

Norm collision in the EU's external policies. The case of EU sanctions towards Rwanda.

Abstract

The EU is the world's biggest donor of aid to developing countries. The provision of EU aid is conditional on respect for human rights and democratic principles in the recipient countries. This article questions to what extent norms always yield to interests in decisions over whether to sanction breaches of human rights and democracy. Building on a theory that allows the simultaneous consideration of different norms, the article suggests that rather than interests being the determining factor when the EU takes decisions on implementing sanctions, the weighing of various norms and the choice to follow one of them can explain why sanctions have been avoided in certain cases in Rwanda. The article shows that this weighing of different norms plays an important role in foreign policy decisions and can have concrete consequences with regard to sanctions. In so doing, it advances the literature on the EU's global role by developing a theoretical account of the evaluation process and the ultimate decision to act in accordance with one norm in particular.

Keywords

EU; Sanctions; Norms; Development aid; Rwanda

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Introduction

The European Union (EU) is increasingly willing to sanction non-compliance with international rules and agreements (Giumelli, 2013). However, it is still the case that sanctions are unequally applied. Why is it that sanctions are applied towards some aid-receiving countries in situations of objectionable behaviour and not towards others?¹ The standard answer to this recurrent question in discussions of the EU's global role is that donors refrain from imposing sanctions when doing so would damage their own interests; however, in some cases, this answer is not satisfactory. Amongst the cases that have not been sanctioned we find Rwanda. Rwanda does not have any particular characteristics or natural resources that would qualify it as a country of economic or security-related interest for the EU (Hayman, 2009; Zorbas, 2011); nevertheless, the EU has adopted a 'soft approach' towards Rwanda.² Despite several incidents of objectionable behaviour over the past decade, the EU has refrained from implementing sanctions, choosing instead to react through diplomatic means (EEAS#1#2#3; EUdel#1#2).

In this article, I explore to what extent it is reasonable to expect that norms will yield to interests and whether the absence of sanctions can be shown to result from a concern over costs, as the literature argues (Brüne, 2007; Crawford, 2001, 2005; Emmanuel, 2010; Hyde-Price, 2008; Olsen, 2000; Warkotsch, 2008, 2010; cf. del Biondo 2011, 2015a, 2015b). I argue that we must at least consider the theoretical possibility that a decision not to sanction may be due to a conflict of norms rather than a conflict between norms and interests. It might be the case that a decision not to sanction has nothing to do with the economic or security interests of the donor; rather, it could arise from the prioritisation of one norm over another. In order to develop this argument, I establish a distinction between different types of norms. Norms do not provide a single moral standard that must be followed consistently. Actors may weigh the benefits and disadvantages of various norms and choose to act according to one of these norms on the basis of this evaluation. This expectation of a weighing of different norms provides an alternative to existing hypotheses on cases in which sanctions have not materialised. One problem with these hypotheses is that they rely on an indiscriminate view of norms. If a norm is not consistently followed (i.e., rigged elections in country A result in sanctions, but those in country B provoke

¹ 'Objectionable behaviour' refers to situations that are considered to be breaches of the conditionality principles enshrined in the Cotonou Agreement: namely, respect for human rights, democracy, good governance and the rule of law.

² I use the terms 'the EU' and 'EU institutions' interchangeably in reference to decisions regarding common EU aid.

political dialogue), it is assumed that interests must explain any discrepancy. However, interests might not be the determining factor in the choice to not implement sanctions; actors may simply have decided to act according to a different norm.

Why has the EU chosen to apply a soft approach in the case of Rwanda? In this article, I develop an account for the EU's lack of sanctions towards Rwanda anchored in theory that opens up to norms influencing policy. The added value is the ability to explain why the EU chooses one norm over another when they point in different directions. This is arguably a much-needed contribution to the literature on the EU's global role, as empirical evidence suggests that the number of cases in which norms collide is increasing (del Biondo, 2011, 2015a, 2015b).

Analytical approach

The literature analysing the application of instruments following incidents of objectionable behaviour generally ascribes the use of sanctions (or lack thereof) to the donor's self-interest (Brüne, 2007; Crawford, 2001, 2005; Emmanuel, 2010; Hyde-Price, 2008; Olsen, 2000; Warkotsch, 2008, 2010). It is argued that economic, security-related or historical interests in an aid-receiving country prevent donors from implementing sanctions when the interest in question is considered more important than sanctioning the breach. When there is no such interest, breaches of human rights and principles of democracy would be followed by a 'hard approach'. In the absence of any particular interest in jeopardy, the 'cost' of implementing a sanction is low and the 'benefit' is high in terms of satisfying domestic voters and the international community by reacting with concrete and tough measures. This is in line with rational choice theory, which predicts actions according to a cost-benefit analysis.

