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Aid sanctions and political conditionality: continuity and change

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Abstract

Political conditionality was first introduced by Western governments into their development aid policy a quarter of a century ago, threatening to invoke aid sanctions in the event of human rights abuses or democratic regression in aid recipient countries. This paper examines how political conditionality has evolved in the subsequent years and analyses what has changed and why. It does so through a review of sanctions cases in the EU and the US aid from 2000 to date, with discussion located within the post-2000 international environment in which foreign policy and aid policy are situated. The paper focuses on three regions: sub-Saharan Africa, the Middle East and North Africa, and Central Asia. Patterns of change and continuity are identified in relation to how political conditionality has been implemented. Our findings are that political conditionality remains a significant policy tool, contrary to the perception that its use has declined. However, while selectivity and inconsistency in policy application continue, security interests have become a more prominent explanatory factor in the post-2000 period. Indeed, the initial normative agenda of political conditionality as a tool for the promotion of democracy and human rights, as stated in policy rhetoric, has been replaced by its use as an instrument to promote Western security interests in line with the securitisation of development.

Keywords: aid sanctions; democracy; European Union; political conditionality; security; United States.

Introduction

It is now a quarter of a century since political conditionality was attached to the international development policies of Western governments in the early 1990s, with the linkage of official development assistance ('aid') to the promotion of human rights, democracy and good governance. Two main policy measures, positive and negative, were introduced: democracy assistance and political conditionality respectively. Democracy assistance has become the subject of much academic study as a key instrument of democracy promotion and is *not* examined here. As a negative measure, political conditionality involved aid sanctions, in other words, the full or partial suspension of development assistance in situations of perceived gross human rights violations or democratic regression, and such sanctions are the subject matter of this paper.¹

Given that 25 years have elapsed since the introduction of political conditionality, this paper reviews policy implementation and asks these questions: How has political conditionality evolved? What has changed and why? We seek to identify patterns of both change and continuity in the ways in which political conditionality has evolved and been implemented in the past 25 years, and to explain such developments. After briefly referring to the literature on the first decade of aid sanctions, we concentrate on the period from 2000 onwards. We consider the evidence in the light of two issues that have been raised in academic writing: the extent to which political conditionality, understood as aid sanctions, has declined as a preferred policy measure; and the impact of the 'securitisation of development' on the implementation of political conditionality after 9/11. We look at both the EU and the US aid² as this covers the two main Western blocs involved in the linkage of development aid to political conditions, and we examine the implementation of political conditionality/aid sanctions in three regions, namely sub-Saharan Africa, the Middle East and North Africa, and Central Asia. We selected these three regions partly due to the findings of earlier research and partly due to the key changes in the environment for applying sanctions that have emerged post-2001, notably the 'war on terror' and the 'Arab Spring', thus enabling us to study the elements of continuity and change that have occurred. Sub-Saharan Africa is selected as the region

in which sanctions were most frequently applied, as evident from earlier research (see, for instance, Crawford 2001). The Middle East and North Africa are included due to the historic changes brought about by the so-called Arab Spring from 2011 onwards, while Central Asia was selected due to its increased significance for aid policy in the changed international environment following 9/11. In each of the regions, we analyse the overall framework(s) and trends in political conditionality/aid sanctions as well as examine some landmark cases. The analysis is based on a combination of official document analysis, media information and a review of academic literature on aid sanctions.

The paper proceeds as follows. In the next section, a review of the early research findings on political conditionality, focusing on the issue of norms versus interests, is undertaken, followed by a conceptual discussion concerning the ‘securitisation of development’. These reviews of relevant academic literature provide us with an overall theoretical framework which is then used to analyse the post-2000 policy evolution and its implementation. The main empirical substance of the paper is then organised in three regional sections that examine the EU and the US aid conditionality in turn, with analysis focusing on identifying elements of continuity and change. The conclusion returns to answer the main research questions: how has political conditionality evolved, what has changed and why?

Political conditionality in the 1990s and changes to the aid environment after 2000

From 1990 onwards, barely six months after the fall of the Berlin Wall, official development agencies rapidly followed each other in issuing policy statements that made liberal democratic reform both an objective and a condition of development co-operation (IDS Bulletin 1993; Crawford 2001: 4). While the strategy was two-pronged, positive and negative, both measures purportedly sought to enhance the processes of democratisation in aid recipient countries. The academic research that ensued tended to take the stated policy objectives as given, but raised critical questions concerning implementation. Early research on political conditionality thus focused on the implementation of aid sanctions in situations of perceived democratic regression or gross human

rights violations, and questioned both the likely effectiveness (Robinson 1993a, 1993b; Uvin 1993; Stokke 1995) and the consistency of application (Stokke 1995; Nelson and Eglinton 1992; Burnell 1994; Robinson 1993a, 1993b; Uvin 1993; Sorensen 1995). The seminal work by Stokke (1995) in particular provided an analytical framework of six propositions or hypotheses for empirical research on the impact of aid sanctions. This framework was utilised by Crawford (2001) who undertook a comparative study of four official donor agencies who between them had suspended aid wholly or partly in 29 country cases. The overall findings were firstly of *ineffectiveness*, *i.e.* the relative failure of aid sanctions to contribute to democratic reform. However, this was explained more by the weak and partial nature of the sanctions imposed than by the strength of the autocratic governments to resist the conditionality measures, thus questioning the seriousness with which the measures were taken. Secondly, the analysis of cases where aid sanctions had been implemented and where they had *not* (the so-called ‘non-cases’), despite gross human rights violations, revealed a pattern of selective and inconsistent application. Sanctions tended to be applied mainly where aid donors had little to lose, most notably in aid dependent countries in sub-Saharan Africa, and *not* applied where countervailing economic or security interests prevailed. Initial research on the implementation of political conditionality thus focused on the stated intent to leverage political change in a democratic direction through the imposition of aid sanctions, while emphasising how the hierarchy of foreign policy goals continued to prioritise self-interests, especially economic and commercial interests, and to displace democracy and human rights concerns in some instances.

Such findings questioned the consistency with which aid sanctions were implemented and raised issues of norms and interests, a debate that has been subsequently articulated in relation to the EU aid in particular. Within the framework of idealism versus realism in International Relations theory, a debate about ‘normative power Europe’ has occurred following Ian Manners’ (2002) characterisation of the EU in this way. More in the idealist tradition, Manners suggests that the EU is a norm-driven actor that aims to influence other states through norm diffusion, with the key principles that make up the normative core including human rights, democracy and the rule of law

(Manners 2002; Sjursen 2006: 171). A challenge to this characterisation has come from sceptical and realist perspectives. A sceptical position is expressed by Youngs (2004), who feels that normative principles could be combined with rationalist security concerns, and demonstrates this with reference to the EU human rights policies. A stronger challenge has come from Hyde-Price (2006) who critiques the whole 'liberal-idealist' notion of the EU as a normative power and advocates an alternative theoretical account based on neo-realism. This asserts an explanation of the EU foreign and security policy as a response to systemic changes in the distribution of global power, combined with the use of the EU policy instruments by its member states as a means to further their own national interests.

These theoretical debates have been applied to the EU political conditionality policies by Del Biondo (2015, 2012, 2011) in her consideration of the factors that account for the (non-)implementation of aid sanctions in the context of the EU's relations with the African, Caribbean and Pacific (ACP) group of nations, with the finding that the EU's own interests generally trumped democracy in sub-Saharan Africa. There was usually an absence of the EU interests in those country cases where conditionality and sanctions were applied, while the EU measures were limited to 'rhetorical action' only where interests existed (Del Biondo 2015: 77). Her analysis differentiates three main components of self-interest: historical interests where ties with former colonies in particular mean a reluctance to impose sanctions; energy interests with the EU 'more concerned about its energy supply than democracy promotion' (*ibid.*: 76); and national security interests where democracy promotion has clashed with the perceived need to work with African governments in security-related fields such as terrorism, crime and migration (*ibid.*: 76–79). Thus, a framework of norms versus interests emerges, especially in contexts where democracy promotion objectives clash with donor interests. Interestingly, Del Biondo notes that aid donors such as the EU have increasingly prioritised their own security interests as the strategic importance of the developing world, Africa in particular, has increased (*ibid.*: 75).

