universität wien

MASTERARBEIT / MASTER’S THESIS

Titel der Masterarbeit / Title of the Master‘s Thesis

„Tracing the withdrawal decision process of the EU’s Generalised System of Preferences in the case of Myanmar“

verfasst von / submitted by

Tamina Schneider, B.Sc.

angestrebter akademischer Grad / in partial fulfilment of the requirements for the degree of

Master of Arts (MA)

Wien, 2023 / Vienna 2023

Studienkennzahl lt. Studienblatt / degree programme code as it appears on the student record sheet:	UA 066 589
Studienrichtung lt. Studienblatt / degree programme as it appears on the student record sheet:	Masterstudium Internationale Entwicklung
Betreut von / Supervisor:	Univ.-Ass. Katharina Meissner-Schoeller, PhD

Table of Contents

List of Abbreviations

AFET .... Committee on Foreign Affairs
ASEAN .... Association of Southeast Asian Nations
BSPP .... Burma Socialist Program Party
CAT .... Convention against Torture
CCP .... Common Commercial Policy
CEDAW .... Convention of the Elimination of Discrimination against Women
CERD .... Conventions on Elimination of Racial Discrimination
CESCR .... International Covenant on Economic, Social and Cultural Rights
CFSP .... (EU) Common Foreign and Security Policy
CIRI .... Physical Integrity Rights Index
CRC .... Convention on the Rights of the Child
DG .... Directorate General
DROI .... Committee on Human Rights
EBA .... Everything but Arms
EEAS .... European External Action Service
EP .... European Parliament
FLINTA* .... Female, Lesbian, Intersex, Trans and Agender
GDP .... Gross Domestic Product
GSP .... Generalised Scheme of Preferences
GVCs .... Global Value Chains
ILO .... International Labour Organization
INTA .... Committee on International Trade
IO .... International Organization
KIA .... Kachin Independence Army
LDCs .... Least developed countries
MDGs .... Millennium Development Goals
MLC .... Maritime Labour Convention
NDL .... National League for Democracy
OHCHR .... Office of the United Nations High Commissioner for Human Rights
SD .... Sustainable Development
SDGs .... Sustainable Development Goals
SLORC .... State Law and Order Restoration Council
TEU .... Treaty on European Union

USDP .... Union Solidarity and Development Party

List of Figures

List of Tables

1. Introduction - Motivation, Research Interest, Question & Impact

The last decades are marked by an increasing integration of human, labour and other fundamental rights into trade policy. Trade policy is “one of the EU major instruments used to promote fundamental rights in developing countries” (Meissner 2021:1). An example of this is the implementation of the human rights clause in EU trade agreements, which was slowly introduced in the 1990s. The clause, covering democratic principles, enables suspension of trade commitments in times of crisis and also regulates the EUs relations with third countries, opening up the possibility to dialogue and cooperation regarding human rights issues (cf. European Parliament 2019). In addition to this general implementation of human rights in agreements with third countries, there is one main tool regarding the promotion of human rights in third countries: the Generalised System of Preferences (GSP). The GSP grants preferential trade access to the European Union for developing countries – dependent on beneficiaries recognizing and respecting basic human, labour, and environmental rights.

The system is a ‘carrot or stick’ instrument (cf. Hazelzet 2001) – on the one hand, incentives are created (preferential trading tariffs). On the other hand, there is a disadvantage if a desired behaviour (respecting underlying conventions) is not fulfilled. If fundamental elements of the underlying conventions are not ‘respected’, tariff preferences can be withdrawn: the preferential agreements “may be withdrawn temporarily (…) for (…) serious and systematic violations of principles laid down in the conventions” (cf. European Commission 2012: 10). The withdrawal of preferences happens rarely. As of July 2023 66 countries benefit from the GSP (GSPhub 2023b), there have been only four withdrawals since the implementation of the political conditionality (Myanmar in 1997, Belarus in 2007, Sri Lanka in 2009 and most recently Cambodia in 2019/2020) (cf. Portela 2021: 265).

When looking at the human and labour rights situation in some beneficiaries of the GSP, there seems to be a tension between the theoretical definition of when withdrawals are supposed to happen and the practical implementation. Myanmar is such a case – the military junta, which has been in power since the coup d’état in February 2021, commits severe human rights violations. Human Rights Watch reports mass killings, arbitrary arrests, torture, sexual violence, and more (cf. Human Rights Watch 2023a). All these atrocities are taking place in parallel with the genocide against the Rohingya, a Muslim minority in Myanmar (cf. Human Rights Watch 2020a). The situation in Myanmar has led to a huge refugee movement: as of 2023, over 1.5 million people were internally displaced in Myanmar in addition to around

75,000 people who fled to neighbouring countries (cf. Human Rights Council 2023: 4). Despite these serious and severe human rights violations which breach the underlying conventions of the GSP Agreement and the grave effect on Myanmar's population, Myanmar remains a 'non-withdrawal' case – even though members of the European Parliament as well as external actors are pressuring the Commission to employ the withdrawal mechanism (cf. Cañas 2022; cf. IndustriALL 2022; cf. Mato 2022).

This discrepancy between what the GSP regulation appears to call for (a withdrawal in the case of violations of the conventions) and the reality (no withdrawal, despite severe violations) is not unique to the case of Myanmar: Orbie et al. state that there are "several contradictions and inconsistencies in the design and use of GSP conditionality" (2022: 70). The scarce use of the preference withdrawal system is a topic in scholarly discussion, as the "rare activation of suspension clauses contrasts with the widespread violations of labour and human rights in GSP beneficiaries" (Portela 2021: 271). This leads to some authors even questioning the credibility of the EU's identity in international politics as well as the GSP as a human rights/development instrument. Velluti argues that this "'selective human rights conditionality' has led many to question the legitimacy of the EU's role in promoting human rights and ILO labour standards" (Velluti 2016b: 51). Moreover, the sparse implementation of withdrawals despite severe violations "underscores the GSP conditionality's transformation into a human rights instrument" (Portela 2021: 275).

In addition to this general criticism of the apparent absence of (justifiable) implementation, there is a lack of understanding as to why withdrawal then does take place in certain cases. In particular, the implementation of the GSP withdrawal in Cambodia (in 2019) has caused incomprehension and criticism of the system: "inconsistencies in the EU's withdrawal decisions become even more striking if we consider the level of human rights and labour rights abuses. In one EBA country [Myanmar], a genocide is happening and the EU has not launched a formal withdrawal procedure. In another country [Cambodia] it is launched because the biggest opposition party was dissolved" (Schmücking 2021: 95). This statement may be somewhat lurid, but it reflects the lack of understanding of many stakeholders. For example, a parliamentary question posed by the European Parliament to the European Commission asks the Commission whether tariff preferences will be withdrawn for Myanmar, as there are direct violations of GSP conventions (cf. Mato 2022). Moreover, the member of the European Parliament criticizes the seemingly inconsistent application of punitive measures against Myanmar: "The Commission must be consistent with its own policies and make the continued granting of such preferences to Myanmar/Burma contingent on its strict compliance with international conventions and respect for human rights" (Cañas 2022).

In short: it is untransparent why the EU Commission chooses to (not) withdraw GSP preferences. There is no automated conditionality between a breach and suspension – "whether a suspension is triggered or not ultimately depends on a political choice" (Portela 2021: 270). This is precisely where the research interest of this thesis ties in which is to look deeper into the process of this political choice. The role of the EU Commission in international politics and especially its position of power towards developing countries within the GSP makes it even more important to better understand the decision-making process behind a (non-)withdrawal.

As of now, "it is unclear what actually triggers European action" (Brummer 2009: 202). The employment of political conditionality by the EU "in trade policy is still under-researched" (Koch 2015: 103). There is very little research on the GSP in particular (cf. Koch 2015: 103), which is also due to the fact that there are hardly any cases where a withdrawal has happened. This is, among others, why Kreutz calls for using cases of nonaction in research. The author argues that "cases of EU action have not been studied in comparison with cases of nonaction, making it impossible to confidently draw conclusions about (…) [what influences] EU policy" (Kreutz 2015: 195). The use of 'non-cases' or 'negative cases' (i.e. a case where the corresponding situation/decision to existing causes and contextual conditions has not occurred) is common in sociological research (cf. Mahoney & Goertz 2004). Analysing non-action cases opens up the possibility to discover conditions/factors that were not previously considered to be part of a phenomenon/decision mechanism (cf. Beach & Pedersen 2019: 102).

As there is limited research on the EU GSP withdrawal, this thesis aims to address the still lacking understanding of the EU Commission's decision-making process regarding GSP withdrawals, contributing to a research gap in the field. Myanmar was chosen as a 'non-action' case partly because of its presence in the discussions about the GSP, and partly because of the described demand in sanctions research to also consider negative cases. Because this thesis works on a case-specific basis, the method of process tracing will be employed. Process tracing allows drawing valid conclusions with a small number of cases, even just one case study by focusing on an underlying causal mechanism. The method aims to test the causal relationship and to understand the black box between a starting point X and an outcome Y (cf. Beach & Pedersen 2019: 38). In this thesis Y is the absence of a GSP withdrawal for Myanmar despite X, serious and systematic human rights violations.

This finally leads to the research question in this thesis: why does the EU Commission not withdraw trade preferences under the GSP in the case of Myanmar?

This thesis aims to examine what influences the decision by the EU Commission to not withdraw GSP trade preferences despite severe and systematic violations of underlying conventions in Myanmar. To answer the research question, the thesis is structured as follows: Chapter 2 will present the Generalised System of Preferences regarding the history, motivation and structure. This chapter will also look into the impact of the GSP and explain why a GSP withdrawal is considered a sanction in this thesis.

This is followed by the state of the art in chapter 3. Here, the latest state of sanctions research is summarized by reviewing two of the central schools of thought in sanctioning decisions: first, (neo-)realist arguments that theorize interest-based behaviour are synthesized (3.1). This is followed by idealist/constructivist views that theorize norm-based behaviour (3.2). Finally, the specific state of research regarding GSP decisions is given (3.3).

Chapter 4 introduces the case study Myanmar and presents the underlying empirical puzzle: first, a historical classification of Myanmar (4.1) and a summary of the human rights situation (4.2) are given. Finally, in 4.3, the results from the state of the art are linked to the case of Myanmar. The extent to which existing theories can (not) explain the lack of a GSP withdrawal in Myanmar is elaborated.

Chapter 5 describes the methodical approach: process tracing as proposed by Beach & Pedersen (5.1). The sampling strategy, data collection, and analysis are also discussed here.

Chapter 6 presents the theoretical framework for this thesis. 6.1 describes the framing concepts, starting with a definition of what norms and norm conflicts are understood as in this thesis (6.1.1). Response strategies to norm conflicts are also addressed. This is followed by one of the most influential theories in foreign policy research: (New) Institutionalism. Institutionalism in general aims to analyse the role of institutions in shaping the behaviour of individuals and outcomes in society, seeking to explain decision-making in policy decisions (among others) (cf. March & Olsen 2006: 4), which is why it is highly relevant for this thesis. 6.1.2 focuses on Sociological/Normative Institutionalism, as the arguments presented here are the basis for this work. 6.1.3 presents the logic of appropriateness in contrast to the logic of consequences, which offers a new perspective on how the GSP decision-making process might be analysed. The concept of audience costs, or a crisis of legitimacy, is also introduced here. Chapter 6.2 prepares the theoretical argument by looking into the discussion around the ‘normative power EU’

(6.2.1). Moreover, in 6.2.2, the central EU norms ‘protection and promotion of human rights’ and ‘sustainable development’ will be elaborated. Chapter 6.2.3 shows that a norm conflict between these two core EU norms is probable, by working through research on unintended effects of sanctions on development objectives.

Chapter 7 presents the theoretical argument and causal mechanism that builds on the previous chapters. In chapter 8 the case analysis takes place. This is followed by chapter 9, the discussion of the results. Here, the findings from the analysed interviews, statements and reports are related to the state of the art and the theoretical framework. Chapter 10 addresses the limitations of this work. Finally, in chapter 11, the results of the thesis are summarized, the research question is answered, and an outlook for further research is given.

2. The Generalised System of Preferences

The following chapter introduces the main topic of this research, the EU Generalised System of Preferences. The GSP will be contextualized regarding its history, its underlying motivation and its structure. The system itself is explained in its basic functions; a detailed consideration of the exact modes of operation (e.g., which tariff lines are involved, what specific criteria for granting trade preferences exist, how exactly the graduation mechanism works) is not necessary for this work. In the case Myanmar, the specific mechanisms are discussed in more detail. The political conditionality (for a definition see chapter 6.2.1) in the system/the withdrawal process is presented. Moreover, the impact the GSP has on its beneficiaries, specifically Myanmar, is discussed. It is also argued why this paper conceptualizes the withdrawal of the GSP trade preferences as a sanction.

2.1 History, Motivation & Structure of the GSP

The GSP was originally established in 1971 with the main objective to reduce poverty and to promote sustainable development and good governance in developing countries. By granting tariff preferences for the EU market, the EU aimed to enable beneficiaries of the system to increase their involvement in international trade and thereby grow their export industry. As of May 2023, there are three different arrangements under the GSP: the standard GSP arrangement, the GSP+ arrangement and the Everything but Arms (EBA) arrangement (cf. GSPhub 2023b).

The standard GSP targets low and lower-middle-income countries (as classified by the World Bank) that do not have other preferential access to the EU market through different arrangements. This arrangement grants full (for non-sensitive products) or partial (for sensitive products[1]) removal of customs duties on around 66 per cent of all EU tariff lines. Beneficiaries in this system underly a graduation mechanism, which means that if a specific product group becomes ‘too competitive’ with the European market for three consecutive years, this country no longer benefits from the preferential market access for this product group (cf. GSPhub 2023g). Also, the beneficiary ‘graduates’ from the GSP if they are no longer classified as a low or lower-middle-income country (cf. GSPhub 2023g).

The GSP+ is a special arrangement aimed at incentivising sustainable development and good governance. The arrangement also targets low- and lower-middle-income countries. It differs from the standard GSP in the aspect that beneficiaries can benefit from a complete duty suspension for approximately 66% of all EU tariff lines, including sensitive products. To be granted this complete suspension, the countries have to implement 27 international conventions related to labour and human rights, environmental and climate protection, and good governance. To uphold the GSP+ status, the effective implementation and compliance with the 27 international conventions are monitored by the EU. The beneficiaries (authorities and other local stakeholders) and the EU engage in dialogue and report the monitoring to the European Parliament and Councils. The International Labour Organization (ILO) and the United Nations (UN) are also part of the monitoring and reporting process. The beneficiaries of the GSP+ graduate as well when they are no longer classified as low- and lower-middle-class countries for three consecutive years (cf. GSPhub 2023e).

Finally, the Everything but Arms (EBA) is an arrangement only for the least developed countries (LDCs) as classified by the World Bank. This system provides beneficiaries with duty-free and quota-free access to the EU market for all products, except arms and ammunition. LDCs can benefit from the EBA parallel to other preferential agreements and do not graduate from individual products. If they are no longer classified as an LDC, they leave the arrangement after a three-year transition period. Also – in contrast to the GSP+ – the EBA beneficiaries do not have to implement conventions, but they have to “respect the basic human and labour rights

[1] Sensitive products are “goods that due to the level of utilisation rate by standard GSP beneficiary countries could negatively impact the ability and capacity of Union producers to manufacture or process the same goods in the long-run” (Hautala 2022: 31).

principles outlined in the 15 core conventions" (cf. GSPhub 2023d). Myanmar is categorized as an LDC and therefore benefits from the EBA system.

This leads to the key and the communicated motive of the GSP: the tariff benefits are linked to the implementation or 'respecting the basic principles' of the 15 underlying conventions[2] (fundamental human and labour rights conventions, see Appendix 5). This is where the political conditionality comes into play: if fundamental elements of these conventions are not 'respected', tariff preferences can be withdrawn. The preferential agreements "may be withdrawn temporarily (…) for (…) serious and systematic violations of principles laid down in the conventions" (Chapter V, Article 19(1) Regulation No 978/2012) (cf. European Commission 2012: 10). The regulation also allows the withdrawal for several other reasons, e.g., the export of goods made by prison labour, shortcomings in the control of export, transit of drugs or unfair trading practices. This work focuses on the first reason, the violation of principles of core human and labour rights conventions. As already indicated by the quotation marks, there is a lot of room for interpretation here for the EU. What does it mean to 'respect the principles of conventions', respectively how does this formulation translate into practice? The regulation also argues that a withdrawal procedure can be initiated when the EU Commission "considers that there are sufficient grounds justifying temporary withdrawal of the tariff preferences" (Chapter V, Article 19(3) (cf. European Commission 2012: 11). When the withdrawal process has been launched and the European Parliament, the Council and the country concerned have been informed, a six-month evaluation of the situation in the country concerned follows. After these six months (plus 3 months margin), the Commission must publish its findings in a report and the beneficiary may comment within one month. A total of one year after the procedure has been initiated, the Commission decides whether the withdrawal process should be terminated or whether the tariff preferences should be temporarily withdrawn (cf. European Commission 2012: 11). As stated before, the actual withdrawal of preferences happens rarely. Overall, there have been only four withdrawals in the cases of Myanmar in 1997, Belarus in 2007, Sri Lanka in 2009 and most recently Cambodia in 2019/2020 (cf. Portela 2021: 265).

It is important to mention that the GSP regulation is revised regularly; the current regulation will expire on December 31st, 2023. At the time of this writing (mid-2023), the new regulation

[2] 15 conventions for the standard GSP & the EBA. As mentioned before, the special incentive GSP+ is stricter and has 27 underlying conventions, whose implementation is monitored.

is being finalized. While the main characteristics of the system are very likely to be maintained, the Commission aims to strengthen the motivation/objectives of the GSP: reducing poverty by enhancing export opportunities and incentivizing sustainable development. Moreover, the aim is to strengthen the effort around climate change and sustainability (European Parliament 2021).

Another important addition is the explanation of the relatively new ‘enhanced engagement’. In the context of this system, the EU works more closely with three beneficiary countries: Bangladesh, Cambodia and Myanmar. In all three cases, the EU (testified by the UN, the ILO and the respective civil society) has identified grave shortcomings in respecting the aforementioned conventions. While in Cambodia trade preferences under the GSP were withdrawn (Cambodia benefitted from the EBA system), Bangladesh and Myanmar stayed under the system and still benefit from their trade preferences. The asserted goal of the enhanced engagement is to more directly address concerns about fundamental human and labour rights by employing strategies from the GSP+ monitoring through dialogue with officials, discussions with stakeholders, a presentation of a ‘list of issues’ the countries are requested to respond to etc (cf. DG Trade 2020: 1–2).

2.2 Impact of the GSP & Conceptualizing GSP Withdrawals as Sanctions

The following chapter will investigate the impact of the GSP in general, also by introducing the utilisation rate (which is used to analyse the impact of the GSP system). Moreover, this subchapter will look more deeply at the EBA beneficiary Myanmar and what impact the GSP has here. Also, it is elaborated on why the withdrawal of trade preferences is conceptualized as a sanction in this thesis.

Utilisation rate (U_t)

$$U_t = \frac{Used\ GSP\ by\ country\ and\ section}{Eligible\ GSP\ by\ country\ and\ section}$$

The utilisation rate U_t describes the ratio between the eligible GSP and the used GSP by country and section. This rate is a useful measurement to evaluate whether the beneficiary has the trade capacity (e.g., infrastructure, administrative requirements) to fully take advantage of the trade preferences offered under the GSP. The utilization rates for the EU GSP are, among others, monitored and reported by the United Nations Conference on Trade and Development (UNCTAD). Across all beneficiaries, the utilisation rate has risen to 81.8% in 2018 (from 78.8% in 2016). For the EBA system this rate is as high as 93.4% (European Commission 2020a: 4). The abbreviated table (table 1) presented here shows the top three sectors for

Myanmar in terms of GSP or exports to the EU as analysed by UNCTAD. The entire table can be found in Appendix 3. In 2022, Myanmar's utilization rate was 94.56%. This shows that, despite the crisis in Myanmar, the utilization rate has grown: in 2018, the rate was at 89.1% (cf. European Commission 2020a: 21). The three most important export sectors also show how extensively Myanmar uses the EBA advantages: textile and textile articles, by far the largest sector, has an utilization rate over 95%, vegetable products, which still account for around $422 million, even has an utilisation rate of over 99%. Footwear, headgear, umbrellas etc. also have an utilisation rate of over 90%.

GSP utilisation rate and imports by tariff treatment					
	Imports (in thousand dollars)				U_t
HS Section	**Product Description**	**Total**	**Dutiable**	**GSP Received**	**GSP U_t**
HS XI	Textile & textile articles	3.189.447,86	3.189.426,87	3.059.660,54	95.93%
HS II	Vegetable products	421.631,94	404.852,42	401.577,43	99.19%
HS XII	Footwear, headgear, umbrellas, etc.	416.348,93	416.348,63	378.181,13	90.83%

Table 1 - GSP utilisation rate and imports by tariff treatment

Increasing export rates to the EU

In addition to the growing utilisation rate across all beneficiaries and specifically Myanmar the report on the GSP by the EU also highlights, that imports under the GSP in general increase. From 2016 to 2018, the total EU imports using the GSP increased from €61 billion to nearly €69 billion (cf. European Commission 2020a: 2). This increase is illustrated in Figure 1:

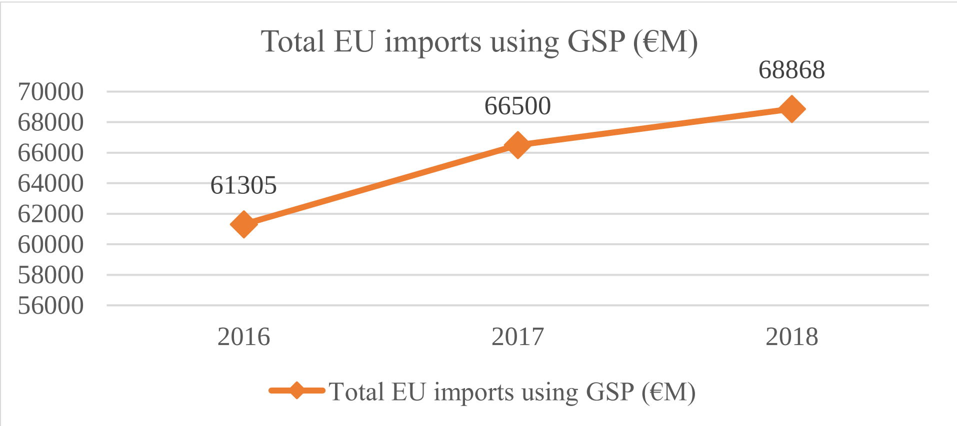

Figure 1 – Total EU imports using GSP (€M), own illustration

In 2018, the least developed countries under the EBA agreement even "saw an increase of 15.3% in their exports under preferential conditions" (European Commission 2020a: 5).

Importance of the EBA system to Myanmar

The 2020-published report on beneficiary countries in enhanced engagement shows that the EBA is highly significant to Myanmar's trade system in general, as the EU (after China and Thailand) is the 3rd largest export market, "absorbing 18.6% of its total exports" (DG Trade 2020: 11). As stated before, the most important sectors regarding trade relationships between Myanmar and the EU are textiles, vegetable products and footwear. Strong growth can also be seen within these sectors, demonstrating how economically significant the EBA is: the report on the enhanced engagement shows that EU imports of "garment and footwear from Myanmar increased by 50.6% and made up nearly 80% of exports to the EU in 2018" (DG Trade 2020: 12). Figure 2 shows not only the substantially increasing exports to the EU but also the indisputable importance of the EBA for Myanmar. In 2016, ~85% of all EU imports from Myanmar are under preferential access through the EBA. This grows to ~87% in 2017 and finally to over 88% in 2018 (cf. European Commission 2020a: 21).[3] Overall, the EU imports from Myanmar account for €2.3 billion. Looking at the EBA preferences, around €250 million import duty savings could be noted in 2018 (cf. DG Trade 2020: 12). It becomes clear what a big impact the GSP system has on the economy in Myanmar: "estimates are that 500,000 are employed in Myanmar (…) thanks to the GSP" (European Commission 2020a: 4).

[3] It is important to note here, that depending on the source the numbers do vary. When looking at the country info on the GSPhub website, the EU states for example that the preferential imports from Myanmar to the EU in 2018 are €17 billion (cf. GSPhub 2023f), not €19 billion as presented in the key facts of the 2019 biennial report. This paper refers to the numbers published in reports, among others because the graph on the website does not include correct axis labels. All in all – while the specific numbers differ (though not by much) – the general message remains the same. Myanmar is strongly utilizing the EBA agreement and accordingly, large economic benefits are evident.

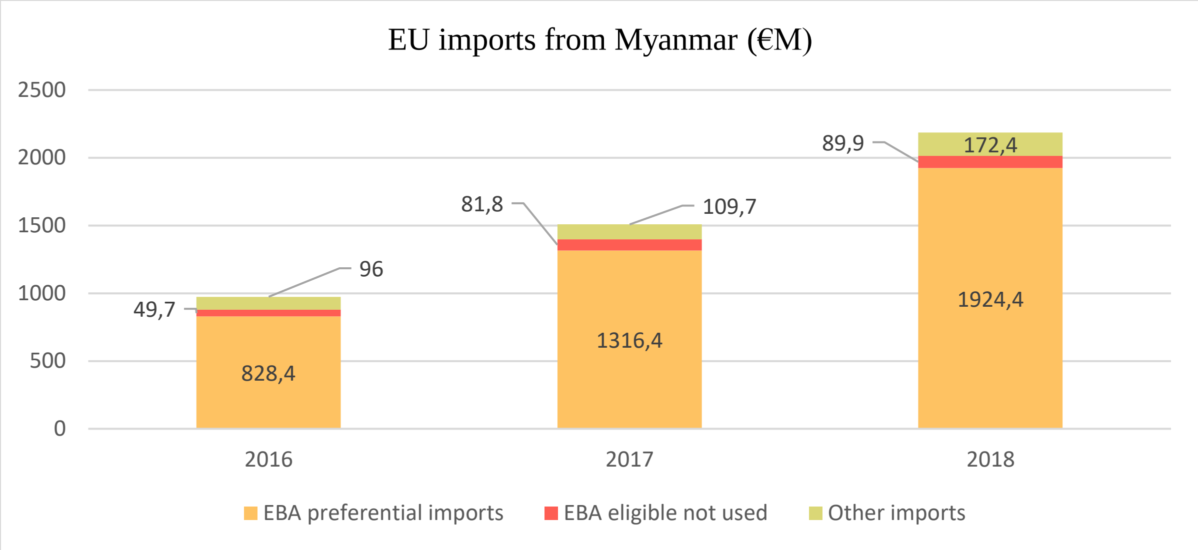

Figure 2 – EU imports from Myanmar (€M), own illustration

Significance of a withdrawal

The full scope of an EBA withdrawal is difficult to measure. On the one hand, because causalities are difficult to establish, on the other hand, because the withdrawal has not (yet) happened. Especially the effects on other spheres of society (despite the direct economic impact), like effects on politics, the labour market, access to health and more are difficult to anticipate. Chapter 6.2.3 will go into more detail about what consequences can be expected through sanctions/a GSP withdrawal. In this section, educated guesses are formulated that refer to the figures described above and to EU analyses.

First of all, the above-mentioned preferences would be lost: an apparent consequence is the loss of €250 million in import duties that could be noted in 2018 (cf. DG Trade 2020: 12). Such a large loss of savings/revenue could, of course, have direct consequences for the workers. The EU Commission estimates that around 500,000 people are employed based on the economic impact of the EBA preferences – if these are removed, these jobs are in jeopardy. A comparable figure is the estimated loss of jobs if European and US buyers remove themselves from Myanmar: a study commissioned by the ethical trading initiative estimates that this would lead to 320,000 workers either losing their employment or “seeing a reduction in their incomes” (Annat & Schappert 2022: 101). And this number only looks at the garment sector. As established above, while this sector is by far the biggest, other sectors, such as vegetable products, are also an important component of EBA exports to the EU. The majority of employees in Myanmar’s textile sector are young women, often from rural areas. Subsequently, a job loss would not only have consequences for the individual, because in most cases a large part of the salary is sent to their family in rural areas. This is why the authors of the report estimate that “23,000 people would be at risk of destitution. This would include both a sub-set of workers and their dependents” (Annat & Schappert 2022: 101). The possible job losses would not ‘just’ mean that, but would in the next step lead to “increased poverty, lost opportunities mainly for young women, revenue loss for dependent rural areas and increased pressure on workers to migrate” (Annat & Schappert 2022: 107). In addition to these more or less direct effects, the loss of trading preferences also holds the possibility of affecting the overall trade relationship with the EU. As mentioned above, the EU is the 3rd largest trading partner for Myanmar. If access to this market is complicated and more expensive, exports are likely to decline.

Conceptualizing GSP withdrawals as a sanction

As pointed out by Portela, a withdrawal of trade preferences re-establishes ‘normal’ trading conditions as opposed to ‘preferential access’ (cf. 2021: 269). A GSP withdrawal is per design not the same as a sanction and the EU refrains from using this term. In the GSP regulation, the withdrawal is always mentioned as such. But when looking at research about the GSP, it becomes apparent that, at least in the research context, a GSP withdrawal is indeed considered and analysed as a sanction. Cuyvers & Zhou (2011) analyse the effectiveness of “sanctions under the European Union’s GSP”, Portela & Orbie look into coherence between “sanctions under the EU Generalised System of Preferences and foreign policy” (2014: 63), Meissner (2021) examines the role of the European Parliament regarding ‘trade sanctions’ and Orbie et al. (2022), Kryvoi (2008), Bossuyt et al. (2020), as well as Vogt (2015) also call GSP withdrawals ‘trade sanctions’.

Although this shows that it is common among scholars and in practice to refer to GSP withdrawals as sanctions, it remains open whether both concepts actually have features in common that make it possible to conceptualize GSP withdrawals as sanctions as well. Portela defines sanctions as “the deliberate interruption, reduction or withdrawal of normal relations or of a benefit that would otherwise be granted, in response to what is considered objectionable behaviour” (2016: 6–7). Another definition goes in the same direction and defines sanctions as a “temporary abrogation of normal state-to-state relations to pressure target states into changing specified policies or modifying behavior in suggested directions” (Tostensen & Bull 2002: 374). Hufbauer et al. look concretely at economic sanctions and understand them as “the deliberate, government inspired withdrawal, or threat of withdrawal, of customary trade or financial relations (…) [meaning the loss of] levels of trade and financial activity that would probably have occurred in the absence of sanctions" (2007: 3). A GSP withdrawal meets these criteria: a benefit that is granted in normal circumstances is withdrawn (trade preferences for beneficiaries) aiming to pressure the recipient to modify their behaviour; the withdrawal would be motivated by political motives (cf. Portela 2021: 270). This is why, for this paper, GSP withdrawals are conceptualized as sanctions and the definitions above are adopted. Accordingly, the following chapter, as well as the entire thesis, will refer to sanctions research. Even if the theoretical definition was not adopted, the consequences of sanctions and GSP withdrawal remain similar: both have a direct impact on the economy of the targeted country and thus also have indirect effects on the affected society.

3. Deciding to sanction: State of the art

Most EU scholars follow an outcome-oriented research focus, centring either around (unintended) consequences of sanctions (Lektzian & Souva 2007; Peksen 2009; Peksen & Drury 2009, 2010; Allen & Lektzian 2013; Neuenkirch & Neumeier 2015, 2016; Shin et al. 2016) or the effectiveness of sanctions (Galtung 1967; Hoffmann 1967; Pape 1997; Hufbauer et al. 2007; Portela 2010; Morgan et al. 2014; Biersteker et al. 2018; Peksen 2019). But in recent years, the question of why and when countries choose to impose sanctions comes up more and more, especially to try to explain instrumental variation (Smith 1998; Hazelzet 2001; Portela 2005; Hyde-Price 2006; Smith 2009; Portela 2010; Del Biondo 2011; Portela & Orbie 2014; Del Biondo 2015; Kreutz 2015; Saltnes 2017). The following chapter gives an overview of the state of the art for sanctioning decisions, paving the way to the empirical puzzle of a 'non-withdrawal' of GSP preferences for Myanmar. There are two main schools of thought in international relations arguing from opposite standpoints: an interest-based orientation from a realist viewpoint and a normative-based orientation from an idealist/constructivist viewpoint. Two other theories in IR are neoliberal Institutionalism and liberalism/domestic structure arguments (cf. Hazelzet 2001). Because most research work on sanctioning decisions and especially GSP decisions take up the dichotomous conflict between interest vs. values as the decisive motivation (cf. Hazelzet 2001; cf. Youngs 2004; cf. Diez 2013; cf. Saltnes 2017), the focus is placed on these first two theories.

3.1 (Neo-) Realist Perspectives: Interest-based decision-making

(Neo)-realism is one of the main theories in international relations (cf. Hazelzet 2001) and is mainly shaped by Mearsheimer (1994), Morgenthau (1985) and Waltz (2010). This theory works with an assumption of an anarchic international system, where states cannot be certain of each other's intentions and security. Realist perspectives on foreign policy see two main drivers of action: power maximization and security interests (cf. Hyde-Price 2006: 221). It is argued that "states focus on relative gains" (Hyde-Price 2006: 222) but that security interests are the "primary concern of states" (Hyde-Price 2006: 221). According to neorealism, states act motivated by their self-interest and based on "rational calculation of (…) costs and benefits of alternative courses of action" (Hyde-Price 2006: 221). The driving forces behind a decision to sanction are "power politics" (cf. Hazelzet 2001: 23). While states are not solely motivated by their security and power maximization concerns but also by certain ethical standards and political values, these are "second-order concerns" (Hyde-Price 2006: 222). Hyde-Price argues that while ethical/normative concerns do drive the EU/the member states to action without visible strategic interests, ethical-based action will only go as long as "this [does] not conflict with their [the member states] core national interests" (Hyde-Price 2006: 223). This perspective is also supported by Brummer, who looks into inconsistencies in EU sanction decisions and determines that "when first-order concerns are at stake, norms and values are downgraded to second-order concerns" (Brummer 2009: 206). According to Warkotsch, realists do not generally dismiss the role norms like human rights or democracy promotion play in foreign policy, but rather question the assumption that "such ideas determine policy when they conflict with vital national or common interests" (Warkotsch 2010: 96).

Hazelzet (2001) presents three underlying interests in the realms of realism shaping foreign policy decisions: strategic interests, regional interests and economic interests. Regarding strategic interests, the author argues that the more important a state committing human rights violations is strategically for the imposing state, the less likely are (harsh) sanctions. Moreover, the likelihood of sanction increases the more danger the humanitarian situation poses to the EU. And finally, allies (which are central for states, especially for 'weaker'/less powerful states), are less likely to be sanctioned than adversaries and more likely to be rewarded (cf. Hazelzet 2001: 26). The second interest type, regional interests, results in the following assumption: "the closer a potential target is in terms of geographic proximity, the tougher the reaction will be" (Hazelzet 2001: 27). The reason given for this is that the ability to project power declines with distance. Looking at instrumental variation in EU democracy promotion, the author argues in precisely this direction: "geographic proximity seems to be the decisive factor in determining whether the EU engages in costly action. Presumably, the reason why the EU values democracy in neighbouring countries more highly than in other countries is because democratic neighbours represent a considerable security gain" (Warkotsch 2008: 242). The last interest type, economic interests, basically argues that human rights are only supported if it's cheap: "the lower the expected (immediate or future) price, the likelier it is that a sanction will be considered a viable option. The higher the cost, the more unlikely it is that sanctions will be imposed" (Hazelzet 2001: 27). Smith looks at instrumental inconsistencies in three cases where the EU attempts to promote democracy and human rights: Cuba, Zimbabwe and Myanmar/Burma. The author concludes, in line with the economic interest argument, that "the EU member states cannot agree to impose far-reaching sanctions that might damage their own material interests (be they commercial or political)" (Smith 2006: 203–204).

Multiple works are supporting the theory of realism in EU foreign policy, especially regarding democracy promotion. For example regarding democracy promotion in Ghana, Crawford argues that "the EU's real political interests (…) focus on security issues and conflict management, and therefore a normative agenda of democracy promotion is unlikely to be prioritised in practice" (Crawford 2005: 595). Material and security interests are recognized as main drivers of sanctions. An analysis of European Union sanctions between 1980–2004 shows that the "EU took action in situations where incidences or the threat of large-scale government violence directed against its own citizens were reported" (Kreutz 2005: 40). Geographical (security) concerns are also highly relevant, as Portela points out: the EU is a "regionally-conscious security actor" (Portela 2005: 105), geographic differentiation can be detected in sanctioning decisions. The Union "cares most about the security of the Member States' territory, and is therefore especially concerned with the stability of its immediate eastern neighbourhood" (Portela 2005: 106). Overall, actors are more likely to sanction adversaries as opposed to alliance partners (cf. Kreutz 2015). Trade interdependence can also be identified as an influential factor in sanctioning decisions: von Soest & Wahman argue that the linkage of countries with the world market influences the likelihood to be subjected to sanctions. The more a country is integrated into the global economy, the less likely is the imposition of punitive measures (cf. von Soest & Wahman 2015a: 966). In general, as Crawford & Kacarska argue in reference to political conditionality, a prioritization of interests as opposed to normative promotion of values can be observed, especially in the first decade of (EU) political conditionality (1990s). While economic self-interests remain in aid policy decisions as of today, the inconsistent implementation of aid sanctions is "mainly due to the prioritisation of national security and geo-strategic interests" (Crawford & Kacarska 2019: 205). In addition to direct material and security interests, the EU rhetoric of promoting human rights and democracy is a rhetoric "driven by other self-serving interests (…) with regard to both its international stature and internal integration" (Crawford 2005: 995).

Neorealist perspectives do not remain uncriticized: for one, the concept of states as unitary actors is argued to not be tenable in reality: "its interests are not only not static, but subject to domestic struggle" (Hazelzet 2001: 28–29). Another main criticism looks into the change in the international system after the Cold War. While now only democracies are considered stable partners and other political systems are condemned, in the 1970s and 1980s, autocracies were also considered reliable partners as long as they were anti-Communist. Realist approaches are not able to capture this shift in 'interests' and in turn also to allow for varying understandings of a 'threat'. Moreover, as the author argues, the interest-based approach of realism is challenged by the prominent integration of norms (e.g., human rights) in international relations. Finally, the logic of realism reaches its limits at the latest when foreign policy decisions are made that do not benefit the state (cf. Hazelzet 2001: 29).

Del Biondo finds different reasons/motivations for (not) employing negative conditionality clauses in different case studies regarding EU democracy promotion in African countries. While in the relationship with some countries EU, security interests did play the determining role, the dilemma between democracy and (economic) development was decisive in other cases. Political-historical reasons can also be identified as pivotal in others (especially concerning colonialism) (cf. Del Biondo 2011: 386–389). Overall: "realist motivations can only partly explain instrumental variation[,] (...) realism is a relevant – but not the sole – explanation for instrumental variation" (Del Biondo 2015: 248). Similarly, Hazelzet concludes that interests "as defined by Neorealism, were not useful in determining which countries are or are not sanctioned for violating human rights" (Hazelzet 2001: 231). The author analysed sanctions by the EU and the US between 1989-2000.

To conclude: security interests and power do play a role in foreign policy and international relations and are not irrelevant to sanctions research. But when analysing sanctioning decisions in the realm of (severe) value-based norm violations (e.g., human rights violations), realist explanations are not enough to explain instrumental variation.

