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It all comes down to identity

An examination of the European Union's stance on
Ukrainian sovereignty

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Abstract

That sovereignty is losing its importance within international politics is a commonly occurring claim. When adopted by realists it is used as describing the end of an era where predictions of state behaviour were easily made. When concluded by liberalists, it is seen as marking the transit to a new era where the view on an international system as defined by cooperation due to common interests. This essay will examine the way we look at sovereignty today in order to find an alternative explanation to the above mentioned competing views. Is it possible to use a model to describe sovereignty in all its complexity or will we have to accept that it is a constructed concept which will never truly be definable?

By focusing on the sanctions imposed by the EU towards Russia due to the Ukraine conflict, this essay will take a stance on a framework developed by Stephen Krasner, dividing sovereignty into four categories: Westphalian sovereignty, domestic sovereignty, legal international sovereignty and interdependence sovereignty. The purpose is to examine to what extent this model provides a reliable explanation for sovereignty in an international context. By analysing the rhetoric used by the EU in explaining the situation in Ukraine, the idea of the importance of a national identity will also be added into the discussion. Concluding that Krasner's model fails to take into account all dimensions of the concept of sovereignty, a suggestion will be made that we do also take into consideration social sovereignty.

Key words: sovereignty, EU, the Ukraine conflict, national identity, social sovereignty, Westphalian sovereignty, domestic sovereignty, legal international sovereignty, interdependence sovereignty

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Introduction

On March 1, the first Russian convoy entered Ukrainian territory. Since then, events has passed that has caused several national and international actors, one of them being the European Union, to impose sanctions. (CIA, 2014) This puts us in the presence of a few basic, but nevertheless extremely important, questions. What causes these actors to react? What ideas of state sovereignty lies behind it? And why has this view become universal within Western IR? These questions do not make up my main research questions. They do however provide a worthy entrance to the topic which I seek to explain.

It has been claimed by several theorists that national sovereignty is becoming less important. Realists predicts the end of an era where national autonomy has a decreased significance. Liberalists believe that globalisation is resulting in borders becoming less important. Constructivist claim that sovereignty is merely a socially constructed concept, impossible to define or to measure. Will we have to accept that it is a constructed concept which will never truly be definable? Or is sovereignty only a complex concept possible to analyse with the use of a model?

Purpose

The general purpose of my paper is to look at the concept of sovereignty and the broad debate on that examines and constitutes it. Although having differed historically, today's new ideas of the role of the nation-state are rising simultaneously with these traditional conceptions. This has led to a discussion that is often caught between two main camps: that it is changing due to globalisation, or that it is undefinable. I wish to step away from such set predictions and analyse whether it is possible to offer a reasonable explanation by using a general model. In order to do so, I will use the framework developed by Stephen Krasner dividing sovereignty into four different categories. Generally accepted by scholars of international relations, I wish to apply them to an up-to-date case in order to see if there are dimensions that need to be added or if the model is providing an enough explanation.

I will exemplify this model on the ongoing conflict in Ukraine. More specifically, I would like to investigate the sanctions enforced by the European Union towards Russia due to the Ukraine conflict and what these thoughts can tell us about Krasner's ideas about sovereignty. I will mainly focus on the rhetoric used by the EU as I believe that this can be generalised into an idea about state behaviour within the Western international system. Analysing the interaction between two nations and an international organisation will provide two separate type of actors with quite distinct views on sovereignty, which will facilitate my analysis. I believe that it is not only possible but highly necessary to connect reality and moral theory in order to ask whether the discussions that we have of states, of sovereignty and of the international system, are representative.

The reason for choosing the Ukraine conflict as a mean of displaying the dilemma of sovereignty within international relations might seem far-fetched. I am convinced that is not the case. Empirically, the Ukraine conflict displays a modern case of an ancient dilemma

about how the ideas of national autonomy and security can and should be combined. Theoretically, the concept of sovereignty is fascinating, partly since it is constantly modified as a result of the ongoing change that globalisation inevitably causes, but also in terms of its hegemonic status within international relations. Adding the EU into the equation, therefore, shows the complicity of sovereignty in times of globalisation.

Main question

My main research question is the following:

1. Does the model by Stephen Krasner provide a reliable framework for understanding the role that sovereignty plays regarding the sanctions imposed by the EU in the Ukraine conflict?

Methodology

To seek to explain reality *ceteris paribus*, that is with all intervening factors held constant, might be the aim of a political economist. I do however not assume that an objective epistemology is at all times possible to reach, whereas I will put extra effort into making the process of this study as transparent and clear as possible. My goal is that every reader, although disagreeing with the choices I make, will be fully aware of how and why these were made. Intersubjectivity, therefore, is in my opinion not about other researchers to come to the same conclusions that I do, but to be able to.

Structure

This essay will follow the subsequent structure:

- 1) Introduction of sovereignty
- 2) Textual analysis and empirical case
- 3) Discussion and model evaluation

Step 1 will be carried out in the Background, in which the concept of sovereignty will be introduced. It will take into account the traditional ideas along with the critique that has been directed towards it. The purpose of this part of the paper is to explain the institutionalization of sovereignty and to show how it, as a concept, has developed over time. A modern redefinition of sovereignty, based on a model of Stephen Krasner, will then be presented. His division into four categories of sovereignty will constitute a framework for categorizing EU's view on state supremacy in step 2 and will also make up a large part of my discussion.

Step 2 has a mainly systemizing ambition, which means that the purpose is to 1) logically range the content into easily reviewable classifications in order to 2) show the structure of thoughts that provide the origin of a certain action or idea (Beckman, 2012, p. 211). This means that the ambition of this part of my essay is mainly descriptive (Eemeren, 2014, p. 7). It is in this step I will apply the model provided by Krasner on the case that I have chosen to look into. I will start by providing a brief introduction in which the background of the Ukraine conflict will be displayed in a timeline. This is meant to provide a basic understanding of what events that has led to the Ukraine conflict, but should not be seen as a complete explanation to it.