Before turning to a discussion of the securitisation of aid policy, however, another perceived trend in the post-2000 international environment is that political conditionality has declined as a preferred policy measure of Western governments and international institutions. Indeed, Youngs (2010: 1) states that democratic conditionality's 'use has almost disappeared' and that the 'use of sanctions [...] is now extremely sparing'. Such perceptions may stem partly from the general shift from comprehensive to targeted sanctions (Eriksson 2005) on the basis that the former have an adverse humanitarian impact on civilian populations, while the latter focus on those political elites responsible for human rights violations and authoritarian practices. A perceived shift in attitude is also, perhaps, evident in the EU statements of preference for positive measures (European Commission 2001: 9), including human rights and democracy assistance, and in the UK Department for International Development's policy paper of March 2005 that officially rejected economic conditionality in favour of country 'ownership', although the UK aid has remained conditional on issues of corruption, human rights and good governance (DFID 2005: 18). Maybe such developments contributed to Youngs (2010) titling his paper 'The end of democratic conditionality: good riddance?', a question to which we will return in the conclusion.

The perceived decline in political conditionality is partly due to the post-2000 shift towards the increased 'securitisation of development policy', foremost as a result of the changed international environment following the 9/11 attacks in New York and the launch of the 'war on terror' by the Bush administration. For the purposes of this paper, the securitisation of development is understood as the subordination of development aid (and its suspension) to the security interests of the donor. For Hadfield (2007: 54), 'securitized development is therefore the conscious injection of security concepts as part of the broader policy package dealing with the perceived security risks inherent in underdevelopment'. We focus our attention on such policy shifts and the extent to which they have influenced the use of (or failure to use) aid sanctions as an element of political conditionality.

In the academic and policy arenas, this shift has been conceptually framed as the ‘security-development nexus’, broadly referring to the interconnectedness of the challenges in the security and development fields (see Stern and Öjendal 2010). Howell and Lind (2009: 1282) note that this was an emerging trend in the 1990s, however it was the post-2001 war on terror that ‘intensified the convergences between development and security and gave these ties a sense of purpose’. In this sense, the security-development nexus ‘emerges as the juncture through which the conditions of and for security mutually reinforce those for development and progress’ (Stern and Öjendal 2010: 17). While recognising this broad convergence, literature has contested the meaning of the security-development nexus from various perspectives, such as the problems of subordination of development to security as well as the distribution of resources between the two (for a discussion see Carbone 2013a). Chandler (2007: 366) argues that ‘the “nexus” relies more on rhetorical claims than on considered policy-making’. Duffield (2010) describes the evolution of the meaning of the security-development nexus from conflict resolution and the transition from humanitarian relief to sustainable development in the 1990s, to concerns about migration and a focus on human security. While recognising the importance of these debates on the security-development nexus and its meaning, this paper is particularly interested in whether or not, and if so how, the securitisation of development policy, as explained above, has been reflected in the application of aid sanctions in the period studied.

In this respect, a key aspect that shapes our study of continuity and change is the extent to which security interests have gained ascendancy over economic interests in undermining the implementation of political conditionality. Similar to Del Biondo (2015), Brown (2005: 179) outlines the range of donor self-interests, noting how ‘competing economic, commercial and strategic interests prevent donors from making a more positive contribution to democracy promotion’. While the prioritisation of such self-interests over issues of human rights and democracy may be an element of continuity in donors’ policy practice, have there been changes in the respective significance of different aspects of self-interest? Earlier research on aid sanctions

found that commercial interests were dominant (Del Biondo 2012, Crawford 2001), with such economic interests also confirmed as key to aid distribution and the size of aid allocations in the late 1980s and 1990s (Schraeder *et al.* 1998: 321–22). But has this changed and have security interests now overtaken other competing interests as the dominant form of self-interest that trumps political conditionality, and, if so, what explains such change? The literature on the security-development nexus provides an analytical lens through which we can consider these elements of both continuity and change.

In addition to academic literature, the post-2000 securitisation of development policy can also be traced in policy documents and institutional changes that have shaped the aid environment since 9/11, both in relation to the EU and the US. The 2003 European Security Strategy for example states that ‘security is a precondition for development’ (Council of the European Union 2003: 2). Further, it has been broadly argued that the Lisbon Treaty, signed in 2007, has shifted the EU institutional balance ‘to the disadvantage of the development community’ (Youngs 2007: 14). Earlier, this move towards the increased linkage of security and development was reflected in the 2005 revisions of the Cotonou Agreement, which emphasised ‘politicized and securitized reform-focused goals’ (Hadfield 2007: 41), including the ratification of the Rome Statute of the International Criminal Court (for a discussion see Gomes 2013). Keukeleire and Raube (2013: 569) show a ‘recognition of the link between security and development in the main discourse of the EU, including an explicit recognition of the “security-development nexus”’. A similar trend in the US since 2001 has been noted by Fleck and Kilby (2010), who argue that the ‘war on terror’ has ‘given primacy to geopolitical and security interests as key determinants of American aid policy’. Additionally, Howell and Lind (2009: 1284) argue in terms of the ‘strategic realignment of the USAID in line with a doctrinal emphasis in US national security policy on the contribution of development to counterterrorism’. An example of such linkage was the 2004 joint strategic plan of USAID and the State Department mirroring the values of the US National Security Strategy, followed by the subsuming of USAID administratively under the State Department (see Howell and

Lind 2009). In practice, ‘these new security imperatives have increased flows of US development assistance and other external assistance to countries of geostrategic importance’ (Woods 2005: 400).

These trends highlighted in academic literature – that is, the perceived decline of political conditionality as a policy tool and the securitisation of development assistance – provide us with an analytical framework within which we can now examine the practice of political conditionality in the post-2000 period. This follows in three separate sections dealing with the three selected regions: sub-Saharan Africa, the Middle East and North Africa, and Central Asia. In each regional section, we analyse first the EU and then the US sanctions policy. Policy implementation is analysed in terms of patterns of continuity and change, and the framework provided by the literature reviewed above enables us to address the important analytical question of why such elements of continuity and change have occurred as political conditionality has evolved over the past 25 years.

Aid sanctions in sub-Saharan Africa

As indicated in the literature above, sub-Saharan Africa stands out as the region with the highest frequency of aid sanctions, implemented both by the EU and the US. As is well known, the human rights and democracy clause that is inserted in all EU co-operation agreements is a suspension mechanism, at least in theory (Crawford 2007, 2008). This clause has been developed most comprehensively in Article 96 of the Cotonou Agreement between the EU and the African, Caribbean and Pacific (ACP) group of nations, inclusive of all countries in sub-Saharan Africa, but not North Africa. Article 96 can be invoked in cases of breaches of human rights and democratic principles and enables the imposition of sanctions by the EU, though generally after consultations to resolve the situation with the alleged violating country. Where sanctions are imposed, these are almost always in situations of military coups or seriously flawed elections, and entail suspension of government aid as an attempt to induce a return to constitutional rule through free and fair elections.

Similar to the EU, aid sanctions in the case of the US in sub-Saharan Africa occur most frequently where democratically elected heads of government are deposed by a military coup. This occurs under Section 508 of the Foreign Assistance Act (1961, as amended) which entails a general prohibition on assistance to military regimes and to governments engaged in gross violations of human rights, although exemptions can be made through the presidential waiver on national security grounds (see Crawford 2001: 167–68). In the two sub-sections below, we look in turn at the aid sanctions imposed by the EU and the US in sub-Saharan Africa after 2000, with particular attention to selected landmark cases of severe violations.

EU and sanctions in sub-Saharan Africa

An overview of sixteen Article 96 cases from 2000–2015 is provided in **Table 1** in the **Appendix**, (reproduced from Del Biondo 2011 and updated by the authors), almost all in sub-Saharan Africa, with the exception of Fiji and Haiti. Some of these are discussed below, namely Guinea, Côte d'Ivoire and Madagascar.³ The case of Mali in 2012 is also discussed in more detail as a recent case of a military overthrow and aid suspension. This relatively large number of cases indicates that aid sanctions have been applied most commonly by the EU in the context of the Cotonou Agreement, and immediately contests the notion that the use of aid sanctions is 'now extremely sparing' (Youngs 2010: 1).

