

# EU Sanctions against Russia: A Punishment, a Signal of Displeasure or a Wild-Goose Chase

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## Abstract

The decision of the European Union (EU) to maintain sanctions against Russia has raised concerns among scholars and pundits on the actual reasons for the sanctions. In mid 2014, the EU introduced series of sanctions against Russia, shortly after the latter annexed Crimea through a referendum considered to be illegitimate by the EU and many other Western countries. The EU considers the annexation of Crimea by Russia as an illegal intrusion into Ukraine's sovereignty and therefore, Russia must be punished for its action, thus favoring the use of sanctions. However, instead of the impact of the sanctions restricted to Russia alone, they also have serious adverse impact on the EU's economy. Thus, it raises questions about their purpose. What is the purpose and objective of the EU sanctions against Russia? Sanctions in general are meant to fulfill four main purposes: cohesion, punishment, signal and symbolism. The EU sanctions against Russia however, seem not to clearly fulfill any of these identified purposes. Instead, sanctions have created a hostile relationship between the EU and Russia with a consequent odious impact on the economies of both parties. Worryingly, it is the ordinary citizens that bear the brunt of the sanctions. Apparently, sanctions have failed to produce positive result in terms of addressing the casual factors that led to its adoption, which includes ending the alleged Russia's aggression in Ukraine and restoring peace and stability in the country. In light of the above, the study suggests that the adoption of sanctions by the EU and countersanctions by Russia not being the appropriate way to deal with the conflict and other sundry issues in Ukraine. It therefore, advocates for the engagement of selfless diplomacy as the appropriate and lasting solution to the Ukraine-EU-Russia impasse.

**Keywords:** European Union, Russia, Sanctions, Countersanctions, Economic Impact, Diplomacy.

## 1. Introduction

Sanctions have been referred to by the United Nations as a "tool for all seasons" (Ogbonna, 2015). They are often seen as an alternative to military action (De-Goede, 2012: 177), aimed to control the excesses of an offender, which is usually a state government, an individual or group. The rationale often cited for imposing sanctions is the hope to resolve a conflict without mass suffering and other negative consequences associated with war. Consequently, the deployment of military force by powerful states to resolve international conflicts has been greatly substituted by the use of sanctions and thus raising the following question: what source do the international community; states and regional organizations draw power from when invoking sanctions against a sovereign state, individual or entities? Articles 39 through 43 of the UN Charter, empowers the Security Council to take either military or non-military action, in order to restore international peace and security (Charter of the United Nations and Statute of the International Court of Justice, 1985). Accordingly, it may be interpreted that the above provision of the Charter clandestinely empowered the international community to adopt and use sanctions under its "non-military" action to peace maintenance. A more complicated issue is that individual states and regional organizations have been imposing sanctions on other states and entities without a clear or justifiable source of power under international law.

Studies such as Wallensteen (2000: 5-6) and Hufbauer, Schott, and Elliott (1990) have concluded that sanctions in general produce very few success in terms of achieving set goals, yet their use is on the increase. The contrast in the recorded success of sanctions and its continuous use as a moderate tool of international diplomacy shows that there are other reasons for their increased use other than to restore international peace and security as permitted by the UN Charter. However, to determine the effectiveness or success of any particular sanctions episode, the possible purposes of adopting the measure need to be understood. Haass (1997) noted that the principle purposes of economic sanctions include coercion, punishment, symbolism and signaling. In order to understand these stated purposes, it is important to explore their significance. Firstly, there is coercion: the intended coercive effect of economic sanctions is of the belief that they are capable of driving change in the behaviors of states and/or forcing targets to abstain from actions threatening or breaching international peace and security (Murphy, 2011: 10). Secondly, punishment: Foran (2009) asserts that economic sanctions are intrinsically punitive. The adoption of the word "sanctions" in itself is minatory and connotes a form of punishment, even in cases where the purpose of adopting them is not simply punishment (Charnovitz, 2001: 95). Third, symbolism: in certain situations, sanctions are invoked for the purpose of conveying a particular message rather than achieving a tangible result, such as persuading change in the behavior of the target or as a punishment for wrongdoing (Gus, 2013: 453). Evidently, the symbolism of economic sanctions is two-folds. On the one hand,

they may be used to convey to a target that its behavior is being viewed unfavorably. On the other hand, they may be used to appease domestic constituency or convey to the wider public, which has raised concerns about the target's behavior that their worries are being taken seriously by the sanctioning party (Haass, 1997). Lastly, there is signaling: the signaling purpose of economic sanctions is that they are often used as a forerunner to a more compelling and/or aggressive force or measure, such as the use of military force. In view of the above, this study considers the purpose of EU sanctions against Russia, as well as the rationale that may have influenced the adoption of sanctions by the former against the latter.