In order to clearly display the arguments used by the EU, I have performed an argument analysis. In such an analysis, interpretations might be made that are not explicitly written and thus require a reading of the arguments that are *implicitly expressed*. (Boréus & Bergström, 2005, p. 115) To reveal them, that is to make them explicit, is called an abstract process (Eemeren, 2014) and is something that I believe is necessary in order to understand what implicit implications are being made by the EU. In that way, they can also be a part of my analysis. The arguments of this analysis will be presented, whereas the actual analysis will be featured as an appendix. The purpose of this step is to look at the context in which sovereignty is used by the EU.

In order to separate the different arguments, I will divide them into and compare them to the four types of sovereignty introduced in the Background. By doing so, I hope to rely on earlier research that will be helpful for me when discussing my results. An important remark to make here is that the ideas displayed in the official EU documents will not necessarily display the actual arguments behind the use of sanctions within the EU. This is the classic dilemma of a textual analysis: we cannot be certain that it will be explicitly expressed. The result of the analysis will therefore be accompanied by other historically relevant dimensions.

Finally, in **step 3** I will discuss my results in the light of the background on sovereignty and the model used in my empirical case. In this part, I will combine my results with the theory introduced. I wish to evaluate the way we look at the concept of sovereignty and suggest a somewhat different approach that might be helpful in explaining events like the one that I have looked into, thus contributing to the general debate.

Material

The argument analysis of this essay will be fully based on the official document “Council Decision 2014/145/CFSP” published by the European Union. Additional information that is used as a basis for my analysis will also be gathered mainly from primary sources. In doing so, I wish to reduce the risk of misinterpretations common when such a source is interpreted by a secondary source. (Esaiasson, et al., 2007, p. 319)

Definitions and distinctions

In the official document/s published by the EU which this essay is based on, the entering of Russian military in Ukraine is not rarely described as “infractions of Ukrainian territory”, which is a term that I have chosen to use when presenting these texts. However, this should not be seen as me stating a position. Similarly, the entering of Russian military into Ukraine will here be explained as the “Ukrainian conflict”, thereby stating that it is a problematic situation that cannot be considered normal for the every-day life and politics of Ukraine. Since the purpose of this essay is not to condemn either party or to take a stand, a normative discussion will not be held. However, because of the harm made on the people of Ukraine due to the entering of foreign armed forces (OCHA, 2014) the events will in this essay be referred to and be considered a “conflict”.

The shortening of the European Union into the EU will be used throughout the essay. Other synonyms, such as the Union, will also occur. Additional terms that will be used synonymously due to a matter of simplification are the following:

International relations - IR

State supremacy - state sovereignty

Sanctions – restrictive measures

Background: sovereignty

"To interfere in the government of another, in whatever way indeed that may be done is opposed to the natural liberty of nations, by virtue of which one is altogether independent of the will of other nations in its action". - Christian Wolff (Krasner, 2001, p. 232)

As any other theoretical understanding about reality, sovereignty is an ideological concept. In other words it contains a basic notion about the human nature and about freedom (Dagger & Ball, 2011, p. 8). Similarly, "[i]nternational relations theory depends on conceptions of how the individual functions in society and in the state" (Grant, 1991, p. 9). Claiming the naturalness of a certain condition means demanding that this specific condition should be seen as a standard, as an unquestionable truth. This also results in a rejection of other, contradictory, views. Within Western international relations theory, individual behaviour within society and the state has been seen as representative for state behaviour. (Grant, 1991, p. 9) Hence, theories about mankind have been generalized to theories about states, and later on to theories about IR.

The State of Nature

The concept of sovereignty can be traced back to the 16th and 17th century theorists Jean Bodin and Thomas Hobbes. They defined state supremacy as absolute domestic power (Krasner, 2001, p. 21), a definition that is often, if not always, drawn back to the 1648 Westphalian treaty. (Osiander, 2001, pp. 60-61) This notion of sovereignty is based on the Hobbesian thought of the "State of Nature", an idea that is still today influencing the modern view on domestic sovereignty. (Armitage, 2013, p. 59) Hobbes work gave way for two perceptions: that the law of nature consists of fearful and competitive actors and that this law of nature also applies to the international system. Hence, on the international arena states are fearful and competitive actors. (Armitage, 2013, p. 67)

Despite this definition, Hobbes did not describe IR as an anarchic system, (Armitage, 2013, p. 71) but as a state where actors are pursued by self-interests and therefore will act according to those; (Beitz, 1979, p. 51) "men live without a common Power to keep them all in awe, they are in that condition that is called Warre" (Hobbes in Grant, 1991, pp. 9-10). John Locke disagreed with the Hobbesian thought that the act of individuals can be compared to the act of states. (Beitz, 1979, p. 52) Locke was of the opinion that except in times of certain circumstances, such as ongoing conflicts, people have common interest that will bind them together. Consequently, Locke did not equate the law of nature with the law of nations. Instead, he claimed that the latter was just a suitable simplification of reality. (Armitage, 2013, p. 80)

Hence, Hobbes State of Nature is primarily a theory of the behaviour of states. As Bull (2002, p. 3) points out, his theory is based on the assumption that actors perform out of fear. The pattern which we can distinguish of insecure actors in times of war is however not characteristic for their behaviour at all times. Therefore, Bull states, Hobbes theory does not

apply on the international system in order but rather of it in disorder. Due to the institutionalization of the Hobbesian view, international relations has been predominantly concerned with warfare. (Beitz, 1979, p. vii) It might however be about time for us to rethink our view on sovereignty in terms of war and a State of Nature. (Beitz, 1987, p. 40) Charles Beitz states that comparing states with people in order to explain their rationality is problematic. Applying the State of Nature into international relations would mean replacing states with people representing different citizenships. This comparison fails, Beitz argues, since it is not possible to equalize the interest of a nation with the interest of a person. (Beitz, 1979, p. 54)