There has been considerable academic analysis of aid sanctions under Article 96 (Hazelzet 2005; Portela 2007, 2010; Laakso *et al.* 2007; Zimelis 2011; Del Biondo 2011, 2012), with investigation of questions of legitimacy, effectiveness and consistency. Views differ somewhat. With regard to legitimacy, Hazelzet (2005: 1) has found some consistency in the manner that measures were implemented: 'As the level of human rights violations increased, the likelihood that the EU would suspend its cooperation increased as well, regardless of economic or strategic interests in the country concerned.' This would appear to support the view of the EU as a 'normative power' in its external relations (Manners 2002). However, Hazelzet's conclusions are

partly contested by Del Biondo (2011) who has found inconsistency in situations of seriously flawed elections, although not where coups d'état had occurred. Similar to Crawford (2001), she looks for 'non-cases' where Article 96 had *not* been applied despite significantly flawed elections, and identifies five countries in the period from 2001 to 2010: Ethiopia, Rwanda, Nigeria, Kenya and Chad (*ibid.*: 381). Interestingly, she concludes that the influence of security interests was most significant in explaining such inconsistency of policy implementation, notably in Nigeria, Ethiopia and Kenya who are 'key partners of the West in the fight against terrorism and in maintaining peace in their respective regions' (*ibid.*: 390), while economic interests were a 'minor explanatory factor' (*ibid.*), with the exception of Nigeria as an oil producer.

The issue of the effectiveness of Article 96 suspensions has also been considered by academic analysts, with contrasting findings and conclusions. Portela (2007: 38) concludes that 'the use of development aid suspensions is frequently effective' in reversing violations of human rights and democratic principles. Yet, Portela (2010: 167) also notes that 'failure remains pervasive in a number of countries where coups are chronic – Guinea-Conakry, Côte d'Ivoire or Fiji' and that 'aid suspensions are ill equipped to address problems of long-term instability'. This is certainly the case in **Guinea** where aid was suspended in 2004, due to flawed elections, and in 2009, due to the military coup in December 2008 that brought Captain Moussa Camara to power following the death in office of President Conté (see Laakso *et al.* 2007: 84; Del Biondo 2012: 80). The EU partially resumed aid after the 2010 presidential elections, as was the case with the US, discussed later in this section.

Portela's (2010) assessment of the relative failure of aid suspension in **Côte d'Ivoire** appears accurate for the period of political instability after the military coup of 1999, followed by disputed presidential elections in 2000 and the civil war between the government-held South and the rebel-held North from September 2002 to March 2007. Nonetheless, this earlier period is characterised more by the EU's reluctance to impose strong punitive measures against President Laurent Gbagbo's government, explained by French dominance within the EU decision-making processes as

the former colonial power.⁴ However, the EU sanctions (visa and travel bans) were again imposed in 2010/2011, this time more harshly and arguably more effectively, when President Gbagbo refused to recognise his defeat by opposition candidate Alassane Ouattara in the November 2010 presidential elections and a resumption of fighting ensued. Gbagbo's hold on power ended on 11 April, 2011, when he was arrested by Ouattara's forces, supported by French troops, and later transferred to The Hague where he awaits trial on charges of war crimes and crimes against humanity. The EU was prepared to take harsher negative measures in a context where both internal and regional stability were threatened and where Gbagbo had lost all legitimacy. One common element in these two instances of aid sanctions in Côte d'Ivoire, however, was the French concern to maintain its sphere of influence both in Côte d'Ivoire itself and in the EU decision-making processes. This was partly possible due to decisions on Article 96 usually being based on consensus in the Council of the EU, although qualified majority voting is the official procedure (see Laakso *et al.* 2007).

In contrast to Portela's qualified findings of 'frequent effectiveness', Zimelis (2011: 402) concludes that 'the suspension of aid is not an effective tool for promoting or restoring breaches of the "essential" or "fundamental" elements in ACP states'. He outlines various reasons for this perceived lack of effectiveness, including the degree of aid dependency and the type of the regime targeted by sanctions. Other reasons pertain to the EU itself, namely the lack of clear measures of democratic progress which, in his view, contributes to a confusing and inconsistent application of the conditionality clause (*ibid.*: 403). Finally, Zimelis points to the incoherence between the EU aid and trade policy and what he calls 'double standards' (*ibid.*: 404), citing the example of Guinea (examined above), where a fishing agreement was concluded while sanctions under Article 96 were in place (*ibid.*). Therefore, ineffectiveness is linked to the lack of consistency with which sanctions are implemented, not only between countries but even within a country.

One dimension of consistency, however, has been the EU aid suspension in the event of a military coup. Madagascar and Mali have witnessed recent coups (in 2009 and 2012, respectively)

and, as has become common practice in the ACP-EU relations, the EU aid was suspended immediately. This has contributed to the message to coup leaders that their actions are unacceptable to all parties within the ACP-EU relations, and it could be argued that sanctions were relatively effective, given the return to constitutional rule in both cases.

In **Madagascar**, in early 2009, large-scale demonstrations against President Ravalomanana in the capital Antananarivo were led by the opposition leader and then-mayor of Antananarivo, Andry Rajoelina. Under pressure from the military, President Ravalomanana resigned on 17 March 2009 and (briefly) handed over power to the military. The subsequent unconstitutional transfer of power from the military to Rajoelina as President of a 'High Transitional Authority' was widely perceived by international powers as a coup d'état. The EU imposed sanctions under Article 96 in 2009 and renewed them in 2010. One possible source of ineffectiveness and inconsistency, however, was the perceived ambivalence of France as a key member state and former colonial power. According to Connolly (2013), 'When the crisis started in March 2009, France was viewed as supporting the unconstitutionally appointed president Rajoelina via the provision of financial assistance disguised as humanitarian aid, this despite the fact that the EU had suspended support to the country'. The EU development aid was resumed in August 2012 following the signing of a roadmap to end the crisis in Madagascar by nearly all key Malagasy political leaders (see Dewar *et al.* 2013).

The military overthrow of the democratically elected government of Amadou Toumani Touré in **Mali** in March 2012 triggered an immediate suspension of the European Commission's development operations, without invoking Article 96 consultations, while humanitarian aid remained in place.⁵ The African Union also condemned the coup and suspended Mali's membership, itself a form of sanction. The consequent instability in Mali led to Tuareg rebels, initially supported by Islamist groups, including a splinter group of 'Al-Qaeda in the Islamic Maghreb', taking control of Northern Mali by April 2012. In response to this Islamic threat, the French government launched unilateral military action in mid-January 2013. At the same time, the European Commission announced that 'a number of development programmes in Mali may also be

resumed as soon as possible' and that '€250 million may be mobilised for this purpose', signalling general EU support for the French intervention.⁶ In fact, aid was resumed in February 2013 when the operation of the French forces was declared largely successful.⁷ At an EU-led conference in May 2013, international donors 'agreed to provide €3.25 billion to fund a sweeping development plan for Mali' conditional upon the interim government undertaking 'democratic and social reforms'.⁸ A peace deal was signed in June 2013, paving the way for the presidential election that took place at the end of July 2013. It is clear that the international response in this case, including that of the EU, has been dominated by security considerations, especially concerning the Islamist threat in the Maghreb.

In sum, it is evident that aid sanctions continue to be implemented within the EU-ACP relations under Article 96, almost automatically in situations of military coups and frequently in situations of flawed elections. The significant number of Article 96 cases from 2001 onwards, as highlighted by Del Biondo (2011), is in continuity with the earlier findings by Crawford (2001), where the majority of aid sanctions' cases in the first half of the 1990s were amongst the ACP countries. Another element of continuity from the first decade, however, is the persistence of inconsistency in the application of Article 96. Partly reflecting Crawford's (2001) earlier findings, Del Biondo (2011: 381) has identified non-cases from 2001 onwards where Article 96 has not been applied despite democratic regressions. Yet, there is also an element of change here, as the key factor that explains such inconsistency has shifted from economic interests to security issues (*ibid.*: 390). At a more general level, the increased linkage of development to security had been noted in the first review of the Cotonou Partnership Agreement (CPA) in 2005 when the political pillar was revised with the introduction of new provisions on security, including 'a commitment to combating terrorism, countering the proliferation of weapons of mass destruction [and] strengthening cooperation to prevent mercenary activities' (Carbone 2013b: 745). These changes have been interpreted as an 'apparent break from the poverty-reduction policies established in the 2000 CPA' (Hadfield 2007: 39) as well as 'leading to a securitisation of EU-ACP relations' (Carbone 2013b:

746). The amendments to the Cotonou Agreement in this context are not unique, since a similar set of provisions have been inserted in the general policy documents which frame the disbursement and suspension of the EU aid. For example, this is the case with the 2006 European Consensus on Development which recognises that ‘security and development are important and complementary aspects of EU relations with third countries’.⁹ We now turn to explore whether similar trends towards the securitisation of aid and aid sanctions are discernible in the case of the US.

