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# The Effectiveness of Political Conditionality as an Instrument of Democracy Promotion by the EU: Case Studies of Zimbabwe, Ivory Coast and Niger

Samiratou DIPAMA\* and Emel PARLAR DAL\*\*

## Abstract

*This study examines the effectiveness of political conditionality by looking at the European Union's suspension of development cooperation with three African, Caribbean and Pacific (ACP) states (Zimbabwe, Ivory Coast and Niger) perceived to have violated the principles of human rights and democratic principles as laid out in the Cotonou Partnership Agreement adopted in 2000. Analyzing the effectiveness of democracy promotion activities raises the question about its impact upon political processes in the recipient countries. This task is complicated, and it is beyond the aim and capacity of this paper to find a complete answer. Therefore, our conclusions will be cautiously assessed since other factors could intervene and undermine or contribute to the changes in the political system of a given country. Our findings reveal that, in most of the cases, political dialogue and appropriate measures have a modest effect on each country's performance on democratic principles.*

## Key Words

Democracy promotion, European Union, Sub-Saharan Africa, political conditionality, effectiveness.

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\* PhD Candidate, Marmara University, European Union Institute, İstanbul, Turkey.  
E-mail: dipamamis@yahoo.fr

\*\*Assoc. Prof. Dr., Marmara University, Department of International Relations, İstanbul, Turkey.  
E-mail: emelparlar@yahoo.com

## Introduction

Since the end of the Cold War the purpose of foreign aid has significantly changed. It has become more dependent upon political progress made within the recipient country. The European Union (EU) which is now the largest aid donor in the world, is no exception to this trend. In the specific context of Sub-Saharan Africa (SSA), the Lomé IV-bis Agreement signed in 1989 between the EU and the African, Caribbean and Pacific (ACP) states, and its successor, the Cotonou Partnership Agreement (CPA) signed on 23 June 2000, provide the EU with the legitimisation to publicly condemn violations of “the essential and fundamental elements of Article 9 of the Cotonou Partnership Agreement”.<sup>1</sup> For example, the EU can decide to adopt “appropriate measures” such as the suspension of direct public funds to the ACP government, or the channel of humanitarian aid through NGOs- and the support of democratic institutions. Furthermore, in cases of democracy and human rights breaches, the EU under the Common Foreign and Security Policy

(CSFP) framework, established by the Treaty of the European Union (TEU), is allowed to impose additional “restrictive measures” including travel bans, weapons embargoes and the freezing of assets on targeted individuals and groups.

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**Analyzing the effectiveness of democracy promotion activities raises the question about its impact upon political processes in the recipient countries.**

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However, since the introduction of political conditionality, there is a general scepticism towards the effectiveness of this instrument of democracy promotion, especially in Sub-Saharan Africa. Available evidence on the use of political conditionality shows that such cases are largely ineffective except in a limited number of examples. Many scholars including African scholars criticize Western donors for their failure to properly apply development aid conditionality to enhance democracy within the targeted country. Dambisa Moyo, in her most controversial book titled, *Dead Aid: Why Aid is Not Working and How There is a Better Way for Africa* (2009)<sup>2</sup>, says:

“Aid conditionality has not helped to make politicians adopt growth-promoting policies. It relies on a flawed mechanism of non-credible threats. Despite the tough stance towards

governments not complying with donor conditions, aid is usually disbursed regardless of broken promises” (cited by Emmanuel Frot).<sup>3</sup>

Analyzing the effectiveness of political conditionality in Zimbabwe and Ivory Coast, Selma Roth concludes that “consultation procedures and appropriate measures seem to have (had) no effect at all”.<sup>4</sup> Mathias Kamp similarly concludes that “All in all, the case of Cote d’Ivoire shows the limitations of the mechanisms of consultation and aid suspension under Article 96, especially in times of serious violent conflicts in the recipient countries”.<sup>5</sup> Catherine Gwin and Joan Nelson argue that “aid is only effective in promoting growth in a good policy environment, and on the whole, it has not succeeded in leveraging good policies”.<sup>6</sup>