## **2. Overview of the crisis**

In February 2010, Viktor Yanukovich won the election as the President of Ukraine in an election adjudged by observers as free and fair (BBC, 2010). Upon ascending to office, the president pursued policy reforms that include a renege on an agreement that would have enhanced closer trade ties between Ukraine and the European Union and instead opted for a closer co-operation with Russia. The decision made by president Yanukovich in December 2013 to forgo a trade deal with the EU and alternatively accept a \$15 billion bailout from Moscow and a reduction by about a third in the price of Russian gas supplies, sparked a minor demonstration in the capital city of Kiev. Over a period of 3 months, the protest grew in number and dimension. The Western part of the country, including the capital city, witnessed a violent protest and attacks on government establishments. At this point, the agenda of the protest had shifted from a desire to be associated with Europe to a struggle against the state, spearheaded by a group within the protesters called Right Sector militants (Ishchenko, 2014). The government responded by deploying security personnel to the street in order to calm the situation. The attempt by the government to disperse protesters resulted in a violent clash between security forces and protesters. As clashes turned deadly, the parliament adopted restrictive anti-protest laws by mid January 2014 in an effort to quell protests. However, by the end of January, Prime Minister Mykola Azarov resigned and subsequently, the parliament annulled the anti-protest law.

In view of the parliament's decision, 234 protesters that were arrested between December 2013 and January 2014 were released. Around mid February 2014, the violence reached a crisis point with about 88 people killed within 48 hours. As the crisis deepened, on February 22, 2014, President Yanukovich escaped from the capital Kiev to Kharkiv in the east, where many of his supporters are based (Dearden, 2014). Protesters and opposition politicians in Kiev took advantage of the President's exit from the capital city and interpreted it as an evidence and justification that the president had stepped down. Subsequently, protesters upped their game by invading and occupying the Presidential Palace, while parliament adopted a resolution calling for the president's resignation. The President responded through a televised broadcast, stating that "a coup was underway against him, adding that he had no intention of resigning or leaving Ukraine, comparing the country's political crisis to the rise of the Nazis in the 1930s" (Strange, 2014). Shortly after the president's broadcast, parliament went ahead and adopted a resolution ousting him from office. The resolution reads thusly: "President Yanukovich is removing himself from office because he is not fulfilling his obligations, and that parliament is setting elections for May 25, 2014" (Human Rights Council, 2014: 6). The crisis evolved to a breaking point on May 2, 2014, when nearly 70 people were killed and hundreds of others injured after the Ukrainian forces launched a military operation against pro-Russia protesters in the eastern part of the country. Among those killed were 42 people, who died in Odessa from an arson attack on a trade union building, where pro-Russia activists had taken shelter. Consequently, on May 11, pro-Russian separatists in Donetsk and Luhansk declared independence from Ukraine in a referendum referred to by the West as a sham, hence unrecognized. On May 25, Petro Poroshenko was elected as the new president of Ukraine in a sectional election that took place mainly in the Western part of the country. In the furry of the crisis, Russia annexed Crimea, on the pretext of protecting the residents of the Island city, who happened to be Russian speaking Ukrainians, a similar reason cited by the United States when it invaded Panama in 1989 - to safeguard the lives of U.S. citizens in Panama. Reacting to Moscow's action, the EU slammed both diplomatic and economic sanctions against Russia.

