

Bachelor Thesis

The EU as External Democracy Promoter in Sub-Saharan Africa – The Role of Conditionality and Positive Measures

Appropriateness and Effectiveness of Political Conditionality as
Instrument of Democracy Promotion in the EU Development Cooperation
with the ACP States

Mathias Kamp
Dannenkamp 8
48432 Rheine
Tel.: 05975/224
E-mail: matzekamp@web.de

Student Number: s0122262 (UT); 312073 (WWU)
Course: BA European Studies
Supervisor: Dr. Jörg Waldmann
Co-Reader: Dr. Martin Rosema
Münster, 21/09/2007

Content

<u>Introduction</u>	4
<u>Structure & Methodology</u>	5
1. <u>Democracy, Democratization & Development Cooperation</u>	9
1.1 Promoting Democracy, Human Rights and Good Governance	9
1.1.1 Democratization and Democracy Promotion	9
1.1.2 Core Concepts: Democracy, Human Rights, Good Governance	11
1.2 Development Cooperation and Democracy Promotion: International Context	17
2. <u>Instruments of Democracy Promotion: Conditionality and Positive Measures</u>	20
2.1 Political Conditionality: Restrictive Measures	20
2.1.1 Conception and Origin	20
2.1.2 Types of Conditionality and Implementation Measures	22
2.1.3 Criticism towards Conditionality	24
2.2 Democracy Promotion through Positive Measures	27
2.2.1 Conception and Origin	27
2.2.2 Fields of Activities	29
2.2.3 Criticism	30
3. <u>EU Democracy Promotion within the ACP-Cooperation</u>	31
3.1 EU Development Cooperation and Democracy Promotion	32
3.2 The EU-ACP Cooperation	34
3.3 Conditionality in the EU-ACP Cooperation	34
3.3.1 Development of the Formal Frame	34
3.3.2 EU Sanctions Policy	37
3.4 Positive Measures in the EU-ACP Cooperation	39
3.4.1 Framework for Positive Measures	39
3.4.2 Financial Sources: EDF and EIDHR	41

3.5	Current Trends and Reform Processes	44
3.5.1	The New Paradigm of Development Co-operation: “Poverty Reduction”, “Ownership”, “Partnership”	44
3.5.2	The European Consensus	46
3.5.3	The EU Africa Strategy	48
4.	<u>EU Democracy Promotion in Practice: Experiences from Sub-Saharan Africa</u>	48
4.1	Application of Conditionality and Sanctions	48
4.2	Application of Positive Measures	49
4.3	Significant Cases	50
4.3.1	Niger	50
4.3.2	Togo	51
4.3.3	Ghana	54
4.3.4	Cote d’Ivoire	55
4.3.5	Malawi	58
5.	<u>Criticism and Constraints: Coherence, Consistency, Effectiveness</u>	59
6.	<u>Conclusions</u>	63
	<u>References</u>	65
	<u>Annexes</u>	76

Introduction

This thesis focuses on the EU's democracy promotion in Sub-Saharan Africa with special regard to the application of conditionality as an instrument of democracy promotion.

Recent public discussions show that there is much attention for central issues of development cooperation. Development cooperation in general and in particular the strategies of distributing development aid are permanently discussed and reconsidered, and reforms are undertaken that again have to face a lot of criticism. Going into deeper analysis it becomes obvious that there is a high gap between rhetoric and reality as development policy gets a lot of attention in public and political discussions but if it comes to political priorities it is still subordinate to other policies and especially economic and security considerations.

The same is often said about the popular concept of democracy promotion as an essential part of development cooperation. The idea of combining development cooperation and the promotion of democracy and human rights has entered the political discussions significantly in the late 1980s and throughout the 1990s it became a more and more essential aspect of development cooperation. The reason for the growing popularity and application of democracy promotion is the low efficiency of traditional development aid and the realization that democratic conditions are essential for progress and development. But there is a lot of scepticism towards the concept of democracy promotion with regard to its application in practice and its efficiency.

The recent discussions about development aid are very much connected with a special focus on Africa. Every now and then there are – sometimes highly emotional – discussions about the problems of Africa and the role of the Western community. The 2007 G8 Summit again led to a lot of publicity for the discussion about the problems in Sub-Saharan Africa and the aspect of Western development aid. Because of these discussions and the general significance of the problems in Africa as the continent that is most dependent on development aid, my paper will especially focus on democracy promotion in Africa by taking a look at Sub-Saharan African countries as recipients of development aid and targets of democracy promotion activities.

On the donor side my focus will be on the European Union as an actor in international development cooperation. The EU is an important actor in the international context of development assistance and among the largest donor organisations for development aid. Including the foreign aid by individual member states, the EU and its 25 member states account for more than 55% (34,3 Billion € in 2004) of all Official Development Assistance (ODA) worldwide (Hexel 2006: 2; Börzel/Risse 2004:1; Siraj 2005: 2).

As Arts and Dickson formulate, “the EU stands out as an important regional organisation. It entertains formalised relations with almost all other (groups of) states. Although much of its attention is devoted to internal integration, obviously the European Union cannot and does not wish to be an isolated entity. Instead it has expressed the desire and ambition to take up a prominent place in the working of international relations. In addition to the general goal of forging good relations with (potential) political and economic partners across the globe, the Union also wishes to use its place in international relations as a vehicle for advocating some of the values it considers important. Among these values are democracy, social welfare, human rights and liberalism” (Arts/Dickinson: 1).

Its importance and position in the international setting, but also its self-assessment as a kind of role model for multilateral cooperation and the promotion of democracy and finally its unique – and also challenging – institutional and legal framework make it especially relevant and interesting to focus on the EU as a provider of development aid and international democracy promoter.

There is a broad scope of measures for democracy promotion, not only in development assistance, but in foreign policies in general. As my focus is on development cooperation and democracy promotion in Sub-Saharan Africa, I will take a look at the two most significant instruments of democracy promotion in this context, namely conditionality and positive measures.

Structure & Methodology

Regarding the described context it seems to be highly relevant to focus on the EU’s democracy promotion and the related instruments. Thus, the objective of the paper is to undertake a critical analysis of the EU’s democracy promotion activities and the instruments of conditionality and positive measures. The main focus shall be on the appropriateness and effectiveness of the EU’s use of these instruments to promote democracy.

Analyzing the effectiveness of the democracy promotion activities of course leads to the question of the impact on political processes in the recipient countries. This is a highly complex and complicated issue and it is difficult and beyond the aim and capacity of this paper to find an adequate answer for that question. This would involve a detailed evaluation of political processes in transforming countries and a detailed analysis of current studies and discussions which is not feasible in this context. Recent scientific discussions show that up to now there has not been any satisfactory explanation of the causal link of democracy promotion and democratization processes in developing countries. A comprehensive evaluation seems to be difficult. Apart from that, an analysis of the impact has to include the

whole international context. It would be difficult – but necessary when purely focussing on the activities of the EU – to isolate the influence of the EU from that of other actors in international democracy promotion.

Thus, my paper will focus on the aspect of effectiveness on a “lower” level focussing on the EU as acting democracy promoter. It is a necessary step in the analysis of the effectiveness of democracy promotion to take a close look at the concrete realization of democracy promotion by the EU, which means assessing the application of the instruments of conditionality and positive measures. The primary aim of my paper is to explain the EU’s role as democracy promoter and to critically analyse the instruments of conditionality and positive measures.

Therefore the main research question can be formulated:

- Does the application of conditionality and positive measures by the EU provide for an adequate and effective strategy of democracy promotion?

This main question leads to a number of relevant sub-questions, according to which the thesis will be structured:

- What is the meaning and basic conception of democracy promotion? What are the underlying conceptions of democracy and democratization? Which role does democracy promotion play for international development cooperation? How did the link between development cooperation and democracy promotion emerge?
- How do the instruments of democracy promotion function? What are their origins and underlying objectives for their application? What does conditionality mean? How and why did the trend of using positive measures come up? What is the major criticism towards these instruments?
- What are the elements and principles of the EU democracy promotion? What is the motivation and objective?
- How did the EU-ACP cooperation develop and what is the current status? Which role does democracy promotion play in this cooperation? What are the arrangements with regard to the application of conditionality and positive measures?
- How have the instruments of democracy promotion – conditionality/sanctions and positive measures been applied in Sub-Saharan African countries? What conclusions do these cases allow with regard to the effectiveness, coherence and credibility of the conception?
- What is the major criticism towards EU democracy promotion with regard to coherence, consistency and effectiveness? What are the constraints on the donor and the recipient side?

Following these sub-questions, it is necessary in a first step in part one to get a basic understanding of the underlying motivations and conceptions of democracy, democratization and democracy promotion. Talking about the concept of democracy it is also important to consider the related/included aspects of good governance and human rights

Furthermore, the international context of development assistance and democracy promotion, including the general motivation behind the conception, will be focussed on.

In part two, the instruments of democracy promotion will be introduced, with special attention to conditionality and positive measures, presenting the conception and motivation, basic activities as well as some general criticism.