Yet, it is worth mentioning that the majority of the studies focusing on external democracy promotion investigate the effectiveness in the application of the EU’s conditionality policy in Africa without paying too much attention to the external factors that can influence the outcome of their research. This article offers a modest, but hopefully distinctive contribution to this debate by looking at the impact of the EU’s decision to open consultations with and/or to adopt appropriate measures toward ACP states perceived to have violated the principles of human rights, respect for the rule of law, democratic principles

and good governance as laid out in the ACP–EU Partnership Agreement. The case selection is crucial in this study because we need to control for various extraneous factors that may affect the outcome of aid suspension in the ACP states. For a complete analysis we would need to look at all cases of invocation of Articles 96 regardless of whether aid was suspended or only negotiations occurred in order to assess the effect of conditionality. Therefore, in the context of this article, we only choose states that all have a common outcome or dependent variable- invocation of Article 96 of CPA (Article 366a of the Lome Convention). The strength of this method is that: “Its true value is in its function to eliminate alternative explanations ... no factor can explain an outcome satisfactorily that is not common to all occurrences of that outcome”.<sup>7</sup>

In order to give an answer to the central research question, to conduct more in-depth analysis and further to substantiate its findings, the current study subsequently develops the following research sub-questions: What exactly qualify here under the term “democracy promotion” and “political conditionality”? What is the literature written on aid effectiveness? Why do some consultations and aid suspension cases have positive outcomes and some negative? And finally, what lessons can be drawn from the application of conditionality policy in the selected

three countries in order to enhance the effectiveness of EU democratic conditionality?

This article firstly conceptualizes democracy promotion and political conditionality, and then, secondly, presents a brief literature review on the effectiveness issue of political conditionality and thirdly investigates the history of the gradual inclusion of political conditionality into the EU’s development policy towards SSA on one hand and critically examines the three empirical examples of Zimbabwe, Ivory Coast and Niger on the other hand, in order to assess the broader issues which these examples present regarding the effectiveness of political conditionality as a democracy promotion instrument.

## Conceptualizing Political Conditionality and Democracy Promotion

In this conceptual part, particular attention is given to the concept of “democracy promotion” and “political conditionality”. These concepts have attracted special attention in the post-Cold War era as one of the main features of the new international order. Despite the various definitions given by different authors, it is worth pointing out that almost all authors agree about similar patterns of the concepts of democracy promotion and political conditionality.

## *Democracy Promotion*

Democracy promotion emerged as one of the defining characteristics of the post-Cold War international order. According to Milja and Hobson “democracy promotion” broadly means: “the processes by which an external actor intervenes to install or assist in the institution of democratic government in a target state”.<sup>8</sup> Schmitter and Brouwer differentiate between democracy promotion and its protection; unlike democracy promotion, “democracy protection” does not seek to change political regimes, especially democratic ones, but acts to make them more effective and efficient.<sup>9</sup> Furthermore, Antoine Sadia differentiates “direct democracy” promotion- which targets “the building of political and social actors’ and institutions- from “indirect democracy” promotion, which “seeks to improve basic conditions to create a favorable context for the transition to and the survival of democracy”.<sup>10</sup>

Overall, democracy promotion incorporates a wide range of actions and strategies, ranging from peaceful to forceful means. It involves a variety of strategies, including diplomacy, international dialogue, trade policy, military intervention or threats of it, and foreign aid.<sup>11</sup> It can also be promoted through bottom-up (civil society and individual citizens) and top-down approaches (state and political society) and these approaches should be used simultaneously in order to achieve better results.

## *Political Conditionality*

The term “political conditionality” is used to refer to a situation in which the validity of an international agreement is made dependent upon the partner’s mutual respect for certain principles, normally related to human rights, democracy, good governance and the rule of law.<sup>12</sup> According to Stokke, aid conditionality is “the use of pressure, by the donor, in terms of threatening to terminate aid, or actually terminating or reducing it, if conditions are not met by the recipient”.<sup>13</sup> It denotes the linking of development cooperation to political considerations such as civil and political rights, accountable and open government.<sup>14</sup> This basically implies that in cases where authoritarian governments and states exist “punitive sanctions might be considered. Conversely, where democratic advances were forthcoming, benefits would flow”.<sup>15</sup> To remind us of the evolution of the term “political conditionality” in academic literature, Fierro uses the term “second generation” in reference to political conditionality and distinguishes it from “first generation” conditionality, or economic conditionality, the major aims of which were to impose economic reforms in the countries receiving financial aid.<sup>16</sup>

As regards the types of political conditionality, two main distinctions are generally made. The first distinction is between conditionality “ex-ante” and conditionality “ex-post”: conditionality

