, see Ereli (2006).

admonish either side. The result of this balancing act has been relative stability.

*Conditioning factor: External environment*

While Taipei and Beijing have each accepted the status quo for an uncertain period, neither has given up its respective view that ultimately the status quo is unacceptable. The People's Republic of China interprets the status quo as synonymous with a one-China policy and Taiwan's eventual reunification with the mainland. Taiwan's concept of the status quo is exactly the opposite: the status quo means Taiwan's independence. The status quo solution has allowed each to bide its time while blunting any sudden or provocative developments.

*Summary*

Other examples of status quo-intended policies include US policy towards Saudi Arabia and Egypt and US approaches to climate change.

### ***3.8 Status quo – Unintended: the US and South Africa, 1948-90***

*Narrative*

The US has also acted in ways that may be characterised as **status quo – unintended**, i.e. pursued its foreign policies in full respect of international law and institutions with the primary purpose of simply satisfying its possession goals and with little interest in shaping the normative milieu, yet unintentionally engendering normative results. US policy toward South Africa is an interesting example because decades of rigid US policy ultimately generated a domestic backlash that, combined with changes in South Africa itself, upended the status quo policies of the Executive branch and put the US firmly on the side of normative change.

*Goals, means and impact*

Only in the late 1980s did the US engage meaningfully to oppose apartheid in South Africa, and only due to efforts by the US Congress and civil society groups, rather than the Executive branch.

Between the 1950s and the 1970s, domestic political support within South Africa for the black liberation movement stemmed largely from the South African Communist Party. Moreover, insurgents in the broader

region were receiving support from the Soviet Union, China, Cuba, Libya and the PLO. During the cold war, the US assigned higher priority to containing communism and protecting US economic interests than with ending apartheid, despite support in US civil society for South Africa's civil rights movement. The US had multiple stakes in preserving access to a stable South Africa, ranging from the need to contain communism; the significant US corporate investments in South African trade, industry, banks and natural resources; and the importance of protecting the strategic position of the Cape of Good Hope - a heavily traversed sea lane for the transport of oil and a prime access point to West Africa, the Indian subcontinent and the Persian Gulf. These goals led the US government to support perpetuation of the apartheid status quo, despite a rhetorical stance opposing apartheid. This position became clear during the 1952 debate on apartheid, when the US noted that apartheid was not in keeping with the UN Charter but emphasised that countries should not intervene in the sovereign affairs of other nations.<sup>52</sup> Although it joined 60 other countries supporting the UN resolution that rejected apartheid, it did nothing to curb its own investment in the apartheid state, and failed to apply its 'non-interventionist' standard to its own efforts to contain communism in other nations around the world.

This dual approach characterised US policy throughout the cold war. Despite the anti-apartheid rhetoric of the Kennedy and Johnson administrations, Washington refused to sign a General Assembly resolution calling for nations to sever economic ties, despite support by a large majority of other nations, and continued to rely on the apartheid government for support of its Cold War objectives. The US did support a ban on arms sales to South Africa, however, underscoring the seeming contradictions in US attitudes and policies. The Nixon and Ford administrations relaxed the arms embargo, abstained from key UN votes on anti-apartheid measures, extended trade between the US and South Africa, and supported South African intervention in Angola, all the while criticising apartheid in public. While the Carter administration took a stronger stand against apartheid, it was unable to effect significant change, and the Reagan administration continued the US status quo approach

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<sup>52</sup>"Non-interference in the sovereign affairs of other nations is a key principle of Chinese and Indian foreign policies. See the other contributions to this project.

(Nesbitt, 2004, p. 113).<sup>53</sup> Reagan consistently rejected the use of sanctions, downplayed racial injustice under apartheid and even lent South Africa \$1.1 billion in return for South Africa's cooperation in negotiating a peaceful settlement in Namibia and encouraging the withdrawal of Cuban forces from Angola (Baker, 2000, pp. 96-99; Nesbitt, 2004, p. 11). The administration argued that such 'constructive engagement' would enhance US influence in inducing apartheid leaders to share power with the black majority.

Events, however, were making a mockery of such claims. Growing domestic unrest against apartheid in South Africa was sparked in 1983 by the establishment of a tricameral legislature that totally excluded the country's black majority. South African President P.W. Botha brutally repressed demonstrations and spoke out against US anti-apartheid efforts. These developments, in turn, invigorated domestic US efforts to impose sanctions on the South African regime (Baker, 2000, p. 103). The Reagan administration's rather tepid response - a limited ban on computer technology sales (Nesbitt, 2004, p. 134) - only fanned the flames of domestic opposition to US policy. Activists joined forces with some members of Congress and even with a considerable number of US corporations to demand sanctions against South Africa (Baker, 2000, p. 104). In 1986, constructive engagement was upended when Congress approved the Comprehensive Anti-Apartheid Act (CAAA) imposing a range of new sanctions, including bans on new investments, bank loans and some South African imports. Reagan vetoed the measure, but his congressional opponents mustered more than a two-thirds majority to override the President's veto (Landsberg & de Coning, 1995, p. 8). The CAAA linked the relaxation of sanctions to the release of political prisoners, the repeal of the state of emergency and key apartheid laws. It also provided substantial funding for South African civil society groups opposed to apartheid. The CAAA was a watershed in US policy, overturning decades of US status quo policies toward South Africa and aligning the United States with anti-apartheid activists around the world.

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<sup>53</sup> Richard Goldstone (2005) notes: "The United States policy of 'constructive engagement' was interpreted in South Africa as racist, certainly by the liberation movement and its supporters, and it was seen to be supportive of the status quo in South Africa."

Sanctions began to bite hard, and South Africa became a pariah state. The US began to engage actively to encourage a peaceful transition. South African President De Klerk abandoned apartheid in 1990 (Baker, 2000, pp. 104-110).

*Conditioning factor: Domestic context*

Richard Goldstone (2005) has documented the history of what he calls the 'two American policies' toward apartheid – that of the Administration and that of the Congress and American civil society. Early American support for the anti-apartheid movement came mainly from universities, churches, trade unions and civil rights organisations active in America's own domestic fight over racial equality. For many American civil rights organisations, US policy towards South Africa became a litmus test for the racial attitudes of government at home. US companies also felt the pressure; many worked together with civil rights activists to enact what became known as the 'Sullivan principles' guiding US corporate practices in South Africa that promoted equality and training for black workers, supported their right to join trade unions, and withdrew the sale of products that could support apartheid (Goldstone, 2005; Goldstone & Ray, 2004).

The work of civil society helped convince members of Congress, led primarily by the Black Political Caucus, to change US policies that made the country complicit with apartheid. Goldstone (Nesbitt, 2004, pp. 133-134) concludes: "Reagan's policy of constructive engagement crumbled in large part because of the efforts of organisations like TransAfrica and the Free South Africa Movement, which staged marches, sit-ins, and encouraged companies to end relations with South Africa and US citizens to disinvest from companies that did not apply the Sullivan principles."

The US legal community also made key contributions to the anti-apartheid movement. In 1979, American lawyers, together with the Ford and Carnegie Foundations, organised the first human rights convention in the history of South Africa. Two organisations were founded there – Lawyers for Human Rights and the Legal Resources Center – that started attacking apartheid laws and actually found limited success before a few judges, who wrote opinions supported by human rights principles and struck down some egregious provisions of apartheid laws. Goldstone (2005): "[T]his US intervention made a lasting impression on black South Africans and especially black South African lawyers, creating a general

awareness that the United States was involved through its legal profession in attempting to alleviate the plight of victims of apartheid.” The American Bar Association initiated advocacy skills training for black South African lawyers, and American NGOs enabled South Africans and exiled ANC leaders to meet in international conferences sponsored by American groups – an otherwise illegal endeavour in South Africa (Mikell & Lyman, 2001, p. 87).

*Conditioning factor: Domestic capabilities*

The US had considerable capability to influence South African policies. US use of its veto power was important to blocking any effort by the UN to put teeth into its condemnation of apartheid, and US political and economic support helped bolster the regime. Similarly, the withdrawal of US support helped to isolate the regime and hasten the post-apartheid transition. Direct engagement between American and South African civil society groups also played an important role in training and empowering the South African opposition.

*Conditioning factor: External environment*

A closer look at the external environment reveals that non-state actors, particularly principled advocacy groups, can influence official perceptions and ranking of national security priorities and their views of acceptable international norms, i.e. what constitutes ‘appropriate behaviour’.

*Summary*

The timeframe for this case study is an important consideration. If one considered only the period between 1948 and, say, 1975, this case study might fit more appropriately under status quo intended. But treating the entire period showcases how official government policy can be overturned by domestic currents in American society as much as by developments abroad.

The US approach to the landmines treaty offers a related example. Activist leaders in the US Senate pushed the US to be the first nation to call for a global ban on landmines, but then the US turned against the international treaty due to specific possession goals, notably concern for its troops along the heavily-mined demarcation line in Korea. As momentum developed for such a treaty, however, the result of rigid US opposition was to stiffen those who sought a blanket approach that would not recognise

such distinctions or potential opt-outs. Moreover, US civil society groups redefined the issue as one concerning humanitarian consequences of landmines rather than that of arms control or regional security, and joined with other NGOs in the International Campaign to Ban Landmines (ICBL) to bypass the Administration and engineer successful negotiation of the treaty (see International Campaign to Ban Landmines, 2005; Maresca & Maslen, 2000; Norwegian Nobel Committee, 1997; and *Arms Control Today*, 1997).

The landmines treaty was ratified largely because a transnational advocacy campaign was able to persuade enough critical states that the humanitarian problem posed by landmines trumped any military utility these weapons served, and thus generated a ‘norms-cascade’ of state support for the ban (de Albuquerque, 2007; Finnemore & Sikkink, 1998, pp. 887-917; Price, 1998, pp. 613-644). It is important to note, however, that most countries in the world were not facing security dilemmas in which landmines would be particularly relevant or useful, and thus the political gain of signing the treaty, in terms of public opinion and conveying the impression that one was a good international citizen, was far higher than the security cost of not employing landmines. Thus it is unclear whether normative persuasion really convinced governments to do something they otherwise would not have done, or whether the opportunity costs were simply so low as to offer few downsides. This proposition might be better evaluated by looking at the countries that did not sign the treaty, assuming that those states were faced with higher opportunity costs. In fact, while the treaty has 153 states parties and only 42 non-signatories, the non-signatories are significant international security actors such as the US, China, Russia, India, Israel, North and South Korea. EU member state Finland also has not signed, indicating that the Finns consider the normative win/security loss calculus to be too high (Price, 1998, p. 614; Finnemore & Sikkink, 1998, p. 901).

#### **4. Summary and Conclusion: What do these typologies really tell us? Do they help us answer the question?**

In sum, our case studies reveal representative US instances for each of these stylised foreign policy types. Such categories, however, beg the deeper question: overall, which most closely reflects the core of US foreign policy? Which examples are representative of deeper currents in American society, and which are not? Which are exemplars and which are exceptions?



Tocci acknowledges that the same international actor can display a normative, *realpolitik*, imperial or status quo foreign policy in different regions and in different policy areas at different points in time. The case studies presented here indicate that the US, at least, can – and does in fact – engage in each of these ways simultaneously.

This refutes the rather superficial claim that the US used to be a normative power but isn't today. While most 'normative power' EU theorists acknowledge, in the words of Diez & Manners (2007, pp. 170, 174, 186), that the US "has exemplified the concept of a normative power during parts of its history", particularly "in the inter-war and immediate post-war periods", they deny that this has been true more recently. As this study has shown, however, the US advanced normative and non-normative goals, and deployed normative and non-normative means, before and after World War II, just as it does today. The reality is that the relative value or cost of these options has presented itself to every US administration and Congress; the US has not swung from purely normative phases to non-normative ones.

This underscores my point that the more appropriate question is not *whether* the US is a normative actor but *the degree to which* it is one. I submit that this is also the more appropriate question when it comes to analysing other countries as well. To answer this question it is necessary to determine where the real centre of gravity lies when it comes to characterising the US role in the world. This requires us in turn to assign some kind of weighting to the different paradigms.

Overall, this review of US foreign policy indicates that the United States has been and continues to be simultaneously a guardian of norms established by the international community; a norm entrepreneur challenging those norms and on balance pushing the international community towards stronger norms enshrining human rights and the rule of law and democratic societies; a norm externaliser when it tries to advance norms for others that it is reluctant to apply to itself; and a norm blocker when it comes to issues that may threaten its position, or that exacerbate domestic divisions among the co-equal branches of American government or among the fluid yet often-conflicting currents of American domestic thought regarding America's role in the world.

In addition, due to shifting political constellations and the separation of powers inherent in the US constitutional system, it is not easy to predict where the US may come out on any particular normative issue. The open

and rather fluid nature of the US system indicates that coalitions transcending nominal party allegiances need to be built on most issues, and the strength and durability of such coalitions depend not only on the issue at hand, but on its relationship to many other issues.<sup>54</sup>

Moreover, the particular weight of any one of these typologies varies over time. In general it may be said that the 'normative intended' dimension carries considerable weight and is a legitimate source of pride within the US foreign policy tradition. There are of course cases in which the US seeks to advance normative goals through normative means, but with major unintended consequences, but on the whole these appear to be less weighty. Over the course of the past 90 years, the US has also exhibited a strong tradition of hegemonic (as opposed to imperial) behaviour. There have been flashes of imperialism, but overall they have been subsumed within a broader pattern of hegemony. While one can certainly identify instances of US *realpolitik*, intended or unintended, overall they appear to arise on a more case-by-case, ad hoc basis and thus seem less representative than the other two categories. There are fewer identifiable cases of US status quo orientation, but here again the case study approach limits the analysis, since the US is considered widely to be a major, if not the main, custodian and steward of the current international system.

In sum, the mainstream of US foreign policy tends more often than not to reflect a varying blend of normative and hegemonic approaches. This mainstream tradition, however, has been challenged by the historically unusual Wilsonian-Jacksonian coalition that over the past six years has dominated the US executive branch, with only some countervailing influence by the legislative and judicial branches. Challenges to the mainstream in the 1990s instead came more often than not from influential Jacksonian and Jeffersonian elements in the Congress. These shifting coalitions indicate that it is premature to conclude that the US has turned from the fundamental instincts that have guided it for the past 60 years. The rhetoric of the major contenders for the presidency in 2008, in fact, seems truer to mainstream tradition than to US activities of the recent past. Hillary Clinton, John McCain and Barack Obama each essentially claim to be the person best able to pass what Henry Kissinger has called the

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<sup>54</sup> The same, I would argue, can be said of the EU and individual EU member states. The exact mix changes in each state.

historical test for this generation of American leaders: how to use preponderant US power to achieve an international consensus behind widely accepted norms that will protect American values in a more uncertain future.

As we have seen, there is a particularly acute tension within the normative-hegemonic approach, and that is the extent to which the US is willing or able to bind itself to the norms it advances for others. This tension has characterised US foreign policy for many decades. For instance, no country was more responsible than the United States for the creation of the United Nations, and President Harry Truman was clear from the outset what this would mean. On 25 June 1945, in his closing address to the San Francisco conference that drafted the UN Charter, he stated: “[W]e all have to recognize, no matter how great our strength, that we must deny ourselves the license to do always as we please.” This statement has not always sat comfortably with Truman's successors. As Stephen Schlesinger (2006) notes, “Washington discovered soon after the UN's birth that despite its veto power in the Security Council, it could not always control its wayward child. As a result, ever since 1945, US leaders have approached the UN with ambivalence: hoping, on the one hand, to use it to further US national security interests, while, on the other hand, worrying that too much involvement might constrain the United States' ability to act.”<sup>55</sup> This tension has characterised America's approach to most international institutions and norms, even though public opinion polls consistently record strong public support for multilateral approaches to international challenges.

The US has not always mastered this tension well. As Kalypso Nicolaidis (2004) notes, “in non-American eyes, there is a world of differences between the ‘righteous might’ of Roosevelt's era and the self-righteous might of George W. Bush”.

On balance, however, and despite exceptions, over the past 60 years the US has sought to manage its normative-hegemonic interplay by accepting some limits on its power and being bound by broader international norms and commitments, in exchange for greater legitimacy and acceptance of its leadership by others. The unresolved question in the post-cold war, post-September 11 world is whether the US and other key

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<sup>55</sup> See also Bull (1977).

players are prepared to stick with this bargain, or whether the US will increasingly act as a 'norm externaliser', i.e. using its power to advance broad norms for others but refusing to apply such norms to itself, and whether other nations will refuse the 'followership' that leadership requires. "Nothing undermines US authority more than the perception that the United States considers itself too powerful to be bound by the norms we preach to others" notes former US National Security Advisor Sandy Berger (2004).

## 5. Postscript: Comparing the US and the EU

Since this project was prompted by consideration of the EU as a normative power, and since much of the literature in this regard contains explicit or implicit references to the United States, a few points warrant consideration.

First, much of the literature on the EU's alleged 'normative power' ignores some fundamental underpinnings of European order that have enabled conceptions of 'normative power' to develop and be exercised at all. During the first half of the 20<sup>th</sup> century, most Europeans squandered any pretension they might have had to normative leadership through two World Wars and continued colonial rule. Following World War II, the US security guarantee removed – at least for half a continent – a key source of European conflict: the perceived need by mistrustful European states to build arms and alliances against their own neighbours. The American security commitment offered west Europeans an umbrella under which they could reconcile and agree on new norms that could offer a common foundation upon which they could work together and with others. Over time, the reassurances offered by a supportive – yet comfortably distant – hegemon enabled Europeans to create a community within which they could derive their security from each other rather than against each other. The very creation of the EU and the ability of its members to domesticate their foreign policies and render them normative rested on security guarantees provided by the United States.

It is perhaps easy today to forget that NATO was the umbrella under which the European integration project could proceed, or that post-war institutions were created as much to prevent West Europeans from again dragging the world into conflict and depression as to prevent Soviet dominance or communist infiltration. As noted by Kalypso Nicolaidis (2004), "[T]he creation of a quasi-federation without collective security as a

driving force was an aberration of history made possible to a great extent by the US".<sup>56</sup>

Moreover, this security logic continues even today – despite the end of the cold war, despite September 11, and despite transatlantic and inner-EU squabbles over Iraq and other issues. The US continues to provide the ultimate reassurance enabling Europeans to reconcile, build and extend their Union. This is as evident in Kosovo today as it has been throughout the Balkans for the past decade and more.<sup>57</sup> This logic has been particularly evident in the determination of Central and Eastern European states to join NATO as well as the EU. New member states have been very clear about this relationship: while they have been keen to integrate with European societies within the EU, they are ultimately reassured in doing so through their membership in NATO.

The 'normative power' Europe discourse is strangely silent on this point. I was struck that the case study of EU enlargement in the EU working paper failed to even mention the parallel process of NATO enlargement and the obvious relationship between the two. While each operates according to its own particular logic, most EU countries are NATO countries, and the same officials and populations have been addressing the same historic opportunity: to extend to as much of the European continent as possible the democratic, free-market space where war simply does not happen.

This relates to a point Diez & Manners (2007, pp. 176, 180) have made about the relationship between normative and military power. "In contrast

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<sup>56</sup> There is perhaps a relevant historical analogy, however: the young United States also enjoyed the luxury of believing in its own normative uniqueness in the 19<sup>th</sup> century because it was protected by the British Navy from being dragged into inner-European conflicts. This constructed a space in which Americans could enjoy a rare vacation from harder international realities – and in which such notions as American 'exceptionalism' and the 'virtues of isolationism' flowered and became such powerful guiding narratives.

<sup>57</sup> During the Kosovo war and its aftermath, the US used the slogan "the only exit strategy is an integration strategy" to press the EU to recognise the logic of its own enlargement and to work with southeast Europeans to create conditions enabling them to join the larger Union, even as it also agreed to extend its own security commitments to those countries willing and able to join the Atlantic Alliance.

to civilian power”, they note, “normative power is *not* the opposite of military power. It is entirely conceivable that military force is used to back up the spread of normative values” and that “military capabilities may underpin normative power.” I couldn’t agree more. What is important to add, however, is that in some instances the military capabilities – and political commitment – that underpin the EU’s ability to project normative power are provided not by the EU but by the United States.

Second, much of the literature describing ‘normative power EU’ is highly selective, including policies of EU member states when it is convenient and excluding them when it is not. There are two dimensions to this. The first has to do with foreign policy, where authority and competence still reside largely with member states. The EU, qua EU, in fact, has little real purview over the vast range of foreign policy decisions confronting any particular EU nation. Any consideration of the EU as a normative foreign policy actor, therefore, needs to consider the actions of individual EU member states, not just examples of common EU action. This is important for our purposes because the tendency is to compare the EU with the United States. In one such comparison, for instance, Diez & Manners (2007, p. 182) argue that the US readily resorts to force, whereas “the fact” is that “the EU or, rather, EU member states consider the use of force a last resort”. Really? What about the British and Polish invasion of Iraq and Spanish support for it? What about German, British, French, Dutch, etc. intervention in the Balkans without a UN mandate? What about French or British interventions in Africa or the British intervention in the Falklands? My point is not to criticise such decisions, it is to ask for greater analytical rigor – for this, too, is the EU.

The other dimension has to do with domestic policies, or the extent to which EU member states have coordinated and ‘domesticated’ aspects of their interactions with one another. There is no doubt that in many areas there have been successes, even as progress is halting in other areas. The issue is whether the EU’s ‘normative power’ is more effective through active projection of such ‘domesticated’ policies abroad or by offering a model to others by practicing such norms at home. This debate, while new to the EU, echoes the long-standing American debate between Jeffersonians and Wilsonians. The EU’s normative power in this regard seems to be more influential simply through its example at home – the fact that nations that regularly used violence against each other now join together in common cause in a variety of traditionally domestic policy areas. The EU has projected its ‘domesticated’ policies to close neighbours abroad mainly

through accession negotiations with candidates aspiring to join the EU itself, as well as a web of arrangements – ranging from the Barcelona Process in the Mediterranean and Stabilisation and Association agreements with Balkan states to the Black Sea Synergy initiative and the EU's 'Four Spaces' concept with Russia – that seek to extend EU notions of norms, order and structure in the EU's periphery. The EU has had less success extending its particular version of norms or order on a global scale. The death penalty seems to be a prominent example, but even here success seems limited largely to Europe and Latin America, and problems of ratification and implementation in vast parts of the world remain (Katzenstein, 2006). Nonetheless, the possibilities are intriguing.

If one looks for examples beyond treaties and international law, however, one uncovers some promising experiments in the international extension of 'domesticated' EU policies – particularly with the United States. The recently created Transatlantic Economic Council, for instance, is in essence an effort to tie the US and the EU into a consultative process that identifies and then seeks to resolve domestic regulatory or policy barriers to the deeper integration of their economies, and to consider whether common standards developed through this process could form the basis for broader international norms. Yet it is striking that most of the literature either ignores the US dimension or goes to great pains to define 'normative power EU' against the US example.

The US continues to set, or influence the formulation of standards in many parts of the world (often with EU support). So does the EU – often with US support. The US, for instance, understands that the EU is the legitimate framework within which such standards can be set in Europe, and does what it can to support their extension to wider Europe. The occasions where it objects are more the exception than the rule. I would therefore caution against the notion that the EU's regulatory norm-setting is unique or that it is being done at the expense of the US or has somehow 'overtaken' the US in some way. There is an 'either-or' quality to much of the 'normative power EU' literature that just does not reflect the way the US and EU act in practice.

These considerations lead to a third point – the role of the United States, or perhaps more accurately, stereotypes of the United States, in European debates about identity politics. Proponents of 'normative power EU' refreshingly acknowledge that the notion of 'normative power' is part of the broader debate about identity politics in Europe, and as such

requires an ‘other’ against which such identities are constructed. “Not only is the success of this representation” of normative power EU “a precondition for other actors to agree to the norms set out by the EU”, state Diez & Manners (2007, pp. 173-188), “it also constructs an identity of the EU against an image of others in the ‘outside world’.” After reviewing the literature, however, it is hard to avoid the conclusion that the ‘other’, whom the adherents of ‘normative power EU’ are constructing their arguments ‘against’ is in fact the EU’s closest partner, the United States.

Diez and Manners explicitly seek to draw such distinctions. They argue that the American tradition of ‘exceptionalism’ essentially disqualifies the US from being considered a normative power, whereas it is precisely what they believe to be Europe’s ‘ordinariness’ that provides ‘normative power EU’ with such strength and attraction. This represents almost wilful ignorance of the strong exceptionalist rhetoric that is part and parcel of daily European political debates. In fact, the very premise of normative power is that Europe is uniquely positioned to guide humanity to a better future.

The more compelling distinction, it seems to me, is rooted in each partner’s sense of its own exceptionalism. As Kalypso Nicolaidis (2004) notes, historians trace difficulties between France and the United States to their similar sense of mission, of being the upholders of political and philosophical models for the world through the avowedly universal reach of their respective 18<sup>th</sup> century revolutions. I would add that German critiques of the United States are also rooted in part in a German sense of exceptionalism: since Germany had been exceptionally evil, many Germans today believe their country must be exceptionally good. Since the US helped inculcate such beliefs in German society over two generations, it is particularly grating for Germans when US achievements fail to meet US aspirations, or when US demands of solidarity force Germans to abandon black and white in favour of grey. The moralistic undertone to much German critique is inescapable, even when it is not explicit.

These dilemmas arise in part because both the US and the EU think of themselves as normative powers projecting their internal norms of democracy and human rights abroad. Nevertheless, these two competing forms of exceptionalism are of a different kind. As Nicolaidis (2004) notes:

Their respective founding myths, the escape from despotism and the escape from nationalism, tyranny from above and tyranny from below, led both entities to elevate commitment to the rule of law



as their core. But this was domestic law in the US, supra-national law in the EU; this meant checks and balance between branches of government on one side, between states on the other. While the US progressively became a federal state, the EU, admittedly still in its infancy, is braced to remain a federal union of nation-states. In the last two decades, while both the US and the EU have been fertile grounds for exploring 'subsidiarity', and multilevel governance, the EU alone has explored ways of doing this without coordination by a centralized state, through methods that might one day be relevant to global governance. US exceptionalism is a national project; European a postnational one.<sup>58</sup>

Within this distinction lies an opportunity: to reconcile these different 'normative' traditions rather than to deny the legitimacy of one or the other or to ignore the common foundations upon which they are based – all in all, an attractive agenda for US-EU relations.

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<sup>58</sup> See also Hamilton (2004), Keohane (2002) and Brimmer (2006).

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## 4. REBRANDING RUSSIA: NORMS, POLITICS AND POWER

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*This chapter argues that Russia is in the process of re-branding itself internationally, with a variety of normative arguments increasingly creeping into its wider international discourse. By appealing to norms, Russia tries to reformulate the key messages it sends to the world and implant the concept of its power worldwide. Yet given that Russia's normative messages are often met with scarce enthusiasm in Europe, it is of utmost importance to uncover how the normative segment in Russian foreign policy is perceived, evaluated and debated both inside Russia and elsewhere. Within this framework, this paper focuses on a set of case studies highlighting the normative and non-normative dimensions of Russian foreign policy. These include Russia-EU trans-border cooperation, Moscow's policies towards Estonia, Poland, Ukraine/Georgia and the UK, Russian strategies in the 'war on terror' and energy issues.*

### 1. Introduction

There are two different ways in which norms can be operationalised in international relations. On the one hand, 'norms tame' and de-politicise power (Adler, 2005, p. 173), when they are viewed as indisputable, essential and universal, thus invoking a managerial type of behaviour that leaves no space for political discretion. Norms under this interpretation represent "collective understandings of the proper behaviour of actors" (Legro, 1997, p. 33). The Foucauldian legacy looms large in this interpretation: the norm is viewed as a bearer of power claims, the core element needed to substantiate and legitimise the execution of power. According to Foucault (1999), the norm both qualifies and corrects, thus representing a "positive

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technique of intervention and reformation". Therefore, the reification of the norm signifies its gradual endorsement by a group, and the failure to accept the norm is equated with a pathology or deviation. The norm becomes a principle of conformity, which is contrasted with irregularity, disorder or eccentricity. On the other hand, norms may be viewed as political instruments. Since norms construct agents, including states, they perform a political function and enhance political subjectivity by differentiating between US (the followers of norms) and Them (the violators of norms). We identify ourselves (and thus our norms) by identifying others (those unfit or unwilling to follow our norms). The normative appeal is increasingly marked by a frontier separating the inside from the outside, a frontier between those who succeed in remaining within normative boundaries and those excluded from them (Zizek, 2006, p. 21).

Normativity ought to be understood also as an inter-subjective concept. As Jurgen Habermas (2006, p. 18) argues: "in the course of mutual perspective taking, a common horizon of background assumptions can develop in which both sides reach an interpretation that is neither ethnocentrically condescending nor a conversion, but something intersubjectively shared". Inter-subjectivity is a core characteristic of normativity, while also having close bearings to the concept of identity. This points to one of the most important sources of discursive asymmetry between the EU and Russia. It is argued that a European identity is constructed in opposition to its own past through the concept of the "past as other" (Diez, 2005). This differs radically from the Russian perception of itself as a country whose identity is deeply rooted in its past. Another identity-driven juxtaposition between the EU and Russia is the Russian concept of 'False Europe', which includes countries with strong anti-Russian sentiments and countries that have presumably lost touch with 'genuine European values'; while 'true Europe' includes countries friendly to Russia, which adhere to what Russia considers as 'the original spirit of Europe'. This highlights how "for reality to be brought under the ordering influence of governance, it first has to be divided ... into what is imagined to be normal and what is deviant, threatening, risky, underdeveloped, etc. Such a narration of abnormality, 'othering'... is constitutive of any project of improvement..." (Merlingen, 2006, p. 192). In other words, the norm violator is crucial to a proper understanding of the norm itself. This explains why the concept of otherness is so closely linked with the manifestation of normativity in politics.

Hence, one cannot properly define a norm without defining its exception, and this involves bordering effects and a conceptualisation of the Other as a challenger to the norm, a bearer of radical alterity. The Other takes different forms, depending on context: for the EU it can be personalised in Lukashenko's regime in Belarus, while for Russia it can take the form of the Estonian government, which is believed to deviate from European norms of tolerance and remembrance of the Second World War. What is then needed is to link norms with their exceptions: "[i]f we distinguish contemporary exceptions as the limit and threshold of the norm, we can investigate how the one constitutes the other and vice versa".<sup>59</sup> It may be argued that "the exception gobbles up the normal case and becomes, in and of itself, the ordinary, general rule... It is the exception that defines the norm, not vice versa. The exception is primary to the norm and defines and informs the norm" (Gross, 2000, p. 1843). This approach offers an alternative explanation of the construction of international agents. When we speak of exception(s), there should be a clear reference to – and analytical distinction from – its logical opposite: the norm. In this reading, the concept of exception unveils strong connotations with Carl Schmitt's theory, which suggests that all norm-bound orders depend on a decision-making capacity that falls beyond the given structure of rules and principles. Exceptions as specific exercises of power are actualised when "no prior law, procedure or anticipated response is adequate. It is a perilous moment that exceeds the limits of precedent, knowledge, legislation and predictability... an expression of political authority that has the capacity to constitute new political and legal orders" (CASE, 2006, p. 465). Following Schmitt (1996, p. 53): "one can say that the exceptional case has an especially decisive meaning which exposes the core of the matter".

The extension of the concept of exception to the sphere of international relations is justified. In particular, the deployment of the 'norm-exception' dichotomy in the relationship between Moscow and Brussels presupposes the unpacking of what may be dubbed as 'recognition games'. Presumably, Russia (as well as the EU) utilises both norm-based and exception-based arguments to strengthen its international credentials and negotiating positions. The Russian message sent to Europe

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<sup>59</sup> Review of the literature on the 'state of exception' and the application of this concept to contemporary politics, <http://www.libertysecurity.org/article169.html>.

is thus ambivalent. On the one hand, Moscow recognises the force and potential of the ‘policy of exceptions’ and takes as much advantage of it as possible. On certain occasions, it becomes the exception (e.g., Russia’s unwillingness to ratify the Energy Charter), while in other situations it calls upon EU member states to recognise the need for exceptions (e.g., Russian demands that the EU would not apply the *acquis communautaire* to Kaliningrad). On the other hand, Russia explores the possibilities embedded in adhering to what is considered as ‘normal’ by the EU. This gap between norm-based and exception-based policies constitutes a major dilemma in the contested construction of Russia’s European identity.

This ambivalence in the concept of the norm – its ability to both politicise and de-politicise action – fuels debate. In this chapter, based upon the methodology offered by Nathalie Tocci in chapter 1, the debate over the meaning of norms plays out in different ways. Since norms require at least two parties in order to be operational (either ‘subject-subject’ or ‘subject-object’), three model situations can be imagined, which reflect the case studies analysed in this paper and are selected on the basis of Tocci’s conceptual framework:

- the encounter of two norms in their de-politicised version, which relates to the normative intended case study: Russia-EU trans-border cooperation,
- the collision of two politically driven approaches to norms, which relates to the normative unintended case study: Russia-Estonia,
- a situation in which one actor adheres to a de-politicised norm while the other is inclined to use a politicised approach, which relates to the imperial unintended case study: the Russia-UK dispute over Litvinenko’s murder.

A similar split between politicized and de-politicised interpretations of norms is found in case studies in which goals are ‘non-normative’: the *realpolitik* and status quo cases discussed below. The difference between the two is substantial. In the *realpolitik* scenarios, ‘non-normative approaches’ tend to be linked to politicised moves, consisting either of opportunistically transgressing the emerging political order or clashing with established rules of the game (i.e., the cases of Russia’s policy towards the colour revolutions and Poland). The status quo scenarios (i.e., the cases of Kaliningrad and energy policy) instead presuppose the competitive co-existence of different yet more de-politicised norms. However, within the scope of these de-politicised cases, there is still scope for strongly

politicised effects if one of the parties behaves as a norm violator rather than a legitimate competitor of norms. The same is true in cases in which there is an ‘encounter of two de-politicised norms’: the same type of politicising effects might be expected if one side adopts a political reading of the situation by making reference either to exceptionality or to the ‘Self-Other’ framework. This is possible particularly in the case of Kaliningrad, which is formally part of Russia proper (and could thus shift from being a Status Quo intended to being a Normative Intended case).

There are three further methodological observations to be made at the outset. First, my analysis is predicated upon a logical link between structural (‘goals-means-results’ triad) and conditioning (‘internal interests, internal capacity, external environment’ triad) factors as discussed by Tocci. More specifically, this paper assumes that a) internal interests condition the articulation of an actor’s goals, b) internal capacity conditions an actor’s choice of means, and c) the external environment conditions the policy impact (see Table 1). Taking these correlations into account, one may posit that conditioning factors: a) explain the goals articulated, the means chosen and the results attained; b) add dynamics into each element of the triad; and c) broaden the overall picture by including explanatory elements to comprehend the three core variables.

*Table 1. The correlation between normative action and conditioning factors*

	<b>Internal interests</b>	<b>Internal capacity</b>	<b>External environment</b>
<b>Goals</b>			
<b>Means</b>			
<b>Impact</b>			

Second, I do not equate the ‘intended-unintended’ dichotomy to ‘success-failure’. In cases of intended outcomes, Russia displays an ability to achieve and control the results of its policies. In cases of unintended outcomes, Russia is unable to attain its desired results or fails to control the impact of its policies due to a multiplicity of external/structural factors.

Third, while norms may differ, the core question, in my understanding, is whether a certain country (in this case Russia) is in principle committed to (any) norms as opposed to pursuing self-interest through conquest, force or possession. The norm in this sense is understood more as a logical category that might – or might not – be reduced to specific



Despite these doubts and preconceptions, as the sections below exemplify, Russia's foreign policy is varied, changing according to a variety of internal and external factors. It is thus of utmost importance to uncover how the normative dimension of Russian foreign policy discourse is perceived, assessed, evaluated and debated. Table 2 above summarises the selected case studies.

## ***2.1 Normative intended: Russia-EU trans-border cooperation***

Russia displays its commitment to normative foreign policy through its participation in a series of trans-border initiatives aimed at fostering cooperation with Europe, including the Northern Dimension and the construction of Euro-regions.

### *Goals*

In developing trans-border communications with its European neighbours, Russia is driven by its identification with European norms and feels involved in European affairs. Of course, one cannot discard Russia's meaningful economic interests in trans-border cooperation, but the normative basis driving policy seems to prevail. The membership of border regions in international initiatives, including the development of twin-city partnerships, is an important element of Russia's Europeanisation and Russia has committed itself to strengthening institutions in this shared neighbourhood through a variety of initiatives aimed at promoting mutual confidence and human exchange. This normative background becomes clearer when contrasted with the absence of comparable cooperation initiatives in border regions with China, Mongolia or Kazakhstan, which do not have the same normative appeal in Russia as Europe does.

In particular in the Northern Dimension (ND), Russia has participated in region-building efforts which either skipped traditional East-West divides or made them less divisive. It was important for Russia that the Baltic and Nordic regions were formed without an overall plan or superior authority, and with no strict criteria for membership, which made Russia's voice in the endeavour stronger. The ND was meant to shift Russia's policies in this part of Europe from *realpolitik*, semi-isolationism and unilateralism to multilateral cooperation. By participating in trans-national region-building projects, Russia helped to elevate regionality into a core principle of the political construction of Europe's margins. At the same time, Russia perceived the ND as an opportunity to join the



'democratic space', in which the main priorities are human rights, the protection of minorities and a healthy environment (Arutinov, 2000, p. 259). The creation of the Nordic and Baltic regions also opened new and inclusive channels of dialogue with EU non-member states. Russia was granted the status of being 'one of us', a potential partner which could feel at home in Baltic and Nordic initiatives (Joenniemi, 1999, p. 75). A good illustration of this is the interpretation of the ND by many Russian analysts: "the Nordic game can only be played effectively within the EU framework... The Nordic challenge is therefore not to compete with the EU, but to utilize the Union's structural framework; not to alter but to extend the European project" (Medvedev, 1998, p. 247).

### *Means*

Russia has pursued normative goals in its trans-border cooperation with the EU through normative policy means, including a set of cooperative agreements with the EU. In 2001 Russia approved the Concept of Trans-border Cooperation, which mentioned the need to take into account the peculiarities of Russia's border regions.<sup>60</sup> In 2002, the State Duma ratified the European Framework Convention on Trans-Border Cooperation. Thereafter, the Doctrine of the Development of Russia's North West stipulated that for integration into a European milieu, Russia's border regions needed special managerial techniques based on human capital, the innovation and non-governmental networking.<sup>61</sup> Beyond these legal frameworks, Russian regions used a variety of trans-border organisations like the Council on Cooperation of Border Regions (CCBR) to seek ways out of cumbersome state-to-state interaction. In the Barents Euro-Arctic Council (BEAC), the regions (along with states) are the dominant actors to discuss non-military problems for example (Tunander, 1994, pp. 31-33). Useful institutional resources are also found in the Committee for Spatial Development in the Baltic Sea Region (CSD/BSR), which contributed to the elaboration of norms in housing, sanitation, public services, the exploitation of non-renewable resources, the preservation of cultural

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<sup>60</sup> «О контseptсии prigranichnogo sotrudnichestva v Rossiiskoi Federatsii». Press release of the Russian government (N 183, February 13, 2001).