In the case of Rwanda, the local economic and security concerns are not considered to be important to the EU (Hayman, 2009; Zorbas, 2011). In the conditionality literature, it is commonly asserted that ex-colonial states are treated with more lenient measures than other countries because of 'historical interests' or the desire to maintain bilateral interests and influence. This has been most prominently cited in the case of France, in particular with regard to its relations with Cameroon and Algeria (Claeys, 2009; Emmanuel, 2010). Belgium's conditionality policy towards Rwanda has been gentler than, for instance, the country's hard-line approach towards the Mobutu regime in Zaire. Nonetheless, Belgium has carried out human-rights and democracy interventions in Rwanda relatively frequently (Renard and Reyntjens, 1995:102). In addition, the EU has applied sanctions towards Rwanda in the

aftermath of genocide as a response to the government's failure to arrest the perpetrators (Portela, 2010:132). Given that the EU has previously been willing to sanction Rwanda, it is not unreasonable to expect that it could sanction the country again. It has also been argued that Rwanda is a 'special case' for Western donors because of the 1994 genocide – specifically, that Western donors apply soft instruments in Rwanda because of a 'genocide guilt' (Zorbas, 2011) or a 'genocide credit' (Reyntjens, 2004). Rwanda's history is assumed to impact donors, but there is no agreement on exactly how its special status influences donor decisions, as both the 'historical interest' and 'genocide guilt' arguments are difficult to measure and operationalise. Each of these categories is used so broadly that any type of reference to the genocide or historical events can be used to confirm such hypotheses; consequently, the categories are of little analytical value. Moreover, there is no clarification of how these interests actually impact behaviour: some scholars suggest that they might lead to a harder approach, while others expect the EU to resort to soft measures instead (Renard and Reyntjens, 1995:107). For these reasons, the historical interest and genocide guilt hypotheses will not be investigated further.

However, there might be other types of interests that are relevant. Inter alia, we know that critical voices 'at home' can be important in policy-makers' decisions on how to react to cases of objectionable behaviour in other countries, especially behaviour associated with allegations of the misuse of aid (Borchgrevink, 2008). It is therefore necessary to investigate whether interests of some sort have influenced the EU's choice of instruments in the case of Rwanda.

The literature on norms in EU foreign policy is expanding but still limited. Two hypotheses have been dominant in the literature: first, that norms are used only rhetorically (Schimmelfenning, 2001), and second that the EU is predisposed to act in a 'normative way' (Manners, 2002). Neither of these hypotheses are particularly useful if we are seeking to seriously investigate whether norms influence policy choices. The former hypothesis does not allow for norms having an independent effect on behaviour and the latter fails to spell out the conditions governing how norms may influence policy (Sjursen, 2006). However, beyond these two dominant hypotheses, certain important contributions have been made regarding the role of norms in foreign policy. Lucarelli and Manners (2006: 201-202) map 'a core set of values, principles and images of the world [that] emerges through EU foreign policy, and thus constitutes the international identity of the EU'. Within the social-constructivist tradition, several models have recently proposed to explain norm change and even norm death as a consequence of contestation (Lantis, 2016; Panke and Petersohn, 2016; Björkdahl et al, 2015).

By challenging the ‘first generation’ of constructivist theory, these studies make an important contribution to the literature on norms in international relations by demonstrating that norms are not necessarily as constitutive as previously assumed. Norms can be contested, and the result of this contestation may be a redefinition of the norm or even its rejection. Other studies have shown how a small number of member states can promote certain norms in the EU by using tactics such as entrapment and framing (Elgström, 2016). However, there have only been limited attempts to explain the prioritisation of one norm above another once these norms have presumably been accepted and internalised.

A notable exception to the interest-based sanctions literature is the work of del Biondo (2011, 2015a, 2015b), who presents evidence that aid recipients that perform well in terms of social and economic development are excluded from EU sanctions. However this is only a first step, as no theoretical account is provided. It is not explained why one norm trumps the other, and thus the result could have been the same for any alternative norm. There is thus an urgent need for such prioritisations to be theoretically anchored. Whereas prior studies have treated norms indiscriminately and have only been able to account for one norm’s influence at a time, this article accounts for situations in which actors weigh a variety of norms and ultimately choose to act in accordance with one of them.