In part three, the main focus will be on the European Union as democracy promoter. It is therefore essential to analyse the EU with regard to the relevant background and structures for the activities of the EU with a special focus on democracy promotion in the context of development cooperation. As the focus will be on the application in Sub-Saharan African countries it is necessary to present the concrete arrangements for democracy promotion – the application of conditionality/sanctions and positive measures - in the context of the EU-ACP cooperation.

In order to get an idea of the practical realization of democracy promotion, part four focuses on the concrete application of conditionality and positive measures in the relationship with Sub-Saharan African countries.

Finally, basing on the general observations, the experiences from Sub-Saharan Africa and the state of the debate, a general critical assessment of the EU democracy promotion (in Africa) will be summarised in part five.

The subject of EU democracy promotion in Sub-Saharan Africa is a cross-cutting issue that cannot clearly be related to one of the sub-categories of political science. Mainly it meets the two sub-disciplines of international relations and transitology, as part of the discipline of comparative politics. The subject can be allocated to the field of international relations as it concerns the activities of the EU as an international organization and global actor. Furthermore, the activities of democracy promotion are clearly activities in the foreign relations of the EU. Thus, we are talking about the area of foreign and development policy of an international/supranational organization. In this context, however, the focus will concentrate on democracy promotion as part of the development policy and not in the broader frame of foreign policy in general.

On the other hand, the subject is also about transition processes, as the analysis focuses on political measures and activities of the EU that are targeted towards a positive influence of processes of social and political change in third countries. Especially in the 1990s suchlike factors of foreign and development policy have entered the scientific discourse about transformation processes. The global proliferation of democracy has lead to intensive scientific discussions about democratization processes, but for a long time the international dimension was more or less left out, unless it was about military interventions.

But the changing international context that has brought up the idea of democracy promotion also affected the scientific discourse. Again this leads to the interdisciplinary perspective, as it is part of the study area of international relations to ask for the impact of the international system on domestic political processes, but without special attention for the type of the regime. Following the scientific discussions there is much controversy about the role external factors play for democratization processes. A detailed analysis of this aspect would be beyond the feasible results of my thesis. Instead, I will merely focus on the practical aspects and the formulation and implementation of a democracy promotion strategy in the case of the EU. Thus, I will not try a general impact assessment of democracy promotion, but merely focus on the specific case of the EU democracy promotion activities, the strategy behind it, the instruments, their application in practice and, basing on the observations with regard to the practical application, its legitimacy and effectiveness.

As explained before, the subject of EU democracy promotion has to be understood as a sum of political measures that target at the protection and promotion of democratic principles. Thus, it is related to the policy dimension. It is therefore necessary to see the thesis a certain kind of policy analysis, though not in its “pure” version. What makes it difficult is the fact that democracy promotion itself is not a clearly demarcated policy field. Nevertheless, it is reasonable to talk about a policy field, especially as we restrict its relevance as a part of the field of development policy. Still, it is important to make clear that the emphasis of the policy dimension does not mean that the dimensions of politics and polity are left out, especially as it will be relevant to focus on the interests and motivations leading to the strategy of democracy promotion and, of course, the normative background.

As Arts and Dickinson formulate, “EU development cooperation is an understudied area of European politics, despite its economic and political significance” (Arts/Dickinson: 3)

Nevertheless, there are quite a lot of sources available for an analysis of the EU democracy promotion as part of its development cooperation. Especially the instruments of political conditionality and positive measures are discussed in a number of recent publications.

The thesis bases on an analysis of primary sources (documents of the European Union, especially the European Commission) as well as secondary literature, providing information related to the aspects mentioned above.

1. Democracy, Democratization & Development Cooperation

1.1 Promoting Democracy, Human Rights and Good Governance

Talking about the EU's democracy promotion, it is necessary in a first step to first of all get a general understanding of the idea of democracy promotion and the adherent core concepts of democracy, human rights and good governance.

1.1.1 Democratization and Democracy Promotion

It is not possible in this context to go into a detailed analysis of the aspect of transition and democratization as it would be beyond the aim and scope of this paper, especially as this is a very complex and controversial field of scientific discourse, in particular when it comes to external factors of influence. Nevertheless, it is necessary here to start with a general view on democratization in order to take a closer look at democracy promotion.

Simply put, according to Nwokedi, “democratization entails the process of a shift away from non-democratic forms of government towards democracy; it may equally refer to the expansion of democratic space or performance within a democratic polity” (Nwokedi 1995: 17). Moreover, Schmitz and Sell state: “Democratization is understood [...] here as a process of regime change that is directed towards a specific aim: the establishment and stabilization of substantive democracy. The final outcome of democratization, therefore, is more than the establishment of a set of institutions; it is the extension of meaningful rights to all citizens. In that sense, democratization is an ongoing process.” (Sell/Schmitz 2000: 25).

The term and concept of democratization has become especially prominent and is much discussed since the widespread move to democracy in the developing world in the 1980s and early 1990s which Samuel Huntington (1991b) called the “third wave of democracy”.

Democratization, as many observers agree (e.g. Grugel 1999; Nwokedi 1995; Basedau 2003; Nielinger 1999) can be a result of various domestic and external factors. First and foremost, democratization processes are the result of complex internal pressures and developments. Nevertheless, external (international) factors have also received attention for their impact on democratization processes, this includes indirect factors (international trends, spill-over, “contagion” etc.) and direct factors (military force, diplomacy, foreign aid etc.). But the debate about external influence on democratization processes is very complex and still satisfactory scientific conclusions are rare. However, while there is controversy about the specific outcomes of external inputs into democratization, it is obvious that democracy promotion activities do play a role and it can not be neglected that there is at least a certain

influence on the domestic processes. As Mullerson explains, democracy and human rights „seldom, if ever, come as gifts of the authorities. It has always been necessary to struggle for rights and freedoms.” (Mullerson 1997: 135) But, as Burnell states, “it is not incompatible with this claim to maintain that external actors can play a positive role in promoting, protecting and even enforcing democracy around the world, in a number of ways.” (Burnell 2000b: 7)

Sandschneider presents a similar opinion and differentiates between indirect external influence (international setting) and approaches and instruments of direct influence that shall affect democratization processes:

„Niemand würde bei einem Blick auf die unterschiedlichen Transformationsprozesse der „Dritten Welle“ (Huntington 1991 b) ernsthaft in Zweifel ziehen, dass außenpolitische Einflüsse auf diese Transformationsvorgänge zum einen vorhanden, und zum anderen wichtig für den jeweiligen Ablauf, vor allem aber für das Ergebnis solcher Prozesse sind. Dabei lassen sich externe Einflüsse, die nur ein günstiges internationales Umfeld für Demokratisierungen schaffen, unterscheiden von Einflüssen, die direkt und gezielt auf einen bestimmten Demokratisierungsvorgang einwirken sollen.“ (Sandschneider: 2)

The main idea behind the concept of democracy promotion is the conviction that external actors can actively (and directly) influence democratic processes within a country or a regime. But there is no consensus about how best to promote democracy from outside. There are therefore a number of different approaches, strategies and assessments of the general chances of democracy promotion. Thus, Dauderstädt and Lerch formulate:

“Promotion of democracy or democratisation is difficult. External actors’ possibilities as regards exerting an influence on political transition processes are limited, and there is no simple model of recipes, aims and instruments to follow. The democratisation of previously authoritarian or even totalitarian regimes requires – to a very much greater extent than the implementation of human rights, which are frequently mentioned in the same breath as democracy promotion – a redistribution and limitation of power, while the social, political and economic power structures in each country are different. At the same time, democratisation describes a process in which starting points and strategies must be constantly redefined and adapted, and tested for counterproductive effects” (Dauderstädt/Lerch 2005: 1).

Many donors - including the EU - do not make an explicit distinction between the promotion of democracy and the promotion of human rights. Thus, the programmes and measures are not allocated separately to the two fields. Mainly this is due to the fact the single measures most of the time can hardly be distinguished, as the two aspects are closely linked.

In this paper, the main focus is on democracy, nevertheless when talking about democracy promotion this also includes the aspect of human rights and, of course the prominent conception of good governance, which is now dominating the field of democracy promotion.

In general, the expression of democracy promotion in this paper describes all the activities of the EU or other actors that are targeted towards the induction, consolidation and strengthening

of democratic structures, good governance and human rights standards in a certain state or society.

The concept of democracy promotion involves a variety of potential instruments and strategies, including diplomacy, dialogue in international fora, trade policy, military interventions or threats and foreign aid (development assistance) (Crawford 2001: 1; Burnell 2000b: 4ff; Dauderstädt/Lerch 2005: 6ff.). In this paper the focus is on democracy promotion through foreign aid, which can again be distinguished into a positive and a negative approach. The positive approach involves the use of positive support through development projects and programmes in order to strengthen respect for human rights and democratic practices and is mainly called democracy assistance or political aid. In contrast, the negative approach emphasises the impact of pressure and punishment and comprises aid restrictions and sanctions (or the threat of sanctions), in particular regarding financial support for governments and economic development aid. The main instrument for the negative way is (political) conditionality, which includes the “reduction, suspension, withdrawal or termination of financial and economic assistance when a government’s conduct is judged unsatisfactory” (Burnell 2000b: 8).