This is based on the principle of non-intervention, namely the (right to) lack of interference of other states¹. (Beitz, 1979, pp. 65-66) The exact meaning of non-intervention differs from the just described wide-range definition to a more restrictive one, stating that “intervention is a policy carried out by a government, aimed at changing the structure of political authority in another state against its will, using military force”. It is disputed whether non-military actions aiming towards political or economic change, such as sanctions or aid, should be seen as interventions. Including such measures would widen the definition of non-intervention into “inducing a government to change a particular policy against its will, at altering the balance of power between competing groups or classes, or at producing a change in the structure of economic activity within a state”. (Beitz, 1979, pp. 72-73)

Non-intervention can not only be criticized based on the exercise of interference without consent, basically because the state itself is built upon the same principle of interference towards persons. As we know, interfering with the autonomy of its citizens does not make a state domestically illegitimate. This provides the link between state autonomy and state legitimacy: one does not constitute, or require, the other. (Beitz, 1979, pp. 79-80) Hence, Beitz claim that people should be seen as autonomous² and that for that reason, states should not. (Beitz, 1979, p. 81)

The Treaty of Westphalia

Few would disagree with the statement that the 1648 Treaty of Westphalia, which is seen as a declaration of the secularisation between a threatening (Christian) empire and the sovereign state, provides a benchmark in the history of state supremacy. (Osiander, 2001, p. 252) Its importance was taken into account during the 19th century where it was claimed to have inspired Hobbes and his distinction of domestic sovereignty as positive law and foreign sovereignty as the law of nature. (Armitage, 2013, p. 73) Whereas the former can be described as state autonomy, that is the state as the only legitimate ruling authority, the latter is best explained in terms of geographic boundaries. (Krasner, 1995-1996, pp. 115-116)

¹ Which is comparable to Stephen Krasner’s definition of Westphalian sovereignty (Krasner, 2001, p. 232), , see “Sovereignty redefined”

² “[A]s sources of ends” (Beitz, 1979, p. 81).

However, Hobbes did not make a distinction between internal and external sovereignty (Armitage, 2013, p. 73). This separation between national and international sovereignty was made later on and allowed a theoretical discussion about an international system and, hence, international relations to prosper (Bull, 2002, p. 8). It was not until the 19th and beginning of the 20th century, when an international consensus on describing IR as anarchic had been established, that Hobbes thoughts were truly taken into account. As soon as it did, the “anarchic consensus” was a fact. (Armitage, 2013, p. 70) The reading of Hobbes has therefore been described as a relative adoption where the details suitable for the present paradigm has been chosen whereas other, less appropriate, thoughts has been ignored. Consequently, a fixed misinterpretation of his work has laid the grounds for the modern history of sovereignty. (Armitage, 2013, p. 71)

The above mention claim, together with the myth of Hobbes view on the international system as anarchic and additional incorrect assertions related to the Westphalian Peace³, created the “myth of 1648”. (Armitage, 2013, p. 73) This view explains how this myth of the the Westphalian Treaty has been established within Western IR: it “fits perfectly with the accepted view of what international relations is about, or at least has ‘traditionally’ been about” as it provides a suitable description of war, territory and sovereignty. (Osiander, 2001, p. 266) The disagreement, brought forward by post-sovereignty on the before uncontested ideas of sovereignty, has come to redefine history as well as introducing new definitions of state supremacy. (Armitage, 2013, pp. 73-74)

In summary, sovereignty is a term that has been coined within IR, and even though few theorists today would describe it as natural, it is part of a ruling paradigm. Consequently, it has created the idea about the nation-state as “a sovereign, self-governing political unit that binds together and expresses the feelings and needs of a single nation” (Ball & Dagger, 2011, p. 13).

Sovereignty redefined

In the light of the above mentioned critique on the history of sovereignty, Stephen Krasner has come up with four different categorisations meant to redefine the traditional simplified view on sovereignty. He argues that traditionally, discussing sovereignty has mainly been done in these four different ways. The first of them is the control of a state within its territorial boundaries, a view of sovereignty similar to Hobbes. The second has handled cross-border control such as the ability of a state to control the flow of people, goods and financial assets. Whereas sovereignty loss in terms of the first form of sovereignty could be exemplified as a ruler’s or national institutions’ inability to control domestic activities, the second form is rather defined by a nation’s inability to regulate these movements. (Krasner, 1995-1996, p. 118)

³ Osiander explain

The third way has been understood as the certain rights of an independent state, such as entering into agreements, in the same way as an individual has its legal rights. Last but not least, the Westphalian model has externalized the view on autonomy that is vital for the supremacy of a nation within its borders. That is, in contrast to the first view, the Westphalian view has rather been about the right to rule without interference from other states. A state could therefore have territorial autonomy based on the international agreement of non-intervention without for that matter being able to regulate the institutions and/or people within it. The European Union, being an international organisation, is not included in the Westphalian model as it has authority structures that crosses national boundaries. (Krasner, 1995-1996, p. 119)

Consequently, Krasner divide state supremacy into four categories: interdependence sovereignty, domestic sovereignty, Westphalian sovereignty and legal sovereignty (Krasner, 2001, p. 231), where interdependence sovereignty and legal sovereignty is sometimes compiled into international legal sovereignty. Together, the latter two are explained as a territorial area which is juridically independent in the matter that it can sign treaties as well as reach agreements with other states, international organisations and institutions. (Krasner, 2005, pp. 70-71) When separated, interdependence sovereignty regards the ability of states' to regulate border movements. Hence is refers to state control rather than authority. Legal sovereignty is about juridical recognition of the right of freedom to every state. Whereas legal sovereignty is merely about authority, therefore, interdependence sovereignty is more about state control. (Krasner, 2001, p. 231 & 233)

