

**DOKUZ EYLÜL UNIVERSITY  
GRADUATE SCHOOL OF SOCIAL SCIENCES  
DEPARTMENT OF INTERNATIONAL RELATIONS  
INTERNATIONAL RELATIONS PROGRAM  
MASTER’S THESIS**

**A NORMATIVE MISSION FOR THE EUROPEAN  
UNION? APPLICATION OF HUMAN RIGHTS CLAUSES  
UNDER THE COTONOU PARTNERSHIP AGREEMENT  
FOR THE FIJI ISLANDS AND NIGERIA**

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## THESIS APPROVAL



## DECLARATION

I hereby declare that this master's thesis titled as “A Normative Mission for the European Union? Application of Human Rights Clauses under the Cotonou Partnership Agreement for The Fiji Islands and Nigeria” has been written by me in accordance with the academic rules and ethical conduct. I also declare that all materials benefited in this thesis consist of the mentioned resources in the reference list. I verify all these with my honour.

Date

....../....../.....

Aybükem YAYLACI

Signature

## **ABSTRACT**

### **Master's Thesis**

# **A Normative Mission for the European Union? Application of Human Rights Clauses under the Cotonou Partnership Agreement for the Fiji Islands and Nigeria**

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The international political atmosphere in the post-Second World War period opened to debate what kind of power and actor the then European Economic Community was. Academic efforts to understand the nature of and, thus, define the constantly evolving European Community have intensified especially in the post-Cold War period. The idea of "Normative Power Europe", which gained importance in the literature of International Relations and especially European Studies in the post-Cold War period, is actually a product of the Civil Power Europe and similar understandings that took shape after the Second World War. Ian Manners, the founder of the idea, sought to define the European Union as a different kind of power capable of spreading universal norms and values in its foreign relations. He put forward this idea by focusing on the unique characteristics of the European Union and norm diffusion methods. Today, "Normative Power Europe" has turned into a theoretical framework that is used in many studies.

Political conditionality policy has gained more importance with the self-adoption by the European Union of the role of normative power. The European Union has embraced the policy of spreading key norms such as human rights, democracy, rule of law and good governance to third countries, using both carrots and sticks. This policy, which became more common in the post-Cold War period, has increasingly become part of the trade and cooperation agreements that the European Union signed with third countries.

**In this vein, in the first part of this study, the development of "Normative Power Europe" understanding and the criticisms directed to it are explained. In the second part, the historical and legal development of the Human Rights Clauses, which can be seen as a normative mission shaped by the policy of political conditionality, is examined. To this end, the focus has been on the Cotonou Partnership Agreement, which contains the most comprehensive Human Rights Clauses. The last part of the thesis seeks to explain how and why the Human Rights Clauses within the scope of the Cotonou Partnership Agreement might be applied differently to third countries with regard to the cases of the Fiji Islands and Nigeria. With a view to explaining such different applications, the analysis defends two arguments, drawing on the criticisms of the social constructivist camp towards the Normative Power Europe approach. Firstly, it defends that it is not possible to define the EU as a normative power because the existing Normative Power Europe criteria are not sufficient to explain the perspective the EU adopts while implementing its foreign policy. Secondly, even if the EU can manage to consistently implement its normative-based policy, the EU's normative power is linked to the extent to which the third country recognizes the EU as such. The EU's normative power and the impact of its normative-based policy can be assessed by the political change it creates in the third country.**

**Keywords: The European Union, Cotonou Partnership Agreement, Human Rights Clauses, Political Conditionality, Norm, Nigeria and the Fiji Islands.**

## **ÖZET**

### **Yüksek Lisans Tezi**

**Avrupa Birliği İçin Normatif Bir Misyon mu? Fiji Adaları ve Nijerya için  
Cotonou Ortaklık Anlaşması Kapsamındaki İnsan Hakları Hükümlerinin  
Uygulanması**

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İkinci Dünya Savaşı sonrası uluslararası politik atmosfer, dönemin Avrupa Ekonomik Topluluğu’nun ne tür bir güç olduğu sorusunu tartışmaya açmıştır. Sürekli evrilen Avrupa Topluluğu’nu akademik olarak tanımlama çabaları özellikle Soğuk Savaş sonrası dönemde daha da yoğunlaşmıştır. Soğuk Savaş sonrası dönemde Uluslararası İlişkiler ve özellikle Avrupa Çalışmaları literatüründe önem kazanan “Normatif Güç Avrupa” fikri aslında İkinci Dünya Savaşı sonrasında şekillenen Sivil Güç Avrupa ve benzeri anlayışların bir ürünüdür. Bu fikrin öncüsü olan Ian Manners, Avrupa Birliği’ni evrensel norm ve değerleri dış ilişkilerinde yayabilme yetisine sahip olan farklı tür bir güç olarak tanımlama yoluna gitmiştir. Bu düşüncesini Avrupa Birliği’nin kendine özgü özelliklerine ve norm yayma tekniklerine odaklanarak ortaya koymuştur. Günümüzde “Normatif Güç Avrupa” birçok çalışmada kullanılan teorik bir çerçeveye dönüşmüştür.

Avrupa Birliği’nin normatif güç olma rolünü benimsemesiyle politik koşulluluk politikası daha çok önem kazanmıştır. Avrupa Birliği hem havuç hem de sopa kullanarak üçüncü ülkelere insan hakları, demokrasi, hukukun üstünlüğü ve iyi yönetim gibi ana normları yayma politikasını benimsemiştir. Soğuk Savaş sonrası dönemde daha yaygın uygulanan bu politika, Avrupa Birliği’nin üçüncü ülkelerle imzaladığı ticaret ve işbirliği anlaşmalarında artarak yer bulmuştur.

Bu bağlamda, bu çalışmanın ilk kısmında “Normatif Güç Avrupa” anlayışının gelişimi ve bu fikre yöneltilen eleştiriler açıklanmıştır. İkinci kısımda, politik koşulluluk politikası ile şekillenen normatif bir misyon olarak görülebilecek İnsan Hakları Hükümlerinin tarihsel ve hukuksal gelişimi ortaya konulmaya çalışılmıştır. Bu amaçla en kapsamlı İnsan Hakları Hükümlerini barındıran Cotonou İşbirliği Anlaşmasına odaklanılmıştır. Tezin son kısımda ise, İnsan Hakları Hükümlerinin Cotonou İşbirliği Anlaşması kapsamında üçüncü ülkelere nasıl ve neden farklı uygulanabildiği Fiji Adaları ve Nijerya vaka çalışmaları üzerinden açıklanmaya çalışılmıştır. Analiz, söz konusu farklı uygulamaları açıklamaya ilişkin olarak, sosyal inşacı kampın Avrupa Normatif Güç yaklaşımına yönelik eleştirilerine dayanarak iki argümanı savunmaktadır. İlk olarak, AB'yi normatif bir güç olarak tanımlamanın mümkün olmadığını, çünkü mevcut Normatif Güç Avrupa kriterlerinin, AB'nin dış politikasını uygularken benimsediği bakış açısını açıklamakta yeterli olmadığını savunmaktadır. İkincisi, AB normatif temelli politikasını tutarlı bir şekilde uygulayabilse bile, AB'nin normatif gücü, üçüncü ülkenin AB'yi ne derece normatif bir güç olarak kabul ettiğiyle bağlantılıdır. AB'nin normatif gücü ve normatif-temelli politikasının etkisi, üçüncü ülkede yarattığı siyasi değişimle değerlendirilebilir.

**Anahtar Kelimeler:** Avrupa Birliği, Cotonou İşbirliği Anlaşması, İnsan Hakları Hükümleri, Politik Koşulluluk, Norm, Nijerya, Fiji Adaları.

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## **ABBREVIATIONS**

<b>ACP</b>	African Caribbean and Pacific States
<b>AIDS</b>	Acquired Immune Deficiency Syndrome
<b>AU</b>	African Union
<b>CEG</b>	Capacity- Expectations Gap
<b>CFSP</b>	Common Foreign and Security Policy
<b>CMO</b>	Common Market Organization
<b>CPA</b>	Cotonou Partnership Agreement
<b>CPE</b>	Civilian Power Europe
<b>EC</b>	European Community
<b>ECOWAS</b>	Economic Community of West African States
<b>EEC</b>	European Economic Community
<b>EDF</b>	European Development Fund
<b>EIB</b>	European Investment Bank
<b>EIDHR</b>	European Initiative on Democracy and Human Rights
<b>EPA</b>	Economic Partnership Agreements
<b>ENP</b>	European Neighborhood Policy
<b>EPE</b>	Ethical Power Europe
<b>EU</b>	European Union
<b>FTA</b>	Free Trade Agreement
<b>GATT</b>	General Agreement on Tariffs and Trade
<b>GDP</b>	Gross Domestic Product
<b>HIV</b>	Human Immunodeficiency Virus
<b>HRC</b>	Human Rights Clauses
<b>HRVIC</b>	Human Rights Violations Investigation Commission
<b>INEC</b>	The Independent National Electoral Commission
<b>IR</b>	International Relations
<b>MPE</b>	Market Power Europe

<b>MPE</b>	Military Power Europe
<b>NPE</b>	Normative Power Europe
<b>PDP</b>	People's Democratic Party (PDP)
<b>RFMF</b>	Republic of Fiji Military Forces
<b>RTA</b>	Regional Trade Agreements
<b>SDL</b>	Soqosoqo Duavata Lewe Ni Vanua Party
<b>SIDS</b>	Small Island Developing States
<b>SIECs</b>	State Independent Electoral Commissions
<b>SMR</b>	Single Market Review
<b>TEU</b>	Treaty on European Union
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UK</b>	United Kingdom
<b>UNCED</b>	United Nations Conference on Environment and Development
<b>UNFCCC</b>	United Nations Framework Convention on Climate Change
<b>US</b>	United States
<b>USAID</b>	The United States Agency for International Development
<b>VCLT</b>	Vienna Convention on the Law of Treaties
<b>WTO</b>	World Trade Organization
<b>WWII</b>	World War II

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**Figure 1:** The Fiji Islands Map

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**Figure 2:** Nigeria Map

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## INTRODUCTION

The EU's role in international politics is one of the hardest cases for scholars because the role of the EU is directly related to the concept of European Foreign Policy on which the academic and political debates still continue concerning its nature, content and shape.

According to Feliks Gross (1954), foreign policy is one of the greatest tools for a state to pursue its national interests. The foreign policy helps a state to fulfill its national interests and grants it a legitimate place among others (Gross, 1954). However, the EU is a different case from the traditional nation-state logic because it is shaped by the logic of cooperation and gained its place primarily through its activities in economic and later political arenas. The EU's relations with some third countries especially in the post-Cold War period further complicate the nature of its foreign policy. Several scholars initially sought to explain how European countries organized their foreign policy responsibilities as individual states, and coordinated their national foreign policies through EU institutions.<sup>1</sup> However, it was understood that the nature of European Foreign Policy cannot only be explained by nationalist sentiments; there can also be other explanations. After the Cold War, the realist approach to foreign policy has left its place to those constructivist and normative approaches that highlighted the value-driven characteristics of the European Foreign Policy and described the EU as a unique actor in world politics<sup>2</sup> (Youngs, 2004: 415).

The inter-linkages of various subfields in the external relations of the EU increased over time and became part of the official agreements and documents. Especially since the end of the Cold War, the EU has turned itself into a significant actor in human rights, democracy, the rule of law and many norm-oriented issues. It has come to be widely perceived that the emphasis of the EU on human rights, democracy, and the rule of law issues directly shapes its external relations in world

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<sup>1</sup> Christopher Hill and Karen E. Smith provide a detailed analysis of the key official documents regarding the development of European foreign policy from the end of the Second World War to the 2000s. For further information; Hill, C. (1990). 'European Foreign Policy: Power Bloc, Civilian Model – or Flop?', in Reinhardt Rummel, (Eds.), *The Evolution of an International Actor*, Boulder, Westview Press.

<sup>2</sup> For further information; White, B. (2001). *Understanding European Foreign Policy*. Hampshire and New York: Palgrave.

politics. The norm and value-based agenda of the EU in world politics requires examining the famous idea that the EU is a Normative Power. This thesis adopts as a theoretical framework the idea of Normative Power Europe (NPE) conceptualized by Ian Manners. The main argument behind this approach is that the EU is a different type of actor with a new international identity. Also, it has both the ability to change the conceptions of normal with justification and redefine universal norms with a normative basis in world affairs (Manners, 2002: 253; Manners, 2011: 231; Vukasović&Matić, 2019: 296). Although this new NPE approach has also encountered some critics and counter-arguments, it has not still lost its explanatory influence.

Related to the EU's willingness to transform itself into an international actor both in the economic and especially political realm to promote universal norms in the third countries, a fresh foreign policy tool has started to be deployed. Starting in the 1990s the EU adopted political conditionality as an indispensable part of its foreign policy. The political conditionality, as a way of action for the EU normativity, is a comprehensive policy because it contains both positive and negative measures. While NPE advocates see this as a supplementary normative foreign policy for the EU, some argue that the possible deployment of negative measures within this approach is contrary to the spirit of NPE logic. In this vein, Human Rights Clauses is the means that political conditionality is applied by the EU to the third countries in its trade and cooperation agreements. It has been supported by many that the main reason behind this foreign policy tool is that the EU is a normative force as Manners argued or tries to be one. The evolution of Human Rights Clauses reveals how the EU acquired the habit of deploying political conditionality and how the EU justified its related actions. Whether the EU is a normative power or not can only be verified (or falsified) by analyzing the application of the Human Rights Clauses as a foreign policy tool of the EU.

Such an interesting and comprehensive policy increased the attention of numerous scholars all around the world. When the EU institutions, mainly the Council, announced their willingness to add HRC to trade and cooperation agreements, the literature on the issue started to emerge and various scholars focused on the political conditionality through HRC and its application.

There are a great number of studies on the subject that are mainly descriptive. Barbara Brandtner and Allan Rosas (1998) try to provide a general view of the place of human rights issues in the EU's foreign policy after the 1990s. The authors provide information about the legal basis of the policy and give detail about Human Rights Clauses. Moreover, the authors refer to the importance of consistency and coherence although the policy does not have a long past. Leonard Bartel (2005), in his book, analyzes the evolution and legality of Human Rights Clauses. The book is generally descriptive but it is one of the most cited books on the topic. Emilie M. Hafner-Burton (2009) evaluates the EU's political conditionality with power politics because each political institution and international actor has its own political strategies. Hafner-Burton sees regime complexity and adds that institutions can sometimes avoid or embrace the rules to gain political advantages. These are the main reasons behind contradictions in actions because there are always changing or conflicting interests. However, the work seems more descriptive as there is not a case study except general references or examples. Ionel Zamfir (2019) analyzes the practice of linking human rights with trade relations and points out the normative idea behind it. The work is mainly descriptive and gives general information on the components of the Human Rights Clauses.

There are also some scholars who try to clarify the application of the EU's human rights policies by focusing on political conditionality as the conceptual framework. These studies also aim to reveal the application of the policy via cases to prove the effectiveness of the policy and also to criticize the EU's suggested power in world politics. Some of them use an individual case, while others intend to create a general opinion by using multiple cases. Karen E. Smith (1998) analyzes the effectiveness of the EU's use of conditionality and asks some key questions. Her first question is about to what extent the EU achieved its goal of promoting universal norms. The second one seeks to understand to what extent the EU implemented this foreign policy. Through those questions Smith desires mainly to reveal how consistent the political conditionality of the EU in third countries was. In this context, Smith mentions a large number of third countries with which the EU has an agreement. Smith classifies these countries according to when and why the EU took action with political conditionality. However, Smith does not prefer to make a

comparative case study in this work. At the end of the study, Smith's conclusion is that the EU's use of conditionality can be more systematic and consistent. In this respect, Smith can be regarded as one of the critical contributors to the literature, by mentioning the inconsistencies in the EU's foreign policies. Elena Fierro (2003) is a well-known author with her PhD thesis about the EU's political conditionality through Human Rights Clauses for third countries. There is intensive research in that thesis on conditionality and how it is applied. The thesis mainly focuses on the legal aspects of EU policy. However, Fierro also uses various case studies, including the Fiji Islands, which is treated as a similar case to Haiti. Nigeria is only mentioned in the footnotes as an example of a third country that encountered negative sanctions in 1995. Vaughne Miller (2004) looks at the evolution of the Human Rights Clauses in the EU agreements. Miller gives information on the legal basis of the EU's political conditionality through Human Rights Clauses, but also mentions the frequency of the policy. Various countries including Russia, Belarus, Israel, Zimbabwe, China, Australia, and New Zealand have been analyzed in terms of the conclusion of agreements with human rights provisions. However, neither ACP countries nor specifically Nigeria and the Fiji Islands receive mention as examples of countries with human rights problems. Gordon Crawford (2007) examines the fulfillment of political conditionality through aid sanctions from 1990 to 1995. Crawford finds the EU's aid restrictions ineffective in contributing to political reforms, and regards the EU's policy as selective, unfair, and inconsistent. He argues that other foreign policy concerns, notably economic self-interest, undermine policy credibility and legitimacy, and limit impact and effectiveness. Crawford also discusses normativity, and sees the EU's commitment to norms as partial. Yet, still, the Fiji Islands is not one of those aid recipient countries in the specific timeline although Nigeria is. Anna Khakee (2007) analyzes the importance of norms in EU-Nigeria relations by focusing on the idealist and realist drives behind the relationship. The work does not deal with political conditionality and Human Rights Clauses theoretically; rather it provides a detailed critical source on human rights issues and the EU's stance on Nigeria as a case study. Selma Roth (2009) asks in her master's thesis various questions about the legitimacy of the EU's actions and the adoption of political conditionality in practice. She uses the cases of Sudan, Cote d'Ivoire, Fiji, Haiti,



Zimbabwe, Liberia, Central African Republic, Guinea-Bissau, Togolese Republic, Republic of Guinea, and Mauritania. These are the cases where aid conditionality was applied. Roth wants to find out to what extent the EU was consistent in its conditionality policy. Johanne Døhlie Saltnes (2013) mainly focuses on the implementation of the EU's political conditionality as one key aspect of the EU's foreign policy. The main objective of the work is to reveal the main tendency in the literature to explain the drives behind the EU's actions. Saltnes finds that literature tends to apply realist theory with a biased selection of cases to prove that the EU actions are interest-driven. The author gives some examples of cases where the EU does not have an interest and the policy was not implemented. The main argument is that there is more to the EU's performance than its self-interest. Surprisingly, although the author focuses on the timeline from 1996-2012, the Fiji Islands is not mentioned among the countries which were faced with the EU's sanctions. Samiratou Dipama and Emel Parlar Dal (2015) analyze the effectiveness of political conditionality for three African, Caribbean, and Pacific (ACP) states which are Zimbabwe, Ivory Coast, and Niger. Thus, the main aim of their work is to find out the impact of the policy on third countries rather than the EU's different practices. Nicolas Hachez (2015) has a critical view on the Human Rights Clauses as the EU's external normative agenda. He makes a critical assessment on the effectiveness, legitimacy, and credibility of the policy by providing various data on the countries which faced the EU's negative conditionality, including the Fiji Islands. Lachlan Mckenzie and Katharina L. Meisser (2016) mention the importance of trade in the EU's norm promotion, but they do not focus on Human Rights Clauses specifically. According to the scholars, the tension between norms and interests is the main issue and they seek to explain it through an individual case study which is Singapore. The main argument of the work is that norms and interests clash and decision-makers can promote inconsistencies by remaining silent to norm violations. According to them, this behaviour limits the EU capacity in its foreign policy. Daniela Donno and Michael Neureiter (2017) explain how political conditionality can be an effective EU foreign policy tool. The scholars argue that the effect depends on the degree of leverage of the parties over others. In this regard, they find Human Rights Clauses effective, because the countries that the EU is in a relationship with are heavily

dependent on the EU aid. They also provide other explanations for effectiveness such as the country's strategic importance, NGO activity, or domestic institutions. They specifically focus on ACP countries; however, they do not use any case study to prove their argument.

The literature review reveals that the gap in the literature is empirical rather than theoretical or methodological. There are plenty of studies that explain the legal basis of political conditionality policy and the historical evolution of Human Rights Clauses. There are various studies that contain case studies from different regions. However, it seems that the Fiji Islands as a Pacific country has not been chosen as a case study for years. There are only a few articles that mention the Fiji Islands only as a third country against which the EU deployed political conditionality in the scope of Human Rights Clauses. Moreover, the Fiji Islands found a place in research only if the study made a general examination of multiple cases. It is hard to find any academic paper or comparative case study written about the Fiji Islands and Nigeria in terms of their different treatments by the EU in the scope of political conditionality. Although both the Fiji Islands and Nigeria have been researched before, they were not compared.

Among all agreements that the EU signed with third countries, the agreement that attracts the most attention and covers more countries is the Cotonou Partnership Agreement with its sophisticated clauses on political conditionality. For this reason, the case studies of this work, Nigeria and the Fiji Islands, were selected specifically from the Cotonou Partnership Agreement concluded between the EC and the African, Caribbean and Pacific (ACP) countries in order to make a meaningful comparison. There are also other reasons behind this case selection. Firstly, the political conditionality in trade relations between the EU and third countries was first formed against the ACP countries. The gradual intensification of the relations paved the way for a more systematic reference to human rights, democracy, and the rule of law. Secondly, although the Cotonou Partnership Agreement is not the only agreement that has Human Rights Clauses, it is the agreement that the Human Rights Clauses in EU's agreements with the third countries was activated only for ACP countries (Hachez, 2015: 18; Prickartz&Staudinger, 2019: 3-20; Zamfir, 2019: 1). Thirdly, the Cotonou Partnership Agreement contains one of the most comprehensive

Human Rights Clause both with carrot and stick policies. The essential element clause and non-execution clause of the CPA are much more detailed and complex than any other political conditionality (Fierro, 2003: 102). The CPA has the longest and most elaborate essential elements clause than the standard one, which includes a detailed political dialogue procedure. Also, the non-execution clause of the CPA provides the consultation procedure which is not that comprehensive in the previous Treaties (Bulterman, 2001: 182; Gstöhl, 2010: 28; Hachez, 2015: 11).

The case studies cover the period of 2006-2007, though not exclusively. The aim is to find out if there was any external factor or any other reason behind the different reactions of the EU to the breaches of Human Rights Clauses in both countries that seemed similar at first glance. In addition, attention was paid to selecting cases from separate regions as CPA is based on the cooperation of multiple regions. Looking at the storyline, one encounters two different and even opposite implementation by the EU of HRC conditionality against the Fiji islands and Nigeria between 2006 and 2007. When the developments in the two countries are considered in this time period, it is seen that both countries violated the essential elements of the HRC, which is conditioned by CPA. This study seeks both to explain this inconsistency and, through a comparative explanation, to answer whether the EU, against all the appearances, is not actually a normative power or the EU's capacity was rather restricted by the external factors or even by the third countries themselves.

To this end, this thesis examines the relevance of the NPE framework by analyzing the EU's responses to the breaches of Human Rights Clauses by focusing on the Fiji Islands and Nigeria. The study has two main contributions to the academic literature. Firstly, the study is an empirical comparative study of the Fiji Islands and Nigeria, two cases that were not studied together previously as mentioned above. Secondly, the existing works such as those that are written by Allan Rosas (1998), Gordon Crawford (2007), and Nicholas Hachez (2015), tend to question the inconsistency in the EU's normative foreign policy. However, their focus is not on how even consistent policy action can reflect the limits of the EU's normative power or the limits of the Normative Power Europe criteria. In this context, this thesis can be considered as a new study that contributes to both IR literature and the EU studies literature.

The main research question of this thesis is that “to what extent the EU can be regarded as a normative power in terms of its application of the Human Rights Clauses against Nigeria and the Fiji Islands in the scope of the Cotonou Partnership Agreement?”. The methodology of the thesis is qualitative in that the method of process-tracing is used concerning the case studies. The thesis makes use of both primary and secondary sources. The primary sources include the official EU documents in the form of regular reports from the EU Parliament, the Commission, and the Council. The Cotonou Partnership Agreement is also used as a primary legal text in order to assess the EU normativity when it comes to two different countries from two different regions. The secondary sources include published academic theses, articles, and books on the topic.

In the first chapter of this thesis, the efforts to categorize the EU, such as civilian power Europe, which led to the emergence of the NPE framework, will be examined. Then, the concept of NPE introduced to the literature primarily by Ian Manners will be explained based on Manner's writings and the works of those who support his works. It is natural that every thought has its advocates as well as opponents. For this reason, the most outstanding counter-arguments developed against the NPE approach by three main groups, namely neo-realists, poststructuralists and constructivists, are also going to be explained.

In the second chapter, how the EEC/EU justified its normative mission in its foreign policy will be explained. In this regard, the evolution of political conditionality and the Human Rights Clauses in trade agreements will be elaborated in a detailed way. This will help to better understand the nature of carrot and sticks policy in the external relations of the EU. The next step is the analysis of the Cotonou Partnership Agreement and its multidimensional trade, development and political pillars.

The third chapter involves the comparative analysis of two case studies, the Fiji Islands and Nigeria, through a historical process-tracing to understand and explain why the EU decided to fulfill all the provisions of the CPA in case of the Fiji Islands but not for Nigeria. Juxtaposed against the case of the Fiji Islands, the case of Nigeria helps to reveal the main reasons behind the complex process in the playing out of the EU's normativity.

The conclusion chapter is also the section where the final analysis will be made. Based on the information given in case studies, this chapter will seek to answer the main research question with two arguments. Firstly, it is not possible to define the EU as a normative power because the existing Normative Power Europe criteria are not sufficient to explain the factors with which the EU evaluates its partner before activating its normative-based foreign policy. Secondly, even if the EU consistently implements its normative-based policy, the EU's normative power is linked to the extent to which the third country recognizes the EU as a normative power. The EU's normative power and the impact of its normative-based policy can be assessed by the political change it creates in the third country.



## **CHAPTER ONE**

### **THEORETICAL FRAMEWORK: NORMATIVE POWER EUROPE**

Those Western European powers that had been devastated by the World War II initiated the integration process of Europe by means of increasing their cooperation in different issue areas. The main desire behind the establishment of the European Economic Community (EEC) was to consolidate stability and peace in the region (Merriman, 1996: 1200-1300; Messenger, 2014: 35-36). In time, the European Union (EU) emerged as a new actor in international politics. It was obvious that the evolution of the EU as an example of regional cooperation was multidimensional and thus, quite extraordinary (Tiilikainen, 2014: 129). The EU studies have become a popular academic subfield in the discipline of International Relations. The multidimensional character of its integration as well as the reflection of that into the foreign policy domain has rendered the EU a significant academic issue (Vickery, 2015: 8; Sijssen, 2006: 236-237; Lai, 2008: 37-38; Tocci, 2008a: 21; Whitman, 2011: 13; Fisher Onar and Nicolaïdis, 2013: 285).

The end of the Cold War era started a new phase in world politics triggering new questions on the role, identity, and influence of the EU from various perspectives (Manners, 2002: 238; Whitman, 2011: 1; Manners, 2011: 226). There were some beliefs concerning the enhanced unique global role of the EU. The uniqueness was not only related to the EU activeness in economic fields but also the political governance style of the EU at diverse levels. Some of the works in this respect agreed on the point that the EU is a new different kind of power (Bretherton and Vogler, 2006: 24-25; Orbie, 2008: 1-2).

Although the literature on the EU's external role increased after the Cold War period, the focus of interest for the EU studies started much before that, especially after the 1970s. That time overlaps with the publication of François Duchêne's famous work and the first political enlargement periods (Orbie, 2008: 7). When the role of the EU in international relations became an important issue, Duchêne was maybe the catchiest scholar in the literature who dealt with this topic. Duchêne's characterization of the Community as a civilian power was the first attempt to clarify

the actorness of the Community (Aydın-Düzgit, 2015: 141). However, there was not one interpretation of civilian power.

### **1.1. CIVILIAN POWER EUROPE OR WHAT?**

The categorization of the EU as a civilian power dates back to the work of Duchêne in 1972. Duchêne provided the Civilian Power Europe (CPE) approach to the international relations agenda. It was a really important perspective which dealt with the role of the EEC in terms of peaceful relations between the member states through interdependence. The original purpose was to see the echoes of those positive relations at the international level (Duchêne, 1972: 32-47; Nicolaïdis& Howse, 2002: 772; Orbie, 2006: 123; Yiğit, 2015: 18).

The idea of Duchêne was based on the desire to describe the unique mission of the Community. It was a logical desire because the activities of the Community in various international subfields such as trade and diplomatic arenas in those times doubled the curiosity because, until the 1960s, the foreign policy of the Community was not an issue to discuss. Duchêne believed that the Community's power was hidden in its ability to use economic and political means in the international system (Duchêne, 1972: 40-47; White, 2001: 22; Sjursen, 2006a: 169). The ideas of Duchêne reflected the significance of soft power to ensure stability and security through economic and political means rather than military means in all relations. This ability made the EU a different kind of actor in IR (Manners, 2002: 236; Orbie, 2006: 124; Sjursen, 2006a: 169; Whitman, 2011: 4). However, Duchêne did not promote or defend European superiority in world politics; rather he mentioned the stabilizing mission of the Community, especially in the post-war era. According to him, this mission could be accomplished not through military means but the economy (Orbie, 2008: 5).

According to Duchêne, the civilian power of the Community depicted a force for diffusion of norms, standards, and promotion of values through foreign policy initiatives (Duchêne, 1973: 20). Duchêne supported the idea that the Community should diffuse norms and values to the world because these values are part of the

character of the Community. The Community had the ability to use civilian tools and this made it a different kind of actor (Duchéne, 1972: 40-47; Orbie, 2006: 126).

Duchéne was not the only scholar who sought to explain the Community's role with civilian power conception. Thus, there is more than one exposition of CPE. In this respect, the arguments of Galtung in 1973 are noteworthy. For Galtung, ideological power was the power of ideas. Although Galtung's thoughts were not based on military power, his vision was not in the same direction as Duchéne because Galtung defended the superpower position of the Community by non-military instruments. According to Galtung, the Community policies had three features: exploitation, fragmentation, and penetration. When these features came together, the Community looked like a post-colonial actor or capitalist superpower (Galtung, 1973: 329-249; Orbie, 2008: 6). That was one of the leading opposition to Duchéne's CPE reasoning.

Another scholar, Christopher Hill (1990), was interested in the civilian power concept to analyze the European practices. However, he formed his concept as "soft power" rather than civilian power. According to Hill, Europe's power rested on the commitment to negotiation in international problem-solving. On the other hand, the effects of economic and political strength were so crucial to reach self-interests (Hill, 1990: 51-52). However, he also defined the Community as an important international actor (Hill, 1993: 306). Hill was close to the wording of Duchéne in terms of the Community's role in the international arena. The loyalty for diplomacy which is seen in Hill's work is similar to Duchéne's reluctance to the use of armed force in conflict resolution (Smith, 2000: 13).

As another important figure, Hanns Maull (1990-1999) was also engaged with the civilian power concept, but he used the "civilian force" concept rather than civilian power. While doing that, Maull focused deeply on German and Japanese external relations (Maull, 1990: 91-106; Yiğit, 2015: 18). The first argument of Maull was that economy had to be the main concern rather than military means to reach national interests. Maull defined "civilian force" as a foreign policy that is based on non-military instruments to improve the conditions in international relations. Diplomacy had to be the main option to solve problems through cooperation. Maull's conception of civilian power also relied on the pursuit of



universally recognized values such as democracy and human rights. Finally, he argued that there had to be legal supranational institutions to address critical issues for international management (Maull, 1990: 92-93; Manners, 2002: 236; Merlingen, 2007: 436). Later study of him showed that Germany could still be considered as a civilian power, although it participated in the Kosovo War because it used hard power in order to promote human rights (Maull, 1999: 26).

The popularity of CPE increased and was highlighted by several scholars during the 1970s because Duchéne had granted a novel point of view. However, the appropriateness of CPA to explain the world politics as the Cold War progressed was diminished. The intense high politics of the Cold War almost falsified the CPE framework, which was based on the significance of norms and values (Orbie, 2008: 8; Bickerton, 2011: 26). The CPE approach was really contrary to the realist viewpoint (Orbie, 2008: 13). Thus, Duchéne's argument lost its significance with the rising Realpolitik in world politics; however, it did not bring to an end the interest in the EU's role and its distinctive characteristics.