“ex-ante” means that specific conditions with regard to human rights, democracy and/or good governance have to be fulfilled before the conclusion of an agreement or the establishment of a special relationship. In contrast, conditionality “ex-post” means that a political actor imposes conditions within the framework of an existing contractual relationship, thereby, the relationship becomes dependent on the fulfillment of these conditions.<sup>17</sup> The ex-post approach is generally considered to be more effective in its implementation than the ex-ante one because a specification of conditions ex-ante would limit the donor’s flexibility and capacity to act.<sup>18</sup> Moreover, the fact that conditionality ex-ante is not necessarily supported by any legal instrument<sup>19</sup> could limit the credibility of donors’ actions within a given country and its capacity to tie the hands of recipient governments to the reform packages.

The second distinction is between positive and negative conditionalities. Negative conditionality involves reducing, suspending or terminating aid and/or other benefits if the government in question violates the attached conditions. It includes reduction and even suspension of promising benefits when the country violates the prescribed conditions.<sup>20</sup> Shortly, this type of conditionality involves negative measures that may range from simple naming and shaming strategies<sup>21</sup> to the suspension of certain benefits (aid, trade, diplomatic visits)<sup>22</sup> and/or diplomatic sanctions and arms embargoes.<sup>23</sup>

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The EU’s enlargement strategy is generally used as a clear example of the effectiveness of positive conditionality to boost the democratic space in the Eastern European countries.

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Positive conditionality establishes a positive link between aid allocation and a country’s performance in democratic terms. It involves the use of positive means to reward progress towards democracy and human rights. Positive conditionality or ‘aid selectivity’ also ties aid rewards to the direction of change, rather than to the perceived level of democracy.<sup>24</sup>

Negative conditionality is generally criticized to be ineffective because sanctions imposed as a result of conditionality might hit the poor instead of the targeted government<sup>25</sup> and the recipient country’s government might easily find access to alternative funding resources. In contrast, the application of positive conditionality is much less contested in the critical discussion. The EU’s enlargement strategy is generally used as a clear example of the effectiveness of positive conditionality to boost the democratic space in the Eastern European countries. In fact, the desirability of EU membership appears to have prompted candidate countries to adhere to a host of conditions contained in the so-called *Acquis Communautaire*. Yet, there are

still problems with the way EU uses positive conditionality: it does not always deliver the incentives promised (extra aid, for example), or at least it does not deliver them quickly. Governments may even pretend progress without actually achieving a policy change.<sup>26</sup>

### *A Brief Literature Review on the Effectiveness of Political Conditionality*

Scholars are generally engaged in explaining under which circumstances the promotion of democracy is successful or, alternatively, under which conditions failures are to be expected. This part will briefly overview the literature on the effectiveness of political conditionality in general and in the specific EU context.

### **In the International Context**

An extensive literature exists on the issue of the effectiveness of western donors' democracy promotion policy. To begin with, Galtung early in the mid-1960s formulated a general theory on the operation of sanctions, which he coined the "naïve" theory of sanctions. It postulates that the economic disruption caused by sanctions is expected to translate into political pressure that will eventually compel the leadership in the target country to change its policies, or will lead to its overthrow.<sup>27</sup> Therefore, the more intense the value-

deprivation, the more widespread the political disintegration. Criticizing this theory, scholars have long established that there is no automatic link between the effectiveness of economic sanctions in inflicting economic pain and in compelling policy changes in the target.<sup>28</sup>

Since the mid-1990s, scholars have presented sophisticated approaches to identifying the determinants of success of sanctions. A number of authors have followed the naïve theory while widening the determinants for success.<sup>29</sup> Scholars have attempted to sharpen the naïve theory by taking a closer look at the internal dynamics of the target society. This approach attempts to explain "why economic sanctions do not manage to harm the societal fabric of the target society in a way that leads to the unseating of the leadership, as posited by the naïve theory".<sup>30</sup> Cortright and Lopez conclude that assessing the efficacy of sanctions requires an examination of "how sanctions affect the ability of opposition groups to challenge the policies of the targeted state".<sup>31</sup>

A second subfield seeks to explain the failure of sanctions on the basis of rational-choice approaches. Drezner formulates what he calls the "sanctions paradox" on the basis of a conflict-expectation model. Departing from the premise that conceding in the face of economic coercion implies a redistribution of political sets between target and sender, Drezner finds that the expectation of future conflict will

render the sender more willing to impose sanctions and the target less willing to concede. Hence sanctions between allies will be less likely but more effective, while sanctions between adversaries will be more likely but less effective.<sup>32</sup>