Domestic sovereignty is related to the ideas described by classical theorists Bodin and Hobbes. It refers to the authoritative legitimacy of a state within its borders. (Krasner, 2001, p. 231) Westphalian sovereignty is about state control in regards to other states', such as the idea of state independence and non-intervention, but also about the state monopoly on exercising power domestically. As expressed in its name this is the part of sovereignty that is mainly traced back to the Treaty of Westphalia. (Krasner, 2001, p. 232)



Figure 1

Theory: the societal dimension

Christopher Rudolph argues that in order to explain the emergence and development of sovereignty in the Western World, the idea of a national identity must be included in the discussion. Rudolph is critical of how the debate about sovereignty tend to assume that the concept itself is losing its importance due to a changing world when it is in fact our idea of sovereignty that is shifting – and always has. The concept of sovereignty, he claims, is loosely defined and thus allowing states to use it as a foreign policy tool. Due to this, Rudolph believe that measuring sovereignty in terms of the loss of agreed authoritative power due to globalisation is meaningless. He states that as long as the development for advanced industrial economies will benefit economically from constraining their decisive power we cannot talk about decreased sovereignty. Such changes, he argues, are optional and as long as such losses are made by choice, a declined sovereignty cannot be claimed. (Rudolph, 2005, pp. 2-3) Only by including national identity into the picture there can be a proper debate about the changing concept of sovereignty.

Rudolph explains how historically, the notion of national identity emerged when the power shifted from a single sovereign individual, such as a monarch, and became collective during the 18th century. As many European countries became democracies, the people was further connected with the country in which they lived. As national security evolved as a way of protecting the territory of the nation-state, joining the military became the most patriotic act for citizens within it. In combination with 18th and 19th century imperialism, the ideas of a national identity were spread as well as strengthened. Thus a connection between sovereignty, territory and the national identity had emerged and spread, which meant an increased interest in national security. (Rudolph, 2005, pp. 5-6) This view on a single nation and its need to be protected gave way for what Rudolph defines as three different ways of security: geopolitical, material and societal. (Rudolph, 2005, p. 7)

During the 17th throughout 19th centuries, security in terms of maintained national sovereignty was most and foremost reached through conquests. This maximized both the material and societal wealth of the imperialist countries. In the middle of the 19th century, geopolitical security gained increased and in parallel with the increased economic costs for military security, the idea of export and comparative advantages was introduced, making the accumulation of material power through trans-border flows the most important. (Rudolph, 2005, p. 7)

Today, there is a strong linkage between the material and societal security, namely the way states ensure the high living standard and domestic economic prosperity in order to keep a societal order and satisfaction. The development of sovereignty in terms of material wealth, namely transnational trade and exchange, meant a change of the territorial and societal sovereignty. Due to social insecurity, trading unions where free movements came to allow one type of (internal) flow while excluding another (external) one. This development, therefore, was accompanied by other restrictions. This is a classic example of how countries benefit from letting some of their authoritative power go by gaining on economic trade, something he calls “sovereignty bargaining”. (Rudolph, 2005, pp. 8, 10-11)

Rudolph highlights that sovereignty bargaining is not seen the same way for all type of flows. Whereas the flow of capital and goods is one thing, the flow of people is seen to change the national identity. Migration flows, therefore, tend to be seen in terms of type rather than volume (Rudolph, 2005, p. 9) and citizenship becomes the link between the state and the people, namely the domestic sovereignty. This creates a turn from the different *dimensions* of sovereignty to the *object* of sovereignty: the national identity. (Rudolph, 2005, p. 13) When speaking of identity, Rudolph which to separate the societal security and the societal sovereignty. Societal security is about a homogenous, cultural dichotomy between us and them, concretized by borders as a way of deciding who is and is not a part of a certain community. This however assumes a homogeneity that can be kept in a static condition. Identities on the other hand are in constant change due to internal and external conditions, making up social sovereignty. Thus social sovereignty is focused on (sustaining) a certain national identity whereas social security is focused on (eliminating) the cultural and ethnic change that contribute to such a change. Understanding sovereignty, therefore, is not possible without including social sovereignty. (Rudolph, 2005, pp. 14-15)

Case study: sovereignty and the EU

“Sanctions are not a question of retaliation; they are a foreign policy tool. Not a goal in themselves, but a means to an end. Our goal is to stop Russian action against Ukraine, to restore Ukraine's sovereignty and [to] [...] engage in a meaningful dialogue involving Ukraine and Russia”. - Herman Van Rompuy (Council of the European Union, 2014)

When presenting the traditional thoughts on sovereignty it is soon clear that they are merely ideas about reality. For example, Krasner (1995-96, p. 115) describes how “[t]he Westphalian model has never been more than a reference point or a convention; it has never been some deeply confining structure from which actors could not escape”. Despite this, it has managed to become one of the cornerstones of today's view on state supremacy. In this part of my essay, I will look at what views on state sovereignty is being used by the EU in the Ukraine conflict. To determine the traditional views on sovereignty I will use Krasner definitions' of sovereignty as interdependence sovereignty, domestic sovereignty, Westphalian sovereignty and legal sovereignty. As Krasner (2001, p. 233) himself states, “[s]overeignty is a basket of goods that do not necessarily go together”. Thus, the arguments presented by the EU might correspond to all of Krasner's definitions' but it may also just fit into one – or none – of them. This part of the essay will therefore outline how the EU legitimates their sanctions towards Russia due to the Ukraine conflict. Figuring this out, I hope to answer a larger question in this context, namely what view the EU has on Ukrainian sovereignty.