Neoliberal Institutionalism and liberal arguments

Two other main theories in international relations are also presented by Hazelzet: Neoliberal Institutionalism and liberal arguments. Neoliberal Institutionalism argues that "sanctions tend to be harsher if they are imposed by a multilateral organization (namely the U.N.), and softer if they are unilaterally imposed" (Hazelzet 2001: 19). Furthermore, it is also hypothesized that the more institutionalized relations with third countries are/become, the less likely it is that (strong) sanctions will be imposed. Liberal arguments, or domestic structure arguments, centralize the regime type in their theory. Liberalists argue that variation in punitive measures can be explained by analysing the regime type in the targeted and the posing state: "liberal states are more likely to target illiberal states with negative measures, and like-minded states with positive incentives" (Hazelzet 2001: 19–20). While both theories hold value and offer an important point of view in sanctions research, they look more at the supporting circumstances of sanctions as opposed to motivations (e.g., self-interests vs. protection and promotion of norms), which is why both theories will not be looked into further.

3.2 Idealist/Constructivist perspectives: Norm-based decision-making

Constructivism is a meta-theory arguing that "norms and ideas have a constitutive effect on interest perceptions of actors in international relations" (Hazelzet 2001: 42). Structure and agency are central elements of the theory. The underlying structure of an international system of states is argued to be social (as opposed to material), determining the "self-conception or identity of states and, hence, what states perceive to be in their interests" (Hazelzet 2001: 42). Norms are central aspects of the theorized social structure, leading to the assumption that "the need to uphold human rights norms will trump other interests, such as material interests" (Hazelzet 2001: 43), as they are a central part of a states' identity and in turn for their sense of security. The agency element in constructivism looks at the communication and fostering of norms through agents (cf. Hazelzet 2001: 43). In reference to Klotz (1995), Hazelzet argues that international norms are "the impetus for both the imposition of sanctions as well as the compliance of targets, who seek to salvage their reputations" (Hazelzet 2001: 43). Within the framework of constructivism, the logic of appropriateness is central. Norms in the social structure are communicated and institutionalized by an agent, establishing a framework of what can be seen as appropriate behaviour (cf. Hazelzet 2001: 44). For a more detailed explanation of the logic of appropriateness see chapter 6.1.3.

Hazelzet concludes that "human rights norms do tend to trump security and economic importance in foreign policy" (Hazelzet 2001: 235). As of now, the literature on norms in EU foreign policy, sanctioning decisions and especially GSP decisions is limited, but expanding (cf. Saltnes 2017: 555). Works are pointing in the direction of the EU (or other Western democracies) acting based on norms/norm violations. The analysis of Giumelli for example shows that between 1992 and 2012, most sanctions by the EU were imposed in the context of human rights violations or democratization (cf. Giumelli 2016: 43). von Soest & Wahman (2015b), while arguing that a cost-benefit analysis takes place, contend that the strength of ‘trigger events’ (e.g., controversial elections, coup d’états and more) plays a central role in the decision process.

A recent scholarly work analyses the EU’s reaction to the annexion of crimea in Ukraine by collectively deciding to sanction Russia. The authors determine that the sanction agreement was not reached by a concern for security, which would be the realist perspective, nor by a classic constructivist expectation: the institutionalized norm of EU cohesion. Rather, the authors argue, the member states decided to sanction “due to concurrence over a fundamental breach of the Ukrainians’ right to self-determination. This finding (…) confirms that norms may trump interests” (Sjursen & Rosén 2017: 20). EU member states collectively choose to sanction despite political and economic costs because of their commitment to norms/the principles of sovereignty and self-determination which were undermined by Russia (cf. Sjursen & Rosén 2017: 32).

Other works argue that the EU decides against sanctions because of normative considerations. Saltnes for example shows that the EU decided against sanctions for Rwanda because of concerns for a “negative impact of sanctions on the social and economic conditions in the country” (Saltnes 2017: 566). Del Biondo works in a similar direction and introduces the ‘democracy-development dilemma’. Although the author works in development aid, the principle can nevertheless also be applied to the GSP: in development aid policy, the EU aims to eradicate poverty while also aiming to promote democracy, good governance and human rights (both of which are also key objectives of the GSP). Del Biondo argues that “the EU is confronted with a dilemma in those countries that make progress in poverty reduction, but have rather poor democratic records” (Del Biondo 2011: 383). Overall, the author concludes that aid recipients who perform well regarding social and economic development are excluded from EU sanctions (cf. Del Biondo 2011, 2015).

Multiple works are arguing for a theoretical shift away from the dichotomy between self-interests and norms and rather to mutual coexistence. Seeberg (2015) looks at EU sanctions against Syria starting in 2011 and concludes that in the first phase of sanctions, the motivation was rooted in values/norms, aiming to stop violence by pressuring the Syrian regime, while later the EU shifted their focus to security interests. Youngs strongly argues against the supposed incompatibility between self-interests and norms. The author suggests that "constructivist and rationalist explanations might be combined to account for the way in which instrumental choices are made within a range of common normative understandings" (Youngs 2004: 431). While some (sanctioning) choices made in the spirit of human rights policies also benefit security interests, some security-driven choices also are important in a human rights framework. Moreover, Diez argues for an implementation of the concept of hegemony in EU foreign and external policy. The author suggests that, among others, the overcoming of the dichotomy of norms vs. interests allows for a more nuanced perspective of policy decisions (cf. Diez 2013).

Another argument theorizes a conflict of norms in EU policies that eventually leads to instrumental variation. Saltnes proves that certain EU norms (can) collide, which leads to them being weighed in the given context. Possible negative/unintended outcomes on norms are analysed and finally explain instrumental variation/the non-application of a sanction despite norm violations. This argument connects well with the democracy-development dilemma presented by Del Biondo, see above. The author confirms this argument in the 'non-case' (= no sanction) Rwanda: the EU chose "to not sanction Rwanda because of concerns over the negative impact of sanctions on the social and economic conditions in the country" (Saltnes 2017: 566). Moreover, Saltnes argues that even if a strictly 'idealist hypothesis', meaning that actors only follow their values, is considered to be utopian, the conclusion should not be to (only) employ a realist perspective arguing for power and self-interest motivation. Rather, "more nuanced conceptual approaches are necessary in order to understand EU policies as well as foreign policy in general" (Saltnes 2017: 566). The idea of norm collision/norm conflict as a main driver of instrumental variation is relatively new and (not yet) studied in detail. But, as for example Brehl (2023: 40) argues, parts of the rationale are already an integral part of sanctions research: unintended, negative impacts of sanctions such as the deterioration of human rights, increasing poverty, political instability and more (see chapter 6.2.3) have been well studied. A conflict/collision of norms as the explanation for instrumental variation (e.g., the protection of international norms like human rights through sanctions vs. not hurting the political stability important for democratic development by implementing sanctions) is (so far) not widely discussed, although effectiveness and unintended consequences do feature prominently in sanctions literature.

3.3 Research on GSP (Non-)Withdrawals

As pointed out before, GSP withdrawals are a rare occasion, only four withdrawal cases build the base for research (Myanmar in 1997, Belarus in 2007, Sri Lanka in 2009 (GSP + downgrade) and most recently Cambodia in 2019/2020) (cf. Portela 2021: 265). Moreover, as is the case in aid suspensions and 'regular' sanction research, 'non-cases' of punitive measures are rarely researched and analysed (cf. Del Biondo 2011: 381). This leads to a very sparse literature base for GSP decisions specifically. Nonetheless, certain themes for GSP decisions can be identified: predating CFSP sanctions, EU interests, development performance, salience, (economic) leverage, the actor committing violations and ILO reports.

Predating CFSP sanctions

GSP withdrawals are not part of the 'regular' EU Sanction under the Common Foreign and Security Policy. Instead, the GSP Regulation falls under the umbrella of the Common Commercial Policy (CCP). Because a GSP withdrawal and CFSP sanctions address different kinds of violations, the decision-making processes differ and because there are no mechanisms ensuring coherence between both, Portela & Orbie expect incoherence regarding the imposition of CFSP sanctions and GSP withdrawals. Contrary to this expectation, the authors conclude that GSP withdrawals are coherent with CFSP sanctions and that "CFSP sanctions seem to be a necessary but not a sufficient condition for GSP withdrawal" (Portela & Orbie 2014: 71). In both GSP withdrawal cases at the time, Myanmar/Burma and Belarus, "the imposition of CFSP sanctions predates the withdrawal of the GSP" (Portela 2010: 206).

EU Interests

EU interests seem to also be of influence for a (non-)withdrawal decision. This is in line with the realist perspective and scholarly research described above. Schmücking presents the non-existence of strategic or commercial interests as a sufficient condition for a withdrawal (cf. 2021: 95). In doing so, the author predominantly refers to Portela & Orbie who argue that the Council (a 'blocking minority') blocked CFSP sanctions to be followed by a GSP withdrawal "when considerable commercial or strategic EU interests were at stake in the target countries" (Portela & Orbie 2014: 72). A similar approach is chosen by Meissner who looks at the role and activeness of the European Parliament (EP). The author argues that a lack of security interests is a condition under which the EP becomes active in requesting a GSP withdrawal (cf. Meissner 2021: 13).

Development performance

Moreover, weak development performance is also argued to be able to act as a condition under which the EP becomes active in requesting a GSP withdrawal (cf. Meissner 2021: 13). This is in line with Del Biondo's argument already presented above – if a country is performing well regarding economic and social development, they are more likely to be excluded from EU sanctions (cf. Del Biondo 2011, 2015). Closely connected to the economic and social development is the condition of a country's salience.

Salience

Meissner observes that there is a "horizontal spill-over effect whereby the EP's trade sanctions are driven by a country's salience under EU development cooperation" (Meissner 2021: 13), if the GSP beneficiary is not a security ally of the EU (meaning that this security interest is not present) and if the country performs poorly in economic and social development. While media salience is another possible influence (cf. Ang & Peksen 2007; cf. Binder 2015), Meissner refers to "the intensity of debate of development aspects in EU external relations" (Meissner 2021: 5). If the EP has already invested (political) resources into the same country, for example through development cooperation, it is more likely to invest more political resources into demanding a GSP status downgrade (cf. Meissner 2021: 13).

Leverage

Another theme identified by Schmücking is leverage. The author argues that if the EU does not have economic leverage (because the beneficiary is not dependent on the GSP agreement and a withdrawal would not cause strong consequences), there will be no withdrawal: there "is evidence that the EU is just using the withdrawal procedure for countries who feel the economic pain" (Schmücking 2021: 84). This is in line with the 'naïve theory of sanctions' (Galtung 1967), arguing that the higher economic hardship inflicted by sanction is, the more likely it is to achieve policy goals as the pressure on political leaders rises to comply to policy goals (cf. Peksen 2019: 639). Economic sanctions which GSP withdrawals essentially are (see chapter 2.2), need to harm the targeted economy to be effective (cf. Hufbauer et al. 2007: 44). An (economic) sanction is "more likely to achieve its intended policy objectives when it inflicts major damage on the target economy" (Peksen 2019: 639). Schmücking argues, that while not sufficient, economic leverage is a necessary condition for a GSP withdrawal (cf. 2021: 95). The introduction of a public choice approach to sanctions effectiveness by Kaempfer & Lowenberg (1999) leads to the next condition in GSP decisions: the target group. The authors argue that sanctions are more effective if they target the economically and politically powerful elites supporting the policy/situation rather than harming society as a whole or even oppositional groups (cf. Peksen 2019: 639).

Violations through government

In addition to targeting the 'right' groups and maximizing effectiveness, a key factor in GSP decisions is looking into the parties responsible for/committing violations. A connection between human/labour rights violations and government action is essential for a GSP withdrawal. Portela & Orbie argue that "the EU is wary of withdrawing GSP unless the connection between the violation at hand and government action is manifest" (2014: 73). Schmücking also proves that the government committing the respective violations is a necessary (but also not sufficient) condition for the withdrawal of trade preferences (cf. 2021: 95). The author argues that if there "is a connection between human and labour rights violations and government action, trade preferences are at least incompletely withdrawn" (Schmücking 2021: 91).

ILO Reports

While the EU Commission ultimately decides to start a withdrawal process, the influence of external assessment is central for the EU. Particularly in the case of labour rights violations, the EU relies on external reports of a respective situation in a beneficiary, in this case from the ILO. Portela & Orbie argue that while the EU is not bound to the assessment of external institutions/reports, negative ILO reports are viewed as an objective benchmark upon which the EU relies (cf. 2014: 72). According to the authors, an ILO report containing condemnation of the situation in a beneficiary "facilitates the imposition of GSP sanctions" (2014: 71).

4. Case Study Myanmar & Empirical puzzle

This chapter presents the empirical puzzle of a GSP non-withdrawal in Myanmar. For this purpose, a brief historical overview of the country is given in 4.1, starting after regaining independence in 1948. Thus, the current political situation and human rights violations will be contextualized – accordingly, a focus on the human rights situation and the military rulers is set. The human rights situation in Myanmar will be looked at in more detail in 4.2, especially regarding human rights violations after 2013, which is when the previous GSP agreement was reinstated. Finally, in subchapter 4.3, the current situation in Myanmar is linked with the state of the art on sanction decisions presented in the previous chapter. It is shown that while starting points can be found according to realist and constructivist arguments, as well as according to the current state of GSP research, it cannot be fully explained why no GSP sanction has been imposed against Myanmar to date, leading to an empirical puzzle.

4.1 Historical Background

Myanmar is home to various ethnic groups. While the regime after 1962 approved a shortlist of 135 ethnicities, the previous parliamentary government listed 144 ethnic groups, including the Muslim minority Rohingyas. The largest religion in Myanmar is Buddhism. Larger societal groups also follow Christian and Islamic beliefs (cf. Ahsan Ullah 2016: 289). The difference between centre and peripheral regions is especially tense in Myanmar, not only because of geographical conditions: the British Colonial era (1885-1948) plays a huge role in the building and consolidating of social differences. After regaining independence, the country was composed of the ethnic and linguistically diverse 'Hill Areas' and the directly administered areas of 'Burma Proper'. Both areas have developed differently – politically, economically and also socially. Despite a unified and democratic constitution, there have been recurring conflicts between the two sides.

1962 - 1988: military coup d'état and dictatorship

In 1962, the military led by General Ne Win staged a coup d'état and took control of all governmental structures. Leaders of the democratic government (which was only elected in 1960), such as prime minister U Nu and other key democratic figures were arrested. Ne Win not only became minister of defence, finance and revenue but also president of the republics. The revolutionary council, consisting of military officials, announced the governmental plan known as the "Burmese Way to Socialism" and decided to establish a single-party-state, the Burmese Socialist Party (BSP). The council limited media freedom and tightly regulated foreign news coverage, believing that the press should serve society, promote patriotism, and endorse the 'Burmese Way to Socialism'. In the following years, the military became more and more involved in all areas of society. Student movements in particular were a concern for the military government, as they repeatedly flared up activities against the state. The military took control of the universities in Rangoon and Mandalay, and these universities were repeatedly closed. Attempting to separate religion from politics, the government tried to prevent monks from engaging in political activities, and hundreds of monks were arrested for anti-government activities. In addition, xenophobic attitudes were evident: in 1964, anti-Indian policies were adopted that displaced thousands of Burma-born families with Indian roots. After about ten years under military dictatorship, the Burma Socialist Program Party (BSPP) was founded in 1971; the party was open to mass membership. As of 1974, when the new governmental system started, Burma officially was a one-party socialist state. In reality, Ne Win still had total control of the government. The next years were coined by a lack of trust in the government, numerous purges within the party and allegations of corruption. A combination of political and economic unrest led to the events in 1988 (cf. Topich & Leitich 2013: 93–94).

1988 - 1990: Year of Rage and democratic elections

The already tense atmosphere in the country erupted in 1988, also known as the "Year of Rage". On March 12, 1988, there was a violent clash between students and local youths. One of the youths responsible for the violent escalation was released due to family connections to the BSPP. This triggered an assembly of students who marched to the party headquarters and caused damage – in the on-site brawl one of the protesters died. Hundreds of students gathered and marched together and the police and military responded with excessive force. In the following days, there were repeated violent clashes between students demanding the resignation of Ne Win and the military and the establishing of a democracy. Over 1,000 students were arrested and there were repeated tragic deaths at the hands of the military, including the suffocation of 41 students held in a policy paddy wagon. The situation shortly calmed down with the closing of universities. As soon as they were reopened, unrest resurfaced as violently as before. Not only did curfews and assembly bans prevail; but the regime also blamed the Muslim minority in Burma for the unrest. Eventually, Ne Win stepped down from his position as president. However, the unrest continued to grow, and after the military opened fire in a hospital on wounded protesters and staff, the last faith in the military as Burma's protector was lost. The protesters took control of several urban areas, including Rangoon. At the end of 1988, the National League for Democracy (NDL) was formed with Aung San Suu Kyi, daughter of Burma's culturally influential founder, General Aung San, as general secretary. Shortly after, the military staged another coup and established the State Law and Order Restoration Council (SLORC). While still acting strongly and brutally against the now-established Burmese civilian society, SLORC kept its promise to hold the planned multiparty elections. The junta also implemented the renaming of Burma to Myanmar, intending to distance itself from the colonial past, which was argued to be tied to the former name. The elections took place in May 1990, preceded by smear campaigns and intimidation attempts against democracy idol Aung San Suu Kyi. Despite the detention of thousands of NLD party members and the house arrest of key NLD leaders Suu Kyi and Tin U, the democratic party won over 60 per cent of the vote, with a turnout of over 70 per cent. However, the military junta refused to cede power (cf. Topich & Leitich 2013: 94–105).

1990 - 2007: continued dictatorship & repression

The next two decades in Myanmar were characterised by the ongoing attempt of the military to reconcile the legitimacy of their governance while simultaneously repressing the elected government (cf. Topich & Leitich 2013: 107). As of 1995, over 1,000 political prisoners remained arrested, including sixteen members of the parliament elected in 1990. The years after the ‘election’ were marked by repression of society and violations of integral human rights. There were continuous violent and armed fights with the SLORC, villagers were forced to work for the military. Discrimination and repression against ethnic and religious minorities across Myanmar increased, communities were forcibly relocated to government-controlled villages and religious land was confiscated. Over 270,000 Muslims fled Myanmar as reports about forced labour and relocations persisted (cf. Human Rights Watch 1995). In 1996 and 97, the repression continued, and more and more minorities were forced to flee. In 1997, GSP preferences for Myanmar were withdrawn for the first time in EU GSP history, regarding the ongoing and severe human rights violations (cf. European Parliament 1997). This was accompanied by several other sanctions, such as banning new investments by the EU as well as the USA.

2007 - 2011: Saffron Revolution, cyclone Nargis & new constitution

The people of Myanmar were not only suffering from the repression and discrimination of the military junta but were also struggling economically, a large part of the population lived below the subsistence level. Accordingly, the removal of subsidies on fuel and natural gas in August 2007 had a devastating effect on society. The increase in the price of necessary fuel was as high as 500 per cent. This led to the ‘Saffron Revolution’, mainly led by Buddhist monks. The police reacted extremely violently, not only arresting supposed leaders of the movement and NLD leaders but also with aggression towards monks and protestors. One monk died as a result of governmental violence. The culturally high standpoint of monks in Myanmar society led to an escalation of tension and called more and more people to the crowd of protestors. In September, the situation escalated: the protests, which had grown into a nationwide movement, demanded the release of Aung San Suu Kyi. The movement was now confronted not only by the police but also by the military. The military raided monasteries and opened fire on the peaceful protesters, first killing with rubber bullets and eventually with ammunition. Although the protests diminished due to the massive state violence, the raids in monasteries intensified: thousands of monks were arrested, physically abused and humiliated. The internet was shut down to prevent Western media from seeing the massive repression of people, curfews were imposed. Because of video documentation by military and police, thousands of protestors could be identified and detained, questioned and often tortured. The international community reacted to the intense violence by the military junta with near-universal condemnation, even the normally quiet/neutral body of ASEAN and China, the main ally of the regime, called for a peaceful resolution of the conflict and condemned the violence against monks (cf. Human Rights Watch 2007; cf. Topich & Leitich 2013: 125–133).

In 2008, disaster struck and a cyclone hit Myanmar on May 2nd to 3rd, the estimated death toll was around the 140,000 mark, an additional 2.4 million citizens were affected, around 800,000 were displaced and infrastructure in the areas hit was destroyed. The government not only failed to respond properly but also hindered international assistance to reach affected areas on time, for example by denying foreign workers access to victims. The aftermath of the cyclone was devastating and coined by ignorance and exercise of power on the part of the government, exacerbating vulnerability (cf. Topich & Leitich 2013: 132–135). Despite the massive devastation, the government carried out the planned constitutional referendum as early as May 10th, 2008. After elective fraud and intimidation of the voting population, the military announced a 92.4 per cent approval of the new constitution (BBC 2008).

2011 - 2021: period of liberalization, human rights violations & military coup d'état

This led to the introduction of several political and economic reforms, including the release of political prisoners and the first general election since 1990 in November 2010. The NLD boycotted the election and the Union Solidarity and Development Party (USDP), the party of the military junta won after massive election fraud. The military was still in control, also through the huge majority in parliament. A nominally civilian government was formed, under the rule of the retired general Thein Sein as president. At the end of 2011, the democracy leader Aung San Suu Kyi was released from house arrest. Following the formation of the new government were attempts at cooperation and coordination between authorities and Aung San Suu Kyi, who later stated that the new administration seemed sincere in their efforts to move Myanmar forward (cf. Topich & Leitich 2013: 139–142). In the 2012 by-elections (which were monitored by international representatives), the party of Aung San Suu Kyi (NLD) participated and won 43 of the 45 available seats (cf. Kocha Olarn 2012). The GSP preferences were officially reinstated in 2013, based on the improvement of recognised progress in the labour rights situation in Myanmar/Burma (cf. European Commission 2013).

Despite the reformation, the seemingly calmed situation and the withdrawal of condemnation and sanctions by international actors, repression and state violence were far from being a matter of the past. There were numerous reports of massive human rights violations, especially in Kachin State. Human Rights Watch reports sexual violence against FLINTA* , threats, torture, forced labour and child labour, including on fronts/child soldiers through the military/the government. These took place within the scope of the offensive military operations of the armed forces against the Kachin Independence Army (KIA) (cf. Human Rights Watch 2012b). It was reported that the government blocked humanitarian aid to about 75,000 displaced ethnic Kachin people needing shelter, food and medicine (cf. Human Rights Watch 2012a). In addition to the heavily affected ethnic Kachin, violations of the integral rights of the Muslim Rohingya religious minority were particularly prevalent. There are reports about security forces as well as Rakhine Buddhists committing human rights abuses, such as rape, physical abuse and killings (in July 2012 reports estimate over 100 killings). Depending on the source, Myanmar government or UN agencies, between 50,000 and 90,000 people were displaced as of July 2012 (cf. Amnesty International 2012). Over the next few years, the situation became increasingly aggravated. Numerous reports show the massive human rights violations, especially against religious and ethnic minorities, first and foremost Rohingya. The ongoing (state) violence against the Rohingya was described as genocide by international actors (cf. Human Rights Watch 2020a). As of August 2017, over 688,000 people have fled to the bordering countries of Bangladesh, India and Thailand (cf. Amnesty International 2017).

The next election in November 2020 was again won by the NLD in a landslide after also winning the election in 2015 (cf. Naing & Aung 2020). The defeated USDP (the miliary-affiliated Union Solidarity and Development Party) rejected the election results, demanded a re-election and persistently alleged fraud (cf. Goodman 2021). Just before the new parliament was to be sworn in, the military detained Aung San Suu Kyi and other members of the NLD on the 1st February of 2021 and expelled NLD party Members from the capital Naypyidaw – leading to Myanmar being ruled by military dictatorship once again.

4.2 Human Rights Violations in Myanmar

To this day, the people of Myanmar are subjected to massive and violent repression by the military junta. The following subchapter provides a brief insight into the human rights violations taking place in Myanmar. The aim is to show that conventions of the GSP regulation are violated and that the principles of the conventions are not ‘respected’. Due to the research interest and focus of this work, it is not within the scope to examine all the human rights violations taking place in various areas of society in depth. The 2022/2023 report by Amnesty International, the 2023 report by Human Rights Watch and an UN Human Rights Council report published in June 2023 make clear how severe human rights violations are in Myanmar.

Judiciary

At the end of 2022, at least 13,272 people were still detained for political reasons, Human Rights Watch reported 16,000 arrests of democracy supporters. The UN reports that from the coup to April 2023, “at least 3,452 persons have died at the hands of the military and its affiliates, 21,807 individuals were arrested, and 5,839 convicted without any respect for judicial guarantees” (Human Rights Council 2023: 4). People of Myanmar and especially protestors and vulnerable groups (e.g., women, people with diverse gender identities) are confronted with unfair trials, torture, and other ill-treatment of detainees (at least 356 deaths in custody were reported in 2023). Moreover, hundreds of people (including children) were reported to be killed in military (air) attacks (including attacks on schools) and extrajudicial executions, in addition to the systematic looting and burning of villages (cf. Human Rights Watch 2023a: 432–439; cf. Amnesty International 2023: 263–267). Circa “60,000 civilian structures have been reportedly burnt or destroyed” (Human Rights Council 2023: 4).

Refugees & Displacement

Amnesty International estimates that around one million refugees and asylum seekers from Myanmar fled to neighbouring countries (Amnesty International 2023). Human Rights Watch reports nearly one million internally displaced people in addition to 70,000 fleeing to neighbouring countries. These figures are close to those published by the UN Human Rights Council in June. The Human Rights Council estimates that 1.5 million people have been internally displaced and around 75,000 people have fled to neighbouring countries (cf. Human Rights Council 2023: 4).

Oppression of Rohingya

Of the remaining Rohingya still living in Myanmar about 600,000 are effectively restricted to living in the Rakhine state, exposed to systematic abuses (cf. Human Rights Watch 2023a: 432–439; cf. Amnesty International 2023: 263–267). Human Rights Watch reports 130,000

Rohingya and other Muslims remaining in detention camps in the Rakhine State (cf. Human Rights Watch 2020b), the UN reports that 150,000 Rohingya live in these camps, so-called ‘open prisons’. People living there are denied basic rights, including freedom of movement (cf. Human Rights Council 2023: 5).

Freedom of expression & Internet access

Freedom of expression and assembly is massively constricted for example with checkpoints throughout the city and CCTV cameras with facial recognition in cities. Internet access is periodically shut down; independent media outlets are banned (cf. Human Rights Watch 2023a: 432–439; cf. Amnesty International 2023: 263–267). Attempting to control the population and their access to information and opportunity to document the situation on-site and share it with the world, the junta has systematically restricted telecommunications services (mobile data and call services), especially in areas where it carries out military operations. Before military operations, “the military has blocked mobile internet access for sustained periods, with frequent reports of mobile telephone service cuts” (Human Rights Council 2023: 9).

Poverty & Food insecurity

In addition to the human rights violations described above, the society in Myanmar also suffers from exacerbated poverty and food insecurity. The Covid-19 pandemic has exacerbated the situation on the ground. After the coup (February/March 2020), the poverty levels have doubled, erasing nearly a decade of progress. The UN estimates that “17.6 million people – one-third of the overall population – require some form of humanitarian assistance” (Human Rights Council 2023: 5). Not only has poverty increased, but the cost of living has also risen: food prices have skyrocketed, with 63 and 177 per cent in 2021 and 2022. This leads to again around one-third of the population, 15.2 million people, who suffer from food insecurity and need food and nutrition support (cf. Human Rights Council 2023: 5).

Blocking of humanitarian relief

Humanitarian support hardly reaches the people of Myanmar, because the junta blocks humanitarian assistance: “the military has continued to instrumentalise the legal and administrative framework of Government to control and limit life-saving humanitarian assistance/relief” (Human Rights Council 2023: 5). Difficult access to crisis areas was also repeatedly reported under the previous administration. Still, a multitude of requirements for civil society and humanitarian activity severely hampered the provision of humanitarian aid.

Legal, financial and bureaucratic requirements result in needed aid not reaching crisis areas, especially in areas where the military is the most active (cf. Human Rights Council 2023: 5).

Condemnation by the EU

The EU has taken a stand on the situation in Myanmar and "condemns in the strongest possible terms the grave human rights violations, including sexual and gender-based violence, the persecution of civil society, human rights defenders and journalists, attacks on the civilian population, targeting also children and persons belonging to ethnic and religious minorities across the country, and recent deadly air strikes on civilian targets, including on schools and hospitals, by the Myanmar armed forces. Those responsible for the coup, as well as the perpetrators of violence and gross human rights violations, should be held accountable (…). The military authorities must fully respect international humanitarian law, and put an end to the indiscriminate use of force" (Council of the EU 2023).

Moreover, the EU has employed political measures. On the one hand, six rounds of sanctions have been taken (as of July 2023) against individuals and individual companies (Council of the EU 2023). On the other hand, Myanmar is one of the three countries within the GSP system that is being worked with under 'enhanced engagement'. In the 2020 report on enhanced engagement, it is clear that the EU has concerns about the respect of underlying conventions: "Key EU concerns regarding the situation in Myanmar relate to the non-implementation of the principles of several international human rights conventions listed in the GSP Regulation" (DG Trade 2020: 12). The violations described above are breaching several GSP conventions. The EU itself states that the junta violates a multitude of conventions: among others, the International Covenant on Economic, Social and Cultural Rights (CESCR), Convention on the Rights of the Child (CRC), the Conventions on Elimination of Racial Discrimination (CERD), Convention of the Elimination of Discrimination against Women (CEDAW), Convention against Torture (CAT); and fundamental labour (ILO) principles (cf. DG Trade 2020: 12).

4.3 Non-Withdrawal Case Myanmar – an Empirical Puzzle

The previous chapter has shown that the government of Myanmar breaches GSP conventions and commits human rights violations. According to the regulation (as outlined in chapter 2), EBA beneficiaries, like Myanmar is one, must 'respect the fundamental principles' of internationally recognized human and labour rights conventions to be granted trade preferences. If fundamental elements of these conventions are not respected, tariff preferences "may be withdrawn temporarily (…) for (…) serious and systematic violations of principles laid down in the conventions" (Chapter V, Article 19(1) Regulation No 978/2012) (cf. European Commission 2012: 10). This leads to the puzzling question why Myanmar, who seriously and systematically violates laid down principles, is not deprived of trade preferences.

Choosing a 'negative case' (i.e. a case where the corresponding situation/decision to given causes and contextual conditions has not occurred) to investigate a decision-making process or factors influencing it is a common procedure in sociological research (cf. Mahoney & Goertz 2004). In the case of Myanmar, the factors and the contextual conditions are present (Myanmar is an EBA beneficiary violating underlying norms) that make a withdrawal possible or even appear logical. Nevertheless, the expected outcome is not present. According to Beach and Pedersen, this makes Myanmar a so-called "deviant consistency case" – a case where cause(s) and contextual conditions are present, but the outcome is not (cf. Beach & Pedersen 2019: 90)

Deviant consistency cases are useful for theoretical revision process tracing: a mechanism, here the decision process of the EU Commission regarding a GSP withdrawal, is traced in order to detect either omitted contextual or causal conditions (cf. Beach & Pedersen 2019: 102). Chapter 5.1 goes more deeply into explaining the method of process tracing that is being employed in this thesis. However, it can already be stated here that Myanmar, as a case study, not only has substantive but also methodological relevance. The following chapter connects the state of the art presented in chapter 3 to the case study of Myanmar, thus developing the present empirical puzzle.

Realist arguments

(Neo-)Realists argue that in the power struggle, states primarily centre their security needs in foreign policy decisions. A variety of academic works in sanctions research deal with the question of whether and how self-interest can serve as an explanation for instrumental variation. For example, there are also papers such as the one from Poletti & Sicurelli (2022) that argue that the self-interests of the EU, in this case the preservation of trade relations, may well play an important role in the GSP decision.

Security interests & geographic consciousness

Works analysed in chapter 3 show that (from a realist perspective) security concerns are a main driver for political action, especially foreign policy decisions (cf. Crawford 2005; cf. Kreutz 2005). The situation in Myanmar is not directly threatening to the EU, as, for example, the expansion of a terrorist organization would be. The human rights violations by the junta in

Myanmar are not a threat of “large-scale government violence directed against (…) [here EU-] citizens” (Kreutz 2005: 40). The Russian war of aggression on Ukraine, for example, would be a different situation that could pose such a threat. Here the next point can be directly linked: geographical aspects play an important role in the (neo-)realist way of argumentation. The EU as a “regionally-conscious security actor” (Portela 2005: 105) centralizes the security of member states. This means in turn, that for example aggression and violation of international norms are more relevant to EU foreign policy if they are, literally, close by, which Myanmar is not.

It is important to emphasize that realism mainly argues that normative reasons are '‘second-order concerns’ and take a back seat in decision-making when realistic reasons, such as security concerns, exist. It is accepted that normative considerations (can) influence decisions. In the case of Myanmar, the EU has no direct security or geographic concerns that would hinder the imposition of sanctions based on normative objectives.

Trade interdependence & alliance partners

The EU and Myanmar have an active trade relationship. In 2022, the total trade between the EU and Myanmar amounted to €4.7 billion (European Commission 2023a). While Myanmar is not an essential trading partner for the EU (trade with Myanmar accounted to 0.1% for the overall EU trade), the EU is the fourth-biggest trading partner for Myanmar, accounting for 7.2% of Myanmar’s total trade (European Commission 2023a). But, as Poletti & Sicurelli argue, the rising integration of ASEAN and also Myanmar in Global Value Chains (GVCs) lead to European investors and retailers viewing the region as an attractive partner. European investments in Myanmar have increased since the last withdrawal of GSP preferences (cf. Poletti & Sicurelli 2022: 54).

While the EU has no dedicated alliance with Myanmar, there is an alliance, or a ‘strategic partnership’ with ASEAN since 2020 (cf. EEAS 2020). Myanmar is one of the ten members of ASEAN and therefore also part of the strategic partnership. As Kreutz has pointed out, alliance partners are more likely to not receive sanctions as opposed to adversaries (cf. Kreutz 2015). The integration of one country into the world economy is also associated with being less likely to receive punitive measures (cf. von Soest & Wahman 2015a: 966). Both areas, trade interdependence and integration into the world market as well as strategic partnerships, are thus of (if little) significance on the part of the EU. But, as the imposition of CFSP sanctions against Myanmar shows, the EU is not generally averse to setting these interests aside. It is unclear and appears not consequential that a GSP withdrawal based on normative reasons (second-order concern) would not take place solely because of these interests.

Moreover, as pointed out before, (neo-)realism does not remain uncriticized, especially in the field of development cooperation/relations with developing countries (cf. Hazelzet 2001; cf. Del Biondo 2011, 2015). The GSP can be incorporated into this research area based on its objectives. Overall, the neorealist arguments listed do not offer a complete and comprehensible explanation of why the EU decided against a withdrawal in the case of Myanmar.

Normative/Constructivist arguments

Based on the available conventions and reports, human rights violations in Myanmar can very clearly be classified as normative violations. The consequence from a constructivist/idealist perspective would thus be the withdrawal of EBA trade preferences to promote human rights. Constructivist/idealist works provide multiple arguments explaining how the missing sanction/withdrawal could be explained.

Trigger event

An important condition regarding the normative decision to act in a punitive way is argued to be the strength of a violation: von Soest & Wahman (2015b) argue that the strength of ‘trigger events’ plays a central role in the decision process. The authors present coup d’états, controversial elections, a decrease in civil liberties, and the absolute level of democracy as trigger events for (democratic) sanctions. Coups, which is what happened in February 2021 in Myanmar, “are the strongest predictor for the imposition of democratic sanctions, as they are the most blatant signal of democratic and human rights infringements” (von Soest & Wahman 2015b: 18). A decrease in civil liberties is also prevalent in Myanmar, as described above. Thus, it cannot be assumed that the situation in Myanmar is a too ‘weak’ normative violation in order to decide against a sanction. The depth and systematic nature of the human rights violations and the condemnation on the part of the EU are simply too severe for this argument.

Normative Dilemma

Chapter 3.2 introduced the ‘democracy-development dilemma’ by Del Biondo arguing that the EU decides against sanctions because of concerns for the social, economic and political consequences. Countries that perform well in terms of development are less likely to be sanctioned out of a ‘fear’ of jeopardizing these development goals (cf. Del Biondo 2011, 2015). The EU has allocated around one billion Euro in development aid between 2007-2020 for

Myanmar/Burma (cf. European Court of Auditors 2018) which shows how involved the EU is regarding development in Myanmar. Thus, there is a possibility of a normative dilemma between condemning human rights violations in the form of a GSP withdrawal and not endangering development.

Norm conflict

This leads to the next argument presented by constructivist scholars: the possibility that EU norms (can) collide which leads to them being weighed in the given context. A norm conflict could be an explanation for instrumental variation (cf. Saltnes 2017).Saltnes argues that implementing sanctions could potentially aggravate the situation in the target country, leading to an evaluation of the "best course of action: is it more important to protect human rights by sanctioning breaches, or to not impede economic and social development by failing to sanction a breach of human rights" (Saltnes 2017: 558). This again alludes to the mentioned 'democracy-development dilemma' by Del Biondo (2011, 2015).The EU "may be inclined to 'trade' democracy [or in this case promoting human rights via GSP withdrawal] for stability and development" (Del Biondo 2015: 241). Even though the concept of norm conflicts in International Organizations is important, it is an "understudied phenomenon" (Buitelaar & Hirschmann 2021: 566). Despite various research in this realm, for example on the impact of norms on state behaviour, "the issue of norm conflict has remained theoretically and empirically understudied in International Relations" (Rüland 2018: 27). This observation underlines the importance of analysing the explanatory power of norm conflicts for behaviour and decisions in international politics and specifically for this thesis for the decision-making process regarding GSP withdrawals. Before going into more detail on the understanding and role of norms in international politics (see chapter 6), the methodology of this paper will first be discussed. Here, among other things, it will be elaborated more concretely on how the decision-making process can be conceptualized and examined in the first place.

5. Methodology

In the following chapter, the methodology in this thesis will be illustrated and reasoned with, starting with defining process tracing and a rationale as to why this method was chosen. This is followed by an elaboration on the sampling, the empirical data collection and the analysis of the data.

5.1 Process Tracing by Beach & Pedersen

There have only been four (temporary) suspensions of GSP tariff preferences since the implementation of political conditionality in this system, leading to a very small empirical data set. Moreover, the beneficiaries have very heterogeneous contexts, ranging from differences in economy, the political system, the culture as well as differences in society, making it even more difficult to draw consistent conclusions working for every case/beneficiary. Other methods used in sanction research, such as congruence testing, rely on covariation, which is not feasible when looking at EU GSP decisions. Another method – process tracing – makes it possible to draw valid conclusions with a small number of cases, even just one case study. Process tracing is a method proposed by Beach & Pedersen allowing detailed case-based empirical analysis through focusing on the tracing of an underlying causal mechanism. Not only is this method useful for working with case studies, but it is also regularly used in research on international relations (Tannenwald 1999; Schultz 2001; Bennett 2010), crisis (Beach 2021b) or sanction decisions (Panke 2012). Beach states that given its focus on "processes and temporality, process tracing is a useful method for analysing crisis and crisis decision-making in the fields of foreign policy analysis and public policy" (Beach 2021a: 1). Collier also argues that process tracing "can contribute decisively both to describing political and social phenomena" (Collier 2011: 823), underlining the suitability of process tracing for this research.