<sup>61</sup> Center for Strategic Design of the North West Federal District web site, <http://www.csr-nw.ru/strategy.php>

heritage, the safety of technical supplies, the regulation of land use, etc. Institutional mechanisms were also established for circumpolar integration such as the Arctic Council, a high-level intergovernmental forum which includes Canada, Denmark, Finland, Iceland, Norway, Russia and Sweden as members.<sup>62</sup>

A particular manifestation of Russia's receptiveness to the EU's normative appeal was its participation in the ND, which is closely related to the idea of Europe as a set of 'Olympic rings'. The political values that underpin the ND are "transparency, egalitarianism, and consensual democracy" (Schumacher, 2000, p. 11), fostering decentralised arrangements and leaving ample space for grass-root initiatives. The ND assumes that a political space can be heterogeneous and autonomous, with a variety of growth poles; its components being active agents in regional integration and not simply subjects of someone else's policies. The ensuing dialogue between different actors facilitates cultural exchanges and undermines 'self/other' constructions. In this sense, the ND was meant to blur the distinction between insiders and outsiders, because it is defined not only in geographical but also in normative terms.

### *Impact*

By and large, Russia reacted positively to EU trans-border initiatives, engendering a normative impact. Local communities and professional groups were particularly enthusiastic, stimulating leading regional institutions, shaping networks between the most active and knowledgeable NGOs, expanding the scope of issues being dealt with, and encouraging the creation of multiple overlapping networks ('network of networks'). Russia attained a normative effect in several spheres. In social terms, a key effect was the cultivation of a space of close interaction by creating normative practices that bridged gaps between communities as well as facilities aimed at promoting tourist exchange, business-to-business contacts, etc. In security terms, the trans-border cooperation altered the balance of priorities between hard and soft security issues, raising awareness of issues such as depopulation and labour migration, or the poaching of precious stones, non-ferrous metals, furs, wood and oil products. Hence, whereas the

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<sup>62</sup> *Antarctic Treaty XXIV Consultative Meeting*, St. Petersburg, 9-20 July 2001, at [http://www.arctic-council.org/arctic\\_antarctic.asp](http://www.arctic-council.org/arctic_antarctic.asp)

federal state has played up more the importance of geopolitics and hard security; the regional level has prioritised more soft security, highlighting the human and public policy dimension of security (Tkachenko, 2002). In institutional terms, an increasing number of issues (e.g., pollution, water purification, health care, civil servants' training) are tackled in a technical, politically neutral and low-profile way through regional institutions. This has generated incentives to create and follow new norms of governance. Russian regional officials have started thinking of how to reorient their strategies towards providing better services, more effective marketing and richer public debates about future living conditions.<sup>63</sup> Several institutional arrangements in Russia have started acting as "trans-boundary networking communities" (Shinkunas, 2003), allowing for deeper involvement of European business in regional economies, and the proliferation of trademarks, commercial brands, banking services, insurance companies, consulting firms, and trans-border programmes aimed at job creation and educational exchanges. The effects are multiple: expansion of the social scope of beneficiaries of EU programmes; increased investments in human capital; fostering accountability and transparency of local bureaucracies; the identification and promotion of groups committed to pluralism; and greater compatibility with EU norms.

But what explains Russia's normative foreign policy in trans-border cooperation with the EU, as well as the evident normative impact of this policy choice?

### *Internal context*

A first variable determining Russia's normative foreign policy in its northwest neighbourhood is the interplay between different levels of government in Russia, leaving a void that has been readily filled by EU normative approaches. There has been a collision of two different approaches in Russia to trans-border relations. A first approach – dominant in 1990s – was based on the interpretation of Russia's European choice as a policy of re-building Russian domestic rules under the influence of EU trans-border programmes. This approach was (and still is) promoted by regional elites eager to 'go international' and profit from their proximity to

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<sup>63</sup> *Spatial Planning for Sustainable Development in the Baltic Sea Region*. A VASAB 2010 Contribution to Baltic 21, at <http://www.ee/baltic21/publicat/R9.htm>

the EU. Sub-national units bordering the EU contributed to cooperative efforts aimed at linking Russia to the European milieu. Consequently, borders were considered as contact zones offering incentives rather than posing security threats. The ND was conceptualised by these actors as an intermediary between core powers: the EU and Russia. Russian border regions would benefit from this desecuritized, depoliticised and inclusive understanding of regionalism, as well as from 'policy transfer networks' that would foster the transnational diffusion of information, ideas and social practices through travel, media, twinning and people diplomacy. Most of these approaches explicitly favour liberal solutions for border territories, including drastic limitations of bureaucratic interference in business (Kuznetsova & Mau, 2002, pp. 71-72). A second and far more conservative approach gained momentum in the last decade, and has been articulated mainly by federal agencies. "The Rules of Border Regime" issued by the Federal Security Service in September 2006 reflects this more conservative spirit. This document has significantly complicated the procedure for entering and restricted social and economic activities in Russia's border areas.<sup>64</sup> As an effect of the collision of these two approaches, Russia has failed to elaborate a clear set of policy instruments in the Baltic and Northern regions, granting the EU greater leeway to set the policy/normative agenda.

### *Internal capabilities*

Internal capabilities have instead hindered Russia's pursuit of a normative foreign policy. The major problem here has been the lack of long-term strategic thinking by regional elites,<sup>65</sup> an argument confirmed by a recent study of the Moscow Carnegie Center (2001). European observers usually complain about the lack of financial transparency in collaborative projects with Russia; inadequate and imprecise information provided by regional authorities, and weak control over environmental and energy matters.

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<sup>64</sup> *Rossiiskaya gazeta*, November 22, 2006.

<sup>65</sup> Center for Strategic Design web site, <http://www.csr-nw.ru/text.php?item=publications&code=298>

Another domestic factor impeding trans-border cooperation is the spread of nationalist ideas within border regional elites.<sup>66</sup>

### *External environment*

The last and most important factor explaining Russia's normative policy in its northwest border regions is the external environment. A strong normative pull from the EU coupled with internally divided Russian approaches to border regions balanced against weak internal capabilities, leading to an overall normative result. The EU was highly favourable to the external activities of Russia's sub-national units, especially in the 1990s. In developing trans-border cooperation, Russia has been – softly and indirectly – bound by EU norms derived mainly from the *acquis*, which has been “used to varying degrees as both models and yardsticks” (Haukkala, 2005, p. 6). The EU's pull has been particularly effective in trans-border cooperation, which sees the involvement of a variety of regional governing agencies open to external influences (Friis & Murphy, 1998, p. 16). A key example highlighting the importance of the external milieu is the ‘Northern discourse’, which emerged in Russia's Northwest as a clear reflection of European discourses on the Norden. Very much like the Nordic debate in Europe, the concept of the North in Russia down-played the division between East and West, seeing a compromise between globalisation (i.e., a new world order based on a Northern way of life/ or a ‘Northern variant of globalisation’) and regionalisation (i.e., inclusive trans-border cooperation and federalist ideas of multi-confessionality and poly-ethnicity). In line with Scandinavian and North European cultural traditions, Russia's northern discourse presented the region as a territory to be managed in concert by free peoples who would strengthen their social bonds by working together.

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<sup>66</sup> For instance, the former governor of Pskov Oblast, Mikhailov has a strongly imperial approach. In the mid-1990s he wrote a book entitled “The burden of the imperial nation”, in which he articulated his views on how Russia has to repel “the threat coming from the south”. It is significant that in the 1990s the Pskov Oblast gained the reputation of a fertile ground for politicians with ‘national patriotic’ inclinations seeking electoral legitimacy.

## ***2.2 Normative unintended: Russia's policy towards Estonia, 2007***

Russia's policy towards Estonia serves as a good illustration of a rupture between the pursuit of normative goals and means, and the lack of normative results. This case covers the events of 2007 when the Russian-Estonian conflict was re-ignited by the incident over the Second World War memorial in Tallinn.

### *Goals*

In its policy towards Estonia, Russia highlights two normative landmarks and attempts to present itself as a country that firmly defends 'true European values', which are allegedly challenged by Tallinn. The first normative principle is the unequivocal international condemnation of Nazism/fascism, which Moscow fears is being challenged by the association by some Estonian elites of the historical roles of Germany and the Soviet Union during the Second World War. Second, Russia advocates minority protection standards, expressing its deep dissatisfaction with Estonia's denial of electoral rights to significant parts of its Russian-speaking community. In view of these two normative shortcomings, Moscow argues that Estonia cannot be viewed as a fully-fledged democracy. This position was expressed more vocally when Estonia attempted to re-write the script of the Second World War. In this context, Russia accused Estonia of failing to acknowledge the exceptional contribution of the Soviet Union in defeating Nazi Germany and liberating the Baltic countries and Eastern Europe from Nazism. Estonian symbolic gestures aimed at equating the roles of Hitler and Stalin or revisiting the Second World War have been met with unconcealed irritation by Moscow, which has charged the alleged intention of 'New Europe' with misrepresenting and corrupting the original European idea.

### *Means*

Russia's reaction to Estonia's revisionism has been expressed through largely normative means. First, Russia has appealed to the EU to 'tame' Estonia as one of its newcomers. In its statement of 22 October 2004, the State Duma declared that in the aftermath of EU accession, Latvia and Estonia had aired their anti-Russian attitudes by launching several

initiatives aimed at advancing material and political claims to Russia, as well as reconsidering the outcomes of the Second World War.<sup>67</sup> Sergey Yastrzhembskii (2007), President Putin's aide on European affairs, accused EU newcomers of displaying "fairly primitive Russophobia" and trying to "complicate the dialogue between Russia and the EU", against the interests of "old residents" in the EU. Second, Russia has exerted pressure on Estonia through negative media campaigns and public demonstrations. Finally and least normatively, Russia has used economic leverage. Russia's first vice premier Sergei Ivanov suggested Russians abstain from purchasing Estonian goods and travelling to Estonia.<sup>68</sup> In some stores, Estonian goods were either marked or sold at drastically reduced prices.<sup>69</sup> While some of these measures cannot be dubbed as being perfectly normative, Russia did not succumb to the temptation of using overtly non-normative means such as military pressure or official sanctions,<sup>70</sup> in response to what Moscow considered a grave attack on its international reputation and standing.

### *Impact*

Vis-à-vis Estonia, Russia has failed to achieve normative results: the state of political relations between Moscow and Tallinn is characterised by increasing alienation and tug-of-war, most recently exacerbated by Estonia's decision to remove the monument erected to Soviet Soldiers from Tallinn. Russia was unable to block similar actions taken by local authorities in Bauska, Latvia in August 2007. Despite Russian pleas, the EU was sympathetic to the Estonian government. One of the indirect results of this crisis was Russia's heightened concern with history. Russia has upgraded the treatment of Second World War monuments by Eastern/Central European authorities onto the list of criteria used to assess the state of bilateral relations. Positive examples in this respect are Austria and Slovakia, which, much to Russia's liking, have demonstrated sensitivity to the graves of Russian soldiers killed during the Second World War. The negative attitude by Estonia (as well as Poland) instead has

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<sup>67</sup> *Strana.ru*, 10 October 2004.

<sup>68</sup> <http://lenta.ru/story/campaign/>

<sup>69</sup> [http://lenta.ru/news/2007/05/08/goods/\\_Printed.htm](http://lenta.ru/news/2007/05/08/goods/_Printed.htm)

<sup>70</sup> [http://lenta.ru/news/2007/04/27/council/\\_Printed.htm](http://lenta.ru/news/2007/04/27/council/_Printed.htm)

allowed Russia to discursively identify itself with 'true European values' including the observance of minority rights and the condemnation of fascism in contrast to Tallinn's behaviour.

Yet not only has Russia failed to engender a normative impact in relations with Estonia, Moscow's reliance on history as a measure of amity/enmity with third states is extremely vulnerable for three reasons. First, Russia's own treatment of Second World War monuments and the socio-economic treatment of war veterans is far from satisfactory. Second, Russia has been unable to garner meaningful support from CIS countries in its confrontation with Estonia, illustrating Russia's weak normative appeal in its 'near abroad'. Third, drawing on history plays into another divisive debate within Russia: that of Russia's own identity. In the dispute over the Second World War monuments, Russia has positioned itself as the successor of the Soviet Union. Yet in other instances, Russia's articulation of its identity draws on different historical legacies. An interesting example of this confusion relates to an incident that took place in Odessa, Ukraine, in August 2007, when the municipal authorities removed the monument to 'Potiomkin' sailors (an emblem of Russia's revolutionary past) and replaced it with a monument to Katherine the Second (a symbol of Russia's imperial tradition), leaving Moscow at a loss as to whether and how to react.

In Russian-Estonian relations, what explains Russia's (largely) normative approach coupled with its failure to achieve normative results?

### *Internal context*

Russia's policy goals towards Estonia have been greeted by a rare show of unanimity amongst Russian policy-makers and commentators who believe that Tallinn's 'cultural distancing' from (or 'cultural revenge' against) its Russian-speaking minorities reflects a clear clash with European norms. A presidential representative put it bluntly: Estonian authorities "little by little push European countries to a comprehensive rethink of the Second World War. The actions undertaken by Estonian authorities challenge post-war political traditions in Europe, including those condemning Nazism. We do not want these so-called neophytes, people with exaggerated self-assessments and profound historical complexes to negatively affect European public opinion" (Yastrzhembskii, 2007). At the core of the crisis rests Estonia's (mis)perception of Russia as an extension of the USSR, a Cold War loser and a country still bearing the historical guilt for the



occupation of the Baltic states. This perception contrasts with Russia's self-assessment as a country that rid itself of Communism just like Estonians did and that was a victim of Communism just like other post-Soviet countries were. Against this background, the Russian public debate often expresses the hope that through the EU, Estonia may be induced to respect human rights.

### *Internal capabilities*

Internal capabilities play a significant role in explaining Russia's limited use of coercive means despite the unanimous condemnation of Estonia's positions. First, economic sanctions against Estonia were opposed by Russia's business community, which exerted strong pressure on hardliners in the Kremlin. As reported by the Russian media, Russian business has significant interests in various sectors of the Estonian economy, including the banking sector, tourist infrastructure, seaport facilities and transport routes (Kevorkova, 2007, p. 34). Second, Russia has strong political interests in not completely disrupting relations with Estonia. Estonia plays an important role in the Finno-Ugric culture, which is viewed in Russia as an important pathway linking Russia to Europe due to the large share of the Finno-Ugrian world in Russia. The absence of an Estonian delegation in the World Finno-Ugrian Congress in Saransk, Russia in 2007 was viewed as an important blow to Russia and questioned Moscow's ability to influence Estonia.

### *External environment*

The Russian-Estonian tug-of-war must be placed in the external context of discursive asymmetry between the EU and Russia. Many have argued that Europe's identity is constructed in opposition to its own past (Diez, 2005). This contrasts sharply with Russia's identity construction, which is derived precisely from a glorification (rather than repudiation) of its history. Against this background, the Russian-Estonian crisis must be located within two wider discursive frameworks: the 'new-old Europe' and the related 'true-false Europe' dichotomies. 'False Europe', as dubbed by some Russian intellectuals, includes countries with strong anti-Russian sentiment that have lost touch with 'genuine European values'. 'True Europe' includes Russia-friendly states that adhere to 'the original spirit of Europe'. What is interesting about this classification is that 'false' Europeans, according to Russia, are those which have latched on to their national(ist)

spirit and deviate from the European normative mainstream. The EU is thus viewed as the 'norm-setter', which 'false' Europe fails to comply with, making trouble for both Russia and the EU and acting as America's 'fifth column in Europe'.<sup>71</sup> By referring to 'true Europe', Russia affirms its own European identity and indicates its circle of friends (Morozov, 2004a). It also explicitly invites an EU role in settling the crisis with Estonia. Yet, as Morozov (2004b) suggests, "the fact that Russian commentators assume the right to pass judgement on the Baltic States from the position of a 'true Europe'...does not necessarily imply that the Russian foreign policy discourse becomes structured in European terms. Russia does appeal to the norms of Europe, but stops short of applying the same norms to her own policy". This, coupled with intra-EU solidarity, is what makes Russian arguments less convincing to the EU.

### ***2.3 Realpolitik intended: Russia's policy towards Poland, 2004-***

Russia's policy towards Poland displays a *realpolitik* pattern of foreign policy. The new EU member states were keen to reposition themselves vis-à-vis Russia and play a useful role as newcomers. The most striking example of this was Poland's Eastern Dimension (ED), which was met by Russia with a great deal of suspicion and irritation. This case study focuses on the events that followed the debate on the Eastern Dimension blueprint.

#### *Goals*

The overall goal of Russia's policy towards Poland is non-normative: to prevent Warsaw from becoming a key voice in the EU's Eastern policy. Poland features in Russian discourse as a country with a devious political intent, fuelled by Washington and aimed at band-wagoning against Russia. Moscow does not hide that its attitude towards Warsaw is driven by geopolitical considerations. First, Poland is treated as an American satellite with limited capacity for independent foreign policy. Second and because of this, Russia believes it must block all Polish attempts to act as the EU's voice in its Eastern policy. Moscow believes that Poland, like other post-Soviet states, merely aims at distancing itself, and thus the EU, from

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<sup>71</sup> Echo Moskvy Radio website, April 28, 2004, <http://www.echo.msk.ru/interview/1.html>

Russia. Indeed, there are some indications that Poland's main stimulus is to "ultimately separate [ex-socialist countries] from the post-Soviet space" (Hyndle & Kutysz, 2002, p. 48). The failed ED was clearly biased towards the idea of a Europe of concentric circles with clear subordination to a single political centre. Moreover, Poland wanted to mould the ED as a continuation of its centuries-long conflict with Russia by gaining a voice in the EU and undermining any inclination in the EU to follow a 'Russia-first' policy. Unsurprisingly Russia believes that Poland is reluctant to accept EU policies in the neighbourhood and pushes the Union to distinguish Ukraine (and possibly Moldova and Belarus) from other neighbours (Kazin, 2003). Russia's reaction has been scathing. Political analyst Mark Urnov has dubbed Poland ("a small country", in his view) as being swayed by "foolish myths and prejudices of the crowd".<sup>72</sup> Filip Kazin (2003), in reference to EU neighbourhood policies, argues that "Poles ... fix the 'weight categories' and put one of the players [Russia] out of the competition, while the EU bureaucracy wants to place everybody on a level playing field, hold training exercises and see what comes out". The typical Russian interpretation of Poland's motives are framed in clear *realpolitik* terms: "Warsaw is pursuing a goal that has no direct relation to Moscow: to strengthen its position within a united Europe and to join the inner circle of the EU's most influential countries" (Lukyanov, 2007, p. 9).

### *Means*

Russia carried out its policies towards Poland through hard-nosed economic leverage. In 2006 Russia resorted to economic sanctions against Poland, having banned the import of Polish meat and poultry. The official explanation referred to the low quality of these food products. Yet this was met by widespread scepticism in Europe. The ban appeared to be an attempt on the one hand to pressurise Warsaw and on the other hand to protect Russian agricultural markets against EU-subsidised agricultural products. As put by President Putin (2007a): "the point is not only the meat supplies from Poland. We see this problem as one related to the EU subsidising of its own agricultural sector and throwing away its products to our market".

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<sup>72</sup> <http://www.strana.ru/print/147360.html>

Beyond leverage, Russia has also dealt with Poland through neglect and by dealing directly with the EU and minimising contacts with Polish diplomacy. This also suggests that in order to act as a credible intermediary, a regional actor such as Poland must be viewed as legitimate by both centres (the EU and Russia). Russia's own approach has not been normative. A perfect example of this was the celebration of the 750<sup>th</sup> anniversary of Kaliningrad-Kenigsberg, in which Russia deliberately excluded the delegations from Poland (and Lithuania). This event – attended by the leaders of Germany and France amongst others – was highly indicative of how Moscow (as well as Paris and Berlin) perceives decision-making in Europe. The Kaliningrad anniversary, which was supposed to manifest Russia's commitment to cross-border cooperation, ultimately incarnated Russia's *realpolitik* ambitions of belonging to and dealing exclusively with Europe's 'masters' at the expense of communication with smaller 'New Europeans' such as Poland.

### *Impact*

Russia has been rather successful in portraying Poland as a challenge to both Russia and the EU, as well as a complicating factor in EU-Russia relations. Russia effectively exploited EU criticisms of Polish foreign policy. For example Russia's media coverage of the 19 October 2007 European Council was rife with allegations that "it is Poland, not Russia, who scares Europe".<sup>73</sup> The (possibly temporary) congruence of views between Moscow and the EU of the Kaczinski brothers has given Russia a rare chance to present its concerns about Poland in a manner that resonates in the EU. In this setting, Poland's attempt to acquire a special role in the EU was hindered by both Moscow and Brussels. Russia was extremely reluctant to accept Poland's self-attributed role as the leading EU voice in the Eastern neighbourhood. By the same token, the EU was unwilling to entrust Poland with a special role in articulating its Eastern policy in view of its troubled relations with Moscow. In addition, Polish ambitions were seriously undermined by the Russian-German platform on the North European Gas pipeline project.

What explains Russia's *realpolitik* approach towards Russia and the EU's seeming acceptance of Russia's non-normative approach?

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<sup>73</sup> *Moskovskie novosti*, N 41 (1408), October 19-25, 2007. p. 14.

### *Internal context*

Poland was part of the Russian domestic discourse in several controversial ways. First, during the debates on the future of Kaliningrad, Poland gained the reputation of being a country that was reluctant to ensure transit and communication between mainland Russia and the Kaliningrad exclave. Second, Poland featured as a country that allegedly supported and helped orchestrate the 'orange revolution' in Ukraine, thus stimulating Kiev's shift away from Russia and towards the West. Third, Russia's temporary ban on Polish meat was discussed and justified in Russia as a necessary act of self-sufficiency, protecting Russian 'food security'. Fourth, there were numerous TV stories in the Russian media portraying Poland as a country prone to challenging the Russian interpretation of the Second World War, whereby Russia led the liberation of Eastern Europe from Nazism. All these aspects help explain the antagonistic context in which Russia's possession goals towards Poland were formulated.

### *Internal capabilities*

Russia acknowledges that its resources to influence Polish policies are limited. As such, throughout the 1990s and beyond, Russia adopted a classical 'wait-and-see' approach that ended in Russia's inability to formulate a strategy in anticipation of Poland's NATO and EU accession. The question of which policy instruments were to be used with regards to countries like Poland was never seriously raised in Russian public and elite debates. Moreover, Moscow seemingly felt more comfortable discussing Poland-related problems in dialogue with Brussels (concerning a variety of border-related issues) or Washington (concerning the deployment of the new anti-missile system) than directly with Warsaw. In the fall of 2007, with the electoral victory of Donald Tusk's party, the Kremlin instead began appreciating some of the reconciliatory moves undertaken by the new Polish government, including the fulfilment of Russian demands to deploy quality control experts in Polish meat-processing factories. This clearly suggests that Russia is inclined to use essentially (coercive) economic levers in relations with antagonistic countries like Poland, while leaving hard security questions for discussion with major powers such as the United States and NATO.

*External environment*

Initially, there were some positive openings in Russian-Polish relations, which were unfortunately lost in time. To bolster its membership credentials within the framework of EU accession in the late 1990s, Warsaw was eager to present itself as a constructive source of innovation to the EU, offering solutions on issues such as border visa policies (i.e., introducing multiple single day entry visas and the 'delimited territory Schengen visas'). Within the ED framework, Poland wished to demonstrate to the EU that the Union's future Eastern border regions were diverse and had special needs, and thus required differentiated EU policies (Gromadzki & Osica, 2002). At some point a Polish spokesman even forecasted that the ED would have a larger and more multilateral scope than its sister initiative in the North (the Northern Dimension) (Kokoncuk, 2003). In this light, some experts from Warsaw made it clear that enforcing the Schengen *acquis* would have detrimental effects on the candidate countries' relations with their Eastern neighbours, failing to prevent organised crime but potentially becoming insurmountable obstacles for thousands of ordinary citizens (Boratynski & Gromadzki, 2001). Many Polish authors claimed that for EU newcomers the problem of Kaliningrad ought to be ranked higher than for the Union's founding fathers, suggesting that Poland's future EU membership could raise the likelihood of a visa-free deal with Russia. Criticising the EU's 'one size fits all' approach was also part of the Polish discourse in those years and it was widely argued that it was because of the EU that Poland (and Lithuania) were forced to introduce visa requirements for Kaliningrad residents (Gromadzki & Wilk, 2001, p. 9).

Yet following Poland's EU accession and the rise to power of the Kaczinski brothers, the Polish scene radically changed, sharpening disagreements between Moscow and Warsaw. An additional factor that further complicated relations was Poland's acceptance of American plans to deploy anti-missile infrastructure on Polish territory. The Russian military establishment interpreted this move as another proof of Polish enmity and Poland's alignment with US-sponsored military plans directed against Russian security interests. Casting Russian-Polish disagreements within the wider frame of Russia-EU relations suggests that both Moscow and Brussels have pragmatically used the Polish veto as a good pretext for slowing down EU-Russia dialogue. Besides, Russia tried to take advantage

of the Polish veto given that Russian energy policy towards Europe may be facilitated by Russia's expected fragmentation of a united EU front.<sup>74</sup>

## ***2.4 Realpolitik unintended: Russia's policy towards the 'colour revolutions' since 2003***

Russia's policy toward the countries of the 'colour revolutions' (Georgia and Ukraine) provides an interesting case of a *realpolitik* response to a normative challenge. Here we see one of the deepest discursive gaps between the EU and Russia: the former prefers to frame its policy towards the revolutions in normative terms (i.e., promoting democracy and civil liberties) while the latter claims that crude *realpolitik* lies at the kernel of Western interference. In fact, Russia denies the normative appeal of the colour revolutions, reducing them to power confrontations. This case study covers the events that followed the colour revolutions in Ukraine and Georgia since 2003.

### *Goals*

There are two possession goals that Russia pursues in its neighbourhood: to prevent the advent to power of anti-Russian regimes, and to block any prospect of exporting the 'colour revolutions' to Russia proper. The Kremlin dubs "the so-called colour revolutions in Ukraine, Georgia and Kyrgyzstan" as a Western ploy to install pro-American regimes in Russia's periphery and then engineer a regime change in Russia itself" (Trenin, 2005, p. 1). For Russia, the colour revolution countries are perceived as troublemakers: relations with Ukraine have been complicated by Kiev's increasing orientation towards EU and NATO, while Georgia has also been accused of supporting Chechen separatists. Russian policy-makers view Georgian and Ukrainian initiatives with irritation and as an indication of these countries' malevolent intentions towards Russia. Hence, Russia's negative reactions to the political events in Georgia after Eduard Shevardnadze and in Ukraine after Leonid Kuchma. In both cases, post-revolution developments are not seen as having engendered democracies of superior quality to than in Russia. On the contrary, the political systems established by President Yuschenko and President Saakashvili are

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<sup>74</sup> *Kommersant*, June 22, 2007, p. 9.

frequently presented as being inferior to that in Russia: Ukraine is going through a period of intense instability and threatened fragmentation/disintegration, while Georgia has established a hyper-centralised authoritarian and repressive regime. While moving in different directions, developments in both Georgia and Ukraine confirm Russia's negative attitude to the revolutions and their aftermath. Another geopolitical reason for Russia's reaction to the revolutions is Moscow's disappointed expectations with the West after September 11<sup>th</sup>, in which Russia hoped to be recognised as a much closer Western and European ally than any other post-Soviet country. In this sense, the colour revolutions supported by the West designated a Russian failure to be treated as "dealer of the European values all across the ex-Soviet space" (Remizov, 2005).

### *Means*

In the case of Ukraine, Russia used strong political pressure to force Kiev to make concessions in two important areas. The first is the recognition of Russian as an official language in Ukraine, given that the majority of Ukrainians are Russian-speakers. The second is to prevent Ukraine's NATO integration, given Russia's strategic plans to maintain a military presence in Sebastopol. To pursue these objectives Russia has used a variety of non-normative instruments:

- manipulating energy prices;
- interfering in the 2004 electoral campaign through the participation of Russian experts in electoral engineering;
- manipulating border demarcation: in 2003 the small island of Tuzla near the Taman peninsula became a source of serious tensions between Russia and Ukraine as a result of Russian attempts to build a dike there.<sup>75</sup>

In the case of Georgia, Russia has reacted to Saakashvili's anti-Russian policy by meddling in the situation in the breakaway republics of Abkhazia and South Ossetia, which gravitate towards the Russian sphere of influence. In doing so, Russia has used a variety of coercive instruments:

- introducing a visa regime which targets thousands Georgians who temporarily (and sometimes unofficially) work in Russia. The

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<sup>75</sup> *Komsomol'skaya pravda*, October 16, 2003, 4.



Russian government is fully aware and is ready to exploit its economic leverage, which includes energy supplies and the attractiveness of the Russian labour market for Georgian citizens.

- Exerting military pressure (incidents have included the violation of Georgia's airspace and the bombing of unspecified military air jets). It is not surprising that, according to a high-ranking Georgian official, it is Russia that plots terrorist acts against Georgia.<sup>76</sup>
- banning the import of Georgian wine and mineral water under the pretext of the bad quality of these products;
- granting Russian citizenship to residents of South Ossetia and Abkhazia, a policy which may lead to the de facto integration of these secessionist republics into Russia. Interestingly, in August 2007 the Russian Foreign Minister defined the residents of North Ossetia (in Russia) and South Ossetia 'a single people'.<sup>77</sup>
- Conducting anti-Georgian media campaigns in Russia, which provoked – perhaps unintentionally – repressive and discriminatory actions against Georgian owners restaurants, nightclubs and casinos in Moscow and other major cities in Russia.

### *Impact*

Russia's *realpolitik* policies towards Georgia and Ukraine have unwittingly provoked a normative reaction from the West. More specifically, the establishment of the Community of Democratic Choice, as well as the deepened integration of Georgia and Ukraine in EU and NATO institutional spheres are good indications of this trend. The revival of the 'orange coalition' in the aftermath of the Ukrainian parliamentary elections in September 2007 could also be viewed as a normative development. Russia eventually accepted the normative challenge and counterattacked in normative terms. For example, a State Duma statement of 2 October 2007 accused the Saakashvili regime of violating democratic principles and human rights, including tightening control over the opposition and repressing dissidents. Such a response cannot be simply viewed as an

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<sup>76</sup> Antadze attacks Russia's anti-Georgian campaign, *The Messenger*. N 172 (1192), September 12, 2006, p. 1.

<sup>77</sup> *Expert*, N 30, August 20-26, 2007, p. 4.

opportunistic *realpolitik* response covered in normative clothing given the absence of a genuinely pro-Russian opposition in Georgia. An important factor that has strengthened Russia's normative reaction was the West's gradual and reluctant appreciation, beginning in November 2007, that there is indeed significant popular discontent in Georgia against "a clique that will neither tolerate dissent nor engage in dialogue with the opposition".<sup>78</sup> These assessments coincide with the dominant view in Russia. Russia, by the same token, has accused Western countries of backing Saakashvili's "illusionary democracy" which, in Russian eyes, is oligarchic and despotic (Demurin, 2007, p. 16).

What explains on the one hand Russia's *realpolitik* policies in Ukraine and Georgia, and on the other hand the West's normative reactions to these revolutions and Russia's increasingly normative counter-response?

### *Internal context*

Russia's disdain for the colour revolutions is strongly supported by a nationalist and power-driven discourse. This explains Russia's non-normative goals vis-à-vis these countries and the coercive policy instruments used towards them. At the same time, Russia's nationalist drivers of policy, are facing several challenges, explaining the recent normative turn in Russia's policy response. On the one hand, the policy of confrontation with Georgia and Ukraine has clear cultural limitations since both countries are widely perceived as being culturally close to Russia and sharing similar historical and religious legacies. On the other hand, some in Russia are beginning to appreciate the fundamental miscalculation underpinning the Kremlin's policy: the assumption that "if they get rid of this pro-western leadership, it will naturally be replaced by a pro-Russian leadership. There is almost no pro-Russian constituency in Georgia" (Dunbar, 2006, p. 2). Even Ukrainian former Prime Minister Yanukovich, despite his political rhetoric, cannot be considered as a genuinely pro-Russian politician. In other words, as Russia appreciates that it is gradually losing its political leverage over its near abroad, it may gradually rid itself of its imperial approach and reframe its policy in a more pragmatic way.

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<sup>78</sup> Georgians chastise once-popular leader, *International Herald Tribune*, November 3-4, 2007, p. 3.

### *Internal capabilities*

While Russia continues to use coercive policy instruments towards Georgia and Ukraine, empowered by its significant leverage on these two countries, there has been a noticeable shift in Russia's policy tools used especially towards Ukraine between 2004 and 2007. A revealing indication of this was President Putin's statement that "if the West wishes to support the 'orange movements', let it pay for them. Otherwise the impression is that you wish to support them and simultaneously make us pay for that" (Putin, 2007a). This statement indicates the Kremlin's more pragmatic – albeit cynical – acceptance of the status quo in these countries and its abandonment of staunch political/ideological opposition to be pursued with any means at its disposal. Putin's declaration suggests Russia's gradual acceptance of Ukrainian independence, whose relations with Russia do not fit any longer into a 'patron – client' framework.

### *External environment*

Russia's stance vis-à-vis the colour revolutions can be analysed within the wider framework of developments in the Baltic-Black Sea region (BBSR). The BBSR, being deprived of any sense of cultural and social cohesiveness could emerge as a political project in order to expand the zone of democracy in EU-Russia border regions. The idea of countries such as Poland, Lithuania and Estonia to construct such a region has been strongly inspired by the colour revolutions in Ukraine and Georgia. An important element in this idea relates specifically to the Caucasus. The aspiration to transfer the Baltic experience with democratisation to the south is often flagged by 'New Europe' countries, and rhetorically backed by the US and the EU. Russia naturally has strong interests in deconstructing the 'Baltic-Black Sea' equation both politically and semantically. Moreover, Russia has considerable experience in playing divide and rule with its neighbours.<sup>79</sup> However, this logic does not seem to work in the case of the BBSR. Most Russian opinion-makers have unexpectedly acknowledged the existence of

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<sup>79</sup> For example, Lithuania – as Russia's closest partner in the Baltic – is usually contrasted with the more unfriendly Latvia and Estonia. Finland, as the most trusted among Russia's interlocutors in Northern Europe, has been pitched against Denmark. Pro-Russian Armenia instead is instead often contrasted with US-oriented Georgia.

the BBSR and based upon it geopolitical reflections. Arguably, Russia badly needs an imagined BBSR in order to corroborate some of its foreign policy assumptions. Instead of questioning the coherence of this imagined entity, Moscow has used this region-building project as a means to symbolically construct Russia's identity in opposition to allegedly unfriendly 'New Europe'. The BBSR may thus turn into Russia's new 'other', an unidentifiable political object which nevertheless may be used pragmatically to nourish Russian nationalism.

### ***2.5 Imperial intended: Russia's war on terror, 2001-***

Russia's 'war on terror' fits, by and large, into the imperial category in view of the normative coating of Russia's foreign policy goals coupled with its authoritarian decision-making style. This case study covers the period following the 11 September 2001 terrorist attacks.

#### *Goals*

Although Russia's goals in the 'war on terror' can be formulated in security terms, they also have strong normative connotations (which however differ from those in the normative intended and unintended case studies). Norms in the imperial case studies mean the protection of peace and avoidance of violence directed against legitimate governments. Moreover, there are some indications that Russia's political class shares the view that "if we are to deal with new terrorism in any normative way, then we should address the entire sequence of mobilization, complex causes, radicalization process and active symptoms of terrorism, in a 'genuinely multi-pronged' approach" (Manners, 2006, p. 413). It is within this framework that one can analyse the normative dimension of Russia's war on terror. This dimension includes the attempt at normalising Chechnya through development and the rule of law, and fighting xenophobia, extremism, and religious fundamentalism across Russia.

#### *Means*

The Russian debate on the war in terror has concentrated primarily on the adequate means to be employed in the anti-terror campaign. The Kremlin shares a widespread view that anti-terrorism measures require political will rather than a strict observance of international and internal law. The need for political leadership and will reflects the inclination to pursue

policies through authoritarian means. For instance, President Putin's increased authority after the 2004 Beslan tragedy enabled him to take controversial political decisions such as abolishing popular elections of governors, rather than following democratic procedures.

The same goes for Russia's appeal to EU member states (particularly Denmark and the UK) to restrict the activities of groups considered by Moscow as being close to Chechen terrorists. Particularly noteworthy was the dispute between Russia and Denmark in 2002, when the World Chechen Congress was convened in Copenhagen. Russian officials felt that the Congress should be banned in view of its security implications, whereas Denmark refused this securitised logic and rested its arguments on the logic of the rule of law. In other words, Moscow reasoned that terrorism, as a radical violation of all 'rules of the game' should leave no room for compromise. Danish responses regarding the legal obstacles preventing a ban on the Congress were interpreted in Russia as a deplorable political excuse for inaction. As a footnote, it is remarkable that a few years later it was the EU that resorted to a similar line of reasoning, accusing Russia of political manoeuvring in its energy policy, to which Russia rebuked that its stance was justified by technical rules and regulations that could not be violated.

Another interesting example was during the Danish 'cartoon crisis'. There are two aspects of this discourse worth noting. First, while Russia accepted the normative value of civil liberties, it claimed that these should be curtailed in view of the political/security repercussions from the Muslim world. Many argued that security matters related to religion cannot simply be regulated by law and require exceptional political decisions. "Only a narrow-minded idiot can be misled by incantations about the allegedly sacred freedom of speech" argued Sergey Pereslegin (2006), a Russian political analyst. Others have declared that the Danish stance was an "outrageous and disgraceful occurrence", or even "immoral prank".<sup>80</sup> Russian officials sharply criticised the Parliamentary Assembly of the Council of Europe (PACE) for siding with the Danish journalists. The chairman of the State Duma Committee on International Affairs expressed his regret that "Europe failed to draw far-reaching conclusions after the

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<sup>80</sup> The statement of the representative of the Republic of Ingushetia in the Council of Federation Issa Kostoyev, at <http://www.regions.ru/news/1950800/>

caricature scandal”, implying that Russia should set a more positive example.<sup>81</sup> Putin’s personal response to the Danish authorities also referred to the need for a political response in such exceptional situations: “if the state is incapable of preventing (the publication of such cartoons), it at least has to apologise for this inability”.<sup>82</sup> Hence, the logic goes, in sensitive cases prone to public unrest and mass violence, authorities should make exceptions to established rules guaranteeing freedoms.

Second, the cartoon crisis induced Russia to go a step further. During the crisis, the first Deputy Chairman of the State Duma declared that the publication of the cartoons “is much worse than a mere mistake; it is almost a crime”.<sup>83</sup> In other words, what was criminalised in Russia, was not an eventual banning of the cartoons (in violation of civil liberties), but rather the insult to millions of Muslims across the globe. In the conflict between freedom of speech (the norm) and anti-religious sacrilege (the exception), higher value is attached to the latter. In 2006, there were several legal cases initiated by Russian authorities against media outlets and web portals that either reprinted the Danish cartoons or published comments on them. In security issues, Russia has thus played with two arguments. The first, addressed mainly to European audiences, appeals to the policy of exceptions in cases of emergency. The second, going a step further and coined for domestic consumption, claims that the government should criminalise attempts to transfer to Russia EU standards of freedom of speech as applied to sensitive ethno-religious issues.

### *Impact*

Russia – like many other states – is learning to react to the challenge of terrorism, experimenting with different responses. One reaction has had normative connotations and is grounded in the efforts to promote the peaceful coexistence of different ethnic groups and Russian multiculturalism. An expression of this approach is the concealment of the ethnic origin of terrorists. For example, in September 2007 a State Duma bill proposed to ban all references to the ethnic background of criminals. Another Russian reaction has been the association of terrorism with other

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<sup>81</sup> “Pravoslavie.ru” web site, January 25, 2007.