Historical timeline on Ukraine

In 1991, Ukraine gained independence from the USSR in an unstable parliamentary and economic state. This led to the peaceful protests of the Orange Revolution in 2004. In 2012, Ukraine was criticized by the Western world due to unjust funding of election participants. (CIA, 2014) In November 2013 President Viktor Yanukovich and Prime Minister Mykola Azarov abandoned ongoing negotiations with the EU regarding an agreement on collaboration and trade. Due to closer economic ties with Russia, Ukraine instead demanded a deal in which negotiations between EU, Ukraine and Russia would be held. The EU refused - claiming that it was a bilateral agreement – and short after that major protests evolved in Ukraine, creating what the EU describes as the worst Ukrainian political crisis since 1991. (The European Parliament 1, 2014, pp. 14-15)



As a reaction of discontent, Ukrainians presented their discontent by occupying the centre of Kiev in three months' time. The protesters were met with violent methods from the authorities, a behaviour that got condemned internationally. In February, Yanukovich

travelled to Russia and a new election was planned to be held on May 25th. However, in March, Russian forces annexed Crimea, an action that both Ukraine itself and the European Union stated as illegal. Two weeks later, Russia proclaimed a referendum meant to decide whether or not Crimea would become a part of Russia, a vote that was proclaimed as illegitimate by several international authorities such as the US, the EU and the UN and by Ukraine itself. (CIA, 2014)

The use of sanctions towards Russia

On March 3rd 2014, the Council of the European Union called for sanctions towards Russia “to protect the unity and territorial integrity of [Ukraine]” because of “the clear violation of Ukrainian sovereignty and territorial integrity”. (Council of the European Union, 2014) On March 6, the EU member states condemned the Russian Federation for entering Ukrainian territory with armed forces and agreed on demanding that Russia withdrew its armed forces. Furthermore, it was decided that the referendum organized by Russia regarding the future of Crimea should be considered illegal. As a solution to the conflict, the member states demanded that negotiations be held between Ukrainian and Russian governments. Until a solution was reached, the EU decided to suspend bilateral conversations and to compile a new, revised, agreement with Russia to replace the existing Partnership and Cooperation Agreement. In parallel, travel restrictions and freezing of assets towards the natural people responsible for actions which were considered to have contributed in enhancing the conflict was conducted. (The Council of the European Union, 2014, p. 16)

Since Russian military annexed Crimea, it has been defined as a “territory temporarily occupied by the Russian Federation” by the Ukrainian government. (The European Parliament 2, 2014, p. 19) On March 17, the official document regarding restrictive measures towards Russia was released by the Council of the European Union. It stressed the importance of imposing sanctions towards Russia due to the outburst of the conflict in Ukraine. These initiating sanctions were introduced through the asset freezing and visa ban of 21 people in Russia. These targeted measures were described by the EU as mainly symbolic (The European Parliament 3, 2014) and meant to ensure a “stable, prosperous and democratic future for all Ukraine's citizens”. (The European Union, n.d.)

Looking at the rhetoric used by the EU provides a broad understanding on how they justify imposing these sanctions towards Russia. The main claim made by the EU is that Russia has acted in dissidence with international rules. The premise is that it is the role of the EU to condemn this behaviour by supporting and by protecting Ukraine. This statement is not written in the text itself, but is a necessary assumption to make in order to accept the main claim. Thus if it is not seen as the role of the EU to condemn such behaviour, their sanctions could never be justified⁴. This is interesting considering the fact that the EU has decided to act

⁴ Disagreeing with this assumption would thus mean that there is no justification for EU to act on the matter, which would mean that the main claim made by the EU would be voided. This is in argumentation theory called

on defending a country which is not a part of their own union, something that will be further discussed in the next section. The use of sanctions is by the EU explained by the fact that Russia entered Ukraine as an unprovoked action. The main reason for why the EU should act on the actions of Russia is therefore the belief that as a nation, Russia has acted immorally and in dissidence with international rules and norms. The argument supporting this belief is basically the fact that Russia has broken the concept of national sovereignty. This can be divided into two sub arguments, namely the two ways in which Ukrainian sovereignty has been violated: 1) by territory and 2) by independence.

Focusing on the territorial dimension of the conflict is mainly compatible with what Krasner refers to as Westphalian sovereignty. The violation of the territorial integrity of Ukraine refers to the de facto entry of Russia and is supported by the sub argument that this was done by Russian armed forces. In other words, by leading military into Ukrainian territory, Russia is seen to have violated the rule of non-intervention. The rule of non-intervention is without a doubt the most typical example of Westphalian sovereignty. This means that the violation of the territorial integrity of Ukraine is also a violation of the Westphalian sovereignty of Ukraine. The argument supporting this claim is the one stating that Russia has gone into Ukraine with armed forces and thereby threatened the Ukrainian sovereignty de facto. To accept this argument, one must also accept the premise that in this specific situation, violence is not a fair means of communication.

Moreover, the EU claims that Russia has threatened the independence of Ukraine. This claim relies on the fact that Russia advertised a referendum in Crimea, an action that contradicted Ukrainian law. It can therefore be discussed whether Russia threatened what Krasner refers to as the domestic sovereignty or if it is in fact a matter of Westphalian sovereignty. After all, Westphalian sovereignty is besides the territorial aspect also described by Krasner as the state monopoly on exercising power domestically. Since the referendum clearly questioned the Ukrainian government, therefore, it was foremost a threat towards the Westphalian sovereignty of Ukraine. The unspoken premise here is what such a loss of sovereignty could lead to, namely the loss of the authoritative legitimacy of Ukraine. Since this is a definition of domestic sovereignty, we can conclude that the inability for the Ukrainian government to control domestic activities is mainly a sign of decreased Westphalian sovereignty, but partly also a future risk for decreased domestic sovereignty. In combination with the physical entering of Russian forces into Ukraine and hence the loss of Westphalian sovereignty, therefore, the conflict seems to have mainly interfered with Ukraine's domestic and Westphalian sovereignty.