As a realist answer to Duchéne, Hedley Bull (1982) formed another concept based on the importance of military power, security, and defense unlike the previous works mentioned above (Vukasović & Matić, 2019: 294). According to Bull, "the EC is not an actor in international affairs and does not seem likely to become one" (Bull, 1982: 151). Thus, to criticize arguments that prioritized civilian and soft power through economic and political means, Bull shaped Military Power Europe (MPE) counter-argument. According to Bull, the CPE conception of the EC was undermining the importance of military instruments. Thus, Bull recommended MPE as the best role for the EC in the international arena parallel with the developments between the US and the Soviet Union ((Bull, 1982: 152; Manners, 2002: 237). The Soviet existence in world politics in the Cold War atmosphere could not be neglected because it was the return to power politics (Orbie, 2008: 8).

Notwithstanding their differences, Duchéne, Bull, Hill, and Maull were all moving around the interest-driven and materialistic arguments (Bickerton, 2011: 27). For this reason, a huge shift occurred in the literature with the article of Ian Manners in 2002 (Orbie, 2008: 8). One of the most interesting debates was triggered by the argument that the EU is a "normative power" in the international sphere rather than

civilian or military power. It was the beginning of one of the most discussed post-Cold War theoretical frameworks in IR and especially EU literature: Normative Power Europe (NPE).

## **1.2. IAN MANNERS: NORMATIVE POWER EUROPE**

In 2002, Manners developed a new perspective for IR scholars to evaluate the actions and identity of the EU. It was a different theoretical framework from the works that were based on the EU's civilian capabilities (Whitman, 2011: 1). It was obvious that the new NPE discussion was an extension of the CPE approach that had been first put forward by Duchéne (Merlingen, 2007: 436; Janusch, 2016: 504). The main goal of Manners was to express the post-Cold War political atmosphere in a more principled way than the traditional explanations of IR theory (Whitman, 2011: 2). Thus, the NPE brought a new perspective to the post-Cold War institutional identity and the role of the EU in global politics (Tiilikainen, 2014: 126).

According to Manners, the EU behavior in the post-Cold War period started to be shaped by universal norms and principles. For him, the EU should be regarded as a normative power rather than a traditional civilian or military power (Manners, 2002: 235-236). Manners pointed out that some of the rules that had dominated world politics lost their importance and new norms gained significance. Accordingly, the confusion about the role of the EU in world politics has increased gradually in the shadow of global problems (Manners, 2006a: 168). Because of that, Manners has focused on the ideational influence of the EU in world politics.

This logic was not new in the literature. Manners' ideas overlapped with Carr's that explained the logic behind power over opinion. For Carr, the power over opinion is the third type of power and it is as essential as the military and economic power. Ideas are associated with the military and economic power, and they create political power. Power over opinion for Carr was a product of propaganda, since, all ideas in the world, national or international, were based on universal principles and promoted by propaganda tools such as the French Revolution (Carr, 2016: 120-125). Power over opinion approach also shaped the ideas of Duchéne and Galtung, because they analyzed the EU's ideational influence (Manners, 2002: 238).

According to Manners, previous explanations suffered at least in three respects. Firstly, all the conceptions that had been developed by Duchéne, Galtung, Hill, and Bull had a common concern although they were in different directions. That concern was the protection of the status quo and this was directly related to the Westphalian norms and order. Secondly, all of them involved the use of physical power in the form of economic or military. Especially in Duchéne's work, economic dominance was really problematic. Thirdly, all of them prioritized the self-interest of the EU. CPE was seen as an approach that provided strategic security to the EU. It was an interest-driven logic for sure and had a communitarian grounding (Manners, 2002: 236-238; Merlingen, 2007: 437; Diez, 2013: 197; Janusch, 2016: 507).

Moreover, Manners was uncomfortable with the civilizing mission in the CPE approach. It reminded the colonial past of the Western countries and led to counter-arguments reflecting the neocolonial phase of Europe (Manners, 2006a: 175).

Thus, Manners modified the whole CPE story and looked at the EU's role from a different aspect. As a new perspective, NPE is different from the CPE approach and great power politics in that the EU is not seen in the shadow of Westphalian order which strengthens the nation-state as the most valuable actor. NPE is opposed to the status quo and supports change in world politics. According to Manners, the EU is in the process of altering the normal of IR from the expectations of state-centered logic. The main goal of Manners was to take the focus away from the totalistic state-centrality and direct it to the normative and ideational foundations of the EU. Secondly, Manners observed that the EU is not behaving in an interest-driven manner and has not material grounding. Rather, the EU commits itself to universal norms and ideas contrary to the domination of economic power and non-use of military instruments. Thus, for Manners, just focusing on economic and military means as materialistic issues is the right way to understand what the EU is. NPE approach carried the discussion one step further and argued that the EU is an actor which changes universal norms and diffuses them out of its borders as in the case of abolition of the death penalty. The economic and military means are not the main tools of the EU in this process. In addition, Manners has clarified that the NPE approach is totally distancing itself from the civilizing mission which is felt in Duchéne's work. CPE gives the EU a duty to civilize others for better living

conditions, and it is directly related to Eurocentric and neo-colonial practice. However, Manners' NPE rejects this reasoning because those are always related to the significance of state and material power. Last but not least, NPE tends to embrace cosmopolitanism and good-for-all understanding rather than communitarianism to reach nationalistic aims and interests with material relationships. Thus, what is the most crucial exercise of the EU to become a normative power is its dependency on cosmopolitan law and reluctance to use power politics in its external relations. Although CPE is more about what the EU needs, NPE is more about what the EU is (Manners, 2002: 235; Manners, 2006a: 167-176; Manners, 2008: 65; Diez&Pace, 2011: 210; Whitman, 2011: 2-6).

So, Manners formed NPE as an alternative to CPE because civilian power is about the ability to use civilian instruments. Manners believes in the EU's ability to shape conceptions of normal and to redefine universal norms with a normative basis in world affairs (Manners, 2002: 253; Vukasović&Matić, 2019: 296). However, it does not mean that the new NPE concept is contrary to CPE and MPE; it is much more related to the ideational roots that enable the EU to define the normal for others (Birchfield, 2011: 144; Diez&Pace, 2011: 210).

For Manners, the normative power of the EU is different from the classical actors in world politics and the distinctive nature of the EU comes from its three features: its historical context, hybrid polity, and political-legal constitutionalism. It means that the EU's normativity in its foreign policy can be expressed by its *sui generis* or unique nature (Manners, 2002: 240).

By "historical context", Manners meant that the EU experienced a unique historical evolution process, and its polity, identity, and normative basis were shaped in a unique way. The EU was found after WWII and thus had a desire to provide peace from the beginning rather than closing its eyes to genocides and radical nationalisms. The Treaty establishing the European Communities committed Europeans to the role of maintaining peace and liberty with new institutions and policies (Manners, 2002: 240; Laïdi, 2008: 41).

By "hybrid polity" Manners meant that the political stance of the EU is a hybrid of different polity perspectives that do not closely look like those of a state consisting of supranational and international forms of governance

(Manners&Whitman, 2003, 384; Manners, 2008: 45). The development of the EU has followed a more different process than what the Westphalian world order offers, resulting in the emergence of the hybrid polity of the EU. The Westphalian system is based on the sovereignty of states with the principle of non-interference in another state's domestic issues. The transformation of world order is often depicted as a shift from a Westphalian to a post-Westphalian era where international organizations are becoming increasingly independent actors. In this phase, the EU has shaped a unique and complex form of governance that exceeds traditional Westphalian norms. This different form of hybridity involved certain norms and principles which are common to the member states, and directly affected the way how the EU diffuses globally the principles of human rights, democracy, and the rule of law (Manners, 2002: 240; Kreuder-Sonnen and Zangl, 2015: 568).

“Political-legal constitutionalism” means that the EU's organizational foundation is based on an elite-driven, treaty-based, legal order. The norms existing at the organizational level represent the EU's role and identity. For example, the centrality of norms such as democracy, the rule of law, social justice, and respect for human rights are acknowledged in the TEU. However, it is also possible to see these norms in the 1973 Copenhagen Declaration and in other EU documents. The EU commitment to those norms in legal terms constructs one of the leading characteristics of the EU (Manners, 2002: 240).

Thus, for Manners, the EU is a normative power because it has a tendency to act in a normative way thanks to its historical context, hybrid polity, and political-legal constitutionalism. The EU, by normalizing and spreading norms such as the abolition of the death penalty, respect for human rights, and democratic principles internationally, reveals its normative power (Manners, 2002: 252; Whitman, 2011: 5).

Manners considers that the NPE is a characterization for the EU as a new type of actor with a new international identity. The EU has both the ability to change the normal with a justification and it is a new actor with a new identity (Manners, 2011: 231). The whole story cannot be explained by ignoring international conditions and developments. There are almost three reasons that made eligible the EU to act as a normative power and specifically work towards the international abolition of the death penalty. Firstly, before the 1980s, fundamental human rights norm were already acknowledged and embraced thanks to the 1948 Universal Declaration of

Human Rights, several human rights-related UN treaties and the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (UDHR, 1948; CoE, 1950). However, in the late 1980s and 1990s, some crucial steps were taken at both European and universal levels to ensure compliance with them, such as through 1983 Protocol No. 6 to the ECHR on the Abolition of the Death Penalty and 1989 Second Optional Protocol to the International Covenant on Civil and Political Rights (CoE, 1985; United Nations, 1989). Secondly, the end of the Cold War offered the opportunity to reconsider the meaning of human rights and democracy, because both Western and Eastern European states committed themselves to those norms as a membership condition. Thirdly, around the mid-1990s, since the EC experienced problems with confidence, the commitment to those norms provided an environment for the EU member states and the EC institutions to regenerate themselves. The EC needed to recover from the post- Maastricht blues. The EC wanted to access to the ECHR in 1996 while the Treaty of Amsterdam's emphasis on human rights was visible (Commission of the European Communities, 1996; Treaty of Amsterdam, 1997: 125; Manners, 2002: 246). The post-Maastricht blues were such that public support for the EU had begun to decrease and the worries about the EU had increased following the Maastricht agreement. European citizens were increasingly more concerned about the distributive effects of integration than by aggregate economic performance. (Eichenberg&Dalton, 2007: 128-129). Prior to the Maastricht Treaty of, the EU had two major policy accomplishments: the growth of internal EU trade and joint efforts to achieve price stability. However, in the post-Maastricht era, European citizens became more aware of the meaning of the Monetary Union and its burdens; and the EU's changing role in its external relations (European Council, 2020). Citizens perceived globalization as a threat to their national cultures and they felt concerned that the integration process would affect their living standards more directly. They wanted to protect some policy areas such as social security from budget cuts (Eichenberg&Dalton, 2007: 144-145).

Thus, in line with those developments, the EU tried to strengthen its legal basis with the help of new European Treaties. In 1997, the EU announced its "founding principles" in Article 6 of the Amsterdam Treaty. Additionally, the Treaty clarified the sanctions which will be used for the non-compliant states. Thus, the Amsterdam Treaty facilitated the EU's role to follow normative policies in its

external relations such as in the case of abolition of the death penalty. The European Parliament became more involved in the processes for greater respect for human rights. The Parliament started to adopt new resolutions on human rights issues (European Parliament, 1997). For instance, the Parliament adopted a resolution in June 1997 on the abolition of the death penalty and called on the member states to act accordingly. Thus, the EU took a unique way away from ECHR and acquired a treaty basis for human rights issues. The declaration annexed to the Presidency's conclusions following the Luxembourg European Council summit in December 1997 summarized all the achievements (Manners, 2002: 246-247).

This new desire of the EU provided a different basis itself from other actors because the various core and minor norms inside the treaties or declarations shape the normative basis of the EU. Those norms were considered as the founding principles of the EU. Also, the EU made another move by combining its foreign policy with those norms much more strongly than other actors in world politics following its adoption of the Treaty of Maastricht (TEU) (TEU, 1992). By doing so, the EU showed its commitment to several legal documents (Manners, 2002: 241; Manners, 2006a: 171; Saltnes, 2013: 14). Thus, for Manners, the EU is a different normative power because of its commitment to legal-based normativity.

In order to understand the basis of the EU's normative power, Manners reveals and operationalizes core and minor norms that were established over the years with the help of declarations, treaties, and policies. Peace, liberty, democracy, the rule of law, and human rights are the core norms of the EU whereas social solidarity, anti-discrimination, sustainable development, and good governance are the minor norms. All these norms found a place for themselves in the unique historical context of the EU's formulation that has not been experienced by the other actors of world politics (Manners, 2002: 242-243). The role of the core and minor norms are critical and important in the EU's external relations and the legitimacy of these norms is not just coming from the EU initiatives but also from the international documents and covenants (Manners, 2011: 234-35).

If we need to go into detail of those core and minor norms, the first one is sustainable peace. Especially with the end of the Cold War, the importance of conflict prevention increased in the EU foreign policy approach. It was also the post-WWII desire of Western countries (Manners, 2008: 68). The second normative

mission of the EU is social freedom. The social well-being internally and externally has been a concern and it is also ensured by agreements with the third countries. Democracy is the third core norm. The EU realizes itself as a normative power by helping to spread the consciousness of democracy to other geographies. The EU has seen democratic consolidation as the leading condition for development and economic growth. The fourth mission of the EU is to contribute to the awareness of human rights in line with universal human rights documents. The EU is using its trade or cooperation agreements in line with this goal by calling up main universal documents (Manners, 2008: 71). The fifth one as the last core norm of the EU is the rule of law. The existence of the rule of law for every actor in the world is necessary for the EU to find common solutions to common problems. With the view to strengthening the rule of law, the EU adds essential elements clause to the agreements with third countries. The sixth mission as the minor norm of the EU is to promote equality in various fields. The EU attempts to find inequalities in societies and target them in its policies (Manners, 2008: 72). The seventh concern of the EU is social solidarity. As a normative power, the EU wants to improve the economic and social solidarity levels of others. In line with this aim, the EU shapes its agreements by including related rules in them (Manners, 2008: 73). The eighth norm of the EU is sustainable development because the EU sees it as a necessity to secure the balance between economic development and the use of the environment. The EU seeks to strengthen this goal by its various foreign policies (Manners, 2008: 74). The last and not least normative goal of the EU is good governance. This is newly included in the EU foreign policy; it is in direct parallel with the previous aims of the EU, since, good governance necessitates various values such as democratic participation, transparency, activeness of civil society, and so on (Manners, 2008: 75).

What makes the EU a normative power is its way of diffusion of those norms (Whitman, 2011: 5-6). Accepting the normative basis of the EU does not prove its normative power: what matters is how the EU diffuses those norms in different ways (Manners, 2002: 244; Orbie, 2006: 126; Manners, 2008: 66). Therefore, it is important to find out how the EU diffuses those norms abroad. In this regard, Manners identifies norm diffusion methods which initiates and facilitate the process of normalization at regional and international levels. In this respect, he distinguishes six forms of diffusion that are bolstering the EU's normative power, which are



contagion, informational, procedural, transference, overt, and cultural filter diffusion (Manners, 2002: 245).

Briefly, contagion diffusion contains all the initiatives backed up by symbolic manifestations. These symbolic manifestations can be in the form of rituals, taboos, and totems. Manners considers the EU single currency (Euro), Europe Day, and European flag as totems. On the other hand, symbolic taboos are Copenhagen Criteria, the EU mottos like unity through diversity and expressions like *acquis communautaire* which are unique for the EU polity. Also, the well-known founders of the EU such as Schuman or Jean Monnet and the representations of the EU via the European Parliament or the European Commission can be considered as rituals. These symbolic diffusion tactics are strengthening the international image and identity of the EU. Informational diffusion as another diffusion mechanism of the EU amounts to strategic communications and involves referrals to the symbolic manifestations of the EU in public speeches or messages. Through such strategic communication, the normative role of the EU is consolidated internally and externally. Another one is procedural diffusion, which is about promoting the norms in question by establishing deep institutional relations between the EU and other third actors. The EU can do this through regional cooperation agreements or the EU enlargement. Moreover, the membership of the EU in other organizations helps this mechanism. Transference diffusion is another way of norm diffusion. In transference, the EU takes steps by providing aid or materials to the others. Each program that aims to improve the humanitarian conditions can be included in this mechanism. In overt diffusion, the EU's real existence in the other regions is necessary. The best-known examples of this are the EU's monitoring role in third parties such as in the cases of elections, or regional crises. Lastly, the cultural filter is used by the EU in achieving its normative mission. The cultural filter involves the process of learning, adapting, and rejection of the EU norms outside EU borders. For Manners, procedural and transference diffusion are the most used ones. Both of them are empowered by conditionality, especially with relations with the third countries. According to the NPE logic, all these norm diffusion mechanisms makes the EU a unique actor compared to others (Manners, 2002: 244-245; Manners, 2006b: 73-79).

Also, Manners talks about the EU's capability to shape norms in world politics. However, shaping norms can be both in the form of being normative and

acting normatively (Whitman, 2011: 6). Manners' perception combines both. Generally, Manners claims that the core aim of the NPE is to decrease mercilessness in the world and more specifically, provide global social justice for everyone.

It can be argued that Manners is interested in the ethical side of the EU's behavior globally and highlights that the EU's normative power is embedded in its ability to normalize a more just world with the backing of international law (Manners, 2008: 47-48). The hybrid polity of the EU shaped its willingness to act ethically as a normative power. For Manners, the EU has an ethical duty to act as a normative power in world affairs because it has the ability to provide a just and the cosmopolitan world and to make this order normal in a reasonable way. The ability of the EU to normalize a more just world makes the EU a significant normative power (Manners, 2008: 47-67).

To prove this argument, Manners seeks to develop a three-sided analysis by applying ethics. The virtue ethics, deontological ethics, and consequentialist ethics are the perspectives that Manners uses in his analysis. Through this analysis, Manners evaluates the principles, actions, and impact of the EU.

In terms of virtue ethics, Manner states that the EU is guided by morality to act in a normative way in its external relations. The EU promotes universal norms, not only its own norms. It is the main source of EU power. Additionally, it is essential to be coherent and consistent in its domestic and foreign policies. In terms of deontological ethics, Manners argues that the way how the EU diffuses its norms is about the rationalization of its responsibility in its external actions. This is possible with increasing the awareness of common good for all in a reasonable way. For Manners, the EU engagement policies and its commitment to political dialogue serve this aim. By applying consequentialist ethics, Manners evaluates the results of the EU behaviour. The logic of this stage of the analysis is based on utilitarianism and the least harm principle. Accordingly, the normative actions of the EU should result in positive ends. The actions and inactions of the EU in various cases can be related to the EU utilitarian logic in its foreign policy. Thus, Manners' analysis points out that the EU diffuses its principles by virtue and seeks to predict the consequences of its actions to least harm the others (Manners, 2008: 56-78).

This analysis reaches the conclusion that, the EU has the ability to act as a normative power by spreading the universal norms in a reasonable way with positive

expectations. It supports the Manners' NPE approach because; the normative capability of the EU that allows acting such a way is the most important sort of power for Manners. Those features helped the EU to exercise a different political agenda in world politics and none of the actors at the international level is similar to the EU in terms of normative agenda-setting (Manners, 2002: 253; Manners, 2008: 79-80; Whitman, 2011: 5).

Manner states that the EU's international pursuit of the abolition of the death penalty should be considered as an example that supports the whole NPE approach, since the abolition of the death penalty reflects the importance of the EU's normative significance and its distinctive role on a global scale. Manners explains that different norm diffusion methods to spread universal norms have contributed to the abolition of the death penalty (Manners, 2002: 236-245; Smith, 2003: 108-109).

First of all, the EU considered the death penalty as an international ethical issue of human rights, rather than a domestic problem of states. It was the main starting point on how the abolition of the death penalty became a norm thanks to the EU's initiatives. The death penalty has always been a problematic topic that is mentioned in ECHR. However, it could not be adopted by many countries both in the EU and outside the EU. However, the end of the Cold War has allowed the EU to reconsider the death penalty in an atmosphere where human rights as a norm were gaining importance. Moreover, the EU was dreaming to solve the crises of confidence, especially after 1992 with the Maastricht developments. Each new EU Treaty was providing a stronger position to the EU to achieve the abolition of the death penalty internationally. In time the EU openly diffused this new norm to the other parts of the world with different diffusion methods. As the most popular one, the abolition of the death penalty has been determined as a precondition of becoming an EU member. It was a procedural diffusion example and was applied to various countries such as Poland, Cyprus, and Turkey. Moreover, through assistance programs, the EU applied contagion, informational, and transference diffusions such as in Azerbaijan and Turkmenistan. Also, the EU public campaigns along with the Council of Europe increased awareness about the death penalty and can be considered as an example of overt diffusion of the EU (Manners, 2002: 246-252).

The increasing number of abolition of the death penalty, even though confined to a few countries at first, reflects the EU's ability to redefine "the normal"

internationally and its success in making this norm universal. However, it still remains a mystery what kind of power the EU is because this new theoretical approach has been accepted or embraced by long-established traditions in the EU literature.

### **1.3. CRITICAL VIEWPOINTS ON NORMATIVE POWER EUROPE**

The NPE approach has provided a comprehensive perspective to the IR scholars on the EU studies with the publication of Manners' 2002 article. However, it also encountered various critiques from different viewpoints (Birchfield, 2011: 141). The counter-arguments proved that previous explanations of the international system have not lost their significance among the scholars.

The arguments of Manners were based on the basic logic that the EU changed its mission and started to emerge as a new entity different from the nation-states in world politics. The new EU has just normative aims which were opposed to material self-interest and the EU is just using normative tools rather than economic or military means. This should be the distinctive feature of the NPE that comes from its nature (Diez, 2013: 194; Sjursen, 2006b: 239-240).

However, there are various discussions and critical counterarguments on the NPE explanations in the literature. The NPE perception of Manners paved the way for a new academic debate. Within the literature on the EU's role and identity, we can see mainly three critiques directed to the NPE framework: the realist/rationalist, constructivist, and poststructuralist arguments.

#### **1.3.1. Realist / Rationalist Critiques on NPE**

It is obvious that Manners' NPE explanations and analysis were contrary to the realist, rationalist reasoning. The NPE analysis of the EU after the Cold War-era triggered neo-realist counter-arguments. Thus, the first critique directed to the NPE framework came from neo-realists. The main idea of this group of scholars was that the EU is not a different kind of actor as Manners suggested. The EU is acting empire-like and forming its foreign policies with interest-driven cost-benefit calculations. This means that the EU does not have a unique role in world politics

which differs from the traditional state-centric rationale. Most of the neo-realist arguments share the same idea that the NPE is just a mask for the interest-based EU behavior and that member states are using the EU for collective hegemonic power activity. The only aim behind the whole story is to reach the self-economic and strategic interests of the EU member states. The result in each development is always the trump of material interests over normative agenda (Hyde-Price, 2006: 226; Merlingen, 2007: 437; Laïdi, 2008: 7-31; Manners, 2011: 231; Whitman, 2011: 7; Del Biondo, 2011: 382; Tekin, 2014: 330; Janusch, 2016: 505; Del Sarto, 2016: 218). The EU is not completely fulfilling all the necessities of NPE, as suggested for example by its militarization desires. This is because the EU is under the influence of realist world politics (Nicolaidis & Howse, 2002: 772; Saltnes, 2013: 1; Tiilikainen, 2014: 126).

The leading figure in the neo-realist group of scholars that criticizes Manners is Adrian Hyde-Price. Hyde-Price opposes the idealist dimensions of the NPE. For Hyde-Price, after the Cold War, the system of the world politics and the distribution of power relations have changed. The growth of the EU's importance is related to these issues. The aim of the EU is to provide a multipolar world. Thus, the EU is just a tool for the member states after the bipolar world experiment. Moreover, the EU actorness in world politics cannot be fully explained by the idealist perspectives such as NPE because they are so reductionist. They are ignoring the very importance of material power and they are always considering normativity as a good thing. For Hyde-Price, the EU foreign policy should be analyzed with the consideration of self-interest and the influence of the world system. Hyde-Price emphasizes that the EU is not a nation-state, it acts as a tool for the general interests of its member states (Hyde-Price, 2006: 217-220; Sijursen, 2006a: 173).

The stability which is provided by the EU is in the common interest of all member states. The reason the EU seems like a normative power is that the hard power instruments have been left to NATO in the post-Cold War era while the US and the EU focused on political and economic issues, which facilitated the EU's soft power image. However, in reality, what the EU was doing is to act as a hegemonic power for the long-term economic and strategic interests of its member states, and the soft power was not the only tool of the EU. The influence of self-interest on the EU's actions is inescapable. Hyde-Price is pessimistic about the current international

system and for this reason, he does not believe that the EU can act completely with normative desires. Thus, the EU's economic and strategic interests are embedded within the EU normative agenda, and both normative desires and interests are shaping the foreign policy actions of the EU (Hyde Price, 2006: 226-227; Allison, 2011). So, Hyde-Price highlights that the NPE approach is just a justification for the normative crusades of the EU in its external relations (Bickerton, 2011: 30). Hyde-Price points to the EU's willingness to equip itself for humanitarian, peacekeeping, and crisis management operations, especially in Balkans. Most of these operations have realist intentions to provide stability before human rights (Hyde-Price, 2004: 333; Hyde-Price, 2006: 230). Thus, he highlights the traditional *realpolitik* side of these missions that involve national and strategic interests (Björkdahl, 2011: 111).

Another outstanding scholar who deals with the problematic sides of NPE argument is Richard Youngs. The main component of Young's argument is based on the idea that "ideational dynamics co-exist with power politics" and "norms are woven into material interests" (Youngs, 2004: 420; Stewart, 2011: 66). This closely reflects the ideas of Diez since he argues that it is so hard to separate the external relations of the EU as norm-driven and interest-driven (Diez, 2013: 197, Allison, 2011). Youngs argues that the developments during the Cold War pushed the EU to formulate a foreign policy that merges the norms and interests. The EU's strategic interests to protect and promote democracy, human rights and the rule of law shaped the international role of the EU (Youngs, 2004: 421; Stewart, 2011: 70). The problem for Youngs in Manners' perception is that the NPE approach and the EU uniqueness shifted the focus from the already existing power politics. Youngs is more in favor of the argument that the EU external relations are a reflection of strategic calculations and rationalist dimensions. Thus, the EU policies are just strategies for the EU because the presence of national interest is preventing the full focus on values and norms. Contrary to Manners, Young evaluates the EU actions as identity legitimization. The EU itself increased the expectations that the EU will always be concerned with the core and minor norms such as human rights, democracy, equality, or sustainable development in its internal and external relations. On the other hand, the NPE definition granted on the EU has actually become a new tool for interest-driven policies. Thus, the EU's normative policies help it to strengthen its identity for further interest-driven projects, especially economic ones.

For Youngs, the self-interest of the EU is embedded in the EU's ideational agenda (Youngs, 2004: 415-419; Laïdi, 2008: 4; Whitman, 2011: 16; Erickson, 2013: 212; Aydın-Düzgit, 2015: 143). According to Youngs, the EU's criteria for membership (the conditionality) for the Central and Eastern European states in the 1990s was a security strategy in the post-Cold War era rather than a normative foreign policy. Also, Youngs mentions the military and police missions of the EU and argues that those actions are a reflection of instrumental rationality (Youngs, 2004: 421).

Zielonka with his neo-realist frame is also critical of the argument that the EU is a unique actor in world politics. He compares the EU foreign policies with those of the most active countries in international politics such as Russia, the US, and China (Zielonka, 2011: 281-298). Nathalie Tocci, on the other hand, examines the same major powers to show that the EU does not adopt a different foreign policy agenda (Tocci, 2008b: 3). In this regard, Zielonka considers various features of these countries such as their desires, self-images, governance styles, border relations, and so on. According to Zielonka, all these countries are acting like the EU in various fields. In particular, they all have certain power resources to exercise some influence over others and they all justify their actions by norms and values as the EU does in different cases. However, the governance system, borders, and soft means of the EU help it to present itself as unique. Zielonka accepts the main differences among these four actors; however, they are not enough to categorize the EU as unique actor in world politics. It is obvious that the EU is not a state as the other three, and the EU does not have the certain features of states. However, for Zielonka, in terms of power politics, the EU should be analyzed in the same scope. Zielonka argues that strategic interests are at the forefront and the EU's activities are empire-like. Thus, the only desire behind the EU external relations is to achieve dominance over others to get economic and political benefits. The EU tries to justify its actions and gets what it wants in a legitimate way (Zielonka, 2011: 281-295; Allison, 2015: 20-25; Del Sarto, 2016: 223). Thus, although Zielonka is not neglecting the special characteristics of the EU, his works argue that the EU's empire-like features are discussable from a neo-realist perspective.

Del Sarto, another scholar who provides counter-logic for the actions of the EU, shares the ideas of Zielonka, Youngs, and other neo-realist thinkers. They all tend to argue that the EU is empire-like and acts similar to what the empires did.

However, strengthening the normative identity is also crucial to reach the empire's interests as Youngs mentioned (Youngs, 2004: 419; Del Sarto, 2016: 223). According to Del Sarto, the only aim of the EU is to facilitate the EU's and the member states' pursuit of economic and security interests by diffusing its own norms and rules in its external relations. Del Sarto evaluates the EU mission as a utility-maximizing strategy and argues that mission shapes the EU's new normative identity in world politics. He considers the concept of empire necessary to understand the EU foreign policy. For Del Sarto, the EU should be categorized as an empire, and as a result, it will be realized that the EU's norm diffusion through various ways is very similar to what the empires do, namely following their self-interest and establishing their identity internationally. Del Sarto argues that all contradictions and inconsistencies in the EU practices based on the NPE framework can be understood by the main characteristics of empires. For this reason, Normative Power conception can be re-conceptualized as the "Normative Empire" because the EU cares about both its identity and self-interest simultaneously. The Normative Empire concept of Del Sarto means that the normative agenda of the EU has a material grounding. This agenda is also a reflection of the EU's way of doing things. For Del Sarto, this new conception can resolve the struggle between the rationalist and constructivist arguments (Del Sarto, 2016: 215-219; Janusch, 2016: 507). To support his argument, Del Sarto exemplifies the EU's reaction to the Arab uprisings. According to him, the apparent puzzle of normative inconsistency observed in the EU's response to Arab uprisings can be solved with the concept of "empire" (Del Sarto, 2016: 225-226).

Another important scholar, Chad Damro deploys another concept to explain the actions of the EU as Del Sarto did. This concept is "Market Power Europe (MPE)" (Damro, 2012: 682-683). Damro defines the EU as market power and argues that the EU foreign policy has been shaped by its trade and economic relations in the international arena. The EU should be described by its economy-based policies to achieve internal economic security for itself and its constituent member states. The EU tries to harmonize the economic activities of other countries to its own values through many foreign policy initiatives and encourages others to act in line with this logic in different ways. The basis for the EU's alternative identity as MPE is built on three interrelated features: material existence, institutional features, and interest



contestation. Because the EU is a multi-faceted actor, it may seem to be acting at times as Normative Power Europe, but it acts more often as Market Power Europe. Identity is an important determinant when conceptualizing the EU as a power. Similar to NPE, the EU's identity and market power enable it to redefine the "economic normal". However, MPE differs from NPE in the sense that the EU's identity is not its shared principles but rather its comparatively large regulated market with its well-equipped capacity and interest group contestation. These three primary characteristics determine the EU's choices of when, where, and how to practice MPE (Damro, 2012: 682-690; Allison, 2015: 18-43). To prove his argument Damro examines the EU's trade policy initiatives in different years. In 2006, the Commission announced its communication *Global Europe- Competing in the World*. The communication was about the EU's external trade agenda. On the other hand, in 2007, the EU initiated its Single Market Review (SMR) to announce its ability to provide regulatory standards in line with the EU rules as a global standard-setter. For Damro, those documents highlight the EU's willingness to play a leading role in developing global rules on market relations. It provides evidence of an EU ambition to be MPE in terms of what it says (Damro, 2012: 692-695)

Last but not least, Erickson focused on the insufficient explanations of the NPE by analyzing the arms transfer policies of the EU in the post- Cold War period. According to Erickson, the arms transfer of the EU is preventing its normative power capacity and legitimacy. The EU worries about its normative role potential in world politics, but its material concerns are still at the front. The numbers concerning the arms transfer from the EU to the third countries were not that different from those of the US and Russia. Thus, the EU arms transfer practices reveal the existence of the economic interests together with the normative power. The material desires of the EU are one of the significant limitations of the NPE. The evidences put forward by Manners to justify NPE arguments such as the abolition of the death penalty does not cover the whole spectrum of the practices of the EU. In reality, the EU's diffusion of norms such as human rights as a core norm of the EU foreign policy is limited because of the bilateral relations, state power, and self-interests of the member states. Thus, the EU desires can be much more complicated than the NPE could explain. Erickson shows that the EU wants to be a normative leader by promoting core and minor norms in its foreign policy; however, this aim coexists with the contradictory

material and strategic aims as exemplified in arms transfer practices (Erickson, 2013: 209-215; Aydın-Düzgit, 2015: 143).