Case studies properly conducted using process tracing "enable strong causal inferences to be made about how causal processes work within real-world cases" (Beach 2021b: 2). This is because process tracing shifts the analytical focus of causes to outcomes to the causal mechanism in between. Process tracing aims to unpack a causal process or mechanism "that occurs between a cause (or set of causes) and an outcome and trace each of its constituent parts empirically" (Beach & Pedersen 2019: 38) – meaning process tracing aims to test the causal relationship and to understand the black box between a starting point *X* and an outcome *Y*. In this thesis, *Y* is the absence of a GSP withdrawal for Myanmar despite *X*, serious and systematic human rights violations (see chapter 7 for the detailed causal mechanism). This is where the analytical value of process tracing lies, as "it enables causal inferences to be made about how causal processes/causal mechanisms work using in-depth analysis of one or a small number of cases" (Beach 2017: 1). The method does not understand causal mechanisms as causes themselves, but as the link between causes and an outcome (cf. Beach 2021b: 3). It is important to add that while process tracing allows for causal inferences to be made on a case-basis, context matters: generalisability is limited, especially when working with heterogeneous cases (as is the case with GSP beneficiaries) (cf. Beach & Pedersen 2019: 110). Regarding the research interest of this study, understanding why no GSP withdrawal happened in Myanmar as of now (July 2023), this limitation does not impede on employing process tracing for this work.

There are four different variants of process tracing, each coming with unique requirements for the research. This thesis predominantly utilizes a theory-building process tracing, asking the question "What is the causal mechanism between the cause (human rights abuses in Myanmar violating underlying conventions in the GSP agreement) and the outcome (no GSP withdrawal)?" (cf. Beach & Pedersen 2019: 9). In addition, elements of theory-testing process tracing are employed. Theory-testing process tracing asks "is the hypothesized causal mechanism present and does it function as theorized?" (Beach & Pedersen 2019: 9). This combination was chosen as research on EU GSP withdrawal decisions is not yet very pronounced, but research on (EU) sanctioning decisions in other areas (e.g., CFSP sanctioning or the employment of aid conditionality) is. Because a GSP withdrawal can be considered a sanction and is also defined as such in this thesis (see chapter 2.2), this opens the possibility to base the causal mechanism on existing work and adding own theoretical insights by combining research strands and input from interviews which where conducted in the period from March 2023 to June 2023.

This thesis works with the core components proposed by Beach & Pedersen (2019: 1): first, the theorization about causal mechanisms linking cause(s) and outcome(s) and second, the analysis of the observable empirical manifestations of theorized mechanisms (chapter 8). The third step, the complementary use of comparative methods to select cases and enable generalizability does not take place in this work. The possibility to apply the causal mechanism to other cases is not the research interest of this thesis and would exceed the scope of this paper. Nevertheless, it is possible that the causal mechanism established in this paper (which sheds light on the decision-making process of the EU Commission) could also serve as an explanatory approach for other decisions regarding the GSP; this would then have to be investigated with the help of a theory-testing process tracing in a further paper.

A causal mechanism consists of key steps in the process leading to the observed (cf. Collier 2011: 824) outcome – here the non-existence of a GSP withdrawal despite serious human rights violations. Process tracing uses empirical traces or 'fingerprints' that are being left behind by the mechanism, more specifically the key steps, allowing the researcher to make causal inferences (cf. Beach 2021b: 6). Empirical data, i.e., interviews, statements are therefore analysed for these empirical traces. The value and thus the theoretical implications of these fingerprints are established by two components: the theoretical certainty and the theoretical uniqueness. The theoretical certainty asks whether the activity in the key step would *have* to leave a fingerprint or if the activity could happen without leaving traces. Other works call this ‘necessary’: is it necessary to find a fingerprint to confirm this key step/the causal mechanism? The theoretical uniqueness asks whether, if a fingerprint is found, there are any plausible alternative explanations for the occurrence of this fingerprint. This is also called ‘uniqueness’: if there are no other explanations for the occurrence, the fingerprint alone can confirm the causal mechanism/hypothesis (cf. Beach 2017: 9–13; cf. Beach & Pedersen 2019: 259; cf. Beach 2021b: 7).

5.2 Empirical Data – Sampling, Data collection & Analysis

To collect the empirical data, this work opted for expert interviews in combination with analyses of statements made by the EU Commission and reports, specifically the report on enhanced engagement and a study on a GSP withdrawal impact assessment. Both are the most relevant reports for the impact of the GSP in Myanmar and were also recommended by the interviewees.

The chosen method of ‘guided interviews’ is one of the three basic methods of empirical social and communication research, along with content analysis and observation (cf. Loosen 2015: 141) . On the one hand, this opens the opportunity for a flexible conversation and a possibility to dive deeper into specific topics the interviewees are bringing into the conversation (Dannecker & Englert 2014: 159), on the other hand, the method offers a “regulated (one-way rule-governed) communication to learn reliable (reliable, consistent) and valid (accurate, valid) information about the object of research” (Scholl 2018: 22). The interview guide (see Appendix 2) was created with the causal mechanism in mind. Accordingly, the guide was divided into 7 (thematic) blocks. For each of these blocks, a goal was defined that was to be clarified by answering the questions posed in this block. Between 2 and 4 questions were formulated for each block. Depending on how the conversation went, what topics came up and also how much time the respective interview partner had, some topics/questions were addressed more specifically than others. The goal of this research is not generalizability, but internal consistency and credibility. The standard of this work is to ensure validity and authenticity within the sample’s finding (cf. O'Leary 2007: 61).

Regarding the sampling strategy, a combination of handpicked sampling and snowball sampling was chosen. Handpicking samples allows “researchers to study intrinsically interesting cases” (O'Leary 2007: 110) by concretely choosing which samples may offer the most expertise, extreme opinions or hold politically diverse input. The samples chosen for this research were based on expertise regarding EU decisions concerning Myanmar, the GSP, human rights and/or (sustainable) development. In addition to handpicked samples, snowball sampling (cf. O'Leary 2007: 110) was employed as well. Interviewees were asked if they had any recommendations on which person would be an interesting person to include in the study as further interviewees. Individuals were addressed and asked for an interview in the following departments of the EU: Employees at the EU Commission, more specifically in the director general trade (DG Trade). The DG Trade is responsible for trade relations in general, and in turn also for the GSP. Here, therefore, lies special expertise in the decision-making processes and influencing factors regarding decisions in the GSP system. Moreover, employees at the European External Action Service (EEAS), especially employees at the EU Delegation to Myanmar were contacted. As a diplomatic service of the European Union, experts in the EEAS have a high level of expertise regarding relations with partner countries as well as specific expertise in policy decisions. Here, the focus was on the delegation for Myanmar. In both departments mainly staff with a focus on trade, sustainable development or human rights and/or a focus on Southeast Asia, specifically Myanmar was addressed. Of course, experts for the GSP system were also contacted directly. In addition, employees of the European Parliament who had either commented on the GSP system and/or the situation in Myanmar in the past through inquiries or similar were contacted. Finally, individuals were contacted who are active in the following committees while also having expertise regarding the GSP system and/or Myanmar: Committee on Foreign Affairs (AFET), Committee on Human Rights (DROI), and the Committee on International Trade (INTA).

All interviews were held anonymously (at the request of the interviewees) and not recorded. Although this meant that no data recording or coding could be carried out, the anonymity meant that the interviewees were more likely to be able to speak freely and argue from their actual point of view. During the interviews, all of which were conducted online, extensive notes were taken to first be able to get back to specific topics later in the interview as well as to be able to use these notes as background information in the analysis. Due to the work on the new GSP regulation, many experts for the GSP were occupied and not available for an interview. However, after several requests, three experts agreed to be interviewed. One expert works at

EEAS in the Delegation for Myanmar and lives on-site in Yangon. The other two experts are located in the DG Trade – one of them is responsible for trade relations with Southeast Asia, and one for GSP directly. All interviewees have been assigned an abbreviation, "Ix", to be able to distinguish them in the analysis. For an overview of the interviewees see Appendix 1.

After establishing the methodology for this thesis, the following chapter elaborates on the theoretical framework, which will lay the base for the causal mechanism. The understanding of norms, norm conflicts and theories of international relations underlying this thesis are defined and presented.

6. Theoretical Framework: Impact of Norms on EU Decision-making

The following chapter is the theoretical framework for the thesis, consisting of two main sections: the first section works from a theoretical standpoint, framing the following work by defining and introducing the underlying concepts of norms, norm conflicts, (Sociological) Institutionalism and the logic of appropriateness. The second section of this chapter is slightly more impact- and practice-oriented: after looking into discussions around the 'normative power EU', fundamental EU norms are identified and conflicts between these two norms are also discussed based on sanctions literature. The objective of this section is to frame the EU as a normative power and to establish the possibility of a significant norm conflict influencing sanctioning decisions. Both sections are indispensable to establishing and reasoning the causal mechanism in the following chapter as well as to contextualize the findings in the analysis and discussion.

6.1 Framing Concepts

First, it is necessary to define the understanding of norms and respectively norm conflicts in this work to identify both the EU norms as well as potential conflicts between them. This is followed by the outline of one of the most influential theories on international relationships and international institutions, the theory of Institutionalism. This theory will be outlined in its general definition and by introducing the main schools of thought. Sociological Institutionalism is highlighted, which, with its focus on values and norms, is the most relevant for this thesis. This is complemented by an introduction of the discourse of the logic of consequences vs. the logic of appropriateness, coined by Simon, March & Olsen. This discourse helps to analyse and better understand decision-making in individuals as well as in international organizations.

6.1.1 Norms and Norm Conflicts

The role of norms in society or politics is a widely discussed topic in scholarly literature. There is also a strand of research looking specifically into the role of norms in international relations (IR) (see for example Wendt 1999; Kratochwil 1990; Hurrell 2010 or Goertz & Diehl 1992). Norms get more and more attention, i.e. regarding their impact on state behaviour, the adaption and expansion in social contexts (‘diffusion’ and ‘localization’), or their change and transformation (cf. Rüland 2018: 27). Despite the importance of norms and norm conflicts in IR and International Organizations (IO), norm conflicts in IOs (e.g., regarding policy decisions such as a GSP withdrawal) remain an “understudied phenomenon” (Buitelaar & Hirschmann 2021: 566). The “issue of norm conflict has remained theoretically and empirically understudied in International Relations“ (Rüland 2018: 27). This work starts at this point and thus makes a valuable contribution to the closer examination of the role of norms in International Organizations. To understand norms and conflicts of norms in the EU Commission, it is first necessary to take a closer look at the theoretical understanding of a ‘norm’.

Norms

Since the 1980s, social sciences have gone through a “constructivist turn” (cf. Rüland 2018: 27). This has led to a shift towards understanding diverse social phenomena through the lens of social construction. Constructivists emphasize the role of social interaction and cultural contexts (see Constructivist Institutionalism, chapter 6.1.2). Rüland argues that since the constructivist turn, international relations theory “has dealt extensively with norms and agency in normative environments” (Rüland 2018: 27).

Looking at IOs, Hurrell argues that central to the international system they operate in, is “a historically created, and evolving, structure of common understandings, rules, norms and mutual expectations“ (Hurrell 2010: 193). This indicates the significance of norms in international relations. Katzenstein defines norms as “collective expectations about proper behavior for a given identity (…). Sometimes norms operate like rules” (Katzenstein 1996: 2, 11). Norms can be understood as a manifestation of an actor’s (e.g., IOs) sense of belonging and their respective roles. They are identified by “regularities of behaviour among actors (…) [giving] rise to expectations as to what will in fact be done in a particular situation” (Hurrell 2010: 194). Katzenstein (1996) also states that norms establish certain expectations about who the actors will be in a particular situation as well as their behaviour within this situation.

There is a distinct difference between ‘values’ and ‘norms’, two concepts that at first view seem interchangeable. While values can be held by a single individual, “norms cannot. Norms must be shared prescriptions and apply to others, by definition” (Morris 1956: 610). Moreover, while values are more or less shared conceptions of what is desirable, of what an individual wants, “norms are generally accepted, sanctioned prescriptions for, or prohibitions against, others’ behavior, belief, or feeling” (Morris 1956: 610). Wiener argues that while values are carried and function on their own, norms function and operate within a social setting, they “are defined by norm-setters [object] for norm-followers [subject] to be obeying them” (Wiener 2008: 41).

Katzenstein focuses “on the analysis of regulatory norms (defining standards of appropriate behaviour) and constitutive norms (defining actor identities)” (Katzenstein 1996: 53). This thesis also focuses on these two concepts of norms, also because they are closely related to the logic of appropriateness (see chapter 6.1.3). The author also addresses ‘appropriate behaviour’ provided by norms. This is essential to define, as the ‘meaning’ of a norm influences the ‘appropriate’ action in a given situation. Hurrell points out this very significant aspect in the political application of norms: “there will always be questions as to which norms are relevant and how they should be interpreted“ (Hurrell 2010: 195). In conceptualizing the ‘meaning’ of norms, Wiener argues in favour of shifting analytical attention to the social practice of a norm. The author points out that this would lead to a better understanding of the ‘meaning’ of norms. The author proposes a differentiation between two categories of norms: “on the one hand, a *generic category of social norms* that provides ‘reasons’ which appear persuasive to decision-makers, and a *specific category of procedural norms* which entail ‘instructions’ that are applicable under given circumstances, on the other” (Wiener 2004: 199), emphasis added by Wiener.

Norm Conflicts

This is where the concept of a norm conflict can now be further looked at, as “it is not unusual for specific procedural norms to be in conflict with the generic sociocultural norms” (Wiener 2004: 199). A norm conflict occurs when an actor is confronted with two or more existing norms offering conflicting prescriptions for how to respond to a given situation (cf. Zürn et al. 2018; cf. Buitelaar & Hirschmann 2021: 551). A relationship of conflict between two norms exists “if one constitutes, has led to, or may lead to, a breach of the other“ (Pauwelyn 2003: 175–176). Or: applying one norm automatically means harming the other(s). There are various gradations which were developed in Ross’s book ‘On Law and Justice’. While total incompatibility means that neither norm can be applied without conflicting the other, total-partial contradiction means that one norm cannot be applied without conflicting the other norm. Finally, the partial contradiction or norm conflict is defined as follows: "each of the two norms has a field of application where it conflicts with the other norm, but that each of them also has a wider field of application where no conflict arises" (Ross 2019: 149–150).

International Organizations have to balance a variety of different interests and norms. Hurrell argues that norms in IOs "are often in conflict" (2010: 194), while Del Biondo, looking specifically at foreign policy regarding developing countries, states that "a conflict between the objectives of EU development policy is (…) possible" (Del Biondo 2011: 383), again highlighting the significant possibility of a norm conflict in GSP withdrawal decisions. IOs operate "in situations of limited autonomy, balancing different constituencies and higher normative expectations of their audiences" (Buitelaar & Hirschmann 2021: 551), making a norm conflict more likely on the one hand, and more complex on the other.

Response strategies to norm conflicts

The preceding section defined norms and conflicts of norms. The question of how actors, specifically International Organizations such as the EU, deal with these still needs to be addressed. Rüland discusses different norm strategies: as opposed to response patterns (previous responses to norm conflicts), norm strategies analyse and categorize the intentions of an actor regarding their management of "(potentially conflicting) expectations for norm compliance in situations of norm conflict" (Rüland 2018: 43). All strategies aim to minimize the social costs through the violation of one norm while prioritizing the another. If a social cost is too high, e.g., if the audiences are not convinced of the reason for the chosen response strategy, the violation of a certain norm could be detrimental to an actor's domestic legitimacy and/or international reputation. Either way: the actor (in this thesis the EU Commission) has to justify its actions/its response strategy to a norm conflict/conflicting expectations in order to "reduce the social costs of non-compliance with a norm" (Rüland 2018: 40). The issue of legitimizing or avoiding audience costs comes up again in chapter 6.1.3.

Buitelaar & Hirschman propose different strategies for a norm conflict, the first of which is norm prioritization, where one norm is consistently prioritized over the other (see also Rüland 2018: 43–44; Sandholtz 2019). The second strategy also prioritizes, but ad hoc. Depending on the context, one norm is inconsistently prioritized over the other. These two are followed by reconciliation strategies. The balanced norm reconciliation means that both norms are adapted in a way that makes it possible to implement both at the same time, while an imbalanced norm reconciliation means that only one norm is adapted so that the two no longer collide (cf. Rüland 2018: 47–49; cf. Buitelaar & Hirschmann 2021: 553). Rüland also introduces norm replacement strategies, one of which is the replacement of one norm in general; one is context-specific norm replacement (cf. Rüland 2018: 44–47). Moreover, the strategy of 'conflict denial' is also presented – the actor "rejects a particular framing of a situation that pitches two conflicting norms" (Rüland 2018: 49) and instead offers and argues for a different interpretation of the given situation. The authors determine that the salience of a norm and the relative strength of the respective norms influence the strategy (cf. Buitelaar & Hirschmann 2021: 549).

The chapter above defined norms, norm conflicts and response strategies to them. It was shown how norms play a role in sociological research, especially in foreign policy research. It is still unclear how norms are concretely situated and contextualized in decision-making processes, which is why the next two subchapters introduce the theoretical framing, starting with Institutionalism.

6.1.2 (New) Institutionalism – Sociological/Normative institutionalism

Before diving deeper into the understanding of Institutionalism, it is first necessary to define what an institution is: An institution, as defined by March & Olsen, "can be viewed as a relatively stable collection of practices and rules defining appropriate behavior for specific groups of actors in specific situations. Such practices and rules are embedded in structures of meaning and schemes of interpretation that explain and legitimize particular identities and the practices and rules associated with them" (March & Olsen 1998: 948). Moreover, institutions create order and predictability by carrying certain identities and roles which mark appropriate action (cf. March & Olsen 2006: 4).

Institutionalism is based in social sciences and aims to analyse the role of institutions in shaping the behaviour of individuals and outcomes in society. The underlying goal is to understand how institutional structures and systems influence human behaviour (and vice-versa), decision-making (e.g., regarding policy decisions; if a GSP withdrawal is 'appropriate') and even social change. Institutionalism is "a general approach to the study of political institutions, a set of theoretical ideas and hypotheses concerning the relations between institutional characteristics and political agency, performance, and change" (March & Olsen 2006: 4). 'New institutionalism', as argued by March & Olsen, is characterized by not (only) focusing on micro levels (such as individuals) or macro levels (such as social forces), but by centralizing the analysis of "rules, routines, norms, and identities of an "institution" (March & Olsen 2006: 16).

As the context of this thesis is the understanding of the decision-making processes by the EU Commission in the sphere of international relationships, Institutionalism is an indispensable theoretical basis. Especially the role of norms and rules in Institutionalism offers the possibility to analyse the decision process regarding a possible GSP withdrawal based on established research. In order to define this interpretive framework more precisely, it is necessary to distinguish between the different strands of Institutionalism. Hall & Taylor present the three main schools of thought in the sphere of New Institutionalism (cf. 1996: 936): "rational choice institutionalism, historical institutionalism, and sociological institutionalism" (Farrell 2018: 24). Historical and rational choice Institutionalism will only briefly be explained for the sake of completeness and comparison, since, in contrast to Sociological Institutionalism, they have no further ontological relevance for the present work.

Historical institutionalism

Historical Institutionalism centralizes the historical context of institutions and defines them "as the formal or informal procedures, routines, norms and conventions embedded in the organizational structure of the polity of political economy" (Hall & Taylor 1996: 938). Sanders argues that the central assumption is that an analysis of human political interactions is more effective by taking history into account rather than taking a snapshot of interactions. The author argues that a focus on only one point in time (e.g., a certain decision) isolates this human action from their contextualizing rule structures/institutions, which in turn are also human creations (cf. Sanders 2006: 39). This path dependence (the idea that choices influence or even constrain future possibilities) and unintended consequences are key concepts. The relationship between institutions and individuals and their behaviour is conceptualized relatively broadly, while power asymmetries in the operation and the creation of institutions are emphasized. Finally, the influence of various factors (e.g., ideas) is highlighted in terms of their contribution to political outcomes. Overall, Historical Institutionalism examines how past events, decisions and choices have shaped current institutions (cf. Hall & Taylor 1996: 937–942).

Rational choice Institutionalism

Rational choice Institutionalism focuses on the role of individual actors and their rational decision-making within institutional contexts. Rational choice institutionalists argue that actors have a fixed set that they work towards achieving through their decisions. Politics is seen as a series of ‘action dilemmas’, meaning that choices by singular actors create sub-optimal situations for the sum of actors/society. Rational choice Institutionalism emphasizes the role of strategic interaction in order to determine political outcomes. Finally, rational choice theorists argue that institutions develop and persist because they benefit relevant actors more than other concepts. Overall, Rational choice Institutionalism assumes that individuals make choices to maximize their self-interests, taking into account the costs and benefits associated with other institutional arrangements (cf. Hall & Taylor 1996: 942–946). This school of thought adopts a ‘calculus approach’[4], meaning that actors act rationally and strategically (cf. Hay 2006: 58).

Institutionalism in EU research

Before introducing Sociological Institutionalism, it makes sense to look more concretely at the adoption of Institutionalism in EU research to establish how relevant this school of thought is here. Jenson & Mérand identify three dominant strands within EU Institutionalism: formal Institutionalism (where the focus is on the structure and impact of legal and political rules and organizations), rational choice (here the focus is argued to be on the rational design of EU institutions) and finally Constructivist Institutionalism, which focuses on the influence of norms and discourse (cf. 2010: 76). Other authors also work with the concept of Constructivist Institutionalism in EU research (cf. Wiener 2006; cf. Saurugger 2013). Not only does it make sense to highlight this approach because the focal point of norms is also found in the approach of Sociological Institutionalism (see below); but because Sociological Institutionalism is influenced by a constructivist ontological approach (cf. Jepperson & Meyer 2021: 132). In short: Constructivist Institutionalism (which bases its ideas on the ontology of constructivism[5]) aims to explain institutional change by examining how ideas or norms interact with political as well as social structures. It postulates that the communication of shared meanings, belief systems or norms influence the creation and the change of institutions. The key point of this school of thought is that institutions are defined as non-static entities that are socially constructed by the interpretation of rules and practices through actors (cf. Hay 2006).

Sociological Institutionalism

This leads to the third (main) school of thought in Institutionalism: Sociological Institutionalism, which emphasizes the social and cultural aspects of institutions. Sociological

[4] For a more concrete definition of the cultural vs. calculus approach see chapter 6.1.3

[5] For a detailed overview of constructivism in International Relations see Jung (2019).

institutionalists tend to define institutions more broadly than other concepts of Institutionalism in order to include not only rules, procedures or norms but also symbol systems, moral templates and more, giving ‘frames of meaning’ for human action. Farrell (2018: 35), following Meyer & Rowan’s influential work in 1977 (cf. Meyer & Rowan 1977), argues that institutions are ‘organizing myths’. This means that institutions possess cultural significance, create meaning and shape the behaviour of individuals/entities by providing shared beliefs and values that these adopt. If an organization, individual or any other entity adopts the “practices and procedures (…) institutionalized in society (…) [they] increase their legitimacy and their survival prospects” (Powell & DiMaggio 1994: 41). The adoption of ‘myths’ (= values, norms, practices etc.) then, in turn, legitimizes the behaviour of actors (cf. Farrell 2018: 35).

Jepperson & Meyer, also on the grounds of Meyer & Rowan (1977), define Sociological Institutionalism as an approach to viewing individuals and institutions as a product of cultural construction and influence (hence the ontological base of constructivism). Scholars adopting this approach highlight the role of institutions in shaping actors’ identities and their behaviour. Moreover, institutions are argued to be mainly responsible for legitimizing worldviews, motives or agendas by setting a frame of ‘appropriateness’ (cf. Jepperson & Meyer 2021: 9).

In some works, Sociological Institutionalism is named in relation to or even interchangeably with Normative Institutionalism (cf. Hay 2006). Normative Institutionalism is indeed related to the concept of Sociological Institutionalism, but there are differences: while sociological Institutionalism has a broader analytical frame and works with a sociological perspective to understand how institutions are embedded in social systems, normative Institutionalism focuses on the role of norms guiding behaviour within institutions. This concept understands action as driven by rules, that rules (or norms) provide “codes of meaning that facilitate interpretation of ambiguous worlds. They embody collective and individual roles, identities, rights, obligations, interests, values, worldviews, and memory“ (March & Olsen 2011: 484). Actors, such as the EU Commission, “act according to what they perceive is appropriate given their role and position” (Sacher 2021: 165). A decision is therefore not solely based on the pursued objective or the underlying norm, rather it is the case that actions/objectives “are shaped by their institutional and social environment“ (Sacher 2021: 165).

Sociological Institutionalism in general removes the divide between institutions and culture (as in historical and rational choice) because they are interconnected in this understanding. This school of thought works under the ‘cultural approach’[6], meaning the understanding that an actors’ behaviour is bound by their worldview (or ideas, see above) and based on established routines and familiar patterns. The institution provides moral templates for interpretation and action (cf. Hall & Taylor 1996: 939). Not only do institutions influence action and decisions, but they also constitute self-images and identities of social actors; they influence “what one can imagine oneself doing in a given context” (Hall & Taylor 1996: 948). Finally, regarding the development of institutions, it is argued that institutions or institutional practice does not because change the means-end efficiency of the (new) organization is higher, but because it enhances the social legitimacy of the organization. This is also called ‘logic of social appropriateness’ as opposed to the rational-choice-based ‘logic of instrumentality’ (cf. Campbell 1998).

To summarize, Sociological Institutionalism highlights the role of norms, values and shared beliefs regarding individual and collective behaviour. The boundary between institutions and culture is becoming blurred; the two have a mutual influence on each other. The goal is to understand how institutions become legitimized and how they are embedded in society. The centrality role of norms, the mutual influence of institutions and actors and also the importance of (societal) legitimacy for the continued existence of the institution, is profoundly useful to analyse (possibly norm-based) EU policy decisions. The approach of sociological and Normative Institutionalism and their ontological standpoint aligns very well with the fundamental premise of this thesis and is therefore adopted as a generic framework.

6.1.3 Logic of Consequences vs. Logic of Appropriateness

The previous chapter has presented Institutionalism and, in particular, Sociological Institutionalism. An important addition that is very closely related to Institutionalism is the elaboration on two distinct modes of action: the logic of consequences and the logic of appropriateness. Both logics aim to explain human behaviour and especially decision-making processes, which is why they are so valuable for this thesis.

The logic of consequences is comparable to the calculus approach in Institutionalism; both have an analytical base: the calculus approach argues that human behaviour is instrumental and based on strategic calculation, as individuals aim to maximize their self-interest (cf. Hall & Taylor

[6] For a more concrete definition of the cultural vs. calculus approach see chapter 6.1.3

1996: 939). The logic of consequences considered decisions as ‘analysis-based action’ (cf. March & Simon 1995: 7) – it is assumed, that an actor evaluates different decision alternatives and their consequences and ultimately makes a preference-driven choice (cf. March & Olsen 1998: 949). This logic is closely connected to a rational-choice perspective, as behaviour is “the product of calculation of one’s interest and the anticipated consequences of action” (Jenson & Mérand 2010: 83), aiming to best fulfil self-interest.

The logic of appropriateness in contrast sees action as “driven by a logic of appropriateness and senses of identity” (March & Olsen 1998: 949), not by analysis. Rules, or norms, “are followed because they are seen as natural, rightful, expected, and legitimate” (March & Olsen 2011: 478). Actors do what they perceive as appropriate in a given situation, seeking to “fulfil the obligations encapsulated in a role, an identity, a membership in a political community or group, and the ethos, practices, and expectations of its institutions“ (March & Olsen 2011: 478). This is why this logic is considered a ‘recognition-based’ logic of action (cf. March & Simon 1995: 8). Actors behave following what they perceive as socially ‘recognized’ and ‘appropriate’, rather than acting solely on a calculated analysis of possible consequences.

Every (institutionalized) norm entails notions of appropriateness, which varies according to the actor, the situation, and the contextual conditions. Making an appropriate decision does not simply refer to a fixed moral standard, but rather to fit rules to a given situation. It is essential to evaluate the factors enhancing or counteracting the execution of a certain rule in the given situation (cf. March & Olsen 2011: 484). The logic of appropriateness is comparable to the cultural approach in the theory of Institutionalism: the cultural approach argues that actor behaviour is not (fully) strategic but rather bound by their worldview. This worldview is strongly influenced by institutions, as they provide moral and cognitive templates for the interpretation of a situation and action: “[the] individual is seen as an entity embedded in a world of institutions, composed of symbols, scripts and routines, which provide the filters for interpretation” (Hall & Taylor 1996: 939).

Boekle et al. stress the constructivist viewpoint of the logic of appropriateness: a constructivist theory of foreign policy centralizes the independent influence of ideas, concepts, values, or norms. Norms are not part of an actor’s interest, but precede them, meaning that norms are not constraints or incentives, but they have a regulative and constitutive effect. Through their regulative effect on actors’ behaviour, norms legitimize certain goals and function as motives, prescribing “the goal towards which states legitimately strive” (Boekle et al. 2001: 107).

One main problem concerning the logic of appropriateness revolves around the question of how to address situations where conflicting norms arise. If it is assumed that norms are an integral part of an actor's identity, the confrontation with two equally 'appropriate' norms would lead to little basis for choice. Rüland argues that to act, "a hierarchy of order between the norms would need to be created" (2018: 32). Some scholars assert that the strict differentiation between the logic of consequences and the logic of appropriateness is not feasible in reality. Jenson & Mérand for example argue that individuals or actors are not capable to differentiate between profitability (analytical decision by employing the logic of consequences) and 'what is right' (rule-based decision by employing the logic of appropriateness) in a social context. Rational and normative behaviour, as argued by the authors, is interconnected: "rationality is socially constructed in the same way that norms have to be strategically deployed" (2010: 84).

Legitimization/Audience costs

A common ground the logic of appropriateness and the logic of consequences share is the argument of legitimization. As argued in the chapter about Sociological Institutionalism, institutions are presumed to be maintained because they, their norms and their actions, are legitimized by their audiences. Legitimacy can be defined as "a quality that actors ascribe to another actor's identity, interests, or practices, or to an institution's norms, rules, and principles" (Reus-Smit 2007: 162). When an actor, here the EU Commission, fails to act according to its identity or norms expected by EU audiences, it can result in a 'crisis of legitimacy', leading to a loss of power for that actor (cf. Reus-Smit 2007: 161). On the other hand, behaviour that is seen as legitimate by audiences "reproduces the legitimacy of the norms" (Hurd 2007: 197).

Hurd argues that a state, or in this case the EU, seeks normative justification for their action (cf. Hurd 2007: 196). As the audience has been socialized to believe in the institutions' norms "it responds approvingly to actors that support them and penalizes those that do not" (Hurd 2007: 197). Actors evaluating their decisions "therefore have to account for their actions vis-à-vis their relevant audiences through a process of *legitimization* (…) [trying] to secure a particular social standing" (Rüland 2018: 35). Here the mentioned connection between the logic of consequences and the logic of appropriateness comes into play. Depending on how one defines 'cost', non-economic costs can also be of consideration in analysis-based decisions: "the actual explanatory weight of the logic of consequence lies in the forces that determine what count as costs and benefits" (Rüland 2018: 34). If an actor's audiences penalize action seen as 'inappropriate', leading to a crisis of legitimacy and subsequently also a loss of power, it can be argued that the decisive actor makes a cost analysis to avoid these social costs. Applying this argument to the concept of a norm conflict, "this implies that a decision in favor of compliance with one norm over the other can be made based on the perceived strength of the articulated expectations of relevant audiences and the social costs the government anticipates in leaving them unaddressed" (Rüland 2018: 36).

This thesis generally adopts the logic of appropriateness, for the following reason: The EU is regarded as a 'normative power' due to the emphasis on promoting and protecting norms in international relations (for a more detailed explanation see chapter 6.2). Applying the logic of appropriateness allows to highlight the significance of EU values/norms like human rights promotion or sustainable development in decision-making processes by the EU, especially regarding foreign policy decisions. March & Olsen directly mention that policymaking "is seen as driven by rules of appropriate or exemplary behavior, organized into institutions" (2011: 478). But – with regards to the point made by Jenson & Mérand and especially the cost of not acting 'appropriately' – no absolutely strict separation of both logics is assumed. Even March & Olsen point out that both logics coexist, raising "questions about how the two interact" (March & Olsen 2006: 9). For example, the framing of an issue (is it a political, moral or economic issue?) makes a difference as to how the situation is interpreted and what rules should or can be applied (cf. March & Olsen 2006: 14).

Including the discourse of application as well as the theory of (Sociological/Normative) Institutionalism helps to analyse the translation process between existing rules or norms and the actual behaviour/policy decisions. It opens up the opportunity to understand "the factors that may strengthen or weaken the relation between rules and actions" (March & Olsen 2011: 483).

6.2 The EU as a Normative Power

As mentioned above, this section focuses more directly on the EU. First, discussions around the EU as a 'normative power' are outlined. This is followed by identifying two central EU norms: human rights promotion and (sustainable) development – both embodied by the GSP. Finally, this section looks at a possible norm conflict between promoting human rights through sanctions (or a GSP withdrawal) vs. supporting sustainable development. By drawing on sanctions literature, three core areas of norm conflict through unintended consequences of sanctions are identified and presented: humanitarian, political and economic consequences.

6.2.1 Discussions around 'Normative Power EU'

After exploring the understanding of norms and norm conflicts and their role in Institutionalism in the previous chapter, it is now important to take a closer look at the extent to which norms are central to the EU's identity and actions, especially regarding foreign policy. The debate centring around the EU as an economic, a military or a civilian power is not new. The notion of 'normative power', based primarily on Manners' work, is grounded on considerations including Carr's distinction of 'power over opinion' (cf. Carr 2001) in contrast to a definition of the EU as an economic or military power. Galtungs understanding of 'ideological power' (cf. Manners 2002: 239; cf. Galtung 2021) and Duchêne's notion of a 'civilian power Europe' (Duchêne 1972; Orbie 2006) were and still are important influences in the debate of conceptualizing the identity and understanding of the EU. Manners proposes to implement a normative understanding of the EU in addition to the existing understandings of the EU as a military, civilian and economic power: these "need to be augmented with a focus on normative power of an ideational nature characterized by common principles" (Manners 2002: 239).

Conceptualising Normative Power EU – NPE

Forsberg introduces five central components a 'normative power' needs to encapsulate: it needs to be 'normatively constituted' (1), it has to have normative interests (2), to behave in a normative way, meaning in accordance with rules and norms (3), has influence (= power) (4) and finally "is able to achieve normative ends" (Forsberg 2011: 1191). The following section will in part address this structuring and complement it with other arguments.

Normatively constituted – EU has a normative identity

When analysing the role norms play in the EU, one quickly realises how integrated they are, starting from the foundation: the EU is founded on the "consolidation of democracy, rule of law, and respect for human rights and fundamental freedom" (Manners 2002: 241). Whitman argues that a key part of framing the EU as a normative power is "the theoretical premise (…) that the EU is a normative power not so much by the standards of its actual behaviour (…) but merely by virtue of what it is: a construction and a process as much as a concrete and creative new entity in the international system" (Whitman 2011: 143).

Normative interests – core values of the EU

Adding to this understanding, the EU also pursues these objectives in their foreign policy. As the EUs identity is constructed on a normative basis, this "predisposes it to act in a normative way in world politics” (Manners 2002: 252). The EU is committed to placing “universal norms and principles at the centre of its relations” (Manners 2002: 241). Manners presents five core and four ‘minor’ norms in the EUs law and policy body: The core norms are the centrality of peace, the idea of liberty, democracy, the rule of law and the respect for human rights and fundamental freedoms, while the four ‘minor’ norms are social solidarity, anti-discrimination, sustainable development and good governance (cf. Manners 2002: 242). Lucarelli & Manners identify a “core set of values, principles and images of the world (…) [emerging through] through EU foreign policy” (Lucarelli & Manners 2006: 201): the ‘prime value’ of peace, “as well as the core values of human dignity/rights, freedom/liberty, democracy, equality, justice/rule of law, and solidarity” (Lucarelli & Manners 2006: 202).

Behaviour in accordance with norms – norms in trade policy

Looking at official EU documents, Tocci points out that starting with the 1970s, “norms and values began distinctly to permeate European foreign policy documents and declarations“ (2008: 1) (cf. Hill & Smith 2000). The Lisbon Treaty, an international treaty between the member states of the European Union, directly states in Article 2:

> "*in its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter*" (European Union 2007: 11)

The previous section touched on how norms are engraved into the identity of the EU. In the next step, this work to look at the EUs role in international politics, especially regarding trade policy and the GSP system. Analysing the relationship between norm-promotion/value-based action and trade policy is a common theme in literature (cf. Mckenzie & Meissner 2017: 834). Some authors argue in favour of conceptualizing and understanding the EU as a ‘normative power’ in their trade policy, stating that the EU promotes “values including human rights through trade negotiations“ (Mckenzie & Meissner 2017: 832). It is argued that trade strategy has “become part of a wider EU approach to the social dimension of globalization“ (Orbie 2011: 177). Manners demonstrates various ways in which the EU exercises normative power to define its image, for example by impinging on state sovereignty or intervening in support of individuals despite an absence of obvious material gain (cf. Manners 2002: 252–253). An analysis of the EUs policy making in the Consolidated Maritime Labour Convention (MLC), shows that the EU centralizes moral arguments and chooses to protect labour rights, even if this means higher costs for the EU; thereby pointing in the direction of the EU acting as a normative power (cf. Riddervold 2010). Other researchers (for example Laïdi 2008; Nunes 2011) work closely with the concept of the NPE and further validate/complement the concept, for example with regard to security and identity.

But there are also critical voices regarding the conceptualization of the normative power EU: Pace for example argues that the EUs position and action regarding their involvement in the resolution of the Middle East conflict is "not compatible with constructions of the EU as a 'normative' power" (Pace 2007: 1060). The author calls for a critical self-reflection of the EU and demands a reconsideration of the concept, calling the current construction of the EU in international politics a "semantically 'empty' notion" (Pace 2007: 1060). A similar position is taken by Sjursen, who criticises the adoption of the concept without having criteria or other assessment standards allowing to qualify the claim that the EU is a normative power (cf. Sjursen 2006a). According to the author, the application of the current concept of the normative power EU reflects sympathy towards the 'European project', rather than providing a framework for critical analysis (cf. Sjursen 2006b: 170). Another prominent critique comes from a realist perspective, most prominently presented by Hyde-Price: the author argues that the EU does not act (solely) as a 'normative' or 'civilian' power and that this view neglects the military and economic power the EU holds and acts upon. From the viewpoint of a neorealist analysis and critique, member states utilize the EU for their hegemonic interests to shape their environment by using both hard and soft power[7] (cf. Hyde-Price 2006). However, it is important to emphasize that the empirical puzzle has shown that (neo-)realistic arguments cannot solely explain the EU's behaviour regarding a GSP withdrawal in Myanmar.

Coherent foreign policy?

In addition to these concept critiques and getting more directly into EU foreign policy, other authors disclose tensions between normative values, such as human rights, and trade policy (cf. Orbie et al. 2005; cf. Kerremans & Orbie 2009; cf. Manners 2009). The act of balancing

---

[7] Soft power are 'normative' methods like diplomacy, cultural exchange or economic cooperation. Hard power are coercive strategies like sanctions, military or other pressuring instruments (cf. Nye 2008; cf. Wilson 2008).

commercial interests with norm-based politics is addressed. Researchers in this strand question "the ability of the EU to act as a coherent normative power" (Sicurelli 2018: 104). Coherence in EU foreign policy is, next to conditionality, a common theme and an explanation as to why the EU promotes values in its foreign policy (cf. Szymanski & Smith 2005: 176–179). In general, coherence is "conceptualised as denoting both the absence of contradictions between different areas of external policy and the creation of a synergy between them" (Bossuyt et al. 2020: 47). While the concept of coherence is not new (cf. Szymanski & Smith 2005: 176), coherence as "a fundamental general principle for EU governance [has emerged] during the years leading up to the Maastricht Treaty on European Union (TEU) in 1991–92" (Szymanski & Smith 2005: 175). Coherence is central to the EUs identity and policy, aiming to "help improve its own standing in world politics" (Szymanski & Smith 2005: 177).