1.1.2 Core Concepts: Democracy, Human Rights, Good Governance

As Burnell states, “The 1990s witnessed a dramatic increase in interest among western liberal democracies and international organizations in promoting democracy, human rights and good governance as the global gold standards for states” (Burnell 2000b: 3). But what exactly are these “gold standards” which are at the centre of the policy of democracy promotion? All three conceptions are contested and have quite complex meanings and leave space for interpretation. Nevertheless, we will try to get a general understanding of the three terms in the following.

Democracy

As Hoffman states, “democracy is without doubt the most contested and controversial concept in political theory” (Hoffman 1988: 131). Although there is almost universal consensus about the importance of democracy, it remains an ambiguous and controversial concept. What is discussed in particular with regard to development aid and democracy promotion is the question of what kind of democracy should be promoted. There are different approaches to answer this question as the diversity in the discourse already starts with the preferred basic definitions of democracy. We can identify different types of definitions and conceptions, ranging from limited formal and procedural definitions emphasizing aspects such as free and

fair elections and open political competition to broader conceptions which also focus on the role of a strong civil society and social justice as essential foundations for a stable democracy (Stokke 1995: 31f./Stokke 1996: 79f.).

In his groundbreaking work from 1971 Robert A. Dahl has developed the concept of “polyarchy” which has since functioned as a reference concept for many of the broader or procedural definitions of democracy. The concept implies the basic principles of responsiveness of government and political equality, basing on competition and participation (Dahl 1971: 2ff.). Dahl demands “unimpaired opportunities” for “full citizens”, meaning that citizens should be able to formulate and express their preferences which are then considered and equally weighed by the government and reflected in the conduct of government. Thus, he outlines a number of critical “ingredients” such as effective participation, free and fair elections (right to vote and voting equality), inclusion of all adults, party competition, freedom of association and freedom of expression, eligibility for public office, access to information (Dahl 1971; Dahl 1998: 35ff.).

David Beetham agrees with Dahl about the central principles of responsiveness and political equality but going farer he defines four democratic measurable dimensions for the fundamental principles which lead him to the concept of the democratic pyramid consisting if of four parts, namely free and fair elections, a democratic society, civil and political rights, and an open and accountable government (Beetham 1994).

Democracy in general is considered to have several major advantages which are outlined quite comprehensively by Larry Diamond:

„The experience of this century offers important lessons. Countries that govern themselves in a truly democratic fashion do not go to war with one another. They do not aggress against their neighbours to aggrandize themselves or glorify their leaders. Democratic governments do not ethnically ‚cleanse‘ their own populations, and they are much less likely to face ethnic insurgency. Democracies do not sponsor terrorism against one another. They do not build weapons of mass destruction to use on or to threaten one another. Democratic countries form more reliable, open and enduring trading partnerships. In the long run they offer better and more stable climates for investment. They are more environmentally responsible because they must answer to their own citizens, who organize to protest the destruction of their environments. They are better bets to honour international treaties since they value legal obligations and because their openness makes it much more difficult to breach agreements in secret. Precisely because, within their own borders, they respect competition, civil liberties, property rights, and the rule of law, democracies are the only reliable foundation on which a new world order of international security and prosperity can be built“ (Diamond 1995, 6 –7).

Of course, an idealistic generalization like the one above can be questioned in a lot of respects. Especially in the changing international system and the developments after 9/11 – in particular in the USA - show that the assumption that democracies are generally a safe home for freedom and human rights might have to be re-considered. Nevertheless, it is generally agreed that democracy does indeed bring a lot of advantages. Still, there is no consensus about

the form democracy should take. There is no universal, uniform model of democracy that can just be imposed on a every state in order to allow for a proper functioning. However, some basic principles are more or less accepted in modern time, including participation, rule of law, basic human rights and political competition. Basing on these foundations different types of democracy can develop (direct or indirect; presidential or parliamentary etc.). In most countries the concept of democracy is highly valued and accepted. But nevertheless, democracy does not bring perfection and salvation per se. Democracy is always more a process than a system and much is depending on the society that carries it and a stable foundation of democratic values.

Human Rights

According to Crawford, human rights “may be definitionally clearer through their incorporation into legal instruments as well as through their universality” (Crawford 2001: 16). What he is referring to is especially the common incorporation of human rights into international law through UN covenants and regional conventions. In general human rights can therefore be seen as the least contested concept in comparison with democracy and good governance. With the Universal Declaration of Human Rights as adopted by the UN General Assembly, a first foundation for human rights was laid already in 1948. In the following, the aspect of human rights was inserted into several international and regional charters and agreements. As Stokke states, “the key documents define human rights over a broad spectrum, including the most fundamental of them all, namely the right to life, freedom from torture and from arbitrary arrest and imprisonment, civil and political rights such as freedom of movement, expression, assembly and religion, and economic and social rights, including such rights as employment, shelter, health and education.” (Stokke 1996: 77)

Still, there are critical discussions about the concept of human rights especially with regard to the different types or “generations” of human rights. During the Cold War era an integrated human rights approach was more or less undermined by ideological or strategic considerations, with the Western countries prioritising civil and political rights and the Eastern (Communist) bloc – as well as most developing countries - emphasising economic, social and cultural rights (Arts 2000: 21-22; Crawford 2001: 15-16). As Arts concludes, “[t]hat situation had a marked impact on human rights standard-setting in the sense that most international human rights instruments and procedures made a sharp division between, on the one hand, civil and political rights and, on the other hand economic, social and cultural rights. It was common to separate the different types, for example by distinguishing between three generations of human rights (with civil and political rights as first generation, economic,

social and cultural rights as second generation, and collective or solidarity rights as third generation rights) (cf. Arts 2000: 22). After a long and difficult process of controversial interpretations of human rights, in the 1990s – with the changing paradigm of international relations – the discourse more or less reached a point of agreement where all human rights are seen as indivisible and inter-dependent. In this context Lingnau speaks of a “triad of duties”, as the civic and political as well as the economic, social and cultural rights lead to a threefold responsibility for each state: (1) the duty to *respect* human rights, (2) the duty to *protect* human rights, and (3) the duty to *fulfil* human rights (Lingnau 2005: 91).

Implicitly, the aspect of human rights was already relevant for the justification of aid since the beginning of modern development co-operation. In the mid 1970s first formal links were established through the efforts of some bilateral donors - like the Netherlands and later some Scandinavian countries – to make human rights a condition and criterion for decisions concerning development aid (Halm 1997: 27f.; Sorensen 1993: 1f.). Later, especially throughout the 1990s human rights became extensively important and prominent with regard to the awarding and allocation of aid and the design of development co-operation. (Stokke 1995: 28ff./Stokke 1996: 76ff./Crawford 2001: 15f.)

In contrast to the growing consensus about the indivisibility and trend in the 1990s towards an integrated human rights approach, “their introduction into development co-operation is not uncontested with the main debate concerning the continuation of selective promotion of civil rights as human rights by Western donors” (Crawford 2001: 16). However, in the context of this paper there might be a certain tendency of emphasising civil and political rights, as the focus will be on the concept of democracy promotion, which is especially connected to these kinds of human rights. This does not mean neglect of the – equally important – other types of human rights. Even if there is hardly an explicit link between activities of democracy promotion and certain human rights, for instance the right to food - which has fortunately gotten prominence in the human rights discourse – this does not mean that there is no connection at all. Sharing the idea of indivisibility of human rights and their mutual reinforcement, human rights are therefore seen from an integrated perspective.

Good Governance

Good Governance is considered here as the third central concept for democracy promotion. Although the structures and proper functioning of governing mechanisms and systems have been relevant before in the context of foreign aid and development co-operation, the notion and conception of governance came up with the emergence of a new development aid agenda in the early 1990s.

According to the UNDP, “[g]overnance comprises the mechanisms, processes and institutions through which collective decisions are made and implemented, citizens, groups and communities pursue their visions, articulate their interests, exercise their legal rights, meet their obligations and mediate their differences” (cit. fr. Adablah 2003: 6).

The first one to prominently use the term of governance in connection with attributes like “bad” and “poor” was the World Bank in its 1989 Sub Sahara Report, in which governance is defined as “the manner in which power is exercised in the management of a country’s economic and social resources for development” (World Bank 1989: 1). The report tried to find an explanation for the lack of success of the structural adjustment programmes of the 1980s, especially applied in Africa. The World Bank concluded that economic policy reforms have to be complemented by reforms of the governing system in the countries concerned in order to work effectively (Stokke 1996: 81). Thus, the concept of good governance came up as a positive strategy that put emphasis on the fields of effective public administration, accountability, transparency and the rule of law (Santiso 2001: 5; König 2001: 2/Stokke 1996: 81). Throughout the 1990s the use of the term spread rapidly, but no clear and common definition was developed. Instead, different interpretations and conceptions can be found.

Hence, Santiso states:

„Although the concept of good governance is increasingly being used, its contours remain uncertain. Aid practitioners have not yet been able to articulate an unambiguous and operational definition of the concept. A variety of definitions, greatly differing in scope, rationale and objectives, have been advanced. This multitude of definitions has generated an increasing confusion regarding the boundaries of the concept“ (Santiso 2001: 4).