<sup>82</sup> <http://www.regions.ru/news/1950800/>

<sup>83</sup> “United Russia” party web site, [www.edinoros.ru](http://www.edinoros.ru)

threats. At the 2007 Shanghai Group summit, President Putin set out a triad of 'common threats' - 'terrorism, separatism, extremism'. A logical extension of this broad understanding of terrorism leads in a non-normative direction, since it may be used for all sorts of purposes, including discrediting the Kremlin's political opponents. In fact, terrorism has turned into one of the most effective weapons of verbal denigration of the opposition. For example, the St. Petersburg-Moscow train crash in August 2007 was covered by the Russian media as a terrorist act presumably related to the forthcoming elections. Yet this type of discourse has not been effective to date. In the train crash incident four different hypotheses were publicly discussed, including 'Chechen terrorists', Russian radical nationalists, criminals, and youth groups playing war games. What is interesting in this menu of choices is that it groups together drastically different groups (professionals and amateurs, Russian nationalists and Chechen extremists). Hence, on the one hand, the Enemy is perceived as multifaceted, reducing the mobilising potential of anti-terrorist discourse. Yet on the other hand, the conflation of opposite interpretations of terrorism provides an additional justification of repressive measures.

What explains the normative undertones of Russia's framing of the war on terror, coupled with the non-normative choice of policy means and the mixed albeit partly normative impact of Russian policies?

### *Internal context*

The internal political context is driven by Russia's experience of the war in Chechnya and the international criticism it faced due to mass-scale human rights violations. Chechnya explains why President Putin decided to ban the elections of the regional chief executive in the aftermath of the Beslan hostage crisis. The dominant attitude in the Kremlin presumes that only through a recentralisation of power in federal institutions can terrorism be defeated in Russia. By the same token, the issue of terrorism demonstrates the multiple links between foreign and domestic policies and the growing overlap between Inside and Outside. The Internal Enemy is typically presented as a projection and continuation of the External Enemy.

### *Internal capabilities*

The menu of Russia's internal capabilities in the field of anti-terrorism is rather complicated. On the one hand, Russia often applies extra-legal

means to fight domestic terrorism; on the other hand, it tries to legitimise its actions by referring to legal arguments (e.g. the government accused Russian media outlets that reprinted the Danish cartoons of violating 'hate speech' legislation). Regarding the use of policy instruments, the Russian debate is split. Some equate terrorism with a particular type of political challenge; others view terrorism as criminal acts that require a legal response; while others still interpret terrorism as an expression of mental deviation. These interpretations are to some extent linked. The perception of terrorism as radical expression of enmity sets the frame for discursive politicisation. Yet as soon as this frame is replaced by one that views terrorism as a mental deviation, the situation ceases to be understood through the prism of normal politics and focuses on techniques of social control, regulation and adjustment. At the same time there are clear tensions between different interpretations. As far as the terrorists are concerned, there is a tendency to present criminal acts as being politically driven and yet requiring a political justification. As far as the victims are concerned, in so far as the legal system may fail to produce an adequate response to violations, the tendency is to bypass the law and seek an overtly political response.

### *External environment*

Finally, the international environment, while not helping much in understanding the (partly) normative impact of Russia's approach to terrorism, has reinforced Russia's tendency to act in an imperial fashion (i.e., pursuing normative goals through non-normative means). The external environment has been a highly divisive issue in Russia. On the one hand, the US experience is viewed as problematic and anti-terrorist cooperation with the UK was frozen due to the 'Litvinenko scandal'. On the other hand, Russia is increasingly distrustful of the activities of international organisations in the North Caucasus and considers that the British and Danish governments have been too soft on Chechen terrorism. It is the combination of these factors that condition Russia's unilateral/imperial type of conduct in this policy area.

## ***2.6 Imperial unintended: the Russian-British dispute over the 'Litvinenko case', 2006***

This case study focuses on the critical worsening of Russian-British relations as a result of Alexander Litvinenko's murder in London in 2006.



### *Goals*

There are two tactical and one strategic goal in Russia's policy in the Litvinenko case. Among the tactical goals, Russia wanted to disavow widespread accusations of having commissioned the killing of a former KGB agent in London and turn the case against tycoon Boris Berezovsky in order to induce the UK to extradite him to Russia. Moscow's strategic goal was to stage a showcase of Russia's rising power, self-assertiveness and sovereignty. Both tactical and strategic goals were framed through an explicitly normative discourse. Officially, Russia framed the problem in legal terms. It was the UK which, in Russian eyes, politicised the situation by alluding to Russia's inadequate legislation that made it impossible to extradite Andrei Lugovoi, by referring to Lugovoi's goodwill in accepting trial in the UK, and by attempting to extract sensitive information from Lugovoi to discredit Russian politics and President Putin. Yet while Moscow self-confidently asserted its legal and apolitical approach to the problem, this was widely doubted elsewhere. A strong nationalist and sovereignty-based discourse was in fact hidden between the lines of Russian arguments, as exemplified by anti-British statements by people like Vladimir Zhirinovskii, Mikhail Leontiev and other conservative opinion-makers in Russia.

### *Means*

Russia used hard-nosed economic leverage towards the UK in response to British policies. Moscow threatened to boycott British goods in Russian markets. As put by Viacheslav Nikonov: "starting from this point, British business will face more difficulties in Russian markets".<sup>84</sup> In other words, in this case (as in others), Russia manifested its readiness to use economic levers as an overtly political weapon beyond the confines of the law. In the Russian-British tug-of-war political divisions were deemed by both countries as constituting a sufficient reason to reconsider bilateral economic relations. Finally, Russia attempted to discredit the UK within the EU by accusing it (as in the case of Poland) of being indiscriminately anti-Russian and undermining EU credibility in relations with Russia. The 'Litvinenko case' became another instance in which Russia attempted to sow European divisions by distinguishing between 'good' and 'bad' Europeans.

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<sup>84</sup> *Moscow News*, № 28 (1395), 20-26 July 2007, p. 13.

### *Impact*

The effects of this conflict are explicitly non-normative. First, the Litvinenko case ended in a diplomatic scandal between Moscow and London, with four diplomats from each side being expelled from the diplomatic service. Second, as a measure of retaliation against the UK, Russia announced the end of bilateral cooperation against terrorism. The two countries were deeply divided over the security implications of the case. For the UK, Litvinenko's murder was a terror-related case; while for Russia the key issue was Britain's unwillingness to extradite Akhmed Zakayev, who is accused in supporting terrorism in Russia. These divisions resulted in M15 Chief Jonathan Evans' assessment of Russia as an unfriendly country that diverts British resources to the illegal activities of Russian intelligence officers.<sup>85</sup> Third, Britain complicated its visa policy towards Russian public officials.

What explains Russia's policies and its results in the Litvinenko case?

### *Internal context*

The 'Litvinenko-Lugovoi affair' was framed in Russian domestic politics as a question of power and sovereignty. It is against this backdrop that one has to read Russia's strong rhetoric against the UK, whose actions were viewed as "provoking", "shocking" and "insulting". On a more practical level, this case was intimately linked with figures such as Boris Berezovski, Akhmed Zakayev and other émigrés with a very bad reputation within Russia. Thus, Russian law-enforcement agencies accused Berezovski - an oligarch residing in London - of 'sponsoring terrorism' by supporting Chechen guerrillas and plotting the murder of Litvinenko in London.

### *Internal capabilities*

The Russian public and mass media induced or did nothing to stop the authorities from tackling the case through non-normative means. The case was widely perceived as an entertaining spy story, without a normative dimension. Andrei Lugovoi was also portrayed as a high-profile media personality and political figure (he ran second and was elected in the

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<sup>85</sup> *USA Today*, November 6, 2007, p. 2.

Zhirinovski-led LDPR party in the 2 December 2007 elections of the State Duma).

### *External environment*

In the 'Litvinenko-Lugovoi case', the international environment was highly critical of Russia, criticising Moscow's inclinations to assert its independence and pursue its interests through all means available. This largely explains the non-normative results of the incident. Moscow failed to receive meaningful support from foreign governments and was isolated. The incident deteriorated Russia's image across the West, along with the murder of journalist Anna Politkovskaya. Under these circumstances, Russian policies towards the UK led to largely non-normative outcomes.

### **2.7 *Status quo intended: Russia's policy in Kaliningrad, 2000-***

Russia's policies in the Kaliningrad dispute have been and continue to be characterised by a status quo type of international behaviour. The time frame of this case study ranges from the turn of the century to the present.

#### *Goals*

Former presidential representative to Kaliningrad Dmitrii Rogozin, considering Kaliningrad "a matter of principle", made clear that Russia's political goals in the dispute should be prioritised over normative ones, followed by the settling of administrative technicalities.<sup>86</sup> Russia's overall political strategy has consisted of maintaining unchanged the status of the Kaliningrad Oblast (KO) in the Russian Federation, including the full implementation of Russian laws that regulate the internal affairs of the Oblast and its relationship with the federal centre. Russia did raise normative justifications for its policies, including the norms of 'dignity', 'respect', 'pride' and 'honour'. Yet these were pursued as legitimising elements in the attainment of Russia's possession goals, to be defended against the EU, which was viewed as undermining Russian sovereign rights in the KO. The EU in turn claimed to pursue its own status quo logic – the application of the *acquis communautaire* to the Russian enclave. The clash of these two status quo logics defined the nature of the conflict as 'a

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<sup>86</sup> D. Rogozin's web site, [www.rogozin.ru/massmedia/indirect/351/](http://www.rogozin.ru/massmedia/indirect/351/)

never ending process of constructing a boundary between ‘us’ and ‘them’, good and evil, and an acute fear that if this boundary is damaged, the identity of the community will be destroyed...Needless to say, such a discursive setting is hardly conducive to openness and de-bordering’ (Morozov, 2004a). Yet while both Russia and the EU applied a status quo logic to their goals in Kaliningrad, Moscow overtly applied a political logic to the issue, calling for a political move which is “not predetermined by the ‘original’ terms of the structure” and “requires a passage through the experience of undecidability ... to a creative act” (Laclau, 1996, p. 54). Russia argued that the EU should take a political decision to add “one more deviation from the strict rules to the already long list” of allowed exceptions (Moshes, 2004, p. 68). The EU insisted on a technical normative logic, giving a clear priority to the observance of the rules and regulations stipulated in Community law.

### *Means*

Russia and the EU however tackled the KO issue through normative means by implementing the idea of a pilot region. KO, as a pilot region, was designated as a new normative space to experiment with new opportunities. On the one hand, the pilot region idea fits a constructivist logic that asserts that regions are not predetermined entities but cognitive constructs. On the other hand, the pilot region notion has strong connotations with the business world and emerges from a culture of regional planning and spatial development, which gained prominence in Russia in the 2000s. The KO dispute was thus tackled as a ‘project’ to be implemented, and this greatly helped the desecuritisation of a potentially divisive problem. The ‘pilot project’ acted as a tool to bridge the gap between Russia’s highly politicised discourse on KO and the EU’s technical stance. The KO lent itself to the project owing to two main reasons. First, there is a widespread feeling that the KO, created as an administrative unit directly governed from the centre was somewhat dysfunctional in the post-Soviet context. The KO was in search of a new trans-regional identity, being pushed towards the periphery and deeply dissatisfied with its status. Second and related, not only the KO, but the Baltic region as a whole, has traditionally been open to new ideas. In so far as old patterns of regionalism had become obsolete, new ones had to be invented. In particular, the creation of the ‘Baltica’ Euro-region (which includes the KO) represented an attempt to multilateralise the regional agenda and enhance innovation, market solutions, consumer protection and provide better

access to public goods and services. It also represented a region of innovation and progress, i.e. “a learning region” (Asheim, 2001) as well.

### *Impact*

The KO dispute was partially de-securitised by:

- a) Placing EU-Russia visa-free travel on the bilateral agenda;
- b) promoting the environment, anti-corruption programmes and other soft security issues on the bilateral agenda;
- c) Russia’s increasing focus on technical issues such as upgrading ferry and aircraft communications between Kaliningrad and mainland Russia; improving border crossing arrangements; downsizing the shadow economy; raising managerial standards and providing KO residents with proper international passports;
- d) Negotiating a re-admission treaty with the EU.

Yet at the same time, results are not fully normative. The pilot region discourse while accepted in theory, still lacks clarity in practice. A first approach is liberal/reformist, presuming that the KO might become a pilot or litmus test for liberal reforms in Russia. A second reading considers the pilot region idea as a means to extract privileges for the KO from the federal centre and the EU, and as such it has triggered negative reactions from other regions. A third interpretation is rooted in Russia’s defensive discourse, claiming that the KO as a pilot region would act as a Western Trojan horse into Russia. A fourth approach views the pilot region idea as a transnational cooperation project, experimenting in trans-boundary multi-level governance in soft security issues.

*Table 3. Four interpretations of the ‘pilot region’ concept*

	<b>A: Periphery/margins</b>	<b>B: Specificity/normality</b>	<b>C: Political/ technical</b>
<b>1. Testing liberal reforms</b>	Useful marginality	Specificity as a disadvantage	De-politicisation
<b>2. Promoting local interests</b>	Useful marginality	Specificity as a main advantage	Politicisation in the framework of centre-periphery relations
<b>3. Strengthening Russia’s status</b>	Peripheral	Ambiguous	Deliberate politicisation
<b>4. Transnational cooperation</b>	Useful marginality	Specificity as a practical advantage	De-politicisation prevails

Table 3 above analyses these four interpretations, characterising them on the basis of several dichotomies: a) centrality/marginality; b) specificity/normality; c) political/technical.

The table requires additional comments. The 'peripheral vs. marginal' dichotomy offers valuable insights regarding where the KO is heading. The concept of margins draws from Noel Parker (2000, p. 6): unlike peripheries which are subordinated to centres, margins are autonomous spaces and as such able to develop independent strategies based on cooperation with adjacent territories. Unlike peripheries, margins are reluctant to accept subordination from the centre and participate in defining the nature of the core instead. Hence, in option 3A, the KO is doomed to remain a voiceless periphery, with limited possibilities to influence the two cores (Moscow and Brussels). In options 1A, 2A and 4A instead the KO is better placed to reinvent its marginal role and seize the opportunities available to new regional actors. The 'specificity vs. normality' dyad invites a different outlook. Does a 'pilot region' need to be specific and unique, or should it represent the norm? As opposed to 2B, in the case of 1B, the KO's uniqueness is a main source of disadvantage in so far as its liberal policies (e.g. tax privileges and maintaining visa-free travel to Lithuania for several years) were viewed as unrepeatable elsewhere in Russia. In 3B instead, Kaliningrad's specificity has an uncertain effect: while Russia recognises the KO's uniqueness as an asset in its negotiations with the EU, it refuses to apply special measures to manage the region effectively. Finally, in the 'political vs. technical' column, option 1C is promoted by technical experts, while 2C reflects the intricacies of Russian federalism: the more local interests are pursued, the greater the tensions between Moscow and the KO. As for 3C, Moscow intentionally politicises certain issues in order to retain control over public opinion. Option 4C is interesting in the sense that while depoliticisation is the norm, a reverse trend is possible, given that the KO's trans-national liaisons might eventually boost the region's claims for a stronger political status in the federation, triggering a backlash from Moscow.

### *Internal context*

The internal political context is characterised by two factors. First, the need to protect the territorial integrity of the Russian Federation and second the desire to benefit from the KO's peculiar location. The first factor reflects Moscow's vision and played a greater role in specifying the goals (i.e.,

possession goals), while the second best captures local interests and pushed Russia to tackle the situation through innovative normative means.

The federal centre was highly suspicious of EU moves in Kaliningrad and constantly highlighted its sovereignty interests in the dispute. This suspicion entrenched a mentality of clashing identities, which assumed that the EU was purposely complicating the situation in order to weaken the KO's links with Russia (Vladimirov, 2003, p. 11). Interestingly for example, Gleb Pavlovskii, a Kremlin spin-doctor, used the word 'sovereignty' 17 times in a two-page interview released after the EU-Russia meeting in Svetlogorsk in May 2002.<sup>87</sup> Pavlovskii's approach was distinctly realist. He argued that granting a special administrative status to KO residents would provoke a chain reaction in Tatarstan, the Kuril Islands and other potentially troublesome parts of Russia; and he raised concerns that local authorities would act in their self-interest to the detriment of the federal centre by allowing corruption and selling 'KO citizenship' to outsiders. Others, such as the ex-leaders of the 'Rodina' party, discussed the KO issue in emotional and nationalistic language. KO was described as being 'encircled' by unfriendly neighbours and thus that its subordination to the federal centre had to be restored.<sup>88</sup> The federal centre was inclined to react to the situation defensively because of its disorientation, faced with blurred borders, shifting identities and an uncertain hierarchy of actors (Morozov, 2004b). Moscow resisted the conceptualization of the KO within an emerging Baltic/Nordic region, fearful of losing its levers on the Oblast.

By contrast, regional authorities have been sceptical of both the EU and Moscow. Some favoured a more pro-Russian approach. For example, a local politician compared the process of NATO enlargement with Germany's "Drang nach Osten" (Chernomorskii, 2007). In 2003 local political forces issued an open letter protesting against the ratification of the border treaty between Russia and Lithuania, arguing that this would pave the way for Lithuania's NATO membership and its blackmailing of Russia.<sup>89</sup> Others used geopolitical arguments against Moscow, conceptualised as the other hegemonic core. From Kaliningrad's perspective, Moscow is often viewed as a threat to trans-border

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<sup>87</sup> <http://www.strana.ru/print/137124.html>

<sup>88</sup> *Mayak Baltiki*, February 13, 2003, p. 2.

<sup>89</sup> *Baltiiskaya gazeta*, N 6 (74), 20.02.2003, p. 4.

cooperation (Moshes & Nygren, 2000, p. 28), a source of trouble and injustice, and a “huge monster that pumps out local money”.<sup>90</sup> However others still, including regional authorities and the local population, more familiar with the realities in neighbouring Poland and Lithuania,<sup>91</sup> have resisted federal policies and called for an innovative normative solution to the dispute. In particular, the Baltic Republican Party, the leading voice of Kaliningrad’s separatism, advocates a referendum on the future status of the KO, proposing a republic associated with Russia that would negotiate its division of competences with Moscow.

### *Internal capabilities*

Russia’s domestic debate on what instruments it should use in the KO dispute have been intense. Some claimed that Russia faced technical and not political problems and should thus seek technical remedies such as upgrading communications, providing KO residents with international passports and welcoming new consulates in the KO.<sup>92</sup> According to this logic, what threatened the KO was not a new visa system, but Russia’s lack of resources to upgrade the region’s eastward communications (Smorodinskaia, 2007) and the absence of adequate EU financial support for the KO (Kobrinskaia, 2002). This reasoning favoured a desecuritized approach to the problem, which argued that if Russia as a whole was unable to behave as a Baltic country then some of its territories, such as the KO, might take the lead by applying European laws on Russian territory, including in spheres such as business regulation, environmental protection and product safety standards. In other words, whereas in other case studies Russia’s understanding of normativity has been strongly embedded in the assertion of Russia’s equal status vis-à-vis Europe, in the KO (as in the case of trans-border cooperation) a different understanding of normative action based on cooperation and multilateralism has taken precedence. Within this normative framework, one of the most debated issues has been the extent to which the KO should be treated as a ‘special’ region by Moscow. Whereas before most Kaliningraders would not distinguish themselves

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<sup>90</sup> *Mayak Baltiki*, N 6 (51), 2003, p. 4.

<sup>91</sup> On average a Kaliningrad resident travels abroad 10-12 times more often than an average dweller of provincial Russia.

<sup>92</sup> <http://www.politcom.ru/print.php?fname>



from Russians, today their 'special' identity is taking root, an identity which does not choose between Europe and Russia but carves its own space as an in-between region with a dual heritage: Russian and Soviet/Russian (Browning & Joenniemi, 2004). The logic favouring normative means seemed to prevail for a while given that in order to protect the status quo a special EU-Russia agreement and Moscow's special treatment of the KO were necessary. In other words, the KO was accepted as a pilot region (and thus a norm-setter) in EU-Russia relations because it was an exceptional case requiring innovative solutions (e.g., a special tax regime or simplified administrative procedures).

Yet this point of view continued to be met with opposition by federal bodies that feared that granting privileges and special rights would incite secessionist tendencies in the KO (drawn closer to the Baltic region and the West) and beyond. Hence, in July 2001 the National Security Council created a Governing Board of the Free Economic Zone, subordinated to the presidential representative of the North West Federal District (NWFD), which took over key regional competences. The Council on Foreign and Defence Policy also suggested that Kaliningrad should become a special federal unit without local elections and with a governor directly appointed by Moscow (Abramov, 2001, pp. 191-2).

### *External environment*

Having joined the Baltic region, the KO found itself in a controversial though stimulating environment, under multiple and sometimes conflicting external influences. In terms of religion, the Baltic region is located at the crossroads of Orthodox, Protestant and Catholic branches of Christianity; in ethnic terms, it crosscuts the Nordic, Slavic, and German/Prussian identities; in wider geocultural terms, it is the terrain where the Nordic and Baltic worlds meet each other as well as Central Europe. As such, the KO's external environment is a multi-tier patchwork "with varying degrees of Europeaness and Eastness" (Kuus, 2004). Furthermore, Kaliningrad may also benefit from an understanding of the EU's spatial order as set of overlapping circles, in which the KO may also find its place. But finding the KO's place in the Nordic and Baltic regions is not easy. Being part of several region-building initiatives, the KO has been cast in a new yet uncertain external environment. Furthermore the geographical proximity to the EU has not ensured steady and robust flow of European investment in the KO. Most West European businessmen

consider the oblast market as too underdeveloped, risky and immature for serious investment. In cultural terms, there is a widespread feeling that the KO's location has deprived it of a strong identity of its own (Misiunas, 2004; Jakobson-Obolenski, 2004, p. 8). The KO has always been an artificial territorial unit, a Soviet trophy of the Second World War with strong inclinations toward Europe (Krom, 2001).

## ***2.8 Status quo unintended: Russia's energy policy, 2006-***

Russia's energy policy represents another type status quo foreign policy, yet in this case its results have been unintended. The time frame of this case study covers the period beginning with the interruptions of Russian energy supplies to Ukraine and Belarus in 2006.

### *Goals*

Russia pursues possession goals in its external energy policy. It attempts to bolster Russian power and influence in the world, using energy as a means to reassert its status in the international system. It also aims to further Russian economic interests by capitalising on the rising economic value of its natural resources.

### *Means*

At the same time however, Russia claims it acts through normative or 'normal' policy means. Indeed Russia uses two discourses in the conduct of its energy policy - politicised/non-normative and depoliticised/normative ones. Several examples illustrate the politicised/non-normative conduct of energy policy. First, energy policy has become a high profile issue in the complex web of Russia's geopolitical relations, particularly vis-à-vis its western neighbours, which are viewed by Moscow as posing meaningful security threats to Russia. The EU claims that Russia's energy policy has been a knee-jerk reaction to the orange revolution in Ukraine and an attempt to distract international attention from the excessive use of force in Chechnya and the allegedly authoritarian character of Putin's presidency (Monaghan, 2006, p. 17). The Russian-German gas pipeline deal has also been interpreted as evidence of Moscow's deliberate politicisation of energy matters, an attempt to signal that Russia needs no intermediaries in its dealings with West European powers. Second, politicisation occurs when the domestic rules are unclear, such as for example the criteria for

distinguishing between 'strategic' and 'ordinary' oil reserves or between 'fair' and 'unfair' energy prices (Milov, 2005). Traditionally, the Kremlin's pricing policy has never been governed by world prices and Russian energy diplomacy has been a series of exceptions offered to special partners and friendly countries. In the 1990s, favourable gas prices were offered in exchange of the former Soviet countries' acceptance of Russian hegemony in the CIS (Abedelal, 2004, p. 126). In recent years, Russia has withdrawn these exceptions. It is in this context that denying exceptions is paradoxically viewed as a deeply political/non-normative gesture.

Yet Russia responds that the logic underpinning its energy policy is actually increasingly technical/economic and that Russia does not need assistants or facilitators in its energy dialogue with major European powers. Increases in energy prices are portrayed as a normative act, illustrating Russian willingness to conduct 'normal' and parity-based relations with its neighbours. As put by the Russian Foreign Minister: "the refusal of Moscow to resort to politicised approaches in trade and economic relations and the acceptance of market principles - what else could more convincingly confirm our commitment to provide normal state-to-state relations?" (Lavrov, 2007). The depoliticised strategy which Russia has resorted to since the mid-2000s is governed by market mechanisms, price liberalisation and the end of subsidised supplies of energy to friendly neighbours. Russia has publicly committed itself to following the same rules for all its energy consumers, regardless of their proximity to Russia or their geopolitical importance (Khristenko, 2006, p. 13). In other words, Gazprom's business logic appears to be increasingly prevailing over the Kremlin's political reasoning. According to Putin (2007b) for example, the North European Gas Pipeline project is based on a "market solution beneficial to ultimate consumers" and accusations of countries like Poland are snubbed as "politically explicit sloganeering".

### *Impact*

The intricate combination of politicised and depoliticised approaches in Russia's energy policy has led to controversial results that may, unintentionally, be normative in the long-run. By turning from an exception-based to a norm-based approach, Russia has increasingly and vocally asserted its role as an energy super-power, whose status exempts it from international rules in the energy market (e.g., transparency standards, consultations with consumers and arbitration mechanisms). Indeed

Russia's frequent energy disputes could have been resolved normatively through legal arbitration, and without relying on the disruption of energy supplies (World Economic Forum 2006). Yet precisely because of its rising role in world energy markets, Russia may well need to abide by international (normative) transparency standards in the long-run.

One of most positive developments in recent years has been the gradual spread of transparency standards in different segments of the Russian economy. In the energy market, the increasing appreciation of the need for transparency is leading to the establishment of norm-setting institutional arrangements (e.g., in terms of corporate governance, state-business relations, the management of energy flows and financial accountability). Transparency standards and procedures are thus likely to "become the normal way of working in all the relevant extractive industries".<sup>93</sup> Moreover, transparency standards and procedures serve the interests of different actors in Russian society. For business, transparency allows for fair rules of competition. For governments, it contributes to filling budgetary coffers. For public policy centres, it helps achieve professional and strategic goals. For international organisations, it contributes to lowering transaction costs that stem from corruption. In other words, while being a long-term process, the demand for transparency is likely to consolidate in Russia, leading to an unintended normative impact of Russia's status quo energy policy. Why is this the case?

### *Internal context*

Russia's energy policy is thus both increasingly de-politicised and hyper-politicised. De-politicisation refers to the separation of energy policy from geopolitical imperatives, whereby companies keep a low profile and limit themselves to technocratic arguments. On the flip side, politicisation refers to the tendency to use energy as a weapon in the hands of Russia's ruling elite to strengthen their geopolitical standing. What explains this contradiction? The increasing overlap between norms and geopolitical interests provides much of the explanation. Russia's switch to normative/depoliticised approaches has overlapped with its explicitly political goals, in so far as this switch has harmed above all countries such

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<sup>93</sup> *The Extractive Industry Transparency Initiative: Time to go Global*, Global Witness, October 2006.

as Georgia and Ukraine that have been drifting away from Moscow and towards the West. The gas price dispute illustrates this overlap: Russia claims that its position is grounded on the attempt to harmonise its energy prices for all consumers, yet in order to do so those countries whose energy prices were subsidised in the past and are now rising are precisely Russia's least friendly neighbours. The Sakhalin project controversy is another good example: while justified on environmental grounds, the media largely covered the story as a deeply political affair in which Russia deliberately attempted to exclude foreign companies from the Russian energy market (Kovalevskii, 2006, pp. 18-21). In other words, Russia's attempted depoliticisation has also aimed at legitimising its more overtly political intent (Critchley, 1999). Sensitive to this, Russia's opponents finger-point each gesture of de-politicisation as grounded in purely political and thus non-normative calculations.

### *Internal capabilities*

The debate on transparency highlights how Russia's internal capabilities increasingly push for a normative approach in energy affairs. Government agencies provide the political impetus for greater transparency standards. Transparency allows higher tax incomes, induces efficient company development plans and fosters a healthy, reliable and competitive domestic energy market. Professional associations in turn help create the institutional environment for transparency by acting as mediators in complex situations. Expert analysis research centres instead provide information and monitoring, while NGOs mobilise segments of civil society (e.g. environmental organisations). Finally, the media places energy-related issues on the public agenda and creates fora for public debate.

A shift towards a normative energy policy (beyond the current overlap between geopolitical interests and normative behaviour) is not set in stone. A fundamental problem arises when different groups in the energy sphere overlap and their respective responsibilities become blurred. When, for example, groups in government and the energy business overlap or when NGOs become closely enmeshed in government (which is a likely prospect in view of the authoritarian evolution of the Putin regime), then the slide from transparency into corruption becomes far more likely. The problem, in my view, stems from the intersection of two unfortunate tendencies: on the one hand, the increasingly close and exclusive relations between the state and the oil business, and on the other hand, the

decreasing resources available to NGOs, which are associated neither with the state nor with the energy sector. When the overlap between state and business increases there is also the risk of an exchange of roles between the two. The state shifts from being a regulator of financial flows and a monitor of law enforcement mechanisms into a corporation whose members are motivated primarily by personal enrichment. The reverse also happens when the leadership of an oil company starts behaving as a political actor. This blurring of roles leads to distortion, opening the way to the opaque and corrupt functioning of the energy sphere.

### *External environment*

The external environment shapes Russian energy policy in two ways. On the one hand, it generates demand leading to increased energy prices, allowing Russia to raise prices by referring to universal market norms. On the other hand, Western countries try to 'normalise' Russian energy policy by inducing the government to adopt the norms of transparency. Hence the unintended normative impact of Russia's policy. It is exactly this point that most of EU countries raised when reacting to the energy-related conflicts between Russia and Belarus in January 2007 (as well as between Russia and Ukraine in 2006). European countries tried to reframe the energy debate with Russia by offering a different understanding of the norm: rather than equating the norm with market prices, the EU suggested that normative action in energy policy meant the respect of transparency standards. Hence, in early 2007 European politicians reproached Russia not for increasing gas prices for Belarus, but for not consulting in advance with its consumers. Within this logic, predictability, trust and openness acquire greater normative value than mere compliance with market prices.

A good example of international attempts at inducing transparency in Russia's energy policy is the Extractive Industries Transparency Initiative (EITI). The EITI was government-led, being launched by British Prime Minister Tony Blair in 2002. But the concept of transparency it promoted focused much on the monitoring and public awareness functions of NGOs. The implementation of the EITI has already received widespread support by major civil society actors such as the Soros Foundation (through the Revenue Watch Institute, Publish What You Pay, the Open Society Institute, and others). In 2006, the EITI was institutionalised through its secretariat in Oslo and has increasingly gained in reputation and credibility. Several of Russia's neighbours have already signed on to the

Initiative, including Kazakhstan, Mongolia, Azerbaijan and Kyrgyzstan. The debate has begun regarding Russia's place in the EITI. As a member of the G8, Moscow has rhetorically supported the creation of an international transparency regime in the energy sector. However no practical steps have been taken to date. On the one hand, the Russian rhetoric on 'sovereign democracy' and 'energy superpower' bolster Russian claims to exceptionality, yet on the other hand Russia's entry in the WTO and negotiations on a new contractual agreement with the EU open the way for possible steps forward in the field of implementation of energy transparency standards. For example, one of the key figures in the Russian Union of Industrialists and Entrepreneurs hinted that Russia's objections to the Energy Charter - which it has signed but not ratified - will ultimately have to be overcome in so far as "if incidents such as those with Belarus or Ukraine, heaven forbid, should be repeated, they will in future become the subject not of bilateral relations between Russia and a country that breaks some rule or another, but of the international community".<sup>94</sup> Furthermore, the more transparency standards are internationalised the less will Russia be able to keep out of these arrangements, given the reputational and ensuing FDI losses it would incur.

The situation is complicated by the fact that, unfortunately, most transparency-fostering impulses come from outside. Since the domestic demand for transparency in the energy sector is rather weak, it is unlikely that international norms will spill over into Russia automatically. Hence, Russia is only likely to adopt such standards when it appreciates its interests in doing so. The state's re-evaluation of the benefits of transparency could begin for several reasons. First, the need for transparency is closely linked to environmental policy. Oil leakages caused by the implementation of major international energy projects such as the Baltic Gas Pipeline System are widely recognised as representing key security problems, and in some areas (e.g. Baikal, Sakhalin, Shtockman gas field) the Russian government is increasingly responsive to the demand for environmental protection. Second, transparency norms are connected to anti-corruption strategies and more efficient tax collection. Third, greater transparency is a precondition for the enforcement of anti-trust legislation in energy markets. Fourth, transparency would aid Russian energy

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<sup>94</sup> *Rossiiskaia gazeta*, 17 January 2007, p. 5.

companies investing abroad. Both the Russian energy business and the government could have an interest in open information on the finances of countries Russia invests in. Fifth, in so far as Russia itself would welcome larger foreign investments, it will have to ultimately comply with international transparency standards.

### **3. Comparing the cases by way of conclusion**

Given that the eight case studies reveal a varied picture of Russia's foreign policy, understanding where Russia's 'centre of gravity' lies is particularly difficult. What are the most important features defining and explaining Russia's use of normative approaches? First, my study confirms a well-articulated thesis that 'normative power' is power that is able to shape conceptions of the 'normal' (Diez, 2005, p. 615). Russia's current strategy is aimed at presenting itself as a 'normal country' whose political practices resemble those of the West. As a Russian author argues: "Putin's strategy is best understood as one of 'normal great power', which seeks to move away from Soviet-style isolationism and wants to turn Russia into a full-fledged member of the international community" (Tsygankov, 2005, p. 134). Related to this, Russia's Foreign Minister refers to a policy of pragmatism and common sense, which fits into the general tendencies of the international community. There is also a logical link between Russia's alleged normalisation and the de-politicisation of its foreign policy: it is Russia's denial of politicised practice that underpins its claims to being a 'normal country' (Lavrov, 2007), which does not need to be 'normalised' by others.

Yet at the same time, Russia has its own normative project. In relations with the EU, Russia promotes its own normative agenda (Averre, 2007, p. 1) leading to an ensuing clash of norms. The issue of norms thus transforms into a wider question relating to Russia's role in world politics. Putin is not only eager to get involved in the global normative debate, but tries to use this debate to reassert Russia's leadership. The response from Europe has been lukewarm, but nonetheless the Kremlin has neither abandoned its pro-European stance nor rushed into an alternative Eurasian ideology. As put by a Russian analyst: "[h]owever unhappy the Kremlin may be about developments in its relationship with the West, in the eyes of officials, Western Europe and the US remain the only examples of 'normal' societies" (Kagarlitsky, 2007, p. 8).



Second, and paradoxically, Russia has attempted to reassert its 'normalcy' by deconstructing the very concept of the norm. President Putin (2007b) once declared: "[c]apital punishment in some Western countries, secret prisons and tortures in Europe, troubles with mass media in certain countries, the immigration legislation not always corresponding to the established principles of international law and democratic norms - in my view, all this is related to what is considered as common values". This approach has two implications. On the one hand, it legitimises a *realpolitik* type of foreign policy, while on the other hand, it represents a meaningful normative challenge to Europe in so far as "if the state that is constituted as non-democratic ... claims to be equally democratic, then its response would be the undermining of the self's identity" (Rumelili, 2004, p. 38). In fact, Russia's strategy of denying Europe's monopoly over democracy aims at rendering its key concepts (inclusion, participation, tolerance, solidarity, etc.) 'empty signifiers' to be discursively filled by specific content in the process of debate.

Third, Russia grounds its alleged 'normalisation' in another element of de-politicised discourse - universalisation. Russia refers to a set of norms that it considers as being already universally accepted. There are two practical advantages in doing so. References to pre-existing global norms deprive Russia of any responsibility for their articulation. In addition, President Putin accepts responsibility of transforming and adapting these norms as long as their rearticulation is understood as having universal applicability. This relates to the discussions on the independence of Kosovo, which Russia links to similar problems in Transnistria, South Ossetia and Abkhazia. It is here that Russia's version of normativity reveals its decisionist, technocratic and radically apolitical nature.

In this paper, I have described several cases that might be instrumental in comparing how Russia, as opposed to the EU, articulates and implements normative arguments. A first situation arises when one side appeals to a normative argument, while the other sticks to a non-normative approach. This includes Russia's reaction to the normative challenge presented by the colour revolutions, which Moscow claims to be driven by technical/economic arguments while being widely perceived as representing hardnosed *realpolitik* by others. It also includes the Russian-Estonian dispute over the Second World War monuments in Tallinn, in which Russia claims to be driven by norms although it is viewed in Western Europe as being motivated by strategic possession goals. A second situation arises when both Russia and the EU are committed to normative

arguments, but their advocated norms clash. In the Russian-Estonian conflict for example, Russia appealed to ‘common values’ and shared historical memories, while the EU referred to diplomatic norms and the need to ensure the safety of the Estonian Embassy in Moscow. The question is which norms should and do prevail, a question which inevitably returns to the relationship between norms and power. A third and final situation arises when there are divergent interpretations of what constitutes non-normative goals and means. For Russia, its energy policy, while pursued at the service of Russian strategic and economic interests, is conducted within general market rules and as such cannot be deemed non-normative. Yet most Western countries interpret Russian energy policies as ruthlessly non-normative. In other words, when the interpretation of both milieu and possession goals collides, a wider space is opened to debate norms, politics and power in the international system.

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## 5. INDIA AS A FOREIGN POLICY ACTOR – NORMATIVE REDUX

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*This chapter analyses India's behaviour as a foreign policy actor by looking at India's changing relations over the past decade with the EU, US, China, Japan, Myanmar, Pakistan, Nepal and, in a historical departure, the former princely state of Sikkim. It argues that though India has almost always been a normative actor, Indian foreign policy is today transiting from abstract, and frequently 'unrealpolitik,' views of what constitutes normative behaviour. India's 'Look East' policy has been the cornerstone of this transition, indicating that economic growth, maritime capability and peace and stability in its neighbourhood are key goals of India's present behaviour as a normative foreign policy actor.*

### 1. Introduction

Observers of Indian foreign policy are often puzzled by its inchoate combination of idealist rhetoric on international issues, post-modern nitpicking in negotiations and isolationist behaviour when it comes to matters of national interest. "What does India want?" they ask in frustration: "Do you want to be a major power, or do you just want to score points?"

The question is difficult to answer. When India achieved independence in 1947, the country's founding fathers assumed it would be a leading international player, expanding rules for normative behaviour in relation to goals as well as means. But though India's founding fathers produced grand policy visions, such as the 1946 Asian Relations Conference for an institutional structure to buffer Asia against the cold

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war, they were unable to translate their sweeping goals into action. The Asian Relations Conference ended with minor agreements on educational cooperation (Gonsalves, 1991).

Sixty years later, India's new policy-makers define India as 'a rising power' that is today beginning to match global goals and means in order to achieve the most favourable results for its citizens, and at the same time expand normative principles for inter-state and transnational behaviour. India's steady 8-9% growth over the past decade, and the Indian government's proactive diplomacy in the same period, allow Indian policy-makers to bring context and substance to the normative principles that their predecessors advocated - a development that one leading Indian analyst describes as "crossing the Rubicon" from idealism to pragmatism (Mohan, 2003), and another as "India Unbound" (Das, 2002); both phrases indicate what a large leap it is. Indian policy-makers used to advocate principles divorced from political reality, to use Morgenthau's definition (Morgenthau, 1982), but today they seek to combine normative principles with national interest. The transition is not easy to make, and as so often happens in the early phases of policy change, the conceptual shift in approach has outpaced the implementers: most of the desk officers and/or their superiors who make policy through case-by-case practice.