Despite the centrality of this concept, Sicurelli argues that there is a "lack of coherence between the self-proclaimed objectives of (…) trade policy and its actual content" (Sicurelli 2018: 103). Different interpretations of the EU's attempt to promote norms "lack full explanatory power" when looking into the implementation of human rights into preferential trade agreements (cf. Sicurelli 2015: 233). The author attributes the lack of coherence regarding foreign policy decisions by the EU to the circumstance that "trade and human rights commitments are negotiated at separate tables" (Sicurelli 2015: 232). While the Commission has its focus on trade negotiations, the European External Action Service (EEAS) mainly deals with human rights dialogue. This is also where Sicurelli recognizes a limit to the normative power of the EU: "[the] compartmentalization of the policy process reduces the influence of societal groups promoting the integration of trade and human right policies and, ultimately, weakens the normative potential of the EU" (Sicurelli 2015: 242).

Leeg also points in this direction and argues "out of an institutionalist perspective that the distribution of competences between Commission, Council and European Parliament (EP) in EU trade policy systematically privileges strategic and economic interests over normative objectives" (Leeg 2014: 335). This is mainly rooted in the fact that the Parliament, being the main normative driver, is "excluded from the agenda-setting-process and can hardly control the Commission during the bargaining process" (Leeg 2014: 335). Leeg argues that because of this principal-agent structure favouring economic and strategic interests, the EU "acts only in a very limited way as a normative power in trade policy" (Leeg 2014: 354). In addition, Sicurelli declares tensions "between EU domestic commercial interests (...) and pressures to support lower-income countries in their adjusting to (…) [international normative] standards" (Sicurelli 2018: 116), leading to a limited possibility to act comprehensively as a normative power.

Employing norms through political conditionality

Besides coherence, political conditionality is one of the most important parts of research combining EU value/norm promotion and trade policy, as it is "amongst the primary policy instrument used to link human rights values with the EU's trade agenda" (Mckenzie & Meissner 2017: 834). After the 1990s, political conditionality has become an essential part of EU foreign policy and international (trade) agreements and also in scholarly research (cf. Bartels 2005). Smith defines political conditionality as "the linking (…) of perceived benefits to another state (such as aid), to the fulfilment of conditions relation to the protection of human rights and the advancement of democratic principles" (Smith 1998: 256). The author also differentiates between positive conditionality, meaning that a state is promised benefits when fulfilling conditions, and negative conditionality, meaning that when a state violates conditions, benefits will be reduced, suspended or terminated. The latter is the case with the EU GSP (cf. GSPhub 2023a). Conditionality, for example in trade agreements, is a prime example of the close connection between EU foreign policy and norms. The incorporation of political conditionality into trade agreements shows the motivation to promote norms like human rights/democracy for the EU. Moreover, enforcing conditionality, for example by withdrawing trade preferences in the GSP system when norms are violated, "can be an effective way to demonstrate the political commitment to a particular set of values and norms" (Velluti 2016a: 365). The GSP has a unique stance regarding political conditionality – with its central objectives being poverty reduction and sustainable development (cf. GSPhub 2023h), this system combines a trade agreement with specific demands of upholding internationally agreed-upon (labour, human rights and environmental) standards. The incorporation of international principles and EU norms seems to go beyond economic factors/interests.

Overall it can be concluded that while it must be critically considered whether normative concerns are the primary reason for EU actions and foreign policy, the EU is "clearly attempting to ascertain itself as a global human rights actor" (Velluti 2016a: 364). Although the coherence and strength of the 'normative power EU' can and should be criticized (see section 'coherent foreign policy?', chapter 6.2.1), it can generally be said that norms are an integral part not only of the EU's identity but also of its actions (see section 'employing norms through political conditionality', chapter 6.2.1). "Non-trade issues" (Lechner 2016), such as human rights, labour standards, and environmental protection standards, are a core component in virtually all EU trade agreements, supporting the notion of the importance of norms in the EUs foreign policy (cf, Milewicz et al. 2018; cf. Borchert et al. 2021). In addition to including norm-based objectives in international trade agreements, namely in analysing concrete responses to norm violations it can be observed that “EU action generally responds to situations of highly visible human rights atrocities“ (Kreutz 2015: 201). Lucarelli & Manners argue that the European Union is defined by two main characteristics: a stabilising effect in world politics “that Europe derives from its history and its historically-developed and formed values and principles [and] (…) external relations inspired by an ‘ethics of responsibility’ towards others“ (2006: 3).

While certain flaws in the conceptualization of the EU as a normative power can be identified (see above), the central normative element of political conditionality within the GSP alone testifies to the importance of norms in this particular policy area. Also, regarding the EU presenting itself as a normative actor and attempting to avoid social costs (see chapter 6.1.3, audience costs), it can be assumed that the EU acts and argues normatively regarding the GSP.

6.2.2 Central EU Norms: Human Rights Promotion & Development

The previous chapter defined norms, norm conflicts, Institutionalism and the understanding of 'normative power EU' and related them to EU foreign and trade policy. The implications of these concepts for the GSP system were also discussed. These theoretical foundations will now be linked to the resulting question from the empirical puzzle - why is there no GSP withdrawal despite massive human rights violations in Myanmar, and thus a violation of underlying conventions? The possibility “that a decision not to sanction may be due to a conflict of norms rather than a conflict between norms and interests“ (Saltnes 2017: 554) should be considered. The following chapter introduces norms that are assumed to be central and conflicting in the present use case of Myanmar. First, Norm A will be presented – the protection and promotion of human rights by the EU, in this case executed by withdrawing GSP trade preferences. This is followed by the presentation and definition of sustainable development (Norm B). Moreover, this chapter also goes into detail about why and how these norms may hold conflicting contents by diving deeper into sanctions literature. This leads to the causal mechanism, which will be established and reasoned within the next chapter.

Norm A: protection and promotion of human rights

"The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights" – Treaty of Lisbon, Article 1a (European Union 2007: 11)

Human rights are at the centre of the EU's identity and foreign policy approach (cf. Bartels 2005), they "form an important part of the EU's international identity" (Smith 2009: 202). Not only is the EU "founded on and has as its foreign and development policy objectives the (…) respect for human rights and fundamental freedom" (Manners 2002: 241), but the EU is also "clearly attempting to ascertain itself as a global human rights actor" (Velluti 2016a: 364). By studying EU policy documents, common themes can be observed, one of which is "the emphasis on the aim to protect democracy and human rights" (Kreutz 2015: 204). The political conditionality in the GSP system also distinctly shows the importance of human rights for the EU Commission. In the strategy paper by the EU Commission 'Trade for all', the centrality of human rights promotion is evident: "The EU Treaties demand that the EU promote its values, including (…) respect for human rights, around the world" (European Commission 2014: 22). The close interconnection between trade and the promotion of human rights is again emphasized as trade policy "can be a powerful tool to further the advancement of human rights in third countries in conjunction with other EU policies" (European Commission 2014: 25).

In summary, human rights are a core value of the EU's identity. Put into the context of the definition of norms in chapter 6.1.1, it becomes clear that the value of human rights has evolved into a norm. The EU aims to "fulfil the obligations encapsulated in a role, an identity (…) and expectations of its institutions" (March & Olsen 2011: 478) – here, the protection and promotion of human rights. Referencing the logic of appropriateness, the norm to protect and promote human rights holds 'appropriate' rules/guidelines for action, varying according to the actor, the situation and the context (cf. March & Olsen 2011).

In cases "of serious and systematic violations of human rights" (European Commission 2014: 25), GSP preferences can be withdrawn in order to urge an improvement of the human rights situation. Severe labour rights and ecological violations can also be reasons for a GSP withdrawal. For this thesis, the focus is on human rights violations as these are most prominent in the case study Myanmar. The event of a GSP withdrawal (based on human rights violations) therefore represents the EUs goal to protect and promote human rights, also through punitive and restrictive action. Specifically related to the case of Myanmar, it can be seen that the EU represents its values to the public and strongly condemns the human rights situation in Myanmar: “The continuing escalation of violence by the military regime and the evolution into a protracted conflict throughout Myanmar is alarming (…). The EU condemns in the strongest possible terms the grave human rights violations, including sexual and gender-based violence, the persecution of civil society, human rights defenders and journalists, attacks on the civilian population, targeting also children and persons belonging to ethnic and religious minorities across the country, and recent deadly air strikes on civilian targets, including on schools and hospitals, by the Myanmar armed forces” (Borrell 2023). Not only does the EU Commission position itself verbally regarding the human rights situation in Myanmar but also imposed and still imposes sanctions against individuals and entities in Myanmar. As of May 2023, roughly two years after the military coup, the EU is currently in their sixth round of sanctions. As of July 2023, restrictive measures apply to 93 individuals and 18 entities, mostly asset freezes and travel bans. In addition, an arms embargo and export restrictions for dual-use goods remain in place, parallel to withholding/freezing financial assistance that possibly legitimises the military junta (cf. Council of the EU 2023).

Furthermore, previous GSP withdrawals show that the EU Commission condemns human rights violations through this sanction mechanism and is able and willing to draw consequences in this way. Sri Lanka was (as of July 2023) the only country to be downgraded from the GSP+ system; Belarus, Myanmar and recently Cambodia were stripped completely of GSP preferences (cf. Portela & Orbie 2014: 64). While in the cases of Belarus and Myanmar preferences were withdrawn because of labour rights violations (cf. Portela & Orbie 2014: 67), the GSP withdrawal in the cases of Sri Lanka and Cambodia were rooted in violations of human rights agreements (cf. European Commission 2010, 2019).

Norm B: (Sustainable) Development

“[The Union] shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights” – Treaty of Lisbon, Art. 2(5) (European Union 2007: 11)

The buzzword 'sustainable development' (SD) has become more and more popular in recent years. Yet, “definitions of sustainable development are vague (...) there is a lack of operative definitions“ (Jabareen 2008: 179). Especially the translation of the concept into practice is difficult, as there is no general agreement on the concrete meaning of SD (cf. Jabareen 2008: 180). The term was coined because of the tension between economic development with ecological limitations/protection, still “with a preference for the goals of economic growth“ (Jabareen 2008: 182). While ecological aspects play a central role in the understanding and implementation of sustainable development, due to the research interest, this thesis focuses on the human and societal aspects of sustainable development. From the two original themes (economy vs. ecology), different areas of influence and goals have crystallized, one of which is the inclusion of human development, or the concept of ‘equity’, which “represents the social aspects of SD. It encompasses different concepts such as environmental, social and economic justice, social equity, quality of life, freedom, democracy, participation and empowerment“ (Jabareen 2008: 188). Sustainable development, therefore, does not only refer to economic growth but also considers the impact on human and social factors, such as the humanitarian situation, (political) freedom and participation rights. The most prominent practical implementation of sustainable development in EU policy are the Sustainable Development Goals (SDGs), adopted by the EU in 2015 as a further development of the Millennium Development Goals (MDGs).

In general, the goal of (sustainable) 'development' can be found at the heart of the EU: In the Treaty of Lisbon adopted in 2007 it is stated that in “its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to (…) the sustainable development of the Earth” (Treaty of Lisbon, Art.2(5)) (European Union 2007: 11). More concretely, the Treaty on European Union (TEU) states that the EU shall “foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty“ (European Union 2012: 29).

It becomes clear that sustainable development can be interpreted as a norm being accompanied by guidelines for action and desired goals. The understanding that (sustainable) economic and social development is essential for a globalised world is seen as “natural, rightful, expected, and legitimate” (March & Olsen 2011: 478) by the EU and therefore is included as a main concept in the most important treaties for the Union. Working with sustainable development as a norm, results in an obligation to act ‘appropriately’ (cf. March & Olsen 2011: 478), for example in relation to developing countries in trade agreements or foreign policy decisions. Especially after the implementation of the SDGs, sustainable development as a norm is prominent in a variety of foreign policy decisions by the EU – be it in trade agreements (cf. Velut et al. 2022), development cooperation (cf. Del Biondo 2015; cf. Koch 2015) or the Generalised System of Preferences.

The EU GSP operates under two main objectives: poverty reduction and sustainable development. The EU Commission aims to contribute “to poverty reduction and development by expanding exports from vulnerable countries“ (GSPhub 2023h) through the GSP trade preferences. In the EU's latest trade strategy, ‘Trade for All’, it is stated that “EU is at the forefront of using trade policy to promote the development of the poorest countries“ (European Commission 2014: 22), by opening markets for LDCs via the EBA initiative or by enabling countries to integrate and move up in Global value chains. Furthermore, the value of the GSP system is emphasized as a tool through which the EU promotes “social and environmental pillars of sustainable development” (European Commission 2023b). The centrality of 'development' is repeatedly made clear. The 'growth' of developing countries through integration and enhanced interconnection in the world market and through trade with the EU is seen as unconditionally positive, even necessary: “trade policy, combined with development cooperation, is a powerful engine of growth in developing countries“ (European Commission 2014: 7).

Overall, it is evident – the norm of sustainable development, especially in developing countries, is not only a central part of the EU's identity but also a core part of its foreign and trade strategy. The GSP is one of the most central tools embodying this as a combination of growth objectives such as economic integration into the world market and the central importance of human and labour rights as well as ecological standards.

6.2.3 Norm conflict: Promoting Human Rights through Sanctions vs. Development

To understand the conflict of norms that is the premise of this thesis, it is necessary to look at possible conflict points between the protection and promotion of human rights through a GSP withdrawal and sustainable development. As defined in chapter 6.1.1, norm conflicts exist in various graduations, starting from total incompatibility to partial contradiction: in short: norm conflicts exist if the implementation of one norm leads to a breach of the other(s) (cf. Pauwelyn 2003: 175–176; cf. Ross 2019: 149–150). To work out potential norm conflicts, the following chapter summarizes possible (unintended) consequences of a GSP withdrawal/economic sanctions and then analyses these in the context of the sustainable development norm.

It should be noted that economic coercion covers a wide range of specific measures, from trade embargoes to financial restrictions such as exclusion from international banking systems, export and import restrictions and more. Depending on the concrete measure and the contextual conditions in the target state, the specific effects on the targeted state also differ. Moreover, isolating the concrete effects of sanctions from other influencing factors, such as crisis in the target state, the economic state before sanctions, the political institutions/type of regime etc. is highly complex (cf. Moret 2015: 123). This leads to the limitation that this chapter only focuses on the effects of economic sanctions in general, making causal statements about the effects of sanctions (here the GSP withdrawal) is not achievable. However, this chapter aims to show that a disruption of the economy of the target state has externalities, which in turn could harm the norm of sustainable development.

In general, economic sanctions are subject to much criticism, one of which is claimed political ineffectiveness in achieving compliance (cf. Galtung 1967; cf. Pape 1997; cf. Cortright & Lopez 2000; cf. Allen 2004; cf. Kryvoi 2008). This criticism can also be found in research on the GSP system (cf. Portela 2010: 208–209, 2018: 7–8; cf. Poletti & Sicurelli 2022: 48). In addition to ineffectiveness, the literature consistently discusses 'unintended consequences' of economic sanctions. The various unintended consequences of economic sanctions can be structured into three different areas: **humanitarian** (cf. Gibbons & Garfield 1999; cf. Garfield 2002; cf. Marinov 2005; cf. Peksen 2009; cf. Allen & Lektzian 2013), **political** (cf. Kaempfer & Lowenberg 1999; cf. Wood 2006; cf. Allen 2008; cf. Peksen & Drury 2010; cf. Escribà-Folch 2012) and **economic** (cf. Caruso 2003; cf. Hufbauer et al. 2007; cf. Kaempfer & Lowenberg 2007; cf. Peksen & Son 2015) consequences. All three areas are substantial parts of ‘equity’ in the framework of SD. Human development (e.g., poverty reduction, quality of life or social equality), political participation and freedom as well as economic growth are goals of sustainable development and respectively of Norm B and the GSP. Each following section will briefly discuss the importance of the respective area and explain their importance regarding sustainable development, inter alia by referring to sustainable development goals (SDGs). This is followed by an outline of why unintended consequences in these areas (stemming from a GSP withdrawal) are potentially conflicting with SD.

Humanitarian consequences of economic sanctions

The protection and promotion of human rights and, accordingly, the prevention of humanitarian deterioration, is a central part of the EU itself and in its foreign policy. The EU Commission aims to “equally take responsibility for supporting and promoting EU values and standards (…) [in trade and investment policy and] promote human rights” (European Commission 2014: 35). With regards to GSP decisions, it is particularly striking that the EU Commission pays close attention to the impact of its trade measures on the humanitarian situation on the ground: “The Commission will (…) enhance the analysis of the impact of trade policy on human rights” (European Commission 2014: 26). Studying effects of sanction on human rights is essential, as research “especially stresses the unintended humanitarian consequences of sanctions“ (Peksen & Drury 2010: 242).

Hitting the wrong targets & exacerbating poverty

SDG 1: End poverty (…) everywhere & SDG 10: Reduce inequality within and among countries

Economic sanctions lead to “unintended negative human rights effects“ (Peksen 2009: 74). Economic pressure intended for the target leadership is mostly passed onto the average citizen. Consequently, this economic pressure generally leads to greater poverty, more unemployment or poor health. One example can be seen in the previous GSP withdrawal in Myanmar, which “severely disadvantaged Myanmar's textile industry, a sector unconnected to the condemned leadership or the policies that triggered the sanctions“ (Portela 2018: 8). It becomes clear that economic sanctions “often impact citizens more than those in power“ (Moore & Scherrer 2017: 13). Trade restrictions or sanctions “for non-compliance or enforcement can lead to job losses in developing countries, hurting those that (…) [the EU is] aiming to benefit“ (Moore & Scherrer 2017: 13), for example by “exacerbating poverty” (Portela 2021: 273). This ‘bluntness’ (cf. Portela 2018: 7) of harming the population and thus amplifying or even causing poverty, stands in direct contrast to the proclaimed goal of the GSP to reduce poverty, as well as to the SDG 1, to end poverty. Especially target 1.4, which aims to “ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources” (United Nations 2015) is threatened by this unequal impact of economic sanctions.

A GSP withdrawal or downgrade from the GSP+ regime is, unlike targeted sanctions, a large-scale sanction and thus has little controllable effect. Portela argues that while in all previous withdrawal cases, “state authorities rather than the private sector were responsible for the breaches (…) the costs of preference cancellation were carried by society as a whole. (…) GSP suspensions display perverse effects by hitting the wrong targets“ (Portela 2021: 273).

Deterioration of public health

SDG 3: Ensure healthy lives and promote well-being for all at all ages

Although no overarching empirical study could be found that established a general deterioration of health(-care) as a (direct) result of economic sanctions, there is a large proportion of case studies focusing on the health situation of countries affected by economic sanctions and identifying significant (indirect) effects – it is even argued that “economic sanctions are, at their core, a war against public health“ (Eisenberg 1997: 1249).

Sanctions in Haiti or against the Iranian regime for example led to a lack of drinking water, or functioning sewage systems in addition to a higher rate of diseases and mortality (cf. Buck et al. 1998: 74–79; cf. Mack & Khan 2000: 284–285; cf. Garfield 2002: 95). Moreover, Iran and Syria have experienced a decline in the availability of not only food but also medicine (cf. Garfield 2002: 100–101), which is also due to a price increases, failing transportation or other complications rooting in the weakened economy (cf. Moret 2015: 129–130). With regards to the regime’s lack of financial resources, the government has fewer financial resources available to provide social assistance and health care, especially during military conflicts or disasters: sanctions do “alter the calculations that leaders must make about the allocation of resources“ (Allen & Lektzian 2013: 123). McLean & Whang argue that “economic sanctions lead to reduced disaster preparedness spending and, as a result, increase the scale of economic and human losses generated by natural disasters in sanctioned countries“ (2021: 394). Researchers present various indirect effects economic sanctions have on health due to sanctions harming production, import and distribution: be it an increase in waterborne diseases, infant malnutrition or decreasing access to medications (cf. Morin & Miles 2000: 158; cf. Moret 2015: 124). Gutmann et al. (2021) conclude that heightened child mortality, a decrease in government expenditure on health necessities and the heightened spread of diseases, led to a decrease in life expectancy in targeted states, especially women’s (also see Garfield 2002: 100–102). Overall it has to be stressed that the effect on public health is “is largely conditional on the extent to which economic coercion is costly on the target economy” (Peksen 2011: 237).

The described effects (both direct and indirect) conflict with the norm and goals of sustainable development. Goal 3 and especially goal 3.8 calls for universal access to healthcare for all - as regimes shift their capital to other areas due to economic losses caused by sanctions, there is again a point of conflict with sustainable development.

<u>Disproportionate harming women/marginalized groups</u>

SDG 5: Achieve gender equality and empower all women and girls

Traditional, patriarchal norms and gender disparities in access to economic and social resources “make women vulnerable to economic and political crises” (Drury & Peksen 2014: 483). Sanctions exacerbate economic, political and social situations, which in turn aggravates already existing (gender) disparities: sanctions are not 'gender-blind' (cf. Gutmann et al. 2021). Women often work in export-oriented industries (such as textiles, electronic assemblies etc.), making up “as many as 80% of the employees“ (Drury & Peksen 2014: 467). Export-oriented industries are often severely disrupted through economic sanctions. This disruption indirectly targets women, especially women in poor countries: sanctions in countries in the lower 55% of wealth have “a significant and negative impact on women's economic status“ (Drury & Peksen 2014: 475). Both factors, export-oriented industries and poor countries are a key part of the GSP, which in turn underlines the significance of looking into unintended consequences. Women face higher chances of being laid off, an increased chance of unemployment as well as economic discrimination, for example in hiring or promotion practices (cf. Drury & Peksen 2014: 467–468). Moreover, the ability of a targeted state to provide welfare is often reduced. Welfare is typically considered 'women friendly', because support like childcare or maternity leave opens opportunities to participate in the labour market and reduces “some of the economic burden of childbearing and household responsibilities“ (Drury & Peksen 2014: 468).

Withdrawing trade preferences, especially in sectors where the labour force is largely made up of women, not only risks worsening economic hardship for vulnerable members of society in general, but conflicts with SDG 5 as especially women (or FLINTA*) are at risk. Not only is there a danger that equal economic participation will corrode, but the lack of state capital can also lead to the loss of welfare investments, jeopardizing general equal participation in society.

Political consequences of economic sanctions

Sanctions can worsen measures of democratic freedom and political imprisonment; more political violence can be observed (cf. Peksen 2009). This is mainly attributed to the fact that sanctions are presented as an external threat by the target regime, which in turn justifies the repression against antiregime groups, under the claim of wanting to preserve unity. Large-scale economic sanctions isolate the target country from international trade and political influences, leading to a further deterioration of human rights (cf. Peksen 2009: 62–63). The state of the art on political consequences of economic coercion will be compared with incompatible objectives presented by SDG 16: *Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.*

Reinforcement of unequal distribution of political power

It can be ascertained that the structure of the target regime influences their action: “Authoritarian and democratic leaders respond differently to pressures induced by different sanctions’ instruments” (Brooks 2002: 49) The construction of institutions in a “target state will affect the degree of economic hardship that the public will bear” (cf. Allen 2008: 922–923). It can be argued that as the government (especially autocratic regimes) can relocate resources or wealth in their favour (cf. Peksen & Drury 2010: 244), leaders can strengthen ties between themselves and powerful groups/elites. It is argued that “key supporters of the government (such as the military) may be shielded from the pain of sanctions, making them unlikely to rebel” (Allen 2008: 923). Comprehensive trade sanctions, in contrast to targeted sanctions specifically harming political elites, could be counterproductive because the state can “redistribute income to a small but influential section of (…) the elite, and cripple the middle class“ (Brooks 2002: 2).

Weakening democracy & opposition

SDG 16.7: responsive, inclusive, participatory & representative decision-making at all levels

Peksen & Drury present “strong evidence that economic coercion creates externalities that are quite corrosive to democratic governance“ (2010: 255). The authors conclude that an average 7% reduction in political liberties can be observed, one year after the state received sanctions (cf. Peksen & Drury 2010: 256). One main part of a functioning democracy is a strong opposition. With reference to the works of Thyne (2006), who looks at the effects of diplomatic measures, and Kaempfer & Lowenberg (1999), focusing on multilateral sanctions, Peksen & Drury argue that (economic) sanctions are seen as international support, especially by opposing groups (cf. Peksen & Drury 2010: 247). But political action, especially by the opposition, is dependent on resources. The aforementioned allocation of resources in favour of the regime and elites is precisely what harms the opposition. Not only does the regime become more powerful, but the opposition becomes less powerful, which leads to “targeted regimes (…) [becoming] more authoritarian and intransigent“ (Peksen & Drury 2010: 245–246). It can be observed that economic sanctions lead to a significant drop in democratic freedoms, also in long-term evaluation (5-10 years). These drops can be measured both by the Freedom House Index and the Physical Integrity Rights Index (CIRI)). The decrease in democracy is measured by up to 30%, while the CIRI Index, which measures human rights, declines up to 70% after 10 years of sanctions (cf. Peksen & Drury 2009: 404).

Heightened Repression & drop in political freedoms

SDG 16: Promote just, peaceful and inclusive societies

The degree of repression in developing countries is also heightened through the imposition of economic sanctions (cf. Wood 2006: 48). To uphold the position of power, incumbents “augment their level of repression in order to secure the regime” (Wood 2008: 491). Sanctions lead to the targeted regime committing “more political repression to consolidate its authority“ (Peksen 2016: 482).

Here the distinction between the desired effect of sanctions (the political elite and society become less loyal to the government as a result of sanctions, increasingly supporting the opposition and demanding change) and the so-called rally-round-the-flag effect can be referred to. Instead of rising dissent in the targeted society, society and especially (political) elites become more loyal to the regime, also because sanctions are regarded as an external threat to the society itself or by fuelling nationalist sentiments and identities (cf. Wood 2008: 495).

Summarizing the diverse effects economic sanctions have on repression and political freedoms, it becomes clear that possible unintended effects of promoting human rights via sanctions are conflicting with the goal of promoting peaceful, just and democratic societies.

Economic consequences of economic sanctions

Since the goal of economic coercion is just that – coercion through economic pressure, it is unsurprising that economic sanctions influence the targeted economy. The purpose of sanctions is (threatening) economic penalties “in order to coerce the target country to alter its policies“ (Hufbauer et al. 2007: 101). But: economic development is a key part of sustainable development. The decision to impose economic sanctions is thus a fine line where norms (human rights promotion vs. sustainable development) must be weighed against each other.

Reducing and limiting economic growth

SDG 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.

On average, sanctions imposed since 1985 reduce the Gross National Product (GNP) of the target state by 3.3 per cent (cf. Hufbauer et al. 2007: 105). It is argued that sanctions harm the growth of GDP for up to 10 years (Neuenkirch & Neumeier 2015: cf.). Works looking directly at GSP withdrawal cases support the claim that the longer sanctions are held in place, the more their damage increases (cf. Kaempfer & Lowenberg 2007; cf. Afesorgbor & Mahadevan 2016:

5): effects due to the loss of trade preferences were only fully developed years after the withdrawal (cf. Gnutzmann & Gnutzmann-Mkrtchyan 2022: 2987). In addition to disrupting steady growth, the financial stability of target countries is undermined through economic coercion: economic sanctions (indirectly) destabilize target countries, through which currency crises are more likely to be triggered. This can “severely hurt the wellbeing of average citizens, the very groups that sanctions should avoid targeting to help achieve democratic freedoms, government accountability, and economic stability in sanctioned countries“ (Peksen & Son 2015: 459). Moreover, destabilizing the economy and specifically the currency is opposed to the EU goal of promoting balanced economic growth and price stability. While the negative impact of sanctions on the targeted economy must of course be seen with regards to the objective of sanctions, it should nevertheless be emphasized that a reduction and inhibition of GDP growth conflicts with the norm of sustainable development and a more balanced global economy. SDG 8.1 calls for sustaining economic growth with a goal of at least 7 per cent GDP growth per year in LDCs, which shows the normative importance of steady economic growth at the centre of sustainable development.

<u>Heightening inequality</u>

SDG 10: Reduce inequality within and among countries

Another important part of SD is equality, also concerning wealth and income equality: SDG 10 “aims to reduce inequality within and among countries”. Especially goal 10.4 calls for policies aiming to achieve fiscal, wage and social protection to achieve greater equality. Contrasting to this goal, Afesorgbor & Mahadevan conclude that a combination of different economic sanctions leads to greater income equality (cf. 2016: 9). In all previous GSP withdrawal cases, the withdrawal was accompanied by other measures: “CFSP sanctions co-existed, and even pre-dated, GSP withdrawal“ (Portela & Orbie 2014: 73). This underlines the importance of understanding the combined effect a GSP withdrawal with other punitive measures can have on income inequality.

Looking directly at negative economic consequences rooted in a GSP withdrawal, the 2010 withdrawal of GSP+ preferences for Sri Lanka can be taken as an example. While works regarding expected consequences of a withdrawal differ in concrete numbers, a general trend can be observed: a fall in GDP (between 0.58 to 2 per cent), a decrease in total exports, a decline in welfare and most strikingly a decline in output in the textiles and wearing apparel sector, which is not only the largest economic sector but also the main beneficiary in the GSP+ for Sri

Lanka (cf. Bandara & Naranpanawa 2015) were expected as a result of the GSP+ removal. Also expected was a fall in overall employment, with the mentioned textiles sector argued to be most affected (cf. Bandara & Naranpanawa 2015: 1455). As mentioned, economic hardship often leads to a rise in poverty, which was also expected in the Sri Lanka case: “the headcount ratio, poverty gap and the poverty severity are expected to increase among urban and rural low-income household groups in the short run“ (Bandara & Naranpanawa 2015: 1456). The expectations were confirmed: while some factories had to be closed, others shifted their activities to neighbouring countries, overall “the loss of the GSP Plus has caused the closure of 25 apparel factories, forcing almost 10,000 people out of work” (Bandara & Naranpanawa 2015: 1458).

Another withdrawal case is Belarus, where preferences were completely withdrawn in 2007 due to labour rights violations (European Commission 2007). Depending on the analysing method, Gnutzmann & Gnutzmann-Mkrtchyan find a reduction “in Belarusian exports to EU from previously GSP--eligible sectors (…) [ranging] from 25% to 28%” (2022: 2994). The authors point out that impacts are highly sector dependent, textiles and plastics make up the biggest part of the export reduction. The conclusion by the authors is substantially higher than the results by other authors. An analysis of the effects of the expiration of the US GSP (2011) establishes an average decline of 3% in exports (cf. Hakobyan 2020: 1132). This increases to 19% if solely effects lasting for at least a year are observed (cf. Hakobyan 2020: 1149).

Conclusion

The small sample size of withdrawal cases and the strongly differing economic and social circumstances of the beneficiaries of course have a limiting effect on causality and the understanding of the actual effect of a GSP withdrawal on the targeted country. But, case studies like the ones mentioned above, not only reiterate the importance of trade preferences for the economy and the GDP but also the vulnerability of people dependent on affected sectors. It can be assumed that a withdrawal of preferences is opposed to achieving the norm of sustainable development and reducing poverty in beneficiaries; especially if the targeted sectors are essential to the respective economy.

As stated before, there is a divergence between human rights violations in beneficiary countries and the imposition of a GSP withdrawal. The empirical puzzle in chapter 4.3 shows that realist/interest-based explanations alone are not sufficient to explain the absence of a withdrawal process in Myanmar. There is scholarly research working with the assumption of different norms conflicting with each other and this being influential for foreign policy decisions. Velutti for example argues, that the EU decided against a GSP withdrawal in the case of Bangladesh (after the Rana Plaza disaster) because this not only could lead to the shifting of severe labour rights situations to a different country but also does not solve the problem of adequate labour situations sustainably (cf. Velluti 2016a: 343–344). Saltnes argues that the EU had "concerns that sanctions could weaken the economic and social conditions in Rwanda" (Saltnes 2017: 564) which led to a decision against sanctions. The author also refers to the "democracy-development dilemma" (Saltnes 2017: 566), which relates to a "prioritisation of development norms over human rights and democracy concerns" (Saltnes 2017: 566). The final decision is based not on the norm's validity in itself, "but rather which norm should be considered most important in the particular situation" (Saltnes 2017: 566). The next chapter establishes the theoretical argument and the causal mechanism of this thesis based on norms, Institutionalism, the normative power Europe and the elaborated areas of possible norm conflicts established in this chapter.

7. Theoretical Argument & Causal Mechanism

Theoretical argument

The causal mechanism starts with the assumption that the EU Commission is and acts as a normative power in international politics; aiming to uphold this appearance, and also to avoid audience costs/ a crisis of legitimization (see chapter 6.1.3). It is hypothesized that the decision to advocate for human rights by withdrawing GSP preferences is weighed against the development objectives of the GSP summarized under the buzzword 'sustainable development', which would be hurt by implementing a GSP withdrawal (see chapter 6.2.3). The lack of a GSP withdrawal despite severe human rights violations in Myanmar is attributed to the assumption that the EU Commission prioritizes the development objectives in this case, thereby validating the norm of sustainable development. To uphold its appearance and act according to its identity as a normative power, the EU Commission evaluates and chooses other options such as continued dialogue, enhanced engagement and/or other sanctions.

Causal mechanism

As elaborated more in-depth in chapter 5.1, a causal mechanism is the centrepiece in process tracing. The aim is to test the causal relationship and to understand the black box between a starting point *X* and an outcome *Y*. In this thesis, *Y* is the absence of a GSP withdrawal for Myanmar despite *X*, serious and systematic human rights violations. The starting point for the causal mechanism at hand is the existence and EU knowledge of serious and systematic human rights violations violating the norm of the protection of human rights by the acting regime in Myanmar, the military junta (Tatmadaw). The causal mechanism starts with this as 'X' and is based on reports by human rights organisations (Human Rights Watch, Amnesty International, and the UN Human Rights Council) documenting the violation of human rights. In addition, activities of the EU regarding the respective situation in Myanmar are noted, such as existing sanctions or statements by EU officials. The following part presents each step of the causal mechanism, explains the reasoning and presents the test strength adopted for each.

Step 1: Option of an EBA withdrawal is evaluated

The first step in the causal mechanism is the evaluation of a possible GSP withdrawal or, in the case of Myanmar, the withdrawal of preferences within the EBA agreement. A GSP withdrawal is (among others) a possible reaction to "serious and systematic violations of human rights" (European Commission 2014: 25), intending to pressure the beneficiary to comply with underlying norms. As outlined in chapter 6.2.2, the protection and promotion of human rights is a central norm in the EUs identity as well as an anchor point in foreign policy decisions (here norm A). Norm A defines a standard or 'appropriate' behaviour: to react and to advocate for human rights, in this case through a GSP withdrawal.

The details of a withdrawal process are set out in Article 19 of Regulation (EU) No 978/2012 - to implement a (temporary) withdrawal, the EU Commission must first carry out a six-month monitoring phase to gather evidence that underlying norms/conventions are being breached. This initiation of the withdrawal is notified to both the EU Parliament and the beneficiary. Accordingly, the first step in the withdrawal decision (and therefore the causal mechanism in this thesis) is the evaluation of whether the EU Commission will initiate the withdrawal process. This is where the logic of appropriateness and the theory of Sociological Institutionalism come into play – by analysing the given context, situation and actors, the EU assesses whether a withdrawal could be an 'appropriate' behaviour (cf. March & Olsen 2011: 484) (see chapter 6.1.3). The norm of human rights protection and promotion entails "codes of meaning", meaning that the EU not solely decides based on this norm but also according to the institutional and social environment (cf. Sacher 2021: 165). The institutionalized norm sets a frame of appropriateness, not only for the concrete decision but also for the self-image and the identity the EU aims to present to the outside world (cf. Jepperson & Meyer 2021: 9) – a normative actor in international politics, protecting and promoting human rights.

Coming back to the causal mechanism: this step itself is necessary to the causal mechanism. If a withdrawal is not even considered, for example, if the beneficiary is not breaching the convention or the EU is not aware of any breaches, the weighing of different norms will not happen. However, it could be that the EU Commission discusses the initiation of the withdrawal process but does communicate this: an evaluation process may take place without traces of this being found, meaning that even if no traces of the EU Commission evaluation regarding a GSP withdrawal as an option can be found, it still might happen, and the theoretical argument might be right. This means, that it is not 'necessary' (see chapter 5.1 for definition) to find traces in order to confirm the causal inference. If traces can be found, for example in statements by the Commission or in interviews, these traces are not 'sufficient' to confirm the causal mechanism. This means, that if traces are found, for example, statements like "we have discussed the possibility of a withdrawal" or "we are aware of the violation of human rights in Myanmar and have considered all options to work with Myanmar", these are not enough ('sufficient') to single-handedly confirm the theoretical argument.

To conclude: Traces in this part of the causal mechanism are neither necessary nor sufficient, therefore qualifying for a "a straw-in-the-wind-test": if the test is passed, it affirms the relevance of the underlying hypothesis, that the EU Commission prioritizes development in Myanmar as opposed to promoting human rights via a GSP withdrawal, but does not confirm it. If the test is failed (for example if no traces can be found), the hypothesis is slightly weakened but not eliminated (cf. Collier 2011: 825).

Step 2: Implications of EBA/a withdrawal for (sustainable) development are evaluated

After considering the possibility of a withdrawal, the next step in the causal mechanism is the evaluation by the EU of possible consequences coming with a GSP withdrawal, specifically for objectives of (sustainable) development. As shown in chapter 6.2.3, economic coercion (or in this case, the withdrawal of trade preferences, also holding the possibility of severe effects on the economy) has a multitude of unintended consequences. Starting from the deterioration of the humanitarian situation (the exact opposite of the objective), over economic hardship, to drops in freedom and democratic indexes.

In this step, the continued existence of the EBA, as well as the assessment of (possible; unintended) consequences of a withdrawal of preferences, is determined. Statements about the economic and social importance of the EBA for the people in Myanmar are relevant: if the EU emphasises that the GSP system is unavoidable for 'development' (economic, political or humanitarian, see chapter 6.2.3), this can be understood as a trace that the EU evaluates and considers possible consequences of a withdrawal for their withdrawal decision. If the importance of the EBA for Myanmar's development is repeatedly emphasized, it can be assumed that the EU will take the implications of a withdrawal into account. Statements could be “the EBA is an essential part of fighting poverty in Myanmar” or “vulnerable groups are dependent on the economic benefits through the EBA system”.

The same applies as did for the first step: the consideration of possible consequences/the significance of the EBA for Myanmar are in themselves essential for the causal mechanism to work but are not necessarily available to the public/for this analysis. Thus, there may well be an internal discussion about the possible endangerment of certain development goals without this discussion being accessible/traces to be found. This means it is not ‘necessary’ to find traces. Nor does a consideration of possible consequences mean that this is the reason why a GSP withdrawal is decided against, meaning that this step as well is not ‘sufficient’ to affirm the causal inference. For example, unintended consequences might well be analysed and deemed undesirable, yet the final decision might be made for other reasons. Examples would be already existing (punitive) measures or other existing contracts/relationships with Myanmar that should not be jeopardized. Accordingly, traces are neither ‘necessary’ nor ‘sufficient’ here, which in turn calls for another straw-in-the-wind test.