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Other scholars suggest that even when sanctions have failed to directly produce policy changes in the targeted country, they are frequently credited with having created the “necessary conditions” for policy change. Hufbauer, Elliot and Schott dissociated the variable ‘policy result’ from the variable ‘sanctions contribution’. The ‘policy result’ is defined as the extent to which the sanctions objectives were achieved, while the ‘sanctions contribution’ is defined as the degree to which sanctions contribute to this outcome. Sanctions objectives may range from bringing about change in actions and behavior of the target state or regime’ (primary objectives), satisfying public opinion (secondary objectives) and supporting norms and multilateral structures (tertiary objectives).<sup>33</sup>

### *In the EU Context*

In the specific EU case, much has been written on this issue in the attempt to answer the following question: what makes the EU's political conditionality effective or ineffective? Some authors argue that a major condition for the effectiveness of political conditionality is the credibility and consistency in the application in third countries. In a conditionality setting, credibility refers to the EU's threat to withhold rewards in case of non-compliance with EU conditions and the EU's promise to deliver rewards in case of compliance. It means that similar violations of democratic principles or human rights should lead to a similar reaction from the EU towards the targeted third countries. Indeed, if a target government knows that the EU prefers unconditional assistance to no assistance or unconditional enlargement to no enlargement, then conditionality will not work.<sup>34</sup>

Furthermore, Schimmelfennig and Sedelmeier offer an external incentives model and explain the effects of the conditionality by suggesting that target governments would adopt EU rules if the benefits of EU rewards surpass the domestic adoption costs.<sup>35</sup> Researchers' explanatory framework rests on four sets of factors on which the cost-benefit balance depends: the determinacy of conditions, the size and speed of rewards, the credibility of threats and promises,

and the size of adoption costs.<sup>36</sup> The empirical findings of the research show the credibility of conditionality and the size of adoption costs to be the key variables of compliance.<sup>37</sup>

Finally, Mattli and Plumper and Plumper et al. focus on the incentives within the domestic political arena of the applicant country to explain the effectiveness of conditionality.<sup>38</sup> Mattli and Plumper conclude that the demand for EU membership is linked to a country's regime type and its readiness to carry out economic reforms. By extension, if a country has a more democratic regime, the national political elites have a bigger incentive to push for reforms and to align their country with the rules and institutions of the EU.<sup>39</sup>

After this brief conceptualization and literature review about the effectiveness of the EU's political conditionality we will now discuss how EU development policy has evolved to include a political conditionality clause in the sub-Saharan African context.

## EU's Development Aid Policy towards Sub-Saharan Africa and the African Case Studies

This section first presents the history of the EU's development policy towards sub-Saharan Africa through an analysis of the successive agreements concluded under EU-ACP cooperation

and, secondly, critically analyses the application of the conditionality policy in Cote d'Ivoire, Niger, and Zimbabwe and the conclusions these cases allow with regard to the effectiveness issue.

### *History of the EU's Aid Policy towards Sub-Saharan Africa*

The consolidated version of the Treaty on the European Union (TEU) (Article 6) establishes the democratic constitution of the EU as follows: "The European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the member states".<sup>40</sup>

All EU member states are constitutional democracies and share a set of common values based upon the primacy of human rights and democratic principles. Invariably, the principles of democracy and human rights are at the center of the EU's foreign policy and external relations. For instance, in March 1991 the Commission issued the policy entitled: *Communication on Human Rights, Democracy and Development Cooperation*. The Council's Resolution in November 1991 on 'Human Rights, Democracy and Development' made 'the promotion of human rights and democracy both an objective and condition of development co-operation'. Moreover, the Copenhagen European Council in 1993 and the Madrid

European Council in 1995 established democracy and human rights as the criteria for involvement in the accession process of candidate countries.<sup>41</sup>

Turning to the sub-Saharan African context, before the fourth Lomé Convention (1989) the agreements were neutral with regard to human rights and democracy. Yet, the Uganda crisis in 1977, notorious for its human rights abuses, proved that such a position was untenable. The EU agreed that measures should be taken if any ACP state systematically violated fundamental human rights. However, the attempt to protect human rights through conditionality was met with strong resistance from ACP states during the Lomé II negotiations.<sup>42</sup> The ACP countries were unwilling to endow the EU with the right to unilaterally revoke aid at their discretion, considering it a violation of their sovereignty, but, finally, at the EU's insistence, the Lomé III agreement (1980-1990) contains a joint two declarations reiterating that human dignity is an essential objective of development.<sup>43</sup>