We need a theory that takes into account the independent effects that norms can have on policy choices. The approach chosen here builds on the conception of actors as communicatively rational (Habermas, 1993): it assumes that they coordinate behaviour through language and that they are able to give reasons for their actions. The communicative perspective expands our understanding of what constitutes rational behaviour, facilitating an analysis in which actions according to what ought to be done are considered an equal possibility to weighing the costs and benefits and choosing the option that best resonates with the actors’ interest. Following norms is thus considered to be equally rational as following interests. Research based on the communicative perspective has made important contributions to the literature by providing a distinction between different kinds of norms (Sjursen, 2002) and by showing how agreements can come about through deliberation (Risse, 2000).

I make use of Günther’s (1993) distinction between a discourse of justification and a discourse of application. A discourse of justification refers to the establishment of a norm’s universalisability – that is, whether it is valid at a general level – and expects all situations to be evaluated and treated according to a concrete moral standard. A discourse of justification

resonates with a common implicit expectation among researchers studying the use and non-use of conditionality instruments: namely, that a breach of a conditionality norm (i.e., a coup d'état) in country A will be treated equally in country B (i.e., Article 96 of the Cotonou Agreement). However, this is not always the case. Does this necessarily mean that policy is interest-based, or is there an alternative way to account for discrepancies?

A discourse of application characterises a situation in which there are several universal norms with conflicting content:

Norms which are valid under unchanging circumstances can conflict with one another when all the circumstances of a situation are considered. In justification discourses we simply establish that there is no norm which, under unchanging circumstances, conflicts with the norm requiring justification. The conflict of norms would then be a problem of their appropriateness and not of their validity. (Günther, 1993: 212)

We see a discourse of application when several normative perspectives are identified and evaluated, allowing actors to determine which course of action to take, all considerations taken into account. The aim is to establish 'if a particular rule should be followed in the present circumstances, and in case of yes, how this should be done' (Eriksen and Weigård, 2003: 80). Günther's distinction is anchored in the *process* of how norms are handled: they can be differentiated by examining the structural attributes of 'under unchanging circumstances' (that all other things are equal) and 'considering all the circumstances' (that all things are considered). In the former case, there is no information about the situation in question; hence, if a norm is valid in situation s1, then it will also be valid in s2, s3... under unchanging circumstances. The latter however, allows the possibility that norms that are valid under unchanging circumstances can conflict with one another when all the circumstances of a situation are considered.

Hypotheses and indicators

In accordance with rational choice theory, two hypotheses were devised in order to investigate whether interests have guided the EU's decision to implement soft instruments in the case of Rwanda. The first hypothesis is derived from concerns over domestic opinion: (H1) EU institutions choose instruments based on the desire to satisfy the European constituency. Because sanctions were not implemented in the circumstances under investigation, the validity of this hypothesis would be indicated by a lack of concern over negative reactions in the public

opinion. The second hypothesis is derived from the expectation that power-seeking is the main motivation behind the EU's actions: (H2) EU institutions act out of a desire to enhance their status vis-à-vis other donors in order to determine and shape aid politics in Rwanda. This desire to enhance its status could relate to EU member states, but also to other donors (such as China). The indicator for this hypothesis would be justifications referring to instruments implemented in order to secure a more powerful role as a donor in Rwanda.

In order to develop the normative hypotheses, I rely on Günther's theory, which differentiates the discourse of justification from the discourse of application. It is not a straightforward exercise to operationalise an abstract theoretical argument such as Günther's, and make it relevant for an empirical analysis. Nevertheless, his theory offers a much-needed distinction between situations in which one norm is evaluated and consistently followed and situations in which the context is emphasised and the actors are faced with several norms that point in different directions. Two hypotheses were devised. In accordance with a discourse of justification, (H3) EU institutions choose instruments based on the determination that universal principles have been breached, regardless of the context. In order to operationalise the discourse of justification, I use the proportionality principle from international law. I consider this principle to embody the characteristic of acting according to a single moral standard. With regard to sanctions, it prescribes that there should be a correct balance between a restrictive measure and the severity of the objectionable behaviour. This entails tougher instruments for the gravest situations and softer instruments for less severe incidents. The validity of this hypothesis would be indicated by the EU's definition of concrete thresholds for the activation of each instrument (i.e., a coup d'état leads to the withdrawal of aid) and the consistent use of these thresholds as an objective standard in the EU's justifications.