Morgenthau was ill-placed to derive the consequent point that flows from his distinction - the transition from principles that are divorced from political reality to normative principles based on national interest is one of the most complicated transitions to make, especially in post-colonial countries. As other contributions to this volume have pointed out, categories of what is normative vary from culture to culture, and are hotly debated across cultures (see especially chapter 1 by Nathalie Tocci). However, Indian foreign policy is curious in this regard: traditional views of what is normative are very similar to European and US principles, but the colonial and cold war experience led Indian policy-makers to be skeptical of European and US claims to normative behaviour on the one hand, and on the other to distrust their own normative heritage. Prior to the new policy-making described above, Indian positions on normative behaviour in international forums often appeared schizophrenic: Indian representatives claimed idealist positions, but often defended reprehensible regimes on grounds of state sovereignty even when there was no clear national interest involved. While India's new policy-makers have jettisoned the abstract normative positions of their cold war predecessors, elements of

the old position-taking remain, especially amongst Indian policy implementers.

Part of the problem is that Indian policy-making is shaped by two major strands that have never been synthesised to create a doctrine that takes into account the national interest: one, traditional principles drawn from the *Gita* and *Mahabharata* and most heavily from the doctrine of statecraft framed by the 4<sup>th</sup> century BC scholar-statesman, Kautilya (also known as Chanakya); and two, modernist principles that uneasily combine Enlightenment values with a passive, sometimes dependent *realpolitik*, instilled by the experience of British colonialism in the 19<sup>th</sup> to mid-20<sup>th</sup> centuries. Most Indians perceive the two strands as internally conflicting, especially when it comes to issues of normative behaviour.

Traditional Indian foreign policy doctrine highlights the following key principles: firstly, the behaviour of states should adhere to rule-based or legal norms, with the important corollary that the law must enshrine an ethical worldview whose core principle, derived from the *Mahabharata* and *Gita*, is that war is the worst of last resorts.<sup>95</sup> The canonical text of Indian statecraft, Kautilya's *Arthashastra* (laws of political economy), which remains the most widely quoted text by Indian policy-makers,<sup>96</sup> laid down that the primary goals of a good government were to provide peace, security and prosperity for its citizens. The best governments, said Kautilya, adhered to the norms set out in the *Dharmashastras* (laws of principle and duty), which formed the state's judicial system and should be administered by a group of judges and ministers.

Secondly, the most effective means of delivering these goals were normative means such as international alliances, trade, infrastructure development and free movement across national borders (Kautilya, Book VI, Chapters 1 and 2; and Book VII, Chapter 1).

Thirdly, the behaviour of a state should be assessed by the transparency of its actions. Before a government act or agreement could be implemented, the group of judges and ministers that administered the law

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<sup>95</sup> See Arjuna's dialogue with Krishna in *The Bhagavad Gita* in which Arjuna refutes Krishna's doctrine of war as a necessary and temporary evil, saying that no principle can justify the taking of human life.

<sup>96</sup> To cite but a few examples of how widely he is referred to, see Sinha (2002), Government of India (1997), Vittal (2002) and Ansari (2005).

would have to decide whether the government's acts and agreements were valid or void. The criterion for valid agreements was that they should be transparent (Kautilya, Book III, Chapter 1).<sup>97</sup> Incidentally, transparency was also underlined by US President Woodrow Wilson in his 14 Points and held to be the turning point after which quiet diplomacy was increasingly supplanted by public diplomacy.<sup>98</sup>

Thus the *Arthashastra* highlighted three key pillars of normative statecraft: engagement with the world, adherence to rule-based norms and transparency. Written for the most outward looking of India's several empires, the Mauryan dynasty, whose rule spanned the Indus valley and was home to one of the greatest universities of its time: the Buddhist seat of Taxila (now in Pakistan), the *Arthashastra* based its normative principles on national interest, and has been described as an "interest-based framework that (saw) international relations as an interlocking pattern of the foreign policy priorities and dispositions of crucial states" (Gyngell & Wesley, 2007, p. 188; Cohen, 2001, p. 15).

Kautilya's thinking included a distinctly realist strand. The neighbourhood was viewed as a core foreign policy priority and defined as a set of concentric circles. If the proximate neighbour was an enemy, the enemy's next-door neighbour would be an ally and his neighbour would be an enemy: a kind of Swiss roll version of containment (Kautilya, Book VII, Chapters 2 and 18). He also counselled further and more general realist precepts: greater powers should be cultivated, equal or weaker powers could be defeated through judicious alliances, and weaker powers could be attacked, patronised or ignored.

These views led to a debate on whether Kautilya was the ultimate political realist who, in Weber's words, made Machiavelli seem naïve (Livingstone, 2004, p. 88); or whether the *Arthashastra* skilfully combined elements of idealism with *realpolitik* serving the national interest (Boesche,

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<sup>97</sup> Agreements reached in secret were automatically void – although if negotiated by government representatives, the motives of the negotiator and the costs and benefits of the secret agreement would have to be weighed before declaring it void (Kautilya, Book III, Chapter 1).

<sup>98</sup> "... open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind but diplomacy shall proceed always frankly and in the public view" as quoted in Rai (2003).

2003; Alagappa, 1998, pp. 74-75). The latter characterisation is more convincing – Kautilya believed that alliances for peace were preferable to war even if war highlighted a country's primacy over others. He emphasised the role of diplomacy and assigned two types of diplomats to negotiate: envoys who would issue *démarches* and envoys who would make agreements (Book I, Chapter 16). He also set humanitarian standards for civilian protection during and after war (Book VII, final chapter).

Had the traditional strand remained dominant in Indian foreign policy doctrine; it would have been easy to classify India as a normative (although not necessarily naively idealist) international player. But British colonialism added a new element to Indian foreign policy – that of dependency. Whereas previous empires had been rooted in India and adopted foreign policies that served Indian state interests, Britain was a far-away country and India's foreign policy was adapted to suit British interests. Thus what I term "*unrealpolitik*" international action (because it subordinates national interests to that of other countries) entered into Indian foreign policy. *Unrealpolitik* behaviour gained strength through the education policy framed by T.B. Macaulay in 1835, who argued that the Indian education system should generate contempt for native traditions and respect the superiority of European values and practice.<sup>99</sup> This led successive generations of Indian policy-makers and analysts to doubt their own ability to frame the national interest.

Indian attitudes towards norms based on Enlightenment values were also complicated by the fact that these values arrived in India as a consequence of empire and were most often invoked to justify contempt for natives. Hypocrisy would have been bad enough; but here hypocrisy was

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<sup>99</sup> "I have read translations of the most celebrated Arabic and Sanscrit works. I have conversed, both here and at home, with men distinguished by their proficiency in the Eastern tongues... I have never found one among them who could deny that a single shelf of a good European library was worth the whole native literature of India and Arabia... We must at present do our best to form a class who may be interpreters between us and the millions whom we govern – a class of persons Indian in blood and colour, but English in tastes, in opinions, in morals and in intellect. To that class we may leave it to refine the vernacular dialects of the country, to enrich those dialects with terms of science borrowed from the Western nomenclature, and to render them by degrees fit vehicles for conveying knowledge to the great mass of the population" (Macaulay, 1835).

combined with brutality towards an entire populace. No wonder that in the decades that followed Indians have tended to view European and to some extent American references to normative behaviour with scepticism – and are unable to distinguish between normative and non-normative Western behaviour. Most Indian policy-makers and analysts do not, for example, see a difference between European policies in Bosnia and Kosovo, and the US and allied invasion of Iraq. Humanitarian intervention, they argue, is not distinct from regime change or ‘shock and awe’: it is merely a cover for imperial design (Institute of Peace and Conflict Studies, 2003, pp. 44-45; Dixit, 1999; Swamy, 1999; Naqvi, 1999).

How do these views affect India’s behaviour as a foreign policy actor? During the cold war, India’s positions in the international arena were mostly normative but divorced from political reality (Morgenthau, 1982) and were directed to exclusively ‘milieu goals’ (Wolfers, 1962, pp. 67-80). From 1920, when Indian National Congress leader MK Gandhi sent a delegation to the Paris Peace Conference to demand that the territories of the former Ottoman Empire be granted the same rights to self-determination as those granted to the territories of the former Austro-Hungarian Empire – qualified in this case as the right to Muslim rule (Ghose, 1991, pp.128-129) – India’s foreign policy focus was on decolonisation and multilateral constraints over Great Power domination. Furthermore, Indian leaders sought consensus rather than using economic, political or military pressure to influence world affairs, an approach that lasted well into the 1990s.

Under Prime Minister Nehru (1946-64), India actively aided state and nation-building in newly decolonised countries, especially in Africa, where the Indian Army and civil service helped countries such as Kenya, Egypt, Tanzania and Zimbabwe to build administrative and/or defence institutions, and spearheaded UN action against South Africa’s apartheid (Reddy, 1985). Nehru’s efforts were less successful in Asia. His hope that Asia’s countries might set up a cooperative network that could prevent Great Power conflict shifting to the Asian theatre in the aftermath of WWII proved to be unrealistic (Gonsalves, 1991). The Chinese revolution, followed by the Korean, Vietnamese and Cambodian wars, brought the cold war into the heart of Asia.

Nevertheless, in the 1940s-1960s, India achieved considerable soft power across Africa and Asia (especially in the latter through its film industry, Bollywood), and wielded quiet diplomacy to effect an agreement

between the US and China during the Korean War (1951) and protect dissidents in Hungary (1956).<sup>100</sup> In the early years of the cold war, India founded the Non-Aligned Movement (NAM) along with Indonesia, Yugoslavia and Egypt at the Bandung Conference of 1955. Even if the NAM was treated as a mosquito-like irritant by the US and UK for much of its existence, it did keep the idea of an alternative to the cold war alive in Asia (Gonsalves, 1991).

Following the 1962 war with China – which was largely Tibet-driven and in which India suffered a crushing defeat – and Nehru’s death in 1964, Indian foreign policy veered back to *unrealpolitik*, which in this case put the interests of the USSR above its own. *Unrealpolitik* reached its zenith under Indian Prime Minister Indira Gandhi (1966-75 and 1978-84), during which period India aligned itself firmly with the USSR and its economy became dependent on the Soviet military-industrial complex. Although Indian foreign policy retained a normative element in bilateral relations, in multilateral forums it adopted normative policies only rarely, such as sanctions against apartheid South Africa and support for a Palestinian state – not least because both of these positions were also supported by the USSR.

With the end of the cold war, India experienced what some called an opportunity to combine normative and *realpolitik* goals (Kumar, 2006), and others defined as a conflict between the two (Mohan, 2003). But Indian policy-makers were slow to take advantage of this new opening. After the long winter of the cold war, when India was estranged from the US and to a lesser extent from Western Europe, the end of the cold war caught India unprepared and Indian diplomats withdrew into a lengthy introspection from which the country emerged at the turn of the century having lost most of its policy edge in East and Central Europe. The rise of Hindu nationalism during the Bharatiya Janata Party’s (BJP) years in government (1998-2003) further shattered India’s relatively strong relations in the Gulf and North Africa. It was only in the early years of the 21<sup>st</sup> century that Indian policy-

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<sup>100</sup> See Nehru’s speech in the Lok Sabha (House of Commons) on 19 November 1956, (available on the website of the Embassy of India in Budapest: <http://209.85.175.104/search?q=cache:iHyjhZG0FHgJ:www.indianembassybudapest.org/html/TnCMinister/Press%2520Release%2520-%252024%2520oct.htm+India+on+Hungary+in+1956&hl=en&ct=clnk&cd=1&gl=in>).

makers made a concerted effort to re-engage with the world; and this time it was the Kautilyan strand in Indian foreign policy that came to the fore.

In contrast to India's cold war leaders, the country's new policy-makers came to the conclusion that if India was to pull its weight internationally it would have to become an economic and regional power (Dasgupta, 2003, pp. 92-111; Schiff, 2006). This was a view that had been cogently put by Kautilya and kept alive during most of the Mughal Empire because its rulers became native to India, but was then lost during colonial rule and the cold war.

After the first wave of economic liberalisation in 1990-91, when many of the bureaucratic constraints on industrial growth were lifted, wave two of economic liberalisation prioritised resource and infrastructure development. The new policy-makers believed that neither could be achieved without integration into the global economy – as the past decade had shown with the spectacular rise of Indian information technology (Das, 2002). So they swung into an active diplomatic campaign to improve relations with the major powers, identified as the US, EU, Russia, Japan and China (Dasgupta, 2003) and implement a 'Look East' policy in the wider Asian neighbourhood, especially the ASEAN countries where the Indian 'footprint' had a long reach (Saran, 2003, p. 115).

India, which had eschewed membership of multilateral forums under Indira Gandhi, joined a slew of regional trade and security organisations in the short span of a decade, such as ASEAN, the Shanghai Cooperation Organisation, the Asian Regional Forum, the Asia-Europe Meeting process and the East Asia Summit. Finally, India's new policy-makers also recognised that India would fail as a regional power until it could turn its South Asian neighbours around. As a result, the Indian government launched several new peacemaking initiatives – with Pakistan, Afghanistan, Bangladesh, China, Nepal, and Sri Lanka – hoping that these could help pull South Asia out of the slough of hostility and poverty that it had slipped into following independence from British rule.

Former Indian Foreign Secretary Shyam Saran (2003, p. 115) put India's renewed focus on its neighbourhood as follows:

Proximity is the most difficult and testing among diplomatic challenges a country faces. We have, therefore, committed ourselves to giving the highest priority to closer political, economic and other ties with our neighbours in South Asia... We regard the concept of neighbourhood as one of widening concentric circles



around a central axis of historical and cultural commonalities... pursuing a cooperative architecture of pan-Asian regionalism is a key area of focus of our foreign policy. Geography imparts a unique position to India in the geo-politics of the Asian continent, with our footprint reaching well beyond South Asia and our interests straddling across different sub-categories of Asia - be it East Asia, West Asia, Central Asia, South Asia or South-East Asia.

The new diplomacy had mixed results. On the whole it yielded rich dividends for improved relations with the major powers and East Asia; but South Asia proved to be an uphill climb. Turmoil in Afghanistan, Pakistan and Bangladesh put peace initiatives with India on a back burner, the Sri Lanka conflict re-escalated, Nepal underwent a revolution and Myanmar another wave of authoritarian crackdowns.

How did India respond to the troubles in its neighbourhood? This paper looks at eight case studies of India's foreign relations - with Pakistan, China, Japan, the US, Nepal, Sikkim (now an Indian state), Myanmar and the EU - to examine what kind of foreign policy actor India is, accounting for varied purposes and power. Do India's current foreign policy actions conform to its founding fathers' vision? If they are different, can they still be called normative? Have Indian views on what constitutes normative foreign policy changed? What can other countries expect from India?

## **2. The Case studies**

The eight cases discussed below reflect different aspects of India's relations with its neighbourhood. One was a neighbouring country (Sikkim), three are neighbouring states (Pakistan, Nepal and Myanmar), two are part of the wider neighbourhood and are closely involved in South Asia (China more than Japan), and two are not neighbours but are deeply engaged in South Asia (the US and EU) and discuss their South Asia policies with India. The methodology used is adapted from the one introduced by Tocci in chapter 1. The table below indicates how the selected case studies reflect the different stylisations of foreign policy. Most of the examples are drawn from the current period, but one - Sikkim - is historical, although we analyse the current impact of an Indian action undertaken 20 years ago.

Table 1. Indian foreign policy: Selected case studies

Type of actor	Normative		<i>Realpolitik</i>		Imperial		Status quo	
	Intended	Unintended	Intended	Unintended	Intended	Unintended	Intended	Unintended
Goals	Peace & regional integration	Cooperation & coexistence	Commercial	Economic & political support	Stable border	Stable relations	<i>Realpolitik</i> with normative strand	Maintain bilateral relations
Means	CBMs talks trade	Trade border talks	Naval exercises	Military cooperation Govt. to Govt. Diaspora	Annexation	Political pressure/ open borders	Political/ aid pressure	Strong bilateral/ wary EC/EP
Result	Moving to normative	<i>Realpolitik</i>	Mixed	Norm changing	Integration	Greater acceptance	Status quo	Moving to normative
Case Study	Pakistan	China	Japan	US	Sikkim	Nepal	Myanmar	EU

The Indian cases do not fit entirely into Tocci's framework. For example, India's goals and means with Pakistan were normative, but the results were mixed normative and status quo; with a hesitant foray into *realpolitik*, India-Japan relations are relapsing into a cross between status quo and *realpolitik*. Similarly, India's merger of Sikkim was imperial but the results are beginning to be normative. India's goals as well as means with Myanmar had strong normative elements, but the results so far have been status quo. India's goals with the EU were also initially status quo, and the means had a minor normative strand, but the results are normative. Nevertheless, the categories serve to sharpen contrasts of detail which add to our understanding of India as a foreign policy actor.

## ***2.1 Normative intended: India-Pakistan peace initiatives 1998-2008***

### *Normative goals*

In late 1998, India and Pakistan began talks to end a half-century of hostility. Indian goals, as spelt out by Prime Minister Vajpayee (1999a and b) at the launch of the Delhi-Lahore bus service in February 1999, were to show support for a strong and stable Pakistan; settle disputes through peaceful negotiations; end terrorism; put Kashmir talks on a fast track; liberalise trade and visa regimes; set up mechanisms for nuclear risk reduction; and work with Pakistan to make the South Asian Association for Regional Cooperation (SAARC) a substantive regional organisation.

Although these goals were clearly normative, many doubted the seriousness of their intent, including then General Musharraf (Parthasarathy, 2003). One reason for doubt was the immediate context. The 1998 peace initiative was undertaken under international pressure, following nuclear tests by the two countries initiated by India.<sup>101</sup> International response to the tests was severe: the US and some European countries slapped sanctions against India and Pakistan (James Martin

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<sup>101</sup> Inexplicably, the Indian nuclear test decision made by the Hindu nationalist government led by the Bharatiya Janata Party (BJP) seemed to pay little attention to its potential regional or international impact – it was conducted for primarily domestic purposes, as a show of strength to BJP voters (Bhaskar, 1998).

Center, 1998) causing considerable economic damage, especially to Pakistan, where there was a military coup one year later.

Lending weight to the sceptics, the first few years of the peace process oscillated between highs and lows, its lowest points being the Kargil war of 1999, sparked by Pakistani incursions into the Indian region of Jammu and Kashmir (Centre for Contemporary Conflict, 1999) and the Indian Parliament attack in 2001, allegedly launched by Pakistan-based armed groups. The Pakistani leadership, in particular the army, was a reluctant partner in the peace process. In this context could/would India persist in its pursuit of normative goals? As framed by the national policy debate, India's choice was between two options – either strike the bases of armed groups in Pakistan and shock the government into abandoning its dual policy once and for all (Bedi, 2001), or persist with normative behaviour in the belief that external and internal circumstances would move Pakistan towards a normative path as well.

India chose to remain within narrowly defined normative boundaries. India snapped diplomatic ties and moved troops to the border with the demand that Pakistan act against armed groups responsible for terrorist attacks in India (Vajpayee, 2001). These actions were normative to the extent that they did not violate international law by entering Pakistani territory. They were also intended to be norm-setting – by massing troops on the border, the Indian government aimed to signal what would not be tolerated from across the border. Alongside this however, the massing of troops acted as a form of coercive diplomacy (George, 1991, p. 4)<sup>102</sup> or strategic coercion (Freedman, 1998): President Musharraf arrested close to 1,000 armed radicals and closed down their offices.

The Congress coalition government that took over in 2004 built upon the peace initiatives begun by Vajpayee, with the difference that they did not respond coercively to ensuing terrorist attacks, of which there were

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<sup>102</sup> As put by George (1991, p. 4): “The general idea of coercive diplomacy is to back one’s demand on an adversary with a threat of punishment for noncompliance that he will consider credible and potent enough to persuade him to comply with the demand”. As an exercise, India’s foray into coercive diplomacy failed because the Indian government was unable to convert Musharraf’s response into cooperative mechanisms, such as extradition, police cooperation and intelligence-sharing.

many. They focused instead on getting additional institutional structures for engagement in place, such as the 2004 South Asian Free Trade Agreement (SAFTA) and the 2006 Joint Mechanism for Counter-Terrorism; using existing multilateral structures such as the World Bank under the Indus Waters Treaty; and encouraging Track II inputs in policy-making (Kumar, 2005; Khatri, 2007). These steps demonstrated that India had expanded its range of normative actions. Under the Joint Mechanism, the Indian government moved to share information with a historical enemy in order to strengthen rule of law; by using the Indus Waters Treaty, it accepted multilateral arbitration on selected issues; and it sought advice from civil society, heretofore a severely limited practice. Finally, for the doubters claiming that India would only pursue peace initiatives that served its narrow national interests and stall on Kashmir (Amin, 2005; Quraishi, 2004), Prime Minister Manmohan Singh was able to put Kashmir talks on a fast track, both between New Delhi and dissident Kashmiris, and between India and Pakistan.

### *Normative means*

After its foray into coercive diplomacy, India focused on five normative means to make peace with Pakistan: confidence-building measures (CBMs), arbitration, negotiation, trade and security cooperation. First, the CBMs that India used combined conventional means such as military-to-military hotlines and regular meetings of border forces, with aspirational means (i.e. means that addressed the aspirations of the affected people), such as opening new travel routes between divided Punjab, Kashmir, Sindh and Rajasthan, easing visa and trade regimes and encouraging people-to-people exchanges. In early 2005, India and Pakistan reopened the Srinagar-Muzaffarbad road which had been closed since 1949, linking the two parts of divided Kashmir. This soft-border CBM had a major trust-building effect on India-Pakistan relations, inducing Pakistani policy-makers to begin to believe that terrorism was not the only lever they had over India on Kashmir.

Second, in 2005 India and Pakistan agreed to use a multilateral forum to adjudicate their dispute over building a dam in their shared river in

Jammu and Kashmir (the Baglihar dam), and went to a World Bank-appointed tribunal for arbitration.<sup>103</sup>

Third and again beginning in 2005, India and Pakistan engaged in negotiation and trade relations, setting up a regular schedule of meetings at foreign secretary, additional secretary and joint secretary levels to negotiate disputes, trade, consular and security issues. The greatest progress was made on the Kashmir dispute – in which the back-channel contacts between envoys appointed by the governments of Pakistan and India allegedly reached a near consensus. While some progress was made in trade, it was slow and appeared to make two steps forward and one step backward. Though trade negotiations took place at both the regional (SAARC) and bilateral levels, little progress has been made at the regional level, where SAFTA is indefinitely postponed.

Finally as far as security affairs are concerned, in 2007 India and Pakistan agreed to set up a Joint Counter-Terrorism Mechanism. This is still largely a paper body, but it signifies that India is getting closer to setting the norm for security cooperation against non-state armed groups.

### *Results – Normative interrupted*

The tangible normative achievements of the India-Pakistan peace process are considerable. Between 2003 and 2007, trade between the two countries trebled to \$600 million (this is still a very low volume; India's trade with Sri Lanka, which is much smaller than Pakistan, is \$1billion). The Baglihar dam dispute, stalemated for a quarter-century, was settled in 2006 by a World Bank-appointed arbitrator, who ruled in favour of India. Both the Line of Control in divided Jammu and Kashmir and the border between India and Pakistan have been softened through reopening pre-partition routes (so far four routes have been reopened, two each in Jammu and Kashmir). Since 2004, the number of people travelling between the two countries has increased twenty-fold; the Indian High Commission in Islamabad issued an average of 8,000 visas a day in 2006, up from 400 a day in 2005. Figures for Pakistani visas are not available (Sarwar, 2005).

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<sup>103</sup> Under the 1963 Indus Waters Treaty (<http://siteresources.worldbank.org/INTSOUTHASIA/Resources/223497-05737253588/IndusWatersTreaty1960.pdf>).

Back-channel talks progressed so well that by 2005-06, the Pakistani government ended its support for armed groups operating against India (although they did not crack down on their non-government sources of funding) and by late 2006 it seemed that a resolution of the Kashmir dispute might be achieved in 2007. Then in March 2007, Pakistan began its plunge into internal turmoil with a clash between the army and the judiciary and a series of violent crises have occurred since, the latest being the assassination of former Prime Minister Benazir Bhutto on 23 December 2007. The peace process stands suspended.

### *Conditioning factors*

In the immediate aftermath of the nuclear tests, external factors such as international sanctions pushed India and Pakistan into normative peace overtures. Once peace overtures had begun, however, external factors exerted a greater influence on Pakistan and internal factors on India. Pakistan's 1999 Kargil intrusions led US President Bill Clinton to demand immediate Pakistani withdrawal; then the 9/11 attacks of 2001 focused international attention on Pakistan's role as a host to Islamic militant groups. From 1999, the US and European governments put pressure on Pakistan to enter a peace process with India and cutback support for armed groups, and this pressure grew exponentially after the 9/11 attacks and the Madrid and London bombings. At the same time, the US-NATO stabilisation mission in Afghanistan allowed Pakistan to play yo-yo with armed groups fighting in Afghanistan and Kashmir. Although Pakistani support for these groups has much reduced over the last years, the Pakistani government remains selective in its choices of which groups it cracks down on and which it still supports (The Daily Times, 2008). Furthermore, as internal violence grew from 2005 on, the Pakistan Army's room to manoeuvre vis-à-vis different armed groups has shrunk. Benazir Bhutto's assassination threw the military-mullah dilemma into stark relief.

These external pressures on Pakistan had a trust-building impact on India, that Pakistan's dual policy could not be easily sustained in the post-9/11 climate. Yet external factors alone cannot account for India's normative policy course. Between 1999 and 2006, key internal determinants affected India's policy approach. Firstly, India's accelerated economic growth – in particular, the IT (information technology) boom which took place at around the same period – led Indian policy-makers to argue that growth could increase and be better sustained if regional trade prospered,

and that in turn was dependent on peace with India's neighbours. Secondly, the positive impact of peace initiatives on Jammu and Kashmir was immediate. Thirdly, India's US diaspora, which was part of the growth story, actively supported a peace process with Pakistan, and this influenced both Indian policy-makers and civil society (Kumar, 2005).

## ***2.2 Normative unintended: 'Chindia', 2005-07***

### *Normative goals*

The economist-politician Jairam Ramesh (2005), currently Minister of State for Commerce, wrote a book on the potential impact that India-China relations could have on the world if the two countries worked together as 'Chindia'. Chindia rapidly became a concept that defined India's new policy towards China: to boost trade bilaterally and evolve common strategies in the global marketplace, settle border disputes and develop cooperative mechanisms in Asia. A third goal emerged as a result of India's growing economic and strategic ties in East and South-East Asia – to avoid being, or being seen as, a counterweight to China. India has been careful to deal with China within the normative frameworks that the Chinese leadership agrees to (Puri, 2005 and 2006; Varadarajan, 2007a and b).

In April 2005, the two countries signed a Strategic Partnership and set up high-level talks to resolve their border disputes. In January 2006 they agreed on a Memorandum for Enhancing Cooperation in the Field of Oil and Natural Gas that permits joint bids on energy assets in third countries. In May 2006 India and China signed a Memorandum of Understanding for joint military exchanges and exercises, collaboration in counter-terrorism, anti-piracy and search-and-rescue efforts. In December 2007 they held their first joint military training exercise and in January 2008 announced they would formulate a joint global economic strategy, including common action in the World Trade Organisation and on regional climate change, and agreed on civil nuclear energy cooperation.

These are normative goals and policies insofar as they are grounded in cooperation and international agreements without being directed against third parties. For India, however, pursuit of the normative goal of cooperation has also entailed subordinating other normative objectives, such as support for Tibetan Buddhists. India continues to offer sanctuary to the Dalai Lama, but has recently traded recognition of Tibet as part of China for Chinese acceptance of Sikkim as part of India (BBC, 2003), a



classic *realpolitik* action. More significantly, India's energy cooperation with China has led India to ignore normative requirements in both Sudan and Myanmar until 2007, when a course correction began.

### *Normative means*

Bilateral negotiations between India and China are supposedly governed by the normative 'Panchsheel' or five principles of peace – respect for each other's territorial integrity and sovereignty, non-aggression, non-interference in each other's internal affairs, equality and mutual benefit and peaceful coexistence – which are also applied to border settlement negotiations.<sup>104</sup> In policy practice, these normative means have been essentially respected as far as trade, climate change and border negotiations are concerned. In 2003 China and India agreed to reopen the Nathu La pass between Sikkim and Tibet, combining a soft border policy with recognition of each other's claims. Though there are complaints that China has violated the Panchsheel principles over 100 times in the past year by patrolling the Indian side of the border in Arunachal Pradesh, the Indian government has downplayed these violations, saying they are dealt with through the joint border cooperation mechanism (Singh, 2006; Muckerjee, 2008). Both countries at first ignored a fresh wave of human rights violations in Sudan and Myanmar, where they have high energy (and in the latter, security) stakes at play; yet China has now used its good offices in Sudan and India is attempting to do so in Myanmar.<sup>105</sup>

However, China has shown a disconcerting readiness to drop normative means for *realpolitik* ones. For example, under the Panchsheel principles the two countries agreed to exchange maps in order to facilitate border negotiations, and have exchanged maps where the less contentious middle sector is concerned. But the talks have moved to the more contentious northern and eastern sectors, and the Chinese are now refusing to exchange maps (Raman, 2008). China has also used norm-challenging

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<sup>104</sup> Agreement on Trade and Intercourse between the Tibet Region of China and India, signed on 29 April 1954 and expanded two months later to cover all bilateral relations between India and China, reiterated in the 1993 Agreement on the Maintenance of Peace and Tranquility on the Line of Actual Control in the India-China Border Areas (<http://mea.gov.in/celdemo/panchsheel.pdf>).

<sup>105</sup> See Myanmar section below.

means, such as nuclear and arms aid to Pakistan. Though this declined during the late 1980s and early 1990s, it grew sharply following India's tests in 1998, and was again upped following the India-US civil nuclear energy pact. China recently aided Pakistan's building of the Chashma II and unsafeguarded Khushab reactors with the promise of more reactors to come, supplied plutonium and provided components for ballistic missiles (Paul, 2003; Parthasarathy, 2007). In fact, the bulk of Chinese arms sales are to India's neighbours (Malik, 2001). Indeed, China sometimes seems to make hay from India's normative actions in its neighbourhood – for example, when India suspended arms sales to Nepal in 2005 to put pressure on the King to restore democracy, China stepped in place, though only briefly.<sup>106</sup>

### *Non-normative results*

The results thus far have not been normative. Chindia has worked where the two countries' national interests coincide, chiefly in the areas of trade and the pursuit of energy. It has not worked when it come to security issues – though the boundary talks may yet reach normative results based on soft borders and freedom of movement. China has in fact continued to pursue a mixed and partly non-normative approach towards India. China's support for India's observer status at the Shanghai Cooperation Organization and the pacts signed in 2005-06, especially for joint energy acquisition when China had previously outbid India, imply that normative policies have been pursued only when they have coincided with Chinese national interests (lower energy prices). Yet China's policy goal following the 1962 war, according to the secret talks between Nixon and Zhou Enlai,<sup>107</sup> was the containment of India by arming Pakistan and wooing the US, and from the late 1970s China helped Pakistan develop a nuclear weapons programme. This policy appears to linger on in current Chinese

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<sup>106</sup> China asserted that the dismissal of parliament was 'Nepal's internal matter', and supplied the King with arms while other countries cut off military aid (Asian Centre for Human Rights, 2005). China revised its policy following pressure from the US, UK, EU and UN.

<sup>107</sup> Record of Historic Richard Nixon-Zhou Enlai Talks in February 1972, George Washington University, Document 3, p. 7 ([http://www.gwu.edu/~nsarchiv/nsa/publications/DOC\\_readers/kissinger/nixzhou/13-07.htm](http://www.gwu.edu/~nsarchiv/nsa/publications/DOC_readers/kissinger/nixzhou/13-07.htm)).

policy (Johnston, 1998, p. 63; Griffin, 2006). China's "string of pearls" naval bases in the Indian Ocean stretching from Myanmar in the Bay of Bengal to Gwadar in Pakistan, may be primarily directed at economic expansion, but nevertheless encircle India (Prakash, 2007). While signing several strategic pacts with India, the Chinese government has denounced the growing India-US and India-Japan relations as attempts to contain China, initiate strategic competition in East and South-East Asia and wreck the non-proliferation regime (Jacob, 2006; Rediff News, 2007; People's Daily, 2006 and 2007).

The 2008 declarations made during Prime Minister Manmohan Singh's first visit to China, suggest that some of these irritants are becoming less salient. Chinese opposition to the India-US nuclear energy agreement is down to mild from vociferous (Chandrasekar & Raghavendra, 2008). More significantly, China discussed Pakistan for the first time with India and the 'Vision Statement' issued by Singh and Jiabao indicate Chinese acceptance of India's growing role in Asia:

The (two countries) will explore together and with other countries a new architecture for closer regional cooperation in Asia and make joint efforts for further regional integration of Asia...The two countries will strengthen their coordination under the framework of Asia-Europe meeting and are committed to strengthening and deepening Asia-Europe comprehensive partnership.<sup>108</sup>

In other words, in bilateral policy areas China's goals appear to be *realpolitik*; but in multilateral areas of engagement, including South and East Asia, India and China are progressing towards normative cooperation. However, it should be noted that China sought to engage with India only after the US did so, which implies *realpolitik* goals. And in the "Vision Statement" of 2008 China has wangled an extraordinary Indian commitment to "oppose any activity that is against the one China principle,"<sup>109</sup> without an evident *quid pro quo*.

Indian suspicions, roused by China's non-normative actions, have led to irrational Indian responses at times. Though the two countries agreed to

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<sup>108</sup> For the full text of China-India joint document, see *China View* ([http://news.xinhuanet.com/english/2008-01/14/content\\_7422097\\_3.htm](http://news.xinhuanet.com/english/2008-01/14/content_7422097_3.htm)).

<sup>109</sup> *Ibid.*

reopen Nathu La in 2003, it was eventually opened only in 2006 because Indian security analysts feared that infrastructure development on the Chinese side of the pass could bring Chinese arms and troops to the Indian border in hours, and therefore resisted improvement of roads on the Indian side. While China-India trade has risen rapidly, doubling to \$38 billion in 2005-07, the trade deficit, which was in India's favour in 2005, has grown to \$9 billion, a result that unfavourably impacts the quest for normative relations as far as India is concerned.

### *Conditioning factors*

External factors have clearly played a role in explaining India's non-normative results in its relations with China. China's deep engagement in South Asia often leads it to pursue actions that could be inimical to Indian interests. China's infrastructure development, including military infrastructure in Tibet, has heightened Indian fears that China is gaining an unassailable military edge (Rakshak, 2008). India's growing ties to the US and Japan and in South-East Asia could challenge China's domination in East and South-East Asia. The two countries are engaged in maritime rivalry in the Indian Ocean.

Yet non-normative results are also explained by internal factors. The two countries have a tendency to overreact to each other's actions, due to their prior history of mistrust and misperception. As sinologist John Garver (2000, p. 311) commented: '[w]hat exists in the Indian Ocean is a classic security dilemma in naval guise. Each side acts to defend itself, but in doing so, threatens the other'.

## ***2.3 Realpolitik intended: India-Japan maritime cooperation, 2006-07***

### *Realpolitik goals*

India-Japan Maritime Cooperation is primarily directed towards protecting commercial sea lanes in the Indian Ocean and East Asian straits, through which over 60% of the two countries' energy imports travel, though a subsidiary interest is joint disaster management. The Indian and Japanese navies first worked together in a relief mission for the tsunami-affected in 2004, along with the US and Australian Navies. In 2006, the two countries announced they would boost military cooperation in counter-terrorism and safety of regional maritime traffic and international cooperation for disaster

management (Suryanarayana, 2006). In 2007 they held joint exercises with Singapore in the Malacca Straits, with the US off the Japanese coast and in the Bay of Bengal with the US, Singapore and Australia. They also held a quadrilateral meeting on the sidelines of East Asia Summit.

These goals could be classified as normative, were it not for the US and China factors. China had blocked initial Japanese efforts to join multilateral patrols in the Malacca Straits, opposed the Japanese and Indian bids for seats in the UN Security Council and was reluctant to have India at the East Asian Summit. Both India and Japan, therefore, have a common interest in 'multi-polarity' in East and South-East Asia, against dominance by a single country or a bipolar US-China divide (Saran, 2003). To this however, Japanese Prime Minister Abe added in 2007 the proposal that India join Japan to create an 'Arc of Freedom and Prosperity' constituted by democracies in Asia,<sup>110</sup> which would by definition exclude China, prompting Chinese accusations of a policy of containment.<sup>111</sup> The proposal did not take off because the Indian government did not respond and it was shelved when Prime Minister Fukuda replaced Mr. Abe. At present India-Japan maritime cooperation can be considered *realpolitik* with a normative strand, as it conforms to international law and is not directed against any other country.

### *Attempted realpolitik means*

The term *realpolitik* does not apply to Japan-India maritime cooperation in itself. Japan briefly attempted *realpolitik* means when Prime Minister Abe proposed the Arc of Freedom and Prosperity, which would have antagonistically challenged growing Chinese domination in Asia, but the idea has been indefinitely shelved. A secondary point is that although maritime cooperation is now an established mechanism between the two countries, more normative cooperation, such as working together for the Sri Lankan peace process, is on a back burner. This indicates that the two countries are still more comfortable cooperating in traditional areas of

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<sup>110</sup> The concept of an Arc of Freedom and Prosperity had been outlined by the Japanese Minister for Foreign Affairs, Taro Aso, at the Japan Institute of International Affairs on 30 November 2006 ([www.mofa.go.jp/announce/fm/aso/speech0611.html](http://www.mofa.go.jp/announce/fm/aso/speech0611.html)).

<sup>111</sup> See [www.expressindia.com/fullstory.php?newsid=91247](http://www.expressindia.com/fullstory.php?newsid=91247).

national interest convergence and not moving beyond these into more normative terrain.

### *Realpolitik results*

The impact of India-Japan maritime cooperation has been to exacerbate Chinese suspicions of Japan and its opposition to any US-Japan-India alliance (Zhaokui, 2007). Although the US, as a partner in Japan-India maritime exercises, made clear that the joint exercises were not part of an effort to contain China (Armitage & Nye, 2007), as did the Indian and Japanese leaders (Abe, 2007; Varadarajan, 2007), China's relations with Japan plummeted since Prime Minister Koizumi's adoption of a 'normalisation' policy that entailed overturning Japan's post WWII ban on military missions overseas (although he authorised solely civil-military missions) and saw him visiting war memorials that also housed the graves of accused war criminals from the Japan-China war (Calder, 2006, pp. 4-7). Moderating these *realpolitik* results however is the fact that China will not allow its suspicions to compromise its relations with India, and Japan and China are slowly mending fences.

### *Conditioning factors*

External factors set the context for India's *realpolitik* approach towards Japan. China had reached equilibrium with the US under the Nixon administration in the late 1970s and had grown dominant in East and South-East Asia during the 1990s, when the Clinton administration was focused on European integration and the wars in former Yugoslavia. But Japan's new military exercises and the revival of traditional suspicions through the 'normalisation' policy re-ignited Chinese fears of an alliance to contain it, fears that some US analysts fanned by advocating a US-India alliance as a counterweight to China (Carpenter, 2001; Weiss, 1999; Hill & Associates, 2005).

Yet, as far as internal determinants are concerned, what diminishes the degree of *realpolitik* in India-Japan relations is the fact that India is not prepared to join in a policy expressly aimed at containing China. Both Japan and India have strong economic ties with China. At the same time, analysts in both countries perceive Chinese statements of mistrust as an attempt to restrict their expanding international and Asian roles (Chellaney, 2007).