US and sanctions in sub-Saharan Africa

Under Section 508, aid suspension measures have been invoked since 2000 in a number of instances in sub-Saharan Africa. Similar to the EU, instances of military coups make up the large majority of cases of aid suspension, although the presidential waiver also accounts for some cases where military coups are *not* sanctioned. An overview of invocations of Section 508 is provided in **Table 2** of the **Appendix**. We examine here the cases of Côte d’Ivoire, Guinea, Madagascar, in order to provide consistency with the EU.¹⁰

The US measures against Laurent Gbagbo’s government in **Côte d’Ivoire** parallel those of the EU to a large extent. After the military coup in 1999 and the subsequent 2000 elections, won by Gbagbo, there was some reluctance to impose sanctions. According to Cook (2011: 50), ‘the United States recognized Gbagbo as the de facto leader of Côte d’Ivoire’. Yet, at the same time, the State Department’s annual ‘Country Report on Human Rights Practices’ assessed that the 2000 presidential elections ‘were marred by significant violence and irregularities’ (Bureau of Democracy, Human Rights, and Labor 2001). It was not until after the presidential elections of November 2010, when incumbent president Gbagbo refused to accept defeat by opposition leader Alassane Ouattara and to hand over power, that the US then imposed financial sanctions against Gbagbo and his close associates, as did the EU.

Political instability and flawed elections have also plagued the neighbouring **Guinea** in West Africa, as noted above in the EU section, and again there are some parallels between the US and the

EU approaches. Despite the earlier flawed elections, notably in 2004, it was the military coup in December 2008 on the death in office of President Conté that led the US government to suspend some bilateral development aid and all security assistance. Yet, Arieff and Cook (2010) report that the US Agency for International Development's (USAID) governance and humanitarian assistance programmes, which comprised a substantial portion of the US aid before the coup, were not affected by the suspension. In practice, only security assistance and limited environmental aid were suspended, while most other aid continued (Arieff 2011). In this case, a literal and rather convenient interpretation of Section 508 legislation enabled aid to continue. As noted by Arieff (*ibid.*), congressionally mandated legal restrictions on assistance to post-coup governments were not formally triggered because the deposed government itself had not been 'duly elected' – President Conté had himself seized power in a coup 24 years previously on the death in 1984 of the post-independence leader Ahmed Sekou Toure.¹¹ In October 2009, the US government did impose targeted sanctions, such as travel restrictions, on members of the so-called National Council for Democracy and Development junta. This followed the 28 September 2009 crackdown when soldiers opened fire and killed opposition supporters at a mass opposition rally at a stadium in Conakry, who were urging coup leader Moussa Camara to step down.¹² The killings of September 2009 were followed by the Ouagadougou Agreement signed in January 2010 which established a framework for a return to elected government. Presidential elections were duly held (first round in June 2010 and the second round in November 2010), and regarded as reasonably free and fair, with Alpha Condé, the leader of the opposition party, declared the winner. Consequently, the US officials signalled their approval and sanctions were terminated (Arieff 2011).

As noted at the outset, aid suspension in Section 508 cases can be waived by the President, mainly justified on grounds of 'national security'.¹³ Another means of avoiding Section 508 requirements is through the definition, or rather the non-definition, of a 'military coup'. This has been evident in a number of recent cases, notably Mali and Egypt. We look here at Mali, while Egypt is examined in the following section on MENA. In March 2012, the US suspended all non-

humanitarian aid to Mali, yet ‘stopped short of calling the events a coup, referring to the takeover of power instead as a mutiny’ (Halperin 2012), thus preventing the automatic triggering of Section 508. Such a decision was clearly taken on security grounds, providing the US government, as Halperin (*ibid.*) noted, with the ‘flexibility to continue or restore aid, especially counterterrorism assistance’. Yet, as of May 2012, the administration did label the events of that year as ‘coup d’etat’ and terminated about \$247 million aid to Mali, though it expanded assistance to the French military mission in the country (see Arieff 2013).¹⁴

In summary, the US government has continued to implement political conditionality as leverage through aid sanctions, most notably in situations of military coups, as required by long-standing legislative prohibitions. It can be argued that aid sanctions in Section 508 cases have given a clear signal to would-be military rulers and have contributed to a return to constitutional rule in a number of instances. Nonetheless, it is also evident that even legislative provisions such as Section 508 can be circumvented where security and/or economic interests prevail. While this is not a new phenomenon, it is evident that contemporary concerns over fundamentalist Islam are likely to signal a greater reluctance to take sanctions measures in situations where the US security interests predominate.

Aid sanctions in the Middle East and North Africa (MENA)

In contrast to sub-Saharan Africa, the MENA region has *not* been subject to extensive sanctioning by either the EU or the US. At the same time, in the period studied, this region is of increasing relevance for examining the operation of political conditionality due to the historic changes brought about by the ‘Arab Spring’. We focus here on the overall response to the uprisings, including in Libya, Syria and Egypt.

EU and sanctions in MENA

During the period of interest to this paper, the MENA region has been covered by two development cooperation programmes: the Euro-Mediterranean partnership (EMP) between 1995 and 2004, followed by the European Neighbourhood Policy (ENP) since 2004.

The former was launched as an ambitious project for shaping the EU foreign policy towards the Mediterranean, effectively replaced by the ENP in 2004. The latter was launched in 2004 with the aim to foster political association and economic integration with sixteen of the EU's closest neighbours, both to the South in North Africa and the Middle East and to the East in the republics of the former Soviet Union. Both programmes contained a human rights and democracy clause, a strong component in particular of the ENP (see Del Sarto and Schumacher 2005). However, in contrast to the invoking of the human rights clause under Article 96 of the Cotonou Agreement, no North African or Middle Eastern country has been subject to the human rights clause under either of the two programmes. This is surprising given the autocratic nature of these regimes, and we seek to explain why this is so.

Under the EMP, Yacoubian (2004) notes that the EU was 'deeply reluctant' to use conditionality, with the human rights clause 'rarely invoked', and indeed gives no examples of its use (*ibid.*: 7). Similarly, the EU has eschewed negative measures and has not invoked the human rights and democracy clause in the Southern region of the ENP prior to 2011, despite the overwhelmingly autocratic context of the region in the 2000s, as evidenced in successive UNDP Arab Human Development Reports (UNDP 2004, 2009). So why has there been no attempt by the EU to use political conditionality to leverage democratic reforms in countries characterised by autocratic governance?

Börzel and Van Hüllen (2011) look specifically at such questions. Their overall assessment of countries in both the Southern and the Eastern parts of the ENP is that they are effectively non-democratic regimes, ones that are 'stuck in transition or never got that far' with democratic legitimacy 'still wanting or even in decline' (*ibid.*: 6). They noted that this stalling or regression of their democratic quality contradicts the EU's stated objectives, yet their analysis is that the EU has

actually contributed to such negative outcomes, albeit unintentionally, by prioritising stability and state-building over democracy. They observe that the EU fears the outcomes of political instability in terms of ‘uncontrolled migration or energy insecurity’ (*ibid.*: 7). Therefore, the EU’s domestic impact in the ENP countries has been to ‘consolidate[e] rather than undermin[e] authoritarian regimes by helping to strengthen their capacities for effective governance’ (*ibid.*: 6).