There are also other scholars who point to the multi-faced character of the EU in its external relations. However, what is interesting is that even Manners himself tried to find answers to the challenges of the normative power of the EU in his recent articles especially on European Neighborhood Policy (ENP) and militarization. He is skeptical about the EU's ability to maintain its normative power due to the increasing unreflective militarization and border relations. The inconsistent prioritization of the militarization in the European Security Strategy and the institutional prioritization of military means in the EU's Security and Defense Policy endangers the EU's normative image (Manners, 2006c: 412; Manners, 2010: 30-32).

### **1.3.2. Poststructuralist Critiques on NPE**

The second critique comes from the poststructuralist perspective which focuses on the identity-construction desires of the EU. Those scholars representing that perspective argue that the normative power of the EU is just a tool for its international identity-construction and -consolidation in the new international political atmosphere. More strikingly, the poststructuralist explanations are also trying to reveal the post-colonial or neocolonial sentiments in EU foreign policy. The many EU Member States are former colonial powers, and the imperialistic instinct of the so-called normative agenda is increasingly questioned (Hachez, 2015: 23). It is obvious that the colonial past of the EU complicates its role in the international arena. The EU identity seems unable to convincingly promote democracy and human rights with such a history in the background (Janusch, 2016: 510; Del Sarto, 2016: 218). According to Laïdi, the main problem with the EU is its lack of self-confidence. Because of this shortcoming, the EU identity in world politics is problematic (Laïdi, 2008: 2). This perspective is not totally different from the previously mentioned argument about the EU acting like an empire. However, the focus here is more on EU's interest for identity construction. According to Whitman, the EU identity has a multi-dimensional character. As various scholars argued, the NPE approach has always been associated with the EU's identity-construction. For Whitman, like Manners, the EU has a reflexive identity. For them,

this reflexive characteristic of the EU makes it a unique normative power. The past mistakes of the EU related to nationalism led to its efforts to establish a multidimensional post-Cold War identity. Thus, Whitman thinks that NPE should not be criticized as an activity to justify the building of a new EU identity (Whitman, 2011: 10). However, the explanations of Manners and Whitman could not dismiss the poststructuralist discussion.

As a representative of the poststructuralist perspective, Diez argues that normativity is a path to create EU identity, but it is also creating “others”. Those “others” are those who do not have similar European values. For Diez, this is causing a new type of normative violence in politics which did not exist before (Diez, 2005: 613-614; Merlingen, 2007: 438). Thus, the NPE approach is becoming a tool for a Eurocentric project with the backing of current militarization initiatives in the EU. In this regard, the EU is deciding what is good. However, this makes the NPE approach another version of hegemony. This is a kind of power relation for Diez (Diez, 2005: 615-621; Manners, 2006: 177; Aydın-Düzgit, 2015: 143). Diez and Pace argue that the EU normative power is not totally a constructive phenomenon, but rather a manifestation of the hegemonic status of the EU by means of “othering” activities. (Diez&Pace, 2011: 211; Tiilikainen, 2014: 129). In this regard, Diez and Pace examine the effect of the EU’s force-for-good image in conflict situations by focusing on Cyprus and the Middle East respectively. Their analysis shows that in some instances the EU’s actions can have some positive influences on conflict situations. However, the cases of Cyprus and the Middle East prove that the EU role is worsening the situation and the results completely oppose the force-for-good argument (Diez&Pace, 2011: 223). According to Diez, the previous NPE works neglect the dominating power of the EU in the outside world. The EU, to construct a particular self, is trying to change others through the spread of particular norms (Diez, 2005: 613-620).

Merlingen shares a similar logic with Diez, but differently, uses Foucault’s work to criticize the NPE argument in order to show that the EU has not had a positive normative impact on the international arena. Foucault tries to understand the connection between social categories and the constitution of subjects in his work *Madness and Civilization* (1967). He focuses on the social construction and later the effects of constraint in establishing new standards of reason. As Manners did,

Foucault tries to understand how “normal” is constructed. In this regard, Foucault examined modern power relations and those post-sovereign relations to reveal administrative desires in the background (Foucault, 1988, 60; Merlingen, 2007: 440). For Merlingen, Foucault’s perspective is beneficial to reveal the dark side of the NPE approach and to show how human rights or development are just an interpretation of what is normal for the EU. Merlingen also draws our attention to the normalizing and standardization exercises of the late capitalist societies (Merlingen, 2007: 438-440). In this regard, he tries to show the hidden face or darker side of the EU’s norm diffusion. On the other hand, the EU seems to promote the self-fulfillment of the populations outside the EU borders via the promotion of fundamental political, social, and economic rights. This is the celebrated face of European foreign policy and external relations. However, Merlingen argues that the EU has another face which many of the supporters of NPE argument neglect. That other face appears in the form of arbitrary domination. Most of the time, countries in the Global South perceive the EU’s foreign policy as patronizing that can marginalize populations (Merlingen, 2007: 435; Allison, 2011; Aydın-Düzgit, 2015: 143). Thus, all these so-called normative activities of the EU in its external relations are not only part of an ethical mission for humanity, but also kind of classification of societies. Merlingen highlights that norms involve a kind of epistemic violence. The epistemic violence here is a normative activity that creates hierarchies. Orientalism is an example in the sense of normalizing the rule of colonizers over the colonized. It is a sort of justification for the Western mission, or for Merlingen, the Western dominance. Furthermore, Merlingen drew attention to the negative effects of the normative power discourse behind the EU’s European Security and Defense Policy operations in Macedonia and Bosnia. In this context, he states that normative power discourse can strengthen forms of domination in the conflict regions. Thus, the EU’s normative power also has some hidden political desires (Merlingen, 2007: 441-449).

Cebeci also contributed to the poststructuralist literature. She argues that the EU’s idealization as a normative and ideal power is just a way to influence or colonize others. These practices are also enhancing the power of nation-state logic in international relations as also argued by neo-realists (Cebeci, 2012: 583; Aydın-Düzgit, 2015: 144). For Cebeci, “defining the EU constantly with positive words such as normative, civil, ideal, peaceful and benign power makes it inevitably

superior to other international actors and allows it to continue this role with a consolidated identity. This superior identity also facilitates the legitimization of all EU behaviors by externalizing others.” (Cebeci, 2012: 577; Cebeci, 2015: 42-43). This was also a critique directed to the metanarratives because those definitions of the EU softens the failures of the EU foreign policies (Cebeci, 2012: 582-583) Cebeci, in her analysis, criticizes the EU foreign policy and the EU’s idealized role from a poststructuralist perspective by focusing on the EU-Turkey relations (Cebeci, 2015: 46). For Cebeci, the relationship between the EU and Turkey is a kind of “othering” and influence process. In this relationship, the EU, for Turkey, is represented as an ideal entity. Hence, the EU’s ideal image pushes Turkey to act under the conditions set by the EU. Considering the EU as an ideal or normative power that determines what is normal for the “others” inevitably causes others to be perceived as incomplete and negative. In the EU-Turkey relationship, Turkey is symbolized as the party that needs the EU and its regulations. In this regard, Cebeci considers the relationship between the EU and Turkey as asymmetrical. This asymmetry directly helps the EU to construct its identity internationally (Cebeci, 2015: 51-54).

According to Vukasović and Matić, the political conditionality used by the EU in the scope of transference and procedural diffusion helps the construction of the EU’s normative identity. The EU does it by seeing the partners as non-normative others. Thus, Vukasović and Matić describe this kind of EU foreign policy as domination and hierarchical, since, there is no initial negotiation and the partner states cannot get the benefits of trade without accepting the power of those norms. Vukasović and Matić are critical of the unalterable nature of the EU norm diffusion (Vukasović& Matić, 2019: 300). The representation of the EU in external relations is crucial because it is both justifying the actions of the EU and testifying its identity in its foreign policy. In addition, in this way, the EU is providing a road map to the others by showing what the normal is and it does this in a legitimate way. It is a kind of colonizing action and shortly can be defined as Europeanization or Europeanness (Vukasović& Matić, 2019: 293). Vukasović argues that the Western Balkans has always been a specific place in the process of EU integration. During and after the Yugoslavian civil war, the Balkans were considered as a region that breached the core norms of the EU (Vukasović, 2018). Thus, Vukasović and Matić analyze the EU’s normative power practices in its external relations by focusing on the EU and

the Western Balkans relations. The analysis shows that the normative power identity discourse creates a distinctive EU identity and "others" by representing the EU as a force-for-good in world politics (Vukasović& Matić, 2019: 299-305).

Abraham, on the other hand, argues that the EU cannot sustain its normative mission and dialogue-based foreign policy, because the instrumental logic of domination is already associated with the EU's colonial and missionary past. The EU is most likely to confuse both perspectives in its policy-making (Abraham, 2004: 637). Balibar and Abraham highlight that historical and social developments in the age of globalization are challenging dialogue-based responses. The EU had to act as power by peeling off itself from its colonial and oppressive past. However, what the EU does is a complicated role as a "vanishing mediator". The vanishing mediator is basically part of an Europeanization or Eurocentric process where the EU transforms cultures depending on its values. This is an attempt to reshape the social, political, and economic activities in world politics (Balibar, 2004: 233-235). According to Abraham, the EU has its own rationality and the normal of the EU is a marginalized truth. The EU has an idealistic face but it is a sort of European colonialism. The economic and political pressure that existed in the EU idealism should not be neglected (Abraham, 2004: 637). Eurocentrism in the EU policies is obvious and the political and economic interests of the EU play key roles in the struggle against the US global hegemony in other regions. European nationalism and the colonial roots are preventing the full normative power of the EU. The EU's main concern is to establish a material hegemonic identity (Abraham, 2004: 639). Balibar examines the emergence of "European apartheid" by focusing on the EU's external borders. According to him, those borders are reflection of the European racial identity. In this regard, Balibar also focuses on the status of immigrants and minorities in modern democratic states rather than European citizenship. Overall, he concludes that the borders do not have the same meaning for everyone and those borders give people a different status and social class (Balibar, 2002: 82-117; Balibar, 2004).

### **1.3.3. Social Constructivist Critiques on NPE**

As a third perspective, social constructivist critiques increasingly appeared in the literature following Manners' conceptualization of NPE. These works are more

focused on the contradictions in the EU behavior and lack of standards in the NPE approach. The main argument is that the NPE is problematic in itself, and categorizing the EU as normative power without being sure what normative power is and which features make the EU a normative power different from the other actors is not healthy. Thus, many scholars are demanding a much clearer approach and description by criticizing the inconsistencies in the EU practices and in the NPE framework (Schimmelfennig et al., 2006: 2; Janusch, 2016: 504).

According to Sjursen, both the normative power and civilian power concepts have lack of clarity and their definitions are biased. She argues that there are not enough clear criteria and standards to define the EU as a normative power. Various policies of the EU enhanced the understanding that there should be something different in EU foreign policy compared to the other actors in the international system to prove its normative power. However, for Sjursen, definitions of normative power or civilian power are not proving the distinctive side of the EU because there is not one comprehensive definition. The normative power concept is very close to civilizing power although Manners distinguishes and compares them in his subsequent articles. Thus, Sjursen argues that only if we can understand what normative power really is, we can then separate the EU from other classical powers as a unique new kind of actor (Sjursen, 2006b: 235-236; Sjursen, 2006a: 170-173; Bickerton, 2011: 33).

Sjursen focuses on the EU's attempts to develop its security and defense policy agenda through increased military forces. She questions the appropriateness of recent EU militarization initiatives in light of the NPE approach, because the establishment of military capabilities is often regarded as a state-like tendency. The EU militarization initiatives are remarkable, because the European Council announced its willingness to develop its own security strategy and expand its military capabilities in an operational way with European Defense and Security Policy (EDSP). Beginning in 2003, the EU started to launch its military missions to several countries such as Operation Artemis to Congo and Operation Concordia to Macedonia. In light of this information, the main concern for Sjursen was why the EU chose to launch military missions when it could choose and deploy soft power instead. This could mean that the EU does not have the characteristics that lead to its assessment as a normative power, or that the NPE framework lacks clarity and

criteria. Thus, Sjursen demands an examination of the EU's recent military initiatives, because it can clarify the inconsistencies in the EU foreign policy. Concepts and criteria are needed for better analyses and to define the EU as a normative power. Without those criteria, the EU's militarization can be an open target for the neo-realist scholars. According to Sjursen, the possibility that the international system is challenged today and that the EU may be moving in a different direction than its normative character with militarization, border controls, and similar security strategies should not be ignored. Conceptualization of norms with a rational basis may provide a better understanding of why those developments in the EU foreign policy have gone in a particular direction. She suggests that without finding a criterion for what might be legitimate action for the EU in the international system, the military activities of the EU can weaken the legitimacy of the EU foreign policy. It is also necessary to know in which areas the EU acts as a normative power (Sjursen, 2006a: 170-178).

Moreover, Sjursen questions the contradiction between the terms power and normative. Since they have opposite natures and power is always remembered by coercion, it can complicate the legitimacy of the actions in the long-run. Thus, Sjursen recommended the creation of some standards to prevent European-imperialism arguments. Otherwise, the latter seems logical (Merlingen, 2007: 438; Aydın-Düzgit, 2015: 143). The contradictions on the power and normative concepts in the EU framework are complicating how the others see the EU. Various examples show that the EU is evaluated in line with the classical understanding of power and nation-state, because this is related with the power understanding of other actors (Läidi, 2008: 17). However, according to Manners, the normative and power concepts do not clash. For him, the EU's ability to change and shape the normal by being normative in world politics is the main source of its power (Whitman, 2011: 13). However, it is also not certain whether the EU is acting normatively thanks to its uniqueness or shapes its policies to insert itself as a normative power. The rationale behind the EU choices is not crystal clear (Sjursen, 2006a: 174; Birchfield, 2011: 149). There is uncertainty which actions are normative or interest-driven because of lack of explicit criteria (Sjursen, 2006b: 241). It is possible to see inconsistencies in EU behavior because NPE does not have a strict interpretation (Birchfield, 2011: 144).



Totally in line with Sjursen's argument, Federica Bicchì argues that the lack of standards reinforces the critiques concerning the civilizing-power EU and shows the lack of inclusiveness in the EU external relations. In this regard, Bicchì looks at the EU's relations with its neighbors. More specifically, she empirically focuses on the case of the Mediterranean Partnership. She argues that it is extremely important to understand to what extent the EU policy-makers allow the EU to adopt a normative role in that region and what kind of norms the EU tends to diffuse most in its external relations. Those norms can manifest the real meaning of the NPE and its limitations. In this regard, Bicchì with her sociological-institutionalist interpretation found out that the EU lacks both reflexive behavior and an inclusive approach to promote its own model. European foreign policy is informed by the idea that "our size fits all". She has justified her argument by focusing on the EU institutions which tend to export "institutional isomorphism". According to Bicchì, the EU's promotion of regionalism in the Euro-Mediterranean Partnership was a clear proof of her argument because the EU has aimed at promoting regionalism as the "normal way" for neighboring countries to address issues of common interests although there has never been a request from the Mediterranean to have a regional environment. Rather, Mediterranean countries have tried to play against their neighbors in order to develop tighter relations with the EU, as in the case of Turkey (Bicchì, 2006: 288-295; Sjursen, 2006a: 178; Aydın-Düzgit, 2015: 143).

Another scholar Thomas Fosberg, similarly argues that the concept of NPE has become very popular for analyzing the foreign policy and external relations of the EU. There is, however, confusion about what "normative power" actually means, which is why the debate over whether the EU actually is or is not a normative power has not always been as fruitful as it could be. Fosberg like Sjursen states that the term normative is a troubled one, since how normative power can be distinguished from non-normative power is not obvious. According to him, without having certain and pre-determined criteria to measure normativity, classifying the EU as a normative power is difficult. He says that the analysis of EU identity in the international system can be both in objective or subjective terms. The subjective angle can result in the argument that the EU can be a normative power. However, objectivity can shake the whole analysis (Fosberg, 2011: 1183-1188; Allison, 2015). Thus, without clarifying the basic standards, the NPE's reliability will decrease and the EU will be an open

target to the accusations such as that the EU is a Eurocentric entity.

According to Nicolaïdis and Howse, with the increase in the EU's global influence in world politics, the arguments about the EU being a civilian or normative power has almost become the norm. However, the current actions of the EU show that the EU is a "EUtopia" and, NPE and CPE are not really what the EU is. For this reason, stereotyping the EU is not beneficial to understand the real EU. Nicolaidis and Howse mentioned the significance of consistency and focused on the EU's self-representation as a force-for-good in world politics. According to them, the EU has a value-based foreign policy; however, the most important problem here is that the EU is not undertaking similar normative actions inside and outside its borders (Nicolaïdis& Howse, 2002: 767). The EU is more reluctant inside. Thus, Nicolaidis and Howse argue that this asymmetric behavior of the EU decreases its normative credibility internationally. If the EU is a normative power, it must be consistent in its internal and external practices together and must avoid utopian normativity via absolute principles regardless of the context. The EU should have self-awareness; otherwise, it will lose legitimacy and justification in the eyes of others (Nicolaïdis& Howse, 2002: 767-782; Sjursen, 2006: 244; Whitman, 2011: 16). The EU should be concerned with helping achieve justice both inside and outside the EU borders rather than military dominance to be an influential actor in world politics. Sometimes the internal decisions can directly affect the external relations, and the EU should be sure that justice is consolidated at the EU level (Nicolaïdis& Howse, 2002: 772-773). Whitman also points out the inconsistencies in the EU's internal and external relations. The EU's normative power should cover both its external and internal policies. Being normative outside and non-normative inside in relations with the member states can shake the NPE logic badly (Whitman, 2011: 16). Consequently, the current situation is not satisfactory.

The argument that the EU does not fit the CPE and NPE definitions, has led to other conceptualizations. The EU is a different kind of power for the CPE and NPE supporters. However, Aggestam argues that although the EU hybrid policy and governance style can be considered as unique for the EU, it is not certain that this uniqueness has a direct effect on the EU's normative role in world politics (Aggestam, 2008: 4; Whitman, 2011: 6). According to Aggestam, contrary to Manner's advice, the focus should be on what the EU does rather than what the EU

is (Aggestam, 2008:1). On the other hand, the world is changing and the definitions of the EU role framed by NPE and CPE are becoming inadequate to explain the recent developments in the EU and global level. The main argument of Aggestam is that the NPE approach is *démodé* and she deploys another conception which is “Ethical Power Europe (EPE)” to define the role of the EU in world politics. Over the years, the EU started to use new means in its external relations such as military initiatives and this is not what the CPE and NPE involve. Aggestam invites the EPE concept to explain the EU military capability with the combination of civilian, social and material instruments because this is what the current international politics needs (Aggestam, 2008: 2-3; Bickerton, 2011: 29; Janusch, 2016: 507).

A new Ethical Power Europe perspective, according to Aggestam, can be beneficial because the EU’s role in international politics is controversial thanks to the relationship between the ethics and the contested interests (Aggestam, 2008: 2). The core and minor norms that the EU is trying to diffuse are values for everyone; they are cosmopolitan in nature. However, what is special about the EU is its ability to choose whether military or civilian measures are appropriate in its pursuit of those values. For Aggestam, the deployment of military means justifiably invoke criticisms concerning the EU imperialism and the EU superiority over others (Aggestam, 2008: 5-6). Although ethics, power, and interests are seemingly contrary to each other, after the Cold War they have come closer, but NPE does not recognize this reality. It means that ethics can both serve the self-interests of the EU and support the values of all (Aggestam, 2008: 8).

Put in a nutshell, although there are various arguments that support the EU’s normative and sometimes civilian actorness in international relations, there are also a variety of critiques and suggested revisions against them. The list of NPE-focused articles in the literature is quite long, and the NPE remains as a highly-referenced perspective in IR. The research question focuses on understanding why the EU applies the Human Rights Clauses, which it voluntarily has added to the Cotonou Partnership Agreement, in different ways for each country. However, the point to be focused on should be what kind of burdens the NPE approaches impose on the EU in its external relations. The constructivist camp provides answers to this question. The constructivist camp does not find the central problem in the EU itself, but rather in the perspective that defines the EU as the normative power. This tendency makes the

arguments of the constructivist camp different from the arguments of other camps.

The constructivist scholars such as Sjursen (2006), gives us a perspective to analyze inconsistencies in EU behavior. Sjursen states that “the NPE have lack of clarity and their definitions are biased... there are not enough clear criteria and standards to define the EU as a normative power... without those criteria, the EU’s actions can be an open target for the neo-realist scholars.” The NPE, according to her, causes difficulties in explaining the EU’s activities in its external relations. The absence of clear criteria here means that although Manners has determined core and minor norms that the EU should diffuse, there is no definite path the EU should follow in cases where it must pay attention to these norms and the main pillars of the cooperation agreements. It is also doubtful to what extent the EU, which is also an economically based Union, can be expected to ignore the “minor” norms, such as sustainable development or sustainable peace, to defend the norm of democracy. Thus, distinguishing values as core and minor norms is, unfortunately, a factor that makes it difficult to categorize the EU as a normative power.

Aggestam (2008) also provides another perspective, arguing that “the focus should be on what the EU does rather than what the EU is... the world is changing and the definitions of the EU’s role framed by NPE and CPE are becoming inadequate to explain the recent developments in the EU and global level.” Thus, Aggestam is one of the scholars who pointed out the necessity for new conceptualizations except the NPE. Although the Human Rights Clauses that the EU adds to its trade and cooperation agreements are based on normative foundations, the new interdependencies in the continuously changing political and economic relations render the NPE’s existing criteria increasingly insufficient. The NPE is a framework that marked the period in the 1990s, and it is an indisputable fact that after the 1990s, the EU implemented its normative-based foreign policies more efficiently. The most extensive proofs of this fact are the historical evolution of HRCs added to multilateral agreements such as CPA. However, it is unclear to what extent this theoretical framework, founded in the 1990s, is sufficient in explaining the developments in the 2000s. While the violation of Human Rights Clauses by third countries is expected to create an explicit criterion for the EU’s sanctions, the practice has shown that a multi-aimed agreement requires the EU to evaluate its partner according to other complex situations. The revisions in the Cotonou

Partnership Agreement also clearly indicate that there are new sorts of factors affecting the relations. The NPE framework falls short of explaining EU behavior with its existing criteria.

Another constructivist criticism concerns how third countries consider the EU in a normative-based political relationship. According to Bicchi (2006), the EU can promote a norm as the “normal way” to address issues of common interests; however, the request from the partner is also crucial. This means that the EU's existence as a normative power is not only achieved through the EU's efforts but also through third countries' willingness to be influenced by the EU's normativity. Although the research question focuses on the causes of different applications of Article 96 for cases of Nigeria and the Fiji Islands, this chapter showed that, contrary to the post-structuralists arguments, consistency is not a sufficient criterion for categorizing the EU as a normative power. Especially, the Fiji Islands case where the EU applied HRC in 2006 in a consistent way is expected to reflect the problematic nature of NPE.

## **CHAPTER TWO**

### **THE EUROPEAN UNION'S NORMATIVE MISSION: HUMAN RIGHTS CLAUSES IN TRADE AGREEMENTS**

The end of the Cold War was a new opening in IR and it changed various dynamics in world politics (Erickson, 2013: 209). Starting with the 1990s, the overall economic and political conditions were much more promising and the belief that peace would be long-lasting was stronger than ever before. The need for a deeper cooperation was felt in both domestic and foreign policies. A more tangible response to the new challenges that could emerge on the global level had become a necessity.

The integration of the Europe and the idea of an ever-closer community/union started right after the damages of great wars, fascism, and nationalism (Nicolaïdis&Howse, 2002: 775; Bickerton, 2011: 27). The new globalized world enabled the EU to practice a more active role in world politics and led to behavioral and ideational changes in the EU. In time, the belief increased within the policy circles in the EU that trade relations can have a significant impact on the social and political conditions of the third countries. (Aggestam, 2008: 4; Zwagemakers, 2012: 3; Hüllen&Börzel, 2013: 4).

The role of the EU in the world economy becomes striking when we look at its trade capabilities since its establishment (Horng, 2003: 677; Sjursen, 2006: 169). The EEC's trade capabilities are noteworthy because the EEC had played a crucial role in developing the international trading system and its efforts in this process improved its trade capabilities over time. In this process, with the introduction of GATT in 1947, the EEC aimed to remove customs barriers and facilitate trade among its member states. The European Single Market was achieved in line with GATT provisions. The EC played a leading role in Uruguay Round where WTO negotiations were held to liberalize international trade rules. Since the late 1990s, the EU has negotiated more trade arrangements with more countries and regions correlated with WTO rules. Under the Lisbon Treaty, the European Parliament legislates together with the Council and has an important investigation role on international trade policy (European Parliament, 2020: 1-5). On the other hand, there has also been a palpable increase in the EU's promotion of norms and standards to

the rest of the world. The new phase in the world politics after the end of the Cold War and institutional changes have triggered the EU's external norm transfer based on trade and development cooperation policy (Laïdi, 2008: 11; Aggestam, 2008: 4; Gstöhl, 2010: 27; Hüllen&Börzel, 2013: 1-4).

To achieve this new mission, the EU adopted in the mid-1990s a general policy of including Human Rights Clauses (HRC) in all its international trade and cooperation agreements (Gstöhl, 2010: 30; Saltnes, 2013: 1; Hüllen&Börzel, 2013: 4; Bartels, 2014: 9-10; Prickartz&Staudinger, 2019: 3). The HRC has become a brand-new foreign policy initiative of the EU to merge the trade issues with universal norms such as human rights, democracy, the rule of law, and development (Birchfield, 2011: 149-150; Prickartz&Staudinger, 2019: 1). However, the EU needed a different political move to effectively project this new foreign policy in trade relations. The gap was filled by adopting political conditionality in the external relations.

This chapter, firstly, starts with the reasons behind the emergence of political conditionality as one of the EC/EU's way of action in its external relations to consolidate its normative policy orientation. Conditionality forms the basis of the Human Rights Clauses through a policy of carrots and sticks. Thus, a close look at how the EU defines the core norms such as human rights, democracy, and the rule of law and how the EU conditions those norms are necessary.

Secondly, the historical evolution of the EU's Human Rights Clauses in its trade and cooperation agreements as its foreign policy tool towards the third countries is examined. The HRC is included in a broad range of agreements and it is a common regulating policy tool in today's world. However, the development of HRC has taken years and its roots date back long before the 1990s. Before the EU formalized enforceable Human Rights Clauses into agreements with third countries, it went through a long historical evolution. This process is also parallel to the evolution of political conditionality and changes in world conditions. For this reason, it is important to be aware of the basics of the Vienna Convention, Lomé Conventions, Luxembourg European Council Decision, and each innovation backed by the EU Treaties to have a full understanding of this framework.

This chapter also elaborates on the Cotonou Partnership Agreement that contains one of the most comprehensive Human Rights Clause in the pool of trade and cooperation agreements. This reflects an extensive analysis of trade, development, and political cooperation in the new millennium between the EU and African, Caribbean, and Pacific countries and the implementation of carrots and sticks.

Finally, in light of all this information, this Chapter asks the question of whether the EU's HRC implementation is consistent or not within the context of the Cotonou Partnership Agreement.

## **2.1. THE EU'S CONDITIONALITY AND HISTORICAL EVOLUTION OF HUMAN RIGHTS CLAUSES**

### **2.1.1. Political Conditionality**

It was regarded that the EU could be categorized as a norm-driven community because of its references to concepts such as human rights, democracy, and the rule of law in its external relations. However, the most important thing is the way how the EU does this. The EU, through its "including" and "enforcing" tools, or with political conditionality, conditions the norms and values in its foreign relations (Smith, 1998: 1; Horng, 2003: 677; Jünemann& Knodt, 2008: 260-262; Borreschmidt, 2014: 8).

The EEC's use of conditionality has its theoretical and ideological roots in the Breton Woods conditionality model. It dates back to the end of WWII. The significance of economic power after WWII paved a way for economic conditionality as "first-generation conditionality" in international politics. In the 1960s and 1970s, the former colonial powers were becoming newly independent countries. For the development of those countries and also with economic and security impulses of the donor countries, aids were provided with various conditions. The main intention, in those times, revolved around a Western-led world economic reform (Stokke, 1995: 3-4; Veebel, 2009: 211; Molenaers et al., 2015: 2-3; Kanat&Akçay, 2017: 419).



The first-generation of conditionality was regarded as a way to use pressure, because it allowed threatening to terminate or reduce benefits if conditions were not fulfilled by the partner country (Stokke, 1995: 12). The negative measures in the conditionality led to an understanding that the conditionality policy is a policy of sanctions (Fierro, 2003: 99; Koch, 2015: 98).

The audience of that period has extended the researches on the European conditionality policy because of its asserted correlation with hard power after WWII. The roots of conditionality were explained with traditional motivational theory. Some important figures like Pavlov and Locke expressed the impact of motivational tools on rational creatures. They considered punishments as motivational forces that affect the behaviors of governments. Conditionality was considered a tool that aims to influence the behavior of other states by using material incentives. Conditionality has been linked to a rational choice logic based on the cost-benefit calculations of actors (Koch, 2015: 98). Parallel with the works of those scholars, the impact of conditionality has increasingly become a significant topic (Gächter, 2012: 39).

On the other hand, concepts such as human rights, democracy, and the rule of law occupied the world agenda at the end of the WWII catastrophe. The debates on definitions of human rights, democracy, and the rule of law started right after the UN Charter and those definitions evolved in time with documents such as the United Nations Universal Declaration of Human Rights (UDHR), the Treaty on the European Union, and so on. Especially, through time, democracy and the rule of law have started to get an important position in world politics and especially for the EU. However, defining democracy has turned out to be a complex task. There is no internationally agreed definition of democracy, although it has an influential place in world politics. In addition, finding a concrete definition for the rule of law is again hard because of the lack of consensus over whether rule of law can be measured with democracy or in moral terms. However, what has been obvious is that human rights, democracy, and the rule law are linked in a sense, or democracy can be seen as a multidimensional concept that involves human rights, the rule of law and good governance. Especially in the early 1990s, democracy became the victor and gradual democratization in the international arena has started (Huntington, 1991: 13-20; Roth, 2009: 54-57).

Thus, the concepts of human rights, democracy, and the rule of law have started to be weighty matters independent from the rationalist arguments. With the disintegration of the Soviet bloc and the emerging world order, the competition between the East and the West for political influence and strategic positions in the South came to an end. This also triggered desires in Europe to develop the integration process from the economic community to a political union and to pursue basic political changes under the guidance of those main norms and values. The latter have all been blessed globally and new types of actions became possible especially after the end of the Cold War (Bulterman, 2001: 152; Schimmelfennig et al., 2003: 496; Horng, 2003: 677).

To support this change, the EU wanted to use conditionality. In this changing international atmosphere, trying conditionality based only on aid and economic reforms could not be sufficient to improve the internal political situation of the third countries. Moreover, the first-generation of political conditionality in foreign aid was too narrow in the sense that the only aim was to see democratic development for economic desires. However, this time there was a need for more (Koch, 2015: 97-98).

Thus, the EU has begun to systematically apply “second-generation political conditionality” at the end of the 1990s toward the third countries. This time the intention was to consolidate democracy, human rights and administrative reforms. Thanks to this process, the conceptualization of political conditionality has gained momentum in the EU’s new normative mission in its foreign policy and in the new globalizing world (Robinson, 1993: 81; Weber, 1995: 193; Stokke, 1995: 1-13; Crawford, 1997: 69-71; Smith, 1998: 4-6; Fierro, 2003: 95; Molenaers et al., 2015: 2; Dipama&Dal, 2015: 111-112).

Thus, the causes that shaped the first-generation of conditionality were different from those which paved the way to the second-generation. While it was not entirely a new phenomenon, second-generation political conditionality shows a departure from the 1960s and 1970s policy. The distinctive side of the new political conditionality was hidden in its comprehensive politicized conditions (Robinson, 1993b: 58). In this context, political conditionality, in the form of sanctions or awards, became one of the key instruments of the EU (Crawford, 2001; Orbie, 2008;

Koch, 2015: 97). Thus, conditionality is not an aim in itself but an instrument to reach several objectives (Stokke, 1995: 2).