What is common for all interpretations is the general understanding of good governance as efficient and effective execution and administration in accordance with the rule of law and under participation of civil society. The general principles that are commonly shared are transparency, participation and accountability. But still, different accentuations can be found in the different conceptions of good governance. While narrow versions mainly focus on public administration management and the emphasize the enhancement of economic capacity and efficiency of governmental institutions, broader versions lay more emphasis on the normative dimension of openness and accountability, as well as on the important role of civil society and independent media (Crawford 2001: 23).

The World Bank emphasizes the management-skills of governments to efficiently and transparently administer and allocate limited economic, ecological and social resources (Hamm 2006: 227), while advocates of a broader good governance approach like the Development Assistance Committee of the OECD (DAC) particularly emphasize

participatory aspects (Stokke 1996: 81f.). The UN Development Programme describes responsiveness and accountability to the citizens as the central element and mentions important indicators like elections, empowerment of the people and transparency in the allocation of public sources (Adam 2001: 18ff.). According to a UNESCAP paper good governance has eight major characteristics: “It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society“(UNESCAP).

Finally, the EU – following the World Bank definition when first mentioning the concept in the EU context – meanwhile shares the broader definition of good governance and puts major emphasis on human rights and the rule of law as basic elements (Fierro 2003: 128f.; Holland 2002: 122).

One concept or three?

Having described the three key concepts in the debate about democracy promotion it becomes obvious that there is still much ambiguity and unclarity, in particular with regard to the concepts of democracy and good governance where we can find a variety of different conceptions and definitions.

As Burnell states, “the boundaries around each of these three domains – democracy, governance and human rights are malleable and inconclusive. [...] Governance, like democracy is an elastic concept, with broad as well as narrow meanings. The portfolio of human rights is also contested in international debates” (Burnell 2000b: 19).

The literature emphasizes the overlapping and links between the three concepts. For instance, a close link between democracy, good governance and the guarantee of human rights can be identified as human rights are setting limits to state power. At the same time participation forms an essential element of human rights. It is assumed that human rights can better be guaranteed in a democratic system, because fundamental features of democracies like participation through elections and the rule of law are essential for the protection of human rights and at the same time display the realization of basic (democratic) rights. Thus, democratic structures form a pre-condition for human rights, while the implementation of human rights is also a basic element of democracies. According to Burnell therefore “political rights and civil liberties lie near the heart of most definitions of democracy: intrinsic legitimacy attaches to democratic government because it embodies respect for certain fundamental principles of equal rights for all” (ibid.: 20).

Furthermore, the aim of the concept of good governance to ensure open and accountable governance and the rule of law is closely related to the democratic agenda. Against this background, Stokke, who shares the broad good governance definition of the DAC, subsumes the three objectives under the term “good government” (Stokke 1996: 76), while Crawford pleads for democracy as the central concept to which the others are closely interrelated (Crawford 2001: 28f.). He sees democracy at the centre of the three concepts, connecting them with each other, as democratic institutions and democratic civil society ensure civil and political rights (link to human rights) as well as open and accountable government (link to good governance). As we have already presented democracy promotion as the core concept, including aspects of human rights and good governance, it makes sense to follow Crawford’s argumentation in the context of this paper.

1.2 Development Cooperation and Democracy Promotion:

International Context

Democratization and the international promotion of democracy and good governance have become important aspects in the international system and in the European Union in particular. According to Crawford, “the promotion of democracy and human rights has become an increasingly central feature of EU external relations policy over the past 15 years, including in Africa. It is a prominent characteristic both of the EU’s development co-operation policy and of its foreign policy more generally” (Crawford 2004: 3).

The developments in the European Union reflect an international trend. Latest during the early 1990s – as a reaction to the changing situation in world politics including the end of the cold war and the alleged boom of democratisation – the promotion of democracy and the strengthening of good governance have emerged “as both an objective of and a condition for development co-operation” and “[t]he international donor community has responded to the challenges of the new ‘wave’ of democratisation in the late 1980s by embracing democracy assistance as one of its core priorities”. (Santiso 2001: 1)

The general idea of democracy promotion and its popularity is therefore a result of a changing paradigm, leading to what Robinson calls the “new policy agenda” (Robinson 1994). Throughout the 1990s the international development cooperation has witnessed a lot of changes and new developments. What Stokke calls “a striking departure in the early 1990s” mainly concerns the changing political dimension of development aid, namely “the linkage of development assistance to the promotion of human rights, democracy and good governance in southern ‘recipient’ countries” (Stokke 2001: 1).

Abetted by the collapse of the Soviet regime and the upcoming transformation processes in a number of African states as part of what Huntington (1991) called the “third wave of democratization”, international development cooperation went through a process of re-orientation. But it was not only the changing international context but also the realization of the shortcomings of the former concepts of distributing development aid and the practised attachment of economic conditions. Now the old paradigm of development cooperation influenced by the circumstances of the Cold War and economic considerations changed and political aspects like democracy and human rights found more attention.

During the time of the Cold War, with the paradigm of the conflicting systems, it had been common on both sides – which means in particular the leading powers USA and Soviet Union – to use development aid as an instrument for to winning and keeping allies in the third world without giving regard to aspects like human rights and democracy: “the predominant political thrust behind development aid was as an instrument of the cold war, used to bolster allies, whether democratic or not.” (Crawford 2001: 12). This often led to a situation where oppressive governments were supported and authoritarian rulers kept in power solely for geo-strategic reasons. (ibid: 12/Uvin 1993: 63f.). But shortly after the end of the Cold War, the approach changed significantly and development aid was more and more made dependent of political progress within the recipient countries. The aim of the “new” approach was – at least in rhetoric - the promotion of the core values and principles of democracy and human rights as well as administrative improvements.

Admittedly, as Crawford states, “development aid has always been political, [...] with implicit conditionality” (Crawford 2001: 2), or, as Stokke explains, “the objectives included in this new agenda were far from new in an aid context; foreign aid represents transfer not only of resources and technologies but of cultural aspects and values as well. These values have always been part of the development concept. [...] They were among the main determinants of the development assistance of Western middle powers. However, they had not previously been given prominence as aid objectives except in a few case” (Stokke 1996: 75). Thus, the development of the early 1990s marked an important step, a clear change in the development cooperation, by giving rise to the concept of democracy promotion and political conditionality as a main concept in foreign aid. The reformulation of priorities for assistance by bilateral and multilateral donors has led to a rapid growth of democracy promotion.

There are multifaceted reasons and explanations for the development of this new political aid agenda which make it especially interesting to take a look at the motivation for the general conception. In this context we can identify several factors which can be grouped according to three main aspects.

First, there is the changing international context that has been affected especially by the collapse of the Soviet regime and the difficult transformation processes in developing countries (Nwobike 1995: 180f.; van Cranenburgh 2000: 95).

In this context the most important aspect is the end of the cold war. With the end of the confrontation of the systems, the support that had been given to authoritarian leaders or governments because of geo-strategic reasons was now put in question as “the use of development aid to keep Third World dictators in power for purely geo-strategic objectives has become less necessary for major OECD states, and nearly impossible for what remains of the Soviet Union” (Uvin 1993: 63). With the decreasing competition for influence between West and East it now became easier to apply political conditions, providing a chance for Western governments to promote their “predominant Western political norms and interests [...] and the prevailing Western economic system” (Stokke 1995: 9).

With the independence of the formerly communist Eastern European countries, which now became part of the group of potential recipients of development aid, the global competition for aid increased. This enhanced the power of donors to attach strings to the awarding of aid and formulate conditions for development co-operation (Uvin 1993: 64).

Second, there are economic and functional aspects and interests behind the idea of democracy promotion, mainly basing on the negative experiences with the former, purely economic conditionality, the pressure for the justification of foreign aid in the domestic political sphere, and the general conviction of the positive link between democratic principles and economic and social development. (Crawford 2001: 11ff./ Uvin 1993: 63ff./ Stokke 1995) As Holland explains, “it has become accepted wisdom that sustainable development can only result where there are secure and effective institutions that promote democracy and civil society” (Holland 2002: 121). The old assumption that authoritarian governments were “better placed to implement harsh economic adjustment measures” (Crawford 2001: 13) had been more or less abandoned.

Taking a look at domestic political considerations, another factor can be identified, which is the growing demand for justification of foreign aid, caused by the negative balance of development co-operation and the growing scepticism within the domestic society. According to Crawford, “policies emphasising democracy, human rights and good governance provided a new rationale and a fresh profile for development aid in a number of ways.” (Crawford 2001: 14)

Third, there is also an important normative dimension of the concept of democracy promotion, as democracy promotion is seen as a vehicle for advocating the principles of

democracy and human rights as universal values. The validity of these values is generally shared in the critical discussions.