Other analysts, concentrating specifically on the EU relations with the southern neighbourhood, have also highlighted the lack of political conditionality and come to similar conclusions. Prior to the ‘Arab Spring’ from early 2011, Youngs (2008) noted that, ‘most conspicuously, democracy-related conditionality has not been a part of the European policy mix in the Middle East’, citing the example of Egypt, amongst others, where European criticism had been ‘all but inaudible’ (*ibid.*: 6). This is explained as due to the EU’s self-interests predominating over any normative concerns (Balfour 2012), with this failure to impose sanctions actually strengthening autocratic regimes in the 2000s, enhancing their legitimacy through association agreements with the EU.

The events of the Arab Spring highlighted the paradox of the EU democracy promotion and political conditionality in the MENA region. It is notable that, prior to the popular unrest, the EU was prepared to enter into cooperation agreements with autocratic regimes with few, if any, conditions attached apart from the obligatory, but nominal, human rights and democracy clause. If the initial uprisings associated with the Arab Spring were perceived as a democratisation process finally affecting the region, then this could not be attributed to the EU in any way. On the contrary, Dandashly (2015: 53) concludes that ‘the Arab Spring caught the EU by surprise’, while Börzel and Van Hüllen (2011: 7, emphasis added) state pithily that, ‘The recent breakdowns of the authoritarian regimes in Tunisia, Egypt, and Libya happened less because [of] but rather *despite* the EU’s attempts to prevent political instability’. However, the uprisings themselves forced the EU to implement sanctions, a measure that it had previously been reluctant to take (Portela 2012). We look at the recent policy and practice of the EU in relation to both Libya and Syria.

Regarding **Libya**, negotiations were launched in November 2008 for a framework agreement for 2011–2013, though one from which democracy and human rights projects were excluded from the outset (see Bosse 2011). Following the events in early 2011 in Libya, with initial anti-government protests quickly escalating into a civil war, negotiations were suspended in February 2011 and targeted sanctions were imposed by the European Council at the end of February 2011, including a visa ban and an asset freeze on Gaddafi, his family and his closest associates, followed by the NATO military operation which led to the overthrow of the regime.¹⁵ The EU and its member states then provided approximately €155 million in humanitarian assistance,¹⁶ with an EU office opening in Benghazi in May 2011, then in Tripoli in August 2011, subsequently transformed to an EU Delegation in November 2011.

Similarly, an affirmative approach to relations between the EU and **Syria** gained momentum from 2008, with a general consensus in favour of the EU engagement with Assad's regime emerging in 2009, partly due to the recognition of Syria's key role in a number of critical issues in the region.¹⁷ Syria was part of the European Neighbourhood Partnership Instrument and the EU allocated approximately €259 million for support to political and administrative reforms in the country between 2008 and 2013.¹⁸ However, following the uprising in Syria from spring 2011 onwards, the EU Foreign Affairs Council of May 2011 suspended bilateral cooperation programmes with the Syrian government, and also froze the draft Association Agreement.¹⁹ In what Portela describes as 'unprecedented', the EU then deployed 'the virtual entirety of measures in the sanctions toolbox within less than a year' (Portela 2012: 2), with 17 sets of restrictive measures imposed in the 12-month period from mid-2011, including financial measures, targeted sanctions, an energy embargo and trade restrictions (*ibid.*: 2–4).

Therefore, in North Africa and the Middle East, under both the EMP and the ENP, it can be concluded that the EU has engaged in democracy rhetoric only.²⁰ Their practice from the mid-1990s up to 2011 had been to eschew sanctions and instead to strengthen the stability of those autocratic regimes perceived as supportive of their own interests. The EU demonstrated hypocrisy in its

espousal of democracy and human rights principles while effectively engaging in autocratic stabilisation, at least up until the Arab Spring. Thus, there has been continuity since 1995 onwards in this marginalisation of human rights and democracy concerns and their subordination to other foreign policy priorities, including issues of energy security and migration. The notable change, however, has been the rise and predominance of security interests post-9/11, which has served to further reinforce autocratic stabilisation, given the specific intent to strengthen those non-Islamist elites in power in North Africa.

The response to the Arab Spring was an opportunity for a shift in the EU's approach towards the MENA region. Balfour (2012: 21) optimistically detects a 'redefining' of the EU conditionality after the Arab Spring, inclusive of a focus on 'deep democracy' and a shift to a 'listening mode', reiterating the new buzzwords for the EU post-Arab Spring policy as stated by Catherine Ashton.²¹ Yet, Balfour (2012: 26) also acknowledges that such changes emerge from 'the *mea culpa* (that) the EU institutions are undergoing for failing to grasp the dynamics in the Arab world and for the complicity of European governments in supporting the regimes in the region'. Contrary to Balfour, Dandashly (2015) examines whether or not there have been a notable change and coherence across countries in the goals and instruments utilised by the EU in response to the Arab Spring. Looking at the cases of Tunisia, Egypt and Libya, he has shown that the local environments coupled with domestic political instability have influenced the goals and instruments used by the EU. While he does recognise that the EU initially 'viewed the events as a window of opportunity for democracy' (*ibid.*: 50), he concludes that, ultimately, the EU has not moved away from the 'prioritisation of security and stability' (*ibid.*: 53). Thus, overall, despite the initial consideration of the Arab Spring as an opportunity for democracy promotion, the priorities of security and stability have continued to dominate the EU's dealings with the countries of the MENA region.

US and sanctions in MENA

Research in the 1990s showed that the US aid sanctions were similarly conspicuous by their absence in the MENA region (Crawford 2001: 175–76), with only Syria banned from receiving foreign aid due to being listed as a sponsor of international terrorism. Algeria and Egypt were noted in particular as autocratic ‘non-cases’ where aid sanctions could have been expected due to democratic reversals and human rights violations, but were not taken due to security fears concerning Islamic fundamentalism in Algeria and in order to maintain support for Egypt as an important geostrategic ally of the West in the Arab world (Crawford 2001: 220–23). Research findings from 2000 onwards show continuity with the 1990s. While Huber (2015) traces the nascent democracy promotion agenda in the Middle East back to the 2005 Freedom Agenda of the US government, she recognises an immediate backtracking with the electoral gains of political Islam from 2006. MacQueen’s (2009) research on the US democracy promotion in the Arab World demonstrates the lacklustre approach of the Bush administration (2001–2008) to its ostensible policy of democracy promotion and the privileging of political stability over democratic reform. This has had the perverse outcome of political opposition forces, at times recipients of the US democracy assistance funding, being subject simultaneously to repression by state authorities without censure or repercussions for those state authorities from the US government. In MacQueen’s (2009: 165) words, autocratic regimes across this region were able to

enhance their capacity for social penetration and to exploit a lack of effort to promote the idea of democracy, facilitating direct and indirect modes of repression against opposition forces that have drawn from democracy promotion funding.

In a similar explanation of the persistence of authoritarian governance in the region, Berger (2011: 38) stated, in an article written just before the Arab Spring, that it was precisely the *unwillingness* of the US to *condition* its support for regional allies on human rights concerns that constituted one of the main reasons for the Arab world’s ‘democratic exception’. He argued that the US foreign policy had *not* implemented democracy promotion in the Middle East as a foreign policy goal in its own right.

This reluctance to sanction aid in MENA countries is most evident in circumstances of military rule where one would expect Section 508 to be invoked, with Egypt as the most significant example. Following the removal by the Egyptian military of elected president Mohammed Morsi on 3 July, 2013, there was extensive discussion in the international media on whether or not the US government would freeze its aid to Egypt.²² Yet, by specifically deciding *not* to define Morsi's ousting by the military as a coup d'état, the Obama administration enabled its large foreign aid package to the Egyptian government to remain unaffected (Aziz 2013).²³ In mid-October 2013, the Obama administration announced that it was partly suspending military aid in Egypt, though still refraining from labelling the events as a coup, thereby still maintaining a space for financially supporting the Egyptian authorities.²⁴ It is evident that the US's perceived 'national security interests' have been prioritised, with linguistic contortions not to call a coup a coup, and thus enabling relatively favourable terms to be maintained with the Egyptian military authorities, perceived as an ally in common opposition to Islamist forces, whether elected or not.