Although giving us a fairly representative idea of the conflict, the by the EU enhanced arguments explaining the reason for them imposing sanctions does not cover the entire dilemma of the situation. As I just concluded, it seems that the official explanation is mostly representative for what Krasner refers to as Westphalian sovereignty. Since condemning

the critical question, which means that disagreeing with a premise means disagreeing with the argumentation itself (Eemeren, 2014, p. 19).

military action is a well-received explanation internationally, the benefits of the EU to stress such an explanation seems reasonable. However, looking at the historical explanation on some of the factors resulting in the conflict between Russia and Ukraine, the earlier relationships between the Ukrainian government and the EU seems to play an important role. This relationship has however not been brought up by the EU. In addition to the arguments highlighted by the EU themselves, therefore, I will allow an own section to the unspoken premise that I believe plays a distinct part in the view of Ukrainian sovereignty held by the EU.

Ukraine and the Eurasian Union

The Eurasian Economic Commission (EEC) is a union that was created in February 2012 consisting of three countries: Russia, the Republic of Belarus and the Republic of Kazakhstan. Similar to the EU, the EEC is focused on increased trade, integration and economic cooperation within its union (The Eurasian Economic Commission, n.d.) with the goal of achieving a free flow of people, capital, goods and services. Looking to reconnect the cooperation with the countries that gained independence from the Soviet Union, the union has been in discussions with Ukraine since the dissolution. (The Eurasian Economic Commission, 2014, p. 6)

The Eurasian Union is described by the EU as “unlikely to bring long-term economic benefits to its members” since the countries suggested a membership has “more to gain by integrating with the outside world than with each other”. The Security Council also states that nations entering the EEC will lose their the political autonomy. Moreover, EU stresses the importance of ensuring that Russia follow the rules of the WTO and respects the sovereignty of its member countries by keeping an ongoing dialogue. (Dreyer & Nicu, 2014, pp. 1, 4) The sovereignty loss referred to by the EU is most likely the increased border-flows and decreased legislative authority that an eventual membership in the EEC would contribute to. In other words, the argument used by the EU regarding the downsides of Ukraine entering the partnership are similar to the arguments that could also be used when claiming the loss of sovereignty that a possible membership in the EU could result in. Although not in any way identical, the EU and the EEC are both international organisations which can be associated with a sovereignty loss similar to the one describes in Krasner’s definition of interdependence sovereignty.

Taking interdependence sovereignty into the discussion of Ukrainian sovereignty provides another dimension to the role of the EU in the Ukrainian conflict. Although representing another view on what type of sovereignty that might be threatened in terms of Krasner’s model, both of the definitions are connected to the identity of Ukraine. For the EU, Russia entering Ukraine means a risk of them affecting the Westphalian and the domestic sovereignty of the nation. As established earlier, this could affect the Ukrainian stance on an EU membership. Hence, these developments could contribute to a change of the national identity of Ukraine. The loss of interdependence sovereignty that a membership in the EEC could bring might therefore be a bigger dilemma for the EU. However, unless adding a cultural

dimension of national sovereignty, such connections are difficult to make. Looking at sovereignty only in terms of Krasner's model, therefore, might not be enough.

Discussion

Judging by the display of my textual analysis, there are two main claims made by the EU. The first is that national sovereignty should be respected and not be undermined. The second is that by the use of sanctions the EU should control the behaviour of Russia. I will not further elaborate the first claim. Instead, I will concentrate on the second one, trying to connect the statement with a discussion of Ukrainian sovereignty and how this can be connected to the EU. Brought forward in this discussion will be the model presented by Krasner which I find helpful in explaining how different dimensions of sovereignty can be exemplified through the separate elements of the Ukrainian conflict. Adopting these to a broader picture will however demand an approach that can offer an explanation to how and why it is in the interest of the EU to condemn Russian behaviour according to these terms. By adapting the theoretical framework developed by Rudolph, I will attempt to include such an approach by discussing the relevance of social sovereignty.

Looking at the arguments made by the EU between the justifications of using sanctions towards Russia displays a clear picture of its view on Ukrainian sovereignty. As concluded in the textual analysis, the use terms such as “sovereignty”, “territorial integrity”, “territorial unity” and “independence” shows a mainly geopolitical approach to the conflict. In other words, Westphalian sovereignty seems to be the most accurate description of the loss of sovereignty that Ukraine has experienced due since Russian military entered Ukrainian territory. This does not however offer the broad picture, in which looking at the Eurasian Union and the way it is described by the EU as an eventual loss of “political autonomy” seems to refer more to a loss of control due to the increased border flows that would follow. According to the EU this would also include a threat of Ukrainian interdependence sovereignty. Using Krasner’s model, therefore, Westphalian and interdependence sovereignty seem to be the main threats to Ukraine’s supremacy according to the EU.

Using Krasner’s model, it seems that it is mostly a matter of territory and capital. In fact, Krasner’s dimensions are representative of the separate discussions of sovereignty that are often brought out by liberalists and realists today. Focusing on the connection between the domestic and the international society, interdependence sovereignty provides the liberalist thoughts on the changing character of sovereignty. Concentrating instead on the importance of territory and borders, Westphalian democracy provides the classical thought on sovereignty provided by realists. In that matter, Krasner does not unify the discussion on sovereignty making it an integrated concept but rather allows a view on supremacy that will never allow the debate to come together.