2. Instruments of Democracy Promotion: Conditionality and Positive Measures

Both political conditionality and positive measures are results of the changing paradigm in the late 1980s and early 1990s. But while the roots of conditionality – in its economic version – go back to the 1960s, the application of positive measures is a relatively new strategy to promote democracy – at least in the sphere of governmental development aid. The two approaches and instruments are briefly described in the following.

2.1 Political Conditionality: Restrictive Measures

2.1.1 Conception and Origin

Giving a clear definition of conditionality is a difficult task as it is a quite complex phenomenon. In the field of democracy promotion conditionality denotes the linking of development aid and financial support to specific conditions the recipient has to follow. It generally concerns a relationship between the donor on the one hand and the recipient on the other hand, who is to a certain extent dependent on the aid awarded by the donor (Fierro 2003: 94f.). On the side of the donor the basic intention behind the concept is to use development co-operation to influence structures in the recipient countries by using instruments that go beyond financial and technical co-operation (Halm 1997: 15). Thus, concrete criteria are formulated, which the recipient has to follow/fulfil if he wants to receive (financial) aid, in order to influence the recipient's internal policies. A central feature of the conditionality concept is the leverage function. Accordingly, Stokke defines the key element of conditionality as “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” (Stokke 1995: 11f.). In the context of this paper the focus is on political conditionality, which means specifically the linking of development co-operation to political considerations such as “the promotion of civil and political rights, democratic government and an accountable and efficient public administration” (Crawford 2001:1).

The historical roots of conditionality are lying in the economical sphere and emanated in the field of multilateral financial institutions like the Bretton Woods institutions World Bank and

International Monetary Fund (IMF). The economic concept of conditionality that aimed at economic reforms (structural adjustment) in the countries receiving financial aid, is called the “first generation” of conditionality and was seen as being free from political considerations. In contrast, the “second generation”, the new concept of political conditionality, encompasses political conditions such as human rights and democratic conditionality (Fierro 2003: 95f.).

As Crawford states, “the introduction of explicit political conditions to aid was additional to the prevailing economic conditionality that had dominated aid policy in the 1980s, with multilateral lending and much bilateral aid dependent on the adoption of International Monetary Fund/World Bank-led structural adjustment programmes”. (Crawford 2001: 2)

In this context, Stokke explains:

“First generation aid conditionality had removed donors’ inhibitions about interfering in the domestic politics of recipients within the economic room to the extent that, in order to obtain external development finance, recipients had to agree to ‘external administration’ monitored by the IMF and the World Bank. In the 1990s, the interference was extended to the political room, involving both systemic aspects, including the system of government and governance, and policies and their implementation. This second generation aid conditionality aimed at political reform.” (Stokke 1996: 75)

Clapham defines this new political conditionality as “the imposition by aid-giving states on recipient states of requirements relating to the domestic political structures of the recipient state as a condition for the allocation of aid” (Clapham 1995: 91). The stated objective of this political conditionality is to promote democratic reform, human rights and good governance. Thus, it is an essential instrument of democracy promotion.

Although the political version of conditionality is mainly considered an outcome of the developments after 1989, already in the mid-1970s first steps of linking development aid and human rights were undertaken basing on a basic needs approach. For instance, in 1975 the US congress included human rights conditionality in the Foreign Aid Assistance Act, which should forbid development aid to regimes accused of gross human rights violations. US President Carter in 1977 announced a reform of “those policies that accord assistance to repressive governments that violate human rights” (cit. fr. Uvin 1993: 65), but this idea was undermined by the circumstances of the Cold War and finally lost attention under the Reagan administration. Other countries integrated human rights criteria into their development co-operation, like the Netherlands in 1975, making the respect for basic human rights to a condition of their development cooperation. During the 1980s others like the Scandinavian countries also followed this approach, as well as Canada who even integrated the aspect of democracy as a criterion of conditionality at that time (Halm 1997: 27ff./Crawford 2001: 11f./Sorensen 1993: 1f.).

With the end of the Cold War and a changing international context – as we have seen above - a new approach of linking development aid to political progress, democracy and human rights became prominent in the international political sphere, in particular for international organizations and western countries. This new approach gave rise to the concept of political conditionality.

The World Bank has to be seen as one of the pioneers of this new development. In 1998 the World Bank published a report entitled “Sub-Saharan Africa: From Crisis to Sustainable Growth”. Facing the poor results of the structural adjustment programmes in African countries the Bank concluded in this report that the structural adjustment policies were did not bring the expected effectiveness due to of a lack of competence and quality of government in the countries concerned. With the statements published in this report “attention was drawn to problems of the personalisation of power, widespread corruption, the denial of fundamental human rights, and the prevalence of unelected and unaccountable governments. On the other hand, the benefits of pluralism and multi-partyism were noted” (Crawford 2001: 13f.).

Later these ideas have been adopted and connected to the field of development co-operation by the Development Assistance Committee (DAC) of the OECD, which announced in a report in 1990 that future aid to developing countries should be linked to aspects of human rights and democracy. Similar declarations were made by several bi- and multilateral donors at the same time and within a short time the concept of political conditionality was adopted by almost all major donors and integrated into international development cooperation (Uvin 1993: 64ff.).

2.1.2 Types of Conditionality and Implementation Measures

“Ex Ante” and “Ex Post”

A first distinction can be made between conditionality *ex ante* and *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 (Fierro 2003: 98).

In contrast, conditionality *ex post* means that an actor imposes conditions within the framework of an existing contractual relationship, which means that to a certain extent the relationship becomes dependent on the fulfilment of these conditions. The *ex post* approach is more frequently used - mostly in form an amendment of an agreement by an inclusion of a human rights clause. Although it is criticized because it runs contrary to the fact, that “conditions, by definition, can only be imposed in advance” (Selverivik 1997; cit. fr. Fierro

2003: 98), there is a “deliberative unwillingness to state conditions clearly *ex ante*” because “actors appear to want the situation to be ambiguous or vague” (ibid.: 98). As Fierro states, a specification of conditions *ex ante* would limit the donor’s flexibility and capacity to act (ibid.: 98f.). Moreover, there is a significant difference between the two types with regard to the timing. While conditionality *ex ante* is a short-term issue as it expires once the conditions are fulfilled, the *ex post* type has a long-term character that can remain “operational throughout the lifetime of a given agreement” (ibid.: 211). Finally, “conditionality *ex ante* is tailor-made and is not necessarily supported by any legal instrument”, in contrast to conditionality *ex post* which has “a sound legal basis, as it forms part of an agreement” (ibid.).

Positive and Negative Conditionality

In order to achieve the stated objectives of democracy promotion within the concept of political conditionality in development co-operation we can identify two kinds of ways to go, and differentiate between negative and positive conditionality. Negative conditionality involves reducing, suspending or terminating aid or other benefits if the state in question violates the attached conditions, while positive conditionality involves promising benefits to a state if it fulfils certain conditions (Fierro 2003: 94ff./Giorello 2001: 79). The two kinds of conditionality are sometimes described as “carrot and stick” (Crawford 2001: 44/Fierro 2003: 99).

Positive conditionality is a “policy of incentives” (Fierro 2003: 100) that is mainly based on co-operation. This positive version does not mean an active intervention or interference into political developments in the recipient country but is supposed to reward positive steps with regard to democracy, good governance and human rights and encourage ongoing reforms and strengthen progressive political powers. Among others, the connected benefits can include awarding of grants, loans and financial aid as well as deepened economic and diplomatic co-operation (ibid.). The positive version of conditionality can also be seen as selectivity. According to Rich, “[i]t is selectivity not only in the choice of aid projects, but selectivity in the appreciation of policies in developing countries that attract those aid projects” (Rich 2004: 328). It is difficult to clearly relate selectivity to good policies with regard to democracy promotion, as a number of political considerations might be involved. Moreover, it is difficult for donors to judge policies in a developing country, as they have to be seen in the context of the situation of the country. This has led to the prominent idea of measuring outcomes instead of policies when it comes to the awarding of aid (ibid.).

Negative conditionality is mainly basing on the threat of applying negative measures like aid sanctions, which should punish malpractice and breaches of basic elements of an agreement

(conditionality clauses) and exert pressure on governments to keep up or improve their standards and practices with regard to human rights, democracy and good governance.

The range of possible negative measures to be applied includes, among others, the reduction or suspension of aid, the imposition of further sanctions and embargoes, as well as the discontinuation of diplomatic contacts and the condemnation in international forums.

The application of sanctions often provokes critical questions with regard to effectiveness and consistency. The latter is seen as problematic because of a possible application of twofold standards and the danger of arbitrariness. It is obvious that donors have various interests vis-à-vis the recipients. Thus, democracy promotion might only be one part of the agenda, next to economic interests and security aspects, which might even be more relevant for the policy. In the practical application of measures there is a lot of room for diverse political considerations. As Hammerstad states, “[t]he determination of aid policy out of political considerations has not disappeared with the Cold War” (Hammerstad 2003: 7). This observation seems to be true for the use of sanctions, as the donors are often accused for only applying sanctions against weak states with low relevance for economic and security aspects (Sorensen 1995: 392ff.).