Huber (2015: 57) has analysed the US response to the Arab Uprisings claiming that, while it initially acted as a 'modest advocate of democracy', as the events unfolded the 'US perceived the uprisings as a risk rather than an opportunity'. Looking at the cases of Tunisia, Bahrain, Egypt, Libya, and Syria, Huber considers that, at the outset of the uprisings, a slight shift towards democracy promotion could be observed, but it then became overshadowed by security concerns. This analysis is similar to the findings of Dandashly (2015) on the EU response (see above). And, in a recent comparison of the EU and the US responses to the Arab Spring, Börzel *et al.* (2015: 136) conclude that both 'have prioritised security and stability over democracy', overall findings that are confirmed here.

Aid sanctions in Central Asia

Post-9/11, the strategic location of the five Central Asian states increased their importance in Western eyes, with enhanced aid and cooperation programmes from both the EU and the US (see

below), inclusive of the stated goal of promoting democracy. Therefore, Central Asia provides an interesting examination of how political conditionality has been implemented (or not) in the changed aid policy environment following 9/11 and the introduction of the ‘war on terror’.

EU and sanctions in Central Asia

The key EU policy document is its Central Asia Strategy (2007–2013),²⁵ which emphasises good governance, human rights and democracy as the basic principles on which relations between the EU and the Central Asian countries are founded (European Council 2007: 1). This Strategy is implemented mainly through the Partnership and Co-operation Agreements signed with individual countries (Article 2), in which respect for democracy and human rights is an essential element. The reality, however, is that the five Central Asian states remain overwhelmingly autocratic, ranging from fragile electoral democracy in Kyrgyzstan to deep-seated authoritarian rule in Uzbekistan and Turkmenistan, yet the only instance where sanctions have been invoked in the region was in **Uzbekistan** in relation to the Andijan massacre of May 2005.²⁶ The EU adopted a common position rather belatedly in November 2005, which included imposition of limited sanctions, including diplomatic sanctions, an arms embargo and a visa ban for those senior Uzbek officials deemed responsible for the massacre (Council of the European Union 2005). Despite the sanctions, the EU was at the time highly divided on this issue due to Germany’s reluctance to support more stringent measures as it had troops stationed at an Uzbek military base at the time, shedding light on the composite nature of the EU decision-making and conflicting interests of the various EU member states. According to Crawford (2008: 178), ‘such dissension within the EU clearly weakens the measures taken and its overall resolve’, with ineffectiveness the likely outcome. This seemed to be confirmed in November 2008 when the Council lifted the visa ban. According to Brummer (2009: 203–204), ‘the EU countries’ decision to reduce pressure does not seem to have been motivated by tangible progress on the part of Uzbekistan’, but by the strategic importance in reducing European oil dependency on Russia and its hosting of the base vital for the Afghanistan operations. More

generally, in terms of the EU's engagement with Central Asian states, Hoffman (2010: 101) notes that 'even though compliance with principles of democracy and good governance is officially a condition for strengthened partnership with the EU, the EU seems to be rather generous in the assessment of the Central Asian states' efforts in this regard'.

Central Asia provides an example of increased EU cooperation with autocratic governments in the post-9/11 context. It is evident again that there is a strong reluctance to implement the human rights clause to sanction Central Asian governments. Despite the depiction of promoting democracy and protecting security interests as complementary in the *European Security Strategy* (Council of the European Union 2003: 10) and in the *EU's Central Asia Strategy* (Council of the European Union 2007: 4), it is clear that in practice there is a trade-off between security and democracy, with (semi-)authoritarian governments embraced as allies for security reasons, and consequently their autocratic nature reinforced and stabilised. Additionally, the EU's energy security concerns and the commercial interests of its energy multinationals, with significant investments in Central Asia, further marginalise democracy issues and diminish any prospects of the implementation of political conditionalities as a leverage mechanism (see Crawford 2008).

US and sanctions in Central Asia

For much of the 1990s and until 11 September, 2001, the United States paid limited attention to the newly independent states of Central Asia and provided much more aid each year to Russia and Ukraine than to any Central Asian state (Nichol 2012: 52). However, after 9/11, Central Asian states were assigned much more strategic importance due to the Bush administration's 'war on terror' and the establishment of the US military bases in the region in relation to the invasion and occupation of Afghanistan. Consequently, as Tarnoff (2007: 9–10) informs us, 'In FY2002, they [Central Asian states] received an additional \$174 million in FSA account funds from anti-terrorism supplemental appropriations'. Nonetheless, various conditions have been attached to the US assistance in Central Asia through a variety of legal instruments, including specific democracy and

human rights requirements in the 1993 Freedom Support Act. Such conditions include ‘whether these countries are undertaking economic and political reforms, are following international standards of human rights, are adhering to international treaties, and are denying support to terrorists’ (*ibid.*: 9).

Yet, despite Central Asian states remaining overwhelmingly autocratic, the only case of suspension of assistance in the region has again been in **Uzbekistan**. This would appear to correspond to the EU and its post-Andijan sanction. However, the US suspension actually pre-dated Andijan, when in 2004 ‘the Secretary of State was unable to make a determination allowing Uzbek government aid to go forward, and \$18 million planned for the central government was withheld’ (*ibid.*: 10). According to Human Rights Watch, ‘congressional restrictions on aid to Uzbekistan, introduced in 2004, were based on legislation enacted in 2002 that makes the US assistance to the Uzbek government contingent on its efforts to improve its human rights record and to institute political and institutional reform’.²⁷ Relations between the US and Uzbekistan were then further strained by the 2005 Andijan massacre. Although the US did not respond directly to the massacre, it supported a UN plan to move Uzbek refugees in Kyrgyzstan to European countries that had agreed to grant them asylum, despite opposition to the plan from the Uzbek government (Cooley 2008). In response, Uzbekistan evicted the US troops in July 2005 from its air base at Karshi-Khanabad (known as ‘K2’). According to Cooley (2008: 1177), the eviction of the US from the base in K2 ‘was a military and political blow to the US, which lost [...] the opportunity to take the initiative and leave Uzbekistan out of political principle’, although whether or not the US government would have left of its own accord remains conjecture. Although since 2009 Uzbekistan has been annually designated by the State Department as a ‘country of particular concern’ for severe religious and other human rights violations, the same institution has issued waivers for Uzbekistan, thereby precluding any US aid sanctions (see Nichol 2013).²⁸ Moreover, in January 2012, the US military aid to Uzbekistan was reinstated with a waiver from the Secretary of State ‘on national security grounds and as necessary to facilitate U.S. access to and from Afghanistan’ (Nichol 2012: 55).²⁹ In

light of both the EU and the US reluctance to impose strict sanctions, Cooley (2008: 1180) notes that both German and the US officials have argued that ‘over the long term, engaging with Uzbek officials and the Uzbek military is a far more fruitful strategy for promoting reforms than publicly lecturing Tashkent about human rights’. It is debatable whether this is an accurate assessment or an argument of convenience by such officials, but either way it would appear that security interests have again trumped human rights and democracy concerns.

In 2010, the Obama administration launched annual bilateral consultations (ABCs) with all Central Asian states. Such dialogue and accompanying financial assistance would seem to be motivated by security issues, with democracy and human rights again taking a back seat. While launching these instruments, ‘the Administration stated in FY2010 and FY2011 that it was prioritizing foreign assistance to Tajikistan and Kyrgyzstan’ (Nichol 2012: 53). Although the poorest of the five Central Asian states, this prioritisation would appear to have been driven by the crucial role played by these two countries in the US’s Afghanistan strategy (*ibid.*). Kucera (2012: 33) characterises this approach as ‘an aid policy that prioritizes gaining access and influence over genuine reform’. Similarly, Cooley (2012: 6) has argued that ‘with the region treated as part of the Afghanistan theatre, security matters have displaced other issues from the U.S. diplomatic agenda’. As a result, it has been argued that ‘aiding security forces in authoritarian countries comes with an inherent risk that those forces could be used to put down legitimate, peaceful political opposition’ (Kucera 2012: 27). Such warnings regarding Central Asia seem to parallel the findings of autocratic stabilisation in the MENA region. Evidence from Central Asia clearly demonstrates the securitisation of development assistance in a manner in which aid is given to promote the security interests of the donor, as defined above. The consequence is that political conditionality as a potential policy tool in leveraging political reform is undermined and rendered impotent.