## **3. Theoretical framework**

This study adopts Social Identity Theory to examine the purpose and justification for EU sanctions against Russia. The theory was developed by Tajfel and Turner in 1979. It was originally developed to understand the psychological basis of intergroup discrimination- the notion of "us" and "them." The theory identified three processes of social identity: Social Categorization, Social Identification and Social Comparison, whereby the sense of identity is often derived from identification with a group -, in-group. In this situation, people exaggerate the similarities between members of their group and also exaggerate the differences between members of their group and members of other groups – out-group (Baumeister and Vohs, 2007: 494). Thus, members of the in-group condemns people in the out-group not necessarily for their wrongdoing, but because they are not like "us" (Wetherell, 1996: 48). In this case "us" is seen to be good, innocent and always doing the right things, while "them" is seen as evil, bad and wrongdoers. The assertion of this theory clearly explains EU sanctions against

Russia. Sanctions were justified on the basis that Russia was evil and acted in bad faith by instigating violence in Ukraine and annexing Crimea to its own gratification.

Contrarily, the EU and Russia were two opposing groups seeking to deepen their influence over Ukraine. The battle for influence between the two groups resulted in violent protests that gradually engulfed the entire country. Therefore, both groups (the EU and Russia) should be held accountable for their involvement in the ensuing conflict in Ukraine. However, the EU shaded its involvement in the conflict and called out Russia as the preeminent cause of the instability and ongoing war in the country. The EU's action against Russia is directly linked to Baumeister's (1996) myth of "pure evil," the common way in which people construct themselves. We are good and innocent but provoked, reacting to a sadistic, evil behavior. Although this study does not in any way support the action of Russia in Ukraine, it nevertheless queries the purpose, rationality, reason and intention of the EU for imposing sanctions against Russia. Evidently, Russia violated international law by annexing Crimea and as such, sanctions by the EU are somehow justified. The main problem is that the EU has remained mute in other cases where international laws were breached. For example, in 2003, contrary to international law and the United Nations permission, the United States invaded Iraq on the false accusation that the then Iraqi leader Saddam Hussein had weapons of mass destruction. The invasion led to the death of about 500,000 Iraqis (Sheridan, 2013) and a total destruction of the economy and infrastructures, yet the EU did not deem it reasonable to take economic measures against the United States. The obvious reason is that the U.S. and EU belong to the same in-group that is fair, righteous, morally right and incapable of doing evil. A common theme of these theories is the notion of "us and them" that is used many times to describe and justify an action such as economic sanctions.

#### **4. Methodology**

Content analytical method was employed in the study. The reason for adopting this method is primarily because the study is a qualitative research that relied heavily on documentary evidence in data collection. Therefore, the content analytical approach and secondary sources of data became imperative.

#### **5. EU sanctions**

As the crisis in Ukraine escalated in early 2014, the EU accused Russia of being responsible for destabilizing the country. The allegation appears somewhat surprising, in that Moscow did not engineer the protest in Ukraine nor pledge support to it. Evidently, Russia benefitted from the conflict by annexing Crimea through an illegal referendum that was not recognized by the EU and other Western countries. However, the annexation process was without coercion or violence. In view of what the EU perceived as Russian aggression and violation of Ukraine's sovereignty, in late March 2014, the Union imposed a travel ban and asset freeze against 8 Ukrainian officials and 25 Russian government and military officials for their alleged role in the crisis. Towards the end of April 2014, the situation in southeast Ukraine significantly escalated and evolved into a full-scale civil war between regular Ukrainian army and loyal mercenaries supported by the U.S. and EU on one side and separatists and militias from Donetsk and Luhansk regions supported by Russia on the other side (Khlebnikov, 2014). While the EU exonerated its culpability in the conflict, it extended sanctions against 28 Russian officials and 2 entities. More individuals and entities were added to the list afterwards.

Between July and September 2014, the EU modified its sanctions against Russia by limiting the latter's access to financial markets and services for designated state-owned enterprises in the banking, energy, and defense sectors. In addition, it introduced an embargo on exports to Russia of designated high-technology oil exploration and production equipment. The measure also includes an embargo on exports to Russia of designated military and dual-use goods (Gros and Mustilli, 2015: 1). Russia had previously adopted a stance that it would not engage in "retaliatory" economic measures, however, on August 6, 2014, Moscow introduced economic sanctions, which mandated an effective embargo for a one-year period on imports of agricultural products from countries that have adopted sanctions against Russian legal and/or physical entities (Hille, 2014). The following day, the Russian government ordinance came into place and specifically banned fruit, vegetables, meat, fish, milk and dairy imports from the EU and other Western states including the United States, Norway, Canada and Australia. Thus, some sort of war of attrition between both sides had ensued. Announcing the embargo, Russian Prime Minister Dmitry Medvedev noted that: "There is nothing good in sanctions and it was not an easy decision to take, but we had to do it" (Hille, 2014). Moscow acknowledged that counter-sanctions sought to punish the EU and its allies for imposing sector-wide economic measures against Russia - an approach that is apparently obnoxious in international diplomacy.