	<i>Interdependence sovereignty</i>	<i>Domestic sovereignty</i>	<i>Legal sovereignty</i>	<i>Westphalian sovereignty</i>
<i>Security</i>	Material	Societal		Geopolitical

Figure 2

Uniting the framework presented by Rudolph with the definitions provided by Krasner clearly displays how Krasner fail to take into account an important part of the political change that

exists due to globalisation. By combining Krasner's definitions with the theory of Rudolph, the above presented figure is an attempt to display how their different frameworks interact. According to this model, the EU condemns Russian behaviour on two grounds: its threat towards Ukrainian material and geopolitical security. However, the change that a Ukrainian entrance into the EEC would bring about would also mean a cultural change that, according to Rudolph, is defining of a societal security change. Equalizing the societal change with the national identity (see figure 3) would provide a better way of explaining the change of sovereignty that Ukraine might face.

	<i>Interdependence sovereignty</i>	<i>Domestic sovereignty</i>	<i>Legal sovereignty</i>	<i>Westphalian sovereignty</i>
<i>Security</i>	Material	Societal		Geopolitical
<i>Characteristics</i>	Capital, goods	National identity	Juridical recognition	Territory

Figure 3

However, equalizing Krasner's definition of domestic sovereignty with what Rudolph refers to as societal security is not really accurate. While domestic sovereignty means the authoritative legitimacy of a state within its borders, societal security is about the homogeneity of a domestic community. Excluding the dimensions of Krasner, therefore, would give us a more accurate picture in which a cultural dimension can be included without being connected to domestic sovereignty (figure 4).

<i>Security</i>	<i>Material</i>	<i>Societal</i>	<i>(Legal)</i>	<i>Geopolitical</i>
<i>Characteristics</i>	Capital, goods	National identity	Juridical recognition	Territory

Figure 4

Consequently it might be valid to suggest that Krasner take into consideration a view of sovereignty where the government, the ruling institution, is not the most legitimate. It might even be reasonable to add another dimension that looks beyond the state and to the citizen. After all, the development that we see today is a classic example of what Rudolph refers to as "sovereignty bargaining". In terms of Krasner's definitions, this means strengthening the domestic sovereignty by weakening the controlling dimension of the interdependence sovereignty. This results in a change of a national identity that is historically filled up by thoughts of borders and military security. Hence, the discussion about sovereignty is in fact a discussion about identity that is right now being torn between the national and global. This is creating an increased importance of borders since still today, IR scholars are sticking to a made up ideal of the nation-state.

I would like to claim that an important part in the discussion about Ukrainian sovereignty is the question of identity and thereby allow a bigger role to the societal dimension of the discussion. But as Rudolph has concluded, societal security and societal sovereignty are two different concepts. Since societal security refers to a static, homogenous group, societal

sovereignty refers to a shifting national identity. The parallel drawn between societal security and national identity in figure 3 and 4 are therefore not unproblematic.

It does however give us an idea of the thoughts behind one of the main claims made by the EU, namely why they should support Ukraine by controlling the behaviour of Russia. After all, larger unions such as the EU that started merely as economic cooperation have developed into more than just trade unions and are thus facing the same dilemma as the nation-states. I would argue that the real dilemma for the EU is in fact the impact that the Ukrainian conflict will have on the Ukrainian approach towards a future membership in the EU. This of course also questions figure 3 and its connection between the social sovereignty and the domestic society. Because must an identity be domestic?

The behaviour of the EU in regards to the Ukrainian conflict is not that unlike the struggle for a social sovereignty within a nation-state. The EU has the same paradoxical view on sovereignty as do nations: the diversion of the inside and the outside, internal and external, us and them. In the end, it all becomes a discussion of the European identity, signified by the inside of EU versus outside of the EU. Thus the EU has adopted to the same ideal as the nations, which leads us to the conclusion that as a concept, sovereignty is not undergoing a major change. What is experiencing a difference is the national identity which, as Rudolph states, has went through a major change from the 17th until the 19th century and is still today changing.

Consequently, the discussion about Ukrainian sovereignty is in fact a discussion about Ukrainian identity. It seems sovereignty, as a concept, is merely used as a shield for monitoring the behaviour of states on the international arena. I will not speculate on whether or not Ukraine will become a part of the EU. I will, however, state that it is the wish of the EU, and that it seems like every move of the EU is vital for deciding whether or not they will succeed. It might therefore be irrelevant to discuss sovereignty the way Krasner attempt to do, simply because his definitions fails to address the real issue in terms of a national identity.

Conclusion

That the European Union displays a complex view on national sovereignty is not a new nor revolutionary claim. But it is not only its parliamentary structure that has made IR scholars to question the future of national sovereignty. As Krasner points out, national sovereignty is not an uncontested concept. The nation-state has never been fully sovereign in the traditional meaning, the Westphalian Treaty did not lay the groundwork for state autonomy, and as a concept sovereignty is an umbrella-term for several separate conditions. This means that as a concept, Stephen Krasner offers a clear model to explain sovereignty. In other words, he provides a helpful definition for describing how we look at the relationship between the nation-state and its surroundings within Western IR theory today. However, using his description of sovereignty in terms of domestic institutions and economic trade with the surrounding world does become static since it creates a notion of a country as an empty shell.

As the Western World as we know it expands and interconnects, the importance of a certain identity grows stronger. The question on whether or not Ukraine should be independent is

therefore strongly connected to the question on whether they should become a part of the EU. None of these choices are value free but in fact a standpoint of which identity the Ukrainian people should adopt. The discussion of sovereignty, therefore, is not too different from earlier centuries. The paradoxical view on the nation state and its supremacy brought forward by the EU displays how sovereignty has always been about dichotomies. Whether in terms of territory, culture or national identity the one significant element of sovereignty, to include some by excluding others, is always present.