Conclusion

We have examined how political conditionality has evolved over its 25-year history, and now return to the question of what has changed and why. There are three main findings related to the themes of continuity and change.

First, a common perception, reflected in the literature, is that political conditionality and the use of sanctions has fallen out of favour among Western governments as an instrument of foreign and development policy. This led Youngs (2010: 1), for instance, to state that its ‘use has almost disappeared’. However, despite the non-implementation of aid sanctions in some regions, our findings do not support the view that such a major policy shift has occurred, with the effective abandonment of political conditionality. Aid sanctions, inclusive of partial and full suspension of assistance, do continue to be implemented by both the EU and the US, especially in the context of Article 96 of the EU-ACP Cotonou agreement and in line with Section 508 of the US Foreign Assistance Act. We also noted the increased use of targeted sanctions against those directly accused of human rights violations, for instance in Guinea, Libya and Syria, a change that corresponds with the general shift from comprehensive to targeted sanctions in order to avoid harm to the general population. Therefore, aid sanctions continue to be invoked, although questions remain as to the contexts, manner and purpose for which they are invoked.

Second, in addressing such questions, a further element of continuity from the 1990s is that most (though not all) aid suspensions in the post-2000 period are in low-income, aid dependent countries in sub-Saharan Africa, most consistently taken in contexts of military coups (see Crawford 2001). The other side of this coin, the ‘non-cases’, further emphasises such continuity in policy application. Here, the non-implementation of aid sanctions by both the EU and the US in situations of human rights violations and democratic regression continued to be evident in particular regional contexts, notably MENA and Central Asia, demonstrating an ongoing pattern of selective and inconsistent application of political conditionality, one criticised for its double standards (see Brummer 2009, Del Biondo 2012). Specific to the EU, such findings tend to support the realist position of Hyde-Price (2006) in contrast to the idealist position of Manners (2002), undermining

the notion of the EU as a 'normative power' and confirming the use of political conditionality by the EU member states as an instrument to further their own interests. Attempting to explain such double standards by both the EU and the US and to analyse which element of self-interest is predominant, then leads to the third main finding, one which highlights a significant element of change.

Third, in the first decade of political conditionality, the inconsistency of policy implementation was analysed as mainly due to the prioritisation of the donors' own economic and commercial interests, which trumped the normative promotion of democratic and human rights values through aid policy (Crawford 2001, Brown 2005, Del Biondo 2012). Although such economic self-interests remain, as is evident in the EU's emphasis on energy security issues in its Central Asia strategy, a key finding is that selective and inconsistent implementation is now mainly due to the prioritisation of national security and geo-strategic interests. This reflects a more fundamental change in which political conditionality as part of development aid policy is now more firmly located under the domain of foreign policy in which national security interests predominate. This change was flagged up in our literature-based discussion of the 'securitisation of development', providing an analytical lens through which we examined the data, and the impact of this broader change on the implementation of aid sanctions has been confirmed.

The emergence of political conditionality in the early 1990s reflected a normative agenda, at least at the level of discourse and rhetoric, one which linked development aid to the promotion of democracy and respect for human rights as universal values. This is no longer the case. The application, as well as the non-application, of political conditionality is now primarily oriented towards a security agenda, not a pro-democracy one. The predominance of strategic and security issues, especially after the 9/11 attacks on the United States in 2001, explains the non-implementation of aid sanctions in those countries and regions where Western security concerns are most acute, as is especially evident in the MENA region, as well as in Central Asia. Additionally, the prioritisation of security concerns is also apparent in some instances where aid suspension was

applied, for example in Mali in 2012 where political instability was facilitating the rise of ‘Al-Qaeda in the Islamic Maghreb’, and in Cote d’Ivoire in 2010/2011 when regional stability was threatened. This shift reflects the rise of the development-security nexus (see Hadfield 2007; Duffield 2010; Stern and Öjendal 2010), though not in a manner where security is emphasised positively as a necessary condition for development, as stated in policy documents, but in terms of the securitisation of development where development assistance is subordinated to, and used instrumentally to promote, the security interests of the major powers. The cases here, both those where conditionality has been applied and those where it has not, indicate that the primary driver of policy implementation is now to promote security interests, with democracy and human rights no longer valued as normative objectives in themselves, but subordinated to the overarching aim of security. Therefore, a significant change has occurred in which the normative agenda of democracy promotion, in so far as it existed, has been re-oriented to serve the security interests of its Western advocates.

Richard Youngs (2010) invited us to say ‘good riddance’ to political conditionality, and this is a tempting prospect, especially given its increased integration into the security-development nexus in a manner that at best subordinates and instrumentalises democracy and human rights concerns, if not completely negates them. But perhaps an alternative perspective is to call for a re-emphasis on aid sanctions, especially targeted sanctions, as a policy tool aimed at autocratic political leaders, one which is deployed with consistency as a means to leverage change in contexts of gross and persistent human rights violations and democratic breakdown.

Notes

¹ There is also a positive version of political conditionality that entails the provision of development aid as an incentive and reward for undertaking democratic reform, with the expectation that levels of assistance and co-operation will increase or decrease dependent on the

demonstrated commitment to political reform. This is distinguished from democracy assistance which involves specific and targeted support to democracy projects, whereas positive conditionality is understood as the provision of general assistance in the form of development aid to encourage states, including semi-autocratic or hybrid regimes, to democratise. This has been applied most successfully in relation to the EU accession states (Schimmelfennig and Sedelmeier 2005; Vachudova 2005). This was confirmed by Schimmelfennig and Scholtz's (2008) research into the effectiveness and relevance of the EU political conditionality in a study of 36 countries of the East European and Mediterranean neighbourhood of the EU for the years 1988–2004. The findings were of 'robust and strong effects of EU political conditionality on democracy in the neighbouring countries *if* the EU offers a membership perspective in return for political reform' (Schimmelfennig and Scholtz 2008: 187, emphasis added). However, 'absent the offer of membership, [and] EU incentives such as partnership and cooperation do not reliably promote democratic change' (*ibid.*). Political conditionality in this positive form is also *not* examined here.

- ² While we recognise the differences in the decision-making on sanctions between the EU and the US, this is beyond the scope of this article.
- ³ Other cases in sub-Saharan Africa are not discussed in detail for reasons of length, especially Mauritania, Niger, Togo and Zimbabwe. The suspensions of aid for Niger and Zimbabwe have been since revoked. See the EU Relations with Niger, the European Union external action, available at http://eeas.europa.eu/niger/index_en.htm (last accessed on 13 February, 2017). The July 2012 Council conclusions approved immediate suspension of the measures hitherto applied under Article 96 of the Cotonou Agreement on Zimbabwe, 3183rd Foreign Affairs Council meeting Brussels, 23 July 2012, available at http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/131955.pdf (last accessed on 13 February, 2017).

- ⁴ The EU suspended electoral assistance for the October and December 2000 elections and then opened consultations under Article 96 in January 2001. However, the EU did not suspend the ongoing programmes and continued to approve new programmes, albeit on a gradual basis, with full cooperation resumed in February 2002 (Del Biondo 2012: 84).
- ⁵ Europa Press Release, ‘EU suspends its development aid to Mali’, Brussels, 23 March, 2012 available at [http://europa.eu/rapid/press-release MEMO-12-214_en.htm?locale=en](http://europa.eu/rapid/press-release_MEMO-12-214_en.htm?locale=en). As will be shown later, the US also suspended aid to Mali immediately.
- ⁶ European Commission Press Release, ‘The European Commission boosts its humanitarian aid in Mali as crisis response Commissioner visits the country to assess needs’, Brussels, 22 January, 2013, available at [http://europa.eu/rapid/press-release IP-13-32_en.htm?locale=en](http://europa.eu/rapid/press-release_IP-13-32_en.htm?locale=en) (last accessed on 13 February, 2017).
- ⁷ ‘EU to Resume Development Aid to Mali’, 12 February, 2013, available at <http://www.eu2013.ie/news/news-items/20130212postdevpr/> (last accessed on 13 February, 2017); see also ‘François Hollande visits Timbuktu as Mali intervention declared successful’, *Guardian*, 2 February, 2013, available at <http://www.theguardian.com/world/2013/feb/02/francois-hollande-timbuktu-mali> (last accessed on 13 February, 2017).
- ⁸ ‘Donors offer Mali over €3 billion in aid – with strings attached’, 15 May, 2013, EurActiv, available at <http://www.euractiv.com/development-policy/eu-backs-mali-millions-aid-strin-news-519751> (last accessed on 13 February, 2017).
- ⁹ ‘The European Consensus on Development’, Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy, *Official Journal of the European Union* 2006/C 46/01.
- ¹⁰ The Central African Republic, Thailand and Honduras constitute other cases that we have not had space to cover.