The question of effectiveness is essential for the whole concept of political conditionality, and will therefore be discussed in the following part of general criticism. A number of factors do negatively affect the success of sanctions applied. The main observation of most critics is that aid sanctions are only likely to be effective if they are applied in cases of small and poor countries that are highly aid-dependent (Crawford 2001: 46f./Stokke 1995: 55).

2.1.3 Criticism towards Conditionality

Leaving aside the general scepticism towards the chances of external inputs for democratization processes, there is a lot of specific criticism towards the concept of (negative) conditionality, mainly with regard to the legitimacy of conditionality and its effectiveness as instrument of democracy promotion.

Talking about the legitimacy of political conditionality first of all leads to the legal aspect of national sovereignty. The system of international relations bases on the established principles of sovereignty and non-intervention and the right of self-determination, codified in international law. Several authors see political conditionality as a clear interference, if not direct intervention into internal political affairs and therefore question the legitimacy (e.g. Uvin 1993: 68; Crawford 2001: 31ff.; Grimm 2007: 66; Oschlies 2003: 94) and often external pressure for political reform is rejected by non-democratic regimes who are referring to the principle of sovereignty (Schmitz 2006: 11). This critical aspect leads to a discussion about the relationship of sovereignty and human rights. In this context it is a quite common view

that human rights in their universality are primary over the national right to sovereignty, as it is a central characteristic of universal human rights that they should not be limited by state power and are therefore beyond the nation state's sovereign sphere of influence (Crawford 2001: 32; Nherere 1995: 293). In fact this argument covers the aspect of human rights intervention but does not directly legitimize interference aiming at the promotion of democracy and good governance. Nevertheless, a connection does actually exist between human rights and democracy as a democratic system is generally seen as advantageous for the guarantee of human rights (Crawford 2001: 33). Furthermore, Nherere's statement that "there is no legal obligation to give aid and there is nothing unlawful in a donor attaching any conditions it likes or choosing to give to such recipients as it selects" (Nherere 1995; cit. fr. Crawford 2001: 34) could knock off all the criticism, but has to be seen very sceptical as it relies on an asymmetric system of powers and the donor's ability to exploit their power, which are themselves much contested characteristics of the international system.

A further concern is the model of democracy that is promoted through conditionality. Apart from the popular general opinion that democracy should be imposed externally but has to be based on internal developments, many authors criticise the donors tendency to impose their Western model of democracy regardless of specific circumstances and national traditions within the recipient states (Oschlies 2003: 94; Crawford 2001: 34f.)

Finally, the question of the donor's integrity affects the legitimacy dimension of conditionality. Donors are facing the accusation of a "hidden agenda" behind their aid policy, which could mean "political reform as a means to economic liberalisation, and political conditionality and democracy promotion as means of maintaining global dominance and hegemony" (Oschlies 2003: 95; Crawford 2001: 35). Furthermore, according to Stokke there is a "glaring absence of policy coherence – when vested national interests undermine a stated policy involving global values" and donors' policies of aid conditionality "have not been consistent" (Stokke 1996: 88).

Finally, Crawford raises the question of reciprocity of policy standards. He sees several examples for the application of double standards an "inconsistent and hypocritical practice" (Crawford 2001: 88). Moreover, the donor's who are imposing conditions do not always set accordingly high standards for themselves. This does not only undermine the principles and values on which political conditionality is based but also the donor's credibility and position as advocate of these principles and values (Schmitz 2006: 11).

Despite the criticism concerning credibility and double standards, Crawford also mentions a "counter argument" in favour of the inconsistency in applying political conditionality, seeing it as "defensible in pragmatic terms:

“An optimum strategy to secure political reform involves applying a combination of measures, both sticks and carrots, in accordance with individual circumstances in particular countries. In contrast to a ‘principled’ application of threats and sanctions ‘across the board’, such a strategy implies the application of aid conditionality where it might work (for instance, in weak, aid-dependent countries) but not where it is unlikely to succeed (in large, middle-income countries) or where the donor costs of applying sanctions are high (where there exist extensive trade relations)” (Crawford 2001: 45).

This leads as to the general aspect of effectiveness. According to Uvin “conditionality can be said to have been effectively exercised only if a recipient country undertakes a policy change it would not have undertaken by itself, that is, without the pressure made to bear upon it by the donor” (Uvin 1993: 68). He identifies a number of constraints for the effectiveness of conditionality on both donor and recipient side (Uvin 1993: 68ff.).

On the donor side a first constraint that has to be mentioned is the small financial volume of development aid in comparison with other financial sources available for development countries, in particular through trade and foreign investment. This decreases the importance of aid and the power to use it as a political instrument.

Secondly, the objectives of political conditionality and democracy promotion often conflict with other objectives of development aid which are prioritized, e.g. commercial, economic or geo-strategic objectives and considerations.

Uvin furthermore identifies a lack of a clear operational definition. The three key concept of democracy, human rights and good governance – as we have seen above- are not clearly defined and give room for interpretation.

Finally, sanctions imposed as a result of conditionality might hit the poor instead of the targeted government. A suspension or reduction of aid might especially hurt the poor people in a developing country without necessarily affecting the government existentially. This is contra-productive to poverty reduction and human rights protection as objectives of development aid.

On the donor side a first critical aspect is the likely resistance within the political elite in the developing country towards political reforms, in particular for ideological reasons, nationalism, mistrust against the western countries and the fear to lose privileges.

Furthermore, governments which are unwilling to give in to external pressure to change their policies might be able to find ways to evade political conditionality, e. g. by pretending progress without actually achieving a positive change. As Uvin states, “a government can satisfy the demands from the donor countries while keeping intact the degree of oppression

and mismanagement it judges necessary for its maintenance in power or for any other objective it has” (ibid.: 72).

Alternatively, the recipient country’s government might easily find access to alternative financial sources through trade and activities on the global capital market or through other bilateral or multilateral donors (e. g. China).

According to Stokke, another aspect limiting the effectiveness of political conditionality is “the “the absence of an international regime for implementing the various aid objectives” (Stokke 1996: 91). While for the economic version of conditionality a global coordination is provided through the Bretton Woods institutions, this is not the case for the political version of conditionality, as there is no global regime that could supervise the aspects of democracy and good governance. With regard to human rights there are of course international agreements and laws and instruments of international monitoring, but an explicit system of enforcement does not exist (ibid.).

2.2 Democracy Promotion through Positive Measures

2.2.1 Conception and Origin

Recently, more and more donors turn to the direct and active support of democratization processes through positive measures, in particular because of the observed shortcomings of the conditionality approach (Nielinger 1998: 114; Burnell 2000b: 26f.).

In contrast to political conditionality these positive measures include all activities of development cooperation (projects and programmes) that are aimed at a direct and systematic promotion of democracy and that are awarded unconditional – and do therefore not have the character of a strong intervention. The distinction between positive conditionality and positive measures is not always clear-cut, they are sometimes confused and some authors even consciously subsume positive measures under the concept of positive conditionality. There are different expressions for the positive, direct and unconditional approach. While some authors call it “democracy assistance” (e.g. Burnell 2000) or “democracy aid” (Carothers 1999), Crawford uses the expression “political aid” (Crawford 2001) to subsume all measures. In this paper the expression of positive measures is preferred, which is prominent in the German-speaking context (“Positivmaßnahmen”) but is also becoming more common in the English context (e.g. Fierro 2003), and which might reduce the chances of confusing it with positive conditionality.

Carothers provides a comprehensive definition of these measures he subsumes under the concept of “democracy aid”:

“aid specifically designed to foster a democratic opening in a non-democratic country or to further a democratic transition in a country that has experienced a democratic opening. Donors typically direct such aid at one or more institutions or political processes from what has become a relatively set list: elections, political parties, constitutions, judiciaries, police, legislatures, local government, militaries, nongovernmental civic advocacy groups, civic education organizations, trade unions, media organizations. Unlike the other tools of the trade, democracy assistance is neither a carrot nor a stick. It is not awarded for particular political behaviour, nor is it meted out as punishment for democratic slippage (though people in recipient countries may sometimes view it as such).” (Carothers 1999: 6)

As we can already see from his listing, the target groups addressed by positive measures can be governmental as well as civil or non-governmental. Like the spectrum of target groups (or recipients) also the spectrum of donor organizations and concrete instruments and methods is quite broad. On the donor side, positive measures can be undertaken by governmental or inter-governmental organizations as well as NGOS (national and international) or political foundations. As the latter do in fact apply positive measures (like civic education, promotion of decentralisation etc.) already since decades, there is in principle nothing new about the concept. In particular the quite unique party-affiliated German political foundations have a long tradition in development cooperation and have included in democracy promotion at a much earlier stage than other organizations. The German model has also decisively influenced the establishment and work of similar institutions for example in the USA (e.g. National Democratic Institute for International Affairs, International Republican Institute) and Great Britain (Westminster Foundation for Democracy). Thus, most authors see the origin for the concept of positive measures in the work of these foundations (e.g. Nolting 2003: 66; Burnell 2000c: 34f.). However, the concept only entered the area of governmental development cooperation in the 1990s because of the changing international context, the realization of the importance of democracy promotion and the shortcomings of conditionality. Since then a significant extension and qualitative improvement of positive measures took place as the measures have been specified and are now addressing almost every aspect of a political system (Schmidt 1999: 10).