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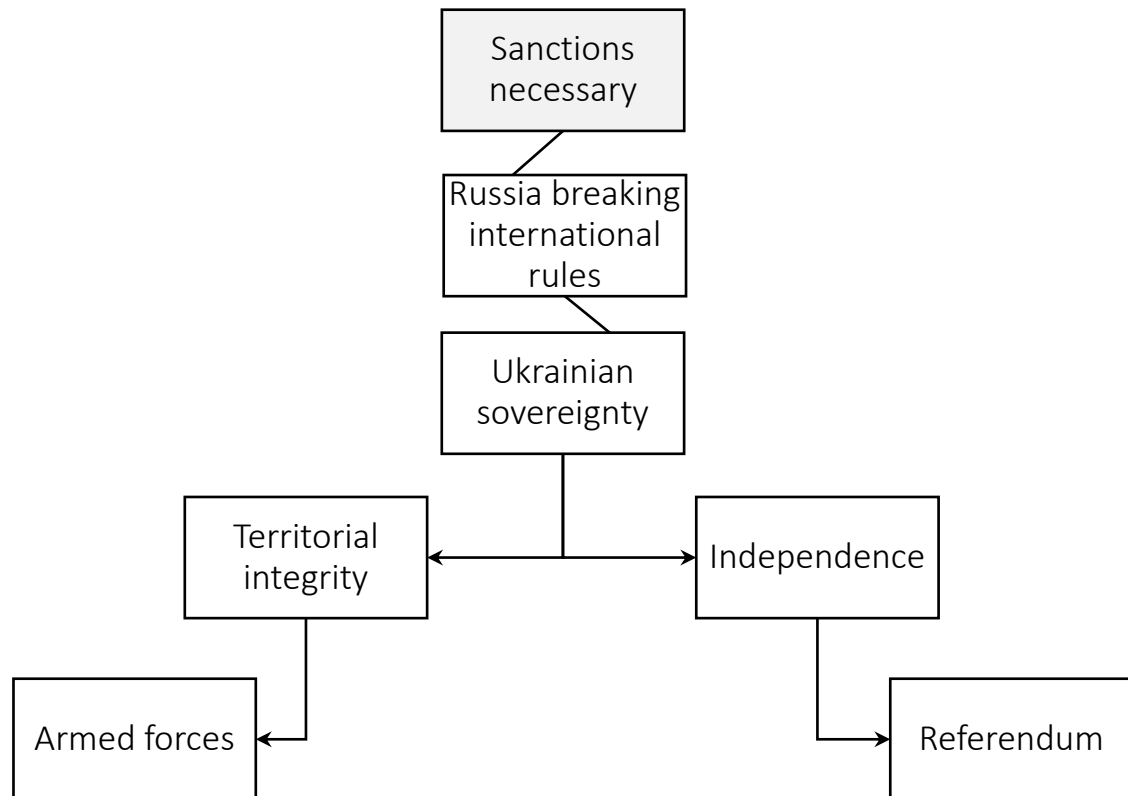
Appendix

Argument analysis

The argument analysis is centered on the Greek term *logos*, which means to try to logically persuade. It builds upon the ability of the receiving part to make rational conclusions out of a logic line of thoughts. (Boréus & Bergström, 2005, pp. 89-90) The analysis functions as a way to structure these thoughts in order to look at the cornerstones of the text written, which is the descriptive purpose of the analysis. (Boréus & Bergström, 2005, p. 91) It however also enables the user to discover and demonstrate the unexposed premises, which may be deliberately or unintentionally hidden, that holds the arguments together. (Boréus & Bergström, 2005, p. 103) Such hidden premises can - along with the arguments, the thesis and the visible premises – be validated in relation to norms, reasonability, rationality, evidential value and to what extent it fulfils the purpose of the text. (Boréus & Bergström, 2005, p. 91) However, I will not assay to what extent the arguments that I distinguish present valid points in terms of these aspects. As I have earlier pointed out, the purpose of this part of my essay is not to evaluate the arguments, but to display them.

An argument analysis can be structured differently depending on its purpose, however the first step is always to look for a thesis in the text analysed. The thesis does not support nor disclaim any of the arguments displayed in the text but works as the purpose of which the arguments in the text relies on. (Boréus & Bergström, 2005, p. 96) These arguments, that will either confirm or disaffirm the thesis⁵, can be divided into different levels where the arguments of the first order are the ones meant to support the thesis. Consequently, the next level of arguments will support the arguments of the first order and the third level of arguments will support the arguments of the second order. (Boréus & Bergström, 2005, p. 101) The arguments and/or thesis which allude to the logic ability of the reader to by oneself rationalize the linkage between, ergo the arguments that contain an unwritten premise, will be presented. (Boréus & Bergström, 2005, p. 103) These might need to be supported by a premise argument, which backs up the premise in the same way that the main arguments back up the thesis. (Boréus & Bergström, 2005, p. 109)

⁵ It should be made clear that the arguments presented in “Council Decision 2014/145/CFSP” will not contain any counterarguments; hence I from this point on will speak only of arguments as supportive of the thesis.



Thesis: The European Union should impose sanctions towards Russia

Premise: The EU should support/protect Ukraine

Premise argument: Because of Russia's unprovoked act

First order argument: Russia has acted in dissidence with international rules

Second order argument: Russia threatens the sovereignty of Ukraine

Third order arguments: Threatens its 1) territorial integrity and 2) independence

Premise 1: (Peaceful) negotiations is the right way to go

Premise 2: This is against the Ukrainian Constitution (i.e. illegal)

Arguments of fourth line: 1A) By the use of armed forces and 2A) by declaring a referendum