Under the second-generation political conditionality, military and economic powers as main tools before the post-Cold War era have been transformed into the soft power instruments. Political conditionality has increasingly become an instrument of the EU to make the awards conditional on political and administrative reform in third countries. In this way, the EU has sought to change the behavior of other states and discipline others (Robinson, 1993b: 58; Kanat&Akçay, 2017: 416-419).

### **2.1.2. Carrot - Sticks Policy And Its Legitimacy**

This new upgraded political conditionality in the EU's external relations harmonized with incentives and sanctions in various fields such as trade, investment, and development started to be the dominant approach (Koch, 2015: 97). One needs to take a closer look at the stratified functioning of the EU's political conditionality to have a better understanding of the mechanism behind the EU foreign policy.

Conditionality mechanisms can be in the form of positive conditionality or negative conditionality. Positive conditionality, also known as “carrots”, involves rewards, incentives, or benefits. These can be provided by reducing trade barriers, providing grants, loans, technical or financial aid, and establishing new intensive commercial or diplomatic ties. Positive conditionality is related to the role and influence that the EU has on third countries when providing facilities in return for their commitment to the EU norms or for their direction of change. The grounds of the EU influence are usually based on the EU's promise to provide certain carrots whenever the partner country meets the conditions. However, EU's conditionality can also assume a negative form as “sticks” that involves punishment or suspension of benefits, and more specifically the imposition of economic-political sanctions, naming and shaming strategies or ending cooperation. The key feature in negative conditionality is the use of pressure by the EU in terms of threatening to terminate or reduce the aid, trade or diplomatic benefits of the agreement if the partner does not achieve the necessary conditions (Robinson, 1993b: 60; Stokke, 1995: 11-12; Smith,

1998: 4-5; Fierro, 2003: 100-102; Schimmelfennig et al., 2003: 498; Smith, 2004: 18; Nye, 2004: 27-30; Bartels, 2008: 1-2; Dipama&Dal, 2015: 112-113; Prickartz&Staudinger, 2019: 5).

The EU policy uses both ex-ante and ex-post conditionality harmonized with carrot and sticks in its external relations to justify its mission globally. Ex-ante is the first type of conditionality has been used for the EU's neighbors before entering into a relationship or before the conclusion of an agreement with the EU. It necessitates the fulfillment of conditions such as human rights, democracy, and the rule of law or good governance early on to get the carrots of the association agreements. It can also be named as membership conditionality or accession conditionality. This type of conditionality is largely of a voluntary character. Partner countries know the conditions, and they choose to be part of this process. The usage of Copenhagen criteria as political conditionality is an accepted formula for years. Ex post, on the other hand, is the conditionality that starts after the established relationship. The relationship depends on the fulfillment of already mentioned conditions. The use of ex-post conditionality is well established in the EU and used in many external relations. It is frequently used against countries that are part of a trade or cooperation agreement with the EU. In ex-post political conditionality, the realization of the rule of law, democratic governance, and respect for human rights are objectives, and they represent a condition. Human Rights Clauses (HRC) fits this conditionality type. Although the HRC differs from the policy of enlargement, it works almost with a similar method (Fierro, 2003: 98-131; Gstöhl, 2010: 28-36; Koch, 2015: 99-101; Dipama&Dal, 2015: 112-113; Molenaers et al., 2015: 3).

Overall, the political conditionality necessitates both parties' mutual respect to the existing international agreement, regardless of before or after the relationship, most of the time to the values human rights, democracy, good governance and the rule of law (Saltnes, 2013: 1; Dipama&Dal, 2015: 112). In the broadest terms, political conditionality describes an incentive instrument in the relationship between two actors, where one actor aims to change the behavior of the other by setting up conditions through positive and negative measures (Koch, 2015: 98). Considered as a normative power, the EU shapes its foreign policy by those ideational means because it aims to change the economic, political, and social structures of the third countries as a justified mission (Molenaers et al., 2015: 2).

Correspondingly, the EU's conditionality with carrot and sticks has been questioned several times as being illegitimate and morally problematic. It has been considered as an interference of the EU to the domestic affairs of other states and thus as jeopardizing state sovereignty. The nationalist arguments in particular dominated those debates. To falsify those arguments in return, the legal status of the EU's external conditionality has been emphasized (Frerks, 2006: 25; Merlingen, 2007: 440).

The EU showed its belief that the political conditionality is a solution for concerns such as violations of human rights, democracy, the rule of law, and so on. The EU conditionality is said to derive its legitimacy from the Universal Declaration of Human Rights (UDHR) as a legal document. It means that the EU is not demanding something new from its partners. For the EU, considering conditionality as interference is not meaningful because the norms referred to in the conditionality are already universally accepted (Smith, 1998: 5; Brandtner&Rosas, 1998: 475; Manners, 2002: 241; Frerks, 2006: 25; Manners, 2006: 171; Merlingen, 2007: 440; Manners, 2008: 71; Gstöhl, 2010: 28; Tekin, 2014: 332).

Also, being part of the EU's political conditionality is the third country's choice. The third country by signing trade and cooperation agreements that contains HRC recognizes the EU's normative power and the universal norms that Manners listed. The EU's norm diffusion can only be fulfilled with the acceptance of these norms. It means that the normative power of the EU has been accepted with the signatures of the third countries (Sjursen, 2006: 245; Haukkala, 2011: 49; Gächter, 2012: 40; Vukasović&Matić, 2019: 304). These sanctioning and rewarding systems are bound to rule-based formal systems (Gächter, 2012: 39).

Although carrots are less vulnerable to legitimacy critiques, sticks are open to many arguments. However, in the political conditionality framework sticks and carrots are interrelated. It is named "reinforcement by reward" (Schimmelfennig et al., 2003: 496). Ending a negative sanction can be regarded as a carrot while removing a carrot can be seen as a stick. On the whole, choosing negative or positive conditionality is related to the current situation in the relationship and also with the EU role. Positive conditionality certainly seems better compared to negative because incentives facilitate continuance of the cooperation and trigger further positivity in each problem-solving. Nevertheless, extremely complex cooperation and trade

partnership can necessitate both of them (Frerks, 2006: 13-14). A comprehensive human rights policy includes both carrots and sticks. Both positive and negative conditionality can motivate the partner to improve its long-term practices (Fierro, 2003: 102).

Thus, the historical evolution of HRC to empower the political conditionality with negative and positive measures in the EU foreign policy agenda needs to be analyzed from a broad time perspective.

### **2.1.3. Historical Evolution Of Human Rights Clauses**

With the adoption of the promotion of democracy, the rule of law, and human rights in its external relations, the EU manifested itself as a key player in the field of political conditionality. Studying the EU's political conditionality both opens the normative aspects of the EU to scrutiny and also supports the EU's image as a normative power in world politics. The existence of a harmonised mechanism of carrots and sticks is a significant instrument of the EU foreign policy. Thus, Human Rights Clauses in trade and cooperation agreements have become one of the primary tools of the EU's conditionality framework against the third countries. Unsurprisingly, such a comprehensive foreign policy tool did not emerge overnight. It is possible to match this process with both the evolutions of political conditionality and of the NPE framework.

The Human Rights Clauses are based on 1969 the Vienna Convention on the Law of Treaties (VCLT). VCLT is an international agreement which aims to regulate treaties between states. Article 60-61-62 of the Vienna Convention mentions that termination or suspension of the operation of a treaty is possible in the cases of its material breach<sup>3</sup>, the impossibility of performance, and fundamental change of circumstance (Zamfir, 2019: 3-11). However, the VCLT makes clear that it does not apply to treaties between states and international organizations such as the EU (Fierro, 2003: 223-224; Prickartz&Staudinger, 2019: 16; De Santa María, 2019: 723-724). Thus, VCLT was not a direct permission for the EU to react to the third countries in the scope of conditionality, but it provided a perspective on the issue.

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<sup>3</sup> Here, a material breach means the violation of the provision that is essential to the achievement of the purpose of the treaty (Miller, 2004: 11).

However, the provisions of the Vienna Convention have reached the status of Customary International Law on Treaty norms through time. What matters is that the EU is bound with these norms (Kemecsei, 2014: 9-10). Even though the VCLT is technically not applicable in many situations, it made it possible for the EU to apply the customary international rules that the Vienna Convention's provisions reflect explicitly (Prickartz&Staudinger, 2019: 16). However, still, the VCLT does not directly provide a mechanism for the EU to automatically terminate or suspend treaties in the cases of human rights violations. So, the EU did not have a solid legal basis to apply negative conditionality to the other states (Miller, 2004: 11; Bartels, 2014: 23).

On the track of VCLT, the necessity of HRC was first mentioned in the context of the Lomé I Convention between the EEC and ACP states in the 1970s. Especially, Uganda was at the top of the EEC's list in 1977 as an ACP country that benefitted from EEC aids. This led to questions on the morality of EEC behavior, but also about ways of punishments. However, suspending the aid as a result of the problems in Uganda was not an option for the EEC because of the lack of legal arrangements (Bartels, 2005: 8-9; Fierro, 2003: 46; Gstöhl, 2010: 30; Cuyckens, 2010: 21; Prickartz&Staudinger, 2019: 8).

At the time of the conclusion of the Lomé II Convention in 1979, the EEC came under more pressure about political issues in its relations with the third countries. Uganda events triggered the idea of adding HRC to further EU agreements (Fierro, 2003: 47). However, the ACP states were reluctant to accept the inclusion of political dimensions under the HRC. In the beginning, they considered the EEC's conditionality as an attack on their sovereignty. The ACP countries declared their existing commitment to the Universal Declaration on Human Rights (UDHR) and questioned the EEC's narrow interpretation of human rights (Miller, 2004: 40; Roth, 2009: 26; Kühnhardt, 2016: 9-12). Moreover, many ACP states rejected being judged by former colonial powers (Mackie&Zinke, 2005: 3)., since, many of the ACP countries are former European colonies (Devlin et al., 2003: 23). Thus, the disagreements put barriers to any reference on human rights.

During the conclusion of the Lomé III Convention in 1984, the EEC's conditionality position was again problematic because of its trade relations with the apartheid regime in South Africa (Bartels, 2014: 12; Roth, 2009: 25-27). However,

the Commission referred to human rights openly in a declaration annexed to the Final Act. Also, Lomé III provided notable changes in the EEC-ACP relations and the EC started to play an increasingly active normative role. The EEC aid for the third countries and the introduction of dialogue logic in the partnership became important issues on the normative agenda. It was the first signals of the political conditionality supported by the EEC aid, which is formed for the development of the partner countries (Roth, 2009: 28-33). Thus, in the 1980s, although the focus on human rights was not a priority in the EEC's external relations, it was becoming a frame of mind.

By the end of the late 1980s, it was obvious that the EEC was much more willing to use pressure for the inclusion of references to human rights in the Lomé framework (Smith, 1998: 11). It was also directly related to the newly emerging international atmosphere in world politics, i.e. the end of the Cold War. Accordingly, the EEC introduced political conditionality based on human rights as a regulative measure in newly negotiated trade agreements with the third countries. The first HRC was inserted in the Lomé IV Convention in 1989 (Cuyckens, 2010: 32; Prickartz&Staudinger, 2019: 7-8; Hachez, 2015: 7-8).

The Lomé IV Convention was much more comprehensive in terms of its political discourse. Article 5 of the Lomé IV Convention highlights respect and promotion of all human rights as essential for the development and political well-being of all parties of the cooperation (Fourth ACP-EEC Convention, 1989; Bartels, 2005: 14; Kemecsei, 2014: 18; Smith, 1998: 11). The positive wording in the Article was crucial. Lomé IV Convention in 1989 was a milestone for making the ACP group of countries bound with political principles.

The Lomé IV was also building up the development provisions of the Lomé framework because development was considered supplementary for the promotion of human rights and democracy. The concrete aid conditionality was first introduced between the EEC-ACP by the Lomé IV. It was the first of the EEC's agreements with third countries where aid and trade benefits were linked to respect for human rights (Donno&Neureiter, 2018). With that agreement the purpose of foreign aid changed and it became more dependent on political progress made within the third country (Dipama&Dal, 2015; 109). It marked the beginning of broad economic and political conditionality in the EU trade and development policy between the EU and



the ACP states (Miller, 2004: 11; Bartels, 2005: 15; Hüllen&Börzel, 2013: 4; Hachez, 2015; 7).

By taking as an example the Lomé IV agenda, a so-called “Basis Clause” was first included in 1990 in the Framework Agreement with Argentina as the first operative HRC (Cuyckens, 2010: 23; Bartels, 2014: 3).<sup>4</sup> It has gradually been added to other agreements with Chile, Uruguay, and Paraguay. However, the provisions of the the EEC-Argentina Treaty were not certain about whether violation of essential human rights could trigger negative conditionality in the form of suspensions or sanctions (Kemecsei, 2014: 18; Hachez, 2015: 8). It was not directly referring to essential elements or another restrictive measure too.

With the end of the Cold War, the focus on political reforms increased gradually. The European governments and also the EU realized that the Soviet domination had come to an end in its fullest sense. The new suitable atmosphere in world politics gave the necessary motivation to the EU to project a more normative agenda based on full political conditionality and to increasingly integrate carrot and stick strategies in multidimensional relationships (Nuttall, 2000: 88-93). So, the EU has wanted to intensify its normative based policy of promoting and safeguarding human rights and democracy in the globalized world (Horng, 2003: 677; Frerks, 2006: 13-14).

In the course of time, the 1991 Luxembourg Summit resulted in the Declaration on Human Rights with reference to Commission Communication for human rights and democracy (Hughes et al., 2004: 18; Horng, 2003: 682; Gstöhl, 2010: 30). It was an outstanding initiative because the Community along with its institutions announced that broader-based respect for democratic principles, human rights, and economic reform was to be the essential component of all cooperation or association agreements. Thus, in 1991 the Council explicitly declared that it supports and desires to put HRC into its future cooperation agreements with third countries systematically following the precedent of the Lomé IV Convention. Through this declaration, the newly introduced basis clause was changed to a complete “essential

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<sup>4</sup> The basis clause (Article 1) in the 1990 EC-Argentina Cooperation Agreement is stated as follows: “Cooperation ties between the Community and Argentina and this Agreement in its entirety are based on respect for the democratic principles and human rights which inspire the domestic and external policies of the Community and Argentina.” (Framework Agreement for trade and economic cooperation between the European Economic Community and the Argentine Republic, 1990).

elements clause” parallel with the Universal Declaration on Human Rights (UDHR) with a more concrete normative guideline (The European Council Luxembourg Declaration, 1991: 17-25; Schimmelfennig et al., 2003: 497; Horng, 2003: 677-682; Prickartz&Staudinger, 2019: 8).

The high priority in positive approach was still being protected, as in Article 5 of the Lomé IV Convention. However, in addition to this, the EEC mentioned that grave violations of the essential norms which were listed could necessitate appropriate measures (Lister, 1998: 133; Borreschmidt, 2014: 9; Smith, 1998: 11-12). Although this formula did not provide clear grounding for suspension or termination of the treaty as negative conditionality, it was a stronger wording than what we have seen in Lomé IV Convention (Miller, 2004: 12-13; Hachez, 2015: 7-8). Thus, it was not providing a legal basis for sanctions in the cases of serious human rights violations; however, it was mentioning the necessity for appropriate measures in some instances (Smith, 1998: 11).

In 1992, the Council stated their desire to use political conditionality against Central and Eastern Europe. After this Declaration, the EEC agreements with the Baltic States such as Latvia, Lithuania, Estonia, and additionally Albania added human rights and related concepts as an essential element to apply a stronger stick policy (Miller, 2004: 13). It was proof of shift from the “basis clause” to the “essential elements clause”. Although the Council mentioned the necessity for appropriate measures in 1991, neither Article 60-61-62 of the Vienna Convention nor exiting treaties provided a clear stick policy in the cases of essential elements breach (Fierro, 2003: 219-220). Thus, the Council announced the need for a common position for urgent appropriate measures (TEU, 1992: 89). For this reason, the essential element clause was strengthened by the additional clause dealing with non-execution of the agreement (Horng, 2003: 678). The “Baltic Clause” was the starting point of the non-execution clauses for appropriate measures. The new Baltic Clause allows one party to immediately suspend the agreement without consultation in the case of a serious breach of the essential elements. There was no provision on either dialogue or consultation with the other party in the negative conditionality process (EEC-Albania Agreement, 1992; Nuttall, 2000: 93; Horng, 2003: 679; Miller, 2004: 13).

The consolidation of the political conditionality and normative foreign policy

agenda became much more evident when the Maastricht Treaty came into force in 1993. The Treaty on European Union (TEU) was agreed with the Maastricht Treaty and it made respect for human rights a general principle of the EU law (Whitman, 1998: 91; Lister, 1998: 132). Article 11 TEU states that “[t]he Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy, the objectives of which shall be (...) to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms”. Thus, this policy agenda aimed to support and advocate peace, international security, international cooperation, democracy, the rule of law, and respect for human rights and fundamental freedoms. Maastricht Treaty added development as a norm to be diffused by the EU in its external relations because the overall aid policy necessitated a more tangible response to the globalization and liberalization of the world trade (TEU, 1992: 60-61; Bulterman, 2001: 84; Laakso, 2007: 120; Roth, 2009: 34; Gstöhl, 2010: 30; Stewart, 2011: 69). Article 130 highlighted that “the EU should support the sustainable economic and social development of the developing countries for the smooth and gradual integration of the developing countries into the world economy to fight against poverty” (TEU, 1992: 60-61). Thus, the EU openly announced its foundational principles to further clarify its role and normative mission in its external relations (Whitman, 2011: 2).

The Maastricht Treaty almost shares the same idea with the 1991 Luxembourg European Council Decision, but most importantly the Maastricht Treaty provided a legal basis (Hüllen&Börzel, 2013: 4; Borreschmidt, 2014: 9). When the Council was to start negotiations for an agreement with Romania and Bulgaria, the HRC again became a much-discussed topic. If no clause was to be included in the agreements with Romania and Bulgaria, it would increase the argument that the Community did not want to use sticks. Thus, the Community started to search for a new way and this is how the new “Bulgarian Clause” emerged with the contribution of the Maastricht Treaty. This new initiative has extended the scope of reactions in cases of human rights abuses (Schimmelfennig et al., 2003: 497; Miller, 2004: 14; Kemecei, 2014: 19-21; Prickartz&Staudinger, 2019: 9).

The new Bulgarian Clause included necessary conditions such as “last resort”, “least harm” and “extreme urgency” for better operationalization of HRC (Fierro, 2003: 223-224; Manners, 2008: 79). The new Bulgarian Clause or non-

execution clause became the preferred standard formula in May 1995 and was accepted as a standard clause in all trade and cooperation agreements (Lister, 1998: 135; Horng, 2003: 679; Kemecsei, 2014: 21). This standard non-execution clause included consultations procedure, which did not exist before. It pointed to the positive approach of the EU in finding solutions to the difficulties in the relations. With this regulation, it was accepted that only a lack of satisfactory solution could lead to appropriate measures as a response to violation of EU norms (Bulgaria-EC Agreement, 1993; Fierro, 2003: 222; Hachez, 2015: 10; Prickartz&Staudinger, 2019: 9; Zamfir, 2019: 1).

In 1995 HRC was standardized by the Commission communication as “model clause” with the last versions of essential and non-execution clauses to ensure consistency in the text used in the agreements (Horng, 2003: 677; Gstöhl, 2010: 30; Bartels, 2014: 10; Kemecsei, 2014: 21). The EU embraced and approved the idea that it would “include political conditionality in the form of the Human Rights Clause in all its political framework agreements, and later in all its international agreements, including its trade agreements”. The inclusion of the HRC in new agreements has become mandatory as an example of a comprehensive carrot-stick policy in the EU foreign policy (Horng, 2003: 683; Hüllen&Börzel, 2013: 4; Saltnes, 2013: 1; Kemecsei, 2014: 17; Prickartz&Staudinger, 2019: 3).

In line with the current developments, the revision of the Lomé IV Convention has also become an obligation (Miller, 2004: 14). The last versions of essential elements clause, and non-execution clause were added to it (Prickartz&Staudinger, 2019: 9; Smith, 1998: 12). Respect for fundamental human rights, democratic principles, and the rule of law was listed as essential elements of the revised Lomé IV Convention. This obligation was strengthened by a “non-execution” clause allowing one party to take “appropriate measures” if the other party violates the essential elements clause. However, the consultation procedure before applying negative measures was the basis of the formula. Article 366a reflects the whole story in the EU-ACP negative conditionality (Horng, 2003: 679; Miller, 2004: 15; Laakso, 2007: 120; Roth, 2009: 36; Inta, 2014: 8; Hachez, 2015: 7-8; Meisser&McKenzie, 2019: 1275; Prickartz&Staudinger, 2019: 7-8).<sup>5</sup>

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<sup>5</sup> Article 366a-2: “If one Party considers that another Party has failed to fulfil an obligation in respect of one of the essential elements referred to in Article 5, it shall invite the Party concerned, unless there is special urgency, to hold consultations with a view to assessing the situation in detail and, if necessary, remedying it. The

After a while, the Treaty of Amsterdam which entered into force in May 1999 changed the normative human rights agenda. It attributed to the EU a stronger role to promote human rights domestically and internationally (Brantner&Rosas, 1998: 470; Alston&Weiler, 1998: 661; Fierro, 2003: 89). It explicitly integrated human rights issues into the EU legal order. It improved the development policies of the EU as well as economic, financial, and technical assistance programs with third countries (Borreschmidt, 2014: 9).

As a whole, since the early 1990s, the Human Rights Clauses has been systematically integrated to the EU's foreign policy. The whole evolution of the HRC shows that political conditionality has constituted a tool for the EU to justify its actions in world politics in the long run (Horng, 2003: 682; Birchfield, 2011: 148; Orbie, 2008: 3; Whitman, 2011: 7). It is clear that the Community's/ Union's normative agenda has been consolidated by various legal instruments in this process and the image of the EU as a global normative power gained momentum. As of today, the EU practices HRC towards more than 120 countries around the world (Horng, 2003: 677; Bartels, 2014: 12). The EU managed to integrate HRC into trade and cooperation agreements and expanded the diffusion mechanisms of EU norms. The entire process is a reflection of the gradual embodiment of the EU's political conditionality with "carrot and sticks" (Gstöhl, 2010: 28-35; Haukkala, 2011: 47).

## **2.2. THE SUCCESSOR OF LOMÉ IV CONVENTION: THE COTONOU PARTNERSHIP AGREEMENT**

Throughout the Lomé I and Lomé II Conventions, which were created after the 1970s, EEC/ACP cooperation focused generally on economic and social development. During those times, the EEC had chosen to play a more impartial role in policy-related issues. The Lomé III Convention made human rights one of the major concerns in this relationship. In time, democracy and the rule of law started to be crucial and further politicized the ACP-EEC relations. Parallel with the

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consultations shall begin no later than 15 days after the invitation and as a rule last no longer than 30 days. At the end of the period referred to in the third subparagraph of paragraph 2 if in spite of all efforts no solution has been found, or immediately in the case of urgency or refusal of consultations, the Party which invoked the failure to fulfil an obligation may take appropriate steps, including, where necessary, the partial or full suspension of application of this Convention to the Party concerned. It is understood that suspension would be a measure of last resort" (Amended ACP-EC Convention of Lomé, 1995).

conclusion of Lomé IV Convention, various new developments were experienced in the world. The end of the Cold War with the decreasing power of socialism/communism, the introduction of World Trade Organization (WTO) and the new provisions of the Maastricht Treaty led to increased dissatisfaction with the Lomé IV Convention and its trade and development regulations (Commission of the European Communities, 1991; Roth, 2009: 39; Bossuyt et al., 2014: 12).

In 1995, the Lomé IV Convention was revised to modify some of the provisions. It made the provisions parallel with the current HRC framework. The new international atmosphere necessitated a redefinition of political and economic relations. "The 1996 Green Paper on relations between the EC and ACP countries on the eve of the 21st century" mentioned all the details of EU-ACP relations, its successes, and failures. The paper highlighted the need for a dialogue framework that was not well-formed in the previous cooperation documents. Moreover, the paper foresaw good governance as a fundamental issue that should be mentioned in the political dialogues along with human rights, democracy, and the rule of law. Also, the inaction of non-state actors in the EC-ACP cooperation was seen as a problem that reduced the effectiveness of aid conditionality. The publication of Green Paper was an open declaration of the need for a comprehensive political conditionality with trade, development, and political concerns (European Commission, 1996). Thus, a new updated agreement became a necessity in EU-ACP relations. For this reason, the Cotonou Partnership Agreement (CPA) came to the scene in June 2000, as an upgraded version of revised Lomé IV between the 78 ACP countries and the EU. After the signatures, it came into force on 1 April 2003, this time for 20 years long (European Commission, 2003: 1; Horng, 2003: 681; Miller, 2004: 16).

The CPA is a multidimensional relationship between the EU and 78 African, Caribbean, and Pacific states (Kühnhardt, 2016: 64). In certain respects, the CPA reflected a continuation of the Lomé spirit because the rule of law, respect for human rights, and democracy has been developed systematically. Those values were already recognized in the revised Lomé IV as "essential elements" of the agreement and allowed any party to take "appropriate measures" in case the other party failed to realize those elements (Mackie&Zinke, 2005: 2; Bossuyt et al., 2014: 12).

On the other hand, the CPA has not only modified the already existing norms and regulations of Lomé IV, but also added a few novel elements (Fierro, 2003: 313).

Good governance is closely complementary to respect for human rights, democratic principles, and the rule of law. However, good governance was not an essential element of the Lomé framework until 2000 (Hornig, 2003: 681). In the CPA, the countries went further and named good governance as one of the fundamental elements for the fulfillment of cooperation (European Commission, 2014: 23; Mackie&Zinke, 2005: 2; Gstöhl, 2010: 30). The stronger political foundation of the partnership has become one of the major innovations of the new agreement (Bossuyt et al., 2014: 12).

The new CPA has become the world's largest political and also financial cooperation framework between the North and South. Not only the agreement has contained provisions to ensure human rights, democracy, and the rule of law supported by good governance provisions, but it has also rendered financial relations conditional on those provisions. Thus, the transition from the Lomé Conventions to the CPA means more than a change of the treaty name. The CPA provides numerous innovative approaches to cooperation in order to facilitate the development of ACP countries. In this regard, the logic of the CPA has been shaped on three cooperation pillars: trade, aid/development, and political dimension. Such comprehensive categorization was not apparent in the previous agreements between the EU and ACP countries (Hangen-Riad, 2004: 4; Kemecsei, 2014: 31; Kühnhardt, 2016: 15).

### **2.2.1. First Pillar: Trade Cooperation**

Trade was at the core of the ACP-EU relations from the beginning of Lomé Conventions. Lomé I provided, on a unilateral basis, free access to the EU's market for almost all goods originating from the African, Caribbean, and Pacific States. The original aim of the non-reciprocal trade preferences regime was "to increase exports of ACP products to the EU, to encourage development, and reduce poverty in the former European colonies". This regime facilitated entrance of ACP products into Community territory by granting tariff advantages and non-tariff advantages. In each upgrade of the EU-ACP treaties, trade relations intensified gradually. Under the Lomé IV, nearly all the products from the ACP States could enter the EU borders without restrictions on quantities or customs duties, and without any reciprocal obligations. The EU eventually has become the ACP countries' biggest trading

partner (Hangen-Riad, 2004: 8-9; Laaksonen et al., 2007: 7-10; Roth, 2009: 20).

The emergence of WTO in 1995 changed the regulatory framework for regional trade agreements with WTO measures. WTO members seek to enhance transparency and to increase understanding of RTA's impact on the wider multilateral trading system. Non-discrimination has become one of the main pillars in this regard (Vogel, 2011:3) Thus, one of the goals of the CPA has become the fulfillment of WTO provisions in the EU-ACP relations (Roth, 2009: 45). With the introduction of the CPA, the new trade agenda targeted the re-construction of the ACP countries with the new regional economic developments and political trends (Kühnhardt, 2016: 15). This has enhanced the focus on regional cooperation leading to the negotiation of Economic Partnership Agreements (EPAs) in line with the WTO's regionalism mentality (European Commission, 2014: 215; Hangen-Riad, 2004: 8-9).

As a response to the trade preferences granted to ACP countries by the Cotonou Partnership Agreement, Article 35 advises parties to conclude EPAs on a regional basis to regulate their trade relations (European Commission, 2014: 57-58; Hachez, 2015: 11; Kühnhardt, 2016: 16). Hence, the gradual integration of the ACP countries into the world economy with the introduction of EPAs with the EU is one of the most important objectives of the CPA. The EPAs aim to reduce all barriers in trade in order to facilitate the establishment of Free Trade Agreements (FTAs) between the EU and ACP countries under the WTO rules (Rocha, 2003: 12). The new framework aimed at "restructuring financial aid and transforming the preferential trade agreement into a full-scale FTA between the EU and ACP countries" (Devlin et al., 2003: 23).

Thus, it is inescapable that trade is the first and strongest pillar of the Cotonou Partnership Agreement. Trade has been seen as the engine of sustainable development in relations with third countries. It shows the connection between the first and the second pillar of the CPA.

### **2.2.2. Second Pillar: Development Cooperation**

Development cooperation is another major innovation of the Cotonou Partnership Agreement. The importance of the development was not that apparent in



the previous EU-ACP treaties. However, in the CPA, development has found a better place. In trade policy, political conditionality mainly aims to influence the sustainable development of trade partners (European Commission, 2014: 14- 25; Hafner-Burton, 2009; Koch, 2015: 98). In this vein, the CPA has been formulated in terms of the objectives such as poverty reduction and is accommodated to each ACP countries' special circumstances and needs (Hangen-Riad, 2004: 7).

To support the development of partner countries, the EU has formulated several sorts of support initiatives in the CPA framework. This first type of support provided under the CPA has found its form as financial and technical assistance to support cooperation priorities (ACP Secretariat, 2003: 15). Thus, development has been seen as a supplementary requirement for the promotion of human rights, democracy, the rule of law, and good governance. Under Lomé Conventions, there were several types of aid with different methods and procedures, especially in the post-Cold War era. The CPA tried to merge these aid resources into a single budget (Roth, 2009: 47). Under the CPA, all the resources for the implementation of development programs and projects are provided through the European Development Fund (EDF).

EDF is a special funding mechanism only for the ACP countries under the umbrella of the CPA for their compliance with human rights, democracy, the rule of law, and good governance (Horng, 2003: 679; Hangen-Riad, 2004: 6). Moreover, with the new CPA framework, a new provision is mentioned in terms of development cooperation that made it possible to give aid as direct budget support to the national governments of the ACP countries for the promotion of good governance (Brown, 2002: 194). Every five years, the EU member states negotiate a new EDF and they inform their contributions to this Fund (ACP Secretariat, 2003: 15).

On the other hand, the CPA decided to “support the inclusion of non-state actors such as private sector, local ownerships, and civil society in cooperation strategies, in policy dialogues to fight against poverty”. The intention was that “non-state actors, particularly civil society organizations, would have access to EDF funding as well as capacity-building programs, to enable them to become effective governance actors”. The CPA invited the ACP private sector “to play a key role in achieving development goals such as creating growth and employment, or fighting

against poverty, and introduced a comprehensive policy to achieve this aim” (European Commission, 2014: 17-37; Hangen-Riad, 2004: 7; Bossuyt et al., 2016: 86). The emphasis on non-state actors in the development process was a sign of changes in economic cooperation (Roth, 2009: 45).

In this regard, the EDF can be used in two ways: grant facility and investment facility. A grant facility finances various long-term development operations such as macro-economic support, education, health care, democracy programs, regional cooperation, integration, and so on. Support programs for non-state actors also are financed through grant facilities (European Commission, 2014: 37-48). On the other hand, an Investment Facility finances private sector development operations. The European Investment Bank (EIB) manages all these resources (European Commission, 2014: 118-124; ACP Secretariat, 2003: 16).

Furthermore, the global aid approach strengthened the 2000 UN Millennium Development Goals (Kühnhardt, 2016: 15). The adoption of the Millennium Development Goals by the EU also gave an additional role for the EU at a global scale. The Millennium Development Goals aim to decrease poverty, illnesses, discrimination against women, environmental problems, and so on. Being part of this program reflects a general awareness about the United Nations Declaration on the Right to Development<sup>6</sup> (European Commission, 2014: 15-17; Gathii, 2013: 261).