Step 3: Withdrawal of preferences is considered detrimental to development in Myanmar

This step now revolves around the concrete effects that a GSP withdrawal could have on Myanmar and argues that the EU assumes a norm conflict between the protection and promotion of human rights through a GSP withdrawal and the norm of (sustainable) development. A norm conflict was defined in chapter 6.1.1 and happens if the validation of one norm “has led to, or may lead to, a breach of the other” (Pauwelyn 2003: 175-176). The norm conflict central in this case is theorized as follows: the consequences of the appropriate behaviour in the realms of the GSP, according to the rule of protection and promotion of human rights and the regulation, a withdrawal, conflicts with objectives of the norm of sustainable development. As already shown in chapter 6.2.3, economic sanctions in general have been attributed to a variety of unintended effects that conflict with the goal of sustainable development, be it an aggravation of poverty, gender-based discrimination, drops in freedom/democratic measures, limited access to healthcare and more.

The third step in the causal mechanism theorises that the EU Commission draws similar conclusions and assumes that a GSP withdrawal undermines (sustainable) development goals in Myanmar. Possible areas of 'development' are also noted in chapter 6.2.3, which lists existing conflicts between possible (unintended) effects of economic sanctions and certain areas of society by putting these into the context of sustainable development goals. In this step, the focus could be on specific sectors that would be particularly affected by a GSP withdrawal, such as the garment sector in Myanmar, which accounts for 80% of EU EBA imports (cf. European Commission 2020b: 21). Statements like "a withdrawal of EBA preferences would worsen the local economic situation, especially by hurting the apparel and clothing sector" or "a deterioration of the economic situation would have negative consequences for the humanitarian situation" would be traces for this step.

Again, the same applies as for the previous steps: the fact that the EU Commission assumes that a GSP withdrawal has a negative impact on development goals is necessary in itself. Here, too, however, it may be the case that this conflict of goals is not communicated to the outside world. Traces are therefore not 'necessary' to find here. Although the traces found point in the direction that the underlying theoretical argument is justified, they also do not confirm it. Again, other reasons (e.g., wanting to minimize the risk to hurt the relationship with Myanmar, arguing that a GSP withdrawal is ineffective etc.) may be decisive for the withdrawal decision. Traces here are not 'sufficient' to confirm the hypothesis – a straw-in-the-wind test is performed.

While a single straw-in-the-wind test is not substantial to confirm a hypothesis, "if a given hypothesis passes multiple straw-in-the wind tests, it adds up to important affirmative evidence" (Collier 2011: 826). This means that if evidence/traces can be found in multiple of the above steps, the hypothesis cannot be confirmed conclusively, but the probability that it is true increases with every test passed.

Step 4: Sustainable development is prioritized over promoting human rights through GSP withdrawal

This final step is the key point of the causal mechanism. It argues that the absence of a decision to withdraw GSP preferences in Myanmar, despite existing and substantial human rights violations, is rooted in a norm conflict between promoting and protecting human rights through a GSP withdrawal and sustainable development, where the latter is prioritized. Here it makes sense to reiterate that International Organizations, like the EU, display different response strategies to norm conflicts that according to the context, the actor interests, and the audiences (see chapter 6.1.1). What all response strategies have in common is that a decision must be made, usually to avoid the audience/social cost and represent one's interests as best as possible. It is therefore assumed here that the EU in this case chooses the response strategy of ad hoc norm prioritization (see chapter 6.1.1): depending on the context (e.g., concrete violations, relationship to beneficiary, power to achieve goal etc.), the norm of sustainable development is prioritized and validated.

If the communication on the part of the EU Commission indicates that a withdrawal is decided against due to the negative (if unintended) effects of a GSP withdrawal on Myanmar's development, this is clear evidence that the hypothesis exists. Traces that indicate the prioritization of the development norm could be: “negative impacts on (human) development through an EBA withdrawal in Myanmar must be avoided" or “Myanmar has achieved too many development milestones in recent years to jeopardise them with an EBA withdrawal”.

As with the previous steps, the assumption remains that traces do not necessarily have to be found. It is possible and probable that the EU or representatives do not make concrete statements about a decision against withdrawal due to detrimental effects on development goals, even if this plays a major role internally. Evidence is therefore not necessary here either. But in contrast to the steps above, evidence/traces in this step would be sufficient to confirm the theoretical argument. This leads to a “smoking-gun-test”. A smoking-gun-test "can strongly support a given hypothesis, but failure to pass does not reject it. If a given hypothesis passes, it *substantially* weakens rival hypotheses" (Collier 2011: 827). This means that if traces of prioritization of development over human rights promotion can be found, the theoretical argument is very probable.

Nevertheless, it must be emphasized that process tracing is generally a scientific method that does not perfectly nullify all other hypotheses. If the straw-in-the-wind tests and the smoking-gun-test pass, there is a high probability that the causal inference and the reason for a non-withdrawal can be affirmed: there is a norm conflict between protecting and promoting human rights and the norm of sustainable development and that the latter norm is prioritized/validated. Nevertheless, other decisive factors or processes (also parallel to a norm conflict) cannot be ruled out. Nevertheless, such a result would be very insightful and would highlight the importance of expanding research in this direction.

Decision against GSP & evaluation of other options to promote human rights

The result of the causal mechanism is a decision against a GSP withdrawal. Nevertheless, there are ways in which the EU or the EU Commission can meet the norm of representing human rights in Myanmar through other means. For example, Myanmar, along with Bangladesh and Cambodia, is part of the "enhanced engagement", which was established due to persistent violations of norms, especially human rights and labour rights. Here, the EU works more intensively than with other beneficiaries attempting to increase monitoring and improve the human or labour rights situation. There is also the option of CFSPs or other sanctions through which the EU can punish human rights violations and demand improvement through other means, for example the option of diplomatic measures and dialogue with Myanmar. The causal mechanism also leaves room for these options and thus makes it possible to evaluate what role a focus on these options has for the decision against a GSP withdrawal.

Causal mechanism X → Y

Theoretical conjecture	EU is aware of serious and systematic human rights violations	Option to withdraw EBA agreement is evaluated	Implications of EBA/a withdrawal for (sustainable) development are evaluated	Withdrawal considered as detrimental to (sustainable) development in Myanmar	Development objectives prioritized over promoting human rights through GSP withdrawal	Decision against withdrawal	Other options to promote human rights are evaluated
Empirical manifestations/ *Examples*	- Violations by the government, e.g.: Political oppression, Restrictions on freedom or Sexual & Gender-based violence etc. - Commission comments/acts on situation in Myanmar	Statements indicating thematization of a EBA withdrawal: *"We have discussed the possibility of a withdrawal."* *"We are aware of the violation of underlying human rights conventions in the GSP and have considered all options to work with Myanmar."*	Statements indicating consideration of development: *"The EBA is an essential part of fighting poverty in Myanmar."* *"Vulnerable groups are dependent on economic benefits through the EBA system."*	Statements indicating expectation that withdrawal hurts development: *"A withdrawal of EBA preferences would worsen the local economic situation, especially the apparel and clothing sector."* *"A deterioration of the economic situation would have negative consequences for the humanitarian situation."*	Statements indicating prioritization of development objectives: *"Negative impacts on (human) development through an EBA withdrawal in Myanmar must be avoided."* *"Myanmar has achieved too many development milestones in recent years to jeopardise them."*	No GSP withdrawal	Dialogue, CFSP sanctions, enhanced engagement
Observables	Human rights watch, Amnesty International, UN Human Rights Council	Report on enhanced engagement, answers to appeals, interviews	EU study - GSP impact assessment, report on enhanced engagement, answers to appeals, interviews	EU Study - GSP impact assessment, report on enhanced engagement, interviews	Report on enhanced engagement, answers to appeals, interviews		
Sufficient/Necessary & Test		No/No Straw-in-the-wind	No/No Straw-in-the-wind	No/No Straw-in-the-wind	Yes/No Smoking-gun		

8. Case Analysis – Testing the Causal Mechanism

This chapter analyses the case study of the non-withdrawal of GSP preferences in Myanmar regarding the established causal mechanism. Each step is analysed according to the established empirical manifestations and the corresponding test (straw-in-the-wind or smoking-gun) will be performed. The empirical basis for this is provided by interviews conducted with EU experts, as described in chapter 5.2. All interviews were (at the request of the interviewees) not recorded and conducted anonymously. Accordingly, no textual analysis was performed, or statements coded. Handwritten notes were taken during the interviews. Findings are used as background information; some statements will be paraphrased and quoted. Moreover, statements and reports of the EU, in particular of the DG Trade, are referred to.

Starting point X – EU is aware of serious and systematic human rights violations

The basic assumption and the start of the causal mechanism, X, can be substantiated; empirical manifestations established in the causal mechanism could be identified in the case of Myanmar. The fact that human rights are violated by the military junta in Myanmar was presented in chapter 4.2. Reports by Amnesty International, Human Rights Watch and the UN Human Rights Council clearly show how seriously, and systematically human rights are violated. Especially impacted are vulnerable groups such as the Rohingya religious minority. It could also be shown that the EU is aware of these serious violations: CFSP sanctions were imposed, and the situation on the ground was also strongly condemned verbally: As of now (July 2023), a total of 93 individuals and 18 entities in Myanmar are sanctioned via asset freezes, and travel bans. Moreover, the EU and its institutions and people are prohibited to make funds available to those listed. In addition, the EU adopted an arms embargo and export restrictions/bans on monitoring devices and dual-use goods (cf. Council of the EU 2023). In a statement at the beginning of 2023, 2 years after the coup, Josep Borrell, the EU High Representative, issued a statement commenting and strongly condemning the situation in Myanmar: "The continuing escalation of violence by the military regime and the evolution into a protracted conflict throughout Myanmar is alarming (…). The EU condemns in the strongest possible terms the grave human rights violations, including sexual and gender-based violence, the persecution of civil society, human rights defenders and journalists, attacks on the civilian population, targeting also children and persons belonging to ethnic and religious minorities across the country, and recent deadly air strikes on civilian targets, including on schools and hospitals, by the Myanmar armed forces. Those responsible for the coup, as well as the perpetrators of violence and gross human rights violations, should be held accountable. (…) All hostilities must stop immediately. The military authorities must fully respect international humanitarian law, and put an end to the indiscriminate use of force" (Borrell 2023).

Thus, the theoretical conjecture that the EU is aware of serious and systematic human rights violations is confirmed.

Step 1: Option to withdraw EBA agreement is evaluated

After having established that human rights violations exist and that the EU is aware of them, the first step in the causal mechanism can now be tested: the theoretical conjecture that the EU is considering and evaluating the option of a GSP withdrawal. Empirical manifestations are looked for in press statements, reports by the EU and complemented by statements made by the interviewees.

Report on enhanced engagement

In the report on the EU's enhanced engagement with Cambodia, Bangladesh and Myanmar, the EU elaborates on existing violations of GSP conventions by case and argues why the enhanced engagement was chosen for these three beneficiaries in particular. Overall, as the EU states, the enhanced engagement holds the same objectives as the general system: to foster and support sustainable development through trade while respecting international conventions. The closer cooperation, derived from the GSP+ monitoring structures, is intended to address the respective violations and improve the situation on the ground. But the EU states that if "the enhanced engagement fails to produce results, *the Commission has the option of a temporary withdrawal of EBA tariff preferences*" (DG Trade 2020: 2) (emphasis by the author). It is becoming clear that the EU indeed keeps (at least verbally) the option of withdrawal on hand. While the EU does not specifically state in this report that a withdrawal will take place if the situations in the beneficiaries do not improve through the enhanced engagement, the report does (more or less) subtly point out the possibility of this. A box explaining the withdrawal process is titled: "If all engagement fails… temporary withdrawal of preferences" (DG Trade 2020: 3).

Answers to parliamentary questions

Analysing answers by the EU to questions from the EU Parliament, it also becomes clear that the option of a withdrawal is being considered and communicated: When asked whether the EU Commission intends to take similar measures as the US, who stated that they will reassess Myanmar's eligibility for the US GSP (question E-001852/2021), and review the temporary withdrawal of EBA preferences, the following was stated: “the Council imposed restrictive measures (…) [in form of CFPS sanctions]. Moreover, *the EU will consider all other tools at its disposal*” (Dombrovskis 2021c) (emphasis by the author).

Answering two different parliamentary questions (E-002905/2022 & E-002926/2022) on whether and why the EU Commission is (not) considering the withdrawal based on direct violations of the conventions in the GSP (e.g., the execution of pro-democracy political activists), the Commission states that it “re-assesses on a regular basis its policy on the EBA engagement with Myanmar and *follows closely the developments on the ground to adapt accordingly*” (Dombrovskis 2022) (emphasis by the author). While it is not stated word for word that the option of a withdrawal is being evaluated, it is clear that the EU does see an option in this, but for various reasons (still) decides against it.

When asked in parliamentary question E-001947/2021, roughly two months after the coup, whether the EU will impose further sanctions if the situation worsens, the Commission answered that the EU “keeps *all its policy options* under review, including possible additional sanctions” (Borrell 2021) (emphasis by the author). As an EBA preference withdrawal is one of the EU’s policy options, it can be interpreted once again that a GSP withdrawal is within the scope of possibilities. A similar statement is also made in response to question E-000696/2021 asking whether the EU is considering a suspension of EBA preferences: “*all other tools* at the disposal of the EU will be kept under review” (Dombrovskis 2021b) (emphasis by the author). Also similar is the answer to question E-000655/2021, whether the EU will withdraw GSP preferences due to fundamental violations of human rights: “*All other tools* at the disposal to the EU will be kept under review” (Dombrovskis 2021a) (emphasis by the author).

In summary, it is clear from the answers to parliamentary questions that while the EU is (still) deciding against an EBA withdrawal for Myanmar, this option is certainly being considered.

Interviews

The interviews with experts at the EU also provide traces that a withdrawal is being evaluated as an option. All interviewees emphasize the importance of monitoring concerning policy decisions. They argue that the EU keeps an eye on the situation as detailed as possible through various bodies of its own (e.g., the EU Delegation in Yangon) but also through close cooperation with organizations on the ground. All interview partners point out how difficult a detailed monitoring and assessment of the situation in Myanmar is. For one, because of the ongoing crisis and also because the EU does not work directly with the ‘government’ (the junta).

Interview partner 1 (I1) emphasizes that the inclusion of Myanmar in the enhanced engagement program alone shows that the EU has evaluated a withdrawal. According to I1, the GSP reports, the (report on the) enhanced engagement and also regular GSP staff working documents are all part of evaluating whether a withdrawal is an option. The personal impression of the author that the enhanced engagement represents a last attempt before the implementation of the withdrawal, is also interpreted in this way by the interview partner.

Interview partner 2 (I2) argues that the EU is constantly evaluating whether a withdrawal should be employed. The interviewee argues more deeply why a withdrawal for Myanmar was deemed not to be useful. The reasons for this are given in the next section. However, it can already be stated here that the option of a withdrawal was and is being evaluated. It is also emphasized that the situation on the ground can change at any moment and that the measures taken must be adapted accordingly. With the help of the monitoring results, the situation is constantly reassessed.

Interview partner 3 (I3) also provides arguments as to why a withdrawal is currently not employed, which again shows that the evaluation of a withdrawal is taking place.

To summarize: in statements issued by the Commission, in the report on enhanced engagement and the interviews, traces could be found that indicate the thematization and evaluation of the option to withdraw EBA preferences in the case of Myanmar. While it was not 'necessary' to find traces/fingerprints to confirm the theoretical conjecture (see chapter 5.1 for definition), fingerprints were present in the tested empirical data. As described before, the fingerprints/traces found are not sufficient to confirm the theoretical argument as a whole, but they do lead to the passing of the first 'straw-in-the-wind' test. While the underlying hypothesis is not confirmed, the relevance of it is affirmed (cf. Collier 2011: 825).

Step 2: Implications of EBA/a withdrawal for (sustainable) development are evaluated

After establishing that the EU evaluates the option of a GSP withdrawal, the second step in the causal mechanism theorizes that the EU evaluates the implications the EBA/respectively the withdrawal of EBA preferences would have for sustainable development in Myanmar.

Answers to parliamentary questions

In answers to parliamentary questions regarding a GSP withdrawal in Myanmar, the EU emphasizes that the EBA agreement in Myanmar "continues to meet one of its key objectives, i.e. to contribute to the eradication of poverty (…) [and that] the Commission aims to ensure that the pursuit of that goal continues at a time of a dire humanitarian crisis in the country" (Dombrovskis 2022). Moreover, Dombrovskis (2022) underlines that the Commission regularly re-assesses the situation and its policy in/with Myanmar regarding the EBA to adapt to changes.

This is the only trace that could be found for this step in the analysed EU statements. Nonetheless, it shows that the EU monitors the success of development objectives (in this case eradication of poverty) and that these results are factored into policy decisions. It can be cautiously interpreted, that as long as the GSP meets its development objective, the EU intends to maintain the trade preferences. Of course, the reference to re-evaluate if the situation changes is posed more freely. It is unclear what exactly would have to change about the 'situation' for the development objective to no longer be the focus.

Report on enhanced engagement

The report on enhanced engagement not only refers to the reasons why the enhanced engagement was chosen but also elaborates on how significant the EBA agreement is for Myanmar: The EU is Myanmar's 3rd largest trading partner and export market (after China and Thailand). 18.6% of Myanmar's exports go to the EU. Since the reimplementation in 2013, the exports to the EU have increased and thus also the amount Myanmar has saved in duty (€250 million). The most important sector, garments and footwear, has also increased and is by far the largest export sector to the EU accounting for 85% of Myanmar's exports (in 2020) (cf. DG Trade 2020: 11–12).

Thus, it is emphasized how important the EBA has been and continues to be for Myanmar's economic development in recent years. While these figures are not contextualized with any consequences associated with a withdrawal, there is nevertheless a fingerprint here for the second step, indicating that the implications of the EBA/a withdrawal are evaluated. Other areas of development, such as social or political development, are not discussed in more detail. However, this was addressed by the interview partners:

Interviews

The interviewees all highlighted the importance of the EBA for Myanmar and its development. I1 and I3 mention that the (re-)implementation of EBA preferences had large effects in the garment sector alone. According to them, around 500-750k people are employed here. This is confirmed in a report by the Ethical Trading Initiative, analysing the human rights situation in the context of EU investments in Myanmar. They report 700,000 workers before Covid (2019) and around 480,000 in 2021 (cf. Annat & Schappert 2022: 103). The interviewees rate the role of the EBA very highly. I2 for example states that EBA exports promote jobs and exports.

It was stressed by all interview partners, that the garment sector, as is typical for an export-oriented sector, mainly consists of women. Women are already a vulnerable group in Myanmar. However, as I1 emphasized, women working in the textile industry are often intersectionally disadvantaged: I1 states that around 58% of employees are young women from rural areas, sending money back to their families. This could also be verified by the report mentioned above: the garment industry is "a source of opportunity for formal employment particularly for rural-to-urban migrant women with incomplete secondary education" (Annat & Schappert 2022: 103). The typical profile of a women migrant coming to Yangon to work fits those of the most disempowered women in Myanmar: "rural, poor and with lower education attainment" (Annat & Schappert 2022: 108). In an impact assessment report by the EU, it is stated that around 90% of the workforce in textiles, clothing and footwear, are women. Those women mainly work "in the low-paid production line jobs (and not management that happens mostly by men)" (European Commission 2021b: 281). I1 argues that a withdrawal of EBA preferences would directly impact the sector, the EU 'proudly helped to build', directly inflicting consequences on the vulnerable group of young rural women workers and their families in rural areas. This argument is also mirrored in the report: "About 90% of employees in the sector are female, and it is expected that the impact of an exit [of EU investments] would be felt most strongly by women in this demographic" (Annat & Schappert 2022: 108). These statements of the interviewees regarding the EBAs impact on the garment sector and the (economic) relevance for young rural women are fingerprints for the fact that the EU (Commission) evaluates the impact of the EBA or the withdrawal of it.

When asked whether the EU Commission evaluates possible consequences of a GSP withdrawal, I3 stated that the EU Commission performs impact assessments. These impact assessments do exist, the last one was conducted in 2021, with the goal to support the review of the new GSP regulation (June 2023). However, the assessment does not specifically examine how a withdrawal of trade preferences would affect (the development of) Myanmar. Instead, it examines what impact preference loss would have in several different scenarios. The first scenario would be the graduation from the EBA to a GSP arrangement because Myanmar would no longer be considered an LDC. The second scenario looks at the impact an elimination of the

GSP and therefore the adoption of standard MFN tariff rates[8] would have on Myanmar (cf. European Commission 2021b: 277). Although the impact assessment does not specifically address the impact of a possible withdrawal, the expected results are comparable. The statement by I3 in response to the question if a withdrawal impact is evaluated, and the fact that the EU carries out regular impact assessments, are regarded as traces.

The statement by Dombrovskis in response to a parliamentary question regarding a possible EBA withdrawal in Myanmar suggested that poverty is still tackled by the GSP and that, as a result, the trade preferences are maintained (cf. Dombrovskis 2022). This is in line with several statements made by the interviewees: I2 stresses that the GSP is a development tool and that the contribution to development objectives is monitored. According to I2, the EBA in Myanmar still supports its objectives (development and eradicating poverty) and that this is essential to the decision to keep the preferences. I1 also states that the motivation to keep the EBA in place is very strong as long as it benefits the population. Again, traces can be found that show that the impact of the EBA and possible consequences on development are being evaluated.

To summarize: in statements answering parliamentary questions, the report on enhanced engagement and statements from interviewees, traces that implications of the EBA/a withdrawal for (sustainable) development are evaluated, could be found. The second straw-in-the-wind test is therefore also passed. Again, finding traces in this step alone is not sufficient to confirm the underlying hypothesis, but the relevance of it is affirmed (cf. Collier 2011: 825). Moreover: as this is the second straw-in-the-wind test, the probability that the hypothesis is true increases, as multiple passed "straw-in-the wind tests (…) [add] up to important affirmative evidence" (Collier 2011: 826).

Step 3: Withdrawal considered detrimental to (sustainable) development in Myanmar

To reiterate: this step theorizes that the EU expects that a GSP withdrawal will (severely) hurt the development in Myanmar.

Report(s)

In June 2023 the EU Commission published a study supporting an impact assessment to prepare for the review of GSP Regulation No 978/2012. Within the report, four different scenarios are

---

[8] MFN stands for Most Favoured Nation. This tariff is the highest/most restrictive tariff that WTO members charge each other. The MFN refers to a countries' commitment to impose the same tariff to all of its trading partners, unless the country is part of a preferential trade agreement (cf. Kaushik 2016).

elaborated, analysing the consequences of changes to the GSP system and most likely upcoming graduations of countries. It is assumed that Myanmar will overcome its status as an LDC in the next 10 years. This is why the scenarios examine Myanmar as a GSP, not as an EBA beneficiary. Relevant for the analysis here is scenario 2b and 2c, which both assume that the standard GSP agreement is no longer maintained. Myanmar would therefore trade under standard MFN tariffs in these theoretical cases, which would also be the case if it lost its preferences in the current EBA agreement (cf. European Commission 2021a: 7–10). Of course, the scenarios are not entirely comparable, if only because the baseline is different (EBA vs. GSP have different tariff lines, see chapter 2.1). Moreover, as the study points out, the effect would be combined of first the loss of EBA preferences through graduation and secondly the of loss GSP preferences (cf. European Commission 2021a: 10). Nevertheless, a starting point for possible consequences of a withdrawal can be found here. First of all, and the baseline for further consequences, is a loss of exports due to the discontinuation of (GSP) trade preferences. Changing tariffs for the four largest HS chapters (textiles, footwear and cereals, see Appendix 3) from EBA to MFN rates ”results in a 23.5% decrease of the country's exports to the EU" (European Commission 2021b: 277). This would have a direct effect on employment in Myanmar: a reduction of 0.7%-0.8% in employment is expected in the apparel sector alone (both skilled and unskilled labour) (cf. European Commission 2021b: 278). In absolute terms, around 10,000 to 20,000 jobs are expected to be lost through the combined total of losing EBA preferences and GSP preferences, in the garment sector alone (cf. European Commission 2021b: 280). Women would especially be affected. As pointed out above, 90% of workers in the garments sector are women, which means that "the burden of this adjustment would primarily fall on them" (European Commission 2021b: 278). The Commission calls the effect the discontinuation of preferences would have on employment, "sizeable" (European Commission 2021b: 278). The effect on an adequate standard of living is also argued to be negatively impacted, because of this job loss (cf. European Commission 2021b: 282). The same applies to access to healthcare: in Myanmar, most healthcare costs are out of pocket. This means that if "incomes disappear because of job losses, the access to the healthcare system also reduces as the unemployed cannot afford it any longer" (European Commission 2021b: 282). Overall, the human rights situation in Myanmar "is expected to be negatively affected by these two shocks [loss of EBA and GSP preferences], especially cumulatively" (European Commission 2021b: 281).

The report on enhanced engagement also indicates the importance of the EBA preferences for the development of Myanmar. The DG Trade highlights that “preferential EU tariffs (…) [are] instrumental to the country’s sustainable development objectives” (DG Trade 2020: 3).

Although the EU does not specifically analyse the impact of a loss of EBA preferences due to a possible withdrawal, the findings described above are nevertheless fingerprints that the EU associates a loss of preferences with negative consequences on a wide variety of social sectors/development objectives in Myanmar. The statements indicate the expectation that a withdrawal will hurt development objectives in Myanmar.

Interviews

The experts interviewed corroborate the negative effects on development objectives that Myanmar would face from a preference withdrawal listed above.

I1 argues that a withdrawal of EBA preferences would directly impact and hurt the garment sector. This statement can on the one hand be confirmed by the study described above, on the other hand by the sectoral assessment performed by the ethical trading initiative (cf. Annat & Schappert 2022). The expert argues that the society in Myanmar, and particularly vulnerable social groups, already are suffering as a result of the military’s oppression. According to I1, the situation would be exacerbated by an intervention/drop in economic performance. It is argued that it is necessary to balance and consider both parts when looking at a possible withdrawal: on the one hand, Myanmar is not ‘respecting’ the conventions underlying the EBA and on the other hand the importance several sectors have for the (vulnerable) society.

I2 mirrors this argument and states that the first concern for the EU (regarding the GSP) is the population. They argue, that the GSP maintains jobs and that this impact on society should be upheld. Moreover, the preferences granted by the EBA have a significant impact on the population, even more so in Myanmar, where humanitarian aid is necessary. Withdrawing those preferences would remove precisely these positive effects.

I3 even goes one step further: In the interview, the topic of how external pressure influences the decision and what motivation should be the cause of withdrawal, arises. In response, I3 says: “people (…) believe we have to *let the economy collapse* for the sake of it” (paraphrased quote from I3, emphasis by the author). While a collapse of the economy may be an exaggeration, this statement clearly shows how negatively the EU views a withdrawal for Myanmar’s development. I3 furthermore anticipates not only a loss of economic profit but also an aggravation of the humanitarian situation if preferences would be withdrawn. I3 also states that 350,000 jobs would be lost if preferences were to be withdrawn. This specific number could not be verified in reports. The impact assessment argues that around 10,000 to 20,000 jobs are expected to be lost in the garment sector through the combined total of losing EBA preferences and GSP preferences (cf. European Commission 2021b: 280).

In summary, there are also traces in the interviews of the EU excepting a withdrawal of EBA preferences to be detrimental to Myanmar's development. Particularly economic development was in the foreground in the interviews. For step 3, it can also be stated that the straw-in-the-wind test was passed. Again, the relevance of the underlying hypothesis is affirmed, and as this is the third straw-in-the-wind test the probability that the hypothesis is true gets more probable (Collier 2011: 825–826).

Step 4: Development objectives are prioritized over promoting human rights through GSP withdrawal

Step four is the most essential part of the causal mechanism and the only one being tested by a 'smoking-gun' test. If traces of prioritization of development objectives over human rights promotion can be found, the theoretical argument is very probable (cf. Collier 2011: 827).

Answers to parliamentary questions

The statements made by the EU in response to answers regarding a possible GSP withdrawal in Myanmar hold traces that the EU may prioritize development objectives over the promotion of human rights through a GSP withdrawal. On the one hand, general statements are made that show that the EU is trying to avoid negative effects on the population and the development in Myanmar through its instruments as much as possible: For example, in response to the parliamentary question E-001852/2021, it is emphasized that "the EU will consider all other tools at its disposal, *while seeking to avoid measures that could adversely affect the people of Myanmar*" (Dombrovskis 2021c) (emphasis by the author). This is mirrored in the response to question E-000696/2021: "all other tools at the disposal of the EU will be kept under review, *while seeking to avoid measures which could adversely affect the people of Myanmar, especially the most vulnerable*" (Dombrovskis 2021b) (emphasis by the author, see also Dombrovskis 2021a).

In addition, the avoidance of consequences to the public from an EBA withdrawal is also specifically addressed: Dombrovskis argues that the EBA in Myanmar still meets the key objective to contribute to the eradication of poverty and that "*Any adverse impact on the livelihood of Myanmar's population, in particular vulnerable groups, as a consequence of a potential withdrawal of EBA preferences needs to be avoided*" (Dombrovskis 2022) (emphasis by the author, answer to the question E-002905/2022).

There is no specific naming of the concrete impact of a GSP withdrawal on development in Myanmar, instead, the EU generally argues that it wants to avoid (undesirable) effects on the population as much as possible. Nevertheless, it is clear from the context of the responses (which refer to questions about whether the Commission is considering a GSP withdrawal) that such a consideration does take place in the context of GSP decisions.

To summarize: in the analysed answers to parliamentary questions fingerprints could be found indicating that the EU prioritizes development objectives, like the continued effort to support the eradication of poverty, over the promotion of human rights via a GSP withdrawal.

Report on enhanced engagement

Naturally, the report on enhanced engagement does not deeply go into the discussion of a withdrawal. Nonetheless, the possibility is addressed: the continuation of EBA preferences is considered "instrumental to the country's sustainable development objectives" (DG Trade 2020: 3) and therefore "a measure of last resort" (DG Trade 2020: 3). It is pointed out that if the enhanced engagement does not lead to an improvement of the situation in Myanmar, "the EU remains ready, *as a last resort*, to launch the procedure for withdrawal of preferences with *due consideration for the economic and social impact of such a withdrawal*" (DG Trade 2020: 4) (emphasis by the author). It becomes clear that the impact on development objectives is a central part of the considerations in the EU and any consequences are to be avoided. So here, too, fingerprints can be identified that indicate that development objectives are prioritized over the promotion of human rights through a GSP withdrawal.

Interviews

This leads to the empirical evidence in the interviews conducted with experts in the EU (EEAS and Commission). The indications regarding the withdrawal decision process found here are not as straightforward as the EU statements in answers to parliamentary questions and reports suggest. The following section elaborates on various findings from the interviews and connects them to the causal mechanism.

There are indications that developmental objectives are being prioritized. After all, the "GSP is an instrument to help developing countries; the development objective is central" (paraphrased quote from I2). The assumption of negative consequences for Myanmar's development and for the (vulnerable) population if the EBA preferences would be withdrawn, seems to be key for the 'non-withdrawal': I2 argues that maintaining the preferences is a better choice as withdrawing, because the social and economic impact of a withdrawal is unsure. When asked directly, I2 even points out that the EU tends to prioritize development.

Human rights are part of development

However, in the same sentence, I2 strongly emphasizes that human rights are a central component of development. I1 argues in the same vein and underlines that one norm (development and protection & promotion of human rights) does not exclude the other – the EU "would not be willing to sacrifice one for the other" (paraphrased quote from I1). While economic development is important for (sustainable) development, human rights are also a part of SD, according to I2. I2 also argues that the decision to not withdraw in the case of Myanmar is in fact connected to the aim to contribute to (economic) development, but this is not the only motivation. Instead, the impact of the EBA/the involvement of the EU in Myanmar for the humanitarian situation in Myanmar is also influential and important. The interviewee states that "economic development is always viewed through the lens of human rights" (paraphrased quote by I2). I3 argues that the withdrawal of EBA preferences would not only be a loss of economic development but also of human rights.

I1, whose field of work is in the economic sector, states that the team they work in at the moment has more to do with human rights than with economic objectives: "sustainable development as a norm is at the moment not so much discussed, as the focus is on human rights because of the situation in Myanmar" (paraphrased quote by I1). Especially in the conversations with I1 and I2, it becomes clear that the two EU norms (protection & promotion of human rights and sustainable development) are intertwined. According to the interviewees, a 'black or white' decision between one or the other norm cannot take place in the first place, because they are strongly connected. Instead, the EU's role as a normative human rights representative is fulfilled through other instruments: "the EU does not hold back in their condemnation of the military junta" (paraphrased quote by I1), for example through targeted sanctions or through statements, the involvement in the enhanced engagement and other diplomatic measures.

So, in summary, there are indeed fingerprints that suggest that the EU prioritizes development as a norm. However, it also becomes clear that this ‘prioritization’ of development emerges as the result of a multitude of considerations. There is the understanding that human rights are central to development, a strict separation between these two norms is not purposeful. This argument by the interviewees weakens the theory of a norm conflict between sustainable development and the protection and promotion of human rights. Furthermore, especially in Myanmar, case-specific factors are central to the decision against a withdrawal:

Ineffectiveness – Junta does not benefit from EBA exports to the EU

I1 argues that in general, sanctioning decisions are based on considerations of effectiveness. The EU must ask itself who benefits from a certain industry, company etc. and who is to be affected by sanctions. As elaborated before, the garment sector is the most central and important sector for Myanmar’s EBA trade with the EU. This means, that if preferences were to be withdrawn, the group benefiting from the garment sector would be the most affected – and this is not the military junta. According to I1, Myanmar has a specific industry set-up, that allows the industry to export to the EU without benefitting the junta. I3 argues that 79% of exports to the EU are not linked to the military and that the junta does not profit from money generated here. I2 also argues that the EU always looks at actors actually involved in sectors to be sure not to finance the junta. In the case of Myanmar, the junta is not profiting through the largest EBA sectors. This argument can be verified by the report on business and human rights for the garment sector in Myanmar: “the garment sector does not hold leverage with the military” (Annat & Schappert 2022: 12); there is “little evidence that the military has investment and direct participation in the garment sector in relation to garment manufacturing and the production of fabrics and textiles” (Annat & Schappert 2022: 78). This essentially means, that the EBA withdrawal would not hurt the junta, but would hurt the dependent society, especially young uneducated women from rural areas (see above, step 3). Instead, targeted sanctions against companies the junta gains from (e.g., oil and gas) and sanctions on individuals are more effective and favoured by I1 and I3.

No political leverage – junta does not care about (western) condemnation

Another argument presented by both I1 and I2 is that the EU essentially has no (political) leverage with Myanmar. For the junta, their existence is an existential issue and “the GSP is the least of their concern. In the end the military is killing their own people and will not be influenced by measures like a GSP withdrawal” (paraphrased quote from I1). The junta “fights for its own survival" (paraphrased quote from I2). I1 argues that while in general countries and their political leaders care about their political and international image, the Tatmadaw do not, at least regarding the EU and their member countries, which makes it difficult to work with them/have leverage. In the withdrawal case of Cambodia for example, the most advances happened in the 6 months leading up to the withdrawal as the political leverage was especially high, "but regarding Myanmar, we have no leverage" (paraphrased quote from I1). I2 also points out that "naming and shaming" does not always work. Instead, as they argue, quietness opposed to open action in other scenarios (e.g., the death penalty) would have been met with stronger opinions. While the EU, the council, the member states, everyone has the intention to do something, "what the EU can do is very limited" (paraphrased quote from I1), especially because working with the 'regime', the junta, is not a possibility. I1 mentions that the junta is not worried about its image to the EU and its member countries, because Myanmar has different stakeholders, the most prominent being China.

The indifference to international or Western condemnation mentioned by the interviewees is difficult to verify, but there are indications supporting the experts' statements. First, the junta and leading Tatmadaw figures rarely give interviews, especially with Western media. No comments in response to sanctions imposed by the EU (or the United States) could be found in which the military justifies or even denies its actions. Moreover, Human Rights Watch also argues that the "junta's leaders (…) appear dismissive about their international reputation" (Maung & Jeannerod 2023). Moreover, the sanctions imposed have no measurable effect; instead, the military acts as before and continues "to carry out mass killings, arbitrary arrests, torture, sexual violence, and military attacks on civilians in conflict areas" (Maung & Jeannerod 2023).

Geopolitical interests: Maintaining political influence & promoting EU values

Especially in the context of the EU's identity as a "normative power" this next point made by the interviewees is intriguing. All have made statements indicating that the EU does not want to leave its (political, normative) sphere of influence in Myanmar. I3 states that "leaving a country means that the space is gone" (paraphrased quote). This space, or vacuum as I2 puts it, is filled in. Maybe "by someone who has no respect for civil rights" (paraphrased quote from I2). I3 argues, that if the EU leaves the country, the Tatmadaw will not be hurt, because other political competitors will be present, "with different values than the EU" (paraphrased quote from I3). Myanmar has different stakeholders, China being the one the junta is worried about (as I1 argues). I3 also points in the direction and states that the EU/the USA have two political competitors in Myanmar: China and Thailand. While there is not a lot of research in this area, confirming statements, that the EU aims to transfer their normative base to Myanmar, could be found: “One of the over arching goals the Europeans have in mind for Myanmar is peace and stability as well as transferring the normative base of the country” (Swanström & O’ Hara 2010: 1). Spreading norms like human rights is argued to be a “core interest” for the EU in Myanmar (cf. Swanström & O’ Hara 2010: 1–2). Even before the coup and the renewed EU sanctions, authors note that Myanmar’s ties with China (which is argued to not share the same interests as the EU apart from peace and stability (cf. Swanström & O’ Hara 2010: 2) are growing stronger (cf. Du Rocher 2012: 173–174).

The GSP is a development tool, not a sanctioning instrument

Another main argument by all interviewees is the understanding that the GSP is a development tool, not a sanctioning instrument. I1 argues that the fundamental purpose of the GSP is to provide support to eradicate poverty. This is mirrored in I2’s argument that the objective of the GSP is the contribution to the eradication of poverty by integrating into world trade by respecting certain standards. I2 directly states: “the GSP is a development tool, it is not a sanctioning instrument” (paraphrased quote from I2) and that in the GSP systems “there are no sanctions, we grant preferences” (paraphrased quote from I2). The interviewed experts all criticize the argument that the GSP loses its credibility because the withdrawal is sparsely and irregularly employed, despite violations. I3 calls a “principle-based decision” short-sided and I2 questions whether the withdrawal should even be a political point. Instead, the EU and other stakeholders should reiterate what the real objective of the GSP is – the contribution to development objectives, or the credibility of the system. They argue that it is way more important to pay attention to and analyse the respective situation as opposed to ensuring that the GSP is ‘credible’. I2 also asserts that the goal should be to ask what the best avenue to ensure the achievement of GSP objectives is when a violation occurs, and to not immediately jump to the demand to withdraw preferences. I1 argues that the demand for withdrawal from stakeholders and external actors primarily stems from a desire to utilize the GSP as a political instrument to gain leverage, rather than fulfilling its intended purpose as a developmental tool.

Finding a balance

This leads to the final point made by interviewees: the goal to find the right compromise between the possibility of a withdrawal because of violations and the case-specific situation. I2 calls for a realistic view of the GSP and to evaluate what can be expected. For example, as argued by interviewees (see step 3), a withdrawal in the case of Myanmar would not exert pressure on the military junta to improve the employment of human rights but would instead aggravate the humanitarian situation. I1 also points out that "you always have to balance and consider both parts – on the one hand, Myanmar has to 'respect' the 15 conventions, on the other hand, you have to recognize the sector importance [garments and footwear] for the (vulnerable) society" (paraphrased quote by I1).