The most important changes in Lomé III were in the field of aid and particularly the introduction of the 'policy dialogue', which created, for the first time, some kind of conditionality in the convention. The fourth and last Lomé convention (1990-2000), signed on 15 December 1989 between the by then 12 European Community member

states and 68 ACP states marked another considerable change in EEC-ACP relations. The development and events of the 1980s, with the ACP states facing a severe debt crisis and consequently a weak bargaining position, led to aid tied to the adherence of international human rights standards.<sup>44</sup> For the first time 'a political element' making 'respect for human rights' a fundamental clause of the agreement was introduced (Article 5).<sup>45</sup> There was however still no clause making human rights an essential element of the Convention, nor one providing for its suspension in the event of human rights violations.

The movement towards conditionality deepened when the Lomé IV, amended in 1995, added to the human rights clause: respect for democratic principles, the rule of law and good governance as "essential elements" of the convention and included a suspension clause (Art 366a). This gave the commission the legal basis to either totally, or partially, suspend the application of the Convention after prior consultation with the ACP governments and the abusing party.<sup>46</sup> Yet, Article 366a did not address which measures should be taken to resume cooperation. The framework established by Lomé IV allowed the EU complete discretion over when measures could be lifted.<sup>47</sup> The mid-term review further introduced a performance-based aid allocation. Following this review, the amount of money needed to implement

the National Indicative Program (NIP) was split into two allocations. Seventy per cent of the funds were distributed initially, and the remaining 30 per cent were only distributed following a three-year evaluation of the program.<sup>48</sup>

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The Lomé conventions were succeeded by the Cotonou Partnership Agreement (CPA) in 2000- which is valid until 2020. The new Cotonou Partnership Agreement reflected the transition from purely economic cooperation to more inclusive political agreements in development policy. The big area of change concerns the political dimension in that Article 9 not only reiterates the notion of human rights, democratic principles and rule of law introduced in Lomé IV, but also makes reference to good governance, which is stated

as a “fundamental element of this agreement”. As under the revised Lomé IV, in the case of violation of the essential elements of human rights, democratic principles and rule of law a consultation procedure will be started and if necessary the EU can adopt ‘appropriate measures’ under Article 96 of the CPA in order to remedy the situation (Article 96). It is often argued that the measures applied under Article 96 generally entail the reformulation of the terms to pay aid to a country, not a suspension *stricto-sensu* of the cooperation. Nonetheless, the lack of objective criteria regulating the consultation process and defining the “appropriate measures” might provide for arbitrary responses at the discretion of the EU, and for general misunderstandings and frictions between the EU and its partners.

In summary, from the Lomé IV convention onwards: development assistance has become conditioned on political issues; the ACP states have to deserve getting development assistance and the EU has the discretionary right to grant aid, in principle, to the “good pupils” showing progress towards democratic principles, and to cut off the tap to the democracy and human rights’ detractors. In the context of the EU’s political conditionality in SSA, it is therefore essentially an “ex-post” conditionality, which can be positive and /or negative. After having briefly given a historical background about

the EU's aid policy towards the SSA, we will discuss, in the next section, the effectiveness of EU policies in the four African case studies.

## The African Case Studies: Applications

This section of the article will use both qualitative and quantitative approaches. The qualitative approach refers to the concrete reaction to the application of the conditionality policy on the part of the target state, and the quantitative one makes use of data provided by the Freedom House polity concerning political rights and civil liberty in each country, as well as the data on institutionalized democracy<sup>49</sup> from the Polity IV project, which aims to determine whether the application or non-application of the EU's political conditionality has had an impact on the political situation of the targeted country.