Until the CPA was signed, attempts for development were sought through numerous treaties, policy documents, and international frameworks. The new dimensions of the CPA gave a bigger normative role to the EU as a global actor in the development assistance and it is closely associated with what the Maastricht Treaty foresaw. CPA has gone further than other agreements in terms of linking the promotion of political values to cooperation by aid (Bossuyt et al., 2016: 69-87). The whole process also strengthened the political dimension of the agreement.

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<sup>6</sup> The United Nations Declaration on the Right to Development confirms development as a right and puts people at the core of the development process. The document was adopted on 4 December 1986 by the United Nations General Assembly. The document declared that “entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.” (United Nations, n.d).

### **2.2.3. Third Pillar: Political Dimensions**

After the 1980s, the EU expressed its desire to strengthen the political dimension of the partnership with the ACP countries, particularly human rights. The Lomé Conventions gradually added references of democracy, the rule of law, and human rights as “essential elements” of cooperation. Also, the provisions on possible sanctions in the event of violations of those essential elements were added step by step. These marked the first signs of political dimensions of the EU-ACP relations related to Human Rights Clauses logic (Smith, 1998: 11; Nuttall, 2000: 93; Bossuyt et al., 2016: 59). The political conditionality used in trade relations has been seen as a significant issue for the maintenance of cooperation and encouraging economic liberalization (Smith, 1998: 6). Thus the first pillar of the CPA is also dependent on the third one.

Thus, the political dimension of the CPA is also another major novelty and the CPA puts the political dimension at the center of its relations like trade and development cooperation. Title II of the CPA deals with most of the political dimensions of the agreement. The political provisions of the CPA involve Article 8 on political dialogue, Article 9 as an essential elements clause, Article 96 as a non-execution clause, and Article 97 as a good governance clause (Mackie&Zinke, 2005: 2).

The third pillar of CPA regulates the framework of the political relations between the EU and ACP countries, and these political relations are determined by political dialogue and political principles with the political conditionality provided by HRC. (Hangen-Riad, 2004: 4; Mackie&Zinke, 2005: 2; Laakso, 2007: 120; Gstöhl, 2010: 30).

#### **2.2.3.1. Political Dialogue**

The Cotonou Partnership Agreement is the agreement that has the most complex set of clauses in political conditionality. Not just does it have the longest ever essential element clause, but it also provides a detailed political dialogue procedure in the scope of the essential elements (Gstöhl, 2010: 28; Hachez, 2015: 11). The political dialogue is the basis of political relations in the CPA. It is seen as a

strategic and continuous instrument for the smooth continuation of the partnership. As a mandatory obligation of the CPA, the EU enters into a political dialogue with almost all ACP countries. The details of political dialogue have been represented in Article 8 that necessitate the discussion of human rights and democracy issues regularly (European Commission, 2014: 21-22; Bossuyt et al., 2014: 17).

In the political dialogue, numerous political issues can be discussed such as the global economy, peace, and security, migration, gender, climate change, science, child labor, religion transport, or other issues of mutual interest. However, human rights, the rule of law, and democracy as the main goals dominate the agenda in political meetings. Political dialogue constitutes the first and most important instrument regarding the fulfillment of the essential and fundamental elements of the Human Rights Clause (European Commission, 2014: 22; Hangen-Riad, 2004: 5; Zwagemakers, 2012: 4; Prickartz&Staudinger, 2019: 4).

Political dialogue mainly helps support information exchange among the EU and third countries' governments and civil societies because it facilitates the development of mutual understanding. It opens a road for the process of learning the main norms and principles of human rights, the rule of law, democracy, and good governance as universal norms (Devlin et al., 2003: 23; Gstöhl, 2010: 31).

With the introduction of Article 8, the CPA embraced political dialogue as a long-term necessary tool. However, what is important about those dialogues is that political dialogue under Article 8 made possible the activation of Human Rights Clauses if one party violates the essential and fundamental elements of the agreement (Fierro, 2003: 102; Zwagemakers, 2012: 3).<sup>7</sup> If the political dialogue is not fruitful, it further leads to negative conditionality.

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<sup>7</sup> Article 8-2: "The objective of this dialogue shall be to exchange information, to foster mutual understanding, and to facilitate the establishment of agreed priorities and shared agendas, in particular by recognizing existing links between the different aspects of the relations between the Parties and the various areas of cooperation as laid down in this Agreement. The dialogue shall facilitate consultations and strengthen cooperation between the Parties within international fora as well as promote and sustain a system of effective multilateralism. The objectives of the dialogue shall also include preventing situations arising in which one Party might deem it necessary to have recourse to the consultation procedures envisaged in Articles 96 and 97" (The Cotonou Agreement, 2014).

### **2.2.3.2. Political Principles**

The political principles establish the most striking part of the ACP-EU partnership and it is a clear example of political conditionality under the Human Rights Clause. Article 9 is the essential element clause of the CPA. The CPA changed Article 5 of the Lomé IV Convention as Article 9 to replace the standard clause with a more comprehensive essential elements clause (Hangen-Riad, 2004: 5; Kemecsei, 2014: 23). Article 9 mentions that “respect for all human rights and fundamental freedoms, including respect for fundamental social rights, democracy based on the rule of law and transparent and accountable governance are an integral part of sustainable development”, and that the partners share the same values in their domestic and international policies. These norms and values are understood as an integral part of sustainable development, political improvement, and smooth trade. In the CPA, the HRC is divided into four paragraphs in a much more detailed manner than any other HRC that exists in other EU agreements with the third countries (European Commission, 2014: 23-24; Mbadinga, 2002: 1; Fierro, 2003: 314; Horng, 2003: 681).

On the other hand, the CPA also embodies some new elements (Fierro, 2003: 313). With Cotonou, good governance was regarded as one of the fundamental elements (Horng, 2003: 681; Mackie&Zinke, 2005: 2; Gstöhl, 2010: 30). In Article 9, it is mentioned that “Good governance constitutes a fundamental element of this Agreement. The Parties agree that serious cases of corruption, including acts of bribery leading to such corruption, as referred to in Article 97 constitute a violation of that element” (European Commission, 2014: 24). Political conditionality was broadened by covering the rules and procedures such as regime legitimacy, accountability, openness, transparency, and administrative competence, collectively referred to as “good governance” as fundamental (Robinson, 1993b: 59; Koch, 2015: 100).

Article 97 makes it possible for the EU to sanction a third country in the scope of negative conditionality in case of good governance problems, more specifically corruption. It has allowed the EU to give more attention to good governance criteria before considering the budget support to the third countries (European Commission, 2014: 105; Del Biondo, 2011: 380; Molenaers et al., 2015).

Thus, political dimensions are incorporated into the CPA as essential and fundamental elements (Gathii, 2013: 267). The parties have committed themselves to respect and strongly promote the provisions of Article 9 and Article 97 through appropriate measures. The Council also approved the inclusion of a suspension mechanism to enable the EU and also the ACP countries to react immediately in the cases of violation of essential elements, particularly human rights. (Prickartz&Staudinger, 2019: 9-10).

A system of guarantee was provided by Article 366a of the Lomé IV Convention in the case of a failure by one party to fulfill the obligations the essential elements. Article 366a in Lomé IV Convention was replaced by Article 96 in CPA which puts further procedural rules for the peaceful settlement of human rights issues (Mbadinga, 2002: 2-5). Although not formally placed in Title II on the “Political Dimension” of the Cotonou Agreement, Article 96 is closely associated with the political pillar of the Agreement. It can only be activated when the essential elements clause in Article 9 of Title II has been violated, and should only be used after the regular political dialogue under Article 8 has failed to prevent a breach of human rights, democracy and the rule of law (European Commission, 2014: 103-104; Mackie&Zinke, 2005: 2; Gathii, 2013: 267).

Article 96 along with Article 97 good governance clause are the most controversial articles in the CPA.<sup>8</sup> They provide the legal basis “for the suspension of the CPA in cases where one of the parties feels that the agreement's essential and fundamental elements are not being respected” (Mackie&Zinki, 2005: 1). The procedures under articles 96 and 97 are aimed at “finding a solution acceptable to all parties in order to avoid sanctioning”. To this end, “consultations” stand as the most significant novelty brought about by the CPA to discuss the measures to be taken.

The consultation procedure is institutionalized in the CPA and seen as the most appropriate way to reach a solution without applying negative conditionality. It reflects the preference of the EU for a positive approach in its external relations. The phase of formal consultations under Article 96 is triggered only if the regular political dialogue under Article 8 fails to prevent violation of human rights, democratic principles, and the rule of law. It means that conditionality is often bound to political dialogue (European Commission, 2014: 21-22; Gstöhl, 2010: 28;

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<sup>8</sup> For further information; [https://www.europarl.europa.eu/intcoop/acp/03\\_01/pdf/mn3012634\\_en.pdf](https://www.europarl.europa.eu/intcoop/acp/03_01/pdf/mn3012634_en.pdf)

Kemecsei, 2014: 36; Koch, 2015: 103).

In practice, first, the EU has to invite the party concerned for consultations if the political dialogue turns out to be unproductive. Article 96 clarifies that if one party violates the essential elements clause which is Article 9, a concerned party can call for a consultation. Consultations should start no later than 30 days after the invitation and the process cannot last longer than 120 days. At the end of the consultations, if no agreement is reached acceptable for both sides or one party does not respond to the call, the inviting party may take appropriate measures against the other party in line with Article 96. Thus, Article 96 of the CPA allows the EU to impose sanctions after the consultations phase. The consultations procedure is the most outstanding feature of all non-execution clauses (European Commission, 2014: 29; Fierro, 2003: 315; Laakso, 2007: 122; Cuyckens, 2010: 46; Del Biondo, 2011: 380; Kemecsei, 2014: 36). Consultations do not just enable the deployment of appropriate measures against the party in question, but also allow carrots in order to improve the condition (Cuyckens, 2010: 40). However, it should be noted that the whole procedure can only be implemented if there is no special urgency.

The appropriate measures can include all responses that are proportional to the violation such as withdrawing of the funding, suspension of aid and development programs, or sanctions in the trade relations if the principles of human rights, democracy, rule of law or good governance are violated. In the selection of these measures, priority must be given to the measures that least disrupt the application of the agreement. This means that suspension would be a measure of last resort in order to give the least harm (European Commission, 2014: 104-105; Mackie&Zinke, 2005: 3; Laakso, 2007: 116; Cuyckens, 2010: 41; Bossuyt et al., 2014: 13). Thus, the Cotonou Partnership Agreement provides a coordinated use of the dispute settlement mechanisms without any necessity for harsh negative conditionality under the HRC (Velluti, 2016b: 24).

In line with Article 95 of the CPA that advises revision of the treaty every 5 years, the preparation for the revision started in 2004 (European Commission, 2014: 102-103). The 2005 revision of CPA introduced new issues related to security in the post- 9/11 era to the EU-ACP agenda (Kühnhardt, 2016: 16). The Cotonou Partnership Agreement added new Articles with each regular revision such as Article 11 concerning peace-building policies, conflict resolution, and terrorism; or Article

13 regulating migration issues (Roth, 2009: 46). New political clauses were added concerning the International Criminal Court, the fight against terrorism, cooperation on the non-proliferation of weapons of mass destruction, and ecological actions. The respect for human rights, democracy, the rule of law, and good governance stayed as the core elements. On the other hand, another aim of the revision of the agreement was to define a new financial protocol to clarify the aid conditionality. The total amount of financial resources was established and flexibility was provided for the usage of the funds (Roth, 2009: 47-50; Gstöhl, 2010: 31; Koch, 2015: 102; Bossuyt et al., 2016: 3). Also, another most significant change was the recognition of the ACP as a group of countries that can play a useful role in Article 96 consultations (Mackie&Zinke, 2005: 10).

The revised CPA tried to be more concrete on HRC to regulate the activation of Article 96 in the cases of failure of political dialogue (Article 8) and violation of essential elements (Article 9). The revision was an answer to the criticisms of the ACP concerning the CPA and it was hoped that some of the controversies would thus come to an end. However, the complex nature of Article 96 still keeps busy the literature. The added value of Human Rights Clauses is the main question in the scope of the EU normativity. To date, whether the EU's carrots and sticks policy works or not remain an open question (Velluti, 2016a: 109).

### **2.3. CONSISTENCY IN APPLYING HUMAN RIGHTS CLAUSES**

While the question of whether the EU is a normative power or not has not yet been answered properly, the reliability and credibility of the EU as a normative international actor has become a popular topic in the EU studies. Especially, after the Cold War, many debates have taken place to smear the Human Rights Clauses and generally the application of Article 96.

Since the mid-1990s, the EU has systematically added HRC into its trade and cooperation agreements with the third parties. The EU tried to render its external economic relations conditional on political standards such as human rights, democracy, the rule of law, good governance, and so on. Agreements with over 130 countries now contain such a clause in general (Gstöhl, 2010: 30; Birchfield, 2011: 149-150; Saltnes, 2013: 1; Hüllen&Börzel, 2013: 4; Bartels, 2014: 9-10; Bossuyt et



al., 2016: 66; Prickartz&Staudinger, 2019: 1-3). However, it is frequently argued that the EU's activation of the Human Rights Clauses in its external trade policy via political conditionality is inconsistent, uneven, unfair, and selective, especially with the introduction of the Cotonou Partnership Agreement in 2000. In other words, it is believed that the EU does not activate Human Rights Clauses often enough in cases of essential elements breaches and regularly leaves human rights, democracy, and the rule of law violations by third countries unpunished. (Smith, 1998: 23; Mbadanga, 2002: 22; Birchfield, 2011: 149; Zwagemakers, 2012: 4; Erickson, 2013: 212; Koch, 2015: 101; Hachez, 2015: 17-18; Bossuyt et al., 2016: 66; Velluti, 2016b: 41, Prickartz&Staudinger, 2019: 1-20).

As discussed above, Human Rights Clauses allow negative conditionality under Article 96 to be applied in response to the violation of essential elements. To incorporate such a procedure took several years and it is really an important part of the EU's political conditionality and normativity in economic relations. However, the EU did not activate the Human Rights Clauses in every breach of the essential elements in its trade agreements. Despite their eligibility in more cases, the Human Rights Clauses were activated only in a limited number of cases. Under the Cotonou Partnership Agreement, Article 96 was activated less than 30 times though the breaches were much more than this number (Hachez, 2015: 18; Prickartz&Staudinger, 2019: 3-20; Zamfir, 2019: 1).

For some of the scholars, it is very difficult not to argue that there has been inconsistency and double standard in the EU foreign policy against the ACP countries (Fierro, 2003: 309; Mackie&Zinke, 2005: 1). This belief has strengthened the critiques about the EU's commitment to essential elements as core norms in its relations with third countries (Whitman, 2011: 14). These so-called inconsistencies shake the legitimacy of the EU practices in its foreign policies and the normativity of the EU continues to remain limited (Gstöhl, 2010: 24; Haukkala, 2011: 54; Erickson, 2013: 212; Tekin, 2014: 340).

Furthermore, Article 96 as the non-execution clause of the CPA was activated only in situations where radical changes and clear violations had taken place in a third country such as a coup d'état, flawed elections, or brutal human rights violations. Political conditionality is not generally activated when human rights violations routinely take place in a country; for the activation to take place, the

situation needs to suddenly deteriorate and be grave (Laakso, 2007: 15-48; Del Biondo, 2011: 381; Bartels, 2014: 10, Hachez, 2015: 19; Martines, 2016: 38). For this reason, coup d'états have always led to consultations and there is a systematic application of Article 96 in cases of coup d'état in the CPA framework (Cuyckens, 2010: 50). A separate article, Article 97, which describes good governance as a fundamental element of the CPA, foresees a similar consultation procedure when good governance has been violated in a third country. However, this has not been used in practice until now (Mackie&Zinke, 2005: 2-3).

So far, there have been no cases where human rights violations constituted the only reason to activate the consultation procedures (Bossuyt et al., 2014: 13). This bolsters the argument that there is considerable variation in the application of Article 96. Unlike the ACP-EU political dialogue under Article 8, Article 96 has no guidelines for its application. This was partially improved by the new Annex VII drawn up during the 2005 review, although the new guidelines are still not as detailed as those for Article 8. Thus, many points remain open to interpretation (Mackie&Zinke, 2005: 6).

Apart from that, the non-execution clause of CPA, which is Article 96, does not explain what action should be taken if no satisfactory resolution to the problem can be found after the consultations. The term of “appropriate measures” is too broad and leaves the door open to negative conditionality that can take a wide variety of different forms. The HRC does not make it possible to identify guidelines in the policy of sticks (Mbadinga, 2002: 22). For this reason, the chosen sticks of the EU are significant. The EU has only adopted as “appropriate measures” the suspension of the development aid, meetings, and technical cooperation programs up till now. The EU did not prefer to lift or suspend trade preferences completely (Bartels, 2014: 10, Hachez, 2015: 19).

The general situation shows that various inconsistencies took place in the EU's formal consultation and appropriate measures procedure. There are several cases where the Human Rights Clauses was not activated for ACP countries, and they were described as “non-cases”. However, the conditions seem similar to the cases where the Human Rights Clauses was triggered before, e.g. flawed elections. EU Electoral Observation Mission often noted serious irregularities during elections, but not all of those cases were sanctioned under Article 96. This shows that there is a

significant variation in the EU's deployment of Article 96 against the ACP countries. The EU's inactivation of HRC in similar cases increases the questions about the capability or credibility of the EU and weakens the justification of the EU's normative mission in world politics (Haukkala, 2011: 54; Hachez, 2015: 18; Bossuyt et al., 2016: 63; Prickartz&Staudinger, 2019: 20).

So, a close analysis of the application of the HRC in the CPA framework is necessary. Focusing on two cases that involved the breaches of essential elements, the Fiji Islands and Nigeria, will help us better understand when and why the EU activated Article 96 as a political conditionality policy (or did not).



### **CHAPTER THREE**

#### **COMPARING CASES: THE FIJI ISLANDS AND NIGERIA**

The number of cases where the EU has activated Article 96 from 2000 till now seems really narrow taking into account the number of crises that took place in the ACP countries within the same period. One way to evaluate the EU normativity is to compare one of those non-cases, in which the Human Rights Clauses was not activated despite the violation of essential elements of the Cotonou Agreement (i.e. the non-application of Article 96), with a case that the EU applied Article 96. Comparing two case studies in terms of the activation of the Human Rights Clause will help reveal the main factors behind the procedures. It will also provide an explanation for the carrot-stick dilemma in the EU's political conditionality.

Thus, it is necessary to reveal how and why the EU applied its conditionality policy with regard to the cases of the Fiji Islands and Nigeria where serious violations of human rights took place. This is the main way to find out the level of EU's normative actorness in individual cases. The comparison of the cases will also facilitate to understand the impact of the EU's Human Rights Clauses on third countries, which in return, will contribute to the academic debate on the EU's normative power.

To be able to provide reliable and acceptable results, case selection is crucial. The cases of this research, Fiji Islands and Nigeria, were selected on the basis of their membership to the Cotonou Partnership Agreement and their breaches of the Human Rights Clauses of that Agreement in the 2006-2007 periods. Fiji, which was an interesting country throughout the process, is an under-studied small island country. In order to better understand and explain why the EU initiated the process of activation of Article 96 only in a few countries, it seems necessary to compare Fiji with a country that could be considered to have violated Article 9 in the same time period. Nigeria stands out to be a strong candidate to be the control case study where democratic violations were observed when Fiji was dealing with Article 96 provisions. The history shows that in both countries there were serious undemocratic practices during the same period. This is supported, as explained below, by the European reports regarding Fiji Islands and Nigeria. However, despite the existence

of negative reports on both countries, the EU initiated the procedures against Fiji, but not Nigeria.

This chapter, through a detailed comparative process-tracing, seeks to find out the reasons behind this differential treatment of the EU. To this end, it first gives comprehensive information on the historical relationship between the EU and Fiji Islands, and between the EU and Nigeria. Then the chapter seeks to uncover what exactly happened in 2006-2007 period for these ACP countries under the CPA.

### **3.1. THE FIJI ISLANDS**

Fiji consists of over 300 islands and islets in the South Pacific Ocean and approximately 110 islands are inhabited. Viti Levu, Vanua Levu, and Taveuni represent the largest ones. The capital is Suva on Viti Levu Island. Fiji has a total coastline of over 1,100 miles. (Mugnier, 2000: 1180). Close neighbors of Fiji are Australia and New Zealand (Lal, 2009: 30; Lawson, 2015: 210). Fiji is economically in a good shape compared to other Pacific Islands and its population makes Fiji more notable. Fiji is also one of the Small Island Developing States (SIDS), which gained official recognition as a distinct group at the United Nations Conference on Environment and Development (UNCED) in June 1992, and this makes Fiji a politically important state (Weber, 2017: 2). Although Fiji has been a small island state, it has gained influence in regional politics (Lawson, 2015: 210). Fiji can be considered as the center of the Pacific because the headquarters of most South Pacific regional organizations, South Pacific-based UN agencies, the Delegation of the European Union and diplomatic missions are all located in Fiji. Moreover, the Trans-Pacific Sea and air routes pass through Fiji (Tarte, 2010: 67; Siekiera, 2015: 164). Although Fiji represents a unique case, Fiji's current troubles are reflection of its past.

**Figure 1: The Fiji Islands Map**



Source : <https://geology.com/world/fiji-satellite-image.shtml>,

### 3.1.1. The Past Relations with Europe

Fiji was a British Crown Colony from October 1874 to October 1970. In the colonial era, the British aim was to shape the Fijian policy parallel with British economic and political ideals. This theme shaped the story of the British administration on Fiji for years (Macnaught, 2016: 12). In colonial times, Suva was the center for British colonialism in the Pacific region and through time, Fiji became

the gateway to the Pacific. The location of Fiji provided it with the potential for economic advantage in the fishery sector and later in sugar and coffee. Those resources increased the volume of trade between Britain and Fiji Islands. The significance of Fiji in the region became much more obvious when the migrations to Fiji increased day by day (Barclay&Cartright, 2007: 90).

The roots of ethnic separation emerged during the British colonial times. Fiji had been advanced in sugar cane plantations; however, Fijians were not the only society that sought to expand this sector. During the colonial era, the British allowed the colonial landowners in Fiji to import a large number of workers from India to work on the sugar fields (Barclay&Cartright, 2007: 90). Between 1879 and 1919 over 60, 000 Indians came to Fiji to solve the labor problems of the European sector. Those Indian laborers were mostly retired people and later on half of them became permanent residents in Fiji. In time, the population of Indo-Fijians came closer to the ethnic Fijians. In the 1970s more than half of Fiji's population had Indian roots. (Serrano, 2007: 184; Tarte, 2010: 71-72; MacNaught, 2016: 2; Weber, 2017: 5-9).

The relations that started with the settlement of Indian workers for economic purposes also had an impact on the political sphere. Fiji tried to balance the political desires of the natives and Indians, but it was not successful. There was a potential for unrest (Fraenkel&Firth, 2009: 4; MacNaught, 2016: 8). The overall ethnic and racist separation multiplied in Fijian internal politics deeply (Lawson, 2015: 212). The need for a strong military force to support the police in internal security was one of the facts of those times. The importance of the military increased gradually and the military took responsibility in the nation-building process. The increased strength of the military affected Fijian politics and paved the way for the emergence of a coup culture. This was also one of the main reasons behind the uneasy ethnic relations between the Indo-Fijians and ethnic Fijians in the contemporary Fiji politics and economy (Fraenkel&Firth, 2009: 4; Tarte, 2010: 79). The Fijian politics after independence could not achieve full democracy because of the consolidated race-based political system and ethnic conflicts (Lal, 2009b: 82).

### 3.1.2. After Independence

After almost a century of the colonial experience, Fiji achieved its independence in 1970. Fiji's relations with the European powers continued after its independence (Weber, 2017: 6). Fiji participated in the international community by joining both the United Nations (UN) and the Commonwealth in 1970. Membership to the UN was the beginning of Fiji's foreign diplomatic relations because Fiji was the only Pacific island state in the UN at that time and this privilege provided Fiji with the opportunity of participating in a broader international environment (Lawson, 2015: 210-211). Membership in Commonwealth was a signal of continuation of British and Fijian relations under a political association with the membership of mostly former colonies of the British Crown (House of Commons Foreign Affairs Committee, 2010: 13). Thus, as a former colony of Europe, Fiji has been connected in terms of economy, politics, and history with the EU members by means of its colonial past with the British than with any regional actors in its neighborhood (Siekiera, 2015: 164). Specifically, the roots of the relationship between the EU and Fiji as an ACP country developed legally since 1975 when Britain accessed to the Common Market Organization (CMO)<sup>9</sup> as the former colonizer of Fiji. CMO for sugar was opened up to third countries and Fiji became part of it (Serrano, 2007: 173-184).

Apart from international organizations, Fiji also entered a regional organization. Fiji's membership to a regional organization reflected the increasing significance of Fiji in the Pacific. Fiji's first prime minister facilitated the process by pushing for reform of the South Pacific Commission (the Pacific Islands Forum, later “the Forum”) and the creation of a new regional organization to discuss regional issues. Fiji's significance in regional affairs was the product of the discourse of Fijian first Prime Minister, because he was the one who brought up the idea of the “Pacific Way”. Pacific Way was a type of political stance for calm and orderly regional relations after independence (Lawson, 2015: 210).

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<sup>9</sup> The Common Market Organisation (CMO) for sugar was established between the EU countries in 1968 to ensure a fair income for community sugar producers and a regular sugar for the Community market. Since its establishment, CMO for sugar has been one of the pillars of the Common Agricultural Policy (OECD, 2004).



After independence, Fiji became an economically attractive country for the international community. Fiji was economically in a good shape compared to other Pacific Islands and its population had a large share in that (Weber, 2017: 2). Moreover, Fiji has always been a significant country in terms of its tourism sector and sugar-production industry. Thanks to its location, the fishery also provided economic advantage for Fiji. Tourism and remittances provided foreign exchange earnings and helped improve the current account balance. Moreover, the aid flows that Fiji started to receive before its independence increased noticeably following its independence in 1970. Actually, during the post-colonial era, almost all of the newly independent Pacific Island nations experienced a sudden influx of interest from western donors. Aid to Fiji came from a variety of donors such as the US, Australia, Japan, and especially the UK (Hanks, 2011: 44). Thus, Fiji can be considered as one of the most economically prosperous countries in the Pacific.

Gradually, the international aid policies were designed so as to contribute to the economic development of Fiji; the United Nations Development Program, for instance, supported specific industries in Fiji such as fishery and sugar (UNDP, Barclay&Cartright, 2007: 90-92). Moreover, the EC became one of the first development partners to provide aid support in the region through special projects (Laporte& Piñol Puig, 2013: 8). Aid was seen as a tool for Fiji's political change in line with European values (Finin & Wesley-Smith, 2001: 11; Fraenkel&Firth, 2009: 4; Hanks, 2011: 45-49). In this vein, the most notable symbol of the EEC aid policy to Fiji was the Lomé framework. Fiji, together with Tonga and Samoa, were the first Pacific signatories to the Lomé I Convention in 1975. The Lomé Conventions constituted the core of the EC's development co-operation policy for Fiji until 2000 on various sectors, especially on sugar, because the Sugar Protocol was first annexed to the Lomé Agreements in 1975. The EC provided varying levels of aid to Fiji since the mid-1970s within the scope of Lomé. After 2000, Fiji became one of the fourteen Pacific ACP States which signed the Cotonou Agreement (Serrano, 2007: 173-184). According to the European Commission, since the first Lomé Convention in 1975 until 2007, the EC allocated more than €230 million to Fiji through the European Development Funds (EDF), budget funds, and European Investment Bank contributions (Michel, 2007: 70).

Fiji's independence had been achieved without serious conflict with its colonial power, and therefore the relations with Britain continued normally afterwards (Weber, 2017: 6). Positive relations facilitated Fiji's existence in the international economic and political arenas. However, Fiji's domestic political situation turned out to be unstable since its independence (Lawson, 2015: 209). Post-independence politics came to be dominated by Ratu Sir Kamisese Mara and his Alliance Party. The main parliamentary opposition was represented by the National Federation Party. The country tried to hold parliamentary elections since its establishment and to have a democratic rule. However, coup d'états turned into a tradition in the political sphere that led to unending internal and also external instability in Fiji (Tarte, 2010: 72). "Coup Culture" has become a phrase that is associated with Fiji because of Fiji's complex political history after the 1970s. This has also been referred to as the "coup cycle" (Adriaens, 2012: 34). Since gaining independence in 1970, Fiji experienced four coup d'états - two times in 1987, in 2000, and in 2006 (Serrano, 2007: 184; Fraenkel&Firth, 2009: 4). The ethnic tension was one of the main factors behind the first three coups.

Thus, Fiji experienced its first two coups in 1987 that were somehow a consequence of the past ethnic divisions in the country (Hanks, 2011: 59; Weber, 2017: 1). The military takeovers aimed to preserve the ethnic Fijian political supremacy because the elections had challenged it (Naidu, 2007: 28; Fraenkel&Firth, 2009; Adriaens, 2012: 34; Lawson, 2015: 211; Weber, 2017: 9). In the second coup, Rabuka as the coup leader canceled the constitution and declared Fiji as a republic (McCraw, 2009; Hanks, 2011: 60; Lawson, 2015: 211). In other words, the year 1987 showed that after its independence, Fiji had failed to adapt to democracy.

The 1987 coups were unexpected for the Pacific region and also for the international community because they were the first in the region, and, they provoked regional and international reactions. Fiji was excluded from the Commonwealth immediately (Weber, 2017: 9). It was a signal of worsening relations with Fiji's former colonizer. The main regional partners of Fiji, Australia and New Zealand, also openly criticized Fiji, but they used smart sanctions to prevent negative effects on ordinary people. Australia's and New Zealand's stances were in tune with the western support for democratic rule and civil and political rights globally

(Lawson, 2015: 212). Also, in the Forum (Pacific Islands Forum) meeting at the end of May 1987, Fiji was described as worrying. India was also one of the countries which criticized the post-1987 regime for its anti-Indo-Fijian policy. The United States and the EC's responses were similar to those of Australia and New Zealand. The EC announced a number of measures against Fiji that were in the scope of the Lomé Convention. The EC referred to the breach of Article 5 on the elements of democracy and the rule of law, and applied Article 366a of the Lomé Convention to freeze aid from the EC. In this regard, the EC canceled assistance to Fiji's government along with naval visits, joint military exercises and restricted licenses for arms or security equipment for export to Fiji (Hanks, 2011: 63-64; Lawson, 2015: 211- 212).

The constitutional changes introduced in the post-coup period intensified the ethnic divisions. The new political system had the potential to marginalize considerably the Indo-Fijians in the long run (Lawson, 2015: 211-212). The two 1987 coups paved the way for a growing tide of nationalist unrest (Tarte, 2010: 72). As a result of the 1999 election, Fiji experienced its third and most violent coup on 19 May 2000; it was essentially an ethnic nationalist coup (Naidu, 2007: 30; Hanks, 2011: 61; Lawson, 2015: 211-212). The former CEO of the Fiji Hardwood Corporation, George Speight, attacked Fiji's Parliament as a civilian with the support of retired military Major Ilisoni Ligairi. They held the whole cabinet hostage for almost 60 days (Serrano, 2007: 184; Hanks, 2011: 62; Lawson, 2015: 213; Weber, 2017: 9). Although the 2000 coup was not triggered directly by the military, Speight's rebellion was approved by the internal balance of forces within the military (Fraenkel&Firth, 2009: 5; Tarte, 2010: 72). The 2000 coup was much more violent compared to the previous crises. The resistance to the Republic of Fiji Military Forces (RFMF) in some parts of the country had been brutally repressed. Furthermore, various troubles such as curfews, power and water cuts unexpectedly took place in the country. Not only the politics but also the population was affected in a negative way (Fraenkel, 2009: 43-53).

Following the 2000 coup, as in the first two 1987 coups, there were regional and international reactions. The EU reaction came in line with the provisions of the newly signed Cotonou Partnership Agreement, because, in June 2000, Pacific

governments had signed a new treaty with the EU and other ACP states (Morgan, 2015: 254). Accordingly, Fiji's payment under the 8<sup>th</sup> EDF was suspended. However, the draft resolution to impose economic sanctions on Fiji was rejected in Brussels at the ACP-EU Joint Parliamentary Assembly. Rather, it was agreed that all planned development projects would continue until the 2001 elections under the EDF (European Commission & Republic of the Fiji Islands, 2006: 2). The decision meant that the EU had been convinced that the situation in Fiji would return to normal because Fiji showed its commitment to go to the elections in 2001.