In conclusion, the analysis of arguments by the interviewed experts shows the following: there were fingerprints indicating that development objectives are prioritized over the promotion of human rights through a GSP withdrawal. This is in line with the findings in the analysed statements and reports by the EU. The smoking-gun-test is therefore passed. This means that the hypothesis, that the EU validates the norm of sustainable development as opposed to advocating for human rights by withdrawing GSP preferences, is strongly supported (cf. Collier 2011: 827). It can be assumed that the EU chooses to not withdraw EBA preferences in Myanmar because of implications for the development and the population. The motivation of the GSP is described as fundamentally different to 'classic' sanction instruments, like CFSP sanctions. Consequently, securing the development of Myanmar, as the objective of the instrument, is at the forefront of all decisions. This as well as the argument, that the EU does not want to 'give up' its political and normative influence in Myanmar to other actors, possibly with other values, supports the assumption that the EU acts motivated by normative considerations. But, and this is essential to stress, the withdrawal decision is way more nuanced than simply prioritizing one norm over the other. For one, the aim to protect human rights does play into the decision to not withdraw: human rights are a part of development and the humanitarian situation in Myanmar would be aggravated if the preferences were to be withdrawn (see step 3). Assumed ineffectiveness and missing political leverage also play a fundamental role in the decision to not withdraw, according to the interviewees (see step 4).

Y – Opting for other measures

This leads to the final part of the causal mechanism: Y, a decision against a GSP withdrawal and exploring other options to promote human rights. This is the case in Myanmar: as of July 2023, the EU (still) decides against the withdrawal of trade preferences and opts for other options. Myanmar is part of the 'enhanced engagement' program, CFSP sanctions are employed, and the EU is in dialogue with civil society in Myanmar. The interviewees stressed that the EU is not 'quiet' or ignores the humanitarian situation, but rather chooses policy instruments that more directly target the junta and do not threaten Myanmar's society. The discussion will look more deeply at this step.

9. Discussion of Results

The research interest of this thesis is to investigate the black box of the EU Commission (not) deciding to withdraw GSP preferences if a beneficiary violates underlying conventions. Subsequently, the research aim is to examine what influences the decision by the EU Commission to not withdraw GSP trade preferences despite severe and systematic violations of underlying conventions in Myanmar. The research question, of why the EU Commission does not withdraw trade preferences under the GSP in the case of Myanmar, was posed. In the analysis, all straw-in-the-wind and the smoking-gun tests passed. This implies that the theoretical argument and therefore the causal mechanism not only has relevance but is also strongly supported through the indications found. This means that the EU Commission is confronted with a norm conflict between promoting and protecting human rights (through a withdrawal) and ensuring that the norm of sustainable development is not jeopardized by consequences of the withdrawal (see chapter 6.2.3) (see step 3 in the analysis). The lack of a GSP withdrawal despite severe human rights violations in Myanmar is attributed to the assumption that the EU Commission prioritizes the development objectives, thereby validating the norm of sustainable development (see step 4 in the analysis). In the analysis, however, it was further emphasized that an important component of sustainable development is the maintenance and non-violation of human rights. The following discussion will address this aspect and its implications for the existing norm conflict. To uphold its appearance and act according to its identity as a normative power, the EU Commission evaluates and chooses other options such as continued dialogue, enhanced engagement and/or other sanctions. While the causal mechanism is strongly supported by the passed tests, it is essential to contextualize the findings. As touched upon in the analysis, a variety of other influences play a crucial role in the case of Myanmar.

As stated in chapter 5.1, this thesis works mainly with the theory-building process tracing proposed by Beach & Pedersen. As the authors point out: a theory-building process "is usually an iterative and creative process that goes back and forth between empirical probing and theorization" (Beach & Pedersen 2019: 10). The following chapter combines the analysis results from chapter 8, connects them to the theoretical background (chapter 6) and contextualizes them with the state of the art in chapter 3. The goal of this chapter is to rework the theoretical argument and the causal mechanism based on the analysis results and theoretical findings.

Normative motivation – second-order concern?

First of all, the neorealist argument of ethical standards or norms being “second-order concerns” (Hyde-Price 2006: 222) will be addressed. Of course, also because of the limitations of process tracing, it is not possible to determine with absolute certainty what exactly the reasons are regarding a GSP decision for Myanmar. But in the EU statements, reports and interviews, it was communicated clearly, that not aggravating the situation for the population and especially vulnerable groups in Myanmar by a withdrawal of preferences is central to the decision. A normative consideration thus seems to be pivotal here, and not a ‘second-order concern’ per se. In the case of Myanmar, this means that a further aggravation of the humanitarian situation through imposing a GSP withdrawal is avoided. Other research showed (as presented in the state of the art, chapter 3) that EU member states choose to sanction Russia despite political and economic costs (cf. Sjursen & Rosén 2017: 32). While the consequence differs, in both cases the normative motivations were pivotal.

Hyde-Price argues that as long as normative-based action does not conflict with core national interests, the EU is, or at least can be, driven by ethics (cf. Hyde-Price 2006: 223). While this argument is already weakened by the finding that EU member states imposed sanctions despite economic and political costs (cf. Sjursen & Rosén 2017), this opens up an interesting point for this thesis: the EU Commission has received multiple parliamentary questions about whether a withdrawal will take place in Myanmar. In several cases, this question was contextualized with the argument that imported rice from Myanmar has “been seriously detrimental to the EU’s own rice sector” (Mato 2022), see also Rodríguez-Piñero et al. 2021 or Mazaly 2021. The Commission responds by arguing that withdrawal due to violations of international conventions is a different system than the ‘safe-guarding’ that protects EU markets[9]. Although two different parties with differing interests are involved here and the EU Commission is responsible for GSP decisions, it can be seen that this national interest – the protection of the domestic (rice) market (of member states) – does not seem to be in the foreground. This again is in line with

[9] The safeguard mechanism in the GSP Regulation refers to the possibility to reintroduce normal Common Customs Tariff duties when a product originating in a beneficiary country causes or threatens to cause difficulties for producers from the European Union (cf. European Commission 2012: 12).

(constructivist) arguments presented in the state of the art: Hazelzet concluded that “human rights norms do tend to trump security and economic importance in foreign policy” (Hazelzet 2001: 235).

Unintended consequences – Dilemma

The analysis showed that unintended consequences were one of the main argued reasons why Myanmar remains a non-withdrawal case. Especially the effect on women was central in the interviews and analysed statements, showing that the integration of unintended consequences into sanctions research, as proposed by Brehl (2023: 41–42), is pivotal. Drury & Peksen argued that export-oriented industries mainly employ women (cf. 2014: 467). Sanctions are not ‘gender-blind’ (cf. Gutmann et al. 2021), they exacerbate economic, political and social situations. In the case of Myanmar this would lead to a significant number of women losing their jobs (around 10,000-20,000)[10] (cf. European Commission 2021b: 280), “the burden of this adjustment would primarily fall on them” (European Commission 2021b: 278). The presented unintended consequences of sanctions in chapter 6.2.3 also showed indirect effects on health (cf. Buck et al. 1998; cf. Garfield 2002; cf. Allen & Lektzian 2013; cf. Moret 2015; cf. Gutmann et al. 2021). Similar arguments also apply to Myanmar: the EU Commission argued that healthcare costs are mainly paid by individuals. If the GSP withdrawal leads to job loss, “the access to the healthcare system also reduces as the unemployed cannot afford it any longer” (European Commission 2021b: 282).

The arguments presented above clearly lead to a dilemma: the analysed interviews, reports and statements show that the EU presents itself to act on a normative, ethical base. Granting preferences to a country/regime that systematically and strongly violates EU values does not seem to be compatible. On the other side, acting on the violations via a withdrawal of preferences would hurt the population. Here, the democracy-development dilemma by Del Biondo can be integrated very well: Del Biondo argues that aid recipients who perform well regarding social and economic development are excluded from EU sanctions, because the EU aims to evade negative repercussions for development objectives (cf. Del Biondo 2011, 2015). This argument is also picked up by Saltnes, who argued that the EU decided against sanctions for Rwanda because of concerns about a “negative impact of sanctions on the social and

[10] This number is the result of an analysis involving a combined loss of EBA preferences as well as GSP preferences for Myanmar. It is therefore not directly transferable to the possible situation of an EBA withdrawal due to violations at present time.

economic conditions in the country" (Saltnes 2017: 566). The argumentation of the authors can also be transferred to the case of Myanmar. This dilemma also shows how intertwined human rights are with development objectives.

Human rights (protection) are part of sustainable development

Because human rights and development, as understood by the EU, are so interconnected, the strict distinction between the norm of sustainable development and the norm of human rights protection and promotion cannot be sustained. All interviewees strongly emphasized that human rights are a central part of (sustainable) development and that economic and political development always entails the development of human rights at the same time. This was slightly touched upon in chapter 6.2.2 during the elaboration of the norm of sustainable development: the concept of 'equity' "represents the social aspects of SD. It encompasses different concepts such as environmental, social and economic justice, social equity, quality of life, freedom, democracy, participation and empowerment" (Jabareen 2008: 188). This highlights that sustainable development not only refers to economic growth but also accounts for the impact on human and social factors, such as the humanitarian situation, (political) freedom and participation rights. The inclusion of human rights indicators in the SDGs also underlines this. Looking directly at the case study of Myanmar shows: withdrawing trade preferences would hurt economic development objectives, but at the same time (indirectly) affect the humanitarian situation, by aggravating poverty, reducing access to healthcare, making access to the job market for young rural women more difficult etc. The analysis showed that a 'black or white' decision between one or the other norm (protection and promotion of human rights vs. sustainable development) cannot take place because they are strongly connected. Moreover, while the economic consequences were discussed in the interviews, statements and reports, the main discussion revolved around the impact on Myanmar's society. This further deepens the argument that the raised norm conflict between the promotion of human rights vs. sustainable development has to be revised. This leads to the following reconsideration of the norm conflict taking place:

Norm conflict: protecting human rights vs. being a protector of human rights

The dilemma of the EU can be pinpointed more concretely through the distinction between regulatory and constitutive norms. Katzenstein argued that *regulatory* norms define standards of 'appropriate' behaviour and *constitutive* norms define actors' identities (cf. Katzenstein 1996: 53) (emphasis by the author). While in the theoretical frame and the causal mechanism the protection and promotion of human rights was regarded as one general norm, the analysis showed that it makes sense to differentiate between the following: on the one hand, there is the *regulatory* norm of promoting and protection human rights, which is part of sustainable development. An 'appropriate' behaviour concerning human rights violations would be to act in a way that first and foremost protects human rights. This could involve choosing punitive measures like a withdrawal and thereby pressuring the violators to change their behaviour, or choosing other instruments/action to protect the targeted population from (unintended) consequences. The *constitutive* norm in the realms of human rights norms regards the identity the EU claims to be: a global human rights protector, promoting EU values. This identity would entail enforcing the regulation of the unilateral instrument of the GSP. Thus, there is already a norm conflict here – if the EU decides to validate the constitutive norm and to withdraw trade preferences because of violations to maintain their role as human rights protector, the EU would at the same time violate the regulative norm: the humanitarian situation in Myanmar would be aggravated. The compromise, in the spirit of norm reconciliation, seems to be to take other measures that both solidify the EU's identity as a normative acting power and the protection of the (vulnerable) society in Myanmar. The EU Commission has to justify its actions/its response strategy to a norm conflict/conflicting expectations in order to "reduce the social costs of non-compliance with a norm" (Rüland 2018: 40). In the case of Myanmar, the EU adopted a variety of CFSP sanctions directly targeting the Tatmadaw. One interviewee stressed that the EU fulfils their role as a human rights protector through other instruments, as "the EU does not hold back in their condemnation of the military junta" (paraphrased quote by I1). Moreover, working with Myanmar in the enhanced engagement also shows that the EU Commission aims to act according to its identity while simultaneously avoiding negative consequences for the society in Myanmar. The compromise to choose other policy options offers the opportunity to address both norms and in turn avoid audience costs/evade a crisis of legitimization.

Avoiding social costs – challenged credibility of the EU as human rights promoter

Before diving deeper into a crisis of legitimization the EU is confronted with, it makes sense to look back at the understanding of institutions in New Institutionalism: The EU as an International Organization acts based on a "collection of practices and rules (…) [that define] appropriate behavior" (March & Olsen 1998: 948). These practices and rules are embedded in "structures of meaning and schemes of interpretation that explain and legitimize particular identities and the practices and rules associated with them" (March & Olsen 1998: 948). Actors, such as the EU Commission, "act according to what they perceive is appropriate given their role and position” (Sacher 2021: 165). The assumption that agents act ‘appropriately’ stems from a ‘recognition-based’ logic of action (cf. March & Simon 1995: 8). This means that actors behave in accordance with to what they perceive as socially ‘recognized’ and ‘appropriate’ in order to avoid negative consequences for their (social) standing, aiming to “fulfil the obligations encapsulated in a role, an identity (…) and the ethos, practices, and expectations of its institutions“ (March & Olsen 2011: 478). This is in line with constructivist arguments: international norms are “the impetus for both the imposition of sanctions as well as the compliance of targets, who seek to salvage their reputations” (Hazelzet 2001: 43). If the EU, or specifically the EU Commission does not act according to its identity (= promoter of human rights) or their norms (= protecting human rights), audiences would penalize the EU, leading to a crisis of legitimacy (cf. Hurd 2007: 197). Here the connection between logic of appropriateness and the logic of consequences can be mentioned: a crisis of legitimacy can be defined as a cost (cf. Rüland 2018: 34), which the EU is trying to avoid. It can be argued that the actor, in this case the EU Commission, makes a cost analysis to avoid these social costs.

Regarding discussions around the GSP, in general but also regarding the non-withdrawal in the case of Myanmar, a possible crisis of legitimacy can be observed: Velluti, for instance, argues that the sparse and selective implementation of the negative conditionality “has led many to question the legitimacy of the EU’s role in promoting human rights and ILO labour standards” (Velluti 2016b: 51). Orbie et al. find “several contradictions and inconsistencies in the design and use of GSP conditionality” (2022: 70) and Portela argues that the “rare activation of suspension clauses contrasts with the widespread violations of labour and human rights in GSP beneficiaries” (Portela 2021: 271), which is why the GSP “underscores (…) [as] a human rights instrument” (Portela 2021: 275). The interviewees approached this and argued that the EU weighs whether they want the GSP, or themselves, to come across as ‘credible’ or whether they want to ensure the maintenance of benefits for the society in Myanmar and not aggravate their already strained situation. This alludes to the distinction made between regulatory and constitutive norms.

Circling back to the differentiation between the regulatory norm of promoting and protecting human rights and the constitutive to be a global human rights protector, it can be argued that the EU decides “in favor of compliance with one norm over the other (…) based on the perceived strength of the articulated expectations of relevant audiences and the social costs the government anticipates in leaving them unaddressed” (Rüland 2018: 36). In the case of Myanmar, the EU firstly chooses to protect the population of Myanmar from unintended consequences of a withdrawal and thereby protecting their human rights, thereby validating the regulatory norm. Choosing to withdraw would lead to severe consequences for the population in Myanmar, especially vulnerable groups, and would (presumably) have a strong negative response from relevant audiences. At the same time, the EU aims to avoid the social costs of 'not acting as a human rights protector'/not withdrawing preferences from a country violating conventions, by opting for other policy options, like CFSP sanctions and enhanced engagement.

Acting 'appropriate' & motivation of a sanction

Another important connection to the theoretical framework is to reintegrate the concrete understanding of norms entailing 'notions of appropriateness' in the logic of appropriateness. At first glance, it may look like the 'appropriate' reaction to serious and systematic violations of GSP conventions would be a withdrawal, as is noted in the regulation. But, as March & Olsen argue: an appropriate reaction or decision does not simply refer to a fixed moral standard, but rather means to apply rules to a specific situation and, above all, adapt them to the given context (cf. March & Olsen 2011: 484). In some beneficiaries, it might be the case that the violating party profits from GSP sectors or that a withdrawal would not harm the population as strongly as it would in Myanmar. The interviewees pointed out that the Commission evaluates a possible withdrawal on a case-to-case basis and that for example, the comparison between Cambodia and Myanmar is not valid, since these two beneficiaries have vastly different political, economic and social contexts. Protecting human rights might call for very different measures in two separate cases.

Another argument concerning the appropriateness of a withdrawal decision could be found in the motivation of the GSP: all interviewed experts stressed that the goal and motive of the GSP is development, rather than sanctioning/punishing beneficiaries for certain behaviour. As described in the analysis, one interviewee even highlights that the GSP does not 'sanction' beneficiaries but rather grants preferences. Integrating the motivation/goals into sanction research is demanded by scholars, for example by von Soest & Wahman. The authors argue that in order to analyse the efficiency of a sanction in a meaningful manner, "sanction outcomes must be related to the goals they set out to achieve" (von Soest & Wahman 2015a: 959). The GSP, according to the interviewees and the analysed statements, sets development objectives it wants to achieve. If punitive measures, like a withdrawal, hurt this goal, it seems contradictory to carry out a withdrawal nevertheless.

Ineffectiveness/Bluntness and leverage

This leads to the next argument: as elaborated in the analysis, a GSP withdrawal would mostly hurt the population of Myanmar and not the junta. For the most part, the junta does not benefit from the garment sector, which is the largest EBA sector in Myanmar. Choosing to withdraw trade preferences would thereby not be effective in (directly) pressuring the junta to change course. Ineffectiveness, regarding the achievement of compliance, is a recurring theme in the sanctions literature (cf. Galtung 1967; cf. Pape 1997; cf. Cortright & Lopez 2000; cf. Allen 2004; cf. Kryvoi 2008). This criticism can also be found in research on the GSP system: Portela argues that GSP withdrawals have "been subject to the same criticism as economic sanctions: that it is ineffective in promoting compliance" (2018: 7) and that "GSP withdrawals have the worst record of success of all EU sanctions" (2010: 208). Ineffectiveness is also mentioned by Poletti & Sicurelli as a reason why the trade preferences for Myanmar have not yet been withdrawn (cf. 2022: 48).

The political effectiveness of the GSP was not discussed in the interviews, but a new perspective on 'ineffectiveness' emerged in the analysis: a GSP withdrawal would not harm the violators but for the most part the population. This is in line with Portela's argument of bluntness. The author argues that, in contrast to targeted sanctions, a GSP withdrawal is not targeted and therefore "lacks the ability to penalize non-state actors when they commit to breach" (2018: 7). In the case of Myanmar, there would not only be a comprehensive trade sanction hurting the population, but the consequences would also not reach the junta, the group committing the violations. Economic leverage was identified by Schmücking as a necessary condition for a GSP withdrawal. In addition, Kaempfer & Lowenberg (1999) identify the target group as one major influence on the decision and effectiveness of sanctions. The authors argue that sanctions are more effective if they target the economically and politically powerful elites supporting the situation (in this case the junta and supporting groups) rather than harming society as a whole, or in the case of Myanmar especially young women (cf. Peksen 2019: 639). Schmücking even argued, that if there is a connection between the government and violations, "trade preferences are at least incompletely withdrawn" (2021: 91). While this may be true with regards to posed CFSP sanctions, this is not the case regarding EBA trade preferences. This statement must therefore be expanded to include the observation that the removal of trade preferences also has to affect the violating group, or at least indirectly put them under pressure. Leverage thus can be understood not only as an economically powerful instrument but also by considering the targeted group. Myanmar's economy would be impacted by a GSP withdrawal (meaning the economic leverage is present) but the impact would not affect the group violating conventions.

Other actor-interests: Geopolitical and economic value of Myanmar for the EU

In addition to the discussion around avoidance of negative consequences for the population in Myanmar, avoiding social costs/pertaining to the role of human rights promoter, acting 'appropriately' and the GSP possibly not being effective, other interests of the EU were also indicated by the interviewees. The geopolitical interest to maintain influence in Myanmar is one of them. Moreover, state of the art in GSP research evaluates the economic role of Myanmar for the European market.

Geopolitical interests – protecting the garden from invasion

Going into depths of geopolitical interests concerning Myanmar is not only beyond the scope of this thesis but would also violate the assurance of anonymity to interviewees. While this argument demands a much larger framework due to its controversial nature, it nevertheless is a critical point. In a speech in 2022, the High Representative for Foreign Affairs and Security Policy and Vice-President of the European Commission Josep Borrell Fontelles stated the following: "Europe is a garden (…). The rest of the world (…) is a jungle. The jungle could invade the garden, and the gardeners should take care of it (…). In order to protect the garden, the gardeners have to go to the jungle. Europeans have to be much more engaged with the rest of the world. Otherwise, the rest of the world will invade us. (…) This is my most important message: we have to be much more engaged with the rest of the world. We are privileged people who built a combination of (…), political freedom, economic prosperity, social cohesion and we cannot pretend to survive as an exception. It has to be a way of supporting the others, facing the big challenges of our time" (Borrell 2022). This speech makes it very clear that the EU does not act (only) based on moral conviction in its foreign policy, but rather acts on geopolitical interests. The pejorative dichotomy between "garden" and "jungle" alone underlines the position in which the EU sees itself. The EU Commission vice-president reasons for the promotion of EU values by saying that this would avoid an "invasion of the jungle". The GSP is one of the most important policy instruments concerning third countries, specifically developing countries. Especially the remark of Europeans being privileged people with political freedom, economic prosperity and social cohesion shows that Borrell sees these factors as not given in third countries/the 'jungle'. Through the GSP, these are addressed: the goal is (economic) development based on basic human and labour rights. The EU therefore “supports the others” by granting trade preferences, thereby “protecting the garden”.

Another matter that underlines the EU’s geopolitical interests in the GSP is the Commission’s proposal to include migration topics in the new regulation: it was suggested (by the Commission and the EU Council) to introduce a provision into the regulation, making it possible to withdraw preferences if a country fails to cooperate on returns and admissions of migrants. This proposal was strongly condemned by the European Parliament and a wide range of human rights organizations, including Human Rights Watch, Caritas and more. It is argued that the withdrawal of GSP due to a lack of cooperation on return and readmission undermines efforts to minimize migration, as the GSP directly addresses the root causes of migration. Moreover, this proposal raises numerous ethical concerns and it is questioned whether this proposal is compatible with World Trade Organization rules (cf. Human Rights Watch 2023b; cf. Wisdorff 2023; cf. Francavilla 2023).

While Myanmar is not specifically named in these discussions, it is nevertheless clear, especially in combination with the interviews, that the EU does have geopolitical interests in the continuation of its sphere of influence through the GSP. Especially the prevention of an ‘invasion’ tied to (neo-)realist arguments of material and security interests being the main drivers of foreign policy decisions. As Portela argues, the EU “cares most about the security of the Member States’ territory” (Portela 2005: 106). Possible implications for migration could be a security concern strongly influencing the EUs decision to not sanction Myanmar and aggravating the situation. The author argues that in general the loss of influence through the withdrawal is a motivation to not employ punitive measures (cf. Portela 2021: 272). This is in line with other research work taking up statements by the Commission arguing that “it was better to maintain contact with governments even when their policies were repugnant, in order to be able to exert discrete and therefore more effective pressure behind the scenes” (Nuttall 2013: 149). Limiting migration is one of many possible underlying motivations for the EU to not implement a GSP withdrawal and to thereby not aggravate the humanitarian situation. Stability also offers a more stable economic trading partner, allowing European companies and investors to trade more reliably with Myanmar.

Economic value of Myanmar – ASEAN as a valuable trade partner

In addition to geopolitical interests, the rising importance of ASEAN for the EU has to be pointed out. Especially the integration of Myanmar into Global Value Chains led to an increase in European investments in Myanmar (cf. Poletti & Sicurelli 2022: 54). While not talked about in depth in the interviews, it is important to understand the economic relationship between the EU and Myanmar. As the worldwide integration into value chains has risen in the last decades, "the politics of trade in the EU and elsewhere can no longer be described as a case of 'exporters vs import-competing industries'" (Poletti & Sicurelli 2022: 49). For example, "European retailers sourcing apparel from Myanmar became major importers from the country" (Poletti & Sicurelli 2022: 52). Not only are European retailers closely connected to Myanmar's economy, but European investments were made in Myanmar's oil, gas and tourism sector. In 2017/2018, these investments accounted for €1.56 billion, which is "approximately ten times the value of its exports in 2012" (Poletti & Sicurelli 2022: 52). It is therefore clear that the EU, or rather EU companies and investors, definitely have a different interest than in 1996, when the last GSP withdrawal took place in Myanmar. As the focus of the analysis was on norms, this topic was not deepened. But the argument that a withdrawal is harmful to economic interests is also found in sanctions literature: Hazelzet addresses the argument that the higher expected costs are, "the more unlikely it is that sanctions will be imposed" (Hazelzet 2001: 27). Moreover, Smith argues that EU member states will not agree to sanctions that "might damage their own material interests" (Smith 2006: 203–204).

Dismantling the dichotomy of norms vs. interests

Summarizing all the arguments listed, it becomes clear that the avoidance of negative consequences of a withdrawal for the people of Myanmar (and their human rights) plays an essential role in the decision against a withdrawal. In addition, there are case-specific influences, especially political ineffectiveness since the junta does not benefit from the largest EBA sector(s). It was also found that the conflict of norms is actually between the concrete protection of human rights vs. the positioning of the EU as a human rights actor. But, actor-based interests could also be identified that may have a significant influence on the decision-making process. As also mentioned by the interviewed experts: the decision-making process is not 'black and white', rather there is a combination of diverse influences, which are relevant at different points and have different significance.

This conclusion is in line with other research work concerning sanctioning/policy decisions by the EU. It is suggested that overcoming the dichotomy of norms vs. interests allows for a more nuanced perspective of policy decisions (cf. Diez 2013). In a critique of one-dimensional perspectives on policy decisions, Saltnes argues that even if a strictly idealist hypothesis is considered to be utopian, the conclusion should not be to (only) employ a strictly realist perspective arguing for power and self-interest motivation. Rather, “more nuanced conceptual approaches are necessary in order to understand EU policies as well as foreign policy in general” (Saltnes 2017: 566). There is research arguing that the EU acts based on self-interests but justifies its actions/decisions on normative considerations. It is assumed that both norms and interests exist as a motivation for action and in some cases operate in parallel: Seeberg (2009) for example calls the EU a “realist actor in normative clothes”. The author argues that the EU states normative ambitions for the democracy promotion it exhibits towards Lebanon, but that in reality, the EU’s policies can be better explained through a realistic lens. Seeberg concludes that the EU prioritizes its security and stability as opposed to normative democracy promotion. Moreover, the author also concludes that in the case of Syria, imposed sanctions started from a normative consideration, aiming to stop violence at the hands of the Syrian regime. Later, the EU shifted their focus to security interests (cf. Seeberg 2015).

Other research goes beyond the parallel existence of interests and normative motivation and argues that normative motivation and self-interest reinforce each other: Youngs states that “security concerns and normative values inform each other” (2004: 415). This “mutually conditioning nature of normative liberalism and power politics has been called for by prominent theorists” (Youngs 2004: 419–420). When looking back at the EU’s geopolitical motivation to maintain normative influence in order to secure the ‘garden’, it became clear, that normative influence can act as a security interest. This observation can be confirmed by Youngs, who argues that “the increasing focus on promoting certain norms and values outside Europe has exhibited security-conditioned specificities” (Youngs 2004: 431). The author even names “Human Rights Norms as Strategic Interests” (Youngs 2004: 421).

As worked out in chapter 3, sanction literature includes and recognizes the explanatory power of interests as well as normative considerations. Nevertheless,it is criticised that there is little knowledge about the combination of these conditions: “today’s literature recognizes the existence of several explanatory factors, [but] it refrains from explaining the interplay between these factors” (Boogaerts 2016: 2). But how can this parallelism, combination or mutual influence be conceptualized? Here, the work of Diez can be cited. The author argues for an implementation of the concept of hegemony in EU foreign and external policy. The author suggests that, among others, the overcoming of the dichotomy of norms vs. interests allows for a more nuanced perspective of policy decisions (cf. Diez 2013). Diez argues that most criticism against the ‘normative power EU’ relies on inconsistencies in EU policy decisions (cf. Diez

2013: 201). While these inconsistencies are often explained through norm conflicts, as was in the theoretical argument of this thesis, “this whole discussion rests on the assumption of a distinction between norms and interests, which is problematic itself (…) norms and interests cannot so easily be separated, and both are infused by each other” (Diez 2013: 201). Therefore, the author suggests employing the concept of hegemony instead of the concept of normative power. Hegemony, as understood from neorealists, of a power/hegemon “that provides order through setting up institutions and providing, as well as policing, norms” (Diez 2013: 199). Applied to the EU, this means that the EU could be conceptualized as a hegemon “if it was to use the threat of military or economic force (for instance in the form of sanctions) in order to enforce its own norms in a regional or global order” (Diez 2013: 199). One could argue that this is exactly the case regarding the (withdrawal of the) GSP. The concept of hegemony overcomes some criticisms that the NPE is faced with: for one, it combines interests and norms (or “material (economic) and discursive elements”). Moreover, social forces, like EU member states, are an essential part of the hegemonic struggles (cf. Diez 2013: 200). In this work, it has been elaborated that the legitimization of the EU through its audiences, e.g., the member states, play a crucial role in EU-decisions. The integration of social forces in this decision process underlines this importance.

Without going further into the depth of this possible new conceptualization, by contextualizing the results of the analysis and discussion with research it becomes clear: interests and norms are interconnected. Policy research needs to dismantle the strict dichotomy between these two. The case of Myanmar demonstrated that norms (and subsequently a norm conflict) do influence the decision-making process of a GSP withdrawal, but it also highlights that the EU’s interests are influential as well. It does not seem feasible to explain inconsistencies in sanctioning policy only with interests or with norms. This leads to the following, reworked theoretical argument:

Reworked theoretical argument

The causal mechanism starts with the assumption that the EU Commission identifies itself as a normative power in international politics, specifically a human rights promoter and protector. The GSP, as a development instrument, is one of the key policy tools through which the EU fulfils the obligation encapsulated in its role as human rights promoter and protector. To avoid audience costs/a legitimization crisis, the EU Commission aims to uphold this appearance. This constitutive norm exists in parallel to the regulative norm to protect human rights. It is further assumed that the EU has geopolitical and economic interests in upholding its impact and relationship on/with Myanmar which influences the decision on a GSP (non-)withdrawal. It is argued that the decision to act credibly and consistently as a human rights promotor by employing the withdrawal process is weighed against the regulative norm to protect human rights, which would be hurt by implementing a GSP withdrawal. The lack of a GSP withdrawal despite severe human rights violations in Myanmar is partly attributed to the assumption that the EU prioritizes shielding the society of Myanmar from a possible aggravation of the humanitarian situation as opposed to validating its identity as a human rights protector. Geopolitical interests are also influencing the withdrawal decision, such as minimizing uncontrolled migration, as well as economic interests, such as not threatening EU investment in Myanmar. To uphold its appearance and act according to its identity as a normative power (constitutive norm), the EU Commission evaluates and chooses other options such as continued dialogue, enhanced engagement and/or other sanctions. This leads to the reworked causal mechanism.

Causal mechanism X → Y

Theoretical conjecture	EU is aware of serious and systematic human rights violations	Option to withdraw EBA agreement is evaluated	Implications of EBA/a withdrawal for human rights and for EU-interests are evaluated	Withdrawal considered as detrimental to human rights and/or EU-interests in Myanmar	Human rights and/or EU-interests prioritized over validating EU-identity as human rights promoter through GSP withdrawal	Decision against withdrawal	Other options to validate EU-identity are evaluated
Empirical manifestations/ *Examples*	- Violations by the government, e.g.: Political oppression, Restrictions on freedom or Sexual & Gender-based violence etc. - Commission comments/acts on situation in Myanmar	Statements indicating thematization of a EBA withdrawal: *"We have discussed the possibility of a withdrawal."* *"We are aware of the violation of underlying human rights conventions in the GSP and have considered all options to work with Myanmar."*	Statements indicating consideration of impact: *"Vulnerable groups are dependent on economic benefits through the EBA system."* *"The GSP is a valuable instrument for the EU to maintain normative influence on third countries."* *"EU investors have greatly increased their commitment to EBA sectors in recent years."*	Statements indicating expectation that withdrawal hurts human rights & EU-interests: *"A withdrawal of EBA preferences would worsen the local economic situation, especially the apparel and clothing sector and in turn aggravate the humanitarian situation."* *"Losing the influence of the GSP would mean to give up important space to political competitors of the EU."* *"The damage on EBA sectors would impact EU-investments."*	Statements indicating prioritization of regulative norms and/or interests: *"Negative impacts on (human) development through an EBA withdrawal in Myanmar must be avoided."* *"The economic relationship between Myanmar and the EU built up in recent years cannot be compromised."* *"The (normative) influence on Myanmar must be maintained."*	No GSP withdrawal	Dialogue, CFSP sanctions, enhanced engagement

10. Reflections and Limitations of this Research

As pointed out before, process tracing is a method that does not seek to and cannot establish causal results. The generalizability is limited, especially when working with heterogeneous cases (as is the case with GSP beneficiaries) (cf. Beach & Pedersen 2019: 110). As mentioned before Beach & Pedersen view process tracing as a creative and iterative process switching between empirical probing and theorization (cf. 2019: 10). While in this thesis the theoretical argument was affirmed to be probable, other decisive influences could also be found, parallel to a norm conflict. Nevertheless, the achieved results are very insightful for the case of Myanmar and highlight the importance of expanding research in the direction of norm conflicts as well as the duality of norms and interests influencing policy decisions.

In addition, other factors are limiting this thesis: for one, as also pointed out by the interviewed experts, the GSP works with very diverse beneficiaries. A case-to-case analysis is substantial when analysing GSP decisions because the contextual conditions are so vastly different – this is also pointed out by Beach & Pedersen (2019: 97). The sparse empirical base regarding GSP research is a general limitation that does not allow (at this time) to refer only to research on GSP. While it is acknowledged in scholarly research that a GSP withdrawal can be treated like a sanction (see chapter 2.2), nevertheless, insights from this area cannot be transferred one to one. This is an issue in sanctions research in general because the contextual circumstances are always different, the measures taken have a diverse range and are almost always individual. For example, the unintended consequences of a GSP withdrawal might differ in not analysed aspects from those of other trade sanctions. However, the chapter on unintended consequences aimed to illustrate the range of implications that external intervention in a country's economy has. As emphasized in chapter 6.2.3, this does not require a detailed evaluation of the specificities of the sanctions imposed. Employing sanctions research as a base for this GSP decision has made it possible to compare and incorporate conclusions about EU decision-making processes, influencing factors and explanatory approaches.

In addition to the remaining degrees of uncertainty regarding the complete applicability of the theoretical foundation of sanctions research for GSP research, it can also be noted that this thesis could only consider one section of sanctions research. As already emphasised in the discussion, this thesis shows that a singular influence, such as only norms or only actor interests, cannot take place, at least not with regard to a GSP withdrawal in Myanmar. Other influences, such as a dialogue orientation of the EU (cf. Sacher 2021), the influence of media salience (cf.

Ang & Peksen 2007; cf. Binder 2015) or other political science research directions such as bargaining (cf. Arregui et al. 2004; cf. Wonka 2008; cf. Arregui & Thomson 2009) could not be considered.

There are also points of criticism regarding the empirical basis. The main limitation is the one-sided input. The experts were exclusively from the EU Commission, which of course does not represent a broad spectrum of opinions. For example, opinions from the European Parliament, from affected companies or NGOs in Myanmar to human rights organizations could have provided interesting and important input. Especially regarding the identity of the EU as a normative power/a human rights protector could have been viewed more critically by referring to those voices. However, it must be emphasized here that the research interest was to shed light on the decision-making mechanism within the EU Commission – experts working there can of course best provide information on this regard. It would also have been desirable to have more than three interviews to strengthen the empirical basis. Due to the time constraints of this work and the timing of the new GSP regulation, it was unfortunately not possible to find more interview partners.

While a recording of the interviews would have been an exciting opportunity to examine the experts' statements more closely and also to compare them with each other, the anonymity offered the advantage that the interviewees have partially distanced themselves from the official EU line communicated to the outside world. The 'safe space' that the anonymous and unrecorded interview represented thus made it possible to look more closely 'behind the scenes' (cf. O'Leary 2007: 54).

11. Summary of Results and Outlook for Future Research

The motivation for this thesis was based on the increased integration of fundamental rights into trade policy, with the GSP being one of the most important tools regarding EU trade policy with developing countries. The discrepancy between systemic and serious human rights violations in Myanmar – the genocide against the Rohingya (cf. Human Rights Watch 2020a) and among others mass killings, arbitrary arrests, torture and sexual violence are reported (cf. Human Rights Watch 2023a) – and the possibility of withdrawing trade preferences based on violations of fundamental rights, as set out in the GSP regulation, is a discussed topic in scholarly research (cf. Velluti 2016b: 51; cf. Portela 2021: 271; cf. Orbie et al. 2022: 70). Instrumental variation in EU policy/political conditionality is an under-researched topic in general, especially concerning the GSP (cf. Brummer 2009; cf. Koch 2015). The research interest of this thesis is the investigation of the black box within the EU Commission's GSP withdrawal decision in cases where a beneficiary violates underlying conventions. By examining what influences the decision of the EU Commission to not withdraw GSP trade preferences despite severe and systematic violations of underlying conventions in Myanmar, this research aims to act as a starting point in addressing and filling this research gap.

To approach this research aim, the Generalised System of Preferences and its influence on Myanmar was presented as a first step. Because a GSP withdrawal was conceptualized as a sanction, the state of the art included research on sanctioning decisions within the EU. The two main schools of thought aiming to explain instrumental variation were referred to: Neorealism and Idealism/Constructivism. Neorealist perspectives (Crawford 2005; Portela 2005; Kreutz 2015; von Soest & Wahman 2015b; Crawford & Kacarska 2019) argue from an interest-based standpoint and see power and security interests as the baseline for decisions; action is theorized to be based on rational calculations (cf. Hyde-Price 2006: 221), while normative/ethical standards are "second-order-concerns" (cf. Hyde-Price 2006: 222; cf. Brummer 2009: 206; cf. Warkotsch 2010: 96). Idealistic/constructivist standpoints (Del Biondo 2011, 2015; Giumelli 2016; Saltnes 2017; Sjursen & Rosén 2017) argue from the opposite direction: constructivism theorizes that norms are central aspects of social structures, leading to the assumption that norms trump interests in foreign policy decisions (cf. Hazelzet 2001: 43). Norms are argued to be the impetus for the imposition of sanctions, also because actors aim to maintain their reputation (cf. Klotz 1995; cf. Hazelzet 2001: 43). Moreover, research calling for an integration of norms and interests as both influential and decisive in international politics was taken up (Youngs 2004; Diez 2013; Seeberg 2015). Chapter 3 also touched upon the possibility of norm conflicts as an explanation for instrumental variation (Saltnes 2017; Brehl 2023). This explanatory approach was taken up as the premise of explaining the non-withdrawal in Myanmar. Moreover, specific research on GSP (non-)withdrawals was presented, identifying a multitude of factors influencing GSP decisions: predating CFSP sanctions (cf. Portela 2010; cf. Portela & Orbie 2014), EU Interests (cf. Portela & Orbie 2014; cf. Meissner 2021), the development performance of the beneficiary (cf. Del Biondo 2011, 2015; cf. Meissner 2021), the salience of the situation in the beneficiary (cf. Meissner 2021), leverage (cf. Hufbauer et al. 2007; cf. Peksen 2019; cf. Schmücking 2021), the existence of condemning ILO reports (cf. Portela & Orbie 2014) and the fact that violations are committed through the government (cf. Portela & Orbie 2014; cf. Schmücking 2021).