As the success of sanctions remains at an impasse - halting the economy of both parties, it was expected that they (the EU and Russia) would reconsider their policies towards one another and adopt a more diplomatic approach. However, in March 2015 the European Council decided that its sanctions will remain in place until the Minsk Protocol/Agreement is fully implemented. The Minsk Protocol is a joint agreement signed on September 5, 2014, between representatives of Ukraine, the Russian Federation, the Donetsk People's Republic (DPR) and

the Lugansk People's Republic (LPR) to end the war in the Donbass region of Ukraine. In addition, the Council stated that "the EU remains ready to reverse its decisions and reengage with Russia when it starts contributing actively and without ambiguities to finding a solution to the Ukrainian crisis." In essence, the EU assigned Russia the responsibility of resolving the conflict in Ukraine; otherwise it must face continued sanctions. By the end of the EU sanctions deadline, the Minsk Agreements were not implemented and as a result, on December 31, 2015, the Council extended sanctions until July 31, 2016. During this period, sanctions have begun to halt the economy of some EU member states, with states like Cyprus, France and some regions in Italy calling for the suspension of sanctions. Again, by the end of July, the agreement was not implemented and the Council decided to maintain its sanctions until January 31, 2017.

On December 15, 2016, EU leaders adopted a unanimous decision to extend sanctions measures against Moscow until September 2017. The decision raised diverse opinions, perceptions and interpretations. The dominant narrative is that considering the impact of sanctions on the economies of some EU member states, they should have been withdrawn rather than extended. Some spectators and pundits believe that the decision to retain sanctions was born out of political speculation rather than rational and/ or empirical justification. It is believed that EU leaders speculate that ties between the newly elected president of the United States, Donald Trump and the Kremlin would likely sway Washington to ease pressure on Moscow. Consequently, the EU decided to maintain a check on the powers of Russia and Vladimir Putin in the event that the U.S. backslides. This assertion however, has been challenged by EU leaders. According to the German Chancellor Angela Merkel, the extension of sanctions was agreed on "based on the current situation" rather than attempts to "anticipate what the new American president might do." EU Chief Donald Tusk added that "It's still too early to assess responsibly what is the possible policy of the new American administration on Russia" (Baczynska, 2016). That is to say, the EU's decision to maintain sanctions against Russia is not influenced by the union's speculation of a possible mild policy approach from Washington towards Moscow.

## 6. Reverse impact of sanctions

The EU and Russia have been trading partners and trade between the two is governed by a partnership and cooperation agreement that came into force on 1 December 1997 (House of Commons, 2007-08: 79). It is believed that the EU is Russia's biggest trading partner with about 48% of total Russian foreign trade. Also, the EU qualifies as the highest investor in Russia's economy with up to 75% of Russia's foreign direct investment (Szczepański, 2015). Trade between the two economies has been steadily progressive until mid 2008, when the volume of trade retrogressed due to economic crisis. However, growth once again increased between 2010 and 2014. EU exports to Russia in 2014 totaled about €103 billion, while Russian exports to the EU in the same year amounted to €182 billion. When compared with 2013, the figures presented above indicate that the EU's exports to Russia declined by 12.1% in 2014, whereas imports from Russia contracted by 13.5%. Overall, the trade value between the two economies shrank from €326 billion in 2013 to €285 billion in 2014 (Szczepański, 2015: 2). Factors responsible for this development include the recession in Russia, caused by a fall in the price of oil in the global market. Another reason is EU sanctions and Russian counter-sanctions resulting from the conflict in Ukraine.