## ***2.4 Realpolitik unintended: The US-India civil nuclear energy agreement, 2005-07***

### *Realpolitik goals with a normative strand*

The US-India civil nuclear energy agreement was negotiated for *realpolitik* goals, to allow India to free itself from 'nuclear apartheid' as former Foreign Minister Jaswant Singh put it (1998, pp. 41-52), gain access to civil nuclear energy technology and supplies, while continuing to be an unrecognised nuclear weapons-possessing state. The US goal was to acquire a stable ally in an increasingly and dangerously unstable South Asia post-9/11. Though the agreement was based on India's normative conduct - India had not exported nuclear technology or material to other countries and had not threatened use of nuclear weapons in war - the fact that the two 'estranged democracies' (Kux, 1994) only came together post-9/11 suggests *realpolitik* intent and behaviour. The end of the cold war provided an opportunity for India and the US to develop a common cause, but the 1998 Indian nuclear tests simultaneously propelled the two into dialogue and brought US pressure on India to join the Non-Proliferation Treaty (NPT). After the 9/11 attacks, US policy underwent a drastic revision - and the US and India began to work together in counter-terrorism and military-military relations. For the first time, the two countries began to 'cooperate for their greater security' (Gaffney, 2003).

### *Realpolitik and normative means*

The means that India and the US used to push through the agreement were primarily normative: negotiations, diaspora support including lobbying, trade, international backing (Russia, France, Mr El Baradei of the International Atomic Energy Agency IAEA). However the agreement itself both broke established norms and set new ones. It bypassed the existing regulations of the Non-Proliferation Treaty and set the new norm of exception for a responsible democracy. The Indian government was itself unsure of whether the agreement was *realpolitik* or normative - in other words, whether the agreement intended to project India's power abroad or whether it contributed to improve and diversify India's civilian energy supplies - and it did not promote the civil nuclear energy agreement as being about either weapons or energy. Thus, although the agreement was one of several, including collaboration in space research and agricultural development, the visible markers of US-India relations in 2005-07 were

accelerated military-military ties, comprising naval and air exercises, mountain warfare training, counter-terrorism and border monitoring practices.

### Unrealpolitik *results*

In some ways, the *realpolitik* goals of the two countries were illusory. In the US, the thrust of improved relations with India had always had a strong normative strand, summed up in the phrase launched during President Clinton's visit to India in 2000 but which has become common currency since then: "the world's largest and oldest democracies" (Albright, 2000; Ros-Lehtinen, 2005; Thain, 2004). Yet in India there was an opposing normative push: the governing UPA coalition, in power with Indian Communist Parties that are inimical to the US, was always going to have a hard time selling to its partners a significantly closer relationship with the US. The civil nuclear energy agreement is at present stalled; only time and the US presidential elections in November 2008 will show what impact this will have on US-India relations.

The Indian domestic opposition to the civil-nuclear energy agreement appears to have revived the *unrealpolitik* strand in Indian foreign policy. From the BJP's accusations of compromising India's nuclear weapons programme<sup>112</sup> to the Communist parties' argument of compromising the independence of India's foreign policy,<sup>113</sup> neither influential political group is prepared to recognise that the agreement is a testimonial of confidence in Indian democracy. While the BJP sought and failed to negotiate a similar agreement during its government, according to former Deputy Secretary of State Strobe Talbot (2004), the Communists' argument that the US-India civil nuclear deal makes supplies conditional on Indian support for or participation in US foreign policy 'adventures', suggests that the Indian government is liable to subordinate its national interest to that of another country. The example they use - Iran - points to the contrary. The Indian government's position on Iran's nuclear programme is somewhere between the Russian and Chinese positions and the European one. India is opposed

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<sup>112</sup> "Indo-US nuclear deal: Unacceptable, BJP will renegotiate", *Organiser*, 9 December 2007.

<sup>113</sup> "N-deal will erode India's independent foreign policy: Karat", *Rediff News*, 8 November 2007.



to Iran acquiring nuclear weapons but advocates negotiations rather than coercive instruments to resolve the impasse (Sivaswamy, 2005).

### *Conditioning factors*

The factors blocking an agreement that is clearly in India's national interest are solely internal and reflect domestic politics in India. The Communist parties see the US as an imperialist hegemon with whom India should not have strong relations; the BJP is not willing to let the agreement go through on the Congress' watch. Hence, opposition by these parties has put the agreement in jeopardy. The Communist parties delayed negotiations with the IAEA until January 2008, which represents the next step for getting the Nuclear Suppliers Group on board. Meanwhile, as the US begins the race for Presidential nominations, time is running out for Congress to ratify the agreement.

## ***2.5 Imperial intended: Sikkim's merger with India, 1975***

### *Imperial goals with an ambiguous normative thread*

Though the official Indian position is that India acted on the will of the people in admitting Sikkim to the Indian Federation,<sup>114</sup> the merger was widely criticised as annexation (Datta-Ray, 1984). It is fairly clear that India's primary goals were to maintain Sikkim as a buffer against China, a role it had played during British rule, which was carried over after Indian independence through a treaty placing Sikkim under the Indian foreign and security policy umbrella. Within these confines, the Indian leadership also acted normatively by pushing Sikkim's monarch, the Chogyal, to democratise. In 1955 the Chogyal established a state council, but it worked mostly in the breach. Following failed negotiations and public riots, India ultimately occupied Sikkim. In May 1975, Sikkim became the 22<sup>nd</sup> state of the Indian Union and the monarchy was abolished. The speed with which India acted and the presence of Indian troops suggest India's goal was more imperial than normative. India was criticised for exploiting ethnic divides - the Chogyal represented the Bhutia tribes that had left Bhutan and the Sikkim Congress' base was Nepali settlers who constituted 75% of

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<sup>114</sup> See [http://sikkim.nic.in/sws/sikk\\_his.htm](http://sikkim.nic.in/sws/sikk_his.htm).

Sikkim's population – and accused of rigging the referendum on merger as cover for the annexation of Sikkim.<sup>115</sup>

### *Imperial means*

The means that India used in 1975 were clearly imperial insofar as they were coercive and in breach of international law. From the late 1960s to the early 1970s, the new Chogyal tried to negotiate an amended treaty that would give Sikkim an international personality: the Indian government was offended, and the Sikkim National Congress opposed his move (Gupta, 1975, pp. 798-790). In 1973 public riots broke out against rigged elections to the state council. The Indian government stepped in to negotiate a tripartite agreement between the Chogyal and Sikkim's political leaders, with India as guarantor. Under the agreement Sikkim would have an elected State Assembly based on proportional representation for all ethnic groups. The tripartite agreement in 1973 was arguably more normative than imperial: had the Chogyal agreed to a constitutional monarchy, with ethnic power-sharing, the crisis might not have occurred. However, the new Assembly voted for a constitutional monarchy; the Chogyal resisted and in early 1975 Sikkim's Congress Prime Minister appealed to the Indian Parliament for Sikkim to become an Indian state. Indian troops moved in and seized the capital Gangtok, disarming the Palace Guards. Under the army's supervision, a referendum was held within 72 hours in which 97.5% of the people voted to join India.

### *Normative results*

Although China and Nepal refused to recognise Sikkim's new status and there was considerable international criticism, pressure was not severe enough to reverse the merger. Sikkim's neighbours, Bhutan and Nepal, feared Indian intentions towards them – Bhutan was under India's security protection, Nepal had an open border and a Treaty of Peace and Friendship with India – but these fears allayed over time.<sup>116</sup> Sikkim slowly stabilised and has gradually become one of the most peaceful and prosperous states

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<sup>115</sup> "Fairy Tale's End", *Time*, 5 May 1975 (<http://www.time.com/time/magazine/article/0,9171,913029,00.html?iid=chix-sphere>).

<sup>116</sup> See [http://www.ipcs.org/Military\\_militaryBalance2.jsp?database=1002&country2=Bhutan](http://www.ipcs.org/Military_militaryBalance2.jsp?database=1002&country2=Bhutan).

in India's North-East. Today Sikkim is seen as India's gateway to China. The Nathu-la Pass, once part of the ancient Silk Road that linked China, Tibet and India, was reopened in 2006 following a negotiated agreement between India and China, 44 years after it was closed during the 1962 India-China war. This normative result was accompanied by an imperial quid pro quo - India recognised the Tibet Autonomous Region as part of China and China recognised Sikkim as part of India. As a symbolic Chinese rebuff, the date chosen for Nathu-La's opening was the Dalai Lama's birthday (Lague & Gentleman, 2006).

### *Conditioning factors*

Internal factors explain the normative strand underpinning India's goals in Sikkim. The Indian government was under pressure from Sikkim's political parties such as the Sikkim National Congress to intervene, not least in view of the close ties between the Sikkim and Indian National Congresses. The failure of the Chogyal to democratise and the Sikkim political parties' support for the merger with India provided a further normative push to India's interventionist approach. Alongside this, external factors explain how and why India was able to pursue its (partly normative) goals in Sikkim through coercive means. The annexation of Sikkim was in fact relatively undisturbed because there was little international pressure to reverse it. The US response was representative:

The Indian absorption of Sikkim does not directly involve the US. We have never questioned India's protecting authority over Sikkim and its new status raises no question of direct American legal obligation to an existing sovereign state. Nevertheless, there is public interest in Sikkim because the Chogyal married socialite Hope Cooke. She is now separated from the Chogyal and living in New York. So far she has made no statement on events, although she was previously outspoken for greater Sikkimese autonomy. We have not been queried by the press about Sikkim. If we are, we plan to take a 'no comment' line.<sup>117</sup>

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<sup>117</sup> Briefing Memorandum by the Acting Assistant Secretary of State to the Secretary (<http://www.state.gov/r/pa/ho/frus/nixon/e8/97052.htm>).

## ***2.6 Imperial unintended: India's engagement in the Nepal peace process, 2005-07***

### *Imperial Goals Mutating to Normative*

India's chief priorities in Nepal were initially based on *realpolitik* goals similar to those in Sikkim, to have a reliable and dependent buffer between India and China. In 1950, India signed a Treaty of Peace and Friendship with Nepal which bound the two countries together in defence and trade; the India-Nepal border is the only open border in South Asia. However, India's behaviour changed to normative in the 1990s – in 1996, India began to alter the economic dependency relationship, providing Nepal with quota-free access to Indian markets and boosting Nepali exports to India to \$425 million per year. By this time, the security arrangements under the 1950 Treaty remained mostly on paper. The political relationship between Indian and Nepali leaders had dwindled to the point that India did not attempt to intervene when the Nepali Maoists began an armed movement in 1996, and India remained quiescent even when the Maoists were reported to have spread to almost half of Nepal's 75 districts by 1999.<sup>118</sup>

India's goals changed more decisively to normative after the ruling monarch was assassinated in 2001. When the king's brother Gyanendra took office, a standoff between the monarchy and Nepali Maoists accelerated and civil war broke out in 2002. Indian policy-makers initially supported the king against the Maoists, as did much of the international community, including the US and China. India altered its policy only in early 2005, when the king dismissed Nepal's parliament, constituted by India-brokered peace negotiations in 1990-91. Indian goals shifted to seeking peace between the Nepali king, the parliament and the Maoists; and supporting a constitutional process to resolve conflict over the nature of the Nepali state. When ethnic conflict broke out in the Terai region of Nepal, India pressed for reconciliation and minority representation. In a major departure from India's prior policy goal to resist international engagement in its neighbourhood, the Indian government expanded its pursuit of normative goals in 2006 by cooperating with the international

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<sup>118</sup> Uppsala University, Department of Peace and Conflict Research: Conflict Database: "Nepal Conflict Summary" (<http://www.pcr.uu.se/database/conflictSummary.php?bcID=203>).

community to support the peace process and help implement the Comprehensive Peace Agreement.

*Imperial means, replaced by normative*

India initially attempted to retain the monarchy in Nepal, backing the king and continuing military aid to the Royal Nepal Army. By late 2004, however, it was evident to most observers that the king could not subdue the Maoists militarily. The Indian government soon moved to a more interventionist but normative approach, facilitating a peace process in Nepal in coordination with the US, UK, EU and UN. There was shuttle diplomacy between Khatmandu and New Delhi; and political pressure was deployed on a wide range of tracks – by erstwhile Indian royals intermarried with the Nepali royal family; Indian political parties with links to the Nepali parliamentary parties (Congress) and Communists with ties to the Nepali Maoist leaders who had studied in India (Communist Party of India-Marxist); as well as India-Nepal military to military, intelligence and civil society relations.

In November 2005, India brokered a 12-point agreement between the Maoists and the Seven Party Alliance of constitutional political parties, which led to an extension of the Maoist cease-fire declared two months earlier. The agreement called for an end to the ‘autocratic monarchy’, parliamentary democracy and elections for a Constituent Assembly. The Maoists agreed to place their arms under UN supervision or “any dependable international body”, provided the Royal Nepal Army did so too.<sup>119</sup> Although army-Maoist clashes resumed, the agreement gave India along with the international community (now including China) leverage to pressure the king into restoring the parliament in April 2006. Hectic international, including Indian diplomacy, ensued, in which India also used aid as a lever, offering a package of USD 315m in August 2006.<sup>120</sup> In

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<sup>119</sup> The 12 Point Understanding Between the Parties and the Maoists ([http://www.advocacyforum.org/pdfcoll/12\\_Point\\_Agreement\\_between\\_spa\\_and\\_maoist.pdf](http://www.advocacyforum.org/pdfcoll/12_Point_Agreement_between_spa_and_maoist.pdf) Asian Centre for Human Rights <http://www.achrweb.org/Review/2005/103-05.htm>).

<sup>120</sup> “India Announces \$215 Million Aid For Nepal”, *European Media Monitor (EMM) NewsExplorer* (<http://press.jrc.it/NewsExplorer/clusteredition/en/20060812,RSS-allheadlinenews-146387e47c6c1ea48b0605a2d9ac80a5.html>).

the same month, despite discomfort with a UN presence on its eastern border, the Indian government looked the other way when the constitutional parties and the Communists requested a UN mission in Nepal. In November 2006, the Maoists and the Seven Party Alliance signed a Comprehensive Peace Agreement, after which the Alliance formed an interim government that was supposed to oversee elections.

By this time, the Indian government had created a twin-track approach: foreign office representatives focused on working with Nepali constitutional parties and Communist MPs worked with Nepali Maoists, an approach which intensified when a new threat of ethnic conflict emerged in 2007. In January 2007, tensions over the non-representation of Madhesis (a group of Hindi-speaking ethnic communities) in the constitutional process sparked violent protest in the southern Terai region bordering India. The interim government tried to quell the protest by force; but when that led to increased violence, they hastily amended the interim Constitution to provide greater Madhesi representation. The gesture did not work as the amendment was not made through consultation with the Madhesi representatives (Philipson, 2008). Relations between Madhesi groups and Nepali Maoists rapidly worsened, and in the summer of 2007, Indian Communists set up meetings for the Maoists with Madhesi representatives, while Indian foreign office representatives consulted with the interim government. As a result, Prime Minister Koirala invited Madhesi representatives to a meeting in which he promised that representation for the Constituent Assembly elections would be increased for the Terai districts in proportion to the population. He also proposed that the new Constitution would include provisions to strengthen the federal structure.<sup>121</sup> In early 2007, the Maoists joined the interim government, but were not able to agree with the Seven Party Alliance on two critical issues. While the Comprehensive Peace Agreement stripped the king of his powers and property, it left the issue of the monarchy to be decided by a

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<sup>121</sup> Friedrich Ebert Stiftung, "News Update from Nepal, 2 August 2007" (<http://fesportal.fes.de/pls/portal30/docs/FOLDER/WORLDWIDE/ASIEN/BERICHTE/BERICHTE2007/NEPALNEWS0807.PDF>, 'Nepal Invites Madhesis, Promises Federalism'; *WhatIsIndia.com*, [http://www.whatisindia.com/stories/2007/02/wis\\_ds\\_20070201\\_nepal\\_invites\\_madhesis\\_promises\\_federalism.html](http://www.whatisindia.com/stories/2007/02/wis_ds_20070201_nepal_invites_madhesis_promises_federalism.html)).

Constituent Assembly.<sup>122</sup> The Maoists wanted Nepal to be declared a republic immediately, whereas the Seven Party Alliance upheld the process laid down in the Comprehensive Peace Agreement.

The issue of elections was even more contentious. The Maoists wanted a proportional electoral system in which parties would be elected according to their share of the vote; the constitutional parties wanted a combined system of proportional and 'first past the post'. In September 2007, the Maoists walked out of the interim government; in October the Indian government stressed the importance of holding elections (Pradhan, 2007), in November the Communist MP Sitaram Yechury went to Nepal to discuss elections with the Maoists, and in early December the Indian Prime Minister's envoy, Shyam Saran, was in Nepal for talks with the government as well as with the Maoists. In mid-December the Nepali government introduced a Bill to provide for an electoral system that would be 58% proportional and 42% first past the post.<sup>123</sup> Elections are scheduled for April 2008; the Maoists rejoined the interim government in January 2008 and their head, Prachanda, is set to contest elections.

### *Non-normative results*

Despite the hectic efforts of the international community, and by India, the peace process has not delivered on the ground. The ceasefire has held, but the breakdown of law and order continues. The UN Mission in Nepal, which was set up in January 2007 under the Comprehensive Peace Agreement, registered 2,855 weapons each from the Nepal Army and the Maoists in April 2007 (the figure has now grown to 3,475); meanwhile, the process of integrating Maoist fighters into a retrained Nepal Army is yet to be agreed, although there were meetings between the Maoists and the

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<sup>122</sup> The Comprehensive Peace Agreement between Government of Nepal and Communist Party of Nepal (Maoist), article 3.3 (<http://www.reliefweb.int/rw/RWB.NSF/db900SID/VBOL-6VSHK8?OpenDocument>).

<sup>123</sup> "Nepal House bill for fixing mid-April deadline for polls", *NDTV.com*, 16 December 2007 (<http://www.ndtv.com/convergence/ndtv/story.aspx?id=NEWEN20070036115&ch=12/16/2007%208:28:00%20PM>).

Nepal Army in autumn 2007.<sup>124</sup> Maoist fighters began to leave the cantonments in which they were sequestered under the peace agreement by mid-2007. In December 2007, after the UN verified the remaining 19,602 Maoist fighters in cantonments (Martin, 2007), analysts warned they would leave as well (ICG, 2007). Sporadic conflict has returned to Maoist-affected regions; intimidation, extortion and kidnappings have increased and in many areas Maoist groups have set up parallel administrations (UN Security Council, 2008).

Madhesi groups have begun to arm and the biggest one, the Janatantrik Terai Mukti Morcha (Jwala Singh group), has declared a boycott of the April elections unless they are “conducted by an interim government formed after a round table conference with participation of the parties led by Madhesi groups, organisations and fronts”.<sup>125</sup> Although the Nepal Army has raised a new battalion of 850 personnel of Madhesi and Terai origin, the step appears to be too little too late. Serious security discussions between the Maoists and the Nepal Army would help, but there is no indication yet that the Indian government will play the mediating role here.

### *Conditioning factors*

India’s shift to an active role in brokering peace in Nepal was due to a combination of external and internal factors. As far as external factors are concerned, proactive roles by the US, EU, UK and UN made the Indian government nervous but it had no means of blocking them. Indian representatives concluded it was better to use India-Nepal ties creatively to bring about peace agreements. As far as internal determinants of Indian policy are concerned, the Indian Communists were anxious to facilitate a peace process and opposition parties were using the ruling Congress coalition’s relative passivity as a weapon to accuse them of weakness. Given the historic relationship with Nepali parties, there have been strong

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<sup>124</sup> “Nepal Army not hindering PLA integration, Inclusive Democratic Nepal”, 25 November 2007 (<http://nepal-democracy.blogspot.com/2007/11/nepal-army-not-hindering-pla.html>).

<sup>125</sup> *South Asian Media Net*, 19 January 2008 (<http://www.southasianmedia.net/cnn.cfm?id=458216&category=Militancy&Country=NEPAL>).



domestic constituencies in India favouring an active Indian role in resolving the crisis in Nepal.

## ***2.7 Status quo intended: Inching From realpolitik to normative, India-Myanmar 2007-08***

### *Status quo goals with a developing normative strand*

Before the junta's crackdown on the Burmese monks' peaceful protests in September 2007, India's goals with Myanmar were to improve relations with the junta in order to counter growing Chinese economic and military – especially naval – domination of the country, deal jointly with cross-border insurgent groups and bring Myanmar into its 'Look East' policy as a gateway to South-East Asia, which could also aid economic growth in India's North-East (Khosla, 2003, p. 607).

These goals were a shift from India's earlier policy of supporting the pro-democracy movement, whose leader Aung San Suu Kyi had studied in India. Indian strategic analysts began suggesting a rethink of relations with the junta in 1992, when they found that Myanmar was becoming militarily and economically dependent on China during its international isolation after the 1988 arrest of Aung San Suu Kyi. The fear that Myanmar's dependency on China might adversely affect India's security grew when Myanmar leased the Coco Islands to the Chinese government in 1994, where China established a maritime reconnaissance and electronic intelligence station and built a base. The Coco Islands are a crossing point for seaborne traffic between the Bay of Bengal and the Malacca Strait, and the perfect strategic spot for monitoring Indian naval facilities and naval movement across the eastern Indian Ocean (Ramachandran, 2005).

Despite these imperatives, India's policy in 1992-98 combined support for the pro-democracy movement and developing working relations with the junta, which were mostly confined to cross-border issues such as smuggling, narcotics and containing cross-border insurgent groups. The shift to closer relations began in 1998, when the BJP-led government came to power. By this point analysts were arguing for a new policy based on a number of strategic considerations: for their maritime security, India, ASEAN and Japan all had an interest in balancing Myanmar's dependency on China; in economic terms Myanmar was rich in resources, its energy potential made it a desirable ally and internally India and Myanmar had

mutual interests in counter-narcotics and counter-insurgency cooperation (Bhaskar, 1999, pp. 432-434).

Between 1998 and 2006, India's economic and military relations with Myanmar developed rapidly. When the latest phase of the pro-democracy movement began in 2003-04 and was stonewalled by the junta, the Indian government's first response was silence. But the junta's drift towards increasing isolation, as symbolised by the 2005 decision to move the capital to the remote Pyinmana region of central Burma roused international fears and consequent international pressure on India and China to exert their influence on the junta. Although India's response to these calls was extremely cautious, in early 2006 Myanmar signed a gas agreement with China that was earlier promised to India (A. Kumar, 2006), a gesture that could be construed as a warning.

Following domestic outcry at the Indian government's silence to the brutal attacks on pro-democracy monks, India's goals began to shift from status quo to normative, and from October 2007 Indian officials began to call for "inclusive political reforms", release of political prisoners and an enquiry into human rights abuses during the crackdown (Dikshit, 2007). India has also begun to discuss Myanmar with the UN, UK, EU and US. However, although the call for democratisation was repeated in talks with the junta - from Prime Minister Manmohan Singh's first meeting with Myanmar's Prime Minister Lieutenant General Thein Sein in November 2007, to his discussion with Myanmar's Foreign Minister in January 2008 - India did not apply substantive pressure, leading some analysts to posit that India continued to support the status quo (Lintner, 2007). The expansion of India's economic and strategic cooperation with Myanmar in January 2008, with an agreement to build a port at Sittwe, suggests that India continues to put status quo goals above normative ones;<sup>126</sup> but the Indian government's suspension of arms sales to Myanmar following the September 2007 crackdown<sup>127</sup> may also suggest that India is using a two-

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<sup>126</sup> "India developing Myanmar port", *The Hindu Business Line*, 8 January 2008 (<http://www.thehindubusinessline.com/2008/01/08/stories/2008010852640100.htm>).

<sup>127</sup> "India stresses Myanmar political reforms", *United Press of India*, 2 January 2008 ([http://www.upi.com/NewsTrack/Top\\_News/2008/01/02/india\\_stresses\\_myanmar\\_political\\_reforms/6441/](http://www.upi.com/NewsTrack/Top_News/2008/01/02/india_stresses_myanmar_political_reforms/6441/)).

track policy of engagement and selective embargo to achieve the normative goal of democratisation of Myanmar along with good relations with India.

*Status quo and normative means*

The means India used to develop relations with the junta were chiefly status quo means: high-level military exchanges, sale of initially non-lethal military supplies such as uniforms but later military sales including light combat aircraft and strategic economic cooperation such as building roads and ports. While the junta crackdown was in progress, Petroleum and Natural Gas Minister Murli Deora flew to Myanmar to sign an agreement to explore gas in three new blocks off Myanmar's southwestern Arakan coast. But India has also used normative means - Burmese dissidents and refugees continue to be sheltered in India. Moreover, the means India has used to improve relations with the junta changed between 1997 and 2007 from being normative to *realpolitik* and back to normative again. India initially shared the then ASEAN view, that integration into South-East Asian trade and institutions would open Myanmar's isolationist junta to political reforms. The first initiative that India took in 1997 was a follow-up of this policy: the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC). BIMSTEC initially comprised Bangladesh, India, Sri Lanka and Thailand, but soon expanded to include Myanmar, and later Bhutan and Nepal. BIMSTEC covers 13 'Priority Sectors' for cooperation: trade and investment, technology, energy, transport and communication, tourism, fisheries, agriculture, cultural cooperation, environment and disaster management, public health, people-to-people contact, poverty alleviation and counter-terrorism and transnational crimes.<sup>128</sup>

In the late 1990s and early 2000s, India's goals became more overtly *realpolitik*. In 1998, India and Myanmar signed agreements to promote border trade (intended to improve economic conditions in their troubled border regions),<sup>129</sup> agricultural development and technology. Then in 2000 India began non-lethal military sales to Myanmar and in 2006 it began military sales, such as T-55 main battle tanks, and 105 mm light artillery

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<sup>128</sup> See BIMSTEC's website (<http://www.bimstec.org/>).

<sup>129</sup> See [http://www.indianembassy.org/policy/Foreign\\_Policy/FP\\_1998/myanmar\\_fp1998.html](http://www.indianembassy.org/policy/Foreign_Policy/FP_1998/myanmar_fp1998.html)

guns, pledging further to sell armoured personnel carriers, light combat aircraft and small naval vessels.<sup>130</sup> The plans to supply light combat aircraft were permanently shelved following pressure from the EU, as some of the aircraft's components originated from EU member states that backed sanctions against Myanmar.

From 2006 India started, albeit reluctantly, to take UN normative concerns on board, meeting the UN envoy to Myanmar on his visits to the region. The Indian government also started coordinating with the US, UK and EU. Military sales were suspended following the 2007 crackdown (Bedi, 2007), and the Indian Foreign Secretary Shiv Shankar Menon, followed up a meeting with Mr. Gambari with a visit to Myanmar in mid-February. India is, thus, moving from status quo back to normative means in Myanmar.

### *Status quo results*

The results thus far have been status quo. There were initial glimmers of hope in November 2007 – the junta appointed Labour Minister General Aung Kyi to mediate with Aung San Suu Kyi and allowed her to meet the National League for Democracy's executive committee (whom she had not met for four years). Aung San Suu Kyi issued a statement through UN envoy Ibrahim Gambari that she was ready to cooperate with Burma's military junta "in the interest of the nation".<sup>131</sup> Suu Kyi's supporters feared "that she had fallen victim to another ploy by the junta to win time and deflect mounting international criticism".<sup>132</sup> The suspicion was based on the fact that no meeting between Suu Kyi had taken place by the time of this writing and her party executive was not allowed to meet her again. In January 2008, the NLD asked for another meeting with her in order to discuss national reconciliation,<sup>133</sup> the junta has yet to respond.

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<sup>130</sup> "India, Myanmar Set to Increase Military, Energy Cooperation" (<http://www.india-defence.com/reports-2772>).

<sup>131</sup> See <http://news.bbc.co.uk/2/hi/asia-pacific/7085292.stm>

<sup>132</sup> "Suu Kyi meets NLD colleagues" (<http://www.newsdeskspecial.co.uk/2007/11/suu-kyi-meets-n.html>).

<sup>133</sup> "Myanmar Opposition asks Junta for Aung San Suu Kyi Meeting", *Agence-France Press*, 18 January 2008 (<http://www.abs-cbnnews.com/storypage.aspx?StoryId=106031>).

India's efforts at opening up the junta through regional integration via BIMSTEC failed; worsening relations with Bangladesh over terrorism issues have led Bangladesh to stall on implementing the pipeline agreement with India and Myanmar. It remains to be seen whether Indian diplomacy, along with Chinese pressure, can soften the junta.

### *Conditioning factors*

External pressure from the US, EU and UN contributed to India's partial and gradual shift from status quo to normative goals and means. However perhaps more important has been China's gradual shift under international pressure, easing India's own move. Although China twice vetoed Security Council attempts to impose sanctions on Myanmar, the Chinese government began to discreetly meet dissidents linked to the NLD in 2006-07, condemned the military crackdown and demanded that the junta "restore internal stability as soon as possible, properly handle issues and actively promote national reconciliation" (Spencer, 2007). As India's *realpolitik* goals had been formulated in response to China's growing strategic presence in Myanmar, the Chinese shift meant that India had less to lose from adopting normative goals and means. At the same time, China's resistance to international pressure on Myanmar, which blocked efforts to put sanctions and a timetable for democratic reforms on the ASEAN agenda in November 2007, has also limited the impact of any normative actions by India. India fears stronger action will bring back the situation of 1988-98, when China consolidated Myanmar within its sphere of influence.

Turning to internal factors, India's inclination was to pursue normative policy towards Myanmar, but *realpolitik* circumstances, both external and internal, led India to adopt status quo goals and means. Domestic outcry at the 2007 crackdown, when the Myanmar dissidents were headline television news for a month, fuelled by Burmese refugees in India, made clear that there was popular support for an Indian shift in a normative direction.

## ***2.8 Status quo unintended: The EU-India strategic partnership, 2004-07***

### *Status Quo to Normative Goals*

Despite the fact that India entered a 'Strategic Partnership' with the EU in 2004, which was followed by the launch of a Joint Action Plan in 2005, India's goals are to replicate at the EU institutional level the country's strong bilateral relations with several EU member states. While EU goals in the strategic partnership have stressed India as a rising power, citing its newly warm relations with the US, its growing relations with China and its Look East policy as reasons for multilateral cooperation with India, especially for peace and stability in South Asia (European Commission, 2004), Indian analysts concluded that the EU's failure to achieve a Common Security and Foreign Policy made a substantive policy partnership unlikely (Dasgupta, 2003). Moreover, many of them argued, the EU is "not willing to take political risks" with India (unlike the US), it will not put the EU-India partnership at the same level as that with China, and it tends to hyphenate India with Pakistan, though this impression is now fading (Jain, 2005, pp. 6-7). In essence, the EU relationship with India is that of a status quo power, in contrast to the US relationship which is that of a revisionist power, rewriting the rules in India's favour (Mohan, 2006), a reference to the civil nuclear energy agreement.

European analysts had a more positive view of the relationship, but this too was in terms of its potential rather than practice (Cameron, et al., 2005). Up until 2006, progress was chiefly in space cooperation and to some extent in trade. Although on paper both sides reiterated that their cooperation goals were normative - shared values of democracy and pluralism, commitment to multilateralism, mutual areas of interest in South and West Asia (Government of India, 2004) - in practice there was little coordination on any of these goals.

In 2006 this situation began to change, with the EU gradually coordinating policy towards Nepal with India. By 2007, the partnership had developed to the point that the Joint Statement issued at the November 2007 EU-India Summit said that India and the EU "would preserve and promote peaceful uses of technology through forward looking approaches among countries committed to disarmament and non-proliferation", rather coyly implying EU acceptance of the civil nuclear energy agreement. The Joint Statement emphasised an EU-India commitment to stabilisation and

reconstruction in Afghanistan, an area of cooperation that the Indian government had suggested in 2004 in its “Response” to the EU proposal for a strategic partnership (Government of India, 2004) but got little purchase due to troops-contributing countries’ fears of a hostile Pakistani reaction. The Joint Statement also expressed shared views on the conflicts and/or peace processes in Nepal, Sri Lanka, Pakistan and Bangladesh. Each region welcomed the other’s inclusion in multilateral structures of which it was part, such as the Asia-Europe Meeting process and SAARC. And the two announced a slew of new collaborations to deal with climate change, such as research and development of alternative energy sources, including bio-fuels and solar energy.<sup>134</sup>

In other words, the goals of the partnership are moving from status quo to normative; a trend that was predicted given the normative self-perception of both regions, but also carries potential for collision between differing perceptions of normative versus “intrusive” behaviour (Abhyankar, 2003).

### *Status quo means*

The means that the EU and India used to develop their strategic partnership were chiefly governmental – from ministerial summits to diplomatic and administrative negotiations. Although parliamentary exchanges gathered some steam in 2006 and in March 2007, the European Parliament set up a Delegation for Relations with India,<sup>135</sup> a partner group still has to be set up by the Indian Parliament.

Of the implementing groups set up under the Joint Action Plan, the ones that have worked, in terms of moving to next steps, are in science and technology, alternative energy, bio-fuels, aviation, maritime matters and trade. The soft-power elements of the partnership – civil society and cultural exchanges and think tank round tables – have become marginal. The Civil Society Roundtable set up under the partnership is described in

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<sup>134</sup> India-EU Joint Statement, 30 November 2007 ([http://www.delind.ec.europa.eu/en/political\\_dialogue/summits/eighth/8\\_joint\\_statement.pdf](http://www.delind.ec.europa.eu/en/political_dialogue/summits/eighth/8_joint_statement.pdf)).

<sup>135</sup> “European Parliament keen on Lok Sabha ties”, *Nerve News*, 13 June 2007 (<http://www.nerve.in/news:25350053868>).

the Summit Statement of November 2007 as “a useful forum”,<sup>136</sup> cultural exchanges consist of a small film festival and the think tank roundtables that were envisaged at the 2002 Summit met twice between 2003 and 2004 but were then dropped for unspecified reasons.

Hard-power elements were even more marginal: an India-EU security dialogue was set up only in 2006 though it was announced in 2005, and meets only once a year; the second dialogue was described as “a fruitful discussion on global and regional security issues, disarmament and non-proliferation”, in other words nothing concrete. Consultations on terrorism are scheduled to resume in 2008 after a gap of three years,<sup>137</sup> although they were the first priority in the 2005 Summit Statement.<sup>138</sup>

By contrast the political statements on South Asia have grown more concrete - while generalised desire for peace and stability in the subcontinent was expressed in all the summit statements, it was only in the 2006 statement that India and the EU spelt out priority steps country by country, and the 2007 statement was even more concrete. On Myanmar, the 2007 Joint Statement called for dialogue with Aung San Suu Kyi and the ethnic groups, and support for UN efforts, including the human rights Rapporteur; on Nepal and Bangladesh it urged early elections; on Sri Lanka it stressed a ‘credible’ devolution package and reiterated that there was no military solution; and on Pakistan briefly expressed the hope that stability and democracy would soon return. Despite this apparent policy convergence, joint action was only discussed in relation to Afghanistan “to continue cooperating and coordinating their efforts to impart greater strength to... a coherent and united international commitment”.<sup>139</sup>

However, the EU has used normative means to expand the partnership through its funding programmes, targeting university, media and think tank exchanges. The initiative has by and large been one-way:

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<sup>136</sup> See India-EU Joint Action Plan - Implementation Report, presented at the 8<sup>th</sup> EU-India Summit, 30 November 2007 ([http://www.delind.ec.europa.eu/en/political\\_dialogue/summits/eighth/8\\_jap\\_imp-rep.pdf](http://www.delind.ec.europa.eu/en/political_dialogue/summits/eighth/8_jap_imp-rep.pdf)).

<sup>137</sup> Ibid.

<sup>138</sup> “Political Declaration on the India-EU Strategic Partnership”, 7 September 2005 ([http://www.delind.ec.europa.eu/en/political\\_dialogue/summits/sixth/political\\_declaration.pdf](http://www.delind.ec.europa.eu/en/political_dialogue/summits/sixth/political_declaration.pdf)).

<sup>139</sup> India-EU Joint Statement, 30 November 2007, op. cit. p. 4.



the Indian government has not targeted European universities, media and think tanks; some Indian analysts view EU development assistance as a projection of its soft power (Abhyankar, 2003).

### *Status quo results*

The partnership has yielded some soft-power benefits which will aid research and development, especially scientific and technological, in both regions. EU-India trade grew from €40 billion to €47 billion from 2005-06; the EU is India's largest trading partner, though China is close behind. However, India is the EU's ninth largest trading partner,<sup>140</sup> and accounts for only 1.4% of EU outflows.<sup>141</sup>

The two are converging in their political approaches to conflict and/or instability in South Asia, but whether this will result in joint policies and coordinated actions is an open question. As of now it appears likely that each will take independent policy action.

Nevertheless, the EU and India are building institutional ties at a number of different levels, which will strengthen the normative elements of the partnership over time. The problem is how much time – meetings are still relatively infrequent and interactions between EU and Indian officials are around one-twentieth of those with China (Jain, 2005). Despite their efforts, the EU is relatively unknown in India and India is known only in those member states with which it already had strong bilateral relations. In sum, EU-India relations will grow steadily but at a low profile; both hard- and soft-power elements of the strategic partnership could be replaced by research and development goals.

### *Conditioning factors*

The EU-India strategic partnership is overshadowed by the India-US and India-China partnerships, both of which deal with issues of immediate and overweening interest for India. By contrast, although the EU is engaged in South Asia and its neighbours are a priority for India, India has little to

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<sup>140</sup> "EU-India Trade in Facts and Figures", Brussels, 29 November 2007 ([http://trade.ec.europa.eu/doclib/docs/2007/november/tradoc\\_136935.pdf](http://trade.ec.europa.eu/doclib/docs/2007/november/tradoc_136935.pdf)).

<sup>141</sup> "EU-India Trade in Facts and Figures", Helsinki, 12 October 2006 ([http://trade.ec.europa.eu/doclib/docs/2006/october/tradoc\\_130593.pdf](http://trade.ec.europa.eu/doclib/docs/2006/october/tradoc_130593.pdf)).

gain from EU support, as the EU still has limited leverage in South Asia. However, the American and Chinese attention to India are what influenced the EU to seek a strategic partnership with India in the first place, and in the near term these *realpolitik* factors are likely to influence EU relations with India more than will the normative factors of pluralist democracy that both regions cite as shared characteristics. India's approach is to use the EU's competitive reaction to the US in its favour – Indian priorities being to gain scientific collaboration and ensure some freedom of labour movement.

Internally India has yet to come to grips with the EU as an umbrella institution for European countries. Within India, EU member countries are more active diplomatically than the EU is. The EU erroneously sees this as a 'visibility' problem to be solved through better communication and people-to-people contacts, but most Europeans view themselves and are viewed as citizens of a particular European country rather than an overarching European Union. Until some balance is achieved between the EU and the member states, the EU will be seen more as a funding and trading organisation than as a strategic policy-maker.

### **3. Conclusion**

What kind of a foreign policy actor is India? From the cases above, a mixed picture emerges, but certain general conclusions can be derived nevertheless.

The most important of these is that Indian policy-makers and a large proportion of its middle class of 250 million perceive the country as a rising power; moreover, this perception is shared by important international players, especially the US, EU and South-East Asian countries. For the first time since it became an independent country, India's leaders describe their new international weight as being based on growing economic clout rather than moral precepts or history (decolonisation). For the first time too, they seek to marry normative goals and behaviour to policies furthering the national interest, broadly defined as extending from traditional to human security for its citizens. Speaking at a think tank in 2007, Foreign Secretary Shivshankar Menon identified three key goals for India's foreign policy: "Firstly, ensuring a peaceful periphery; secondly, relations with the major

powers; and, thirdly, issues of the future, namely food security, water, energy and environment".<sup>142</sup>

The means that he listed to pursue each goal were different. To build peace in the neighbourhood, India looks to create social partnerships, offer economic benefits such as zero tariffs for the poorer South Asian countries, support cross-border infrastructure and development projects, stress 'civilisational linkages' that grew from the ancient flow of people and ideas, and work for intra-regional trade through SAARC, ASEAN and the East Asia Summit. Significantly, Menon described the neighbourhood, as Saran did, in the same terms as Kautilya: "expanding circles of engagement, starting with the immediate neighbourhood, West Asia, Central Asia, South-east Asia and the Indian Ocean region".