In 2001, the general election was held as promised to the EU. Qarase as the leader of pre-interim government and his Soqosoqo Duavata Lewe Ni Vanua Party (SDL) won the 2001 general elections (Tarte, 2010: 72; Lawson, 2015: 213). The international monitoring missions evaluated the 2001 elections as free and fair. As a result, Australia resumed its full aid program, and the decision to suspend Fiji from the Commonwealth was removed in December 2001. The sanctions imposed by the EU were also lifted at the beginning of 2002. It was the signal of the normalization of Fiji's foreign relations (European Parliament, 2002: 6; Lawson, 2015: 213).

### **3.1.3. Road to December 2006 Coup**

Qarase had been elected democratically, however his government failed to restore democratic peace to Fiji due to its nationalist and separatist practices associated with the past (Hanks, 2011: 62). When he won the election, Qarase found the opportunity to implement intensive nationalist and anti-Indian policies (Weber, 2017: 3). Some policies of Qarase paved the way to further unrest in the military. The head of the RFMF, Commodore Frank Bainimarama, argued that Qarase's administration was the primary responsible for the political instability of 2000 (Lal, 2009a: 23). RFMF hostility to the Qarase government became apparent when the decision to restore the 1997 constitution and restructure the military were mentioned (Fraenkel, 2009: 45).

In 2005, tensions started between the Qarase government and Bainimarama. Bainimarama argued that "security means a clean and corrupt-free country" (Tarte,

2010: 73), and "Corruptive practices had to end in a determined way, and the sooner the better." (Lal, 2009a: 23). However, the Qarase government did not accept the accusations and highlighted his willingness to end corruption (Lal, 2009a: 23). In the middle of the tension between the military and the government, Fiji held its tenth general election in 2006 August since independence in 1970 (Lal, 2009a: 26). In the elections, Qarase's SDL party won for a second term by winning the majority of the votes (Lal, 2009a: 27). After the elections, Qarase immediately attempted to fire Bainimarama from his position (Hanks, 2011: 65; Lawson, 2015: 213). The government's attempt to remove Bainimarama made the situation worse (Lal, 2009: 30; Fraenkel, 2009: 46). Bainimarama argued that Qarase tried to weaken the army through that attempt and accused the government of supporting dissent in the army (Lal, 2009a: 25-29). However, more important was the personal threat to the commander. It was one of the main reasons behind the 2006 coup. After Bainimarama's arrival in Fiji from a mission in the Middle East, Bainimarama declared that nothing could stop the intended anti-corruption campaign (Fraenkel, 2009: 47).

By early October 2006, Bainimarama announced a three-week deadline for the Qarase government to comply with RFMF demands or resign (Lal, 2009: 29-30; Fraenkel, 2009: 47). In early November, Bainimarama repeated his "non-negotiable" demands, such as the resign of Police Commissioner Andrew Hughes, withdrawal of two Bills, removal of people from offices who took a role in the 2000 coup, and so on. However, Qarase neither complied with those demands nor resigned (Lal, 2009: 33). Thus, Fiji experienced another devastating process in December 2006 because it failed to take lessons from its recent past and the effects of the coup-culture (Lal, 2009a: 21; Fraenkel, 2009: 44). On 5 December 2006, Fiji faced another coup initiated by Bainimarama against the Qarase government (Roth, 2009: 65; Fraenkel&Firth, 2009: 6; Fraenkel, 2009: 43; Lal, 2009b: 67). Bainimarama named December 2006 coup as "the coup to end all coups" (Lawson, 2015: 213).

#### **3.1.4. Reactions to “Coup to End All Coups”**

Bainimarama tried to justify the coup. He defined the 2006 coup as necessary and guaranteed that it would not threaten anyone (Lawson, 2015: 214). Bainimarama believed that Fiji's overall governance situation had seriously deteriorated (Fraenkel&Firth, 2009: 10). He tried to justify the coup as an attempt to provide good and anti-corrupt governance (Lal, 2009b: 84). Bainimarama claimed that the government's incapacity and deep corruption were enough to justify the takeover (Fraenkel, 2009: 48-49; Lal, 2009b: 67). The military also hoped that its justification would be found persuasive by its international trading partners. However, the military's declared intentions did not suffice to stop reactions coming from the international community (Lawson, 2015: 214).

During the weeks before the coup, international support and local diplomats gathered behind the Qarase government, especially at a meeting of the Forum (Fraenkel, 2009: 48). Australia, New Zealand, the Forum, and Commonwealth Secretariats, the United Nations Security Council, and the EU announced their support for the Qarase government, because it was a coup against a democratically elected government (Lal, 2009: 36). They made clear their disapproval of the commander's intended coup and threatened sanctions. The United Nations threatened to withdraw Fiji peacekeepers serving with the UN as this could have damaged the military considerably (Fraenkel, 2009: 48).

When the coup occurred, the first condemnations came from the UN Security Council, the EU president, the Commonwealth, and Norway, Japan, Singapore, Australia, New Zealand, Papua New Guinea, Vanuatu, and the Forum itself (Lawson, 2015: 214). It would be meaningless not to expect both regional and international sanctions to this coup because the military had overthrown a democratically elected government. Although the military had plans to promote good governance and to end the alleged corruption, their action was under the cover of guns and the reaction of the international community was predictable (Lal, 2009b: 85). Off-shore partners and regional partners of Fiji chose to deploy measures in the form of diplomatic and other sanctions (Lawson, 2015: 214).

In the regional scope, New Zealand and Australia as Fiji's close trade and investment partners took a position in the Pacific Islands Forum and the Commonwealth (Lal, 2009b: 84; Fraenkel&Firth, 2009: 14). After each coup, New Zealand and Australia had preferred "soft" pressures trying to bring the country back to democratic principles of governance. That was directly related to Fiji's strategic importance for them. (Weber, 2017: 7). Similarly, following this coup, Australia and New Zealand just imposed travel bans, froze their development assistance, banned ministerial talks, and canceled soldier training. However, they did not impose trade sanctions in order not to affect businesses between the Fiji (Fraenkel, 2009: 49; Lal, 2009b: 84; Lawson, 2015: 209; Weber, 2017: 9). Also, Australia announced its regional commitment to democracy and good governance as Forum members were bound with certain key values such as democratic processes and institutions; and the peaceful transfer of power. However, Fiji failed to reflect its commitment to those values and this constituted the basis for Fiji's suspension from the Forum later in 2009 (Lawson, 2015: 213). It meant that Fiji was excluded from regional security dialogues within the Forum (Tarte, 2010: 75).

At the international level, the sanctions from the United States, the Commonwealth, and the European Union were significant and clear-cut (Lawson, 2015). The commander faced huge international pressure to hold an election and return to democracy as soon as possible (Fraenkel&Firth, 2009: 14). In this vein, the US canceled military cooperation and suspended its aids to Fiji (Fraenkel&Firth, 2009: 14; Weber, 2017: 9; Lal, 2009b: 84). In May and September 2009, Fiji immediately was suspended from the Pacific Islands Forum and the Commonwealth, and it was a real turning point in Fiji's foreign policy and its relations with the international community. Fiji became one of the only two countries that experienced suspension from the Commonwealth (Komai, 2015: 111; Lawson, 2015: 214).

The response to Fiji's 2006 coup from the EU was also noteworthy because it was sharp and comprehensive. Sequentially, the EU, like other partners, started out its reaction by condemning the situation and took a position with the Qarase government. Immediately, on 11 December 2006, the Council condemned the coup in Fiji (Commission of the European Communities, 2009: 5). The Council stated: "The Council condemns the military takeover in Fiji and the removal of the

democratically elected Government. It deplores the actions by Commodore Bainimarama and the RFMF in deposing the Prime Minister and assuming executive control of the country. The Council calls for the urgent and full restoration of democracy as well as the return of civilian rule as soon as possible." (Commission of the European Communities, 2007b). The EU condemnation was in fact directly related to the Cotonou Partnership Agreement framework existing between the EU and ACP countries, and its normative agenda.

On 13 December 2006, the European Parliament published its resolution on the coup d'état in Fiji. The resolution was an answer to the request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy, and the rule of law. In this resolution, the European Parliament called on the Commission and the Member States 'to immediately cease all non-humanitarian aid to Fiji, as specified in Article 96 of the Cotonou Partnership Agreement'. In addition, Parliament openly advised some measures that should be applied against Fiji such as an immediate travel ban in order to warn of the potential dangers in Fiji, till the resolution of the situation. On the other hand, the Parliament described Fiji's economy as crippling, and mentioned the delayed sugar production (European Parliament, 2006; Commission of the European Communities, 2007b).

On 17 January 2007, a communication was sent from the Commission to the Council on the opening of consultations with Fiji under Article 96 of the Cotonou Agreement. According to the Commission, there was a regime change in Fiji, and this was a case of "special urgency". The Commission mentioned the significance of enhanced dialogue under Article 8. "The European Union will continue to follow the situation in Fiji closely. Under Article 8 of the Cotonou Agreement, an enhanced political dialogue will be conducted with Fiji to ensure the respect for human rights, restoration of democracy and respect for the rule of law. If there is a slowing down, breakdown or reversal in the implementation by the Interim Government of the commitments made, the EU reserves the right to adjust the appropriate measures". The European Commission chose to request to have formal consultations with the new rulers to discuss their commitments before deciding on appropriate measures to be taken. In this regard, the Commission proposed that "the Council invites the Republic of Fiji Islands to hold consultations under Article 96 of the revised Cotonou



Agreement”. In this regard, the Commission proposed financing sugar reform in Fiji during the consultation period (Commission of the European Communities, 2007b).

The EU is eligible to impose political conditionality on its aid and trade partners with the 78 member states of the Africa, Caribbean and Pacific countries including Fiji under the Cotonou Partnership Agreement (Fraenkel&Firth, 2009: 14). What happened on the 5th December of 2006 in Fiji was a direct violation of Article 9, which clarifies the essential elements of the Cotonou Partnership Agreement. The coup was a direct sign that human rights, democracy, and the rule of law, the essential elements in question, had been violated. (Commission of the European Communities, 2007b: 1; Weber, 2017: 17). In this regard, the EU demanded a consultation process with Fiji under Article 96 to end concerns over the violation of essential elements. Article 96 of the CPA foresees that if a Party considers that the other Party fails to fulfill essential elements of Article 9, a solution has to be found with all parties. Thus, after the 2006 crisis, the EU, on 17 January 2007, invited Fiji to hold consultations to decide the measures to be taken to remedy the crisis. (The EU Commission, 2007: 1-2; Commission of the European Communities, 2009: 2-5).

The formal part of those consultations began in Brussels on 18 April 2007 with the Fijian authorities. On 18 April 2007, when a Fiji delegation went to Brussels for a consultation meeting, the EU reminded them of Article 9 of the ACP–EC Cotonou Agreement to the effect that “Respect for human rights, democratic principles and the rule of law constitute the essential elements of the Partnership Agreement” (Lal, 2009b: 87). The EU showed its willingness to help improve the situation in Fiji through consultations to avoid suspension of the cooperation (Commission of the European Communities, 2007c: 1; Roth, 2009: 66), and “to continue and deepen the political dialogue with Fiji if certain conditions were met”. The EU’s demands were as follows: “respect for democratic principles; holding parliamentary elections by March 2009; respecting the rule of law and protecting human rights and fundamental freedoms of its citizens; and protecting the independence and integrity of the judiciary”. The EU agreed to maintain the sugar reform because the EU has been historically the main market for Fiji’s sugar exports under the CPA, and Fiji’s sugar industry deeply needs a regular flow of aids from the EU (Commission of the European Communities, 2007c; Lal, 2009b: 87; Roth, 2009: 64).

At the beginning, the interim government appeared as solution-oriented and embraced a number of key commitments in April 2007 regarding the EU's demands concerning the essential elements to remedy the problems identified by the EU (Commission of the European Communities, 2009: 5). The military government, as mentioned previously, had tried to justify the coup by claiming that it would be the way back to democracy and to the rule of law in Fiji. For this reason, the military government seemed willing to accept the EU demands. In this vein, Fiji agreed to maintain political dialogue with the EU under Article 8 of CPA (Roth, 2009: 66). The EU was pleased that the Interim Government confirmed a number of key commitments, and agreed to close cooperation regarding the monitoring and verification of the commitments. Nevertheless many important commitments concerning essential elements of CPA were not implemented. For this reason, consultations with the Fiji Islands under Article 96 were concluded and the Council decided to adopt appropriate measures (Council of the European Union, 2007b: 1-5).

On 1 October 2007, the European Council decided "to establish a degree of parallelism between Fiji's respect for the agreed commitments and development cooperation in the context of appropriate measures" (Commission of the European Communities, 2009: 2). Firstly, the EU, as a positive measure, paid attention to support civil society and continued its humanitarian aid as a positive measure with a view to returning to democracy. On the other hand, the EU, as an act of political conditionality, restructured its EDF under the CPA. The EU announced that the allocation of the 10<sup>th</sup> EDF, which was more than \$400 million aid, was dependent on the holding of credible and timely elections in March 2009. Thus, the EU, the main importer of Fiji sugar, demanded from the interim government to hold elections in 2009 and the EU's sugar allocation for the following years was made conditional on the existence of a new legitimate government and democratic process. Only the fulfillment of conditions could save the full cooperation between the EU and Fiji (Commission of the European Communities, 2009; Roth, 2009: 66 Fraenkel&Firth, 2009: 14). This meant that the EU, like the US, imposed sanctions specifically related to its development assistance.

Nevertheless, the interim government in Fiji did not fulfill the demands that were brought forward during the consultations under Article 96 of the CPA. Rather, several regressive developments were observed as human rights violations continued.

On 10 April 2009 the interim government of Fiji canceled the Constitution, removed all judges, and declared that elections would not take place until September 2014. Thus, in the Fijian case, consultations did not lead to an acceptable solution. With this attitude, the interim government unilaterally broke the key commitments that had given in April 2007. Fiji was also under a state of emergency and freedom of expression had been at a really disappointing level (Commission of the European Communities, 2009: 2-5; Lal, 2009b: 87). In mid-June 2009, Bainimarama rejected any externally imposed time frame for holding the next general election. He argued that it was Fiji, not the international community, who would decide when the elections would be held. After his statement, he changed the date for elections for several times, as a sign of his reluctance to leave the power (Lal, 2009b: 87). The failure of the interim government to act in line with its key commitments caused losses for Fiji in terms of the EU development aids.

Each coup that occurred in Fijian history led to decreases in aid flows (Overton, 1999: 178). Fiji's reluctance to keep its promises endangered future aid to Fiji Islands. The EU would not stop sanctions until Fiji returned to parliamentary democracy in the specified time frame because the timing of the general election was crucial in the context of Fiji's ongoing aid negotiations with the EU. Before the 2006 coup took place in Fiji, the EU aid to Fiji was due to increase very significantly in order to support the sugar sector reform (Commission of the European Communities 2007c).<sup>10</sup> However, the EU announced that the 2009 sugar allocation for Fiji under the 10<sup>th</sup> EDF had been canceled (Commission of the European Communities, 2009: 2). It meant that the EU cut its funds that would compensate the effects of the removal of price support for Fiji's sugar exports to the EU market. The EU sanctions decreased the price paid to Fiji by 36 percent (Tarte, 2010: 74). When Fiji totally rejected the 2009 elections contrary to what the EU expected to see, the EU decided to extend its sanctions. The Commission proposed to the Council to extend the current Decision for a further 6 months ending on 31 March 2010 (Commission of the European Communities, 2009: 2). Without a lack of changes in Fiji and without elections before 2014, the EU measures remained in place and Fiji continued to fail to benefit from the development funds (Commission of the European Communities,

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<sup>10</sup> The EU aid to Fiji's sugar industry is estimated at around \$400 million (Lal, 2009b: 87-89).

2009: 3-6).

As the process continued, the EU continued to publish reports on Pacific and Fiji Islands. In those reports the EU stated its priorities in relation to Fiji as: supporting Fiji in diversifying its economy and promoting sustainable rural livelihoods, notably the sugar sector; promoting good governance and rule of law; and building resilience to climate change impacts and ocean governance in the framework of the Sustainable Development Agenda (Sabev, 2019).

In the Pacific, Fiji is the second-largest trading partner of the EU (European Commission, 2014c). However, it has been often stated that Fiji Island's economy is fragile and often depends on sectors such as tourism, fishing, and cane sugar. In this vein, the EU announced its willingness to support Fiji in removing the obstacles to the ratification by Fiji of the Economic Partnership Agreements (EPA). (Eurostat, 2007: 3-6). The Fiji Islands were scared to lose its preferential access to the EU market for sugar and considered the EU sugar policy changes as a threat to their income (Serrano, 2007: 170-174). For example, with the Sugar Protocol, Fiji became eligible to benefit from higher sugar prices on the EU market than Fiji could get on the world sugar market. However, Fiji could not benefit too much, because it was not able to produce sufficient sugar in order to benefit from the higher prices (Laporte& Piñol Puig, 2013: 10). From 2002 to 2006, Pacific officials presented unique proposals for a deal with the EU such as sector-specific strategies to encourage investment in Pacific tourism and agriculture; measures to reduce the cost of business finance in the Pacific; temporary access to the EU for Pacific Island workers; and an agreement on fishing rights. However, the European Commission did not pay sufficient attention or make the expected effort regarding the Pacific's proposals (Morgan, 2015: 256).

The Eurostat which is the statistical office of the EU published papers concerning trade statistics in the framework of EPAs. The statistics showed that the Pacific did not have significant amounts of trade with the EU during 2006 and the trade volume between the EU and Pacific countries including the Fiji Islands had not changed much since 1999 (Eurostat, 2007: 3-6). The Commission also published a final report on the evaluation of the EU's cooperation with the Pacific region between 2006-2012. It was argued that the 2006 coup in Fiji had had a strong negative impact on regional cooperation and regional policy dialogue. Moreover, Fiji

was referred to as a case limiting the effectiveness of EU programming and weakening the capacity of beneficiaries (European Commission, 2014b: 1-30). Frequently, the EU pointed out the importance of taking concrete steps for the effective implementation of the EPA to expand Fiji-EU trade and investment opportunities (Lal, 2018).

The Government of Fiji agreed to apply the EPAs only in July 2014. Concerning this decision, the EU spokesperson for trade said that: “Fiji’s decision to apply the Economic Partnership Agreement is a very significant step in our relationship. This agreement is a true partnership for trade and development. The EPA is one of our main tools to assist developing countries, such as Fiji, on their path to economic growth and diversification of their economies”. It meant that Fiji committed itself to one of the provisions of CPA concerning regional integration and creation of more effective markets through EPAs, but as late as in 2014 (European Commission, 2014c).

2014 was also the year that the Fijian government held an election after almost eight years. Thanks to the 2014 elections, the Fiji Islands normalized its relations with its old partners including the EU. The elections enabled the Fiji Islands to collaborate with other countries and provided economic development and international acceptance to the country. After the elections, in 2015 Fiji led the Pacific Islands delegation at the 23rd meeting of the Conference of Parties (COP21) in Paris on climate change. In 2016, Fiji was selected by the United Nations Framework Convention on Climate Change (UNFCCC) to organize the 23rd meeting of the Conference of Parties (COP23). In 2017, Fiji co-hosted the United Nations Oceans Conference in New York (Komai, 2015: 119; Weber, 2017: 10-17). It was apparent that the regional role of the Fiji Islands experienced a shift in the climate change area.

The 2018 EU Annual Report on Human Rights and Democracy in Fiji stated that the 2018 Fijian General Elections were credible, inclusive, and transparent. After the 2018 elections, Fiji was elected to the UN Human Rights Council for a three-year term between 2019 and 2021. The EU, during the 3rd EU-Fiji High-level Political Dialogue under Article 8 of the ACP-EU Partnership Agreement of May 2018, stated that "the key focus areas were to continue to promote access to justice and respect to human rights. Besides, support has been provided to Fiji's prominent role on the

international stage with regards to fight against climate change, in particular its Presidency of COP23 under the UNFCCC” (EEAS, 2019). The 11th EDF for 2014-2020 period also paid attention to the areas such as sustainable management of natural resources and environment; climate change and poverty reduction and social and economic development (European Commission, 2015b; 6-9).

The process shows that the relationship between the Fiji Islands and the EU has evolved from colonial relations to economy-based relations. The relationship based on economic development was maintained despite political difficulties, but did not reach a significant volume. Although there has been a great attempt from both parties to enhance the areas of cooperation, the political relationship has recently been confined to the areas of newly emerging climate-based policies.

### **3.2. NIGERIA**

Nigeria is a country located on the Atlantic Coast of West Africa and has borders with the countries of Benin, Niger, Chad, and Cameroon. The Niger Delta is one of the most notable features of Nigeria, which provides massive oil resources to the country, almost 80 percent of the total revenue (Ibrahim, 2007: 6; Khakee, 2007: 1; Appiah&Gates, 2010: 236). Nigeria also represents the most populous nation in Africa and is one of the world's largest oil producers in terms of its GDP. Nigeria's political experiences also make it unique as a democratic country currently in the African continent (Khakee, 2007: 6; Martinelli&Ilo, 2012; Uzoma&Isaac, 2013: 112). However, Nigeria's recent troubles were the outcomes of its past experiences (Fafola&Heaton, 2008: 10-15).

**Figure 2:** Nigeria Map



Source : <https://geology.com/world/nigeria-satellite-image.shtml>

### 3.2.1. The Past Relations with Europe

Nigeria's economic importance, thanks to its oil, gas, iron, coal, and palm oil resources, was noticed before its independence (Uzoma&Isaac, 2013: 112). Those resources made Nigerian land attractive for the countries that were looking for economic benefits. Although the Portuguese first arrived in Nigeria, it was the British who colonized it (Appiah&Gates, 2010: 236-238). Since the abolition of the slave trade, the British government had been searching for a way to have a legitimate trade relation, especially in Africa. The colonization process offered Britain this opportunity. Lagos became the first Nigerian territory that was taken over by the British in 1861 (Ezeogidi, 2019).

Nigeria became a strategic colony for the British in terms of the region's market capacity and raw materials, and through time, Nigeria became a commercial base for Britain (Appiah&Gates, 2010: 238; Ezeogidi, 2019). In this regard, the trade of palm oil trade developed between Nigeria and Britain during the 19<sup>th</sup> cc through

direct shipment (Potter, 2015: 88-90). The colonial relationship between Britain and Nigeria was further intensified by the trade treaties signed to lay down the customary trade rules. As a sign of the increasing commercial interest in Nigeria, the British companies were located in the country (Appiah&Gates, 2010: 238-240; Ezeogidi, 2019). However, as elsewhere in the other colonies, the intensified trade relations also contributed to the deepening of nationalist sentiments.

Nigeria has been a country with regional, religious, and ethnic divisions. Especially, there have always been clear-cut divisions between the North and the South, and between the Muslims and Christians which has turned into ethnic violence (Oliver&Crowder, 1981: 246; Campbell, 2010: 1). Those divisions in Nigeria had begun to take shape during the colonial times. Thus, the socio-cultural, economic, and the North and South divide were a product of the British colonial experience in Nigeria (Ibrahim, 2007: 6; Friel, 2014: 6).

British colonial rulers in Nigeria made an effort to separate the Islamist North from the Christian West in various matters, including the education system. A separate education system was thought to provide stability because Islam was believed to have the potential for violence. In this vein, starting with 1914, the British rule in Nigeria tried to merge more than 250 different ethnic groups and formed three different regions - north, southeast, and southwest as colonial-era zones based on partly ethnic divisions. After independence, those zones were adopted as the country's geopolitical zones. What Britain was doing in Nigeria was not a natural process; the cultural-political separation of the North sowed the seeds of nationalism in Nigeria that would cause various crises in the future (Ibrahim, 2007: 6; Appiah&Gates, 2010: 236-240; Friel, 2014: 6).

The British control in Nigeria increased gradually and changed the economic and political relations in the country. On the one hand, the British colonial existence had provided administrative and economic innovation for Nigeria. British investments in transportation and communication systems helped develop the Nigerian economy. On the other hand, some regions resisted the changes that were introduced by the British in the traditional administration rules and economic relations. Nigeria started to be defined by localized strategies of protest (Fafola&Heaton, 2008: 90-100; Appiah&Gates, 2010: 238-240; Ezeogidi, 2019).



WWI further provoked the protests, because during the WWI, the British enlisted thousands of Nigerians. The essence of the British policy in Nigeria was one of divide and rule that exacerbated the already existing religious and ethnic divisions (Appiah&Gates, 2010: 241). During the 1930s the political activities that would lead eventually to the independence of Nigeria started. However, those political activities also reflected the rise of class differences, ethnic and regional divisions (Fafola&Heaton, 2008: 110-136). The division of labor in military service had created crises that increasingly became multiethnic. The unstable management in the country contributed to the unrest between the Muslims and Christians over political power (Ibrahim, 2007: 6; Friel, 2014: 6).

### **3.2.2. After Independence**

On October 1, 1960, Nigeria became independent from the British rule (Oliver&Crowder, 1981: 246; Fafola&Heaton, 2008: 110-136; Appiah&Gates, 2010: 236-242). After achieving independence, Nigeria's politics was shaped with the Northern, Western and Eastern structures (Appiah&Gates, 2010: 242). The structure reflected pre-existing colonial zones in a sense.

Since its independence, Nigeria has had chronic problems concerning its governance such as the poor justice system, lack of state transparency, and widespread human rights abuses. Those problems were essentially rooted in ethnic, political, and religious conflicts (Khakee, 2007: 1). Within only four years after independence, Nigeria's vulnerability as such became apparent and the echoes of civil war started to be felt (Oliver&Crowder, 1981: 246). Especially, the first parliamentary election in 1965 caused widespread violence and facilitated the beginning of a military coup culture. The first military coup took place in 1966 (Oliver&Crowder, 1981: 246; Fafola&Heaton, 2008: 10-15; Appiah&Gates, 2010: 242). The corruption, political problems, electoral riggings had started to show themselves soon after independence and it was a signal for upcoming problems.

The first 1966 coup and the emergence of the civil war were related to both politics and the economy. Politically, the number of population located in different regions of the country was crucial because the population had a direct effect on the parliamentary seats. The 1962 census showed that Nigeria would be dominated by

the North (Oliver&Crowder, 1981: 246; Ibrahim, 2007: 6). Economically, the discovery of petroleum resources in the Niger-Delta region and later in the Eastern Region in the middle of the 1950s had increased the South's political power demands (Ibrahim, 2007: 1-7; Uzoma&Isaac, 2013: 112). In the development of Nigeria's economy oil revenues certainly played a key role (Oliver&Crowder, 1981: 246). However, it also led to the regional demands for power for economic purposes. Thus, the growth of Nigeria's oil economy helped trigger coups, political violence, electoral crises, ethnic politics, the politicization of the army, corruption as well as economic underdevelopment (Fafola&Heaton, 2008: 181 - 209; Campbell, 2010: 1; Uzoma&Isaac, 2013: 112). The 1966 coup and the following military governments can be considered as a direct result of Nigeria's growing oil economy and troubled political structure (Potter, 2015: 94).

The 1966 coup was followed by a counter-coup initiated from the North. Following this, the Eastern region attempted secession from Nigeria with the name of the Republic of Biafra in 1967. Until 1970, the country experienced a three-year civil war called the Biafra War. The civil war that lasted from 1967 to January 1970 was devastating. It exposed the regional and ethnic divisions in the country. However, in January 1970, the federal military forces put an end to the secession (Oliver&Crowder, 1981: 246; Appiah&Gates, 2010: 236-242; Uzoma&Isaac, 2013: 112; International Crisis Group, 2016: 1). The effects of civil war and increased awareness about the oil resources in Niger Delta, starting with the 1970s and intensified in the 1980s, prevented Nigeria's return to democratic civilian rule until 1999 (Rotberg, 2007: 17). Nigeria could only achieve a short-time civilian government between 1979 and 1983 (Fafola&Heaton, 2008: 181-209). Except for this period, the elections caused widespread violence and coups followed one another. Especially from 1984 to 1999, the country was seriously damaged by corrupt and abusive military governments supported by religious and ethnic divisions (Fafola&Heaton, 2008: 209-243; Campbell, 2010: 2; Appiah&Gates, 2010: 236). Overall, from 1966 to 1999, Nigeria experienced six successful coups, two failed coup attempts, and three alleged coup plots, and the country was generally governed by a series of military governments (Oliver&Crowder, 1981: 247; Potter, 2015: 94; International Crisis Group, 2016: 3).

On the other hand, the independence of Nigeria created opportunities for the entire international community to establish diplomatic relations with Nigeria. The first political ties with Nigeria have been observed especially in the economic field (Uzoma&Isaac, 2013: 112) because Nigeria was economically dependent on Britain (Fafola&Heaton, 2008: 110-136). Nigeria stayed close to Britain in various foreign policy issues after its independence, and continued to be one of the most important trading partners of Great Britain. This close relationship also made Britain one of the largest aid donors of Nigeria among the European countries (Khakee, 2007: 14; Campbell, 2010: 5; Appiah&Gates, 2010: 242).

The EU-Nigeria relations started to take shape since Nigeria gained its independence (Khakee, 2007: 4). The EEC's foreign economic and political ties with Nigeria were established especially in the 1970s, under the Lomé Convention of 1975 (Uzoma&Isaac, 2013: 112; Bakare, 2019: 233). This date overlaps with Nigeria's enhanced economic importance in the region. Nigeria embraced a leadership role in the region of Africa while making efforts to promote economic integration between Africa and the EC. (Bakare, 2019: 233). The EC and its member states, including Britain, became the largest aid donors of Nigeria (Khakee, 2007: 1; Bakare, 2019: 236).

However, Nigeria and the EC could not have a smooth relationship due to the coup culture and the continuous military governments. After each successful or failed coup and election, the relations between Nigeria and the EC were interrupted. Especially between 1984 and 1999, the relations were in a really bad shape (Khakee, 2007: 4). The 1983 coup was a signal for the weakness of Nigeria's democracy after Nigeria's only experience with the civilian government during the short period of 1979-1983. However, the EC waited until 1993 to clearly respond to the political developments in Nigeria. Particularly during the rule of Sani Abacha (1993-1998), the response of the international community, including the EU, was noteworthy (International Crisis Group, 2016: 3), because the 1993 Nigerian presidential election which was supposed to introduce democracy in the country had been canceled and the military had once again received political power. For this reason, the military government was subjected to increasing international pressure to democratize the country. Between 1993 and early 1999, the EU and other international actors imposed limited sanctions

against Nigeria. The United States, the United Kingdom, and other countries recalled their ambassadors. The Commonwealth countries suspended Nigeria's membership, and both the United Nations and Organization of African Unity condemned Nigeria for its human rights record (Adetula et al., 2010: 2; Saltnes, 2013: 1). The EU also applied negative measures to Nigeria. The EU suspended military cooperation and training, introduced travel restrictions for members of the security forces and their families, and restricted high-level visits. Especially in 1995, the political relationship between the EU and Nigeria had almost come to an end due to the protests against Shell operations in the Niger Delta. In 1995, cooperation between Nigeria and the EU was suspended. The EU withdrew its aid from Nigeria and its cooperation on project development ended. The EU strengthened travel restrictions, imposed an arms embargo, and suspended most development cooperation with Nigeria (European Council, 1999; Khakee, 2007: 4; Adetula et al., 2010: 2; Potter, 2015: 98). However, while sanctions were being imposed against Nigeria, emergency and humanitarian aid continued. The European Parliament provided EUR 7 million budget to support human rights and democracy in Nigeria in 1998 (Adetula et al., 2010: 2).

Although the military government's international image got damaged in the 1990s, Nigerians' hope for democracy started to grow. In mid-June 1998, the last military administration of General Abdulsalam Abubakar came to power following the death of the military dictator Abacha in 1998. Abubakar organized his program of transition to civilian rule and promised to hold democratic elections in May 1999 (Adetula et al., 2010: 3; Appiah&Gates, 2010: 236-243). Abubakar's willingness to carry the country to a different stage was supported by the country's key institutions. The Independent National Electoral Commission (INEC), the State Independent Electoral Commissions (SIECs), the emerging political parties and associations, and civil society groups provided technical assistance (Adetula et al., 2010: 3). The transition from military rule to civilian rule was achieved in the 1999 elections.