Moreover, it is speculated that the EU ban on the export of arms, dual-use equipment and innovative technology has little immediate impact on trade volumes. However, there is a more pronounced effect on the agricultural sector, while the arms ban has a huge impact on France and Italy; the ban on agricultural products has a detrimental impact on farmers in Finland and Greece, even though Germany has the highest overall loss. One thing to note is that sanctions have varying degrees of effect on different EU countries. For example, in 2014, France recorded a decrease of 12% in the export of transport equipments to Russia, while Italy recorded a whopping 42% drop in the same export over the same period of time (Szczepański, 2015: 6). Following the ban on arms and military exports, France cancelled a contract worth €1 billion to supply Russia with two Mistral amphibious helicopter carriers. Besides refunding the deposit already made for the contract, France was liable to pay a penalty of about €250 million for breach of contract. In 2015, Finland's farming industry had already lost €400 million due to the Russian food embargo, necessitating the EU to draw a compensation package of €9 million for Finnish farmers. The compensation was eventually rejected for being insufficient to mitigate the farmer's loss (Sputnik International, 2015).

A leaked document from the European Commission in late 2014 indicated that the commission estimated that sanctions will cause the EU about -0.3% of its GDP in 2014 and -0.4% in 2015. Monetarily, sanctions caused the EU €40 and €50 billion in 2014 and 2015 respectively. In a conservative analysis, the Austrian Institute of Economic Research (WIFO) concluded that countersanctions would cause the EU a trade loss of about €34 billion in the short run and about €92 billion in the long run. In addition, it estimated that job loss resulting from sanctions will be between 0.9 million jobs in the short term and up to 2.5 million in the long run (Meyers, 2015). A report by the Vienna Institute for International Economic Studies suggests that sanctions and the conflict in Ukraine will cost the EU a minimum of €11 billion and up to €55 billion should the sanctions



escalate. The Institute of Economic Forecasting of the Russian Academy of Sciences, in 2014, estimated that among other consequences, European financial institutions will suffer a yearly loss of about US\$8-10 billion from a reduction in interest payments due to sanctions. Furthermore, European financial institutions would be at great risk should sanctions be prolonged. It is estimated that Russian corporations owe European lenders between 147 and 165 billion USD. In essence, prolonged sanctions will facilitate slow economic activities and inevitably result to payment default. Besides, tensions relating to sanctions and countersanctions have had an impact on confidence and also some direct unfavorable impact on trade, investment and on financial markets within the EU. Nevertheless, sanctions have been detrimental to the economy of Russia and the general livelihood of its citizens who may have nothing to do with the situation but are caught in the sanctions' crossfire.

## 7. Analysis and reflections

There is apparent ambiguity as to the main purpose of EU sanctions against Russia. The Union's three-stage sanctions against Russia are marred with controversies as to their exact aims and objectives. The first stage consisted of the suspension of a series of EU-Russian bilateral talks, the second stage is the imposition of travel bans and asset freezes on selected individuals working for the Russian government and close allies of Vladimir Putin, while the third stage was triggered by the annexation of Crimea and include a broad range of economic sanctions (Ivan, 2014). EU records indicate that the first stage of sanctions was used to signal displeasure to Russia. It is less clear about the purpose of the second stage, while the third stage was meant to punish Moscow for destabilizing Ukraine's sovereignty. Indicatively, the sanctions were imposed to coerce the Kremlin to change its policy, strategy and behaviors in Ukraine, particularly to force it to repeal its action in Crimea. However, sanctions seem certainly unlikely to coerce Moscow to change course. The differences among EU member states regarding the purpose of the sanctions are something to worry about. Some member states perceive the purpose to be the return of Crimea to Ukraine and the withdrawal of Russian forces along the Ukrainian border in the East; others seem to believe that Crimea is already lost and that economic (stage three) sanctions are ineffective, hence unnecessary to remain in place. As it is, EU sanctions against Russia seem to lack in clarity and purpose. As in most cases, it is difficult to quantify the exact impact of the sanctions. So far, the visible impact has failed to contend Russia's behavior or force it to engage in negotiations.