### *Zimbabwe*

The case of Zimbabwe is a clear example of how political dialogue failed to be effective. In 2000 the EU expressed open criticism of the Zimbabwean government over a number of issues. It condemned the legislation adopted by the Zimbabwe Parliament allowing confiscation of farm land without compensation and called on the government to comply with the court order to end illegal occupations. The EU also reminded the Zimbabwe

Government of its intention to hold free and fair elections in May 2000.<sup>50</sup> Political dialogue was undertaken under Article 8 of the CPA,<sup>51</sup> but consultations opened under Article 96 ended in a stalemate as there was considerable disagreement between the EU and the Zimbabwean leaders.<sup>52</sup> Responding to threats of sanctions by the EU, the Zimbabwean Foreign Minister Mudenge informed the EU on 1<sup>st</sup> February 2002 of his government's decision to invoke the provisions of Article 98 of the Cotonou Agreement, and declared a dispute between the EU and Zimbabwe.<sup>53</sup> Faced with the persisting refusal of the Zimbabwean authorities to comply, the EU decided to close the consultations and to take the appropriate measures, under Article 96(2) d of the Cotonou Agreement.<sup>54</sup> Moreover, targeted sanctions were taken against those responsible for political violence, including the freezing of their assets and a visa ban. Despite the appropriate measures taken under Article 96 and the restrictive measures taken under the CSFP framework, and despite the extension of their period of application<sup>55</sup>, Zimbabwe failed to comply and adhere to the essential elements laid down in Article 9 of the CPA, at least until 2009. It is worth noting that the signing of the Global Political Agreement (GPA)<sup>56</sup> in 2009 opened a new chapter in EU-Zimbabwe relations: the restrictive measures changed with the first delisting

in early 2010.<sup>57</sup> This move also marked the beginning of a considerable progress in political rights, democracy and civil liberties in Zimbabwe, as attested by the 31st July 2013 presidential elections<sup>58</sup>, as well as the scores provided in the Tables 1, 2, and 3 (see below). In summary, the EU has predominantly used the ex-post approach and negative type of political conditionality in the Zimbabwean case. The analysis of the case reveals that the application of negative measures did start contributing to the improvement of the democratic and human rights situation in this country after 2009.

### *Ivory Coast*

In the case of Ivory Coast, consultations were opened on 7 February 2000 following the 1999 *coup d'état*, and 'positive' appropriate measures were applied.<sup>59</sup> However, no considerable progress in terms of democracy, political rights and civil liberties were visible during the implementation of these measures (see Table 1, 2 and 3). Moreover, the October 2000 elections were supposed to bring a relatively smooth restoration of democracy, but things went terribly wrong. The openness of the elections was questioned and the results that proclaimed Laurent Gbagbo winner was contested by the party of Alassane Ouattara (which was not allowed to participate) and the party of the putchiste, Robert Guei. The 2000

elections were criticized as unaccountable, and saw violent clashes at the final count between political parties.<sup>60</sup> A second round of consultations were opened and the talks seemed to have some influence on the country's political performance: inclusive and transparent elections were held in March 2001 and the relations with the EU were normalized after the government of Ivory Coast had made progress in national dialogue, electoral arrangements and press freedom, though Gbagbo still needed to deliver on some of the promises made, including the investigation into issues of violence.<sup>61</sup> Despite several peace talks headed by some EU-members (the Linas-Marcoussis agreement in 2003) and individual African heads of state (the Ouagadougou Agreement in 2007) the situation in the country remained unstable and the country divided between north and south. In illustration, in March 2004, a demonstration was violently repressed, with over one hundred people wounded or killed, the assassination of a Canadian French journalist, and disappearances and other atrocities. Furthermore, the freedom of the press came under attack as the Young Patriots, a youth militia loyal to President Gbagbo, started attacking opposition newspapers.<sup>62</sup> The authorities and politicians on different sides of the civil war failed to keep the promises they made under the Marcoussis Agreements. The European Commission proposed the opening of consultations.<sup>63</sup> Yet,

the council (France and Germany particularly) rejected the proposal, arguing that the threat of civil war would render Article 96 consultations ineffective<sup>64</sup>. Having been rescheduled several times, presidential elections finally took place in late 2010 and turned into a violent post-election crisis as the incumbent president, Laurent Gbagbo, refused to accept his defeat.

To sum up, in this case, the EU focused on ex-post political conditionality. The “appropriate measures” applied under article 96 of the CPA were much softer than those applied in the Zimbabwean case but they did not have much positive impact on the political situation of Ivory Coast and failed to respect essential elements of Article 9 of the CPA.