### **3.2.3. 1999 Elections, and the Road to Democracy**

Nigeria experienced a long period of military rule, over three decades, except for the short-lived Second Republic (1979-1983) (Adetula et al., 2010: 1). The 1999 election was held on time, and in May 1999 Nigeria elected its first civilian government. The 1999 elections were won by Olusegun Obasanjo of the People's Democratic Party (PDP) (Campbell, 2010: 1; Aluaigba, 2016: 142; International Crisis Group, 2016: 4). President Obasanjo governed Nigeria from 1999 to 2007 (Fafola&Heaton, 2008: 209-243).

Following the 1999 election the country made a transition from an authoritarian to a civilian regime (Aluaigba, 2016: 137). The election of Obasanjo was the sign of the end of military rule and the emergence of democratic rule in Nigeria's political history (Appiah&Gates, 2010: 236-243; Bakare, 2019: 234). The transition to civilian rule was also linked to the growing demands of the middle class for more stability in the country (Rotberg, 2007: 4). Thus, the election result was an opportunity for Nigerians who had been fed up with military dictatorship to embrace a democratic order (Aluaigba, 2016: 142).

After the return to civilian rule, the new Nigerian government asked the international community for resuming the funds, and announced its willingness to focus on reform projects and to respect the rule of law, democracy, and federalism (Ibrahim, 2007: 8). Nigeria's ask for help meant a manifestation of goodwill (Khakee, 2007: 14). Parallel to the government's desire, Nigerian people openly expected to see democratic governance, and economic and political development. As a response to the expectations, Obasanjo undertook a number of important reforms such as anti-corruption reform during his two terms of rule to uplift the country (Appiah&Gates, 2010: 243; Adetula et al., 2010: 1).

Obasanjo, first of all, put emphasis on effective civilian control over the military in order to prevent coup possibilities in the future (Adetula et al., 2010: 1; International Crisis Group, 2016: 4). Obasanjo's other priority was to solve the country's debt problem. In this regard, he tried to reach an agreement with the countries that Nigeria owed debts (Khakee, 2007: 5; Rotberg, 2007: 23). He succeeded to pay off the majority of Nigeria's external debt (Adetula et al., 2010: 1). He tried to establish an aggressive anti-corruption commission; restructured the

banking sector, and provided macroeconomic stability depending on oil and non-oil sectors (Adetula et al., 2010: 1). The government emphasized new strategic roles for the private sector in agriculture. The civilian administration from 1999 - 2007 gave importance to the agricultural sector to fight against poverty (Potter, 2015: 95). During the second term, the Nigerian government reduced statist policies, decreased the deficits, and improved accountability (Rotberg, 2007: 22). After 1999, the Nigerian government also focused on human rights violations committed during the military rule, and established a Human Rights Violations Investigation Commission (HRVIC) to end past injustices and prevent their repetition (International Crisis Group, 2016: 5). The National Assembly and the judiciary started to be more independent. The Supreme Court in particular addressed a number of key constitutional matters important for democratic consolidation (Adetula et al., 2010: 2). Although Nigeria had suffered from oppressive military regimes for years, it managed to have pro-democracy civil society organizations after 1999 (Fafola&Heaton, 2008: 211). Civil society groups and the media flourished. The number of NGOs increased. The traditional civil society groups such as the trade unions re-established their internal structures and regained political influence (Adetula et al., 2010: 2). The President Obasanjo got engaged in the Africa Leadership Forum and Transparency International to support democracy and to combat corruption (Ibrahim, 2007: 8).

Nevertheless, the progress was slow, and some of Obasanjo's reform promises remained largely unfulfilled due to lack of cooperation among parliament, other political elites, and civil society (Rotberg, 2007: 9; International Crisis Group, 2016: 5). During Obasanjo's rule, Nigeria failed to protect its citizens equally. The internal clashes continued right after the country's return to civilian rule and more than 12,000 people were killed and more than three million left their homes. Christians fought Muslims, and the indigenous fought nonindigenous groups. Corruption was still a fact (Rotberg, 2007: 20- 23).

The promises about the governmental reforms can sometimes be rhetorical, but had shown its willingness to be a democratic country (International Crisis Group, 2016). There was important democratic progress since 1999 compared to the previous years challenges (Adetula et al., 2010: 2). Nigeria showed that it could survive major crises directed to its new politics. Nigeria succeeded to define

itself as a secular state and also survived another census, historically a reason for competition and conflict (Rotberg, 2007: 5). Nigeria's democratic experience showed that improvement required a gradual process.

Since Nigeria's return to civilian rule in 1999, the international community displayed increasing attention to it mainly because they wanted to use the opportunity to reinforce and increase the effectiveness of human rights organizations and other civil society groups (Adetula et al., 2010: 7). The first reaction from the international community came from the Commonwealth of Nations in the form of lifting the suspension of membership (Appiah&Gates, 2010: 243). The EU and other donors as a symbol of their support to the political transition restored aid relationships with Nigeria. (Adetula et al., 2010: 3; Appiah&Gates, 2010: 236-243).

After the return to civilian rule, the relationship between Nigeria and the EU shifted to a different path, and the relations started to improve. The new President Obasanjo was welcomed by the West as a democratically elected leader (Khakee, 2007: 4). The EU lifted all the sanctions that it had applied against Nigeria in the 1990s. The European Commission decided to focus future cooperation on poverty reduction, promotion of democracy and good governance, anti-corruption measures, and the integration of Nigeria into the global economy (Adetula et al., 2010: 6). The exports from the EU to Nigeria increased following the end of military rule in the country in 1999 (Bakare, 2019: 238).

The economic relationship that existed under the Lomé framework improved further and the most comprehensive agreement, the Cotonou Partnership Agreement of 2000, was signed between the EU and ACP countries, including Nigeria. The first assistance package of €100 million covering the period of 1999-2000 was provided by the EDF Committee with the signing of the Cotonou Agreement for various projects to enhance the country's capability. €7 million was just for the promotion of democracy and human rights. The first project concerning the package started in the summer of 2001. Following the aid package, a strategy was signed between the EU and Nigeria. The strategic assistance covered the period of 2001-2007 and was worth of approximately €600 million via EDF. The strategy also aimed to support the 2003 elections. The EU allocated €6.5 million for this purpose (Khakee, 2007: 4-5; Adetula et al., 2010: 3-6; Bakare, 2019: 233-237). The percentage of British funds,

relatively speaking, was overwhelming. The British assistance focused on civic and voter education, domestic and international observation, and support to the Independent National Electoral Commission (INEC). The EU also worked with civil society organizations on democracy and governance areas and so on. For the period of 2003–2009, approximately €18.3 million was provided to Nigeria for 87 micro- and macro-projects concerning human rights promotion, gender issues, citizen participation and civil society capacity building, budget transparency and the role of the media (Adetula et al., 2010: 6).

The next election in Nigeria after 1999 was held in 2003. The 2003 elections were a test for Nigeria's democracy because it was the first election to be held by a civilian government. Again, President Olusegun Obasanjo won for a second term on 29 May 2003. However, the election was hurt with similar flaws; the election was as problematic as the 1983 election that had resulted in a coup (Aluaigba, 2016: 143-144). The EU announced some of the malpractices in its election report. The flawed election increased the fears of a return to military rule. However, it did not happen because citizens achieved to protect their right to a free and fair election. This was a positive sign for future democratic development (Ibrahim, 2007: 3).

In the light of the forthcoming 2007 elections, the support of the international community to help Nigeria's peaceful transition from one civilian president to another was apparent. Especially the US, the UK, and also the EU sought to reinforce Nigeria's efforts to hold credible national elections. The US allocated an amount of money to support the process by enhancing the INEC's capabilities, improving voter education and domestic monitoring programs, and increasing transparency, and so on. The UK also initiated a special "Nigerian Election Support 2007" program and allocated an amount in this vein to promote institutional and political reforms, technical assistance, and to help improve the functioning of INEC. Nigeria showed its willingness to accept observation missions from internal and external groups. Diplomatic missions along with international and regional organizations observed the elections together with domestic monitoring groups (Rotberg, 2007: 15).



#### **3.2.4. The 2007 elections and The EU's Stance**

The planned time for Nigeria's next election after the 2003 elections was April 2007. The 2007 election was one of the most critical elections for Nigerians and for the international community. Since Nigerian independence in 1960, it would be the first time in Nigerian history that one democratically elected President would transfer its political power to another. Because of the military coups in 1966 and 1983, a democratic election had not been repeated. For this reason, the 2007 Nigerian elections was considered as a test for democracy, not only in Nigeria but also throughout Africa (Rawlence&Albin-Lackey, 2007: 497-506; Rotberg, 2007: 21; Khakee, 2007: 10; Ibrahim, 2007: 2; Appiah&Gates, 2010: 243).

However, the 2007 elections were overshadowed with the malpractices and riggings before and during the election. Especially, before the election, President Obasanjo's attempts to prolong its rule to a third term with a constitutional change were a fiasco (Khakee, 2007: 9). Since President Obasanjo feared to lose its power, in 2006 he pushed the National Assembly to allow him to rule for the third term and demanded to amend the constitution. However, in May 2006, the National Assembly refused the constitutional reform proposal designed to enable President Obasanjo's rule in office for more than two terms being concerned that it would violate constitutional provisions and the improvements achieved since 1999 (Rotberg, 2007: 5-7; Ibrahim, 2007: 2; Alemika&Omotosho, 2008). The defeat of the proposal meant that although Nigeria had an anti-democratic political culture, the Nigerian people had a commitment to democracy. It also meant that Nigeria had learned the meaning of power-sharing as a norm (Rotberg, 2007: 5; Ibrahim, 2007: 9).

Nigerians managed to hold the election in April 2007 on time and this did not cause a military coup as in the previous elections. The 2007 elections signified a crucial step showing the country's willingness to fight for democracy and hold democratic elections (Adetula et al., 2010: 1; Rotberg, 2007: 7-9). Umaru Yar'Adua won the elections and became the new president (Rotberg, 2007: 10; Appiah&Gates, 2010: 243; Adetula et al., 2010: 1; International Crisis Group, 2016: 7). Although the 2007 elections were held on time and accompanied by

more limited violence than the previous elections, it was damaged by some electoral problems and riggings. It was clear that in 2007, as in 1999 and 2003, there was fraud in the election (Campbell, 2010: 2; Aluaigba, 2016: 136). The April 2007 election turned out to be one of the most discredited elections ever held in Nigeria's electoral history due to the high level of fraudulent practices (Aluaigba, 2016: 144).

The 2007 general elections reflected numerous electoral malpractices such as the existence of registration machines in the houses of politicians; incomplete registration of voters and identity cards; the use of violence; crimes by security agents, and connivance by polling officials and party agents to rig elections; the threat against voters; vote-buying; limited secrecy in the voting; false declaration of election results; snatching of ballot boxes; underage voting and so on (Ibrahim, 2007: 1; Rotberg, 2007: 7; Aluaigba, 2016: 146). There were also problems with a new computer system because there were daily power cuts all around the country (Rotberg, 2007: 7). These malpractices were confirmed by the European Council. The ethnic and regional tensions that had always been part of the Nigeria's political spectrum were also felt in the 2007 elections. The tension between the South and the North arose because the South wanted to keep its power and the North wanted to get power. However, the level of violence was more promising than the previous experiences because the census and the demographical debates concerning the regions had always been a traditional handicap for democratic elections (Ibrahim, 2007: 1-6).

All of these malpractices and problems were confirmed by both domestic and international observers who monitored the election process (Aluaigba, 2016 : 146). Yar'Adua himself acknowledged that the 2007 elections had some shortcomings (Khakee, 2007: 11). The international community described the 2007 general election as the most problematic election held in Nigeria (Bakare, 2019: 235) and defined it as "failed" and "discredited". After the 2007 election, the United States Agency for International Development (USAID) canceled all assistance to INEC and ended the IFES program (Adetula et al., 2010: 1-4). However, the EU's response to Nigeria's election was different from the US's reaction. The EU wanted to continue to support Nigeria despite all the problems in the election process (Adetula et al., 2010: 12).

The EU, through its Election Observer Mission, was one of the first -hand observers of the 2007 elections. According to the EU Election Observer Mission, at least 200 people, including policemen, were killed in the election-related violence. The Mission also confirmed the above-mentioned frauds. The conclusion of the mission review was that the election was flawed and discredited. The EU itself stated that it was disappointed and deeply concerned that these elections were damaged by many irregularities and by violent incidents resulting in a high toll of victims. Thus, the 2007 election was not regarded as characterized by democratic principles (Rawlence&Albin-Lackey, 2007: 497-506; Khakee, 2007: 10).

As a result of the situation in Nigeria, the Council and the Commission made the following statements. The Council accepted the fact that “the 2007 elections in Nigeria were disappointing”; also mentioned that there were numerous irregularities and acts of violence, with up to 200 people being killed and many more than that injured or intimidated. Council stated that “the situation in Nigeria is of great significance for the stability of West Africa and, ultimately for that of the continent as a whole”. On the other hand, the Council also showed its thankfulness that there was no evidence of religious or ethnic conflict in the election. The Council also hoped that “Nigeria will repeat the election process in instances where there is evidence of grave electoral fraud”. Most significantly, the Council did not support the idea of turning its back to Nigeria. Rather, the Council mentioned the importance of Nigeria’s stability and development to achieve the same for Africa as a whole. The Council stated that “one fundamental area of concern will be the continuing insecurity in the Niger Delta”. Thus, the Council openly supported the idea that “the EU should support Nigeria as it faces these challenges, and should involve itself in these areas in cooperation with Nigeria” (Council of the European Union, 2007; European Parliament, 2007b). The EU committed itself to foster dialogue with Nigerians in order to strengthen their mutual relations for good governance and democracy. The Council also mentioned its willingness to engage into a dialogue not only with ECOWAS, but also with the AU, the UN and the international community at large (Council of the European Union, 2007). The Council's comments and suggestions on the election results in Nigeria showed that although this election was not democratic, Nigeria's strategic

regional role in Africa required the EU to behave more prudentially.

The Commission, on the other hand, stated that “the 2007 federal elections fell short of basic international and regional standards for democratic elections and at least 200 deaths from election-related violence were also reported”. The Commission also mentioned that while Nigeria was one of the major powers in Africa, it missed the opportunity to set an example of successful consolidation of the democratic process for the rest of Africa. The Commission affirmed that many challenges and misgivings needed to be addressed. Otherwise, the Commission argued, this could have serious implications for the future. However, the Commission like the Council was also unwilling to adopt a rigid of position and thus supported the idea that “the political dialogue has to restart, with a broader range of players”. ECOWAS meetings were mentioned several times. In this regard, the Commission argued that “the 10th European Development Fund will also provide a crucial avenue for political dialogue in the scope of Articles 8 and 9 of the Cotonou Partnership Agreement, and also the opportunity to take into account lessons learnt from the elections” (European Parliament, 2007b). The Commission's and the Council's references to ECOWAS meetings were significant. It meant that the EU could not ignore the developments on EPAs that aim to provide regional integration.

On 15 May 2007, the European Parliament published a resolution on the recent elections in Nigeria. In the resolution the European Parliament aimed to wind up the debate on statements by the Council and the Commission. The European Parliament highlighted that “the 2007 state and federal elections in Nigeria fell short of basic international and regional standards for democratic elections and cannot be considered credible, free and fair”. The European Parliament called on the Commission “to submit to the Council and the European Parliament a coherent and credible proposal on EU post-election policy that respects the free choice of the population in a given country”. The resolution reflected the fears that the current “business as usual” policy is damaging and defeats the credibility of EU Election Observation Missions. The Parliament also supported the idea that “the EU aid to Nigeria should not be given to federal or state structures until new, credible elections have been held because this money must benefit the Nigerian people and should therefore be used for good

governance, democratization, voter education, and community-based basic social services, particularly through civil society organizations” (European Parliament, 2007a).

Despite such negative description and characterization of the election, the EU member states congratulated Yar'Adua for his election victory before his swearing-in ceremony on 29 May (Khakee, 2007: 10). Only the European Parliament was openly critical whereas the tendency of the EU member states was to return to daily business (Khakee, 2007: 2). However, the European Parliament did not prefer to mention the provisions of the Cotonou Partnership Agreement or specifically Article 9 and Article 96 in its motion for resolution. Rather, the European Parliament called on the Nigerian authorities to start negotiating with local populations on the future of the Niger Delta region, namely on its social, economic, and environmental development, and noted the importance of economic development goals for bilateral relations (European Parliament, 2007a).

Neither the EU institutions nor the EU Member States demanded activation of Article 96 under the CPA to enable the suspension of aids (Bakare, 2019: 235) despite the fact that the 2007 elections, being not fair and free, were a clear violation of the principle of democracy, explicitly stated in Article 9 of the Cotonou Partnership Agreement. After the 2007 elections, the EU and its member states adopted a cooperative stance by announcing their willingness to engage in dialogue with Nigeria in order to support Nigeria in its efforts to overcome the post-election difficulties. Parallel to the reluctance to activate Article 96 as the non-execution clause in the case of violation of Article 9 principles, the EU gave specialized funds for good governance and human rights projects such as on gender issues, civil society, and corruption, under the European Initiative on Democracy and Human Rights (EIDHR) (Khakee, 2007: 10-12). The EU and Nigeria continued to cooperate in areas such as peace and security, good governance and human rights, trade, and energy. As a result of the Nigeria-EU political dialogue, € 677 million for the period 2009 – 2013 was financed through the 10th EDF. Moreover, the EU continued to provide €40 million for projects for the period of 2006-2011 to strengthen the capacity of INEC which is responsible for preparing and organizing the elections in Nigeria (Khakee, 2007: 11).

The roots of political dialogue between Nigeria and the EU can be traced back to 2004 when the issues of common interest and mutual benefit in national and international terms were discussed and Nigeria's increased role in Africa and specifically in West Africa was explicitly highlighted (Strategic Communications, 2016). Nigeria and the EU decided in 2008 “to take their relationships to a new level through intensified dialogue and enhanced cooperation. In 2009, the parties signed the Nigeria-EU Joint Way Forward”. They agreed “to intensify their mutual political dialogue in main areas of priorities such as peace and security, good governance and human rights, economic development, including trade and regional integration, energy, environmental sustainability, and climate change”. (Press and Information Team of the Delegation to Nigeria, 2016; Bakare, 2019: 235). In addition, it was decided “to address issues such as migration, combating crime, health issues such as HIV/AIDS, malaria, tuberculosis, terrorism, and the proliferation of weapons of mass destruction” (Strategic Communications, 2016). This new cooperation initiative obviously increased the importance of Article 8 but also new articles such as Article 13 on migration and Article 31(a) (added with 2010 revision) on health issues<sup>11</sup> (Strategic Communications, 2016). The 2009 Nigeria-EU Joint Way Forward was a critical initiative to increase mutual dialogue in diverse fields, including civil society, private sector, and other non-state actors. It was also a complementary step of the CPA (Martinelli&Ilo, 2012). A key component of the Joint Way Forward is regional cooperation and integration. In this vein, the EU has supported Nigeria’s commitment to working with the Economic Community of West African States’ (ECOWAS) and the African Union (Strategic Communications, 2016). While AU aims to reduce poverty and promote development in Africa, ECOWAS aims to promote regional integration. AU and ECOWAS helped intensify the EU-Nigeria relationship because they provided new platforms (Bakare, 2019: 236). The growing importance of Nigeria's influence in the regional and in international arenas led to increased regional and international cooperation with the EU, and the parties agreed to set up a local dialogue on migration and development

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<sup>11</sup> Article 31 of Cotonou Partnership Agreement : “Cooperation shall support the efforts of ACP States to develop and strengthen across all sectors policies and programmes aimed at addressing the HIV/ AIDS pandemic and preventing it from hampering development. It shall support ACP States in scaling up towards and sustaining universal access to HIV/ AIDS prevention, treatment, care and support and shall in particular aim at ...” (Cotonou Partnership Agreement, 2014: 51-52).

based on Article 13 of the CPA. The primary aim of the dialogue was to prevent irregular migration. The enhanced dialogue and the main concerns focused in the dialogues reflected a sign of the interdependence between the parties as both sides committed themselves to seek to manage common or related problems such as migration, terrorism, and development (Press and Information Team of the Delegation to Nigeria, 2016). In its reports the EU mentioned that it aimed to help Nigeria with a view to achieving sustainable development based on peace, sustainable energy, access to electricity, health improvement, poverty reduction, investment, and economic growth (Berhe, 2020).

The EU publications frequently mentioned that the EU remains a top destination for Nigeria's oil and non-oil exports with increased trade volumes. Oil takes the biggest share but the EU also receives more than 50 percent of the Nigerian non-oil exports (Press and Information Team of the Delegation to Nigeria, 2016). The Eurostat data on environment and energy in 2007 stated that the EU imports of crude oil from Nigeria showed a rising trend particularly for the years of 2004, 2005, 2006. It meant that the energy dependency and net imports of crude oil and petroleum products increased gradually. Also, the statistical graphs showed that Nigeria was the seventh country that the EU imported crude oil in 2006 (Kröppl, 2007: 1-5). In 2005, Nigeria exported \$47 billion worth of petroleum and gas, and a considerable part of it was to the EU or specifically to the EU member states (Rotberg, 2007: 22; Khakee, 2007: 7). As for the post-2006 period, the U.S. imports of Nigerian oil decreased, European imports from Nigeria increased gradually by more than 40% in 2011 and by 30% in 2012, making Europe the largest regional importer of Nigerian oil (U.S. Energy Information Administration, 2016: 10).

The EU also presented itself as a key partner, through trade and investments, in the industrialization of Nigeria. There are numerous European companies in Nigeria such as Shell, Total, and Agip. They have a huge control over the Nigerian energy industry in the oil and gas sector, and there are also other companies in different sectors such as British Airways, British-American Tobacco, Cadbury, Guinness, Unilever, and so on (Khakee, 2007: 6-7). According to the EU, increased trade volume and investment initiatives between the parties are crucial for development in Nigeria. In this context, the EU cares ECOWAS for regional integration and trade

initiatives (Press and Information Team of the Delegation to Nigeria, 2016). The Eurostat also published other papers concerning trade statistics in the framework of EPAs. The statistics show that West Africa had significant amounts of trade in specific products with the EU during 2006 and the trade volume between the EU and West African countries including Nigeria doubled since 1999. Among the ACP group of countries, Nigeria was the EU's main trading partner for both imports and exports. Nigeria held the biggest share of this trade (45%) with exports of crude oil during 2006 and it was valued at €10.130 million (Eurostat, 2007: 3-6; Eurostat, 2007b:1). However, like the Fiji Islands, Nigeria remained as a country that is reluctant to sign a regional EPA until the current time (Plank et.al., 2021: 167-168).

Nigeria has become "by far the EU's largest ECOWAS partner for imports, exports and service flows. Crude oil imports from Nigeria made up two thirds of EU imports from ECOWAS, whilst petroleum products accounted for nearly a third of EU exports. Imports from Nigeria grew by over 40% between 2009 and 2010. Nigeria, as a major oil supplier to the EU, dominated the import total, accounting for more than two thirds of the ECOWAS total each" (Eurostat, 2012: 1-3).

It is also important to note that the EU's strategic commitment to combat terrorism globally while respecting human rights emerged in 2005 when the EU Counter-Terrorism Strategy came into place. Fighting against terrorism was considered complementary to promoting international partnerships and cooperation (Council of the European Union, 2005: 1-5). In this regard, the EU announced its support to Nigeria in fighting against terrorism and improving security in northern Nigeria. The conflict potential in North-Eastern Nigeria and in the oil-rich Niger Delta was mentioned several times as a high level insecurity concern (Council of the European Union, 2016). Worldwide Threat Assessment of the U.S. Intelligence Community published data on the trend in terrorism within the countries that have Muslim populations including Nigeria. This data has also been published by the European Commission. The statistics between 2001- 2017 showed that since 2004, the terrorism risk in countries with Muslim populations had a rising trend. In addition, the report highlighted the terrorism problem in Nigeria pointing to the increasing number of casualties since 2005 (Cordesman, 2018). The EU, being aware of the risk of terrorism and unrest in Nigeria, followed with concern the Boko Haram events that started to unfold in 2009. The EU immediately offered help to cover the basic



needs of refugees affected by the conflict (Strategic Communications, 2018). Migration from Africa to European countries has always been a cause of concern because Nigeria also emerges as a risky country due to low level of health security in Nigeria. Illnesses such as HIV/AIDS, malaria, and tuberculosis have been real problems in some regions of Nigeria and have not been put under control. The spread of illnesses cannot be prevented by borders anymore. The possibility of migration from the region makes the situation more questionable (Rotberg, 2007: 3). Especially, the Commission was interested in intensified dialogue to decrease the EU's concerns on migration, health and Niger Delta. In this regard, the Council encouraged the opening of negotiations with Nigeria for an agreement between the EU and Nigeria on readmission agreements because since 2005 Niger, Nigeria, Senegal, Mali, and Ethiopia have been seen as priority countries in migration issues (Council of the European Union, 2016).

After the 2007 election, Nigeria held elections in the years of 2011, 2015, and 2019. All these elections were held periodically and observed by domestic and international observers. However, all of them involved flaws in varying degrees. For example, the EU Election Observation Mission in Nigeria in 2019 summarized the process in its final report as “the election was marked by severe operational and transparency shortcomings, electoral security problems, and low turnout”. However, the EU also argued that “the elections were competitive, parties were overall able to campaign and civil society enhanced accountability” (European Union Election Observation Mission, 2019; 3). The positive developments were probably the product of the introduction of technology in the electoral process by INEC. However, Nigeria needs to experience further improvements in the electoral process to hold totally flawless elections in the future (Aluaigba, 2016: 142-153).

The latest 2019 elections also reflected the complex security environment in Nigeria which was a direct result of the Boko Haram terrorist activities. Boko Haram is included in the EU's list of terrorist organizations. European Parliament Motion for a Resolution on Nigeria, notably on the recent terrorist attacks, clarified the problematic situation in the country. Parliament stated that “whereas since 2009 the Boko Haram jihadist group has killed in Nigeria anyone who does not adhere to its beliefs up to at least 36,000 people and has since spread its activities to neighboring Chad, Cameroon, and Niger”. On the other hand, through the

resolution, Parliament also focused on migration-related projects in Nigeria. However, still, the EP acted in the same manner as in the case of the 2007 elections. Parliament stated that “the Nigerian Government has the right and responsibility to defend its people from terrorism, but insists that such actions must be conducted with respect for human rights and the rule of law” (European Parliament, 2019). The current situation shows that even almost 15 years later, the EU still has concerns about the same issues such as migration and terrorism, and the European Parliament has been still reluctant to focus on the CPA provisions.

Returning to the main topic, the 2007 election in Nigeria did not produce the desired democratic results. However, after the election, the EU found reasons not to activate Article 96. At this point, the question that needs to be answered is: what rendered Nigeria a different case compared to the Fiji Islands?

### **3.3. EMPIRICAL ANALYSIS OF THE CASES**

The EU's existence as a new type of actor in world politics after the end of the Cold War has increased the questions regarding the EU's identity, role, and influence in its external relations. The “Normative Power Europe” framework has provided an answer to some of those questions but also has led to increased expectations from the EU. Ian Manners' categorization of the EU as a unique actor with an ability to diffuse universal norms has given a heavy responsibility to the EU in its relations with the rest of the world.

When the EU embraced normative-based goals in its external relations, Human Rights Clauses have become one of the most preferred policy tools to apply political conditionality. In this respect, the EU's responses in the cases of violations of the essential elements of the Cotonou Partnership Agreement have become really complex and detailed processes. According to the NPE framework, the EU is expected to care for universally accepted norms such as human rights, democracy, and the rule of law in its relations with the third countries similarly through political conditionality. However, the case studies of the Fiji Islands and Nigeria have demonstrated that the EU's responses to democratic violations that were defined in Article 9 of the CPA were not similar. Although the 2006 coup in Fiji prompted the activation of Article 96 as a non-execution clause, Nigeria's democratically flawed

2007 election was regarded as a non-case.

Actually, the EU, as part of its normative mission, can give different responses to third countries, because the EU's policy of political conditionality is not a one-way policy. Political conditionality can be applied in the form of positive and negative conditionality, also known as carrot and sticks. Concerning the cases in question, the EU chose negative conditionality (sticks) for the Fiji Islands by activating Article 96; and conversely, chose positive conditionality (carrots) for Nigeria by not activating Article 96, opting instead for intensified dialogue, and providing financial assistance. However, the first point to be questioned here is that what the main criteria for the EU are while deciding its particular responses and to what extent those responses make the EU a normative power.

According to the data in the case studies, although the responses of the EU institutions to the two events seem similar in a way, they also involve differences. Unlike the Commission and the Council, the European Parliament appears as a platform for pluralistic approaches. In this vein, it emerges as the institution that tries to ensure that the EU treaties and actions comply with the norms of human rights and democracy and take an active role for this cause. However, the Parliament's resolutions on developments in the Fiji Islands and Nigeria also reflected different tendencies. In the motion for a resolution for the Fiji Islands, the European Parliament supported the application of sanctions. It was believed that the developments in the Fiji Islands did not comply with democratic standards that were stated as a condition in the Cotonou Partnership Agreement. Parliament's reference to Article 96 and reminding the non-execution procedures of Article 96 to the Commission and the Council were in line with the EU's normative foreign policy and political conditionality policy. However, when looking at the resolution of the Parliament after the problematic 2007 elections in Nigeria, there was a small difference that probably had an effect on the process for Nigeria. When the European Parliament stated that this election does not comply with democratic standards, it had not stated that the developments are contrary to the principles of the Cotonou Partnership Agreement. Instead, it suggested to the Commission and the Council to ensure that the newly elected government was unable to get access to the EU aid; on the other hand, it also mentioned the importance of the future of the Niger Delta, talks in the context of development strategies, engagement with regional

organizations such as the African Union and ECOWAS.

Looking at the statements of the Commission, it is possible to see the differences that are noted in the statements of the European Parliament. The data from the case studies show that after the coup in Fiji, the Commission directly supported activation of Article 96 to start consultation procedures, and besides, qualified the process as special urgency. On the other hand, the problematic election in Nigeria did not trigger a similar response from the Commission. The Commission gave great importance to the fact that Nigeria is one of the major powers in Africa and its influence in Africa is evident. Accordingly, it advocated political dialogue as a positive approach under Article 8 and believed that situation would be remedied through assistance under the 10th EDF.

The attitude of the Council was parallel with the stance of the Parliament and the Commission. Based on a request from the Commission in the Fiji Islands case, the Council immediately initiated the procedure for consultations and canceled the 10th EDF to remedy the situation. In the case of Nigeria, the Council's statements were more remarkable. Even though the Council stated that the 2007 election was damaged by irregularities and violence, it concluded its report stating that Nigeria is a significant actor for stability, development, and peace in West Africa and the whole African continent.

The EU institutions' comments and decisions on the Fiji Islands and Nigeria show that the political developments in these countries were not democratic; however, Nigeria's economic and strategic regional role in Africa probably required the EU to be more cautious. Besides, it is important to note that ECOWAS meetings were addressed in Nigeria reports by each EU institution simply because the EU could not neglect the stabilizer role of ECOWAS. It seems that the EU's external relations and foreign policy are dependent on some factors; however, it is questionable whether those factors correspond to the criteria of the Normative Power Europe.

At first sight, the activation of the EU's Human Rights Clauses has been thought of as an automatic procedure; nevertheless, the policy is much more than that. Especially since the ratification of the CPA, international relations have entered a new stage where new types of concerns have become determinative for policy actions. In the age of increasing globalization, world politics experiences a higher

degree of interconnectedness ever than before (Kühnhardt, 2016: 5). For instance, some issues such as trade, health, terrorism, and migration became much more globalized. All these issues have become the realities of the EU, the EU member states, and also the ACP countries. The need for cooperation has become more crucial and urgent than ever before. For this reason, the interdependence between the EU and Nigeria in terms of economy, security, and regional matters needs to be focused on, because these new concerns have become a part of the CPA in each revision. The application of Article 96 has become a multidimensional decision at the EU level rather than just a mechanical procedure. The economic interdependencies have a direct effect on how the EC/EU considers and treats its partner country, because one of the strongest pillars of the CPA, or Lomé Conventions is trade cooperation. Given the first example of political conditionality that the EU experienced with Nigeria, it is necessary to go back to the 1990s. The EU had dared to bring its bilateral relations to an endpoint by imposing severe sanctions against Nigeria during the rule of Sani Abacha between 1993 and 1999. On the other hand, during the 1993 coup led by General Sani Abacha, Nigeria's increasing integration into the international economic community, particularly through its agricultural and petroleum exports, can be an explanation of why the EU strongly reacted compared to the 1983 coup. It is difficult to argue that the sanctions that the EU imposed at that time were based on strictly normative grounds because, in 1995, there were some protests against European-linked oil companies (Shell) that operated in Nigeria (Khakee, 2007: 4). Shell has been a major presence in Nigeria, and of great importance for the EU member states. On the other hand, the protests also had the potential to damage the daily lives of people who lived in the Niger Delta region. The reaction was in line with the Human Rights Clauses in the Lomé framework; however, it would also open doors for neo-realist critiques.