For the general description of the fields of activities the core areas of democracy promotion (democracy, human rights and good governance) that have been considered and explained above can give a first background and orientation. But the complex relations between the particular elements of democracy conceptions as well as the vague conceptualisation of good governance lead to different conceptual project approaches (Nielinger 1998: 124). It is almost impossible here to outline all the various activities and instruments connected to the approach of positive measures. Thus the diversification will be presented in the following by giving a brief overview of the different fields of activities.

2.2.2 Fields of Activities

Briefly, according to Burnell, positive measures comprise “elements of support, incentive inducement and reward. The provision of advice and instruction, training programmes, equipment and other forms of material support to institutional capacity building are typical examples, as are financial subventions to pro-democracy bodies and subsidies to cover the costs of certain democratizing processes” (Burnell 2000b: 9).

In principle, it is common to distinguish the positive measures into two categories: support for governmental/state institutions and support for non-governmental, civil society actors.

Measures addressing state institutions:

- § General: Sensitization of involved actors; promotion of decentralization etc.
- § Support for the executive aiming at the promotion and protection of human rights and democratic procedures
 - Sensitization and training of government actors and employees; Promotion of Public Sector Management; Methods to improve accountability; Training of security forces (police, military) etc.
- § Support for the legislature aiming at consultation and participation of the citizens in political processes
 - Election assistance and observation; Civic education and training in skills for political actors; Support for parliaments and parties; Improvement of information flows etc.
- § Support for the jurisdiction aiming at the establishment of a reliable, fair and independent law and court system
 - Institutional empowerment of the jurisdiction; Training of judges and other actors; Supervising the independence of the jurisdiction; Improving access of the poor to the courts etc.

Measures addressing civil society:

- § General: Civic Education
- § Empowering Civil Society Groups (especially human rights groups etc.)
 - Capacity building, financial support and equipment, assistance for policy formulation; networking; organizing political dialogue etc.
- § Promoting a well-functioning and independent media
 - Training of journalists; support for critical media; decentralisation of the media; creation of watch-dog mechanisms etc.
- § Empowerment of marginalized and vulnerable groups

- Legal assistance; strengthening organizational capacities; assisting human rights groups and self-help groups; measures to integrate minorities etc.

(cf. van Cranenburgh 1999: 96f.; Nielinger 1998: 126ff.; Nolting 2003: 60ff.)

2.2.3 Criticism

In general, positive measures are commonly seen as preferable to conditionality (Crawford 2001: 48; Uvin 1993: 77) and there is less controversy about the concept than about the imposition of punitive measures. But although there are a lot of advantages of the positive approach, it is not free from shortcomings and aspects that can be criticised, for instance with regard to the strategy and effectiveness.

The great advantage of positive measures is its wide range of measures and partners and target groups. The approach is generally taking into consideration – much more than the conditionality approach - the basic realization that democratization processes first and foremost have to base on internal developments and must be locally driven and that external factors can only play a limited additional role. Thus, positive measures can be targeted towards the strengthening of internal factors and forces.

But despite this general realization there are still a lot of shortcomings concerning the strategy and application which make the approach less effective. The discussions are often dominated by the question which factors are leading to democracy, good governance and respect for human rights and where there are chances to externally influence these factors. As a result there are discussions about appropriate strategies of applying positive measures, the form and content of co-operation and the groups and actors to be supported.

A central aspect is the role of the civil society as beneficiary of positive measures. Almost all commentators emphasize the importance of the strengthening of civil society as part of a strategy of positive measures (e.g. Stokke 1995; Burnell 2000b; Nielinger 1998). Yet it is a shared view that even if targeted at the right groups the impact of support for internal processes and pressures is very limited (Crawford 2001: 44).

With regard to an appropriate strategy there are a lot of challenges that can only be mentioned briefly in this context. For example it is of ultimate importance to have a comprehensive strategy that is well co-ordinated as most donors are dealing with a large variety of partners etc. In this context it is important to make use of synergy effects in order to have complementary outcomes (Nolting 2003: 64). For instance if civil society groups are empowered and strengthened in certain fields it is necessary at the same to also address the political system and help creating an institutional setting that allows for active participation of civil society. In most cases positive measures are targeted towards civil society and state

institutions at the same time, in order to address the issue of democratization from both bottom-up and top-down perspective. In both regards the donor is working through partners and is relying on the ability and willingness of the partner as they are the implementing actors. With regard to civil society it is important to identify the right groups and actors that really have a potential to have an impact, while with regard to support for state institutions the political will and commitment of the recipient government is crucial for the effectiveness of the support (ibid.; Crawford 2001: 49).

A general critical aspect is the question of positive or negative impact. Although the objectives of democracy promotion through positive measures might be laudable they are not assured in advance. Several authors see a danger of unintended negative effects of positive measures (e.g. Crawford 2001; Nielinger 1998; van Cranenburgh 1999). With regard to democracy assistance (positive measures) Burnell emphasizes the critical question “whether we can be confident that it will add momentum to democratization, rather than channel into a relatively unpromising track” and states that “we should not ignore the possibility that democratic experiments itself can sometimes go badly wrong, by bringing divisions to the surface and exacerbating rivalries for power. They can destabilize societies, engender disorder and create the very conditions for complex humanitarian emergencies” (Burnell 2000b: 15).

Finally, a central question with regard to positive measures remains more or less unanswered and that is the question of real impact. The measures and their impact can hardly be clearly and assessed, a causal link between positive measures and democratic developments is difficult to proof. Thus, there is a continuing discussion about the general chances of such activities of democracy promotion.

3. EU Democracy Promotion within the ACP-Cooperation

The EU development assistance programme is one of the largest development aid programmes. Taking together the programme of the EU, administered by the commission, and the programmes of the 25 member states, the European Union is with the world’s largest donor, with a contribution of 55 per cent (Hexel 2006: 2)

Over the 1990s the promotion of democracy, human rights and good governance has become an important objective in the EU development policy agenda. As Crawford states, “the promotion of human rights and democracy has become an extremely well integrated element of EU external relations policy, with multiple references to it at various institutional levels.”

(Crawford 2002: 1)

This part focuses on the EU democracy promotion, which is not understood as the sum of the policies of the member states but all those measures that are implemented by EU institutions as part of a common policy, with special regard to the context of the EU-ACP co-operation.

This is especially interesting as the EU democracy promotion faces a lot of challenges and criticism. While there is broad consensus about the importance of democracy and good governance as core orientations of development aid, there is controversy about the effectiveness and appropriateness of external democracy assistance and the best strategies to achieve the intended objectives. Especially the conditionality approach has to face a lot of criticism, in particular with regard to aspects of the effectiveness and legitimacy, and the credibility and consistency of its application. In theory the intended impact of conditionality seems plausible but in practice the picture is quite ambiguous.

3.1 EU Development Cooperation and Democracy Promotion

In the international context the EU presents itself as a community of common values and a promoter of such values like democratic peace and multilateral cooperation. The European Commissions sees the EU as an “economic and political player with global diplomatic reach, and with a substantial budget for external assistance” which has “both influence and leverage, which it can deploy on behalf of democratisation and human rights” (European Commission 2001: 4).

However, it was not before the beginning of the 1990s that democracy promotion found its way into the development cooperation of the EU. The momentous changes of the global political setting that have already been described above created both chances and pressures to change strategies of development co-operation and give attention to the political dimension of development aid and the aspects of human rights and democracy. This situation lead to a kind of “activism” of the EU institutions in the early 1990s, with several resolutions and declarations of the Council of Ministers and the Parliament, as well as an increased co-operation with NGOs and human rights groups etc. (Keßler 2007: 50).

In a memorandum towards the Council in March 1991 the Commission brought up the aspects of human rights and democracy in the context of development and introduced the approach of connecting the development aid of the European Union with democratization and human rights. In June 1991 the European Council confirmed this connection in the so-called Luxembourg Declaration which “proclaimed respect for human rights, the rule of law and democratic political institutions as the basis for equitable development, and signalled intent to include human rights clauses in economic and co-operation agreements with third countries” (Crawford 2000: 91). Shortly after that, an important step was made with the adoption of the

resolution of the Council of Ministers on 'Human Rights, Democracy and Development' in November 1991, which according to Crawford "was, and remains, the pivotal policy statement" as it "made promotion of human rights and democracy both an *objective* and a *condition* of development co-operation" (Crawford 2000: 92). Furthermore, the importance of good governance is already mentioned in the declaration: "The Community and Member States will support the efforts of developing countries to advance good governance and these principles will be central in their existing or new development cooperation relationships" (Council of Ministers 1991). The document demanded the integration of the promotion of human rights and democracy into the future foreign relations and development co-operation of the EU. In this key document for EU democracy promotion both political conditionality and positive measures were identified as elements of democracy promotion. While the positive approach was emphasized as priority, the negative approach was supposed to be applied in case of grave human rights violations or a "serious interruption of democratic processes" (Crawford 2001: 88), with the "ultima ratio" of aid suspension. Finally, according to the resolution, human rights clauses should be inserted in future co-operation agreements which should enforce the promotion of democracy and human rights and provide a basis for sanctions in case of violations. (Council of Ministers 1991; cf. Keßler 2007: 50, Schmidt 1999: 14ff.)