There is, however, a slight elision of categories in this description. Looking at the cases discussed in this paper, there is a clear distinction between India's policies in South Asia and India's policies in East Asia. In South Asia, India has increasingly engaged in peace-making both with its neighbours (Pakistan) and between warring factions within its neighbours (Nepal). India has not been so proactive with the one South-East Asian country with which it shares a land border, Myanmar; and is proceeding gingerly in peace-making with its most powerful neighbour, China.

Indian policy-makers, therefore, perceive a greater threat to the country's security from instability in its South Asian neighbours, an assessment that the US and EU share. They also act with more confidence in seeking to resolve the threat, perhaps because South Asian countries share a common regional forum, SAARC (even though SAARC's mandate is restricted to economic cooperation). It is significant that Menon's speech was remarkably silent when it came to the peace initiatives that India launched in the late 20<sup>th</sup> and early 21<sup>st</sup> centuries, indicating that the country's policy-makers are unwilling to 'talk up' their peacemaking capabilities, or include these in their doctrine of international relations. Whether this means that Indian policy-makers continue to have

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<sup>142</sup> Shri Shivshankar Menon, "The Challenges Ahead for India's Foreign Policy", Speech by the Indian Foreign Secretary at the Observer Research Foundation, New Delhi, 10 April 2007 (<http://meaindia.nic.in/cgi-bin/db2www/meaxpsite/coverpage.d2w/coverpg?sec=ss&filename=speech/2007/04/11ss01.htm>).

reservations about the scope of normative actions in international relations, as they did during the cold war, is an open question.

India's reservations during the cold war were related to upholding state sovereignty. Hence, while India was one of the UN's largest troops' contributors, it sent troops only under the UN mantle. The only exception was the Indian peacekeeping mission to Sri Lanka in 1980, which resulted in a stalemate and withdrawal; as a result, the initiative did not result in expanding India's peacekeeping tenets. Today, the situation is different. India's sovereignty is not under question; and India's non-normative behaviour in Sikkim is unlikely to be repeated. India's peace initiatives with Pakistan and in Nepal have been sufficiently sustained to indicate that India is being proactively normative in its behaviour with its neighbours. With India having joined the UN Peace-Building Commission, the inclusion of peacemaking capabilities in its foreign policy doctrine is likely to occur in the coming decade.

Turning to the broader Asian neighbourhood, the first striking point is that India's Look East policy indicates a new departure for India, a focus on maritime interests. India has found it easier to develop strong relations with its neighbours at sea than with its land neighbours, and these successes have entered Indian doctrine. Today Indian policy-makers see India "at the confluence of two seas", to use the words of the 17<sup>th</sup> century Indian ruler, Dara Shikoh, and India's Navy is involved in an increasing number of multilateral exercises to improve maritime security.<sup>143</sup>

India's Look East policy has clearly been the primary impetus to India's recent economic growth and has deepened strategic relations with the major powers, whom Menon listed as the US, EU, Japan, Russia and China (in that order). India-US strategic cooperation was founded on maritime security in South-East Asia and the Indian Ocean, as was India-Japan strategic cooperation, and the former was accompanied by a rapid rise in trade. Up until 2005 the US was India's largest trading partner, with a trade volume of \$32 billion that year. The US has now been outstripped as a trading partner by the EU and China, but arguably it was the India-US strategic partnership that prompted the India-EU and India-China partnerships, both of which gained substance only after they took off.

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<sup>143</sup> Cited by Shinzo Abe (<http://www.mofa.go.jp/region/asia-paci/pmv0708/speech-2.html>).

Menon tellingly commented that the India-US partnership had a “positive effect... on our dealings with the rest of the world” (Menon, 2007).

That said, India’s goals in partnering with the Great Powers were quite different from India’s goals with Asia; they were, in Menon’s words, “access to markets, high technology and resources crucial to our future economic growth and development”. While Indian goals thus mix *realpolitik* and normative elements, the means that India has used are by and large within the normative framework of international law (the EU-India and India-Japan strategic partnerships). But they have also on occasion sought to alter or expand international law (the US-India civil nuclear energy agreement). At the same time, India is developing institutional partnerships, for example between space, technology, defence and agricultural agencies (the EU and US), as well as through membership of regional forums (the ASEAN Regional Forum and the East Asia Summit).

If these points indicate that India is beginning to expand as a normative foreign policy actor and has been able to bring some depth to its normative behaviour as a rising power, it is also worth noting that Indian policy-makers have encountered a surprising obstacle to achieving some of their goals, in particular the civil nuclear energy agreement – domestic political opposition. This casts doubt on whether there is internal consensus or even clarity on what constitutes the national interest. Similarly, India’s China policy appears to be timid to the point of subordinating one strand of national interest, settling border disputes on normative principles and retaining the right to deal normatively with regional issues (Tibet and Taiwan), to another strand of national interest, trade and relations in South-East and East Asia, where China dominates.

These factors indicate that India might remain a rising rather than established power for a longer time than it would take if the country’s political parties had an overarching and non-partisan conception of the national interest. This is unlikely to affect India’s behaviour as a normative foreign policy actor, although it will dent policy-maker confidence and could mean that India’s ability to be effective in its actions will be curtailed. Much depends on how well the India-EU and India-US partnerships develop on the one hand, and how steadily India’s Look East policy progresses on the other hand. The potential is good: each set of relationships is based on a strong foundation of goodwill, little strategic competition and diaspora ties. The India-China relationship is more

complicated and lacks the foundation that the other three have, but it too could improve as the other three progress.

In short, India is steadily becoming a more influential as well as normative foreign policy actor, despite domestic confusion, and this trend is set to grow over the coming decade.

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# 6. CHINA AS A NORMATIVE FOREIGN POLICY ACTOR

*BRANTLY WOMACK\**

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*Although China's foreign policy behaviour is often judged in terms of its compliance with Western norms, the evolution of China's own norms merits serious attention. From early times to the present day, China's international action has been structured in terms of norms. When China's recent behaviour is described in terms of the normative structure proposed by Tocci in the introductory chapter, its unique perspective is highlighted, although tentative questions concerning the structure are also raised. Moreover, the case of China challenges the general interpretation of norms because it emphasises relationships as essentially interactive. From the Chinese perspective, international relations are not an area for the application of abstract norms to cases, but rather a set of particular international relationships, with concrete obligations defined within the context of each relationship. The cardinal virtue of normative interaction is respect for the other. By focusing on this Chinese interpretation of normative action, this chapter analyses eight case studies in Chinese foreign policy, discerning whether when and why China behaves as a normative foreign policy actor.*

## 1. Introduction

China has been defined variously as Westphalian, realist, and as a subverter of the unity of Western normative action, in places such as Sudan and Myanmar. If the topic of this working paper were how China affects Western and especially American policy initiatives, then these would be familiar depictions. However, if we allow for the possibility that 'our' norms are not the only possible norms, and perhaps not the only valid ones, then the distance between China's behaviour and that of the West may not be a measure of China's moral defects, but rather of the

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distinctiveness of China's perspective in its external relationships. Understanding China on its own terms as an intentional actor should be a prerequisite to understanding China as a normative foreign policy actor. China is certainly worth the effort. Its long history as a resilient traditional empire, its collapse and transformation in the twentieth century, its revolutionary policies during the Cultural Revolution, and the current era of reform and openness, all have essential moral dimensions to be explored.

Besides the intrinsic interest in China as a normative foreign policy actor, analysing China requires a broadening of the spectrum of possible normative approaches, and suggesting several fundamental principles of normative international action that are sometimes neglected in the West. China was one of the many countries that were at the wrong end of the *mission civilizatrice*; unwillingly, it helped carry the white man's burden. China's radical norms were therefore based on the critical rejection of imperialism and the presumed right of intrusion into weaker political communities. Even today, many of the normative differences between China and the West stem from the *kto-kovo* [who-to whom] differences in the experience of imperialism.

Beyond the critique of Western intrusiveness, analysing China can add new depth to a study of normative international action. The Western focus tends to be on the actor and its moral motive. Both traditionally and at present, the Chinese focus is instead on relationships and the ethics of relationships. A relational perspective can highlight the role of power in asymmetric relationships. It also stresses respect for the other as the cardinal virtue of normative relations. The consideration of norms and their effects should involve more than an assessment of one's actions and their consequences for one's own conscience, but take into consideration the effects on others. In this respect, China as a thinking moral actor poses many stimulating and challenging questions concerning the interactive framework of normative action.

This working paper consists of three major parts. The first considers the evolution of China as a normative foreign policy actor from the traditional Chinese empire to the present. The second presents case studies of Chinese foreign policy in the framework suggested by Nathalie Tocci, but according to China's own norms. The last part reflects on the challenges and contributions that China can bring to a more general theory of normative foreign policy action.



## 2. China's Norms in Historical Context

### 2.1 Norms and Chinese norms

The English word 'normative' has an interesting family. A 'norm' can be a moral principle, but it can also be an expectation of non-deviance. A 'normal curve' or 'normal distribution' is the expected pattern of outcomes, and to be 'normal' is not to be abnormal. When in 1685 Jean-Baptiste de la Salle founded the first teachers' college, the Ecole Normale, the term 'normal school' was used because the mission was to standardise teacher training and education. The term 'normative' dates only from the nineteenth century, but its implication of applying a rule to behaviour harkens back to its Latin ancestor, *norma*, a carpenter's square.

The Chinese translation of 'normative', *biaozhun* 标准, conveys only the sense of standardisation rather than a moral imperative. However, if we look at attitudes towards ethically-guided behaviour, the Chinese tradition is at least as rich as that of the West. With its basic premise that human nature is good, Confucianism presented a very sophisticated ethic of social interaction that emphasised leadership by example, teaching morality, and the duties associated with relational roles. When it became China's orthodoxy in the Han dynasty (206 BC to 220 AD), Confucianism not only provided the moral code for the Empire's external relations, but also the examination curriculum for recruiting the bureaucracy. By contrast, the Daoists criticised the moralism of the Confucians as unnatural: "The human heart is like a spring. The more you press it down, the higher it will leap." The Daoist emphasis on the way of nature and non-activity was not suited to be a governing orthodoxy, but it remains a fundamental influence on personal values and on Chinese aesthetics. Another strand of classical thought, the Legalists (also called Realists - in Chinese *fa jia* 法家) were instead brutally unconcerned with morality. They recommended to the ruler to hold on to the "two handles" of reward and punishment, and to be "empty, still, and silent, and from your place of darkness observe the weaknesses of others."

As different as these three Chinese approaches to the ethics of state are, they have some traits in common and stand in contrast to Western norms. They are not based on the revealed commands of God, nor are their recommendations justified by transcendental rewards and punishments. There is no glorification of altruism or self-denial per se, even though they

all require tremendous self-discipline. The cardinal virtue of Confucianism is humanity (*ren* 仁, the character is derived from two people together), not obedience, even to God or the ruler. The focus is neither on the universal nor on the individual, but rather on proper behaviour in relationships. 'Proper behaviour' in relationships refers to actions that in the long run will be successful. It is with regards to which actions will be successful – and indeed what success is – that Confucians, Daoists and Legalists differ in their advice.

## ***2.2 From empire to victim***

From the Han Dynasty to the fall of the last dynasty two thousand years later, an 'imperial Confucianism' evolved. In domestic politics, the empire was supposed to be a pyramid of virtue, recruited on the basis of Confucian merit and serving the emperor by the judicious management of relationships among those in their charge. A distinctively Confucian foreign policy emerged more slowly but by the Tang (618-907) and the Song (960-1279) dynasties, the major elements were clear and very much an extension of domestic principles. First, China was dominant in its international environment not because of conquest, but because of its virtue (*de* 德). Because humanity is good, even barbarians could appreciate the virtue of China and learn from it. Tribute missions were expressions of deference to virtue and usually left with gifts more valuable than those they brought.

Generally China did not interfere in the domestic politics of its neighbouring states. However, it recognised and dealt with the hereditary rulers, and when they were challenged by domestic turmoil, China's dilemma was precisely whether to support the recognised ruler or to shift recognition to the victorious usurpers. As this dilemma suggests, the emphasis on virtue created a vital role for hypocrisy in Chinese diplomacy. As Machiavelli might have said, the appearance of Chinese virtue was often more important than its reality. On the other side of the coin, for China's smaller neighbours the show of deference while in Beijing was counterbalanced by the claim of absolute authority while at home. The implication that neighbouring states were inferior did not sit well with their kings, and therefore various ruses were used to preserve the conflicting images of absolute authority at home and deference to China in Beijing. The Vietnamese emperor, for instance, would designate his young

son as the 'official king' in dealing with China, and once sent an impostor to receive the seals of office (Buu Lam, 1968). When China was defeated by Vietnam in 1427, it accepted Vietnam's apology and recognised the new ruler when he sent a golden effigy of himself to be punished. The handling of tribute missions was done so that anything other than deference was hidden from the emperor. The British mission of Lord McCartney in 1793 was a prime example of deflection of a very different emissary from the established pattern of deference (Hevia, 1996).

Ultimately, the contradiction between China's presumptions of superiority and the West's growing ambitions for power created a series of confrontations, from the Opium War in 1840 to the Boxer Uprising in 1900. China lost each one. Each time its capacity for further resistance was reduced, so was its capacity to maintain domestic order. Finally, the Qing Dynasty collapsed in 1911 and was replaced by a situation of total chaos (Tsou, 1986). Warlords fought each other in the countryside, foreigners governed the modern economy in the cities, and Japan was tempted to extend its empire. Humiliation was the defining theme of China's first century of contact with imperialism (Cohen, 2003).

After the founding of the People's Republic of China in 1949, domestic weakness and external vulnerability came to an end, but the formative influence of suffering as the victim of Western and Japanese power remained. Even in China these resentments of past wrongs and sensitivities to bullying are today criticised as a 'victim mentality' (Medeiros & Taylor Fravel, 2003). However, it should be remembered that a 'victim mentality' has its roots in the reality of being a victim, and it is no more pathological than its opposite, the 'victor mentality', with its rosy memories of past glory and callousness in presuming that might is right.<sup>144</sup>

### ***2.3 Virtue and the new communist order, 1949-1970***

China's victimhood provided the historical context for the diplomacy of the People's Republic of China, but the attitude of 'new China' was one of confidence. There was confidence in the Communist Party of China,

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<sup>144</sup> A visit to the Koninklijk Museum voor Midden-Afrika (Royal Museum of Central Africa, now also called the Africa Museum) outside Brussels is a strong reminder of how the victor mentality can manifest itself.

because it had led a rural revolution to overwhelming victory. There was confidence in the people, because the main strength of the revolution was the mobilisation of the masses. There was confidence in Marxism-Leninism, because in the version creatively applied by Mao Zedong to Chinese conditions, its ideological guidance had proven correct. The tremendous success of the revolution led to the expectation that further revolutions in world politics were possible.

China's revolutionary foreign policy was based on unity with the socialist camp, solidarity with the third world, and opposition to the capitalist world. Despite the chequered history of the Soviet Union's relations with the Communist Party of China before 1949, Mao was willing to become part of the Soviet camp because it appeared to represent the organised forces of world revolution. Solidarity with the third world was also a fundamental commitment, because Mao expected that the "vast zone of...capitalist, semi-colonial and colonial countries" in between the United States and the Soviet Union would be the battleground on which the people would determine the victory of revolution (Mao Zedong, 1967, p. 99). Opposition to the capitalist world was founded on Lenin's application of class struggle to international relations. However, in concrete negotiations and in the conduct of relations, compromise was possible and peaceful relations were preferable. For example, the British were allowed to keep control of Hong Kong even though their presence was considered illegitimate. On the other hand however, given the choice between diplomatic relations with France and support for the Viet Minh, China chose Ho Chi Minh.<sup>145</sup>

The great events of Chinese foreign relations in the 1950s were the Korean War, the Geneva Conference of 1954, and the Bandung Conference of 1955. The Korean War confirmed the hostility between China and the US that persisted until Nixon's visit in 1972. Nevertheless, it demonstrated that China was a credible military force and thus set the stage for the inclusion of China as a major player at the Geneva Conference. This was China's debut on the global diplomatic stage, and Zhou Enlai was instrumental in securing the agreement of the Viet Minh to the Geneva Accords. The Asian-African Conference, better known as the Bandung Conference, was a

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<sup>145</sup> Diplomatic relations with France were not established until 1964, ten years after the fall of Dienbienphu.

different kind of success for China. In the run-up to the Conference, Zhou Enlai improved relations with India and Burma, co-formulated the “Five Principles of Peaceful Coexistence” and then played an active part in the Conference itself.<sup>146</sup>

Unfortunately however, the Bandung Conference proved to be the high-water mark of Chinese diplomacy, as China soon entered the turbulent stream of leftism. China was certainly a ‘normative foreign policy actor’ in the Cultural Revolution from 1966 to 1969, but it drew such a sharp distinction between the friends and enemies of world revolution that it alienated almost everyone. Its criticism of the Soviet Union as revisionist and then as social-imperialist caused alienation from all but Albania in the socialist camp. Even Vietnam, which was dependent on Chinese aid, was shocked by China’s strident tone. Third world countries that had been favourably impressed by China at Bandung drifted away. China’s shrill and self-righteous leftism in these years produced isolation rather than world revolution. On the positive side of revolutionary activism, the building of the TanZam Railway in Africa in 1970-1976, at a cost of \$500 million, was a remarkable and successful example of revolutionary goodwill, and vital in breaking the economic stranglehold of apartheid-riven South Africa on its neighbours.

## ***2.4 Evolution of reform era norms***

While the reform era in domestic policy started with a bang in December 1978, the ideological evolution of Chinese foreign policy was more gradual and complex. By 1970, the Soviet threat and the failure of radical foreign policy induced Mao Zedong to adopt an approach that might be called revolutionary pragmatism. On the one hand, there remained the hope of world revolution, while on the other hand this was acknowledged as not being imminent. Therefore Mao decided to establish relations with any state that would recognise the PRC instead of the Republic of China on Taiwan, and he began the rapprochement with the US that culminated in

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<sup>146</sup> The 5 Principles (called Pancha Sila in India) are: 1. mutual respect for territorial integrity and sovereignty; 2. mutual non-aggression; 3. mutual non-interference in internal affairs; 4. equality and mutual benefit; 5. peaceful coexistence. As Chinese textbooks on international relations observe, these principles are rooted in Western principles of international relations as well and may thus be considered universal.

the Shanghai Communiqué of 1972. After taking over China's seat at the UN Security Council in 1971, China was very cautious and decidedly unrevolutionary. Foreign trade began its rapid expansion in the 1970s, although it remained under tight state control.

The two most dramatic policy changes at the beginning of the reform era in January 1979 were the normalisation of relations with the US and the adoption of a policy of peaceful reunification with Taiwan. Five years later, the Sino-British Joint Declaration on Hong Kong was signed on the basis of Deng Xiaoping's 'one country, two systems' policy. Without belittling the significance of these events, it could be argued that the abandonment of state trading monopolies and the encouragement of foreign investment were even more important. In the 1980s the economies of China and Hong Kong began to merge, setting the stage for more general economic globalisation in the 1990s.<sup>147</sup> Contact between China and the outside world was increasingly deregulated.

Adaptation to international norms has been a major dimension of China's diplomacy in the reform era. China sought international advice in designing its Patent Law in 1984, and then adapted the law to WTO standards in 2000. The Copyright Law was passed in 1990, and China acceded to the Berne Convention on international copyright protection in 1992. In the area of non-proliferation, China has been establishing export regulations for nuclear, biological, chemical, missile and conventional dangerous materials since 1987.<sup>148</sup> It issued a White paper on non-proliferation in December 2003, and became a member of the Nuclear Supplier's Group in 2004.<sup>149</sup> In conventional arms sales, China ranked ninth in 2006, behind Germany, France, Netherlands, Italy, UK and Spain.<sup>150</sup> Its arms sales had climbed to 8.7% of the world total in 1987, but have since declined to 2.1%. There is however a cultural 'Doppler Effect' in the

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<sup>147</sup> By 1985 Hong Kong capital was employing five times more workers in neighbouring Guangdong Province than in Hong Kong itself. One might describe the situation as 'one country, two systems, one economy'.

<sup>148</sup> A guide to China's regulations in this area is available at the following Foreign Ministry site: <http://www.fmprc.gov.cn/eng/wjb/zzjg/jks/fksflfg/t141341.htm>

<sup>149</sup> The White Paper is available at: <http://www.china.org.cn/e-white/20031202/index.htm>

<sup>150</sup> Data accessed from SISI. [http://armstrade.sipri.org/arms\\_trade/toplist.php](http://armstrade.sipri.org/arms_trade/toplist.php)

international appreciation of China's accommodation to international and Western norms. Movement towards what is habitual and familiar in the developed world is accepted as 'natural', while critical attention is focused on the remaining differences and on problems of implementation.

Developments in foreign policy norms have occurred in four major areas since the 1990s. First, China's policy of non-interference in domestic affairs - which was part of its original Five Principles of Peaceful Coexistence - was applied more strictly. In contrast to China's public criticism of Soviet revisionism in the 1960s, there was no official criticism of the much more dramatic abandonment of communism by Mongolia, the Soviet Union and Eastern Europe. The lack of criticism and the continuity in diplomatic relations is especially noteworthy given the conservative lurch in China's domestic politics after the Tiananmen incident, which occurred on the same day - 4 June 1989 - that Solidarity won the Polish elections. Similarly, after China decided to support UN efforts to install a unity government in Cambodia in 1990, it ceased to support the Khmer Rouge and did not try to influence the factional composition of the government. In recent years there have been subtle modifications of the policy of non-interference, most notably behind-the-scenes pressures on Democratic People's Republic of Korea and Myanmar, but even in these cases the appearance of pressure is carefully avoided.

Second, after the international uproar and isolation from developed countries resulting from the 1989 Tiananmen crackdown, China began to pay more diplomatic attention to its Asian neighbours (Womack, 2003a). China normalised relations with Indonesia in 1990, Singapore, Vietnam, Laos and Cambodia in 1991, and South Korea in 1992. It established positive relationships with the new Central Asian republics created after the collapse of the Soviet Union, and developed an unexpectedly close rapport with Boris Yeltsin's Russia. In the Asian financial crisis of 1997, China's promise not to devalue its currency was not only deeply appreciated by its neighbours, but it also demonstrated an impressive degree of international financial autonomy. China's success with its neighbours is somewhat counter-intuitive, considering that its rising power has increased the relative vulnerability of its neighbours. In an anarchic world, one would expect the neighbours to ally with one another and to weigh in against China.

Third, and greatly facilitating Beijing's good neighbourhood strategy, China has increased its involvement in multilateral institutions. From a

global perspective, the most dramatic event was China's entry into the WTO in December 2001, and this was indeed an important watershed. But even more important, creative and successful have been China's involvements in regional multilateral arrangements with its neighbours. The best known and least successful of these has been the Six Party Talks on Korean nuclear weapons. Although the intransigence of both North Korea and the US has impeded progress in negotiations, China has established itself as the reliable mediator. China's multilateral relations with Southeast Asia have developed rapidly in the last decade. It joined the 'ASEAN plus three' talks with Japan and South Korea in 1997, and then established a China ASEAN Free Trade Area in 2002. At the same time, China signed an agreement with ASEAN committing to a peaceful resolution of differences in the South China Sea.<sup>151</sup> These agreements were especially important for Southeast Asia because of the greater competitive pressure they faced as a result of China's entry into WTO.

China's greatest success in regional multilateralism has been the Shanghai Cooperation Organization, founded in 1995 as the 'Shanghai Five'. This organisation, including China, Russia and the Central Asian republics, has progressively expanded its membership and agenda from narrow security concerns to comprehensive regional concerns. It has become the major Central Asian organisation, attracting the presidents of Iran, Pakistan, and Afghanistan to its meetings as well as the presidents of its member states. Considering the chaos that surrounds the diplomacy of newly established states in a poorly defined region, the establishment of a new regional organisation is a major accomplishment.

Finally, since the late Cold War, China has viewed the global situation as one of multipolarity, in which no state can successfully dominate the rest and cooperation is necessary (Womack, 2004a). The idea of multipolarity was used to criticise American unipolarity, but its premise was that no state could and should dominate the world, and thus successful foreign policy involves cooperation on the basis of mutual interest and respect. The related Chinese concepts of a 'democratic world order' and a 'harmonious world' develop the idea implicit in multipolarity that international relations should be built on respecting all states as autonomous actors. The peacefulness of 'China's peaceful rise' is therefore

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<sup>151</sup> "Declaration on the Conduct of Parties in the South China Sea."



not simply a normative commitment. China's successful rise has peace as a prerequisite.

### 3. Case Studies

How can the intentional behaviour of different actors be compared if they have different intentions and interpretations of norms? An action that seems a moral requirement for one actor may be morally repugnant to another. In 1840 for example, the British righteously upheld freedom of trade when they punished the Chinese for destroying British opium, while the Chinese were upholding their domestic law banning opium as well as destroying what they considered to be a dangerous and debilitating drug. If intentional actions are reduced to empirical behaviours, then the researcher's moral judgment displaces the original intention. The question of normative action is thus reduced to how it measures up to the researcher's own norms and interpretations.

This dilemma notwithstanding, we can follow Immanuel Kant and look for categories defining normative action that transcend their specific content.<sup>152</sup> An example at the individual level would be sincerity, which regardless of one's value system would be considered important for normative action. The structure of cases that Nathalie Tocci has proposed comes close to being an a priori array of defining categories that can be applied to any international normative actor regardless of content.

Tocci's four categories of action can be grouped into two polarities: normative and realist, and imperial and status quo. The first pair attributes different importance to the normative dimensions of action (normative in the case of the normative actor and non-normative in the case of the realist actor). The second pair is instead characterised by normative revisionism and unilateral intrusiveness at one end of the spectrum (the imperial actor) and conserving the existing situation (the status quo actor). These universal descriptive categories will be applied to a variety of actors. However, these polarities do not have to be disjunctive to be meaningful; they must only

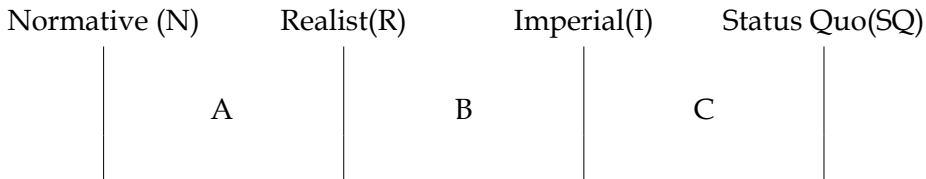
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<sup>152</sup> What I have in mind here is Kant's discussion of the a priori schemata of understanding in the *Kritik der reinen Vernunft* (Critique of Pure Reason) rather than the discussion of universal moral content in the *Kritik der praktischen Vernunft* (Critique of Practical Reason).

define a spectrum of possible actors and actions. The additional differentiation between ‘intended’ and ‘unintended’ policy impacts yields eight categories for which cases must be found.

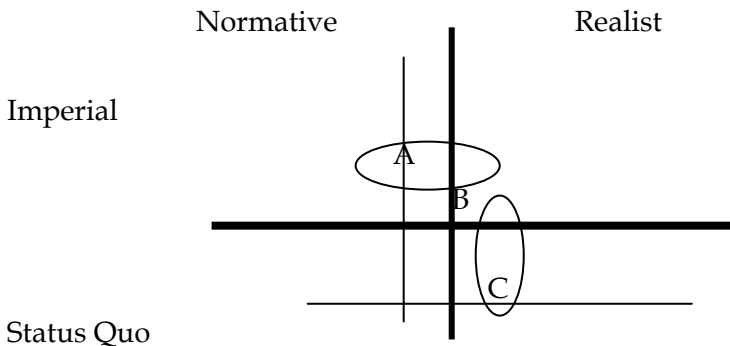
Since the four categories form the common framework of the research project and plausible Chinese cases can be cited for each category, this paper will abide by the framework. However, it should be noted that a linear four-category structure is logically demanding. It must exhaust the universe of relevant action and the categories must be either mutually exclusive or they must partly overlap only with their two neighbouring categories. In Figure 1 for example, point A can be ambiguous with respect to (N) and (R), but not to (I) and (SQ). The fact that a case study can be plausibly put in a particular category does not demonstrate the validity of the linear framework. It must be increasingly implausible to place it in a more remote category.

*Figure 1. The categories as linear*



An alternative structure suggested by the presence of two polarity pairs is a two-dimensional array. In contrast to the linear array, this defines a space in which each case study must relate to both poles.

*Figure 2. The categories as complementary polarities*



In this mapping, the previously ambiguous cases A (normative-realist) and C (imperial-status quo) must be able to be placed on the other dimension as well. Case study B (realist-imperial) would no longer be ambiguous, because it is now located at the intersection of the two axes rather than between two categories. If we assume that the polarities are dichotomous pairs, then the space can be a 2x2 table. The advantage of the two-dimensional mapping is that it raises interesting questions about the interrelationships between categories, but it has the disadvantage of reducing the number of cases and displacing the intended/unintended distinction into a separate analytical question. For the purposes of an initial attempt at comparison of normative actors, a variety of cases is an advantage. Therefore the linear approach is more appropriate as an exploratory schema.

Tocci also suggests that all foreign policy actions can be analysed in terms of their goals, means, and impacts. While each of these categories has its empirical ambiguities in any concrete case (example: what was the goal of the American invasion of Iraq?), they are useful for discriminating between general approaches. In particular, the distinction between goals of possession and milieu goals provides a good first cut at normative versus self-serving purposes (Wolfers, 1962, pp. 67-80). Tocci suggests the enhancement of international law and institutions as a further criterion for normativity. Of course, this presumes the legitimacy and adequacy of international law and institutions, which may be problematic and also reflects international power politics. It should be recalled that Leopold II's most brutal exploitation of the Congo was based on agreements signed (but not understood) by various chieftains, and then his private possession, the so-called 'Congo Free State' was ratified by European powers at the Berlin Conference in 1884-5, with no Africans present. Because of this, as Tocci rightly argues, both goals and means require critical evaluation in each case study.

The conditioning factors raised by Tocci – domestic politics, domestic capabilities, and external environment – can also be reasonably expected to be present whatever the norms of the normative actor. The conditioning factors highlight the focus of the analysis on the normative actor's individuality rather than on the relationship within which the action takes place – on the normative actor rather than the normative interactor. The state at the other end of the relationship is the object of action, a part of the external environment. We will return to the question of normative interaction within relationships in the third part of this working paper.

*Table 1. China's Case Studies*

Normative		<i>Realpolitik</i>		Imperial		Status quo	
Intended	Un-intended	Intended	Un-nded	Intended	Un-intended	Intended	Un-intended
ASEAN 1997-	Tibet 1950-55	DPRK	Khmer Rouge 1977-90	Sino- Indian War 1962	Vietnam 1979	Cambodia 1991-	Myanmar 1988-
#1	#2	#3	#4	#5	#6	#7	#8

### ***3.1 Normative intended: China-ASEAN cooperation, 1997-***

China's relationships with Southeast Asian states were chequered from 1964 to 1991. By 1991, China had normalised relations with all states in the region and established relations with the Association of Southeast Asian Nations (ASEAN). By holding the value of its currency steady during the 1997 Asian financial crisis, China contributed to regional stability, and China took the lead in proposing an ASEAN-China free trade area. In 2002 China added two important security dimensions to its relationship with ASEAN by becoming the first extra-regional state to accede to the region's Treaty of Amity and Cooperation and agreeing to the peaceful settlement of disputes in the South China Sea (including the Spratly Islands, disputed by 5 claimants). Just as important as its direct assurances of non-aggression, China has not tried to establish exclusive security relations with the region.

#### *Goals, means and impact*

The goal of China's 'good neighbourhood policy', of which better relations with ASEAN is an important part, is to stabilise China's relationships with Asian neighbours and jointly pursue mutual benefit. These goals have been pursued by supporting, and seeking through negotiation, the peaceful expansion and intensification of multilateral organisations of sovereign members. Although a positive outcome requires sustained cooperative efforts on all sides, the results so far have been impressive. Both by China's own normative standards and by the international law and institutions standards indicated by Tocci, China's interaction with ASEAN over the past decade has been a tremendous success. On the one hand, China's

strategy of multipolarity and multilateralism have succeeded in bringing the ten countries of Southeast Asia and their regional association into a much closer relationship of mutual benefit. On the other hand, the creation of a free trade area, China's accession to ASEAN's Treaty of Amity, and the agreement on the peaceful settlement of disputes in the South China Sea, must be seen as milieu achievements in the region and as positive contributions to international law and institutions (Cheng, 1999).

### *Conditioning factors*

Two principal factors explain China's intended normative foreign policy towards ASEAN. On the one hand, the internal political context has been favourable, with the post-Deng leadership being unanimously supportive of a cooperative approach (Womack, 2004b), and public opinion not playing a noticeable role (either in favour or against). On the other hand, the external context and in particular the adroit and non-confrontational diplomacy of Southeast Asia was essential for success. Had Southeast Asia band-waggoned against China after Tiananmen, or split into pro-China and anti-China groupings, cooperation would have been impossible. A more distant contextual factor was that the presence of the US that gave Southeast Asia a latent option that might have influenced China to be gentler. However, against this interpretation it should be noted that China has not undercut relations between the US and Southeast Asia. Finally, it is interesting to note that while China had the capabilities to act cooperatively, it also disposed of the means for a more aggressive and self-serving policy towards Southeast Asia. It did not maximise its increasing bargaining power vis-à-vis its Southeast Asian neighbours. Encouraging multilateralism decreased its options for 'divide and rule'. However, this policy has been a strategic success and one of mutual benefit, not one of self-sacrifice.

### ***3.2 Normative unintended: The peaceful liberation of Tibet, 1950-1955***

While few would doubt that China's relations with ASEAN were normative, the incorporation of Tibet into China in the early 1950s may not seem an obvious choice for a normative action, albeit with an unintended outcome. From a Chinese perspective, the incorporation of Tibet was part of national liberation, not a matter of foreign policy. However, it did involve negotiation with an existing government, and there was an option

of more forceful action. From a Western perspective instead, the subsequent events in Tibet have overshadowed earlier policies. Relations between China and the Dalai Lama's government in Lhasa became increasingly tense from 1956, culminating in the March 1959 revolt and the Dalai Lama's flight to India. Within Tibet, the leftist turn in China's politics combined with the Dalai Lama's breach of the Seventeen Point Agreement abruptly led to a particularly harsh regime in Tibet that lasted until 1980. Since then there have been ongoing discussions regarding reconciliation, but so far they have not been successful (Womack, 2007).

### *Goals, means and impact*

The goal of the peaceful liberation of Tibet is ambiguous, but normative considerations prevail. On the one hand, the incorporation of Tibet into the People's Republic of China was a mission of establishing sovereign possession. In 1949 Tibet was not recognised as a sovereign state by any other state, although it had been autonomous for four decades. After the British invasion of 1904 and the failure of the Qing dynasty to re-establish control, Tibet was left alone by the Republican government, although it maintained a symbolic presence and did not cede independence. On behalf of the People's Republic of China, Mao Zedong then claimed all Chinese territory, including Taiwan and Tibet.<sup>153</sup> The control of Tibet was considered a strategic necessity because of its history of British involvement and the probability of future American involvement. On the other hand however, Mao's commitment to inducing Tibet's voluntary compliance might be seen as a normative milieu goal which presumed mutual benefit as the basis of policy. Mao was well aware that Tibet was ethnically and culturally distinct from the rest of China, and that the ethnic Tibetan involvement in the Chinese revolution had come from outside Tibet proper.<sup>154</sup> For these reasons, Mao offered to the existing Tibetan

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<sup>153</sup> Mongolia, which had declared independence in 1924 and had been admitted into the UN in 1961, remains contested by the Republic of China (hence the delay in its UN membership) but was recognised from 1949 on by the People's Republic of China.

<sup>154</sup> Then as now, Tibet proper, the area controlled by the Dalai Lama from 1913 to 1959, contains only a part of the ethnic Tibetan population of China. The current Tibet Autonomous Region corresponds closely to original Tibet proper.

government that it could keep its current structure, including its army, and that “in matters relating to the various reforms in Tibet, there would be no compulsion on the part of the central government”.<sup>155</sup> The sincerity of China’s normative motives – respect for the existing order in Tibet, unwillingness to force compliance unless the masses were behind it – is demonstrated by the negotiations and compromises that continued after the People’s Liberation Army was stationed and motor roads were built. Indeed, the Dalai Lama himself was deeply impressed by Mao’s sincerity during his year-long visit to Beijing and returned to Lhasa in March 1955 eager to participate in reforms and even asked to join the Communist Party of China. As Goldstein (2007, p. 547) puts it, “Mao’s improbable strategy of winning over the Dalai Lama had turned out to be an amazing success”.

The means were also ambiguous, but overall China did not, up until 1955, use all the coercive means at its disposal. True, the presence of the People’s Liberation Army, though peaceful, left little doubt that even if Tibetans were not persuaded to cooperate, they would have no other option. However, as described by Melvyn Goldstein (2007) in his definitive history of the period, Mao Zedong chose to liberate Tibet peacefully, although he certainly had the military means to force an occupation. The Chinese leadership was respectful of existing institutions and leadership, and established its new relationship through unforced negotiation.

However, China’s normative strategy vis-à-vis Tibet soon failed. Ethnic Tibetan areas outside Tibet began a drumroll of concerns about imposed reforms that culminated in the 1959 revolt, which unleashed pent-up radical interventions that reached a second crescendo in the Cultural Revolution. The internal norm of multicultural respect was lost, and the international norm of milieu improvements and international law suffered as well. The incompatibility between the interests of the Tibetan elite and the increasingly leftward direction of China’s politics thus led to the confrontation of 1959, and afterwards Tibet suffered the sudden collapse of its autonomy.

### *Conditioning factors*

Unlike the case of ASEAN, from the beginning there was a split in the CPC leadership between Mao’s policy of voluntary incorporation of Tibet and a

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<sup>155</sup> Point 11 of the 17 Point Agreement.

more forceful unification. The difference was embodied by the rift between the two commanderies involved in the practical administration of Tibet policy: the Northwest Bureau and the Southwest Bureau. Eventually Mao personally removed Fan Ming, the aggressive leader in the Northwest Bureau and a more normative approach prevailed for a while. Yet latent divisions, coupled with domestic capabilities and the external environment led to ultimate failure. China certainly had the capacity to defeat Tibetan resistance, and there was no foreign power capable of effectively assisting Tibetan resistance. Moreover, there were many opportunities for the early termination of a peaceful reunification. This coupled with the external hostility towards China, especially from the US, raised the importance of Chinese strategic control of Tibet and suspicions of Tibetan autonomy. These security concerns increased after 1959, and anti-separatism became a justification for harsh Chinese policies.

### ***3.3 Realpolitik intended: Democratic People's Republic of Korea***

China has been deeply involved in supporting the Democratic People's Republic of Korea (North Korea) since its inception, sometimes at great cost to itself, but it has not controlled North Korea. Nevertheless, North Korea has served Chinese *realpolitik* purposes by acting as a buffer between China and American allies in the Cold War. When the Cold War ended, the utility of North Korea for China became less clear, but its collapse would pose serious uncertainties for China, and so support continues. China's *realpolitik* policies have been sustained, but cannot be counted as a normative victory either by Chinese or by general international standards.