In accordance with a discourse of application, (H4) EU institutions choose instruments after a process of identifying several relevant norms and evaluating their relative importance in the particular situation. The requirement of unchanging circumstances is lifted, meaning that justifications can be tied to a particular situation. We open up to situations in which there is a collision of contextual norms. This hypothesis' validity would be indicated by actors not only evaluating to what extent a situation represents a breach of the conditionality principle as such (i.e., rigged elections as a breach of democracy), but also identifying other norms that are valid in the specific situation. What is often labelled 'development norms' are expected to be especially relevant, as they have been empirically shown to frequently clash with democracy

and human rights (del Biondo, 2011, 2015a, 2015b).³ For instance, the implementation of a sanction might be perceived as potentially weakening economic and social conditions in the target country. Actors would then evaluate their best course of action: is it more important to protect human rights by sanctioning breaches, or to not impede economic and social development by failing to sanction a breach of human rights?

Method and data

The method applied is a qualitative analysis of the EU's justifications for implementing soft instruments in Rwanda. I systematically trace and analyse the arguments that the EU has used to justify the instruments it has chosen to implement. The method follows from the choice of theory. Analysing justifications is the best way to trace information about the normative evaluations policy-makers might have conducted. This analysis belongs to the interpretative tradition, where the aim is to discover what led to a decision and the reasons behind it from the actor's point of view (Eliaeson, 2002: 52). There are certain analytical challenges associated with the study of norms. For example, norms are often contested, and it may be difficult to account for their various meanings. Moreover, it is not easy to measure a norm's precise impact on an actor's behaviour (Jørgensen, 2006). Some might argue that an actor's justifications, especially normative ones, can serve to cover up other underlying motives. Although justifications are not necessarily blueprints of an actor's intentions and thoughts, we can control for consistency by comparing justifications from different actors and also by confirming whether words are followed up by actions. It is difficult to imagine a situation in which all actors manage to lie consistently and collectively over time (Sjursen, 2002). Furthermore, interviews were conducted under the promise of anonymity, giving respondents little reason to lie about their motives.

The units of analysis are the arguments justifying the EU's choice of instruments in a number of situations. In what Yin (2014: 50) would describe as an embedded and longitudinal case study, I analyse the arguments presented in several incidents that were independent of one another but took place within the same case; the Rwandan elections in 2003, the establishment of the Gacaca court system in 2002 and allegations of Rwandan support of rebel groups in the

³ 'Development norms' are defined here to be the norms that underpin most OECD donors' aid disbursements. In addition to *economic development* and *poverty reduction*, emphasis is placed on the process of development policy, namely *ownership by the recipient country*, *partnership*, *effective aid* and *donor coordination* (Orbie and Versluys, 2008: 79).

Democratic Republic of Congo (DRC) in 2008 and 2012. I have chosen these particular situations because they were identified as the most important settings in which the EU has chosen to react in one way or another. This identification took place both through an examination of official EU documents and by asking the interviewees. These incidents do not cover all instances in which a reaction has taken place (or could have taken place), but rather situations that are typical or ‘common cases’ and hence lend themselves to a case-study analysis (Yin, 2014:52).

Rwanda is a ‘common case’ in terms of being a relatively stable country with positive economic developments shielded from sanctions following breaches of human rights and democratic principles. Similar cases from the Africa, Caribbean and Pacific group of states (ACP) that have avoided the negative repercussions of the conditionality clause (Article 96) are Ethiopia, Tanzania, the Solomon Islands and Papua New Guinea (Saltnes, 2013). A case study of the justifications for not sanctioning Rwanda provides in-depth knowledge on one common case, thereby empirically contributing to the literature on the EU’s global role. In addition, the case study is an apt candidate for theoretical generalisation.

EU development policy and aid suspensions fall within the mixed-actor category of the organisation’s competences. Both the supranational and intergovernmental bodies of the EU are involved, in addition to the independent aid policies and decisions of the member states. As a result, the data used in this article encompasses all of the EU actors involved in EU-Rwandan relations. Data from the member states is employed to corroborate the EU’s positions as well as to identify when EU policy differed from that of the member states. To control for consistency, the triangulation of data is important. I have used the following sources: official documents from the European Commission, the EEAS and the European Parliament, articles from Agence Europe identified through systematic searches and semi-structured interviews with officials from the Commission, the EEAS, the EU delegation and member-state delegations in Rwanda. The interviewees all worked in Rwanda or with Rwanda from institutional headquarters at various points in time during the period between 2002 and 2014. Six European member states had diplomatic missions in Kigali during this period; representatives from two of these member states are included in the interviews. Finally, the analysis builds on sources external to the EU, such as relevant articles in the media, an official UN Report, reports from NGOs and secondary literature.

Calculation of voter influence or power-seeking manoeuvres?

Concern for domestic voters?