### *Niger*

As regards Niger, further to the 1999 *coup d'état*, appropriate measures were taken and relations with the EU were normalized after the return to a constitutional order following the election of President Tandja.<sup>65</sup> The political situation of Niger was relatively successful during the first years of the second term of President Tandja (from 2005 to 2009; see Tables 1, 2 and 3). In the political sphere, political and institutional stability is often touted as the largest success of the Fifth Republic. The political opposition is operating within the institutions, rather than mobilising in the street as

previously.<sup>66</sup> However, this development stopped following Tandja's attempt to stay in power in spite of the impending expiry of his presidential second term.<sup>67</sup> The EU-led talks held in accordance with the dispositions of Article 8 of the CPA failed and did not impede Tandja from going ahead with his referendum project.<sup>68</sup> The political rights and civil liberty situation worsened during that period as opposition parties, the media and members of the civil society were harassed by the party in power. The EU opened consultations in December 2009 after the legislative elections held in October 2009 were boycotted by the opposition, and cooperation with the EU was temporarily suspended.<sup>69</sup> However, these measures failed to prevent the February 2010 coup from happening barely two months after the consultations were closed. A second round of consultations were then held in May 2010. The EU was satisfied with the commitments made by leaders of the coup for a return to a constitutional order<sup>70</sup> and elections were successfully held in 2011.<sup>71</sup> What we see here is the EU's use of ex-post conditionality, and the appropriate measures taken, seeming to have contributed to the improving democratization in Niger, and therefore to the effectiveness of EU political conditionality. This argument is proven correct by the considerable progress made in terms of institutionalized democracy and political rights in Niger since 2011 (see Tables 1 and 2).

**Table1: Polity IV institutionalized democracy rate by country and aggregate (2000-2012)**

Years 2000-2012	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Zimbabwe	1	1	1	1	1	1	1	1	1	3	3	3	3
Ivory C.	5	5	-77	-77	-77	-77	-77	-88	-88	-88	-77	5	5
Niger	6	6	6	6	7	7	7	7	7	0	4	7	7

Source: Adapted from Polity IV Project: Polity IV Individual Country Regime Trends, 1946-2010, *Systemic Peace.org*. Available at <http://www.systemicpeace.org/polity/polity4.htm> (last visited 5 May 2015).

The institutionalized democracy indicator is an additive eleven-point scale (0-10). Countries that score between (-10 and -6) are named “autocracies”; those with score between (-5 and

+5), including the three special scores (-66;-77;-88) are “anocracies or mixed regimes”; the countries which score between (+6 and +10) are “democracies”.

**Table 2. Freedom House political rights score by country (2000-2012)**

Years 2000-2012	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Zimbabwe	6	6	6	6	6	7	7	7	7	7	6	6	6
Ivory C	6	6	6	6	6	6	6	7	6	6	6	6	6
Niger	4	4	4	4	4	3	3	3	3	3	5	5	3

Source: Adapted from Freedom House. Available at [www.freedomhouse.org](http://www.freedomhouse.org) (last visited 5 May 2015).

**Table3: Freedom House civil liberty scores by country (2000-2012)**

Years 2000-2012	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Zimbabwe	5	5	6	6	6	6	6	6	6	6	6	6	6
Ivory C.	5	4	6	5	6	6	6	5	5	5	6	6	6
Niger	4	4	4	4	4	3	3	3	4	4	4	4	4

Source: Adapted from Freedom House.org. Available at [www.freedomhouse.org](http://www.freedomhouse.org) (last visited 5 May 2015).

The Freedom in the World Survey measures freedom according to two broad categories: political rights and civil liberties. Each pair of political rights and civil liberties ratings is averaged to determine an overall status of “Free” (1.0 to 2.5) “Partly Free” (3.0 to 5.0) or “Not Free” (5.5 to 7.0).<sup>72</sup>

**The use of political conditionality by the EU in Zimbabwe and Ivory Coast and to a lesser extent in Niger did not have a great impact on the democratic sphere of these countries.**

In summary, the use of political conditionality by the EU in Zimbabwe and Ivory Coast and to a lesser extent in Niger did not have a great impact on the democratic sphere of these

countries. In Zimbabwe, the application of appropriate and restrictive measures respectively under article 96 of the CPA and under the CSFP framework, have had a very minimal influence on the democratic and human rights situation in this country. Equally, in Ivory Coast, the use of appropriate measures under article 366 of the Lome Convention and later under article 96 of the CPA following the 1999 *coup d'état* for the former and the contested presidential elections of 2000 for the latter, were largely ineffective, as proven by the missed *coup d'état* of 2002, the worsening of the human rights situation and civil liberties, and the post-electoral violence in 2010-2011. However, it was in the Niger case that the application of measures under article 96 of the CPA seem to have had some positive impact on the democratic sphere, as free and fair elections were held peacefully in 2011.