#### *Goals, means and impact*

The goal of China's support of the DPRK has not been one of possession, but it has been the preservation of a buffer state regardless of the interests of its inhabitants. Tens of thousands of ethnic Koreans joined the People's Liberation Army during its campaign in Northeast China, and afterwards many of these demobilised Koreans formed the backbone of the North Korean army (Chen, 1994). Despite this close link, the Korean War was clearly Kim Il Sung's personal initiative, and China supported it only because the alternative would have been a hostile puppet state on the border of its major industrial base. By the late 1950s, Kim had removed all subordinates with ties to China, and yet North Korea's utility as a buffer state remained until the end of the Cold War and China's normalisation of



relations with South Korea in 1992. The 1990s were the coldest period in the China-North Korean relationship, but China continued to support a North Korean buffer state. Likewise, the nuclear crisis since 2002 has heightened tensions but has not changed the bottom line. However, the diplomatic opportunity of hosting the Six Party Talks has somewhat modified China's framing of the North Korean problem, giving it a greater interest in resolution. In order to pursue the goal of a North Korean buffer state, China has used a mixture of state-to-state support, war in the 1950s, and international negotiations since 2002. The result, while being a *realpolitik* success, has not constituted much of a moral victory. Certainly the Six Party Talks can be considered positively from a normative perspective. However, North Korea's missile test and nuclear explosion in 2006, against China's public advice, constitute a clear non-normative result, which has once again chilled North Korean-Chinese relations.

### *Conditioning factors*

Internal interests coupled with limited capabilities and external constraints all explain China's *realpolitik* policy towards North Korea and its intended effects. There is little disputing of the *realpolitik* logic in China's North Korea policy. The areas bordering North Korea and the ethnic Koreans in China understand and support the policy. Furthermore there is little concern in China about North Korea's nuclear or broader military capacity. Indeed alternative scenarios of either a desperate or a collapsed North Korea inhibit China's alternative goals. It would be difficult to imagine a failed state in North Korea being more morally desirable, and American policy towards North Korea, while more self-righteous, has exacerbated and prolonged the crisis. Moving on to capabilities, China's realistic options have been rather limited. It could not (and cannot) force more desirable behaviour without endangering its bottom line of a stable border. In turn, North Korea's awareness of this has given it considerable leeway. Finally, the external environment explains both China's *realpolitik* policies and its intended effects. North Korea is an especially interesting case for its external effects, because in 1989-92 the justifying environment of Chinese policy was transformed, but one bottom line (Cold War buffer) was soon replaced by another (danger of collapse) with the same effect (continuing support for North Korea). North Korea's own objectives also play a role in explaining China's intended effects. Just as China has needed a buffer state to secure its borders, North Korea has needed its last non-hostile 'friend', explaining the persistence of the relationship despite times of crisis.

### ***3.4 Realpolitik unintended: Khmer Rouge support 1977-1990***

It is sometimes mistakenly believed that China's support for the Khmer Rouge was due to its affinity with the extreme policies in Cambodia. This is not the case (Richardson, 2005). Before the defeat of the American-supported Lon Nol regime in 1975, Sihanouk, the Soviet Union, China, and Vietnam all supported the Khmer Rouge because they were the most significant resistance force in Cambodia. From 1977 however, the Khmer Rouge became violently anti-Vietnamese, and this fit China's *realpolitik* purposes as the division between China and Vietnam became more hostile. Ironically, Chinese support of the Khmer Rouge increased as China's own domestic policies shifted toward pragmatic reform after Mao's death in September 1976. After Vietnam drove the Khmer Rouge out in December 1978, China continued to support the Khmer Rouge, again for *realpolitik* purposes: because they were the most determined anti-Vietnamese force (Chanda, 1986). Chinese support for the Khmer Rouge in the 1980s is quite comparable to American support for the Contras against Nicaragua at the same time. By 1990 Sihanouk's efforts at negotiating a settlement of the Cambodian problem were beginning to bear fruit, and China shifted its support away from the Khmer Rouge and behind the UN-sponsored coalition government. Ironically, since 1991 China has been the most steadfast supporter of a Cambodian government largely derived from the pro-Vietnam government that the Khmer Rouge, supported by China at the time, was fighting.

#### *Goals, means and impact*

China claimed that it supported the Khmer Rouge because of Vietnam's occupation of Cambodia, but it is clear that support began before the invasion, and that China was slow to respond to opportunities to end the occupation. China's policy objectives were clearly *realpolitik*: the Khmer Rouge was an enemy of China's enemy, and therefore a friend. The Chinese claim after 1979 that they were supporting the Khmer Rouge because of Vietnamese violations of Cambodian sovereignty was thus a fig leaf for their anti-Vietnamese policies, although it was the same fig leaf worn by the UN, the US, and ASEAN. In fact, China's Cambodian policy was derivative of the Sino-Vietnamese hostility. Similarly, the means of supporting the Khmer Rouge as a force hostile to the Vietnamese occupation was founded neither on mutual benefit nor on the rule of law. The only bright spot in China's Cambodian policy in the 1980s was its

respect for Norodom Sihanouk, who managed to break the Cambodian stalemate through his individual efforts. The results were unintended. China's diplomatic reputation was badly tarnished by its support of such a reprehensible group, even if it was not responsible for its crimes. Moreover, the attempt to contain and pressure Vietnam failed, and an unintended but more normative situation evolved in time. The failure of China's support for the Khmer Rouge was thus the flip side of the ensuing emergence of regional peace.

### *Conditioning factors*

There were Chinese officials who were privately critical of increasing hostility towards Vietnam, and the Chinese who were in Cambodia with the Khmer Rouge were shocked by their policies. However, this was an area of great personal concern to Deng Xiaoping, and he was a forceful fellow. Hence China used all means at its disposal to support the Khmer Rouge, but it could not force Vietnam out of Cambodia. By 1989 many of the experts were convinced that a policy adjustment was necessary, but it required a shift in the external environment. Indeed the external environment was the most important factor explaining China's policies and the unintended effects. First, shared hostility to Vietnam was the reason China supported the Khmer Rouge, and Vietnam's alliance with the Soviet Union was the chief reason China opposed Vietnam. Second, in the 1980s common opposition to Vietnam's occupation of Cambodia strengthened China's relations with the rest of Southeast Asia and the US. So there were indirect benefits to China's position. Third and finally, due to shifts in Vietnam's policy and Prince Sihanouk's heroic diplomacy, the external environment ultimately shifted away from supporting stalemate. This isolated China, and eventually China also changed its policy. As its later successes in Southeast Asia demonstrated, a more moderate policy may have been more successful.

### ***3.5 Imperial intended: The Sino-Indian Conflict of 1962***

The Sino-Indian Border War of 1962 arose from the attempts of two anti-colonial states to enforce the conflicting claims of two historic empires. While the middle of the Himalayan frontier was buffered by the presence of Nepal and Bhutan, in the east and west the PRC enforced the boundaries of the Qing Empire, while India demanded the most forward claims of the British Empire. Until the late 1950s the border disputes were subordinated

to a mutual commitment to friendly relations. The disputed territory was extraordinarily high and rugged, with little or no indigenous population and no obvious resources. However, alienation grew, in part as a result of the PLA's suppression of the Tibetan revolt of March 1959 and the Dalai Lama's subsequent refuge in India. The first armed border clash was in August 1959, and the decisive battles were fought between 10 October and 21 November 1962. Altitude and logistics made battle conditions harsh. The Indian army was routed, but the PLA stopped when it reached the edge of the disputed territory, and to this day China remains in control of the territory. At present, serious negotiations are in progress to trade India's claim to the western territory (Aksai Chin) for China's claim to most of the eastern territory.

### *Goals, means and impact*

China had grounds to claim the territory on the basis of the Qing frontiers and India was provocative in its infiltration of the territories. This property dispute was of considerable value to China. Despite its emptiness and formidable altitude, the Aksai Chin is important to China because it provides the only land route between Tibet and western Xinjiang (Kashgar). Yet the means employed to pursue this goal - use of force - did not further international peace or mutual benefit, even if China should be given credit for restricting the war to the territory under dispute. With regards to the outcome, the war was a success for China, but at the cost of its relationship with India. China's victory settled the possession of the territory and redefined the terms of future negotiations. Yet the war was the main event confirming India's profound alienation, suspicion and fear of China. Furthermore, China was universally blamed for the war at the time, though judgements have become more complex since (Maxwell, 1970) and India improved its relationships with both the US and the Soviet Union as a result.

### *Conditioning factors*

China pursued war against India as a matter of prime strategic importance. It was a central policy without domestic opposition. While having the capabilities to pursue its goals through military means, alternative strategies were improbable. Given the nationalism and self-righteousness of both sides leading to the armed conflict, it is hard to imagine a negotiated settlement of the dispute.

### ***3.6 Imperial unintended: Hostilities with Vietnam, 1977-1990***

China's hostility towards Vietnam after the American war in Vietnam resulted from an increasingly hostile series of interactions with Vietnam, but it can be considered unilateral. Both China and Vietnam had illusions of victory after 1975. Vietnam thought that it would retain world attention and support, and China thought that it had gained a grateful younger brother (Womack, 2003b). As Vietnam asserted independence vis-à-vis China and continued its relationship with the Soviet Union, China increased pressure on Vietnam and aid to the Khmer Rouge. Vietnam (rightly) perceived the China-Cambodian alliance as a national security threat, and invaded Cambodia in December 1978. Deng Xiaoping responded by invading and occupying five of Vietnam's six border provinces. The border war of January-February 1979 was a limited incursion like the border war with India, but it was intended to be a 'lesson' to Vietnam, so the action was one of domination rather than coercive border delimitation. On the day that Lang Son, the last of the provincial capitals, was captured, the withdrawal began. A 'second lesson' was threatened up until 1985, sporadic hostilities continued on the border until 1986, and normal relations were not restored until December 1991, after Sihanouk returned to Cambodia at the head of a UN-sponsored coalition government.

#### *Goals, means and impact*

Although Vietnam's behaviour was also at fault, the primary reason for China's hostility was its perception of a Soviet-Vietnamese alliance. Even the invasion of Cambodia was secondary, although it provided the trigger for hostilities. The case for the action being normative is somewhat weaker, since China was trying to push Vietnam into being a deferential neighbour. But had it succeeded, perhaps Southeast Asia would have been permanently split into a socialist camp of China's protégés and a weak ASEAN supported by the US. The means that China used were diverse. Most obviously, limited war was used in 1979, but this was followed by collaboration with ASEAN and the US against Vietnam, and by successful efforts to seat the Coalition Government of Democratic Kampuchea at the UN, which included the Khmer Rouge as a veto-wielding member and major armed force. Although the result was unintended, the case could be made that it had positive normative consequences. The persistence of Chinese hostility was certainly a factor in Vietnam's decision to unilaterally

withdraw from Cambodia in 1989. This opened the way for a multilateral, UN-brokered solution to the Cambodia problem, certainly a positive milieu change. The conflict however could not be considered a success by either side. Vietnam was not forced to submit, and yet its economic development required normalisation of relations with its neighbours, first and foremost China.

### *Conditioning factors*

Although there are no empirical indicators of Chinese public opinion in 1978, which was in any case focused on domestic issues, Vietnam's provocations excited public anger. Vietnam had forced 140,000 ethnic Chinese residents over the border into China in 1978, leading to Chinese public support in favour of China's limited war. China could have waged a larger war in Vietnam, but the consequences for both countries would probably have been disastrous. Even the limited conflict was deadly, with 20,000 casualties estimated for each side. However, it is incorrect to say that Vietnam stopped the Chinese advance given that from the beginning it was a limited action. The results of the war are largely explained by the external environment. From 1976 to 1979 there was negative complementarity in the interaction between China and Vietnam that made conflict unavoidable, and from 1979 to 1986, China, the US, and ASEAN cooperated against Vietnam and in order to create a stalemate on Cambodia. A low point in this cooperation was the seating at the UN of the Coalition Government of Democratic Kampuchea, a group headed by Sihanouk but which included the Khmer Rouge as a veto-holding member and as the main fighting force. From 1986 to 1989 Sihanouk's efforts at personal diplomacy broke the stalemate and created conditions for a solution.

### **3.7 *Status quo success: Cambodia, 1991-***

China's began to cut its support for the Khmer Rouge in 1990, and did not use its leverage on their behalf during the May 1993 elections of the United Nations Transitional Authority (UNTAC). After the elections, China supported the uneasy compromise between the chief vote-winner, Prince Ranariddh, and Hun Sen, the leader installed by the Vietnamese who was actually in control of government machinery. The uneasiness of the compromise is indicated in their respective titles of First and Second Prime Minister. Thereafter, China quickly became a major donor to development projects. When Hun Sen deposed Prince Ranariddh in 1997 he was widely

criticised even within ASEAN and some non-Chinese aid projects were suspended. China however pursued a status quo policy, continuing aid flows. In 2002 Premier Zhu Rongji visited Phnom Penh and announced the cancellation of all debts owed to China by Cambodia.

### *Goals, means and impact*

China's support for the UNTAC in Cambodia in 1991-93, followed by support for the Kingdom of Cambodia since 1993, has been an impressive application of its policy of non-interference in domestic affairs and respect for existing governments. China decided to recognise the new status quo in Cambodia and more generally in Southeast Asia. The means used in this policy shift were normative, first supporting the efforts of the UN and Sihanouk to rearrange the context of Cambodian politics, and then backing the government actively but not intrusively. China's status quo policies in Cambodia had their intended effects. China did not try to influence the factional infighting in the 1990s, and the government has matured since then. Unlike North Korea, Myanmar, Sudan, and Zimbabwe, where China has begun to reconsider uncritical support of current regimes, Cambodia is probably better off for China's uncritical support. Moreover, what Cambodia has most lacked from the fall of Sihanouk in 1970 to the present is international respect for its autonomy. American bombs, Chinese support for the Khmer Rouge, and the UN's money monsoon were all profound distractions from the internal learning experience of a political community. No country can create that experience for another country, but at least China (finally) gave Cambodia some space.

### *Conditioning factors*

China's policy shift in favour of a status quo approach in Cambodia was largely driven by the external environment. By 1990 China's support for the Khmer Rouge had no future. More importantly, the stalemate surrounding Cambodia was breaking up, and China ran the risk of being isolated in its intransigence. Hence, the policy shift, which was widely approved within China, with no strong interests pushing in favour of a more activist normative approach. Cambodia is not an issue for most Chinese. China could have tried to influence the factions in Cambodia, continuing to oppose the remnants of the government installed by the Vietnamese and cooperating with other external forces for this. But Chinese foreign policy means instead focused on consolidating the new status quo. After UNTAC,

China's relationship with the Kingdom of Cambodia has been rather indifferent to external environment. Western donors have criticised China's policies towards Cambodia, swinging from (unfounded) suspicions of China's continuing covert support for the Khmer Rouge to complaints of too few strings attached to Chinese aid programmes. Furthermore, international donors in Cambodia feel that they have lost leverage because of China's independent behaviour. However, this has not affected China's policy approach. Given the needs of Cambodia and the ignorance and arrogance of some donors, the steadfastness of China's support is appreciated (Richardson, 2005).

### ***3.8 Status quo failure: Myanmar 1988-2007***

China is known for its uncritical support of the Myanmar military junta after they suppressed demonstrations in 1988, overturned the 1990 elections and placed Aung San Suu Kyi under house arrest. China has not been alone in its support of Myanmar. Myanmar was admitted into ASEAN in 1997, and India and Japan have been involved in aid and development. But China has been Myanmar's major external partner since 1988. China's uncritical support for the status quo in Myanmar began to waver in May 2003 when Aung San Suu Kyi was briefly released from house arrest and then imprisoned after being attacked by a mob. Since then China's public media has included external criticisms by other states in its coverage of Myanmar. Nevertheless, in January 2007 China and Russia vetoed a draft UN resolution sponsored by the US calling for various reforms including the release of political prisoners. South Africa also voted against the resolution although its position was more explicitly critical of Myanmar's domestic politics and it agreed that the issue should be dealt with by the UN Human Rights Council.<sup>156</sup> Yet regardless of the outcome in Myanmar and despite the fact that China has not been alone in pursuing status quo policies, its policy of uncritical support for the regime has been a failure. If the demonstrations succeed in transforming the government, it is likely to be more pro-Western and more distant from China. If the regime again suppresses the demonstrators, then China will have to reconsider its policy of support towards it.

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<sup>156</sup> "Principled support for democratic change in Myanmar," *ANC Today* 7:3 26 January -7 February 2007.



### *Goals, means and impact*

Contrary to the opinions of many outside observers, China's uncritical support of the Burmese government was not aimed at seizing the opportunity of fishing in troubled waters, but was rather an application of its general policy of non-interference in domestic affairs. Burma was a sensitive case for this policy approach because in the recent past China had in fact interfered in Burma. But the new policies applied to Burma did not differ from those applied, for example, to Mongolia, whose post-communist government quickly found many other friends abroad. When China continued its relationship with the Myanmar government despite the demonstrations and elections of 1988, it did so according to its policy of non-interference in domestic affairs. Its policy of non-interference was bolstered further by Chinese awareness that the status quo in Myanmar does not threaten regional or international stability. In this respect the statement by Wang Guangya, China's ambassador to the UN in January 2007 is revealing: "the present domestic situation in Myanmar does not pose a threat to international or regional peace and security", he stressed, adding that "similar problems exist in many other countries as well".<sup>157</sup>

The means of China's support have been the normal contacts of neighbouring states, but distorted in their salience by Burma's isolation from global powers. Back in 1988, at the same time as the demonstrations, the United Wa State Army disbanded the Burmese Communist Party and exiled its leaders to China. China did not support the exiles, nor did it use its own large population of ethnic Wa to destabilise the Wa leaders. The United Wa State Army soon reached a compromise with Myanmar's military government and remains in charge of part of the border with China. Moreover, the Wa have been a leading producer of opium and supplier of opium to China. If the Wa state were Pancho Villa and China were the US, a Chinese General Pershing would have crossed the border and more interventionist policies would have been pursued. As it is, China has only used economic incentives to encourage alternative crops, and the Wa area has recently been declared opium-free by the UN (Fuller, 2007).

Nevertheless, China appears to be gradually appreciating the unsustainability of its status quo policies. Especially in the past year, China

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<sup>157</sup> "China, Russia Veto Myanmar Resolution," Xinhua News Agency January 13, 2007.

has supplemented its normal state-to-state relations with attempts to encourage the Burmese government to manage its political crisis. In June 2007, China hosted the first meeting between officials of the US and Myanmar since 2003, and US criticisms of the regime were published in *People's Daily*.<sup>158</sup> Most notably, State Counsellor Tang Jiaxuan told the special envoy of Myanmar's Head of State at a meeting in China's official offices in Beijing that "China whole-heartedly hopes that Myanmar will push forward a democracy process that is appropriate for the country". He then said to U Nyan Win, Myanmar Minister of Foreign Affairs, that the democracy process was in the fundamental interests of the people of Myanmar and conducive to regional peace, stability and development.<sup>159</sup> Nevertheless, public reporting on the September demonstrations has been extremely low-key in China and undoubtedly China is waiting for the outcome before it responds. The loosening of China's status quo attitude toward Myanmar shows both a recognition of the increasing difficulties of its status quo policy and a growing sophistication in its appraisal of the interactions between domestic conditions and international relations. China is hardly likely to be converted to a missionary zeal for human rights, but has become more sensitive to the issues. Only time will tell if the current turmoil in Myanmar will end in a positive transformation of the government or yet another crackdown by the military, but China is no longer indifferent to the outcome.

### *Conditioning factors*

The main driving force for China's cautionary status quo policies towards Myanmar is the domestic complication that much of what happens on the border between Myanmar and Yunnan is not under the control of the central government. Clearly China has the capacity to join in sanctions against Myanmar, but it is less clear that such sanctions would be effective. Considering South Africa's experience with sanctions under apartheid, its stance is perhaps instructive. However, the unwillingness of the Myanmar junta to do anything but make empty promises and drift further into a conservative dead end is probably the chief reason for the recent and

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<sup>158</sup> *People's Daily Online*, June 27, 2007.

<sup>159</sup> "China voices support for Myanmar's democracy process," *People's Daily Online*, September 13, 2007.

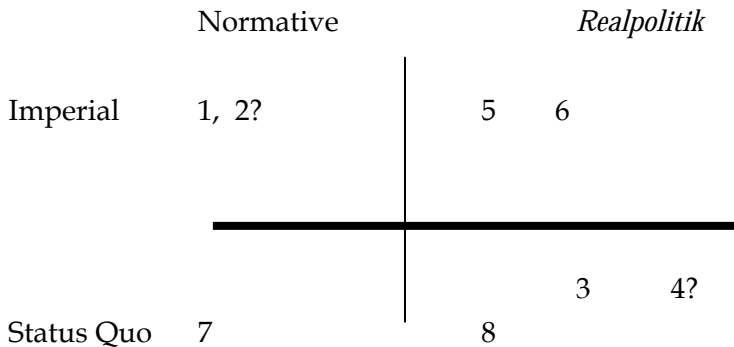
tentative shift in China’s policy, abandoning a clear cut status quo policy. Regional and global pressures were probably less significant.

#### 4. General Lessons from China as a Normative Foreign Policy Actor

Can these cases be mapped?

Table 1 again. China’s case studies

Normative		<i>Realpolitik</i>		Imperial		Status Quo	
Intended	Not	Intended	Not	Intended	Not	Intended	Not
ASEAN 1997-	Tibet 1950-55	DPRK	Khmer Rouge 1977-90	Sino- India 1962	Vietnam 1979	Cambodia 1991-	Myanmar 1988-
#1	#2	#3	#4	#5	#6	#7	#8



Just as an experiment, I have tried to map my eight cases into a polarity-based space. It was not easy. A major problem was with the unintended outcome cases – should the intention be mapped, or the outcome? The most obvious example is Tibet. Perhaps this problem illustrates the difficulty of combining outcomes with intentional action on the same schemata. Perhaps it illustrates an inherent flaw with the polarity idea. I await the thoughts and cases of others.

Fitting China’s actions into an a priori schemata does not exhaust its potential contributions to a general theory of normative international action. I would like to describe four lessons, of two different kinds. The

serious consideration of China as an intentional actor demands from Americans and Europeans a stretching of ideas about normative action beyond the common sense of the West. The first two lessons are lessons drawn from the difference, or more precisely, lessons from the experience that difference is not simply a measure of defectiveness. These lessons are first, that perspective matters, and second, that asymmetry of power matters. The second two lessons are substantive lessons deriving from the rationality of China's normative behaviour. They are first, that relationships matter, and second, that respect for the other can be considered as the cardinal virtue in normative international action. Of course, I do not mean to stake a claim that these lessons are China's (or my) exclusive intellectual property. Implicit in the claim of generality is that they can be found elsewhere as well.

The first lesson is that perspective matters. If we assume that international interaction is merely a phenomenon of behavioural events, and the purpose of norms is to sort these events into normal and abnormal, good and bad, then the question of perspective does not arise. But perspective lurks in the background, because the standpoint of the judge has been 'absolutised'. If we are to treat the producers of events as intentional actors, then we must unbundle the behaviour from our judgement of it, and consider it as their actions, with their intentions.

All actors, international or individual, are located actors. They move within a framework of possible actions that is given meaning by their history, their resources, and their judgement of those with whom they are interacting. It would be naïve historicism to think that actions are determined by situation. However, the salience of a decision, its meaning as an intentional act, is determined by location in the broadest sense. For example, one might tolerate class distinctions and differences of treatment between tourist and business classes in an airplane, but not in a lifeboat. China has been closer to the lifeboat situation for most of the twentieth century, and thus it is not surprising that concerns of equity have prevailed over those of property. The history of a political community provides its shared images of alternatives and their consequences, and the history of each community is different. Resources set the horizons of the feasible, and the shortage of vital resources can define the urgency of interests. To the extent that action is interaction, expectations regarding the behaviour of the other become an essential part of one's own intentionality, and the pattern of interaction may determine a path of least resistance for the next act.

The second general lesson is the reality of the asymmetry of international power. China is an interesting case for asymmetry because it was on the 'big end' of asymmetric relationships for most of its history, then on the small end for the first hundred years of its modern era, and now is re-emerging as a major power. The lessons of China's asymmetry – which can be found elsewhere as well – are that differences in capacity have a profound effect on relationships, but that the larger side is rarely able to enforce its will unilaterally on the smaller side. The assumption in international relations theory that only the relations of great powers are of interest, and that the weak are simply dominated, is a pernicious error of remarkable hardness. In fact, most international relationships are asymmetric, and usually they are negotiated rather than forced.

Even in a normal asymmetric relationship, however, the difference in capacity profoundly affects the perspectives of each side.<sup>160</sup> The larger side risks less in the relationship, and thus tends to be less attentive. When a crisis arises, it is inclined to use its power to push the weaker into line. The smaller side is proportionally more exposed in the relationship. Both the opportunities and the risks are more vivid. In a crisis it tends to see the bullying of the larger side as an existential threat. In a more complex regional or global environment there are intermediate powers that are larger than many but smaller than one or a few great powers. It is not surprising that intermediate powers are the strongest supporters of multilateral legal regimes, because they are powerful enough to be part of the 'establishment' but vulnerable enough to want great powers to be bound by rules.<sup>161</sup>

The third general lesson is more specific to China. In both domestic and international interactions, Chinese tend to emphasise the logic of relationships rather than the logic of transactions. The logic of relationships is longitudinal. It assumes that while the future is unknown, the partners in the future are the same as in the past and present. Therefore the significance of any specific interaction lies in how it shapes a particular relationship. The polar opposite of relationship logic is transactional logic, epitomised by microeconomics. In microeconomics each transaction is an

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<sup>160</sup> The general idea of asymmetry is elaborated in Womack (2006, chapter 4).

<sup>161</sup> This argument is developed further in Brantly Womack (2004c).

event in itself, determined by supply and demand, and occurring between anonymous bargainers in infinite numbers.

As China applies relationship logic to international relations, its actions aim to optimise relationships rather than transactions. In this model China does not use preponderance of power to optimise its side of each transaction, but rather to stabilise beneficial relations. For instance, tribute missions to Beijing usually left with more valuable goods than they brought, because it was more important to China to have them want to participate in the Empire than it was to squeeze a bit more out of the transaction. Similarly, as a central power (or an aspiring central power), China's preferred mode of interaction is unilateral accommodation of the perceived needs of the other side rather than bargaining. China's recent forgiveness of the debts owed by Laos and Cambodia fit this pattern. Note that this is not altruism. China's gains are deferential and trouble-free relationships.

For the last lesson, China is both a 'teacher by negative example' and a positive example. If all international action is interaction, then a cardinal virtue of international relations should be respect for the partner. This is a fundamentally different attitude from that of the modern West, which has tended to use the carpenter's rule of its own norms to level and if necessary pressurise others into uniformity. Consider the American occupation of Iraq; a magnificent commitment to democratise Iraq down to the last Iraqi. Are not all human beings entitled to their own autonomy as well as to their rights? Can people be forced to be empowered?

China's negative example of respect is more oblique. Traditional China strove for normal asymmetric relationships with its neighbours, which meant relationships that were beneficial to the neighbours as well as to China. China provided a non-intrusive regional order, and in it the neighbours were assured that the central power acknowledged their autonomy. Vietnam, for instance, was much happier and more secure occasionally going to Beijing than later having Paris come to it. This is why Vietnam requested China's help against the French in the 1880s. However, China's claim to infinite moral and civilisational superiority was intolerable, and led to the hypocrisy of deference in Beijing and surreptitious defiance at home. China's positive example of respect can be seen in its diplomacy of the past ten years. China's improved relations with its neighbours and with Africa are the result of an intense and skilful diplomacy of respect. To countries that normally do not get much respect,

China lavishes attention on the leadership, assures that it will not publicly murmur about domestic politics, much less intervene, and it shows understanding for the vulnerabilities of local economies. China is not only non-threatening, it is reassuring. Perhaps as China becomes more powerful it will become more arrogant and hence less respectful. However, as long as it values relationships, respect, whether direct or oblique, will remain a cardinal virtue.

All these general lessons are interrelated. If international actors are located actors and have their own perspectives, and if they are located in a matrix of unequal interrelationships, then their individual perspectives will generate sets of particular relationships. After all, geography, demography, and resources imply that, whatever happens in the world, each state will deal primarily with a particular set of other states, and will tend to stay on the larger or smaller side of these relationships. To return to my familiar example, China and Vietnam have been through many changes over the past three thousand years, but there has always been a relationship, and it has always been an asymmetric one in China's favour.

If international relations are essentially a matrix of international relationships, then the logic of relationships should play a larger part in the guidance of foreign policy. The 'should' indicates that relationship logic ought to be a normative requirement, but it is not a universalistic or altruistic one. The bottom line in relationship logic is that both sides feel that they are better off if the relationship continues – this is the minimum meaning of 'mutual benefit'. A normal relationship does not require symmetry of partners or equality of exchanges, but it does require reciprocity.

In an asymmetric world, reciprocity requires respect. In a world of equals, each is in a similar situation, and each can respond in kind to the actions of others. With symmetry, respect for others can be reduced to the Golden Rule, because in fact others can do to you what you do to them. In a world of asymmetric relationships, respect – appreciation for the situation and autonomy of the other – requires special attention. Respect for the weaker side is not simply noblesse oblige or an act of generosity of the stronger. The weak can only afford to be deferential to the strong when it feels that its identity and boundaries will be respected.

China was the world's most successful traditional empire not because it had the strongest army, but because its skilful management of its asymmetric relationships gave a resilience to its domestic and external

order. In a world that is integrated and multi-nodal, one that is beyond the fixation with great powers and world wars, China's experience should be useful. Moreover, in the past decade there is no country that has made more friends than China, and this is by no means a natural fate for a rising power. China has much to learn and much adapting to do, but it also has lessons for the rest of us.

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# 7. COMPARING NORMATIVITY IN FOREIGN POLICY: CHINA, INDIA, THE EU, THE US AND RUSSIA

NATHALIE TOCCI\* WITH IAN MANNERS\*\*

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## 1. Introduction

The conceptual framework presented in chapter 1 of this book to assess normativity in foreign policy presumes that any international player can act in a variety of ways in different foreign policy instances. In this final chapter we shall conclude by attempting the difficult task of comparing such normativity in the foreign policies of the five major global actors, selected in view of their population sizes and permanent seats on the UN Security Council – China, India, EU<sup>1</sup>, US and Russia.

The principal question which arises is: where does the centre of gravity in each actor's foreign policy lie? Can we ascertain whether an actor is predominantly normative, *realpolitik*, imperial or status quo? As the chapters in this book reveal, all major global actors make claims regarding their normativity in world politics. Likewise, all authors in this volume more or less explicitly suggest that the centre of gravity for the international player under their investigation tends to be normative. Tocci et al. explain in chapter 2 how the EU has conceived of itself as an internal normative project since its inception, and as a normative actor in world affairs since the early days of its fledging foreign policy. Hamilton argues how mainstream of US foreign policy has tended to represent more often

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<sup>1</sup> The EU is only indirectly represented by France and the United Kingdom.

than not a changing blend of normative and hegemonic approaches. Womack argues that China is predominantly normative when judged according to its own standards. Makarychev explains how Russia has been using norms in order to reassert its power in world politics. Kumar claims that in its awakening from the Cold War limbo, India is 'returning' to the world scene as a normative actor.

But when asked about each other's normative stance, the picture changes. A fairly accurate guess of predominant views across our five major players would reveal that the EU is viewed as a relatively weak status quo actor while the US as a *realpolitik*/imperial power by China, Russia and India. The EU probably views the US as a normative/*realpolitik* actor, whereas the US views the EU as a status quo/normative one. The US and the EU view both China and Russia as unambiguously *realpolitik* actors, while considering India as uneasily and perhaps opportunistically shifting between *realpolitik* and normative approaches.

If we try and imagine how other countries and regions may view our five major players, responses may be different still, complicating further the picture. Serbia is likely to view Russia as normative and the US/EU as imperial, while Kosovars consider Russia as *realpolitik* whereas the US/EU as normative. In the Middle East, the widespread perception is that the US is an imperial/*realpolitik* actor while the EU an imperial/status quo one. In Eastern Europe the US is likely to be viewed as unambiguously normative whereas the EU as a mixed status quo/normative actor. Turning east, within the context of the Six Party Talks on North Korea (including North and South Korea, Japan, Russia and the US), China is considered by all players as a largely normative actor, although its policies towards Myanmar or Tibet are viewed as quintessentially *realpolitik* in the case of the former and imperial in the case of the latter. Finally, Pakistanis are likely to view China as being more normative than India, whereas the opposite is true of Tibetans.

What explains this confusion and mismatch in perceptions? Part of the answer is self-evident. First, in so far as we are all "located" actors, our assessments of "our" international player are inevitably biased towards normativity. The authors in this book are all specialists in the foreign policies of "their" international player and, with the exception of the chapter on China, all are citizens of their country/Union under investigation. The more in-depth the understanding of a particular actor and the greater the propensity to understand and legitimize its actions,

thus creating a natural bias towards a judgement of normativity (in so far as normative is also associated with “good”). Second and linked to the cross-perceptions of each other as well as the views of third countries, judgements of normativity are inevitably linked to amities/enmities in international affairs. Hence, any actor is more prone to viewing its friends as normative and its foes as not: Israelis view American foreign policy as normative whereas Palestinians do not; Serbs view Russia as normative whereas Kosovars do not, etc.

There are two further answers which are far less evident and more interesting. This final chapter aims at tackling them. First, normativity is not a black-and-white concept but comes in shades of grey, explaining the different normative interpretations by different actors standing at different points in time and space. Second, substantive normative interpretations differ across different actors, and each norm can claim a strong basis in international law and ethics. To delve into these points, we shall first revisit the analytical framework set out in the first chapter “Profiling Normative Foreign Policy”, adapting the tripartite framework first introduced by Manners (2008) to modulate our judgements of normativity. Second, we shall enter into a substantive discussion of norms, examining the different normative interpretations between different actors and presenting reasons for such normative differences. We shall then conclude by asking where does the interaction between different actors and norms take us in the study of normativity in foreign policy.

## **2. Modulating the Analysis of Normative Foreign Policy: Introducing Shades of Grey**

This book chose to compare the normativity in the foreign policies of five global actors in terms of three variables: foreign policy goals, means and impact. Another tripartite rendering of this analytical method was used by Manners, comparing and contrasting what the EU ‘is’ (its principles); what the EU ‘says’ (its actions); and what the EU ‘does’ (its impact) in the original ‘normative power Europe’ article (Manners 2002, p. 252; see also Manners 2006b, p. 69-81; 2008, p. 67). The framework chapter also proposed international law as a “universal” benchmark to assess normativity within the tripartite analysis.

The chosen method to assess normativity in foreign policy revealed four principal weaknesses. First, regarding the choice of taking international law as a benchmark of normative action Womack, Hamilton

and Makarychev point out in their contributions why this approach is problematic for a whole range of reasons involving the legitimacy, interpretation and implementation of international law, particularly in the Chinese, US, and Russian cases (Womack 2008, p. 8; Hamilton 2008, p. 2-3; Makarychev 2008, p. 30). More generally as we shall explore below, international law is far from immune to power politics and may in fact be viewed as the expression of it.<sup>2</sup>

Second, the method chosen sets a high bar for an assessment of normativity in foreign policy. It involves judging global actors according to the tensions and contradictions between their proclaimed goals, means and impact (Calhoun 1995, p. 23), considering normative only a foreign policy which fulfils all three conditions.<sup>3</sup> Yet as Hamilton makes clear, 'no nation on earth could pass this test with any consistency' (Hamilton 2008, p. 1).

Third, the chosen method presents a black-and-white understanding of normativity. The analysis of foreign policy in general and normative foreign policy in particular involves a debate on whether normativity should be viewed as diametric in nature (see Cochran, 1999, p. 1; Manners, 2006a, p. 116-8; Tocci, chapter 1 of this volume). Diametric approaches attempt to distinguish between normative and un-normative foreign policy as if these were diametrically opposed to each other – as if it were possible to separate material from non-material concerns; separate the agent from the structure; separate the analyst from the analysis. In contrast, such clear-cut differentiation may be viewed as both problematic in theory and impossible in practice. As Tocci points out in the first chapter, 'a clear distinction proves elusive' between 'normative goals and strategic ones'

As most of the contributing chapters in this book agree, normativity is contested and comes in shades of grey. As Womack emphasises, "understanding China *on its own terms* as an intentional actor should be a prerequisite to understanding China as a normative foreign policy actor" (emphasis added). Similarly, Tocci et al. suggest that EU normative power is contextual: 'while it can certainly influence the external context,

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<sup>2</sup> The choice of taking international law as a benchmark of normative action is related to a '*transcendent critique*' in philosophy, which would involve judging actors from some external viewpoint or world beyond our own (Thomson 2006, p. 16)

<sup>3</sup> This is known as an immanent critique in philosophy

particularly in its neighbourhood where it has real foreign policy presence, it is bound to also rely on fortuitous *external circumstances* to effectively assert its normative power' (Tocci et al., 2008, p. 31, emphasis added). Hamilton captures this need to assess degrees of normativity on their own terms and in changing external circumstances when he argues in favour of an analytical framework for judging '*the degree to which*' a global actor is normative 'both in particular circumstances and over time' (Hamilton 2008, p. 2, emphasis added). It is this need for a subjective, contextual and temporal analysis of foreign policy that leads Makarychev to suggest that 'normativity ought to be understood also as an *inter-subjective* concept' (Makarychev 2008, p. 1, emphasis added). Kumar's analysis of India stands apart in this respect, as she talks of the combination of 'normative principles with *national interest*', viewing the two as diametrically opposed to each other, although she also allows for degrees of normativity in foreign policy (Kumar 2008, p. 1, emphasis added).

Re-elaborating the tripartite analysis of the goals, means and impact to allow for degrees of normativity, we could thus state that normativity in foreign policy means *the degree to which* foreign policy 1) pursues normative goals 2) through normatively deployed means and 3) is effective in fulfilling its normative intent (Tocci, chapter 1). In this respect normativity involves promoting a more widely accepted, universalisable foreign policy. Clearly phrases such as 'more widely accepted' or 'universalisable' are themselves contested, but they at least capture the idea that comparing normativity in foreign policy needs to include different dimensions of policy practice, as well as judging the degree to which global actors engage in these practices.

Fourth, by exploring the interplay between normative/non-normative foreign policy goals and means, the framework chapter created a '2x2 matrix of stylised alternatives'.<sup>4</sup> What these stylizations provide is a means to pre-select cases based on whether the 'foreign policy type' is normative, *realpolitik*, imperial or status quo. Adding impact to these four stylized models opens the way for analysis of whether the foreign policy is intended or unintended, leading to eight possible stylized cases. While generating a relatively manageable framework for comparative analysis,

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<sup>4</sup> The table 'foreign policy and different forms of power' resulted from an email exchange between Thomas Diez, Nathalie Tocci and Ian Manners 05/10/07.

each of the eight cases studies in the five empirical chapters (i.e. all 40 cases) tended to read as unique, one-off foreign policy examples; and the filling of the matrix tended to make it difficult to compare and contrast the five global actors over time. As Hamilton argued throughout his chapter, comparing and contrasting the five global actors over time 'requires a framework that establishes some weighting, or illuminates some relationship, between normative ends and means and other interests and instruments of a nation's foreign policy, both in particular circumstances and over time' (Hamilton, 2008, p. 1-2).

On the basis of these critiques, it might be worth briefly revising and adapting our conceptual framework for the needs of any future work on comparing normativity in foreign policy. In order to allow for degrees of normativity and looser requirements of consistency in foreign policy, and to allow for criteria of assessments beyond international law, a suggestion could be to reintroduce the distinction presented in Diez's argument to Manners and Tocci between 1) the legitimisation of foreign policy goals based on self-interest vs. international norms and 2) the distinction in foreign policy means on the basis of non-coercive vs. coercive means. On the basis of these elements, a future framework might look like Figure 1 below. This new framework in turn opens the prospects for a more fruitful comparative analysis in time and space. For example, to follow Hamilton's proposal it would ease the analysis of the same case studies from the perspectives of different global actors (see discussion of Belarus in Hamilton, chapter 3). Another idea could be that of analysing the same case studies over time - for example comparing Chinese, Indian, EU, US and Russian goals, means and impact in the WTO, or the 'war on terror', or with particular states such as Belarus/Burma/Iraq over time.