- ¹¹ The Consolidated Appropriations Act of 2010 (P.L. 111-117, Title VII, Division F, Section 7008) bars direct assistance ‘to the government of any country whose duly elected head of government is deposed by military coup or decree’, with the exception of democracy promotion assistance. Such provisions, which have been included in annual appropriations legislation since at least 1985, are often referred to as ‘Section 508’ sanctions. However, the State Department determined that the December 2008 coup in Guinea did not trigger the provision because the deposed government had not been ‘duly elected’ (Arieff 2011).
- ¹² The Guinean Human Rights Organisation says 157 were killed in the violence and over 1200 injured, though the government put the number killed at 57. In a press statement issued on October 23, 2009, the US ‘imposed restrictions on travel to the United States by certain members of the military junta and the government, as well as other individuals who support policies or actions that undermine the restoration of democracy and the rule of law in Guinea’ (Guinea: Travel Restrictions US Press Statement Department Spokesman, Bureau of Public Affairs, Office of Press Relations Washington, DC, 29 October, 2009, available at <http://www.state.gov/r/pa/prs/ps/2009/oct/131047.htm>, last accessed on 13 February, 2017).
- ¹³ Pakistan stands out as the most prominent case in which the imposed sanctions under Section 508 were partly waived due to Pakistan’s role in the so-called ‘war on terror’ (see Epstein and Kronstadt 2013; Cookman and French 2011).
- ¹⁴ ‘Foreign Assistance Funds or Direct Military Assistance: The Questionable Legality of the U.S. Mission in Mali’, available at <http://nationalsecuritylawbrief.com/foreign-assistance-funds-or-direct-military-assistance-the-questionable-legality-of-the-u-s-mission-in-mali/> (last accessed on 13 February, 2017).
- ¹⁵ Council of the European Union, Press Release: ‘Libya: EU imposes arms embargo and targeted sanctions’, 28 February, 2011, available at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/119524.pdf (last accessed on 13 February, 2017).

- ¹⁶ ENP Package Libya Memo, May 2012, available at http://ec.europa.eu/world/enp/docs/2012_enp_pack/libya_memo_2011_en.pdf (last accessed on 13 February, 2017).
- ¹⁷ Syrian Arab Republic National Indicative Programme 2011–2013, European Neighbourhood and Partnership Instrument, available at http://ec.europa.eu/world/enp/pdf/country/2011_enpi_nip_syria_en.pdf (last accessed on 13 February, 2017).
- ¹⁸ See European Commission, European Neighbourhood and Partnership Instrument Syrian Arab Republic Strategy Paper 2007–2013, available at http://ec.europa.eu/world/enp/pdf/country/enpi_csp_nip_syria_en.pdf (last accessed on 15 May 2016); European Commission, Country Cooperation – Syria, available at http://ec.europa.eu/europeaid/where/neighbourhood/country-cooperation/syria/syria_en.htm (last accessed on 15 May 2016).
- ¹⁹ ENP package Syria Memo May 2012, available at http://ec.europa.eu/world/enp/docs/2012_enp_pack/syria_memo_2011_en.pdf (last accessed on 15 May 2016).
- ²⁰ Since 2011, the EU launched a new financial instrument the SPRING programme (Support for Partnership, Reform and Inclusive Growth), which provides support for the Southern Neighbourhood countries for democratic transformation, institution building and economic growth in the wake of the Arab Spring. Initially, the SPRING programme covered four countries (Egypt, Jordan, Morocco, Tunisia) and was then extended to the remaining Arab partners in the Southern Neighbourhood (Algeria, Lebanon, Libya, Syria). The programme was based on the more-for-more principle, with the objective of supporting the reforming countries, but the outcomes of it are still early to assess.
- ²¹ See Catherine Ashton, ‘Speech at the European Parliament’, SPEECH/11/608, Strasbourg, 27 September, 2011.

- ²² ‘US withholds Egypt military aid over crackdown’, *BBC News*, 10 October, 2013, available at <http://www.bbc.co.uk/news/world-middle-east-24470121> (last accessed on 13 February, 2017).
- ²³ Aziz (2013) notes that the US foreign aid to Egypt is tied not only to the Egypt–Israel peace treaty, but also ‘contributes to the annual budgets of major American defense companies such as Lockheed Martin and General Dynamics, which have longstanding contracts with the Egyptian military’.
- ²⁴ ‘US withholds Egypt military aid over crackdown’, *BBC News*, 10 October, 2013, available at <http://www.bbc.co.uk/news/world-middle-east-24470121> (last accessed on 13 February, 2017).
- ²⁵ The full title is the ‘EU Strategy for a New Partnership with Central Asia’, as adopted by the European Council on 21–22 June, 2007.
- ²⁶ Up to 750 people, mainly unarmed civilians, died in the government’s violent suppression of the Andijan uprising in mid-May 2005, with a subsequent crackdown on human rights activists and independent journalists who drew attention to the events (International Crisis Group 2005).
- ²⁷ Human Rights Watch, ‘Uzbekistan: US Shouldn’t Green-Light Aid’, available at <http://www.hrw.org/news/2011/09/07/uzbekistan-us-shouldn-t-green-light-aid> (last accessed on 13 February, 2017).
- ²⁸ See United States Department of State, ‘Countries of particular concern’, available at <http://www.state.gov/j/drl/irf/c13281.htm> (last accessed on 15 December, 2015).
- ²⁹ It is worth noting that in September 2011, prior to this waiver being issued, Human Rights Watch wrote an open letter to the Secretary of State entitled ‘Don’t Lift Restrictions Linked to Human Rights until Tashkent Shows Improvement’, while similarly the International Crisis Group (ICG) and other human rights groups wrote a ‘Joint Letter to Secretary Clinton Regarding Uzbekistan’ asking her not to change US policy without human rights improvements (Nichol 2012: 54).

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Appendix

Table 1: Overview of Article 96 cases from 2000–2015 (reproduced from Del Biondo 2011, with authors' elaborations)

| Country | Date of invocation | Context |
|--------------------------|--------------------|--|
| Fiji | 4/08/2000 | coup d'état |
| Central African Republic | 22/05/2003 | coup d'état |
| Guinea-Bissau | 19/12/2003 | coup d'état |
| Mauritania | 29/11/2005 | coup d'état |
| Fiji | 27/02/2007 | coup d'état |
| Mauritania | 15/09/2008 | coup d'état |
| Guinea | 16/03/2009 | coup d'état |
| Madagascar | 4-5/06/2009 | coup d'état |
| Guinea Bissau | 07/2011 | coup d'état |
| Haiti | 2/08/2000 | flawed elections |
| Cote d'Ivoire | 22/01/2001 | flawed elections |
| Togo | 30/03/2004 | flawed elections |
| Guinea | 30/03/2004 | flawed elections |
| Niger | 27/10/2009 | referendum for third mandate of president in view of presidential elections |
| Liberia | 23/07/2001 | involvement with human rights violations by the RUF, lack of freedom of the press and of expression, corruption |
| Zimbabwe | 29/10/2001 | growing violence and insecurity, lack of freedom of expression, violence in the pre-electoral period, illegal occupation of land |
| Burundi | 17/11/2015 | human rights, democratic principles and the rule of law – ongoing consultation |

Table 2: Overview of invocations of Section 508 sanctions in the US

| Country | Date of invocation | Context |
|--------------------------|---------------------------|----------------|
| Guinea-Bissau | 2003 | coup d'état |
| Central African Republic | 2003 | coup d'état |
| Thailand | 2006 | coup d'état |
| Fiji | 2006 | coup d'état |
| Madagascar | 2009 | coup d'état |
| Mali | 2012 | coup d'état |