The illustrated (neo-)realist and constructivist explanatory approaches could not fully explain why the EU Commission does not withdraw the trade preferences under the GSP in the case of Myanmar: the case study showed that Myanmar violates fundamental rights in virtually all areas of society, in addition to the genocide of the Rohingya. The possibility of a norm conflict based on a dilemma between different EU norms as an explanation (cf. Del Biondo 2011, 2015; cf. Saltnes 2017) is picked up by the theoretical framework.

In the theoretical framework, norms (Katzenstein 1996; Wiener 2004; Hurrell 2010; Rüland 2018), norm conflicts (Pauwelyn 2003; Wiener 2004; Hurrell 2010; Ross 2019) and norm response strategies (cf. Rüland 2018; cf. Buitelaar & Hirschmann 2021) were addressed and defined. Multiple authors argue that norm conflicts can arise in International Organizations, specifically in the context of policy decisions (cf. Hurrell 2010; cf. Del Biondo 2011, 2015; cf. Saltnes 2017; cf. Buitelaar & Hirschmann 2021). This highlights the importance and relevance to adopt the idea of a norm conflict regarding inconsistent GSP decisions. Overall, it became clear that an international actor chooses strategies to act 'appropriately' and to cause as few audience costs as possible (cf. Buitelaar & Hirschmann 2021: 549).

Subsequently, one of the most influential theories in the realm of international politics was introduced: New Institutionalism. The underlying goal, understanding how institutional structures and systems influence human behaviour (and vice-versa) and decision-making (e.g., regarding policy decisions; like a GSP withdrawal) (cf. March & Olsen 2006: 4) aligns with the research goal of this thesis. The focus was placed on Sociological Institutionalism (see also Meyer & Rowan 1977; Powell & DiMaggio 1994; Hay 2006; Wiener 2006; Jenson & Mérand 2010; Saurugger 2013; Jepperson & Meyer 2021), which views individuals and institutions as a product of cultural construction and influence. Institutions are argued to be responsible for legitimizing worldviews, motives or agendas by Institutionalism a frame of 'appropriateness' (cf. Jepperson & Meyer 2021: 9). Sociological Institutionalism is closely connected to Normative institutionalism which argues that actors such as the EU Commission, "act according to what they perceive is appropriate given their role and position" (Sacher 2021: 165). The logic of appropriateness is an integral part of normative and Sociological Institutionalism (cf. Campbell 1998).

The logic of appropriateness was presented in contrast to the logic of consequences, which considers decisions as 'analysis-based action' (cf. March & Simon 1995: 7). This logic is based on rational-choice arguments, and centralizes the motivation to maximize self-interests (cf. Hall

& Taylor 1996: 939; cf. Jenson & Mérand 2010). In contrast, the logic of appropriateness argues action to be "driven by a logic of appropriateness and senses of identity" (March & Olsen 1998: 949), not by analysis. Rules or norms "are followed because they are seen as natural, rightful, expected, and legitimate" (March & Olsen 2011: 478) which alludes to a recognition-based logic of action (cf. March & Simon 1995: 8; cf. Boekle et al. 2001: 107). This recognition-based logic is closely linked to the concept of legitimization/the avoidance of audience costs. It is argued that actors evaluate their decision with regards to their relevant audiences, trying "to secure a particular social standing" (Rüland 2018: 35) and not risk loss of power, see also Reus-Smit (2007) and Hurd (2007). Incorporating this understanding of decision-making opens up the possibility to view the EU as an actor aiming to act 'appropriately' according to norms in order to legitimize itself, its identity and its actions in international politics.

Having established the methodological principles for this thesis, the next step was to take a closer look at the EU and its role in international politics: discussions around the notion of 'normative power' were outlined (cf. Duchêne 1972; cf. Carr 2001; cf. Manners 2002, 2009; cf. Galtung 2021). It was established that the EU is normatively constituted and founded on normative principles (cf. Manners 2002: 241; cf. Whitman 2011: 143) and that the EU has normative interests, that are presented by core and minor norms (cf. Manners 2002: 241; cf. Lucarelli & Manners 2006: 201–202). Moreover, it could be observed that norms play an important role in trade policy/agreements (cf. Hill & Smith 2000; cf. Tocci) and that the EU (aims to) act as a normative power (cf. Laïdi 2008; cf. Riddervold 2010; cf. Nunes 2011; cf. Orbie 2011: 177; cf. Mckenzie & Meissner 2017: 832), which again alludes to the point made above. Critical voices concerning the concept of the NPE (Hyde-Price 2006; Sjursen 2006b; Pace 2007) were also included. Nevertheless, it could be ascertained, that norms in foreign policy are manifested through the concept of EU-coherence (cf. Szymanski & Smith 2005; cf. Leeg 2014; cf. Sicurelli 2015) and political conditionality (cf. Smith 1998; cf. Bartels 2005; cf. Lechner 2016; cf. Velluti 2016a; cf. Mckenzie & Meissner 2017) even if tensions between normative values and trade policy exist (cf. Orbie et al. 2005; cf. Kerremans & Orbie 2009; cf. Manners 2009). The central EU norms 'protection and promotion of human rights' (norm a) and 'sustainable development' (norm b) were unpacked. This was followed by possible norm conflicts between these norms by diving deeper into unintended consequences of sanctions, which were structured into three different areas: humanitarian (cf. Gibbons & Garfield 1999; cf. Garfield 2002; cf. Marinov 2005; cf. Peksen 2009; cf. Allen & Lektzian 2013), political (cf. Kaempfer & Lowenberg 1999; cf. Wood 2006; cf. Allen 2008; cf. Peksen & Drury 2010; cf.

Escribà-Folch 2012) and economic consequences (cf. Caruso 2003; cf. Hufbauer et al. 2007; cf. Kaempfer & Lowenberg 2007; cf. Peksen & Son 2015).

The results and insights gained from the state of the art as well as the theoretical framework were linked to the case study Myanmar by employing the method of process tracing: process tracing allows a detailed case-based analysis by focusing on an underlying causal mechanism. Process tracing aims to test the causal relationship and to understand the black box between a starting point X and an outcome Y (cf. Beach & Pedersen 2019: 38). In this thesis Y was the absence of a GSP withdrawal for Myanmar despite X, serious and systematic human rights violations. The method uses empirical traces or 'fingerprints' that are being left behind by key steps in the mechanism, allowing the researcher to make causal inferences based on empirical data like interviews, statements, reports and more (cf. Beach 2021b: 6).

Based on the empirical puzzle and the results from the theoretical framework, it was assumed that there is a norm conflict between norm a, the protection and promotion of human rights and norm b, 'sustainable development'. The lack of withdrawal in Myanmar despite violations was based on the assumption that the EU prioritized development objectives as opposed to promoting and protecting human rights via a GSP withdrawal.

This thesis analysed interviews conducted with experts in the EU Commission complemented by statements as well as reports by the EU Commission. The analysis showed that for each key step of the theorized causal mechanism 'fingerprints' could be found. However, the interviews opened up a discussion on various influences, which showed that the GSP decision is not solely based on a 'black and white decision' between the protection and promotion of human rights vs. sustainable development. The theoretical argument could therefore not be adopted in this manner. Normative considerations are indeed central and not 'second-order-concerns' as argued by realists. But ineffectiveness, bluntness and missing leverage could be found as case-specific influences: the junta does not profit from the largest EBA sectors and was argued to be impartial regarding (western) condemnation and political pressure. It was also highlighted that the EU views the GSP as a development tool and not as a sanctioning mechanism, leading to the preservation of the scheme as long as the objective of development is accomplished.

In addition to these case-specific factors, geopolitical and economic interests could be found. This finding questions the dichotomy between norms vs. interests as the main driver for decisions (cf. Youngs 2004; cf. Diez 2013; cf. Seeberg 2015; cf. Boogaerts 2016; cf. Saltnes 2017). In addition to this dismantling of norms vs. interests, central in the discussion was also the reworking of the present norm conflict: in the analysis, it became clear that the argued norm conflict (protection and promotion of human rights vs. sustainable development) is not feasible in reality and that actually a norm conflict between the EU acting as a promoter of human rights (the constitutive norm regarding the EU's identity, the consequence would be a GSP withdrawal) and the actual protection of human rights (regulative norm, the consequence would be to choose the policy option(s) that do the least harm to the population in Myanmar) exists. It was argued, that if the EU Commission does not act according to its identity (= promoter of human rights) or the regulative norm (= protecting human rights), audiences would penalize the EU, leading to a crisis of legitimacy.

This leads to the following reworked theoretical argument answering the research question "why does the EU Commission not withdraw trade preferences under the GSP in the case of Myanmar?": First of all, the EU (Commission) wants to present itself as a normative power in international politics, specifically as a 'human rights promoter and protector' – this is a constitutive norm for the EU. The GSP, as a development tool connected to fundamental rights, is an encapsulation of this identity and is communicated as such by the interviewees. To avoid a legitimization crisis the EU Commission aims to uphold this appearance. The EU also operates under the regulative norm to protect human rights, which the EU Commission also aims to validate. This leads to the following norm conflict: on the one hand, the EU aims to act credibly, consistently and 'appropriately' as a human rights promoter, on the other hand, the EU wants to protect human rights (which are assumed to be hurt by a GSP withdrawal). In addition to this norm conflict, the EU has geopolitical and economic interests in maintaining their impact on and their relationship with Myanmar, which also influences the GSP decision. The lack of a GSP withdrawal despite severe human rights violations in Myanmar is partly attributed to the assumption that the EU prioritizes shielding the society of Myanmar from a possible aggravation of the humanitarian situation due to a GSP withdrawal as opposed to validating its identity as a human rights protector by employing the withdrawal mechanism. Also influencing the withdrawal decision are geopolitical interests and economic interests. By not withdrawing trade preferences, the EU maintains political and normative influence on Myanmar, preventing other actors from claiming its space. This enables the EU to pursue its interests, such as minimizing uncontrolled migration by stabilizing (or not further aggravating) the political situation. Economic interests, such as not threatening EU investment in Myanmar, is also influential in the decision. In order to uphold its appearance and act according to its identity as a normative power (the constitutive norm), the EU Commission evaluates and chooses other options such as continued dialogue, enhanced engagement and/or other sanctions. These other policy options are chosen because while validating the identity as a human rights protector, the regulative norm is not harmed and thereby, through a norm reconciliation strategy, both norms are validated (cf. Rüland 2018: 47–49; cf. Buitelaar & Hirschmann 2021: 553).

This thesis offers a first starting point to examine the inconsistent employment of the GSP withdrawal mechanism by theorizing a norm conflict between the EU presenting itself as a consistent human rights protector and promoter and the regulative norm to actually protect human rights and choosing policy options that do the 'least harm'. Moreover, the interplay of normative motivations and underlying actor interests was brought up. Accordingly, the strict separation of normative- vs. interest-based decisions is criticized and it is called for to take a closer look at the mutual influence of these motivations. Further research could first examine the newly established causal mechanism. Process tracing is a very iterative process, repeated analyses will lead to increasingly specific results. Looking for fingerprints regarding EU interests is a necessary step to evaluate the informative value of the newly establish causal mechanism. The interplay between norms and interests is also an interesting and important topic for further research, especially regarding EU policy decisions. For example, arguments against the normative power of Europe are mainly from a strictly realist standpoint – a combination of both views could help to find an interesting new starting point and also to close logical gaps in both schools of thought. Moreover, as pointed out in the limitations, this thesis only interviewed experts directly at the EU Commission. By talking to different stakeholders, for example, members from the European Parliament, NGOs, civil society in beneficiary countries, human rights organisations etc., a more comprehensive and also more critical understanding of the EU's decision-making and especially their role in international politics could be achieved. This would be an interesting subject for further investigation.

References

Afesorgbor, S. K. & Mahadevan, R. (2016) The Impact of Economic Sanctions on Income Inequality of Target States. *World Development* **83**, 1–11.

Ahsan Ullah, A. K. M. (2016) Rohingya Crisis in Myanmar. *Journal of Contemporary Criminal Justice* **32** (3), 285–301.

Allen, S. H. (2004) *Rallying cry? Economic sanctions and the domestic politics of the target state*.

Allen, S. H. (2008) The Domestic Political Costs of Economic Sanctions. *Journal of Conflict Resolution* **52** (6), 916–944.

Allen, S. H. & Lektzian, D. J. (2013) Economic sanctions. *Journal of Peace Research* **50** (1), 121–135.

Amnesty International (2012) *Myanmar: Abuses against Rohingya erode human rights progress*.

Amnesty International (2017) *The Rohingya Crisis: Stop the ethnic cleansing in Myanmar now*.

Amnesty International (2023) *Amnesty International Report 2022/23*.

Ang, A. U.-J. & Peksen, D. (2007) When Do Economic Sanctions Work? *Political Research Quarterly* **60** (1), 135–145.

Annat, L. & Schappert, J. (2022) *Myanmar enhanced due diligence sectoral assessment: Findings and IMPACTS OF A SECTOR WITHDRAWAL IMPLICATIO considerations from the assessment on business and human rights for the garment sector in Myanmar*.

Arregui, J., Stokman, F. & Thomson, R. (2004) Bargaining in the European Union and Shifts in Actors' Policy Positions. *European Union Politics* **5** (1), 47–72.

Arregui, J. & Thomson, R. (2009) States' bargaining success in the European Union. *Journal of European Public Policy* **16** (5), 655–676.

Bandara, J. S. & Naranpanawa, A. (2015) Garment Industry in Sri Lanka and the Removal of GSP Plus by EU. *The World Economy* **38** (9), 1438–1461.

Bartels, L. (2005) *Human rights conditionality in the EU's international agreements*. Oxford University Press, Oxford.

BBC (2008) *Burma 'approves new constitution'*.

Beach, D. (2017) Process Tracing Methods in the Social Sciences. In: Beach, D. (ed.) *Oxford Research Encyclopedia of Politics*. Oxford University Press.

Beach, D. (ed.) (2021a) *Oxford Research Encyclopedia of Politics*. Oxford University Press.

Beach, D. (2021b) Process Tracing in Crisis Decision Making. In: Beach, D. (ed.) *Oxford Research Encyclopedia of Politics*. Oxford University Press.

Beach, D. & Pedersen, R. (2019) Process-Tracing Methods.

Bennett, A. (2010) Process Tracing and Causal Inference. In: Brady, H. E. (ed.) *Rethinking social inquiry: Diverse tools, shared standards,* 2. ed. Rowman & Littlefield, Lanham, pp. 207–219.

Biersteker, T. J., Eckert, S. E., Tourinho, M. & Hudáková, Z. (2018) UN targeted sanctions datasets (1991–2013). *Journal of Peace Research* **55** (3), 404–412.

Binder, M. (2015) Paths to intervention. *Journal of Peace Research* **52** (6), 712–726.

Boekle, H., Rittberger, V. & Wagner, W. (2001) Norms and Foreign Policy: Constructivist Foreign Policy Theory. In: Rittberger, V. & Peters, D. (eds.) *German foreign policy since unification: Theories and case studies*, 1. publ. Manchester Univ. Press, Manchester, New York, pp. 105–138.

Boogaerts, A. (2016) Beyond Norms: A Configurational Analysis of the EU's Arab Spring Sanctions. *Foreign Policy Analysis*, orw052.

Borchert, I., Conconi, P., Di Ubaldo, M. & Herghelegiu, C. (2021) The Pursuit of Non-Trade Policy Objectives in EU Trade Policy. *World Trade Review* **20** (5), 623–647.

Borrell, J. (2021) *Joint answer given by High Representative/Vice-President Borrell on behalf of the European Commission*.

Borrell, J. (2022) *Participation of Josep Borrell Fontelles, Vice-President of the European Commission, to the launch of the European Diplomatic Academy, in Bruges: Opening Speech*.

Borrell, J. (2023) *Myanmar: Statement by the High Representative on behalf of the European Union on the 2nd anniversary of the military take-over*.

Bossuyt, F., Orbie, J. & Drieghe, L. (2020) EU external policy coherence in the trade-foreign policy nexus: foreign policy through trade or strictly business? *Journal of International Relations and Development* **23** (1), 45–66.

Brehl, N. M. (2023) *The inconsistency of EU sanctions in Sub-Saharan Africa: Hypocrisy or careful policy making? A systematic literature review.* University Institute of the Erasmus University Rotterdam, Rotterdam.

Brooks, R. A. (2002) Sanctions and Regime Type: What Works, and When? *Security Studies* **11** (4), 1–50.

Brummer, K. (2009) Imposing Sanctions: The Not So 'Normative Power Europe'. *European Foreign Affairs Review* **14** (Issue 2), 191–207.

Buck, L., Gallant, N. & Nossal, K. R. (1998) Sanctions as a gendered instrument of statecraft: the case of Iraq. *Review of International Studies* **24** (1), 69–84.

Buitelaar, T. & Hirschmann, G. (2021) Criminal accountability at what cost? Norm conflict, UN peace operations and the International Criminal Court. *European Journal of International Relations* **27** (2), 548–571.

Campbell, J. L. (1998) Institutional Analysis and the Role of Ideas in Political Economy. *Theory and Society* **27** (3), 377–409.

Cañas, J. (2022) Withdrawal of tariff preferences from Myanmar/Burma as a beneficiary of the 'everything but arms' scheme: Question for written answer E-002926/2022 to the Commission. https://www.europarl.europa.eu/doceo/document/E-9-2022-002926_EN.html.

Carr, E. H. (2001) *The twenty years' crisis, 1919-1939: An introduction to the study of international relations,* Reprint. Papermac, London.

Caruso, R. (2003) The Impact of International Economic Sanctions on Trade: An Empirical Analysis. *Peace Economics, Peace Science and Public Policy* **9** (2).

Collier, D. (2011) Understanding Process Tracing. *PS: Political Science & Politics* **44** (4), 823–830.

Cortright, D. & Lopez, G. A. (2000) Learning from the Sanctions Decade. *Global dialogue (Nicosia, Cyprus)* **2** (3), 11–24.

Council of the EU (2023) *Myanmar/Burma: EU imposes sixth round of sanctions against 9 individuals and 7 entities*.

Crawford, G. (2005) The European Union and Democracy Promotion in Africa: The Case of Ghana. *The European Journal of Development Research* **17** (4), 571–600.

Crawford, G. & Kacarska, S. (2019) Aid sanctions and political conditionality: continuity and change. *Journal of International Relations and Development* **22** (1), 184–214.

Cuyvers, L. & Zhou, W. (2011) Linking International Trade and Labour Standards: The Effectiveness of Sanctions under the European Union's GSP. *Journal of World Trade* **45** (Issue 1), 63–85.

Dannecker, P. & Englert, B. (eds.) (2014) *Qualitative Methoden in der Entwicklungsforschung,* 1. Aufl. Mandelbaum-Verl., Wien.

Del Biondo, K. (2011) EU Aid Conditionality in ACP Countries: Explaining Inconsistency in EU Sanctions Practice. *Journal of Contemporary European Research* **7** (3), 380–395.

Del Biondo, K. (2015) Norms or Interests? Explaining Instrumental Variation in EU Democracy Promotion in Africa. *JCMS: Journal of Common Market Studies* **53** (2), 237–254.

DG Trade (2020) *Report on EU Enhanced Engagement with three Everything But Arms beneficiary countries: Bangladesh, Camobdia and Myanmar*, Brussels.

Diez, T. (2013) Normative power as hegemony. *Cooperation and Conflict* **48** (2), 194–210.

Dombrovskis, V. (2021a) *Answer given by Executive Vice-President Dombrovskis on behalf of the European Commission*.

Dombrovskis, V. (2021b) *Answer given by Executive Vice-President Dombrovskis on behalf of the European Commission*.

Dombrovskis, V. (2021c) *Answer given by Executive Vice-President Dombrovskis on behalf of the European Commission*.

Dombrovskis, V. (2021d) *Answer given by Executive Vice-President Dombrovskis on behalf of the European Commission*.

Dombrovskis, V. (2022) *Joint answer given by Executive Vice-President Dombrovskis on behalf of the European Commission*.

Drury, A. C. & Peksen, D. (2014) Women and economic statecraft: The negative impact international economic sanctions visit on women. *European Journal of International Relations* **20** (2), 463–490.

Du Rocher, S. B. (2012) The European Union, Burma/Myanmar and ASEAN: A challenge to European norms and values or a new opportunity? *Asia Europe Journal* **10** (2-3), 165–180.

Duchêne, F. (1972) Europe's Role in World Peace. In: Mayne, R. J. (ed.) *Europe tomorrow: Sixteen Europeans look ahead*. Fontana, London.

EEAS (2020) EU-ASEAN Strategic Partnership. https://www.eeas.europa.eu/eeas/eu-asean-strategic-partnership_en. Accessed 7/12/2023.

Eisenberg, L. (1997) The sleep of reason produces monsters—human costs of economic sanctions. *The New England journal of medicine* **336** (17), 1248–1250.

Escribà-Folch, A. (2012) Authoritarian Responses to Foreign Pressure. *Comparative Political Studies* **45** (6), 683–713.

European Commission (2007) *EU will withdraw GSP trade preferences from Belarus over workers' rights violations*, Brussels.

European Commission (2010) *EU regrets silence of Sri Lanka regarding preferential import regime*, Brussels.

European Commission (2012) *Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012: applying a scheme of generalized tariff preferences and repealing Council Regulation (EC) No 732/2008*.

European Commission (2013) *EU re-opens its market to Myanmar/Burma*, Brussels.

European Commission (2019) *EU triggers procedure to temporarily suspend trade preferences for Cambodia*, Brussels.

European Commission (2020a) *Key facts on the 2019 biennial report on the Generalised Scheme of Preferences (GSP).*

European Commission (2020b) *Trade: 2019 Biennial Report on the Generalised Scheme of Preferences*.

European Commission (2021a) *Study in support of an impact assessment to prepare the review of GSP Regulation No 978/2012: Final report*. Volume 1: Main report. Publications Office of the European Union, Luxembourg.

European Commission (2023a) Myanmar (Burma): EU trade relations with Myanmar. Facts, figures and latest developments. https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/myanmar_en. Accessed 7/12/2023.

European Commission (2023b) Sustainable development. https://policy.trade.ec.europa.eu/development-and-sustainability/sustainable-development_en. Accessed 5/19/2023.

European Commission, D. T. (2014) Trade for all: Towards a more responsible trade and investment policy.

European Commission, D. T. (2021b) *Study in support of an impact assessment to prepare the review of GSP Regulation No 978/2012: Final report*. Volume 2: Annexes. Publications Office of the European Union, Luxembourg.

European Court of Auditors (2018) *Special Report No. 04/2018: EU Assistance to Myanmar/Burma*.

European Parliament (1997) *Withdrawal of GSP from Myanmar*.

European Parliament (2019) Human rights in EU trade agreements: The human rights clause and its application. https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2019)637975. Accessed 7/23/2023.

European Parliament (2021) *Proposal for a Regulation of the European Parliament and of the Council on applying a generalised scheme of tariff preferences and repealing Regulation (EU) No 978/2012 of the European Parliament and of the Council*.

European Union (2007) *Treaty of Lisbon*.

European Union (2012) *Consolidated Version of the Treaty on European Union: TEU*.

Farrell, H. (2018) The Shared Challenges of Institutional Theories: Rational Choice, Historical Institutionalism, and Sociological Institutionalism. In: Glückler, J., Suddaby, R. & Lenz, R. (eds.) *Knowledge and Institutions*. Springer International Publishing, Cham, pp. 23–44.

Forsberg, T. (2011) Normative Power Europe, Once Again: A Conceptual Analysis of an Ideal Type*. *JCMS: Journal of Common Market Studies* **49** (6), 1183–1204.

Fourlas, L. (2021) Situation in Myanmar: Question for written answer E-001988/2021 to the Commission. https://www.europarl.europa.eu/doceo/document/E-9-2021-001988_EN.html. Accessed 8/4/2023.

Francavilla, C. (2023) *Migration Paranoia Jeopardizes EU Trade and Development Scheme: EU Council, Commission Should Listen to Parliament, Drop Migration-Trade Benefits Link*.

Galtung, J. (1967) On the Effects of International Economic Sanctions, With Examples from the Case of Rhodesia. *World Politics* **19** (3), 378–416.

Galtung, J. (2021) *European Community: A superpower in the making*. Routledge, [S.l.].

Garfield, R. (2002) Economic Sanctions, Humanitarianism, and Conflict After the Cold War. *Social justice (San Francisco, Calif.)* **29** (3 (89)), 94–107.

Gibbons, E. & Garfield, R. (1999) The impact of economic sanctions on health and human rights in Haiti, 1991-1994. *American journal of public health* **89** (10), 1499–1504.

Giumelli, F. (2016) *The success of sanctions: Lessons learned from the EU experience*. Routledge, London, New York.

Gnutzmann, H. & Gnutzmann-Mkrtchyan, A. (2022) The impact of trade preferences removal: Evidence from the Belarus Generalized System of Preferences withdrawal. *The World Economy* **45** (9), 2977–3000.

Goertz, G. & Diehl, P. F. (1992) Toward a Theory of International Norms. *Journal of Conflict Resolution* **36** (4), 634–664.

Goodman, J. (2021) Myanmar coup: Does the army have evidence of voter fraud? *BBC,* February 05. https://www.bbc.com/news/55918746. Accessed 5/25/2023.

GSPhub (2023a) A new GSP framework: Conditionality. https://gsphub.eu/news/gsp-proposal. Accessed 6/25/2023.

GSPhub (2023b) About the EU GSP. https://gsphub.eu/about-gsp. Accessed 6/2/2023.

GSPhub (2023c) Conventions. https://gsphub.eu/conventions. Accessed 8/4/2023.

GSPhub (2023d) Conventions. https://gsphub.eu/conventions. Accessed 6/2/2023.

GSPhub (2023e) GSP+. https://gsphub.eu/about-gsp/gsp-plus. Accessed 6/2/2023.

GSPhub (2023f) Myanmar. https://gsphub.eu/country-info/Myanmar. Accessed 8/6/2023.

GSPhub (2023g) Standard GSP. https://gsphub.eu/about-gsp/standard-gsp. Accessed 6/2/2023.

GSPhub (2023h) The European Union Generalised Scheme of Preferences: Promoting sustainable development through trade. https://gsphub.eu/. Accessed 5/19/2023.

Gutmann, J., Neuenkirch, M. & Neumeier, F. (2021) Sanctioned to Death? The Impact of Economic Sanctions on Life Expectancy and its Gender Gap. *The Journal of Development Studies* **57** (1), 139–162.

Hakobyan, S. (2020) GSP expiration and declining exports from developing countries. *Canadian Journal of Economics/Revue canadienne d'économique* **53** (3), 1132–1161.

Hall, P. A. & Taylor, R. C. R. (1996) Political Science and the Three New Institutionalisms. *Political Studies* **44** (5), 936–957.

Hautala, H. (2022) *REPORT on the proposal for a regulation of the European Parliament and of the Council on applying a generalised scheme of tariff preferences and repealing Regulation (EU) No 978/2012 of the European Parliament and of the Council*.

Hay, C. (2006) Constructivist Institutionalism. In: Rhodes, R. A. W. (ed.) *The Oxford handbook of political institutions*, 1. publ. Oxford Univ. Press, Oxford, pp. 56–74.

Hazelzet, H. (2001) *Carrots or Sticks?: EU and US Reactions to Human Rights Violations (1989-2000).* European University Institute, Florence.

Hill, C. & Smith, K. E. (eds.) (2000) *European foreign policy: Key documents,* 1st ed. Routledge, London, New York.

Hoffmann, F. (1967) The Functions of Economic Sanctions: a Comparative Analysis. *Journal of Peace Research* **4** (2), 140–159.

Hufbauer, G. C., Schott, J. J., Elliott, K. A. & Oegg, B. (2007) *Economic sanctions reconsidered,* 3rd ed., Expanded ed. Peterson Institute for International Economics, Washington, DC.

Human Rights Council (2023) *Situation of human rights in Myanmar since 1 February 2021: Report of the United Nations High Commissioner for Human Rights*.

Human Rights Watch (1995) *BURMA: ENTRENCHMENT OR REFORM? Human Rights Developments and the Need for Continued Pressure*.

Human Rights Watch (2007) *Crackdown: Repression of the 2007 Popular Protests in Burma*.

Human Rights Watch (2012a) *Burma: Reforms Yet to Reach Kachin State: Army Abuses and Blocked Aid*.

Human Rights Watch (2012b) *Untold Miseries: Wartime Abuses and Forced Displacement in Burma's Kachin State*.

Human Rights Watch (2020a) *World Court Rules Against Myanmar on Rohingya: International Court of Justice Unanimously Orders Measures to Prevent Genocide*.

Human Rights Watch (2020b) *An Open Prison without End: Myanmar's Mass Detention of Rohingya in Rakhine State*.

Human Rights Watch (2023a) *World Report 2023: Events Of 2022*. Seven Stories Press, New York.

Human Rights Watch (2023b) *Joint NGO letter: Delete the reference to readmission as a conditionality in the draft GSP reform*.

Hurd, I. (2007) Breaking and Making Norms: American Revisionism and Crises of Legitimacy. *International Politics* **44** (2-3), 194–213.

Hurrell, A. (2010) Norms and Ethics in International Relations. In: Carlsnaes, W. (ed.) *Handbook of international relations*, Reprinted. Sage Publ, Los Angeles, pp. 183–207.

Hyde-Price, A. (2006) 'Normative' power Europe: a realist critique. *Journal of European Public Policy* **13** (2), 217–234.

IndustriALL (2022) *EU must end preferential trade arrangement with Myanmar military*.

Jabareen, Y. (2008) A New Conceptual Framework for Sustainable Development. *Environment, Development and Sustainability* **10** (2), 179–192.

Jenson, J. & Mérand, F. (2010) Sociology, institutionalism and the European Union. *Comparative European Politics* **8** (1), 74–92.

Jepperson, R. L. & Meyer, J. W. (eds.) (2021) *Institutional Theory: The Cultural Construction of Organizations, States, and Identities*. Cambridge University Press.

Jung, H. (2019) The Evolution of Social Constructivism in Political Science: Past to Present. *SAGE Open* **9** (1), 215824401983270.

Kaempfer, W. H. & Lowenberg, A. D. (1999) Unilateral Versus Multilateral International Sanctions: A Public Choice Perspective. *International Studies Quarterly* **43** (1), 37–58.

Kaempfer, W. H. & Lowenberg, A. D. (2007) Chapter 27 The Political Economy of Economic Sanctions. In: *Handbook of Defense Economics - Defense in a Globalized World*. Elsevier, pp. 867–911.

Katzenstein, P. J. (1996) *The culture of national security: Norms and identity in world politics*. Columbia University Press, New York.

Kaushik, S. (2016) Picture Trade: Types of tariffs explained. https://blogs.worldbank.org/trade/picture-trade-types-tariffs-explained. Accessed 8/6/2023.

Kerremans, B. & Orbie, J. (2009) The Social Dimension of European Union Trade Policies. *European Foreign Affairs Review* **14** (Issue 5), 629–641.

Klotz, A. (1995) Norms reconstituting interests: global racial equality and U.S. sanctions against South Africa. *International Organization* **49** (3), 451–478.

Koch, S. (2015) A Typology of Political Conditionality Beyond Aid: Conceptual Horizons Based on Lessons from the European Union. *World Development* **75**, 97–108.

Kocha Olarn (2012) Myanmar confirms sweeping election victory for Suu Kyi's party. *CNN*, April 04. https://edition.cnn.com/2012/04/04/world/asia/myanmar-elections/. Accessed 5/25/2023.

Kratochwil, F. V. (1990) Rules, Norms, and Decisions. On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs. *Verfassung in Recht und Übersee* **23** (1), 87–89.

Kreutz, J. (2005) *Hard Measures by a Soft Power?: Sanctions policy of the European Union 1981-2004*, Bonn.

Kreutz, J. (2015) Human Rights, Geostrategy, and EU Foreign Policy, 1989–2008. *International Organization* **69** (1), 195–217.

Kryvoi, Y. (2008) Why European Union trade sanctions do not work. *Minnesota journal of international law* **17** (2), 209.

Laïdi, Z. (2008) *Norms over Force: The Enigma of European Power,* 1st ed. 2008. Palgrave Macmillan US; Imprint: Palgrave Macmillan, New York.

Lechner, L. (2016) The domestic battle over the design of non-trade issues in preferential trade agreements. *Review of International Political Economy* **23** (5), 840–871.

Leeg, T. (2014) Normative Power Europe? The European Union in the Negotiations on a Free Trade Agreement with India. *European Foreign Affairs Review* **19** (Issue 3), 335–355.

Lektzian, D. & Souva, M. (2007) An Institutional Theory of Sanctions Onset and Success. *Journal of Conflict Resolution* **51** (6), 848–871.

Loosen, W. (2015) Das Leitfadeninterview – eine unterschätzte Methode. In: Averbeck-Lietz, S. & Meyen, M. (eds.) *Handbuch nicht standardisierte Methoden in der Kommunikationswissenschaft*, 1. Aufl. 2016. Springer Fachmedien Wiesbaden, Wiesbaden, pp. 139–155.

Lucarelli, S. & Manners, I. (eds.) (2006) *Values and principles in European Union foreign policy,* lst edition. Routledge, New York.

Mack, A. & Khan, A. (2000) The Efficacy of UN Sanctions. *Security Dialogue* **31** (3), 279–292.

Mahoney, J. & Goertz, G. (2004) The Possibility Principle: Choosing Negative Cases in Comparative Research. *American Political Science Review* **98** (4), 653–669.

Manners, I. (2002) Normative Power Europe: A Contradiction in Terms? *JCMS: Journal of Common Market Studies* **40** (2), 235–258.

Manners, I. (2009) The Social Dimension of EU Trade Policies: Reflections from a Normative Power Perspective. *European Foreign Affairs Review* **14** (Issue 5), 785–803.

March, J. G. & Olsen, J. P. (1998) The Institutional Dynamics of International Political Orders. *International Organization* **52** (4), 943–969.

March, J. G. & Olsen, J. P. (2006) Elaborating the 'New Institutionalism'. In: Rhodes, R. A. W. (ed.) *The Oxford handbook of political institutions,* 1. publ. Oxford Univ. Press, Oxford, pp. 3–22.

March, J. G. & Olsen, J. P. (2011) The Logic of Appropriateness. In: Goodin, R. E. (ed.) *The Oxford handbook of political science*. Oxford University Press, Oxford, New York, pp. 478–497.

March, J. G. & Simon, H. A. (eds.) (1995) *Organizations*, 2. ed., repr. Blackwell Business, Cambridge, Mass.

Marinov, N. (2005) Do Economic Sanctions Destabilize Country Leaders? *American Journal of Political Science* **49** (3), 564–576.

Mato, G. (2022) Human rights violations in Myanmar: Question for written answer E-002905/2022 to the Commission. https://www.europarl.europa.eu/doceo/document/E-9-2022-002905_EN.html. Accessed 7/26/2023.

Maung, M. & Jeannerod, B. (2023) *Myanmar's Junta Benefits from Weak International Response*.

Mazaly, A. (2021) Suspension of trade relations with Myanmar: rice: Question for written answer E-000655/2021 to the Commission. https://www.europarl.europa.eu/doceo/document/E-9-2021-000655_EN.html. Accessed 7/26/2023.

Mckenzie, L. & Meissner, K. L. (2017) Human Rights Conditionality in European Union Trade Negotiations: the Case of the EU-Singapore FTA. *JCMS: Journal of Common Market Studies* **55** (4), 832–849.

McLean, E. V. & Whang, T. (2021) Economic Sanctions and Government Spending Adjustments: The Case of Disaster Preparedness. *British Journal of Political Science* **51** (1), 394–411.

Mearsheimer, J. J. (1994) The False Promise of International Institutions. *International Security* **19** (3), 5.

Meissner, K. L. (2021) Requesting Trade Sanctions? The European Parliament and the Generalized Scheme of Preferences. *JCMS: Journal of Common Market Studies* **59** (1), 1–17.

Meyer, J. W. & Rowan, B. (1977) *Institutionalized Organizations: Formal Structure as Myth and Ceremony*.

Milewicz, K., Hollway, J., Peacock, C. & Snidal, D. (2018) Beyond Trade. *Journal of Conflict Resolution* **62** (4), 743–773.

Moore, M. & Scherrer, C. (2017) *Conditional or Promotional Trade Agreements - Is Enforcement Possible?: How International Labour Standards Can Be Enforced Through US and EU Social Chapters*, Singapore.

Moret, E. S. (2015) Humanitarian impacts of economic sanctions on Iran and Syria. *European Security* **24** (1), 120–140.

Morgan, T. C., Bapat, N. & Kobayashi, Y. (2014) Threat and imposition of economic sanctions 1945–2005: Updating the TIES dataset. *Conflict Management and Peace Science* **31** (5), 541–558.

Morgenthau, H. J. (1985) *Politics among nations: The struggle for power and peace*, 6. ed. McGraw-Hill, New York.

Morin, K. & Miles, S. H. (2000) The health effects of economic sanctions and embargoes: the role of health professionals. Ethics and Human Rights Committee. *Annals of internal medicine* **132** (2), 158–161.

Morris, R. T. (1956) A Typology of Norms. *American Sociological Review* **21** (5), 610–613.

Naing, S. & Aung, T. T. (2020) Aung San Suu Kyi's ruling party claims resounding election win in Myanmar. *Reuters*, November 09. https://www.reuters.com/article/us-myanmar-election-idUSKBN27P09W. Accessed 5/25/2023.

Neuenkirch, M. & Neumeier, F. (2015) The impact of UN and US economic sanctions on GDP growth. *European Journal of Political Economy* **40**, 110–125.

Neuenkirch, M. & Neumeier, F. (2016) The impact of US sanctions on poverty. *Journal of Development Economics* **121**, 110–119.

Nunes, I. F. (2011) Civilian, Normative, and Ethical Power Europe: Role Claims and EU Discourses. *European Foreign Affairs Review* **16** (Issue 1), 1–20.

Nuttall, S. (2013) The Commission: The struggle for legitimacy. In: Hill, C. (ed.) *The Actors in Europe's Foreign Policy*. Routledge, pp. 142–160.

Nye, J. S. (2008) Public Diplomacy and Soft Power. *The ANNALS of the American Academy of Political and Social Science* **616** (1), 94–109.

O'Leary, Z. (2007) *The essential guide to doing research*, repr., (twice). SAGE, London.

Orbie, J. (2006) Civilian Power Europe. *Cooperation and Conflict* **41** (1), 123–128.

Orbie, J. (2011) Promoting Labour Standards Through Trade: Normative Power or Regulatory State Europe?, 161–184.

Orbie, J., Alcazar III, A. S. M. & Sioen, T. (2022) A Post-Development Perspective on the EU's Generalized Scheme of Preferences. *Politics and Governance* **10** (1), 68–78.

Orbie, J., Vos, H. & Taverniers, L. (2005) EU trade policy and a social clause a question of competences ? *Politique européenne* **n° 17** (3), 159–187.

Pace, M. (2007) The Construction of EU Normative Power. *JCMS: Journal of Common Market Studies* **45** (5), 1041–1064.

Panke, D. (2012) Process Tracing: Testing Multiple Hypotheses with a Small Number of Cases. In: Exadaktylos, T. & Radaelli, C. M. (eds.) *Research Design in European Studies*. Palgrave Macmillan UK, London, pp. 125–140.

Pape, R. A. (1997) Why Economic Sanctions Do Not Work. *International Security* **22** (2), 90.