Is there evidence to support the assertion that the EU selects instruments based on the desire to satisfy the European constituency or its member states? One situation in particular has caused severe problems for Rwanda vis-à-vis the international community: the allegations regarding Rwandan government support of rebel groups operating in the DRC, which were substantiated by a report from an expert group from the UN Security Council (United Nations, 2012). The Rwandan government has consistently denied supporting the rebels, and one of the interviewees related that the donors in Rwanda (at least in the early stages) were unsure of the validity of the accusations in the absence of concrete proof (MS#1). However, the UN report seems to have been accepted as valid by most donors (Agence Europe, 2012a, 2012b). Several **member states** decided to cut bilateral aid after the allegations in 2008 and 2012. Sweden, which had been a leader in the provision of direct budget support, halted this aid modality entirely to Rwanda in 2008. According to one of the interviewees, this was done out of consideration for the public opinion in Sweden:

Our development minister just suddenly decided that we will not pay budget support. For our government, the most important question was not if the allegations were true or not. It was what the media thought, and if the media thought it was true, it was serious. [...] Tax money going to warfare in the Congo... (MS#1; my translation)

Similarly, the interviewee stated that the Swedish government had no aspirations to achieve anything by eliminating this aid; it was done for the constituency at home. Thus, the expected benefit of satisfying the voters at home seems to have played an important role in at least one member state's decision to cut aid to Rwanda. But what about the EU delegation?

There is some confusion regarding the actual reactions of EU institutions to the allegations of Rwandan support of rebels in the DRC. In the press, it was claimed that the EU cut aid to Rwanda in 2012 (Smith, 2012). However, the Commission itself asserts that the only reaction was that some of the aid provided through the budget support modality was redirected to sectorial support, and that the decision on new and additional allocations was put on hold for a period of about six months (EUcom#1; Official Journal, 2012). This freeze on allocations was not expected to impact the Rwandan government's behaviour; rather, it arose from a concern over the possibility of funds reaching rebels in the DRC (EUcom #1). The allocations were

reinstated after six months, long before their actual disbursement. Furthermore, the Commission was explicitly asked by the member states *not* to cut its support to Rwanda in 2012 (EUcom#1). It redirected the budget support to sectorial support because it would be easier to control where the money was spent; however, the aid flow continued as before. Why? Several of the interviewees stated that they did not expect to achieve any results by cutting aid to Rwanda (MS#1#2#3; EUdel#1). The solution found by the EU was to allow the member states to decide what they wanted to do with their aid, but to continue the aid flow from the EU as a whole: ‘I guess that national parliaments have a strong influence on what their governments do, and that influence is less strong when it comes to the European level. [...] Our constituency in that sense is the member states’ (EUcom#1). Contrary to many of the member states, EU institutions decided to continue their support despite international pressure for sanctions. This suggests that the EU delegation was able to de-politicise the process and act without public scrutiny to a greater degree than the member states. It also indicates that the EU features characteristics that do not reflect a conventional state-like actor, and that it was able to operate within a different scope of action than its individual member states.

Enhancing powers?

Could the EU’s decision to avoid implementing sanctions be dependent on its desire to enhance its power vis-à-vis other donors? Both the EU and some of its member states provide aid to Rwanda. EU aid is channelled through the Commission and managed by the EU delegation in Kigali; member states channel aid through their embassies or national cooperation offices and remain in full control over bilateral aid. In cases in which cuts in aid are considered, coordination between EU aid and that of the member states is preferred but not obligatory.

In Rwanda, there is a strong tradition of donor coordination between member states and the EU delegation (European Union and Rwanda, 2008). Representatives of the two groups meet twice a month in addition to ad-hoc meetings before political dialogue meetings with the Rwandan government. All interviewees confirmed the importance of these coordination meetings, in which representatives often took decisions on which issues to address. One interviewee emphasised the importance of these coordination meetings for the delegation’s role vis-à-vis the member states:

One of the reasons for having the Article 8 [political dialogue] was to open the space for legitimately talk about political things as the EU [...] The article is more to empower

the EU institutions vis-à-vis the member states than to empower vis-à-vis the ACP countries. (EUdel#2)

Hence, we can identify a concern for the empowerment of the EU delegation vis-à-vis the member states in the choice to use political dialogue as an instrument during a key phase of the establishment of the EU delegation as a political actor in Rwanda. However, there is only limited empirical evidence to support this concern, and it was not traceable over time.

Overall, I find little support for the two first hypotheses. The common explanation for the absence of sanctions – that is, the donor’s ‘interest’ – is not substantiated in this case. The EU’s desire to expand its own powers was only valid at a particular point in time; moreover, the cost-benefit calculations of applying sanctions to satisfy domestic voters were important for some of the member states but not for EU institutions. Hence, it is necessary to investigate whether normative reasons can account for the EU’s decision to implement soft measures in the case of Rwanda.