## Conclusion

On the basis of these three case studies, we draw several tentative conclusions about the effectiveness of the EU conditionality policy, which partly support the previous findings on this issue in the sub-saharan African context. The findings reveal that except for the case of Niger, political dialogue, consultations and appropriate measures have not created sufficient pressure on Zimbabwe and Ivory Coast for democracy promotion. Yet, these conclusions are only approximative because external factors and other related dynamics (e.g. domestic factors) have not been included in the assessment of the impact of the use of political conditionality in the selected countries. Most often, these external factors, more than the EU's political conditionality, significantly impact on the democratic performance of the targeted sub-Saharan African country, either positively or negatively. Therefore, we must ask the following question: *what is lacking in the selected three sub-Saharan African cases for the effective application of the EU's political conditionality tool?*

Firstly, one serious obstacle for the effectiveness and appropriateness of conditionality as a democracy promotion tool concerns consistency and coherence. It seems that vague definitions of what constitutes 'democracy and human rights' allow for the selective application of

Article 96, which can in turn hinder the effective application of the conditionality clause. A lack of consistency in time and among countries in the application of political conditionality is very likely to damage the EU's credibility and self-image and to decrease the effectiveness of aid conditionality. The analysis of the selected four cases reveals that the EU was more reluctant to impose negative measures on Ivory Coast (2000-2005) and least reluctant to adopt sanctions against Zimbabwe, Niger and Ivory Coast (2010-2011), although violations that occurred were more or less similar. One must wonder why the EU chooses to contradict its own moral stance and undermine the efficacy of conditionality. Whatever the reason behind these inconsistent reactions from the EU, it is clear that aid conditionality needs to be implemented with integrity by the EU, involving the fair and equal treatment of all nations, and non-co-operation with non-democratic regimes. Coherency and credibility in the implementation of political conditionality will enhance the acceptance of political conditionality and its effectiveness.

In addition, in the selected three cases, another main observation is that aid sanctions are only likely to be effective if there is a coordinated action among the international donors. In the case of Zimbabwe, the Southern African Development Community (SADC)'s position has had a considerable impact

on the effectiveness of EU sanctions. For example, in 2007, the SADC mobilised other African countries to boycott the EU-Africa summit unless Mugabe was not allowed to attend.<sup>73</sup> From 2008 onwards, however, the SADC started mediating, which resulted in the signature of the GPA. Zimbabwe has also been able to count on the support of Russia and China. In 2008, these countries blocked a UN resolution to impose sanctions on Zimbabwe.<sup>74</sup> Especially with China, Zimbabwe has been able to build economic relations,<sup>75</sup> despite being under EU sanctions.

Similarly, the USA, the second donor in Niger, denounced the August 2009 referendum, suspended development assistance and imposed travel sanctions on Tandja's supporters in December 2009.<sup>76</sup> Apart from the donors, the Economic Community of West African States (ECOWAS) took a remarkably strong stance on the 2009 referendum. In May 2009, an ECOWAS Advisory Body warned about possible sanctions if Tandja went ahead with the referendum.<sup>77</sup> In June 2009, ECOWAS deployed a mission to Niger to convince Tandja to step down, and in August, a four-member ad-hoc ministerial committee was sent to Niger.<sup>78</sup> In October 2009, ECOWAS suspended Niger's membership after Tandja ignored a request to postpone the elections.<sup>79</sup>

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The findings reveal that except for the case of Niger, political dialogue, consultations and appropriate measures have not created sufficient pressure on Zimbabwe and Ivory Coast for democracy promotion.

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Finally, the one-model-fits-all approach commonly used by the EU in the application of political conditionality limits the effectiveness of conditionality policy and can no longer be used. Indeed, in the context of democratizing a country, several factors might influence the outcome other than just the willingness of the government. These include the presence or absence of a strong opposition and civil society, the degree of development of the country, the socio-economic situation in the country, and the country's history.<sup>80</sup> The complexity of these intervening factors clearly indicates that a country-based democracy promotion's approach appears a must in order to enhance the effectiveness of political aid as an instrument of democracy promotion in SSA. A great step has been made in this sense by the EU in the revised CPA (in 2010), where more attention is given to flexibility and to the individual circumstances of each ACP country.

## Endnotes

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