Pauwelyn, J. (2003) *Conflict of norms in public international law: How WTO law relates to other rules of international law*. Cambridge University Press, Cambridge, UK, New York.

Peksen, D. (2009) Better or Worse? The Effect of Economic Sanctions on Human Rights. *Journal of Peace Research* **46** (1), 59–77.

Peksen, D. (2011) Economic Sanctions and Human Security: The Public Health Effect of Economic Sanctions. *Foreign Policy Analysis* **7** (3), 237–251.

Peksen, D. (2016) Economic sanctions and official ethnic discrimination in target countries, 1950–2003. *Defence and Peace Economics* **27** (4), 480–502.

Peksen, D. (2019) When Do Imposed Economic Sanctions Work? A Critical Review of the Sanctions Effectiveness Literature. *Defence and Peace Economics* **30** (6), 635–647.

Peksen, D. & Drury, A. C. (2009) Economic Sanctions and Political Repression: Assessing the Impact of Coercive Diplomacy on Political Freedoms. *Human Rights Review* **10** (3), 393–411.

Peksen, D. & Drury, A. C. (2010) Coercive or Corrosive: The Negative Impact of Economic Sanctions on Democracy. *International Interactions* **36** (3), 240–264.

Peksen, D. & Son, B. (2015) Economic coercion and currency crises in target countries. *Journal of Peace Research* **52** (4), 448–462.

Poletti, A. & Sicurelli, D. (2022) The Political Economy of the EU Approach to the Rohingya Crisis in Myanmar. *Politics and Governance* **10** (1).

Portela, C. (2005) Where and why does the EU impose sanctions ? *Politique européenne* **n° 17** (3), 83–111.

Portela, C. (2010) *European Union sanctions and foreign policy: When and why do they work?* Routledge, London, New York.

Portela, C. (2016) Are European Union sanctions "targeted"? *Cambridge Review of International Affairs* **29** (3).

Portela, C. (2018) Enforcing Respect for Labour Standards with Targeted Sanctions: CLS + Core Labour Standards Plus Linking trade and decent work in global supply chains. *Friedrich Eberhardt Stiftung*.

Portela, C. (2021) 14. Trade preference suspensions as economic sanctions. In: van Bergeijk, P. A. G. & Ledda, G. M. (eds.) *Research handbook on economic sanctions*. Edward Elgar Publishing, Cheltenham UK, Northampton MA, pp. 264–279.

Portela, C. & Orbie, J. (2014) Sanctions under the EU Generalised System of Preferences and foreign policy: coherence by accident? *Contemporary Politics* **20** (1), 63–76.

Powell, W. W. & DiMaggio, P. J. (eds.) (1994) *The new institutionalism in organizational analysis*, 4. [print.]. Univ. of Chicago Press, Chicago.

Reus-Smit, C. (2007) International Crises of Legitimacy. *International Politics* **44** (2-3), 157–174.

Riddervold, M. (2010) 'A matter of principle'? EU foreign policy in the International Labour Organization. *Journal of European Public Policy* **17** (4), 581–598.

Rodríguez-Piñero, I., Sánchez, N. A., Aguilera, C., López, J. & Sempere, M. R. (2021) Further safeguarding measures against rice imports from Myanmar as a deterrent for human rights violations and attacks on democracy: Question for written answer E-002067/2021 to the Commission. https://www.europarl.europa.eu/doceo/document/E-9-2021-002067_EN.html. Accessed 7/26/2023.

Ross, A. (2019) *On law and justice*. Oxford University Press, Oxford United Kingdom.

Rüland, A. M. (2018) *Norms in Conflict: An Analysis of State Responses to Norm Conflict in Southeast Asia*. European University Institute, Florence.

Sacher, M. (2021) Avoiding the Inappropriate: The European Commission and Sanctions under the Stability and Growth Pact. *Politics and Governance* **9** (2), 163–172.

Saltnes, J. D. (2017) Norm collision in the European Union's external policies: The case of European Union sanctions towards Rwanda. *Cooperation and Conflict* **52** (4), 553–570.

Sánchez, N. A. (2021) Further action against Myanmar and the EBA trade regime: Question for written answer E-001852/2021 to the Commission. https://www.europarl.europa.eu/doceo/document/E-9-2021-001852_EN.html. Accessed 8/4/2023.

Sánchez, N. A., Rodríguez-Piñero, I. & Aguilera, C. (2021) Suspension of the Everything But Arms (EBA) scheme with Myanmar given the human rights situation in the country and the state of the EU rice sector: Question for written answer E-000696/2021 to the Commission. https://www.europarl.europa.eu/doceo/document/E-9-2021-000696_EN.html. Accessed 8/4/2023.

Sanders, E. (2006) Historical Institutionalism. In: Rhodes, R. A. W. (ed.) *The Oxford handbook of political institutions*, 1. publ. Oxford Univ. Press, Oxford, pp. 39–55.

Sandholtz, W. (2019) Norm Contestation, Robustness, and Replacement. *Journal of Global Security Studies* **4** (1), 139–146.

Saurugger, S. (2013) Constructivism and public policy approaches in the EU: from ideas to power games. *Journal of European Public Policy* **20** (6), 888–906.

Schmücking, D. (2021) Why Cambodia? EU's incoherence in Trade Preferences under the EBA Scheme. *Journal of Greater Mekong Studies* (5), 79-102.

Scholl, A. (2018) *Die Befragung*, 4., bearbeitete Auflage. UVK Verlagsgesellschaft mbH, Konstanz.

Schultz, K. A. (2001) *Democracy and coercive diplomacy*. Cambridge University Press, Cambridge U.K, New York.

Seeberg, P. (2009) The EU as a realist actor in normative clothes: EU democracy promotion in Lebanon and the European Neighbourhood Policy. *Democratization* **16** (1), 81–99.

Seeberg, P. (2015) The EU and the Syrian Crisis: The Use of Sanctions and the Regime's Strategy for Survival. *Mediterranean Politics* **20** (1), 18–35.

Shin, G., Choi, S.-W. & Luo, S. (2016) Do economic sanctions impair target economies? *International Political Science Review* **37** (4), 485–499.

Sicurelli, D. (2015) The EU as a Promoter of Human Rights in Bilateral Trade Agreements: The Case of the Negotiations with Vietnam. *Journal of Contemporary European Research* **11** (2).

Sicurelli, D. (2018) Normative trade power Europe?: The case of EU trade agreements with Asian countries, 103–119.

Sjursen, H. (2006a) The EU as a ‘normative’ power: how can this be? *Journal of European Public Policy* **13** (2), 235–251.

Sjursen, H. (2006b) What kind of power? *Journal of European Public Policy* **13** (2), 169–181.

Sjursen, H. & Rosén, G. (2017) Arguing Sanctions. On the EU’s Response to the Crisis in Ukraine. *JCMS: Journal of Common Market Studies* **55** (1), 20–36.

Smith, K. E. (1998) The Use of Political Conditionality in the EU’s Relations with Third Countries: How Effective? *European Foreign Affairs Review* **3** (Issue 2), 253–274.

Smith, K. E. (2006) The limits of proactive cosmopolitanism: The EU and Burma, Cuba and Zimbabwe. In: Elgström, O., Smith, M. & Aggestam, L. (eds.) *The European Union’s roles in international politics: Concepts and analysis*, 1. publ. Routledge Taylor & Francis Group, London, pp. 188–208.

Smith, K. E. (2009) The EU, human rights and relations with third countries: ‘foreign policy’ with an ethical dimension? In: Smith, K. E. & Light, M. (eds.) *Ethics and Foreign Policy*. Cambridge University Press, pp. 185–204.

Swanström, N. & O’ Hara, C. (2010) *China and EU in Myanmar: different paths to the same goals: Policy Brief*, Stockholm.

Szymanski, M. & Smith, M. E. (2005) Coherence and Conditionality in European Foreign Policy: Negotiating the EU-Mexico Global Agreement*. *JCMS: Journal of Common Market Studies* **43** (1), 171–192.

Tannenwald, N. (1999) The Nuclear Taboo: The United States and the Normative Basis of Nuclear Non-Use. *International Organization* **53** (3), 433–468.

Thyne, C. L. (2006) Cheap Signals with Costly Consequences. *Journal of Conflict Resolution* **50** (6), 937–961.

Tocci, N. (2008) *The European Union as a normative foreign policy actor*. CEPS, Centre for European Policy Studies, Brussels.

Topich, W. J. & Leitich, K. A. (2013) *The history of Myanmar*. Greenwood, Santa Barbara Calif.

Tostensen, A. & Bull, B. (2002) Are Smart Sanctions Feasible? *World Politics* **54** (3), 373–403.

UNCTAD (2023) *Utilization by country*.

United Nations (2015) The 17 Goals. https://sdgs.un.org/goals. Accessed 5/19/2023.

Vautmans, H. (2021) The deteriorating human rights situation in Myanmar: Question for written answer E-001947/2021 to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy. https://www.europarl.europa.eu/doceo/document/E-9-2021-001947_EN.html. Accessed 8/4/2023.

Velluti, S. (2016a) Human rights conditionality in the EU GSP scheme. In: Ferreira, N. & Kostakopoulou, D. (eds.) *The Human Face of the European Union*. Cambridge University Press, pp. 342–366.

Velluti, S. (2016b) The Promotion and Integration of Human Rights in EU External Trade Relations. *Utrecht Journal of International and European Law* **32** (83), 41–68.

Velut, J., Baeza-Breinbauer, D. & Bruijne, M. de et al. (2022) *Comparative Analysis of Trade and Sustainable Development Provisions in Free Trade Agreements - Final report*, London.

Vogt, J. (2015) A Little Less Conversation: The EU and the (Non) Application of Labour Conditionality in the Generalized System of Preferences (GSP). *International Journal of Comparative Labour Law and Industrial Relations* **31** (Issue 3), 285–304.

von Soest, C. & Wahman, M. (2015a) Are democratic sanctions really counterproductive? *Democratization* **22** (6), 957–980.

von Soest, C. & Wahman, M. (2015b) Not all dictators are equal. *Journal of Peace Research* **52** (1), 17–31.

Waltz, K. N. (2010) *Theory of international politics*, Reiss. Waveland Press, Long Grove, Ill.

Warkotsch, A. (2008) Non-compliance and instrumental variation in EU democracy promotion. *Journal of European Public Policy* **15** (2), 227–245.

Warkotsch, A. (2010) Realpolitik and international reaction to non-compliance with Liberal Democratic norms: Comparing EU and US response patterns. *Cooperation and Conflict* **45** (1), 80–106.

Wendt, A. (1999) *Social theory of international politics*. Cambridge University Press, Cambridge.

Whitman, R. (ed.) (2011) *Normative Power Europe: Empirical and Theoretical Perspectives,* 1st ed. 2011. Palgrave Macmillan UK; Imprint: Palgrave Macmillan, London.

Wiener, A. (2004) Contested Compliance: Interventions on the Normative Structure of World Politics. *European Journal of International Relations* **10** (2), 189–234.

Wiener, A. (2006) Constructivism and Sociological Institutionalism. In: Cini, M. & Bourne, A. K. (eds.) *Palgrave Advances in European Union Studies*. Palgrave Macmillan UK, London, pp. 33–55.

Wiener, A. (2008) *The invisible constitution of politics: Contested norms and international encounters*. Cambridge University Press, Cambridge.

Wilson, E. J. (2008) Hard Power, Soft Power, Smart Power. *The ANNALS of the American Academy of Political and Social Science* **616** (1), 110–124.

Wisdorff, A. (2023) *The Generalised Scheme of Preferences should not be misused for migration purposes, MEPs say*, Brussels.

Wonka, A. (2008) Decision-making dynamics in the European Commission: partisan, national or sectoral? *Journal of European Public Policy* **15** (8), 1145–1163.

Wood, R. M. (2006) Caught in the Vice: Economic Sanctions and State Repression in Developing Nations.

Wood, R. M. (2008) "A Hand upon the Throat of the Nation": Economic Sanctions and State Repression, 1976-2001. *International Studies Quarterly* **52** (3), 489–513.

Youngs, R. (2004) Normative Dynamics and Strategic Interests in the EU's External Identity. *JCMS: Journal of Common Market Studies* **42** (2), 415–435.

Zürn, M., Faude, B. & Kreuder-Sonnen, C. (2018) Overlapping spheres of authority and interface conflicts in the global order: Introducing a DFG research group.

Executive summary

Abstract

This paper has dealt with the EU's Generalised System of Preferences. The GSP is a trade scheme that grants developing countries preferential access to the European market in order to promote development and support poverty reduction. In addition, international values, including human rights, are to be promoted in the beneficiary countries through underlying conventions. In case of systematic and serious violations of these conventions, preferences can be withdrawn. A withdrawal is similar to a strong trade sanction. This thesis has addressed the question of why the EU Commission does not withdraw trade preferences under the GSP in the case of Myanmar, despite massive human rights violations. The instrumental variation and inconsistency in the use of sanction mechanisms in the EU is a research gap that scholars are trying to fill based on realist (interest-based) and idealist (norm-based) explanatory approaches. The approach of norm conflicts as an explanatory approach is a relatively new strand of research that has also been adapted in this paper. Based on Institutionalism, the logic of appropriateness and the concept of the EU being a normative power, a causal mechanism was created that theorised a norm conflict between the protection and promotion of human rights and the sustainable development. The causal mechanism is a central component of the process tracing methodology employed in this thesis. The empirical basis for this work was provided by three interviews with EU experts, supported by statements by the EU Commission and reports. In the analysis and discussion, it could be established that the EU acts both norm-based and interest-based in the case of Myanmar. The avoidance of an escalation of the humanitarian situation, especially for young women in the textile sector, as a consequence of withdrawal played a decisive role in the decision against the withdrawal of preferences. However, it also became clear that geopolitical and economic interests have also influenced the 'non-withdrawal'. The dichotomy between interests vs. norms that exists in research is thus criticised in this paper. This thesis argues for a closer examination of the mutual influence and interaction of both motives. Furthermore, it could be established that the norm conflict is not between human rights protection and promotion vs. development, but between acting according to the EU's identity as a human rights advocate, the consequence here would be the withdrawal of preferences, and actually protecting human rights. Regarding future research: first of all, it is necessary to

analyse the newly established causal mechanism in this thesis. The removal of the dichotomy between norms and interests also offers an exciting starting point for further research, as does the questioning of more and more diverse stakeholders.

Kurzfassung

Die vorliegende Arbeit hat sich mit dem EU Generalised System of Preferences beschäftigt. Das GSP ist ein Handelsschema, welches Entwicklungsländern einen präferenziellen Zugang zum Europäischen Markt gewährt und so Entwicklung und Armutsbekämpfung vorantreiben möchte. Darüber hinaus sollen durch unterliegende Konventionen Internationale Werte, unter anderem Menschenrechte, in den begünstigten Ländern gefördert werden. Bei systematischen und schweren Verletzungen dieser Konventionen können die Präferenzen entzogen werden, was einer starken Handelssanktion gleicht. Diese Arbeit hat sich mit der Frage beschäftigt, warum die EU-Kommission die Handelspräferenzen im Rahmen des GSPs im Fall von Myanmar, trotz massiver Menschenrechtsverstöße, nicht entzieht. Die instrumentelle Variation bzw. Inkonsistenz in dem Einsatz von Sanktionsmechanismen in der EU ist eine Forschungslücke, die in der Wissenschaft mithilfe von realistischen (interessenbasiertes Handeln) und idealistischen (normenbasiertes Handeln) Erklärungsansätzen versucht wird zu füllen. Normenkonflikte als Erklärungsansatz ist hierbei ein relativ neuer Forschungsstrang, der auch in dieser Arbeit adaptiert wurde. Auf Basis des Institutionalismus, der ‚logic of appropriateness', sowie dem Konzept der normativen Macht wurde ein Kausalmechanismus erstellt, der einen Normenkonflikt zwischen der Vertretung von Menschenrechten und des Erreichens von Entwicklungszielen theoretisiert hat. Der Kausalmechanismus ist zentraler Bestandteil der Methodik des process tracing, welche in dieser Arbeit angewandt wurde. Die empirische Grundlage für diese Arbeit haben drei Interviews mit EU Expert*innen, Statements seitens der EU-Kommission und Reports geboten. In der Analyse und Diskussion konnte festgehalten werden, dass die EU im Fall Myanmars sowohl normbasiert als auch interessenbasiert gehandelt hat. Die Vermeidung einer Eskalation der humanitären Lage, insbesondere für junge Frauen in der Textilbranche, durch den Entzug, haben eine entscheidende Rolle für die Entscheidung gegen einen Entzug der Präferenzen gespielt. Allerdings wurde auch deutlich, dass geopolitische und ökonomische Interessen bestehen, die den ‚Nicht-Entzug' ebenfalls beeinflusst haben. Die in der Forschung bestehende Dichotomie zwischen Interessen vs. Normen wird in dieser Arbeit also kritisiert. Es wird dafür plädiert, den gegenseitigen Einfluss und die Wechselwirkung beider Motive genauer zu untersuchen.

Darüber hinaus konnte festgestellt werden, dass der Normenkonflikt nicht zwischen Menschenrechtsvertretung vs. Entwicklungszielen besteht, sondern zwischen dem Handeln nach der Identität der EU als Menschenrechtsvertreter, die Konsequenz hier wäre der Entzug der Präferenzen, und dem tatsächlichen Beschützen von Menschenrechten. In weiterer Forschung gilt es zunächst einmal, den in der Arbeit neu erarbeiteten Kausalmechanismus zu analysieren. Auch die Aufhebung der Dichotomie zwischen Normen und Interessen bietet einen spannenden Ansatzpunkt für weitere Forschung, wie auch die Befragung von mehr und diverseren Stakeholdern.

Appendix

1 – List of Interviewees

- I1 – Member of DG trade. Geographical focus on trade issues with Southeast Asia. Interview on 23.05.2023, 1.5 hours.
- I2 – Member of DG trade, specifically of the GSP team. Focuses on monitoring and the new GSP regulation. Interview on 21.06.2023, 1 hour.
- I3 – Member of the EEAS. Part of the delegation to Myanmar. Based in Yangon, responsible for trade relations. Interview on 09.06.2023, 1 hour.

2 – Interview Guide

1. Start

- Thanking for time & start recording
- Introduction (Job title, background, work focus etc.)

2. Norms exist & withdrawal is discussed

Goal – Understanding if norms (human rights & development objective) play a role.

- The EU is founded on the respect for human rights and fundamental freedom. The main objectives of the GSP system are poverty reduction and sustainable development.
  - What role does human rights advocacy and sustainable development play in your department? What are your points of contact with these norms?
- To what extent do you monitor norms (e.g., human rights & development) in your area of work? Do you have specific tools/mechanisms – for example, how do you monitor the situation in Myanmar?

3. Withdrawal is discussed

Goal: Understanding if a GSP withdrawal in Myanmar was even considered

- Was or is the possibility of a GSP withdrawal a topic of discussion in the case of Myanmar? Why (not)?
- Is there a benchmark at which the EU Commission becomes active regarding a withdrawal process?

4. Consequences are evaluated

Goal: Understanding if norm conflict(s) exist & how they are handled.

- To what extent do these norms (advocating for human rights and sustainable development) goals play a role in GSP decisions? How would you evaluate the relevance of these norms and their respective goals?
- When these norms and their goals are in conflict with each other, what happens/what do you do? Could you walk me through mechanisms in your department?

5. Consequences of withdrawal are considered detrimental to development

Goal: Understanding if withdrawal would harm development goals/if this is important to EU.

- To what extent do you evaluate the consequences of the withdrawal of GSP preferences, for example on poverty or other development goals?
- Cambodia was temporarily suspended from the EBA scheme in 2019: what do you see as the trigger for the withdrawal opposed to cases like Myanmar, where (as of now) no withdrawal occurred?
- After the military coup in Myanmar, the EU adopted CFSP sanctions such as XY. In general, the EU aims to act coherently, as is also stated in the Lisbon Treaty. What is your assessment of why CFSP sanctions were adopted, but GSP preferences remain?

6. Prioritization of development goals rather than human rights advocacy

Goal: Evaluate whether development goals are prioritized opposed to human rights advocacy

- We talked about the possibility of norms being in conflict. Can you differentiate whether certain norms (human rights vs. development) are more relevant in decision-making situations, especially regarding a GSP withdrawal?
- Can you identify such a conflict specifically with Myanmar and its integration into the EBA system/GSP decisions?

7. Other measures adopted

Goal: Understand (non-)action of the EU, possible other options to advocate human rights

- The EU Commission has entered into an 'enhanced engagement' with Myanmar. To what extent would you consider the enhanced engagement to be successful? What works well, what not so well?
- Why was an enhanced engagement chosen rather than a GSP withdrawal?
- I have the impression that this enhanced engagement shows a last attempt before the withdrawal mechanism is triggered. What is your perspective on this?
- I have the impression that the EU is focusing on dialogue and diplomacy rather than a GSP withdrawal. What is your perspective on this?

8. End

- Do you have anything else you would like to add?
- Thanking for time & End recording

3 – Utilization rate EU GSP for Myanmar (2022)

GSP utilization rate and imports by tariff treatment					
	Imports (in thousand dollars)				**Utilization Rate**
HS Section	**Product Description**	**Total**	**Dutiable**	**GSP Received**	**GSP U_t**
HS XI	Textile & textile articles	3.189.447,86	3.189.426,87	3.059.660,54	95.93%
HS II	Vegetable products	421.631,94	404.852,42	401.577,43	99.19%
HS XII	Footwear, headgear, umbrellas, etc.	416.348,93	416.348,63	378.181,13	90.83%
HS VIII	Hides and skins, leather, etc.	193.185,67	193.185,63	146.699,32	75.94%
HS IX	Wood & articles of wood	35.916,14	4.486,29	2.863,45	63.82%
HS VII	Plastics & rubber	26.290,34	26.284,97	23.251,54	88.80%
HS XVI	Machinery & electrical equipment	21.218,38	5.624,71	5.196,16	92.39%
HS XV	Base metals & products	18.188,26	1.267,65	455,25	37.85%

HS I	Live animals & products	16.253,03	16.252,70	13.800,17	84.91%
HS XVII	Transport equipment	13.846,21	13.425,39	11.780,62	87.75%
HS XX	Miscellaneous manufact. articles	13.347,11	11.465,41	8.504,77	74.17%
HS XIV	Precious stones, etc	8.465,33	89,92	36,26	40.45%
HS IV	Prepared foodstuffs, beverages, etc.	6.967,89	6.948,90	6.495,45	93.95%
HS XVIII	Optical & precision instruments	5.183,63	3.796,80	1.313,03	34.59%
HS XIII	Articles of stone, cement, etc.	4.035,63	3.764,81	3.631,13	96.47%
HS VI	Chemical products	340,55	4,01	1,34	25.00%
HS X	Pulp of wood, paper, books, etc.	274,96	-	-	0.00%
HS XXII	Special uses	55,87	-	-	0.00%
HS XIX	Arms and ammunition	48,42	48,42	-	0.00%
HS XXI	Works of art, etc	37,71	-	-	0.00%
HS V	Mineral products	1,46	0,20	-	0.00%

Table by the author, data from (UNCTAD 2023)

4 – Parliamentary Questions & Answers

E-002905/2022

Question for written answer E-002905/2022 to the Commission (01.09.2022) - (Mato 2022)

“The execution on 23 July 2022 of four activists in Myanmar constitutes an escalation in the violation of human rights by the military junta that took over the country in a coup d’état on 1 February 2021. Furthermore, the United Nations reports that another 117 people have been sentenced to death and over 11 500 people are still being held in prison. The UN Security Council has condemned the executions unanimously and called for an end to this violence. Myanmar benefits from the ‘Everything but Arms’ scheme under the EU’s generalised scheme of preferences trade policy instrument, which grants the country duty-free and quota-free access to the EU market for its exports in sectors such as rice, a move that has, moreover, been seriously detrimental to the EU’s own rice sector. Given this escalation in repressive action: Is the Commission planning a temporary withdrawal of the tariff preferences Myanmar currently enjoys, in accordance with Article 19 of Regulation (EU) No 978/2012 on the generalised tariff preferences scheme? If not, what justification can the Commission give for allowing Myanmar to continue exporting goods under this preferential tariff scheme, when the country is violating human rights?"

Joint answer given by Executive Vice-President Dombrovskis on behalf of the European Commission (07.11.2022) - (Dombrovskis 2022)

"The EU has swiftly condemned in the strongest terms the military coup carried out in Myanmar on 1 February 2021. The EU calls upon the military to respect human rights, freedom of expression, fundamental freedoms and the rule of law. Following the military coup, the EU has adopted four rounds of sanctions targeting a total of 65 individuals and 10 entities, including an asset freeze and a prohibition from making funds available to the listed individuals and entities. The participation of Myanmar in the Everything But Arms (EBA) arrangement of the EU's Generalised System of Preferences (GSP) continues to meet one of its key objectives, i.e. to contribute to the eradication of poverty in beneficiary countries. In the case of Myanmar, the Commission aims to ensure that the pursuit of that goal continues at a time of a dire humanitarian crisis in the country. Any adverse impact on the livelihood of Myanmar's population, in particular vulnerable groups, as a consequence of a potential withdrawal of EBA preferences needs to be avoided. In the meantime, the EBA enhanced engagement process with Myanmar continues, albeit without any contact with the government. The engagement takes place through contacts with business, non-governmental organisations, and democratic forces. The Commission and the European External Action Service are actively engaged with other stakeholders in Myanmar's society , so that the channels of communication are kept open. The Commission re-assesses on a regular basis its policy on the EBA engagement with Myanmar and follows closely the developments on the ground to adapt accordingly.**"**

E-000655/2021

Question for written answer E-000655/2021 to the Commission (02.02.2021) - (Mazaly 2021)

“Cambodia and Myanmar are beneficiaries of the ‘Everything but Arms’ trade initiative, under which they enjoy duty- and quota-free access to the European market. Imports of rice from the two countries are destroying the European market despite the fact that a safeguard clause, adopted in 2019, is in place. Although Myanmar has cut its exports of indica rice by 18%, it has increased exports of japonica rice by 213%, hitting European producers hard and exploiting a number of supply chains. The recent coup in Myanmar begs the following questions: 1. Following repeated breaches of fundamental rights in Myanmar, is the Commission planning to suspend the trade benefits that it systematically grants to the country? 2. How does the Commission justify the fact that despite the condemnation and breaches of basic rights, Myanmar, with impunity, continues to be able to export large quantities of rice to the EU, meaning that prices are in freefall? 3. Are the objectives of the ‘farm to fork’ strategy aligned in any way with rice imports from Myanmar and Cambodia? Does the Commission see imported rice as a sustainable crop?”

Answer given by Executive Vice-President Dombrovskis on behalf of the European Commission (19.04.2021) (Dombrovskis 2021a)

“In response to the military coup on 1 February 2021, the EU has agreed to expand designation criteria to allow for the application of targeted restrictive measures[1] allowing for targeting those directly responsible. All other tools at the disposal to the EU will be kept under review, while seeking to avoid measures that could adversely affect the population, especially the most vulnerable. The EU unilaterally grants to Myanmar duty and quota free access to its market under Regulation (EU) No 978/2012 (the generalised scheme of preferences (GSP) Regulation)[2]. Temporary withdrawal of preferences (Article 19)[3] and GSP general safeguards (Article 22) as foreseen under the GSP Regulation are entirely different measures. Safeguards respond to imperative grounds of urgency relating to the deterioration of the economic and/or financial situation of Union producers. This is why safeguard measures were introduced for imports of Indica rice from Cambodia and Myanmar. These measures remain in place until January 2022[4]. The Commission is closely monitoring the evolution of the imports of rice into the Union including Japonica rice, and the economic situation of the Union rice producers. Should new distortions to the EU market occur, safeguard measures under Article 22 are the appropriate policy instrument to use. The Commission will look at any duly substantiated application, and initiate an investigation if justified on the basis of the evidence provided. The imported rice, including the one produced in Myanmar has to comply with EU sanitary and phytosanitary requirements. Should relevant EU legislation change in the future, for instance in the context of the implementation of the Farm to Fork Strategy, the imported rice will have to comply with future standards.**“**

E-002067/2021

Question for written answer E-002067/2021 to the Commission (15.04.2021) - (Rodríguez-Piñero et al. 2021)

“In Parliament we are following with concern the military coup in Myanmar in the wake of the democratic elections on 1 February 2021. The House adopted a resolution condemning the military’s use of violence during peaceful protests against the coup and human rights violations. The EU is upholding trade preferences with Myanmar on imports of products such as rice, despite the attacks on the people and democracy in the country. In February 2020, the Commission withdrew a number of similar preferences that were in place with Cambodia because of human and workers’ rights violations. There is a safeguard clause regarding rice imports from Myanmar and Cambodia which ends in 2021. The European sector fears that when that clause expires, imports will increase again and the prices of European products will tumble. 1. Does the Commission plan on taking any action against Myanmar for the human rights violations following the military coup? 2. If the Commission does implement measures or impose sanctions, will they involve the withdrawal of trade preferences for Myanmar’s strategic products, such as rice? 3. Could the safeguard clause on rice imports be extended and used as a deterrent?”

Answer given by Executive Vice-President Dombrovskis on behalf of the European Commission (29.06.2021) (Dombrovskis 2021d)

“In response to the coup, the EU has put on hold all payments of its development assistance that go into the Government’s budget and has frozen all financial and technical assistance to Government bodies, while avoiding measures that could adversely affect the people of Myanmar. On 22 March 2021, the EU extended the criteria for restrictive measures allowing also the adoption of restrictive measures against economic entities owned or controlled by the Myanmar military and adopted restrictive measures against eleven individuals for their role in the military coup and the subsequent repression[1]. Additional sanctions were adopted on 19 April 2021 with the listing of ten additional individuals and the two business conglomerates owned by the military[2]. The EU has unilaterally granted Myanmar duty free and quota free access to its market under the Generalised Scheme of Preferences (GSP) Regulation[3], with the objective of fostering sustainable economic, social and environmental development, and eradicating poverty. The temporary withdrawal of preferences (Article 19) and GSP general safeguards (Article 22), as foreseen under the GSP Regulation, are entirely different measures. Notably, safeguards respond to the fact that subject imports cause or threaten to cause a deterioration of the economic and/or financial situation of EU producers. That is why in January 2019 the Commission introduced safeguard measures[4] to counteract this deterioration with regard to imports of Indica rice from Cambodia and Myanmar. These measures will remain in place until January 2022. The Commission continues to monitor the level of rice imports into the Union including Japonica rice, as well as the economic situation of EU rice producers.“

E-000696/2021

Question for written answer E-000696/2021 to the Commission (03.02.2021) -
(Sánchez et al. 2021)

“The recent coup d'état in Myanmar is the latest in a long series of violations of fundamental rights and freedoms. These serious breaches have been ongoing since 2011. Already under the deposed government, various international organisations reported[1], genocidal ethnic cleansing operations against ethnic groups, and the new military regime only serves to ensure a further escalation of these violations in the country. Article 19(1) of Regulation (EU) No 978/2012 provides for the temporary withdrawal of preferential arrangements under the Everything But Arms (EBA) scheme in the event of non-compliance with international human rights conventions. Rice imports from Myanmar under the EBA regime, especially of the japonica variety, are also important for EU producers, mainly in Spain (in regions such as Extremadura, Andalusia and the Valencian Community) and Italy, which have seen the price of their goods slump by 33% given the jump in imports over the past five years. 1. Is the Commission considering suspending the EBA scheme under Article 19 of Regulation (EU) No

978/2012, given that it has not done so for market distortion? If so, when? 2. What more relevant action will the Commission take to protect EU producers?"

Answer given by Executive Vice-President Dombrovskis on behalf of the European Commission (21.04.2021) - (Dombrovskis 2021b)

"On 22 March 2021, the Council imposed restrictive measures on eleven individuals responsible for the military coup and the subsequent military and police repression against peaceful demonstrators[1]. In addition, all other tools at the disposal of the EU will be kept under review, while seeking to avoid measures which could adversely affect the people of Myanmar, especially the most vulnerable[2]. The EU unilaterally grants to Myanmar duty and quota free access to its market under Regulation (EU) No 978/2012 ('the GSP Regulation')[3], with the objective of fostering sustainable economic, social and environmental development, and eradicating poverty. Temporary withdrawal of preferences (Article 19)[4], and GSP general safeguards (Article 22), as foreseen under the GSP Regulation are entirely different measures. Notably, safeguards respond to the imperative grounds of urgency relating to the deterioration of the economic and/or financial situation of EU producers. This is why safeguard measures to counteract this deterioration were introduced in January 2019[5], in particular with regard to imports of Indica rice from Cambodia and Myanmar. These measures remain in place until January 2022. The Commission has been closely monitoring the level of rice imports into the Union including Japonica rice, as well as the economic situation of EU rice producers. Should new distortions to the EU market occur, safeguard measures under Article 22 are the appropriate policy instrument to use. The Commission will look at any duly substantiated application, and initiate an investigation if justified on the basis of the evidence provided. The Commission will adopt a proposal to review the GSP legal framework later in 2021."

E-001852/2021

Question for written answer E-001852/2021 to the Commission (07.04.2021) - (Sánchez 2021)

"In view of the worsening situation in Myanmar, the United States has introduced a series of measures against the military regime in the country. These measures targeted two holding companies operated and controlled by the military, MEC and MEHL. In the first stage a number of restrictions were imposed on these companies[1]; in the second they were hit with sanctions[2]. The United States then temporarily suspended the 2013 Trade and Investment Framework Agreement (TIFA) with Myanmar[3]. While this agreement does not regulate trade between the two countries, the US Trade Representative stated that she would also reassess, together with Congress, Myanmar's eligibility to participate in the US Generalized System of Preferences. I have noted that these actions are similar to the issues we raised in our written question to the Commission two months ago, in which we asked whether the EU would re-examine the question of trade, including Myanmar's eligibility for the 'Everything But Arms' trade scheme, in particular because of its impact on the European and Spanish rice sector[4]. In the light of this action by the United States: 1. What is the Commission's position on this? 2. Does the Commission intend to take similar measures, including reviewing the temporary suspension of the EBA trade regime or imposing sanctions on military conglomerates? 3. Will the Commission take the European rice sector into consideration in this matter?"

Answer given by Executive Vice-President Dombrovskis on behalf of the European Commission (09.06.2021) - (Dombrovskis 2021c)

"The Commission took note of the sanctions imposed by the United States on Myanmar. On 22 March[1] and on 19 April 2021[2], the Council imposed restrictive measures on two military-controlled companies, Myanmar Economic Holdings Public Company Limited (MEHL) and Myanmar Economic Corporation Limited (MEC), and 21 individuals responsible for the military coup and the repression against peaceful demonstrators. Moreover, the EU will consider all other tools at its disposal, while seeking to avoid measures that could adversely affect the people of Myanmar. In this context, it is worth adding that the EU has unilaterally granted Myanmar duty free and quota free access to its market under the Generalised Scheme of Preferences (GSP) Regulation[3], with the objective of fostering sustainable economic, social and environmental development, and eradicating poverty. The temporary withdrawal of preferences (Article 19), and GSP general safeguards (Article 22), as foreseen under the GSP Regulation, are entirely different measures. Safeguard measures respond to the fact that imports cause or threaten to cause serious difficulties to Union producers (i.e. deterioration of their economic and/or financial situation). Hence, in January 2019 the Commission introduced safeguard measures[4] to counteract this deterioration with regard to imports of Indica rice from Cambodia and Myanmar. These measures will remain in place until January 2022. The Commission continues to monitor the level of rice imports into the Union including Japonica rice, as well as the economic situation of EU rice producers. Should new serious difficulties of Union producers due to subject imports occur, safeguard measures under Article 22 will be the appropriate policy instrument to use."

E-001947/2021 & E-001988/2021

Question for written answer E-001947/2021 to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (12.04.2021) - (Vautmans 2021)

"The human rights situation in Myanmar is deteriorating at an alarmingly rapid pace following the Tatmadaw's coup of 1 Februay 2021. It has been reported that over 700 protestors and/or civilians have lost their lives in recent months as a consequence of the harsh crackdown by the Myanmar security forces. Many of the victims include minors and innocent civilians. Not only are the actions by the Myanmar military a direct violation of human rights, they also violate international norms and constitute crimes against humanity. The violence must stop immediately, and the EU must act now to keep the death toll from increasing. 1. How will the EU exert pressure on the Association of Southeast Asian Nations countries, neighbouring countries and countries with a vested interest in Myanmar, to urge the Tatmadaw to stop the repression and killings and respect the outcome of the democratic elections of November 2020? 2. Will the EU impose further sanctions if the situation continues to deteriorate?"

Question for written answer E-001988/2021 to the Commission (14.04.2021) - (Fourlas 2021)

"For two months Myanmar has been the scene of violent clashes between protesters and the military junta, claiming the lives of hundreds, including children. Furthermore, hundreds of political prisoners are being illegally detained in deplorable conditions that constitute a breach of human rights and an insult to any notion of human dignity. The European Union condemns the indiscriminate and lethal violence being unleashed by the military junta and calls for all political prisoners to be released. Our show of unity must, however, be followed by deeds. In view of this: 1. Can the Commission say what degree of commitment exists to bring further pressure to bear on the military junta? 2.

Have plans been drawn up to secure an immediate cessation of hostilities and a return to order and calm?”

Joint answer given by High Representative/Vice-President Borrell on behalf of the European Commission (21.06.2021) - (Borrell 2021)

“The European Union (EU) condemns the military coup in Myanmar in the strongest terms. The EU calls upon the military authorities to exercise maximum restraint, to release all those detained in connection with the coup, to end the state of emergency and to restore the legitimate civilian Government. In response to the coup, the EU put all payments of development assistance to the Government’s budget on hold and stopped all development assistance activities with Government bodies. On 22 March 2021[1] and 19 April 2021[2], the EU adopted sanctions against twenty-one individuals and against two business entities owned by the military. The EU is undertaking an intense diplomatic activity in coordination with its Member States, international partners, and regional countries and organisations, to de-escalate the situation and open a dialogue with all key stakeholders. At the Association of Southeast Asian Nations Leader’s Summit on 24 April 2021, the ten member countries agreed to a 5-point consensus to address the crisis in Myanmar. In its Statement of 30 April 2021[3], the EU underlined the need for the swift and faithful implementation of the five points. The EU stands ready to support the Association of Southeast Asian Nations (ASEAN) in its endeavour. The EU keeps all its policy options under review, including possible additional sanctions.”

5 – GSP Conventions

Environmental Protection

- Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973)
- Montreal Protocol on Substances that Deplete the Ozone Layer (1987)
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (1989)
- Convention on Biological Diversity (1992)
- United Nations Framework Convention on Climate Change (1992)
- Cartagena Protocol on Biosafety (2000)

- Stockholm Convention on persistent Organic Pollutants (2001)
- Kyoto Protocol to the United Nations Framework Convention on Climate Change (1998)

Good Governance

- United Nations Single Convention on Narcotic Drugs (1961)
- United Nations Convention on Psychotropic Substances (1971)
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988)
- United Nations Convention against Corruption

Human Rights

- Convention on the Prevention and Punishment of the Crime of Genocide (1951)
- International Convention on the Elimination of All Forms of Racial Discrimination (1969)
- International Covenant on Civil and Political Rights (1976)
- International Covenant on Economic, Social and Cultural Rights (1976)
- Convention on the Elimination of All Forms of Discrimination against Women (1981)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987)
- Convention on the Rights of the Child (1990)

Labour Rights

- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol)
- Abolition of Forced Labour Convention, 1957 (No. 105)
- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)
- Equal Remuneration Convention, 1951 (No. 100)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

(GSPhub 2023c)