One moral standard or colliding norms?

A question of proportionality?

If there is one moral standard that guides the EU’s decisions on sanctions, we would expect to see justifications referring to the situations in Rwanda as not proportionally severe enough for sanctions but rather qualify for softer instruments. Several references to the proportionality principle were traced in justifications provided by EU representatives:

The instruments are used according to the severity of the situation. [...] So let’s suppose that something we do not agree to takes place; it could be from a journalist being arrested for about 3 or 4 hours to a massacre where a complete tribe is wiped out from the face of the earth. Our reply cannot be the same. (EEAS#2)

When asked what would trigger a cut in the budget support modality, a representative from the EU delegation replied:

In the case of Rwanda, we were monitoring closely what was the percentage of GDP that was being spent on arms, and we had quite a close look at the national budgets and discussions with ministers of finance and so on to demonstrate that there was an increase in armaments expenditures. That would have been a trigger. (EUdel#2)

References to the proportionality principle were especially important in the discussion over Article 96 of the Cotonou Agreement. ‘Article 96 is not something you do now and in three months you can start again; it is supposed to be for something that is so important that it cannot be solved in a couple of months’ (EUcom#1). This was also evident in discussions with member-state representatives: ‘It is a very heavy one. You use it only in extreme cases’ (MS#4). However, in situations in which Article 96 is not a relevant alternative (i.e., a regional conflict), the proportionality principle is not decisive. A telling example is the Council conclusions from 19 November 2012, in which it is reported that the EU ‘will *contemplate measures* to be taken to follow up the deliberations of the Security Council and encourage a constructive attitude on the part of the regional players’ (Agence Europe, 2012c, emphasis added). The UN report from November 2012 in which Rwandan support of the DRC rebels was confirmed did not trigger a specific response by EU institutions in accordance with the proportionality principle. Concerns that sanctions would not have the intended effect and could result in a worse situation for the Rwandan people featured prominently in the interviews, rather than reference to a concrete moral standard that should be applied equally in all situations:

We need pragmatism because otherwise – certainly, our constituents here in Europe would applaud us if we took a firm stand, and then does this solve the problem? Are people going to have better human rights? Going to be better treated? On the contrary, we are breaking the bridges with this people that we could influence, and then we have no leverage whatsoever. (EEAS#2)

Not only does this statement contradict the hypothesis whereby choices are made according to concerns for domestic interests, but it also highlights the fact that instruments are not automatically implemented according to a single moral standard. Sanctions were considered but set aside because concerns other than response to a breach of human rights were determined to be more important in that particular situation. Hence, a discourse of justification (H3) is not substantiated by the evaluations these policy-makers conducted when deciding the course of action to take in Rwanda.

When a normative hypothesis is rejected, it is common to return to interest-based hypotheses and conclude by default that some kind of interest accounts for the actions under investigation. However, we have already established that interests cannot explain the lack of sanctions in the case of Rwanda. Thus, we must explore whether there is an alternative way to account for the

EU's decision to implement soft instruments. Might it be the case that normative evaluations, referring to other norms, can explain the lack of sanctions?

Competing norms?

The fourth hypothesis expects that concerns connected to a particular situation – the context, influence the choice of whether to implement a sanction or not. Are there normative concerns beyond the initial breach of a conditionality norm that were deemed more important in each particular case that may explain why sanctions were not implemented? Rwanda scores high on development indicators and is often described as one of the best compliers with development norms such as ownership of development policy, partnership and aid effectiveness. This is widely emphasised in official EU documents (EEAS, 2012; European Union and Rwanda, 2008; Official Journal, 2012, 2013a, 2013b; Republic of Rwanda and European Community, 2007). These factors also figured prominently in all the interviews. Can the lack of sanctions in Rwanda be explained by a clash of concerns between development norms and respect for human rights?