Figure 1. Comparative normativity in foreign policy

	<p><b>Legitimisation of foreign policy goals</b></p> <p>More international norms ←      → More self-interest</p>
<p><b>Foreign policy means</b></p> <p>Less coercive ↑</p> <p>More coercive ↓</p>	<p><i>More normative</i>      <i>More status quo</i></p> <p><i>More imperial</i>      <i>More realpolitik</i></p>

### 3. Normative Differences between Global Actors

A second key consideration that emerges from the contributions to this volume lies in the fact that our five global players often interpret norms and normative foreign policy action differently. Indeed the conceptual framework used to analyse normative foreign policy in this book provided an empty shell, or, as put by Womack in chapter 6, an “an priori array of defining categories that can be applied to any international normative actor regardless of content”. When applied to our five international actors -

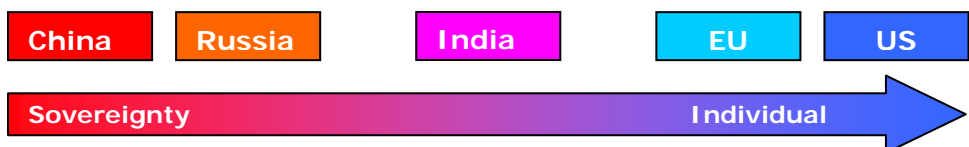


China, EU, India, Russia and US – two striking facts come to the fore. First, the idea of defining normative action in terms of goals, means and impact, and exploring the different combinations between these three elements ‘works’ for all five players. Without excessive difficulty, the authors found empirical cases to fit or approximate each of the stylized categories set out in the first chapter. As discussed above, while a mix of normative and non-normative elements could be detected in most case studies calling for the need to modulate our analysis of normative action, the authors made clear arguments regarding why the scales tipped in one direction or the other, and therefore why particular goals, means or impacts were predominantly normative or non-normative. Hence, on a whole, the chapters confirmed that all international actors can and have acted in a variety of ways across different regions, thematic areas and time periods.

Where they differ, and do so fundamentally, is in the substantive interpretation of norms and normative action. In other words, the conceptual categories (goals, means and impact) and stylized foreign policy types (normative, *realpolitik*, imperial and status quo) provide useful “empty signifiers”, to be filled with specific and distinct normative content across the five major actors. This is hardly surprising. Normative action, as argued by Finnemore & Sikkink (1998), is defined from within by actors with a given identity. Conversely the definition of one’s norms is a defining feature in the articulation of a political subject’s identity. In other words, as argued by Makarychev (chapter 4), not only are norms and interests mutually constitutive, but so are norms and identities. These are likely to differ for historical, geographical and power political reasons, as we shall see below. Yet their difference also serves to define the international identity of a particular actor in juxtaposition to that of another.

### ***A. Individual rights versus state sovereignty***

A first critical difference between our five major actors lies in the degree to which normative value is bestowed upon individual political, social and economic rights and freedoms on the one hand, or collective rights, self-determination and state sovereignty on the other. Here we see how the five international players position themselves along a spectrum.



On one end, we find the US, inclined to give prime normative value to individual rights and freedoms in both the political and economic realms. Notwithstanding the different understandings of what constitutes normative action within the US, Hamiltonians, Wilsonians, Jeffersonians and Jacksonians share a similar reading of norms. Hamiltonians, despite their realist emphasis on the strong state, adhere to the principle that “the state exists for man and not man for the state”, and emphasise economic rights and believe that international trade fosters the global spread of democratic governance. Wilsonians and Jeffersonians insist upon democratic rights in and of themselves – abroad in the case of the former and at home in the case of the latter. Jacksonians prioritise economic and security rights, including the right of individuals to bear arms. Yet the locus of attention in all schools of thought is on the individual. Even Jeffersonians, highly reluctant to intervene in other states’ affairs, justify their isolationism primarily because intervening in the Hobbesian world could corrupt the American democratic order. To them, the US’s normative influence worldwide would be best played by simply acting as a model polity for other nations to emulate, in this respect reflecting also much of the thinking within the EU. With the norm of individual rights in mind, many in the US view the defence of state sovereignty with contempt. Americans are in fact ready to point out how in a world in which the most lethal conflicts take place within state borders, national sovereignty acts as a normative barrier shielding mass violations of human rights (Hamilton, chapter 3).

Next down the line comes the EU, which like the US bestows prime normative value to individual rights and freedoms. Whereas the EU and the US may differ on specific questions (e.g., the death penalty, the right to bear arms and secularism), both share the same core beliefs regarding human rights and democracy (Nicolaidis 2004, p. 102). As discussed by Manners (2008), the EU’s substantive norms include sustainable peace, social freedom, consensual democracy, associative human rights, supranational rule of law, inclusive equality, social solidarity, sustainable development and good governance. When these principles are translated in the realm of foreign policy, we note that at least five – social freedom, consensual democracy, associative human rights, inclusive equality and good governance – place primary emphasis on the political, social and economic rights of individuals. The remaining four – sustainable peace, supranational rule of law, sustainable development and social solidarity – have strong implications both for the individual and the collectivity/state.

Third comes India, which bestows equal normative value to individual rights and state sovereignty. On the one hand, Gandhian foreign policy placed prime emphasis on the norms of self-determination, decolonization and development. Under Nehru as well, India played an active role in promoting state and nation-building projects in newly independent countries in Africa. On the other hand, India views norms similarly to Europe and the US, and especially in the post-Cold war era, it has prided itself on being the largest democracy in the world, aspiring to promote peace and democracy in its turbulent neighbourhood, as illustrated by the recent turn in Indian policy towards Nepal. This has led to what Kumar in chapter 5 describes as seemingly “schizophrenic” Indian international behaviour, whereby India has justified the defence of democracy and rights as well as non-interference and state sovereignty on normative grounds. However in key instances in which the two sets of principles have collided, such as in the case of India-China relations, India has tended to prioritize the norm of sovereignty over that of democracy and human rights. As put by Kumar in chapter 5, India has in fact prioritised the normative goal of state-to-state cooperation with China over the normative objective of actively supporting Tibetan monks for example.

Fourth is Russia, which under Putin interestingly coined the slogan ‘sovereignty democracy’ to differentiate its normative stance from that of other powers, and in particular the West. By associating the notion of democracy to that of sovereignty, Russia has recognised the normative value of democracy while insisting that the West does not hold monopoly control over its interpretation. Hence, democracy has been deliberately viewed as an empty signifier, which Russia, just like others, has equal right to fill with specific meaning. The meaning Russia has chosen for the term has emphasized the collective/state-based attributes of democracy. In other words, normative action implies the respect for the democratic choice of other peoples and thus the sovereignty of other states. The normative value given to collective rights also emerged in Russia’s handling of the Danish cartoon crisis, where, when faced with the clash between individual rights (e.g., the freedom of expression) and collective rights (the respect of other peoples’ culture), Russia unambiguously tilted in favour of the latter. Likewise, in the Litvinenko affair, the norm Russia publicly defended was that of non-interference, accusing the UK of interfering in Russia’s internal affairs.

Finally China’s understanding of norms and normative action hinges on the idea of sovereignty and sovereign relations conducted in search of

the common good. At a philosophical level, the concept of humanity (“ren”) is symbolized by two people standing together, highlighting the importance of respect and equality in relationships. Translated in international politics, China has set out five principles of normative action, shared with India (known in India as the Panscheel), which include respect for territorial integrity and sovereignty, non-aggression, non-interference in internal affairs, equality and mutual benefit, and peaceful coexistence. In all five principles the idea of the common good stands out. Hence, normative action does not necessarily promote a universal principle applicable to someone or something. It does not, as put by Womack in chapter 6, promote the ‘logic of transaction’, in which what is optimised is a specific good at a specific point in time. It rather promotes an understanding of the collective good articulated as the optimisation of a relationship over time.

### ***B. Rules versus mutual respect***

The different emphasis placed on individual versus collective rights also translates into different interpretations of normative means across the five major actors.



In the case of the US, emphasis is placed on following international rules, regardless of where these rules derive from. This also and often comes alongside acting through international organizations, in so far as international rules and procedures often call upon states to act through multilateral organizations. Yet the crux of normative means lies in the act of following rules and procedures that underpin a stable and accessible international order. In the case of the EU instead, while great importance is placed on international rules, laws and procedures, equal or more emphasis is put on multilateral institutions intended as the source of rules as well as the objects of those very rules (Pollack 2003). In other words, multilateral institutions are important not only because international laws and rules call upon states to act through them, but because these rules are elaborated, negotiated and agreed upon within such multilateral frameworks.

Moving down the line, we find India, Russia and China, emphasising instead the source of international rules rather than the rules themselves. Not least in view of their vivid appreciation of the tight connection between international law and power as we shall see below, these three ascending powers focus on how international laws and rules are produced, valuing the process of consensual negotiation, cooperation, reciprocity and mutual respect necessary to establish normative international rules. As put by Womack, normative action in China is interpreted as a relational concept. To act normatively means to act in respect of the other, applying reciprocity even in situations of asymmetric power. Hence the value attributed to multipolarity which, far more than multilateralism, entails an international system where no state can dominate the rest, raising the likelihood of cooperation based on the respect of others as independent and autonomous actors.

### *C. The sources of normative differences*

What explains why certain powers opt for and prioritize some norms over others? Three principal explanations emerge when analysing our five international players. First is the role of history and philosophical traditions.

In the cases of China and India, ancient history and philosophy play primary roles in determining the interpretation of norms and values in foreign policy. In China the tradition of Confucianism set out a complex ethic of social interaction establishing obligations to be respected in relationships. China's traumatic experience of colonialism, from the 1840 Opium wars, to the 1900 Boxers revolt and Japan's occupation of Manchuria, reinforced this tendency further. In the case of India we find, on the one hand norms related to individual rights extracted from the Gita and the Mahabharata, while on the other the attachment to state sovereignty in view of the painful experience of British colonialism. Hence, the confused and confusing oscillation between the two.

In the case of Europe, and by extension the US, history's impact on foreign policy making is more recent, with the primary emphasis on individual rights and freedoms being unmistakably linked to the legacy of enlightenment. More precisely, in the case of the US, Jeffersonian and Hamiltonian traditions applied to foreign policy gathered steam following the Civil War (1865) when the US began projecting more visibly its foreign policy role (post-1890). These traditions were complemented by

Jacksonianism (mid-19<sup>th</sup> century) and later enriched by Wilsonianism (early 20<sup>th</sup> century). When it comes to Europe instead, the EU – as opposed to its member states – has deliberately attempted to shape its internal as well as international identity in contrast to its own war-torn and imperial past (Diez 2005). The unfinished European project certainly can and has meant that in many occasions the EU has failed to have a foreign policy altogether, not least because of the normative and interest-based differences between member states. Nonetheless, history remains of the essence in defining the EU's international identity, by setting the benchmark for what Europe is not (or would not like to be) rather than what it is.

Further still in this direction comes Russia, which largely ignores its Soviet history (with the partial exception of the case of Estonia, in which Russia has defined itself by making reference to its role in the second World War). Moscow today attempts to reassert its role in the world largely by defining itself in opposition to a geopolitical rather than historical other, i.e., the West rather than its own past.

Second, background, location and perspective matter. As vividly described by Womack in chapter 6, whereas first and second-class treatment is viewed as acceptable on an airplane, it is certainly not on a lifeboat. Given that China has been in a “lifeboat situation” over the past century or so, it is hardly surprising that considerations of equity, relationships and respect override those of property. The same applies to India and Russia. By contrast in the case of Europe and the US, the largely intra-European World Wars notwithstanding, the power and prosperity of the West in the past centuries provides an important perspective into why rights, freedoms and choice occupy most of the space on the normative agenda.

Third and related, normative interpretations are closely linked to the power political configuration in which an actor finds itself in the international system. Power closely relates to the three conditioning factors set out in the first chapter to explain why an international player may act normatively or otherwise in international affairs. Internally within each international player, power balances affect the formulation of the interests at stake as well as the foreign policy capabilities that can be used to pursue them. Externally, the intended/unintended impact of a particular foreign policy action rests largely on the relative power of the international actor

vis-à-vis its target state/issue as well as with respect to the wider external environment that shapes events within a third country and/or issue area.

Under Marxist as well as realist readings of international relations (e.g. Kagan 2003), power also plays a pivotal role in both the interpretation of norms and in the ability to render them internationally recognized and “universal”. The stronger an international player within the world system and the more likely it will subscribe to norms that allow for “intrusion” in other countries’ affairs (Womack, 2004). It is thus not surprising that the US and to a lower extent the EU especially over the last half a century have championed cosmopolitan norms of individual rights over collective rights of state sovereignty. By contrast actors such as China, Russia and India, which are still ascending second-status powers in the international system continue to jealously guard the norms of self-determination, autonomy and sovereignty. This the US itself did when it was still to “come of age” as exemplified by its non-entanglement policy in the early 20<sup>th</sup> century, shying away from membership of international organizations and alliances up until the two world wars.

Moreover, a realist reading of international politics and law suggests that power is a critical factor explaining when and which international norms come to be internationally recognized and viewed as “normal” to the point of being enshrined and codified in international law (Goldsmith & Posner, 2005; Krasner, 1993, p. 161.). In other words, international law is not immune to power politics but is rather a reflection of it. In order to be a successful “norm entrepreneur” an international player must have the hegemonic power to persuade others to accept new norms and render them legally binding internationally. Further still, what makes an international power a hegemon is precisely its ability and will to create international norms (Keohane 1984). Notwithstanding the moral virtues of Switzerland, it is highly unlikely that it can succeed in generating, spreading and codifying new international norms without the support of other powers. It is because of this tight interconnection between norms and power that a re-ascending player such as Russia has used precisely the normative domain as a means to reassert its power. Law may thus be viewed as a means to regularize, institutionalise and render the exercise of (hegemonic) power ‘normal’.

We need not accept such a black-and-white realist analysis of the relationship between norms and power. Beyond power, the legitimacy and moral standing of an international player also plays a critical role in

explaining its ability to act as a norm entrepreneur and generate a ‘norm cascade’ in the international socialisation, spread and codification of international norms (Finnemore & Sikkink 1998). Yet accepting this by no means contradicts an acknowledgement of the importance of power in explaining how norms emerge and become enshrined in law.

Accepting the close link between norms and power may at first sight sit uneasily with the claim, advanced in the first chapter, that the normative virtue of international law lies precisely in its ability to ‘tame’ and curtail the use and abuse of power. Indeed the normative quality of international law lies in the fact that it helps ‘tying the hands’ of major players in international affairs. Reconciling this apparent contradiction lies beyond the scope of this chapter. However, a tentative suggestion may lie in the rate of change of an international player’s power and status within world affairs. Whereas a powerful (and legitimate) actor may successfully enshrine and codify internationally new norms, as and when its power declines its incentives to act as a norm blocker or violator may increase. Whereas ascending powers may be more prone to make new norms but less able to break existing ones, powerful yet declining international players can break but are less likely to make new norms.

#### **4. Normative Interactions between Major Powers**

##### ***A. Dissonant or consonant norms in international relations?***

Do normative differences entail conflict, or are different norms compatible, mutually reinforcing or overlapping? In the case of procedural norms/normative means, while conceptually distinct, different interpretations tend to overlap. In the case of the US and to a lesser extent the EU, adhering to international rules entails self-binding action. Tying one’s hands in the exercise of external power is viewed as a critical ingredient of normative action in so far as it sets an example and establishes legitimacy, reliability and credibility vis-à-vis others. Yet the EU, far more than the US, feels bound by action that does not harm or infringe upon the sovereignty of third states. Hence, its preference for non-coercive policy instruments and methods such as dialogue, persuasion and shaming; delving at most into the use of positive conditionality and only very rarely and where clear interests are at stake engaging in negative conditionality, sanctions or war. As far as Russia, India and China are concerned, primary emphasis is placed in the source of rules, i.e., rules that



derive from mutual respect, international negotiation and agreement, rather than from the imposition of the strong upon the weak. Normative (inter)action is thus about respecting others and treating them as equals. In both cases equality stands out as a cardinal virtue, be this as a means to establish legitimacy and set an example (in the case of the US or the EU) or as an end in itself (China, Russia, India).

The potential for conflict is far starker in the case of substantive norms. There where the US and to a lesser extent the EU push for the rights of individuals, to the point of discursively justifying military intervention in breach of a third state's sovereignty to secure such goals, China, Russia and India are far more inclined to defend the principle of non-interference at the cost of tolerating gross violations of human rights and democratic principles. International law itself reflects this dilemma, whereby international human rights law (cosmopolitan law) may and does at times clash with the right to state sovereignty and territorial integrity. In the conflict between the two – individual and state rights – international law however unmistakably tilts in favour of sovereignty. This is not least because, the protection of individual rights relies on collectivities, which, in the absence of world government, remains the sovereign state (Womack 2004). In fact, beyond entrenching rights and duties, international law also set rules governing choices when different norms compete or contradict with one another. In other words, law acts as a normative boundary within which several codified and at times contrasting norms can be interpreted and pursued, without however resolving the inherent tension between them. The potential for conflict exacerbates when deliberately different interpretations of norms serve the purpose of defining identity in opposition to the “other”, affirming power and strengthening bargaining positions in international relations. As discussed by Makarychev, this is clearly the case of Putin's Russia in its relations with the EU (and the US), whereby the norm-exception dichotomy has been translated and applied to the juxtaposition of Us (norm-abider) versus Other (norm violator).

In policy terms, the result is fourfold. First and most evidently, the clash of norms generates a conflict of policies generating tensions, disputes or standstill in the international system. In the case of the Russian-Estonian dispute for example, the support for different norms by Russia (the recollection of historical memory and the defence of minority rights) and the EU (sovereignty, independence and member state solidarity) generated standstill (Makarychev, chapter 4). More generally in so far as (re)claiming a different normative ground has become a means for ascending powers

such as Russia, India and China to assert their status in the international system and shed their legacies of weakness or colonial submission, normative clashes can be instrumental to serve such power political ends.

Second and related, the clash of norms can lead to unintended outcomes. Across all chapters, the causes of 'unintended' foreign policy impacts often reside in the external environment, in which different actors, by promoting different norms within a third country, may generate contrasting impacts. Whether the 'unintended' impact is normative or otherwise depends on the eye of the beholder. In the case of Belarus for example, a 'normative unintended' case for both the US and the EU, the failure to promote democracy and human rights – the norm according to Europe and the US – is principally due to Russia's support to Lukashenko's regime, a support discursively justified on the grounds of non-interference, cooperation and mutual respect. Conversely in the cases of Ukraine and Georgia, the colour revolutions, the establishment of the Community of Democratic Choice and the deepened integration into EU and NATO structures – all viewed as normative by the EU and US – were in large part a boomerang effect of Russian intrusion into its former Soviet satellites rather than simply the result of normative Western policies in the region.

Third, normative dissonance generates mistrust among major powers. This occurs especially when one international actor interprets a normative difference as another party's violation of a universal norm rather than as a legitimate challenge to its own norms. In these cases, the norms of others are often viewed as mere discursive palliatives concealing hypocrisy and the ruthless pursuit of *realpolitik*. Hence, Russia views Western support for the colour revolutions or the expansion of the EU and NATO as crude "Great Game" strategies in Eastern Europe and Eurasia, whereby the West would attempt to install pro-Western regimes in the neighbourhood and perhaps ultimately in Russia itself. Europe and the US however articulate these policies in clear-cut normative terms related to the spread of democracy, good governance, security and development. By contrast, the EU and the US have considered Russia's energy policies towards its neighbours as coercive *realpolitik* in response to the colour revolutions and an attempt to distract international attention from Chechnya. Russia instead has portrayed its energy policies as a technical/apolitical application of market prices or, viewed differently, the end of special treatment to several neighbours and the establishment of "normal" state-to-state relations with them. Many more examples can be listed. Europeans, Russians, Chinese and Indians have little faith in American efforts to

legitimize regime change in Iraq on the grounds of human rights and democracy. The US and the EU have balked at Chinese or Indian silence over Myanmar justified on the grounds of mutual respect and non-interference. China and India, carrying the heavy baggage of Western colonial and neo-colonial practices, view with scepticism Western democratization policies. This said however, even pursuing the same norms in a situation of mutual mistrust can generate conflict. In the case of India-China relations, precisely because each party upholds the norm of sovereignty and non-interference, in a context of mutual mistrust, each other's policies are viewed as attempts to threaten or encircle the other rather than pursue mutual benefit (see Kumar, chapter 5).

Finally, because of the mistrust they generate amongst international actors, conflicting norms can lead to a normative downgrading in international politics. If the actions of one international player are viewed and portrayed by others as crude *realpolitik* rather than normative foreign policy, this may induce or legitimize the latter to discard norms in their own foreign policies. It is indeed common practice for international players to rebuff external accusations of unnormative behaviour directed to them by citing the frequent norm violations of their accusers. Hence China discards Western accusations of its human rights violations by citing American torture practices in Iraq or Guantanamo; and Russia snubs European criticisms of its policies in Muslim Chechnya by citing European double standards in its accession policy towards Turkey or the discrimination against its Muslim migrant communities. As noted above, it may well be unrealistic to expect that all major players act in each and every circumstance in an impeccably normative manner. Nonetheless, the risk of violating one's own norms is that of setting in motion a negative multiplier effect whereby one's violations are paradoxically flagged as the normative justification for the violations of others.

### ***B. Seeking a higher normative equilibrium in international interactions***

Is there the tendency for "bad money to crowd out good money" in the normative interactions between major powers? In view of the different interpretations of norms, and the conflicts and misunderstandings these may give rise to, the risk clearly exists. How could this negative spiral be reversed and what would be the necessary conditions for such a reversal?

First is the need to enhance consistency in each international actor's foreign policies. Regardless of the chosen content of one's own norms, the scope for mistrust, and mutual accusations and self-justifications reduces the greater the consistency in the normative behaviour of each actor's foreign policy. Precisely because of the substantive normative differences between major actors, the only criterion that applies equally to all is the consistency with which they adhere to their own normative yardsticks. While, as noted in the first section of this chapter, consistency is best measured in shades of grey, standing up to one's own norms can certainly add trust and predictability in international relationships thus raising the scope for virtuous normative interactions.

The question may arise as to whether, by consistently adhering to different norms, the scope for international conflict increases rather than reduces. Indeed international conflicts have often arisen precisely when different players have diligently followed their preferred norms. The case of Kosovo is a prime example, in which conflict between the EU/US and Russia was generated precisely because the former prioritized individual rights whereas the latter stood in defence of state sovereignty and territorial integrity. In such a case, normative inconsistency may be viewed as "resolving" conflict, but it would not lead to a process of genuine long-term cooperation precisely in view of its exceptional nature. Needless to say, a convergence of norms as well as a consistency in their application would represent an ideal goal. Yet faced with the reality of normative differences, greater consistency in normative foreign policy would add two critical assets to international relations. First, consistency would contribute to instilling predictable expectations in global interactions, thus reducing the scope for mistrust and miscommunication. Second, it would signal the importance attributed to norms (albeit different ones) in international politics. In other words, while norms may differ, the very fact of acting consistently according to (different) norms signals that norms are not merely instrumental, existing only when there is a happy overlap with self-interest, but have value in and of themselves.

As mentioned above, the fact that all actors have foreign policies to reflect the entire spectrum of stylised types suggests that none is consistent in adhering to their normative standards. Indeed there are cases in which the US has refrained from normative action in the alleged respect of state sovereignty. In South Africa for example, Washington for a period opposed sanctions arguing that although apartheid contravened the UN Charter, states should not violate the sovereign rights of others. The US also

opposed the International Criminal Court, this time appealing to the defence of its own sovereignty. Interestingly as reported in his chapter by Hamilton, when in 2002 Under Secretary of State for Arms Control and International Security John Bolton made the case for US's opposition to the ICC, he stated that the Court's precepts "go against fundamental American notions of sovereignty, checks and balances, and national independence".

The EU also has manifested frequent inconsistencies in the defence of state sovereignty versus individual rights, at times accepting authoritarian practices in the name of sovereignty (e.g., North Africa) while at other times intervening with heavy sticks and carrots to reverse democratically expressed popular choices (e.g. the Palestinian Authority). In the case of Russia, Makarychev notes how despite Russian accusations against Estonia, Moscow's own treatment of 2<sup>nd</sup> World War memorials and veterans is far from commendable. The way in which Kosovo has been dealt with also provides an interesting example, whereby the West on the one hand has legitimized secession on the grounds of individual rights, i.e., the rights of Kosovars who could not be reintegrated into Serbia given the violations suffered during Milosevic's rule. Yet on the other hand, the EU and the US have publicly stated that Kosovo does not represent a precedent for other secessionist conflicts in the former Soviet space, which should be resolved strictly within the confines of the metropolitan state's sovereignty and territorial integrity. However, the very fact that Kosovo has seceded with the blessing of the West and therefore the West has displayed evident inconsistency in dealing with secessionist conflicts has inevitably set a precedent, which breakaway entities in the European and Russian neighbourhoods enthusiastically embrace in an attempt to bolster their own negotiating positions.

Last but not least, in the cases of India and China, Kumar and Womack highlight the frequent inconsistencies in these actors' foreign policies. At specific points in time for example, China violated to different degrees the norms of sovereignty, non-interference and mutual respect in relations with India, Korea or Vietnam. In the case of India and Vietnam, disputed territory was involved, thus a dispute between sovereignties; whereas in the case of Vietnam, China's attack went well beyond the disputed territory and in the case of Korea, China became involved at the request of DPRK when US/UN troops were approaching its border.

Second, a higher normative equilibrium could be achieved through a 'healthy norm competition' between different actors. Each international

player would thus set global normative standards in its area of 'comparative advantage' determined by its capabilities, interests and inclinations across different spheres of governance. This, as discussed above, is likely to reflect to some extent the power political configuration as well as the moral legitimacy and standing of different actors across different policy areas.

As argued above, international law, as it stands, represents a lowest common denominator, rife with internally unresolved tensions (e.g. between the rights to self-determination and territorial integrity). It sets out the basic hard norms that may be considered universally applicable. All are based on a presumption of state sovereignty, which may be viewed as the 'norm of norms' or the normative underpinning and source of legitimacy for international law, as we know it, to exist.

Hard norms include UN-wide treaties which include approximately fifty international agreements ranging from human rights, the environment and sustainable development, trade, customs and transit, disarmament and penal matters. Other hard norms derive from the accepted body of customary international law and the general principles of law. These include the Geneva Conventions setting out the laws of war and occupation as well as the principle of non-refoulement regarding the rights of refugees. It also, yet far more debatably, includes the right of humanitarian intervention, applied exclusively with the stated objective of ending or reducing human suffering caused by civil war, humanitarian crisis or genocide. Within the body of customary international law, *jus cogens* (i.e., the peremptory norms of international law) refers to principles of international law that are so fundamental that no state may refuse their application. These include the prohibition against piracy, slavery, genocide and crimes against humanity.

Table 1 lists the major international law instruments and their acceptance by our five major players. We note here the important differences between the EU, Russia, China, India and the US, with the EU having accepted a total of 32.5 instruments compared to the US which stands at a mere 16 (and Russia, China and India lying in between at 28, 24 and 22 respectively). According to this schema, our five players could thus be placed on a continuum, with the EU being followed by Russia, China, India and finally the US in terms of their normative 'centre of gravity'.

*Table 1. Principal instruments of international law*

	China	India	EU 27	US	Russia
<b>International Bill of Human Rights</b>					
Universal Declaration of Human Rights, 1948					
International Covenant on Civil and Political Rights, 1966	----	1979	27	1992	1973
International Covenant on Economic, Social and Cultural Rights, 1966	2001	1979	27	1977	1973
First Optional Protocol to the International Covenant on Civil and Political Rights, 1966	----	----	26	----	1991
Second Optional Protocol to the International Covenant on Civil and Political Rights, 1989	----	----	25	----	----
<b>Core International Human Rights Instruments</b>					
International Convention on the Prevention and Punishment of the Crime of Genocide, 1948	1983	1959	26	1988	1954
International Convention on the Elimination of all Forms of Racial Discrimination, 1965	1981	1968	27	1994	1969
Convention on the Elimination of all forms of Discrimination against Women, 1979	1980	1993	27	1980	1981
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	1988	----	27	1994	1987
Convention on the Rights of the Child, 1989	1992	1992	26	1995	1992
<b>Human Rights sub-total (9 maximum)</b>	6	6	8.8	7	8

<b>Humanitarian Law</b>					
Geneva Conventions, 1949	1956	1950	27	1955	1954
First Additional Protocol to the Geneva Conventions, 1977	1983	----	27	----	1989
Second Additional Protocol to the Geneva Conventions, 1977	1983	----	27	----	1989
Biological Weapons Convention, 1972	1984	1974	27	1975	1993
Chemical Weapons Convention, 1993	1997	1996	27	1997	1997
Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines, 1997	----	----	25	----	----
Rome Statute on the International Criminal Court, 1998	----	----	27	----	----
<b>Humanitarian Law sub-total (7 maximum)</b>	<b>5</b>	<b>3</b>	<b>6.9</b>	<b>3</b>	<b>5</b>
<b>Fundamental Labour Rights Conventions</b>					
Freedom of Association and Collective Bargaining:					
Convention 87, 1948	----	----	27	----	1956
Convention 98, 1949	----	----	27	----	1956
Elimination of Forced and Compulsory Labour:					
Convention 29, 1930	----	1954	27	----	1956
Convention 105, 1957	----	2000	27	1991	1998
Elimination of Discrimination in Respect of Employment and Occupation:					
Convention 100, 1951	1994	1958	27	----	1956
Convention 111, 1958	2003	1960	27	----	1961
Abolition of Child Labour:					
Convention 138, 1973	1999	----	27	----	1979
Convention 182, 1999	2002	----	27	1999	2003
<b>Labour Rights sub-total (8 max.)</b>	<b>4</b>	<b>4</b>	<b>8</b>	<b>2</b>	<b>8</b>



<b>International Environmental Treaties</b>					
Convention of the Law of the Sea, 1982	1996	1995	27	----	1997
Vienna Convention for the Protection of the Ozone Layer, 1988	1989	1991	27	1986	1986
Montreal Protocol on Substances that deplete the Ozone Layer, 1989	1991	1992	27	1988	1988
Framework Convention on Climate Change, 1992	1993	1993	27	1992	1994
Kyoto Protocol to the Framework Convention on Climate Change, 1997	2002	2002	27	----	2004
Convention on Biological Diversity, 1992	1993	1994	27	----	1995
Cartagena Protocol on Biosafety, 2000	2005	2003	27	----	----
Convention to Combat Desertification, 1994	1997	1996	26	2000	2003
Stockholm Convention on Persistent Organic Pollutants, 2001	2004	2006	22	----	----
<b>Environmental Treaties sub-total (9 maximum)</b>	9	9	8.8	4	7
<b>Total International Law Instruments (33 maximum)</b>	24	22	32.5	16	28

Yet limiting our analysis to these instruments is far from sufficient. Not only, as discussed above, do normative perceptions vary across different players, but also does the consistency with which an international actor actually fulfils the legal duties it has nominally subscribed to in international treaties. Moreover, much of the nuts and bolts of international politics lies beyond the scope of these agreements. In the absence of world government, and in view of the limited applicability of international law and of the multiplying interactions within a globalizing world, there are clear-cut spillover arguments for smaller and larger powers alike to move towards more global norms. This may come about through the normative contributions of the major international actors according to their “comparative advantages”, and their respective interests and inclinations.

Hard norms thus represent the normative boundaries within which other at times more specific soft norms or rules can be defined and interpreted across different areas, ranging from the political (e.g., the different interpretations of minority rights), to the economic (e.g. trade and competition rules), security (e.g., norms on arms sales) and other technical domains (e.g. financial, environmental or energy norms). The pursuit of these soft norms would also need to take place “normatively”, i.e., in compliance with international law and through negotiation rather than unilateral imposition.

Following and adapting Finnemore and Sikkink’s approach (1998) different international actors would thus act as ‘norm entrepreneurs’ in different areas according to their relative “comparative advantages” determined both by their relative power and their legitimacy and moral standing in specific issue areas and/or regions. They would create the norm, articulating it within the confines of international law, then contribute to spreading the norm through their international relations as well as transnational networks; and ultimately lead to a “cascade” of norm compliance through successful socialization of other international actors.

In some areas this is already happening and international interactions are yielding a higher normative equilibrium. In the case of EU-Russia trans-border cooperation in the north, Makarychev (2008, p. 4-8) explains how Russia has adopted EU *acquis* norms regulating air and water pollution, water purification, healthcare, civil servant training and financial regulations. In more political domains as well, we also may see a certain degree of normative socialisation in EU-Russia relations. Interestingly in the case of the colour revolutions, Moscow may be slowly rising to the normative challenge posed by the West, precisely because of the normative boomerang effect of its *realpolitik* policies towards Georgia and Ukraine. In Georgia for example, Russia promptly attacked Saakashvili’s regime on normative grounds following the regime’s crackdown on the opposition in the autumn of 2007, despite the fact that the Georgian opposition cannot be seriously deemed to be pro-Russian. Moscow in fact noted how using normative arguments to criticize Saakashvili’s policies made far greater headway in raising Western doubts regarding the regime in Tbilisi.

Turning east, Womack notes how China has accepted Western norms in the realm of trade, most prominently by seeking Western advice in designing its Patent Law in 1984, adapting this to WTO standards in 2000, passing a Copyright Law in 1990, adhering to the Berne convention on

International Copyright in 1992 and entering the WTO in 2001. In terms of transatlantic relations, the EU appears to be setting higher normative standards in terms of consumer protection in competition policy, in practice forcing US companies such as General Motors and Microsoft to comply. Likewise, in accounting standards, the EU has led negotiations on international standards, it has gone ahead in making International Financial Reporting Standards (IFRS) EU law internally and has pushed for the IFRS to become the European international accounting norm in competition with the American US-GAP (Generally Accepted Accounting Principles). In the energy domain, the EU has legislated and ratified the Energy Charter after negotiations with Russia and the US, and is now pressing Russia to follow through with ratification. On the environment, the EU's commitment to the Kyoto Protocol as well as post-Kyoto targets, generated by the strong convergence of interests between the member states, the Commission and public opinion, has been crucial in accelerating momentum on climate change across 170 countries, including Russia, China and India, with only the US (and Kazakhstan) to come on board.

Indeed as Laidi points out (2008) the EU's "normative empire" is being constructed not necessarily through the pursuit of straight-forward political norms (e.g., democracy) or clear-cut economic norms (e.g., trade), but rather through the spread of EU "regulatory norms" across different "in-between" sectors such as the environment, sustainable development, competition and consumer protection as well as criminal justice. This also reflects the EU's greater "power" worldwide in these areas with its 500m citizens, one quarter of the world's GNP, 40% of world exports, and with the Euro representing the second major international reserve and trade currency (Zielonka 2008). This bestows upon the Union the ability to win or buy over the consent of others. A case in point is Russia's signing up to the Kyoto protocol in return for the EU's support for Russia's entry in the WTO. Further examples include China's adoption of EU regulations regarding its motor industry, food safety and mobile communications, and, more important still, EU anti-trust and merger law. China is also on the way to adopting the EU-led REACH (Regulation, Evaluation and Authorization of Chemicals) Directive on chemicals and has also been particularly interested in studying the EU's internal market dynamics in order to apply these, *mutatis mutandis*, to its own relationship with the provinces. In other words, whereas the US used to be the "norm entrepreneur" in these areas, there appears to have been a role reversal

whereby stricter norms are formulated and pursued by the EU in these sectors.

Naturally this does not entail that normative competition need to be an “either-or” concept, with exclusively one international player setting the global norm in each and every area. Indeed when it comes to transatlantic relations, the US continues to set, or influence the formulation of norms in many parts of the world with EU support; likewise the EU with US support. The spread of EU norms in Eastern Europe in fact took place with active US support, and cases in which the US objects to the spread of EU norms in Europe remain exceptional. In other words, norm competition need not take place between different actors, and the spread of global norms may come about through the convergence and joint pursuit of norms between different players.<sup>5</sup>

Problems and tensions naturally emerge when some international players act as ‘norm blockers’, again to use Finnemore and Sikkink’s definition (1998), challenging the efforts pursued by norm entrepreneurs. The more “powerful” the norm blocker, to return to the tight interrelationship between norms and power, and the more likely will the efforts of the norm blocker be successful. Yet the intrinsic logic and appeal of a norm as well as the support it garners across state and non-state actors worldwide may lead to cascade effects even when a new norm is “blocked” by a powerful international player. The momentum generated at and after the UN Summit on Climate Change held in Bali in December 2007 to push for a post-Kyoto agreement is an evident case in point, as is the momentum generated by the International Criminal Court.

Who sets the norms across different policy areas and geographical regions is also and inevitably the reflection of different power balances in different sectors. Yet these different and changing balances in a multipolar or multinodal world could yield an overall higher normative equilibrium. As the world becomes increasingly multipolar, and provided multipolarism is accompanied with a strengthening of multilateral institutions, rules and procedures, we could see ascending powers, and most prominently China and India beginning to set norms in other domains, and particularly on those relational norms concerning mutual respect and solidarity aptly set out by Womack and Kumar in their

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<sup>5</sup> I would like to thank Dan Hamilton for raising this point.

contributions. Hence, “old” Western powers may have occupied much of the normative space in establishing, spreading and codifying norms and rules relating to rights and freedoms of individuals across the political, economic social and other “in-between” domains. However, the normative ground remains wide open for a further specification or re-specification of the rules and norms governing relations between collectivities, given the reality of asymmetric power relations, and it is here that the value added of the ascending powers in the east may best manifest itself.

## 5. Concluding Remarks

The original challenge inspiring this book was the wish to take a critical look at the EU’s role in the world, given that European scholars working on European foreign policy have often tended to view the EU as a necessarily “benign” force in the world. The presumption was that all international players can and do act normatively in the world on some occasions and at some historical moments, but in other instances their foreign policies are best characterized as realist, imperial or status quo. Moreover, foreign policy impacts can be intended or unintended, reflecting or otherwise original foreign policy goals. Variations in foreign policy behaviour are in turn the result of different mixes in what we define as conditioning factors: interests, capabilities and external environment.

The contributors to this book succeeded, without too much difficulty, in finding empirical cases to “fit” the somewhat rigid grid presented to them, analysing foreign policy case studies in which “their” international player manifested different combinations of normative and non-normative behaviour. Yet whether explicitly stated – as in the cases of chapters of China, India or the US – or implicitly suggested – as in chapters on the EU and Russia – all authors have tended to view the “centre of gravity” in the foreign policy of their international player as being principally normative.

There are clear reasons why this is the case, related to our roles as researchers “located” in time and space. Yet probing deeper, this chapter has explored two further reasons why this is the case. The first relates to the need to move away from black-and-white conceptions of normativity, analysing instead the degree to which a particular foreign policy is normative and how that policy may evolve over time. The second reason relates to the fact that different international players subscribe to different norms, all of which have standing within the loose boundaries set by international law. Different normative interpretations can generate conflict,

mistrust and a normative downgrading within the international system. In order to yield a higher normative equilibrium we call for greater consistency in the application of norms, even when norms differ. Consistency would help creating dependable expectations and thus optimizing international relationships, as stressed by Womack. Finally we suggest that virtuous normative interactions may take place between different international players in a multipolar world, whereby a healthy “competition of norms” may engender an increased multilateralisation and regularization of the international system across different policy spheres.

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