On April 28 2016, France's parliament adopted a resolution requesting the EU to suspend sanctions against Russia. Subsequently, in May 2016, France granted a visa to Russian Agriculture Minister Alexander Tkachev, so as to enable him to attend the World Organization for Animal Health Conference in Paris, even though he was banned from entering the EU owing to his role in and/or support of Moscow's annexation of Crimea (Chadwick, 2016) - a move that glaringly expresses dissatisfaction with the EU's policy against Moscow. Tkachev was added to the EU sanctions list after he was awarded a medal by the acting head of the Autonomous Republic of Crimea for the support he provided to the annexation of Crimea. On a separate note, on July 10 2016, Cyprus Parliament adopted a unanimous decision, calling for immediate lifting of sanctions against Russia, whilst citing its despairing impact on export (Christoforou, 2016). Then in August 2016, the Italian Parliament voted in support of sanctions against Russia being kept in place, however, earlier-on in June, the regional parliament in Liguria in northwestern Italy voted in favor of a resolution recognizing Crimea as part of Russia and called for an outright lifting of anti-Russia sanctions. During a seminar in Helsinki in November 2016, Finland's former Prime Minister and the chairman of EU Foreign Affairs Committee Matti Vanhanen, criticized EU sanctions against Russia when he asserted thusly: "It is true that they (referring to EU sanctions) are not effective, but when they exist, you have to follow them [...] It is a common European policy and we support it" (Rosendahl, 2016). In light of the above, the question is: why did the EU maintain sanctions against Russia despite the obvious negative impacts the measure has on the economy of some of its member states, coupled with the fact that they have not been able to coerce Vladimir Putin into rescinding Moscow's action in Crimea? Evidently, sanctions have turned into a "double-edged jigsaw," considering their contribution to the economic contraction of Russia, as well as EU countries of Finland, Cyprus, Hungary and others.

Obviously, the EU and Russia cannot exonerate themselves from the ongoing crisis in Ukraine. The personal interests of both parties influenced the present condition in the country. While the EU needed a closer trade tie with Ukraine and was perhaps eventually going to admit the latter into the bloc, Russia wanted to maintain its influence over Ukraine and in doing so; sabotaging the EU- Ukraine relationship was indubitable. EU sanctions, therefore, appear to be that while it legitimizes its support for the violent protest that degenerated into a civil war, Russia needed to be singled out for punishment for its role in the crisis. Waving the flag of protecting democracy, human rights and freedom, the EU backed the mutinous protest against President Yanukovich in early 2014, notwithstanding the fact that ousting a democratically elected President through a violent protest is antithetical to democratic values and principles. In democracy, aggrieved citizens have an option to vote-out a brutal or corrupt regime through the ballot, though they deserve the right to express their dissatisfaction through a peaceful and organized protest. The protest in Kiev was anti-democracy and as such should be condemned by all lovers and promoters of democracy, of which the EU is one. This does not in any

way exonerate Moscow's involvement and culpability in the crisis, including the annexation of Crimea and its support to the separatist movement in the Eastern part of the country. However, the use of sanctions is counterproductive, as it offers a gloomy possibility for peaceful engagement through dialogue. Linking diminishing trade volumes/economic losses directly to sanctions and countersanctions, it becomes obvious that the EU's decision to maintain sanctions against Russia is not forthright. Firstly, if the goal of EU sanctions is to coerce Moscow into surrendering Crimea back to Ukraine, then the goal seems to be dead on arrival. Secondly, if sanctions were meant to serve as punishment, then the EU should have been significantly immune to their impact. Since that is not the case, one can only conclude that the punishment goal would be ill conceived. However, if the sanctions' goal is to signal displeasure to Russia, then the EU has made a case, though at an unenviable cost to its economy and people.

## 8. Conclusion

The EU decision to maintain sanctions despite defeatist potentials in terms of goal attainment is problematic. The union believing that Moscow will keep silent and allow it to erode its powers and influence over its offspring nations in Eastern Europe is simply inordinate. Besides, employing hostility and/or violent measures (economic sanctions) will not yield positive results with regards to a peaceful resolution of the conflict. Therefore, the sanctions game needs to end, whilst a diplomatic approach devoid of interest and rapacity should be pursued by the EU, Russia and Ukraine in order to find a lasting solution to the crisis. One thing to bear in mind is the fact that whilst the sanctions game rages on between the EU and Russia, Ukrainians are struggling to keep up with a nation ravaged with both economic stagnation and an ongoing civil war. Accordingly, an approach that will facilitate peace in Ukraine and help the suffering civilian population will be appreciated rather than the continuing battle of wits between the EU and Russia. Therefore, this paper makes the case for a renewal of diplomacy as the only way to restore peace in Ukraine and also the reestablishment of a positive relationship between the EU and Russia.

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