There is evidence supporting hypothesis four. For instance, the presidential and legislative elections in Rwanda in 2003 confronted the EU with a normative dilemma. The Rwandan government was accused of manipulation and intimidation in the electoral process, and the EU election observation report characterised the elections as 'tainted by fraud and irregularities' (Agence Europe, 2003a). Concomitantly, Rwanda showed stable signs of economic development and poverty reduction, and its successful management of aid funds and relationships with donors was highly valued. The EU could either withdraw aid as a reaction to the election fraud or continue normal relations; it chose the latter option, and after the elections, EU policy returned to 'business as usual' (Youngs, 2004: 312). Furthermore, the EU signed a € 10 million aid package with Rwanda only ten weeks after the elections. According to Youngs, Rwanda's exceptional record in economic development was a significant factor in various justifications provided by EU diplomats for their choice to continue aid. It was also highlighted in official statements by the EU following the elections: High Representative Javier Solana congratulated President Kagame on winning the elections by highlighting the 'remarkable progress in reconstructing and reuniting the country following the 1994 genocide' (Agence Europe, 2003b). When the interviewees were asked about the elections, the majority acknowledged that they were aware of the miscounting of votes and the fact that the opposition was 'granted' several per cent of the vote so that the result would not 'look rigged' (EEAS#2#3;

EUdel#2). When asked about the reasons underlying the lack of a negative response, they all stressed that official negative reactions would not result in anything but a more difficult situation between the EU and Rwanda:

Let's be very frank, with Rwanda you will not achieve anything with Article 96. You will even have probably a worse result in terms of dialogue and cooperation than if you try through Article 8, through the normal channel of communication. (EEAS#3)

It follows from this that the EU did consider the possibility of adopting sanctions towards Rwanda following the elections; however, it opted against this approach because sanctions were not expected to change the situation and could harm other important goals.

Furthermore, in interviewees' explanations of the EU's reaction to the situation in the DRC, concerns that sanctions could weaken economic and social conditions in the Rwanda were repeatedly raised – specifically, the idea that aid cuts would reduce government-supplied benefits to the population rather than harming the government itself. A representative from the EU delegation stated, '[This was] precisely why I was against the suspension of aid to Rwanda, because we were impacting the poor people without any chance of changing the minds of the leadership' (EUdel#1). Another EU representative concurred:

The main paradox is that if you stop general budget support you are not actually punishing the government, because what the government will do is to cut services, which again punishes the people. So the solution that was found was not to stop the support but to give it in a way that would ensure that it would go to the population. (EUcom#1)

This statement explains how a concern over targeting the population rather than the government led to the avoidance of sanctions. In line with a discourse of application, considerations pertaining to the specific situation guided the decision. Similar concerns also featured prominently in official documents. A typical example is High Representative Ashton's response to a question in the European Parliament: 'A full suspension of the international aid to Rwanda would have had significant impact on its budgetary situation, but also directly affect the population and efforts made towards the achievements of the MDGs' (Official Journal, 2013b). The above justifications show that it is only when we identify the various norms that were considered that we can understand why a specific choice was made. If we had only investigated

the normative hypothesis of human-rights breaches leading to sanctions (as the discourse of justification hypothesis suggests), a normative explanation would be rejected.

Another example in which the clash between different norms can be traced is the EU's decision to sign a € 89 million budget support package in May 2012. This happened at the same time that allegations of Rwandan support of rebels in the DRC were raised, although before the official UN report was published. Whereas most of the bilateral donors suspended their aid after the preliminary report was released in June, the EU Head of Delegation justified the continued provision of its aid package in the following way:

This is due to the exemplary progress Rwanda made in recent years in good governance, sustainable development and the fight against poverty and hunger. [...] The fact that all funds are spent exclusively through the Government budget shows our trust in a Government which is highly committed to its development agenda and which has established a regular dialogue with all budget support donors. (EEAS, 2012)

Some months later, High Representative Ashton emphasised poverty reduction as the reason for not implementing sanctions:

The EU has given considerable thought, together with its Member States, to maintaining a coherent approach on development assistance. The bulk of this is focused on poverty reduction and support to the people of Rwanda. The EU is continuing this assistance but decided to postpone new decisions on budget support until the question of Rwanda's involvement in Eastern DRC is clarified. (Official Journal, 2012)

Similarly, Commissioner Piebalgs, in explaining how the EU was ensuring that funds would not go to rebels, stressed that 'indicators show our BS [budget support] aid has a positive impact on improving living conditions and eradicating poverty in Rwanda. There was a 12% reduction in the poverty rate in the last five years and an 11% reduction in extreme poverty' (Official Journal, 2013a). These statements highlight the positive impact of EU aid on poverty reduction, which was evidently deemed more important than the possible impact of an aid cut. The link between poverty eradication and the EU's choice to continue aid becomes even clearer in Ashton's justification of the resumption of the delayed allocations in February 2013: 'This positive development [path for a negotiated solution], and the overall budgetary situation in Rwanda, led to the decision to resume decisions on sectorial budget support in particular on

pro-poor grounds' (Official Journal, 2013b). In addition to the concerns identified in official documents, the interviews provided more nuanced justifications, expressing worries over cuts to aid they perceived as spent in a good way. Sanctioning a country that had taken control of its development strategy and demonstrated good practices of managing both a large aid budget and its relationships with and between donors was deemed a high risk (EEAS#2#3, EUdel#1#2). Hence, the goal of poverty eradication and the desire to foster good donor-recipient relationships were in this case judged to be more important than imposing a sanction based on a human-rights violation.