The EU's willingness to implement positive measures (carrots) against Nigeria dates back to the 1999 elections because, with this election, the Nigerian administration and Nigerians proved their will to hold democratic elections. As a result, the European Commission decided to focus future cooperation with Nigeria on poverty reduction, promotion of democracy and good governance, anti-corruption measures, and the integration of Nigeria into the global economy. However, the case study shows that the post-1999 period also coincides with the

period when Nigeria started to gain power and influence in economic and strategy - based affairs in Africa. Nigeria also became an important partner in oil trade with the EU and the trade volume between them almost doubled after 1999. Nigeria became the EU's main trading partner, both for imports and exports. This is a very important issue because if a country is economically-developed and its trade volume with the EU is high, it is expected to contribute directly to the CPA's trade cooperation pillar. On the other hand, the oil-rich Niger Delta region of Nigeria is really strategic but not only for the EU but also for the world economic market. Nigeria also took part in the African Union and ECOWAS meetings to discuss common concerns such as security and economic integration. Thus, the EU and Nigeria emerge as two actors who are mutually dependent on each other on crucial material issues.

In the 2007 election, Nigeria appeared to violate some of the norms set out in Article 9 of the CPA. The EU expressed its disappointment and was deeply concerned as this election had been damaged by many irregularities and by violent incidents resulting in a high toll of victims. While unproblematic free and fair elections have been seen as a requirement of democracy, it is thought-provoking that the EU not only did not put Article 96 into effect but rather provided incentives following an election in a third country that it described as problematic. At this point, the economic interdependence between the EU and Nigeria could be regarded as one of the factors that affected the EU's behavior towards Nigeria. However, economic interdependence does not seem to be the only possible factor that affected the EU's perception in deciding carrots for Nigeria. The signals of other factors were already observed in the EU's reports published right after the 2007 elections.

The impact of economic relations among the parties on political conditionality policy was obvious before and after 1999. However, the post-Cotonou process has made clear that traditional and non-traditional security issues became increasingly challenging for the EU's normative role in its external relations and also for the well-being of people all around the world. The traditional military security was a known fact for all; however, the non-traditional security issues such as irregular migration, terrorism, climate change, and health issues have started to constitute new challenges for the EU and its member states as

transnational threats. Those threats have the potential to affect political, economic, and social standards at the levels of both the EU and the international community. Therefore, both as a reason and a consequence, the EU and the ACP countries have become increasingly interdependent.

The 9/11 terrorist attacks signified a turning point in the EU's perception. This period also overlapped with the first-term revision of CPA in 2005 after five years of implementation. With the 2005 revision, the EU declared that terrorism had been a concern in its relations with the ACP countries. The post-9/11 era most probably turned Nigeria into a high risk country in the eyes of the EU. The possibility of violent extremism, migration, and terrorism was considered more likely in Nigeria because since its independence, the Niger Delta region and Northern states were suitable regions for terrorist activities. The intensified activities of religious extremists in some northern states have changed the external image of Nigeria in the eyes of the EU as a risk zone (Adetula et al., 2010: 19). As it was mentioned in the case study, Nigeria's ethnic and religious divisions, mainly between Muslim and Christian populations, have a direct effect on the instability in Africa (Rotberg, 2007: 3; Bakare, 2019: 237). The EU must consider the possibility of Islamic radicalization and Nigeria's potential to provide new space for international terrorist groups hostile to the EU and to the rest of the world (Campbell, 2010: 4). For this reason, terrorism could be considered as a very significant factor that affected the EU's perception in choosing between carrot and sticks, because having little or no dialogue in terrorism-related issues is a risk for the EU and other regions.

Irregular migration is a new type of concern that tends to bring disorder to both the receiving and the transit countries. Migration, which became global especially after the 1990s, also influenced the political conditionality policy of the EU and limited that policy in a way. The importance of migration had found a place in the CPA with Article 13 and has become one of the issues that the EU has to care for, because the movements of people from the ACP countries to the EU are problematic in the long run (Paterson&Virk, 2014: 33). It has been seen that Europe is one of the main destinations of ACP migrants from Africa, and Nigeria represents one of the African countries that the largest numbers of migrants leave every year (Khakee, 2007: 6). Thus, Nigeria is a critical country in terms of its

negative contribution to global migration and, the EU declared security as one of its priorities in its relations with Nigeria after the 2007 elections. Those declarations have resulted in new readmission agreements with Nigeria.

Health security is another non-traditional security issue that currently necessitates a common vision through dialogue. The CPA did not originally have a provision on that. With the second revision in 2010, Article 31(a)<sup>12</sup> was included to sustain universal access to HIV/ AIDS prevention, treatment, care and support. Nigeria has emerged as a risky country due to its low-level health security. Illnesses such as HIV/AIDS, malaria, and tuberculosis have been real problems in some regions of Nigeria and have not been brought under control as mentioned in the EU's reports. Those illnesses have had a potential risk on the African region and the rest of the world. The possibility of migration from the region has made the situation even more dangerous. Nigeria's large population meant that numerous people could be infected in 2007. The post-election Nigerian government would not be able to escape from the management of infectious diseases (Rotberg, 2007: 3-25). The overall crisis environment and risk of ethnic conflict had often the potential to leave Nigerians without basic health care (Khakee, 2007: 1). Nigeria's electoral violence could also result in a humanitarian catastrophe. The neighbors of Nigeria did not have the capacity to deal with the refugee flows, which, therefore, would negatively affect the regional and international well-being, including that of the EU member states which are located in migration routes (Campbell, 2010: 4).

The interdependency in economic and strategic domains reinforced the significance of Nigeria's regional role, which, in turn, increased the importance of cooperation and dialogue with the EU in the fields of economy, politics, and security (Paterson&Virk, 2014: 14). As political dialogue has been an indispensable part of the CPA framework, it made the political conditionality policy, a normative mission, much more complicated. Nigeria's active policies both in the continent and its influence on other African counties were stated

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<sup>12</sup> "Cooperation shall support the efforts of ACP States to develop and strengthen across all sectors policies and programmes aimed at addressing the HIV/ AIDS pandemic and preventing it from hampering development. It shall support ACP States in scaling up towards and sustaining universal access to HIV/ AIDS prevention, treatment, care and support and shall in particular aim at ..." (Cotonou Partnership Agreement, 2014: 51-52).



several times by the EU institutions. Nigeria's leadership capacity in Africa seems crucial for peace and security in the African continent. Nigeria's generally positive diplomatic stance enhances the importance of Nigeria in the EU's eyes (Campbell, 2010: 4-5; International Crisis Group, 2016: 1). Nigeria's regional role is impressive, especially given Nigeria's status in the regional organizations. Nigeria has a regional status as the most populous country in Africa and as an important regional actor in regional security and economic development (Khakee, 2007: 4; Rotberg, 2007: 4).

Although Nigeria's strong commitment to the African Union and ECOWAS was accepted with the EU-Nigeria Joint Way Forward in 2009, the increased activities of the African Union and ECOWAS correspond to the beginning of the 2000s. It means that the EU was aware of the potential that Nigeria has and would have in these platforms. The position of the AU was very significant for the EU because the AU aims to reduce poverty and promote development in Africa. Those aims overlap with the objectives of CPA. In this scope, Nigeria has a potential significant role to play in the AU (Rotberg, 2007: 3). Nigeria is essentially a leader in West Africa in terms of its stabilizing role through ECOWAS meetings. The EU considers Nigeria as an effective partner in ECOWAS. According to Manners, the EU as a normative power should not consider economic or strategic issues in its relations with the third countries. If the EU turned a blind eye to the problems of the 2007 elections due to economic and strategic issues, this contradicts the arguments that the EU is a normative power. The EU's leverage on Nigeria looks limited because the interdependence between the EU and Nigeria has been on the rise due to economic relations and newly emerging non-traditional security issues. On the other hand, Nigeria is Africa's most populous country, and its dependency on aid is low compared to other African countries. Nigeria's GDP is at a good level and the Niger Delta is one of the most notable features of Nigeria which provides massive oil resources to the country. In other words, Nigeria is not dependent on donor funds. In this regard, the EU most probably thought of the possibility that aid suspension would be potentially counterproductive, as it would further weaken the political dialogue with Nigeria which is a country with the potential of a stabilizer role and economic leader in Africa. The dilemma seems to be that either the EU cares about economic and strategic dependencies because it is not a normative

power or the EU's policies have been seen as inconsistent because the NPE approach provides insufficient criteria to consider the EU as a normative power.

The constructivist critique of the NPE approach seems helpful at this point. As constructivists argue, the EU behavior is accused of being inconsistent because there are no clear-cut standards in the NPE approach. According to them, categorizing the EU as normative power without being sure of what normative power is and which features make the EU a normative power different from the other actors, is not healthy. It is not possible to describe or defend that the EU's actions are completely interest-driven or that they are principle-based. Rather, there is a real complexity regarding what the NPE really is. Certainly, already - existing criteria are not enough to define the EU as a normative power. As Sjørusen (2006) argued in her constructivist critique, it is not certain whether the EU is acting normatively thanks to its uniqueness or shapes its otherwise self-interested policies to make itself look like a normative power. There is uncertainty about which actions are normative or interest-driven because of the lack of explicit criteria.

The ignorance of the complex relationship between security, stability, and human well-being in the NPE approach has increased the accusations of the EU's inconsistency. However, the new areas of interdependency in real life have been reflected through revisions in CPA which contains Human Rights Clauses. These new areas have promoted a broader dialogue and intermediate layer of communication on issues of common concern such as terrorism and migration (Tardy, 2016: 3). Sustainable development can only be possible in a secure environment, and development has been one of the necessities of political conditionality in the scope of CPA. Thus, the security dimension is complementary to human rights, democracy, and the rule of law, and thus, the EU had to care for it in its political conditionality decisions. In other words, the EU's preferences in Nigeria can be said to have been formed by taking into account the intricate linkage between human rights, democracy, and good governance on the one hand, and economy and security, on the other (Bagoyoko&Gibert, 2009: 789 - 791). As Bicchi (2006) argued, it is extremely important to understand to what extent the EU policy-makers allow the EU to adopt a normative role in a region and what kind of norms the EU tends to diffuse most in its external relations.

Those norms can reflect the real meaning of the NPE and its limitations.

The arguments that the EU does not fit the CPE and NPE definitions have led to other conceptualizations such as Aggestam's (2008) Ethical Power Europe. According to Aggestam, the world is changing and the definitions of the EU's role do not seem enough to explain the recent developments either in the EU or at the global level. Aggestam's argument seems to the point because, although her "EPE" categorization does not fit the arguments of the thesis, it reflects the necessity of new categorizations of the EU in its external relations.

In case of the Fiji Islands, the EU gave the "normative" answer to the violation of the norms in Article 9 and activated Article 96. The point that needs to be questioned at this point is not (or should not be) the EU's consistency in activating the political conditionality policy but rather it is (or should be) that to what extent the EU's political conditionality policy has provided an expected change in the third country. If there is a positive policy change in the Fiji Islands concerning its democracy and human rights situation, then it becomes possible to depict the EU as a normative power.

The EC/EU did not apply the stick policy to the Fiji Islands for the first time in 2000. In 1987, when Fiji experienced two coups in a short period of time, the EC had announced several measures against Fiji through the Lomé Convention. However, despite those measures the post-coup process did not end the ethnic division, and the problems continued. In other words, the EC's political conditionality seemed ineffective, although during the 1980s the EC had not yet announced its norm-based goals.

The Fiji Islands experienced its third and most violent coup in its history in 2000. This shows that the EC's reaction to the developments in 1987 had not induced the expected democratic changes in the Fiji Islands. Following the 2000 coup, the EU's reaction came with CPA's provisions. As a result, the EU delayed Fiji's payment under the 8th EDF. The sanctions imposed by the EU were lifted at the beginning of 2002 when Fiji went to elections in 2001. However, it does not really prove that the Fijian election was held because the EU's normative foreign policy provided a change in Fiji's political sphere.

The post-2000 developments showed that the tensions did not really disappear. A new coup in 2006 described as a "coup to end all coups" took place.

When that happened, the EU's reaction was clear. The EU firstly condemned the coup and then demanded a consultation process with Fiji under Article 96 to end concerns over human rights, democratic principles, and the rule of law. Looking at the process after the 2006 coup, even if the EU started consultation procedures in line with Article 96 as a political conditionality policy, it failed to achieve a result. The negative conditionality policy of suspending agreement-based aid, which is the only trump in the EU's hand, was not enough to deter the military administration in Fiji. The EU's suspension of the 10th EDF, which was more than \$400 million in aid, did not really have an adverse impact on the Fijian government. Although the EU, in order to continue its aid, demanded a democratic election in March 2009 to be followed by some reforms, the military administration announced that there would be no elections until 2014 and that the Western powers could not impose a time frame on this issue. This shows that the EU's normative power capability and credibility in Fiji was very limited. The Fiji Islands seemed unwilling to see or accept the EU as a normative power.

As far as the interdependence between the EU and the Fiji Islands is concerned, it is a very asymmetric one as Fiji is a very weak actor that is dependent on the EU. As mentioned before, the EU has been historically the primary market for Fiji's sugar exports, and Fiji's fragile sugar industry deeply needs a regular flow of aids from the EU. The Fiji Islands is one of the largest trading partners of the EU in the Pacific. Fiji's primary exports to the EU are raw cane sugar, other agricultural products, and fish. Fiji is one of the Pacific countries that depend on access to the EU market for export commodities such as fishery and sugar (Morgan, 2015: 251-252). On the other hand, there is no doubt that Fiji is not at the top of the EU's list of economic partners. The EU's political conditionality policy was not effective even against such a dependent actor, and the enforcement of CPA's provisions turned out to be difficult and far from what we had expected as a normative mission. The gap between the high expectations of the political conditionality and the real outcomes is clear in the activation of Article 96.

Moreover, the asymmetric interdependence between the EU and the Fiji Islands was apparent in the EPA negotiations because the negotiations were plugged for years. The failure of regional negotiations for an EPA had damaged diplomatic relations between Pacific Island countries, including Fiji and the EU (Morgan, 2015:

254-257). The EU announced for a few times its willingness to support Fiji in removing the remaining obstacles to the ratification of the EPA, but Fiji's decision to ratify the EPA came only in 2014.

In terms of security issues, Fiji could be considered as a vulnerable country for terrorism and it could be argued that an island country can be a transit point for terrorists organizing attacks. However, there is not enough evidence to argue that there were terrorist activities in the Fiji Islands (Tarte, 2010: 71). The case study revealed that even though the Fiji Islands have suffered from ethnic conflicts since its independence, terrorism has never been a matter. On the other hand, for the Fiji Islands, migration security was a complex topic. The Pacific has been a region that is affected by migration influx among different ethnicities. However, this situation does not pose a direct challenge for the EU or on a global scale (Laporte & Piñol Puig, 2013: 11). Fiji experienced migration flows after its independence; Indians went to Fiji to work on the sugar fields and later some of them preferred to go back to their homes. The inhabitants of the Caribbean and the Pacific areas mostly target Australia and New Zealand, not other far regions (Paterson & Virk, 2014: 33). For this reason, the EU's concerns over migration that could originate from Nigeria to the European continent have been more than that could originate from the Fiji Islands (Khakee, 2007: 4).

However, the Fiji Islands involved a newly emerging threat for the international actors. Fiji appears vulnerable to natural disasters and climate change. The EU mentioned the effects of climate change as one of its priorities in its bilateral relations with Fiji. However, when the CPA was signed, climate change was not a priority for both the EU and ACP countries, because there was not a direct mention of the global climate issues. With the 2005 revision, Article 32 on environmental protection and the management of natural resources became part of the CPA. The recognition of the climate change as a major subject in the EU-ACP relationship was only agreed upon when the second revision of CPA started in 2010 and Article 32(a) was formulated to fight this global challenge (ACP Secretariat, 2016: 7). If environmental problems had been more on the agenda at that time, perhaps the EU could think not to activate Article 96.

The case of Fiji Islands has revealed a valuable fact in this context. The EU is a partner with little dependence on the Fiji Islands for economic, strategic and many

other aspects, but for the Fiji Islands, the opposite is the case. Although the Fiji Islands encountered reactions from the international community, including the EU, after each coup, it could not adopt the norms that the EU calls universal. Although the EU procedurally implemented political conditionality as a normative foreign policy tool, concepts such as human rights, democracy, and the rule of law did not fully become part of the local political tradition of the Fiji Islands for over two decades. Even if Article 96 was implemented because of the 2006 coup, the EU's normative influence on the Fiji Islands remained limited as the interim government's consent did not match the EU's demands. For these reasons, although the EU tried to put pressure on the Fiji Islands and activated its negative conditionality policy, the resistance of the Fiji provisional government to the universal norms defended by the EU unfortunately calls into question its status as a normative power. The process shows that despite the EU procedurally fulfilled its normative mission, the EU did not emerge as a normative power, and its actorness over the Fiji Islands seemed to be really limited. Although the EU tries to perform normative power in its foreign policy, the parties outside the EU can hinder the EU's normative capability. It is important how much the third countries want to get what the EU gives.

The Fiji Islands case requires looking back at the critiques directed to the NPE approach. Constructivist critiques, as mentioned previously, seem to have more explanatory power at this point. As Bicchi (2006) argued, the EU lacks both reflexive behavior and an inclusive approach to promote its own model. Remembering the example that Bicchi gave, i.e. the EU's promotion of regionalism in the Euro-Mediterranean Partnership, the EU has aimed at promoting regionalism as the "normal way" for neighboring countries to address issues of common interests although there has never been a request from the Mediterranean to have a regional environment. In a similar vein one may argue that the EU's political conditionality through the Human Rights Clauses did not really work on the Fiji Islands because there was no request from the Fijian interim government to hear a directive from the EU. While the Fiji Islands believed that 2014 would be a better timing for elections, the EU insisted on 2009. The Fiji Islands tried to perform a different policy, different from what the EU demanded. To measure the normative power of the EU and the effectiveness of its policies, the focus is generally on how often the EU activates universal norms by human rights provisions in political conditionality. Although the

EU strives to fulfill its norms-based policies in “good faith”, the extent to which the partner country internalized and implemented these norms can also be an indicator of the EU’s normative power. This makes it necessary to recall the main questions of the constructivist view: what is normative power and how can we measure it? It seems that there are still not clear or undisputed answers to them.

The EU tried to diffuse universal norms that are mentioned in Human Rights Clauses by activating Article 96 for the Fiji Islands. At the first sight, it can be argued that the EU showed its consistency and goodwill by activating the negative conditionality as a normative mission; however, it does not prove that we can consider the EU as a normative power. Fiji’s unwillingness to accept the EU as a normative power decreases the EU’s normativity and Human Rights Clauses did not help bring about democratic change on the ground. If asymmetric interdependency between the EU and Fiji was a determinative factor in the EU’s exercise of political conditionality, this makes the NPE approach questionable. Consistency in the application of HRC policy is not enough to define the EU as a normative power.

The neorealist critiques directed to the NPE framework do not seem appropriate to figure out the different applications of HRC in the Fiji Islands and Nigeria, because the neorealist stance completely denies the role of universal norms in international politics and does not accept the influence of those norms. The neorealist camp considers the NPE framework only as a mask to cover up the economic and security desires of the EU member states. However, the case studies have shown that the impact of economic integration, migration, health issues and terrorism on the EU’s foreign policy orientations do not just serve interests of the EU member states, but those of all actors. The norms such as human rights, democracy, the rule of law, and good governance have become interconnected with the trade relations and new security domains such as terrorism, migration, and health issues. They have become complementary facts regarding the well-being of societies. Trade relations are the most important pillar of the CPA in which political dimensions are a complementary fact. The EU should watch out the balance while it considers the economic and security effects of its policy actions. All these new areas of nontraditional security concerns necessitate cooperation and dialogue that the NPE framework embraces. However, neorealists are not supportive of the cooperation argument. So, what the EU is trying to handle does not stem from competition

between states or shifts in the balance of power, but rather is related to long-term political, social and economic issues that necessitate cooperation. The EU-Nigeria relationship in particular shows that regional and multinational cooperation is much needed.

Post-structuralists focus on the relationship between norms and identity. They argue that the EU's idealization as a normative power is just a way to influence or colonize others, and the EU has not a positive normative impact on the international arena. However, the arguments of the post-structuralist camp do not sufficiently explain the EU's actions towards the Fiji Islands and Nigeria. Their focus on the colonial past and the construction of EU identity do not help to figure out why the EU exercised different policies in two cases. Both the Fiji Islands and Nigeria experienced British colonialism and suffered from the ethnic divisions that are legacies of their colonizer. If colonial relations were part of the EU's decision-making calculus, this would reveal itself in two ways: either the EU would refrain from sanctioning a country because it was a former colony, or it would impose sanctions more easily, being aware of its power as a former colonizer. However, there is no direct proof of the effect of the past colonial relations on the EU's policies on Nigeria and the Fiji Islands. Fiji's colonial past with Britain did not protect it from the appropriate measures. In other words, the colonial past did not decrease the possibility of negative measures. If Fiji's colonial past had a substantial effect on the EU's negative measures, the EU would not be willing to maintain its dialogue-based stance from the date the coup took place until the interim government gave up its commitments. On the other hand, Nigeria's colonial past with one of the European country does not mean that it decreased the potential of negative measures, because, in the 1990s, the EU had already decided negative measures against Nigeria. From another point of view, if the EU's aim was only to construct an identity that made its partners "others", not only Nigeria as a significant actor in the African continent with a powerful GDP would not be willing to continue intensified political dialogue with the EU, but also the EU would not try to increase common visions in various fields with third countries. The EU should not be considered by its identity in world politics, because even Manners mentioned that the EU's identity is reflexive and has increasingly become multidimensional in the post-Cold War era. The EU's foreign policy seems as a struggle among its multidimensional identities, rather than an effort



to construct a new identity.

Although the main focus of the thesis is the developments that occurred before 2009, the post-2009 developments are also crucial to learn some lessons from the past. Even in the 2020s, it necessary to ask the same questions that were previously asked in the thesis. After 2009, some changes have been observed in the domestic and foreign policies of the cases, and several reports have been published regarding these developments by the EU institutions. While the Fiji Islands has been regarded as a partner especially in the field of climate change, Nigeria has continued to occupy the EU's agenda in numerous fields such as migration and terrorism. It is observed that the EU's intense relationship with Nigeria has not been completely shaken even after the emergence of the Boko Haram terrorist activities and that the focus on Human Rights Clauses has not been still the first concern of the Parliament. On the other hand, the post-2014 developments in the Fiji Islands increased the expectations for promising relations between the parties. In addition, the Post-Cotonou Agreement, which is planned to enter into force at the end of 2021, also signals that the relationship between the cases of the Fiji Islands, Nigeria, and the European Union is going to continue, but it will follow a renewed path. To what extent the EU can be regarded as a normative power is still a current concern.

## CONCLUSION

This thesis sought to give an answer to the question of to what extent the EU can be regarded as a normative power in terms of its application of the Human Rights Clauses against Nigeria and Fiji Islands in the scope of the Cotonou Partnership Agreement. The main aim of the research was to reveal the factors behind the EU's different responses to the breaches of HRC in the countries of the Fiji Islands and Nigeria.

Regarding the principal idea of the thesis, this research firstly aimed to explain the categorizations attributed to the EU in its external relations such as Normative Power Europe and the critiques directed to the NPE approach. Secondly, the study investigated the development of political conditionality policy and the HRC in Cotonou Partnership Agreement as an example of justified normative mission. Finally, historical backgrounds were given concerning the Fiji Islands and Nigeria to make a comparative case study analysis. The chosen time frame was 2006-2007.

The First Chapter revealed that the global role of the EC/EU is one of the most discussed topics in IR. Starting with the 1970s, new sorts of the EU's categorizations emerged. While Duchéne identified the EU as a civilian power, Hedley Bull defined the EU as a military power. Although various definitions echoed in European Studies, the end of the Cold War brought the scholars under the umbrella of Manners' work, which is Normative Power Europe. The NPE approach granted a special role to the EU based on universal norms and ideas and defined the EU as a different kind of power. Manners argued that the EU is a unique entity that can act normatively thanks to its historical context, hybrid polity, and political-legal constitutionalism. All those features have facilitated the EU's role of spreading universal norms such as human rights, democracy, the rule of law, and good governance in its external relations. For Manners, the EU's way of spreading those norms was a determinative factor for the EU's normative power. Especially, the abolition of the death penalty through the initiatives of the EU in some countries has been regarded as one of the most significant signs of the EU's normative power, because it was an ethical matter rather than an interest-oriented phenomenon.

The First Chapter also provided an insight concerning the critiques directed to the NPE approach in the literature. The critiques, generally speaking, can be grouped under three camps, i.e. neo-realists, post-structuralists, and constructivists. The neorealist camp considers the EU as an empire-like entity that forms its foreign policies with only interest-driven calculations. The neorealist camp does not believe in the unique role of the EU in world politics, and they see the NPE approach as a mask for the interest-based EU behavior. The EU member states are considered as the key actors which use the EU for their collective hegemonic power activity. Thus, for neorealists, the economic and strategic interests of the EU's member states, not its normative power, determine the EU's actions. The second critique came from the post-structuralist perspective, which focuses on the identity-construction desires of the EU. The post-structuralist camp regards the EU's normative power just as a tool for identity targets. They also discuss the post-colonial influences on the EU's foreign policy and regard the NPE identity as contrary to the EU's colonial past. As the last camp, constructivists make their critiques concerning the contradictions in the EU behavior and lack of standards in the NPE approach. They consider the NPE as problematic because they are not sure about what NPE really is. For them, the principal criteria and features that make the EU a normative power different from the other actors are not clear. Thus, for constructivists the lack of clarity has been the primary reason behind the inconsistencies in the EU's practices and the NPE framework.

The Second Chapter claimed that although these critiques occupied the literature, normative power discussions have facilitated the EU's promotion of norms and standards in its external relations. The discussions triggered the EU's external norm transfer mission based on trade and development cooperation policy, and facilitated the emergence and development of HRC. The EU embraced the policy of adding HRC to its trade and cooperation agreements to support universal norms such as human rights, democracy, the rule of law, good governance, and development. In time, HRC has been seen as an inseparable part of the EU's political conditionality because it reflected the combination of both carrot and stick policies. The legitimacy of HRC started to be accepted in the EU's foreign policy. Through time, the EU achieved to consolidate its mission to spread universal norms through HRC in its trade and cooperation agreements with the third countries, and this policy has

become an accepted foreign policy tool. The historical evolution of HRC also changed the structure of HRC in each agreement and its implementation.

The Second Chapter also provided detailed information on how the EU justified its normative mission. The Cotonou Partnership Agreement, which is the successor of the Lomé Convention, is one of the most comprehensive trade and cooperation agreements in terms of its three pillars concerning trade, development, and politics. The political pillar of CPA is one of the most noteworthy parts of the CPA, because it has provisions to ensure human rights, democracy, and the rule of law supported by good governance provisions. Thus, the HRC approach in CPA is an example of the EU's procedural and transference diffusion of norms as a normative mission, which is exercised through political conditionality. The CPA contains agreement-based aid and political dialogue. Thus, the HRC and the whole CPA framework could be considered as a product of NPE. The evolution of political conditionality within the EU has shown that the political aspect of the cooperation broadened with globalization. The evolution also reflects the gradual turn of the EU into a more comprehensive foreign policy actor. This innovative cooperation agreement necessitated an analysis of its application in practice.

In this regard, the Third Chapter was the case study chapter where the Fiji Islands and Nigeria were chosen to comparatively analyze the application of HRC in the Cotonou framework. Especially, Article 96 of CPA has been one of the most controversial parts of the EU's external policies due to its limited activation. Both the Fiji Islands and Nigeria showed democratic flaws within the period of 2006-2007, directly violating Article 9 of the CPA. Article 96 of CPA states that the concerned country can activate Article 96 to improve the situation or can decide appropriate measures for the party in question. However, the EU did only activate the procedure for the Fiji Islands, not for Nigeria. The case studies raised critical questions concerning the NPE approach.

Based on the theoretical analysis and comparative case studies, the Third Chapter ends with an empirical analysis. The thesis generally supports the constructivist critiques directed to the NPE approach. The thesis argues that the NPE approach is problematic. Manners' NPE framework provided some criteria to consider the EU as a normative power; however, those criteria and characteristics are not enough to define the EU as a normative power. It is difficult to decide whether or

not the EU is a normative power, even when the process proceeds exactly according to CPA procedures. It is controversial what the NPE really is and how well the EU fits in this definition.

The case studies lead to the following arguments. How the EU considers third countries, with which it is a partner, affects its reactions to situations, namely the way human rights provisions are implemented. However, NPE logic is insufficient to explain these decisions with its existing criteria. It is also doubtful to what extent the EU, which is also an economically based Union, can be expected to ignore the “minor” norms, such as sustainable development or sustainable peace, to defend the norm of democracy. If the EU cares for security rather than democracy in its relations under the CPA, how does this choice affect the normativity of the EU? It is hard to give a clear answer to this question. The EU has a value-based legal framework and foreign policy. However, the fact that the EU has interdependence with its partners and the EU has to care about this in some cases is not only related to the multidimensional character of the CPA, but also to the lack of sufficient criteria in the NPE framework. The activation of HRC still lacks clear order because of the lack of clear-cut criteria in NPE. This fact deeply affects the EU's normative capability in its external relations and increases the concerns on the EU's normative image. Nigerian case fits into this argument. Secondly, how the partner country considers the EU is also essential for the EU to exercise its normative power capacity. If the existing government in the third country does not prefer to see the EU as a normative power, no matter how consistently the EU activates its political conditionality policy, the effect of the policy tends to remain limited. On the other hand, if the third country sees and recognizes the EU as a normative power, it is expected to make positive political changes due to the EU's leverage. If an intended political change cannot be observed in the country despite all the best efforts of the EU, the argument that the EU is a normative power turns into a controversial one. The Fijian case generally fits into this argument.

Although there is a lack of crystal clear logic behind the NPE approach, it is observed that the EU's trade and cooperation agenda in its external relations is one of the most unique ones in world politics. The EC/EU achieved to build up a norm-based external policy with the ACP countries. However, numerous different factors seem to play a role in the EU's normativity directly or indirectly. In the shadow of

those realities, the implementation of Article 96 of the CPA turns into a complicated process rather than a technical procedure that always works the same. Even the consistent application of the policy cannot guarantee the EU's normative power through the existing NPE criteria.

This research contributed to the literature by providing an empirical comparative study through the cases of Nigeria and the Fiji Islands that were not studied as a pair before in the scope of the Human Rights Clauses. The third chapter showed the similarities and differences regarding the cases and provided insights from critiques directed to NPE. Another critical contribution that this research could make to the literature is to provide another perspective on the concerned topic. It has shown that it is difficult for the EU to be considered as a normative power even in cases where it behaves consistently. The study reflected the fact that consistency in the application of Article 96 did not necessarily support the argument that the EU is a normative power. The existing studies tended to provide answers to the inconsistent application of political conditionality; however, the thesis showed that consistency is not enough to support the NPE approach.

There are several limitations that possibly had an impact on the quality of the thesis. First of all, the language barrier seems to have an impact on the third chapter. The historical information regarding the Fiji Islands and Nigeria was collected from the English-language resources; the non-English language resources could not be translated to provide alternative visions. Due to the language barrier, the perspectives of third countries, particularly the viewpoints of civil society groups, were limited or lacking in the thesis. However, resources from different regions such as Europe, Pacific and Africa were checked to increase objectivity. Secondly, compared to Nigeria, the Fiji Islands emerged as a less studied country both by scholars and by the EU institutions. Even though this limitation enabled filling the empirical gap in the literature, the references to compare the developments in the cases were uneven.

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