I also found evidence of the weighing of different norms in situations in which the EU was considering new aid allocations. A typical example is the EU's decision to fund the Gacaca court system, which was established to process the approximately 125,000 suspects who remained in prison without trial following the 1994 genocide. In its initial phase, the Gacaca system's ability to deliver justice and reconciliation was questioned in several reports (Amnesty International, 2002; Penal Reform International, 2002). There was also disagreement within the EU donor group over whether the process should be supported (Schotmans, 2011; Uvin, 2000). The EU clearly faced a normative dilemma: whether it should financially support a system plagued by substantial doubts over its capacity to deliver justice or not support it without a viable alternative. A representative from the EU delegation described how the International Criminal Tribunal for Rwanda was failing to deliver justice in quantitative terms: 'Justice delayed is justice denied' (EUdel#2). The most important argument in favour of supporting the courts was the Rwandan government's ownership of the process, along with the potential for popular ownership implied by the court's traditional roots, as the tribunals combined a traditional system of community hearings with a Western formal court structure (Schotmans, 2011). The importance of ownership was also underscored: 'The EU collective view on Gacaca – other than yes, it was necessary – we had a positive opinion of the South African process of truth-telling as opposed to punishment, so I think we were prepared to give Gacaca a go' (EUdel#2). This illustrates how the EU weighed various norms against one another before taking the decision to support the courts, in accordance with (H4).

In summary, situations that can be ascribed to a logic of application (H4) are dominant. In the cases discussed above, EU representatives took decisions based on the evaluation of different norms, deducing from these considerations what they should do in each instance. They argued over what option would be best rather than calculating gains and losses with reference to their

own preferences and interests. The determining factor for the choice of instruments was not a norm's validity, but rather which norm should be considered most important in the particular situation. The findings also contradict the oft-cited prediction that donors treat 'success stories in Africa' with softer instruments because this benefits the donors politically and thus forms part of their strategic interests (Zorbas, 2011).

Conclusion

In this article, I have shown that the EU chose to not sanction Rwanda because of concerns over the negative impact of sanctions on the social and economic conditions in the country. Instead of harming the government, a sanction could result in the government's suspension of benefits to its population. I traced similar norm evaluations in a number of situations in which the EU could have chosen to sanction Rwanda but ultimately decided not to do so. Situations in which EU representatives evaluated which norm was most important in the particular context dominated. The prevalence of the weighing of norms challenges well-established conceptions of the EU as an interest-driven foreign policy actor (Crawford, 2001; Hyde-Price, 2008; Olsen, 2000). This finding contributes to the broader debate over the influence of norms in international relations. For decades, realists and idealists have argued about what influences the choices actors make in international politics – power or ideas? Although the idealist hypothesis, proposing that foreign policy actors only follow their values, is generally considered to be utopian, this does not mean that we must resort to power-based hypotheses. The findings presented in this article show that more nuanced conceptual approaches are necessary in order to understand EU policies as well as foreign policy in general.

The prioritisation of development norms over human rights and democracy concerns identified in this article support what is referred to in the literature as the democracy-development dilemma (del Biondo, 2011, 2015a, 2015b). However, I extend the research beyond the existing literature by providing a theoretical account of this prioritisation. I suggest that a distinction between a logic of justification and a logic of application is useful in explaining why sanctions were not applied in the case of certain human-rights and democracy breaches in Rwanda. The logic of application is dominant: policy-makers weighed the effect of sanctioning a human-rights breach against the sanction's impact on development concerns (such as ensuring continued poverty reduction or the effective use of aid). Without this distinction, which links

norm evaluations to the context of each situation, we would be unable to account for the EU's decisions to not implement sanctions in these cases.

In addition, the findings presented in this article lend themselves to 'theoretical generalization' (Lewis and Richie, 2003). The distinction between the discourses of justification and application can provide a viable hypothesis for other cases in which normative considerations are expected to have influenced policy choices. Making Günther's distinction between the discourses of justification and application relevant for empirical research helps us to explain situations in which democracy and development concerns collide (similar cases, such as Ethiopia), but it can also be used to hypothesise the prioritisation of one norm over another in different realms (unlike cases).

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