With the Maastricht Treaty on the European Union (TEU, 1992/93) the aspects of democracy and human rights were again up-valued. The promotion of democracy and human rights was included in the objectives of the then newly created second pillar, the Common Foreign and Security Policy (CFSP). Furthermore, the Treaty provided a first legal basis for development co-operation on Community level by defining its goals and objectives, including the promotion of democracy and human rights as priority aim (Crawford 2001: 92; Grimm 2003: 161). The mentioning of democracy promotion as both part of the CFSP and the development co-operation already indicates fragmentation of the policy field with regard to organization, content and programming, which is seen as a major reason for the inconsistency and indifference of EU democracy promotion (Schmidt 1999: 17). The Amsterdam Treaty (1998) did not introduce major innovations concerning democracy promotion but affirms the importance of democratic principles and human rights for the foreign relations and puts more emphasis on the principle of coherence of policies (ibid.: 18).

Since May 1995, standardised human rights and democracy clauses are inserted into all agreements with individual countries, allowing for the use of a conditionality mechanism.

The complex institutional structure, the complicated mechanisms of financing the activities and the lack of clear objectives and implementation guidelines continuously lead to a discussion about reforms of the EU democracy aid.

3.2 The EU-ACP Cooperation

The so-called ACP states (African, Caribbean and Pacific Group of States) have always enjoyed a privileged status in the EU development policy. The co-operation between the EU and the ACP states, primarily basing on an aid and trade agreement has a “unique character” (Simm et al. 1999: 587), or as Crawford states a “flagship nature”, mainly because of three main characteristics: (1) the contractual nature including rights and obligations for both parties (2) the principle of partnership which emphasizes the equality between the partners and the respect for sovereignty of the partners, and (3) “the inclusion of a combination of trade and aid provisions in a single agreement, creating a variety of possibilities” (ibid.)

Since 1975, the ACP states – recently 79 states including all 48 sub-Saharan African states – are associated with the EU and its member states through the so-called Lomé Conventions (Crawford 2004: 4). It provides for a multilateral trade- and development co-operation and assures the ACP states financial support and trade preferences. The Lomé system provided with preferential access to the European market “since they could export almost all their products custom free without reciprocating by opening their markets to EU imports (General System of Preferences)” (Börzel/Risse 2004: 4). Furthermore, an export stabilization scheme to compensate ACP countries for losses in export of agricultural and mineral commodities (“Stabex”, “Sysmin”) was created (ibid.). Finally, financial aid was granted through the European Development Fund (EDF). The EDF is the main instrument for granting Community aid for development co-operation in the ACP states and the Overseas Countries and Territories (OCT). The fund is not part of the Community’s general budget, instead it is funded by the member states through their contributions and has its own financial rules.

The Lomé Conventions and the succeeding Cotonou Agreement build up a basic element of the development policy of the European Union.

3.3 Conditionality in the EU-ACP Cooperation

3.3.1 Development of the Formal Frame

Before the fourth Lomé Convention, the agreements were kept neutral with regard to human rights and democracy. The initial focus of the co-operation mainly left out the political dimension. The first two Conventions (1975-1985) did not refer to human rights or

democracy at all. In the Lomé III Convention (1984) a statement on human rights as essential objective of development was included, but no legal provision was made that would allow for sanctions in cases of violations. However, the question of human rights had already evoked in the 1970s under Lomé I, especially with regard to the reaction towards the massive human rights violations in Uganda under the regime of Idi Amin (1971-1979). The EU did not have a legal basis for sanctions, but de facto in 1977 aid was more or less suspended through a massive reduction the EDF grants (Fierro 2003: 45; Schmidt 1999: 12; Grimm 2003: 164). Giorello calls these early developments “implicit conditionality”: “that is, no legal provisions in the agreements between the Community and third countries provided for the respect for human rights and democratic principles but systematic violations of these principles entailed certain consequences in the relationship with the third countries in question” (Giorello 2001: 80).

In the following it was especially the European Parliament and the Netherlands who demanded an inclusion of a human rights clause into the Conventions, but this mainly failed because of the resistance of the ACP states – calling such a clause an interference in their sovereignty - and the passive behaviour of the large member states.

With adoption of the fourth Lomé Convention (1989) for the first time a reference to human rights and democratic principles was included. According to Article 5 of the Convention the “cooperation shall be directed towards development centred on man, the main protagonist and beneficiary of development, which entails respect and promotion of all human rights” (Lomé Convention IV; cit. fr. Giorello: 81). The clause has a general character and involves all activities of the EU-ACP co-operation. But an explicit obligation to respect the clause had not been formulated and there was not link to specific sanctions.

With the Mid Term Review of Lomé IV (1994/1995) – under the impression and influence of internal as well as external developments in the international context – the aspects of human rights, democracy and the rule of law were made essential elements of the co-operation. Thus, the conditionality was explicitly extended to democratic principles and the rule of law. For the first time, a concrete approach towards good governance was included, but a distinction was made from the “essential elements” and therefore no negative conditionality was applicable with regard to good governance. Article 336 of the revised Convention allowed for aid sanctions in case of violations with regard to the essential elements and set up a special procedure to suspend the co-operation. However, aid suspension is seen as the “ultima ratio” and can only follow a certain consultation procedure (Arts 2000: 186ff.; Dialer 2007: 110; Schmidt 1999: 21). According to Schmidt, the revision of Lomé IV meant a clear turn away from the principle of political neutrality, but also legitimized “ex post” the conditionality of

the EU which de facto had been practised since the beginning of the 1990s (Schmidt 1999: 21).

The Lomé Conventions were succeeded by the Cotonou Partnership Agreement (CPA) in 2000, which is valid until 2020. The agreement sticks to the principles of partnership, dialogue and contractual character of the former conventions but also introduces several innovations. The main objective of poverty reduction is emphasized as well as the instrument of political dialogue as a main pillar of the co-operation, and the involvement of non-state actors is extended and appreciated. Respect for human rights, democratic principles and rule of law remain essential elements of the agreement and are given special attention. They are valid for the domestic as well as foreign policies of the partners. Article 96 of the CPA regulates the procedures for cases of violations against the essential elements, which can ultimately lead to the suspension of the co-operation. But apart from especially urgent cases, consultations are the first instrument and only in case they are unsuccessful other “appropriate measures” can be undertaken including sanctions and the suspension of co-operation. (Kebler 2007: 60f.). The question of the definition of the concept of good governance and its inclusion as criterion for negative conditionality had been a major critical point in the preparatory negotiations of the Cotonou Agreement. Finally, against the resistance of the ACP states, good governance was included in the agreement, defined as “the transparent and accountable management of human, natural, economic and financial resources for the purpose of equitable and sustainable development” (CPA Art. 9). In a kind of compromise, good governance was declared a “fundamental” rather than an “essential” element. Legally it is therefore not an element whose defiance would be followed by sanctions, but instead the concept should be mainstreamed into all political actions. The sanctioning of aid was only provided for cases of serious cases of corruption (Grimm 2003: 167; Dialer 2007: 120f.)

In accordance with Article 95, the agreement was checked and revised in 2005. The revision brought an additional strengthening of the political dimension with a special focus on result-oriented, efficient dialogue. In addition, the aspect of poverty reduction is further emphasized and the UN Millenium Development Goals are inserted into the agreement as orientation (Dialer 2007: 185ff.; Six 2006: 26).

By making human rights and democracy to essential elements of the treaties, human rights violations or serious interruptions of democratic processes can be considered a “material breach” of the concerned treaty, which according to Article 60 of the Vienna Convention can entitle the partner to terminate or suspend its operation as a whole or in part. As Rich notes, “the EU has thus armed itself with the power at international law to suspend or terminate

bilateral aid agreements in the event of human rights abuses or extra-constitutional attacks on democratic government” (Rich 2004: 325f.).

3.3.2 EU Sanctions Policy

The prominent version of political conditionality as used by the EU in the co-operation with the ACP states is a negative ex post conditionality. It therefore bases on the possibility of applying restrictive measures (sanctions) in case conditions are not met, which is provided by the inclusion of a human rights and democracy clause. This application, according to the Commission, underlies some basic principles. First, they can only follow a form of political dialogue. Thus, dialogue takes precedence over negative measures except for cases of special urgency, and sanctions should only be taken as a last resort. Secondly, any measures must be based on objective and equitable criteria, taken in accordance with international law and have to be appropriate and should be applied proportionally according to the gravity of the case of violation. Finally, it is necessary in the choice of measures to limit harm on the civilian population and avoid penalising the whole citizenry (Arts 2000: 319f.; Nwobike 2005: 1390; Mbadinga 2002: 5).

According to Kreutz, “EU sanctions can be divided into the following types of measures:

- Arms embargoes
- Trade sanctions
- Financial sanctions
- Flight bans
- Restriction of admission
- Diplomatic sanctions
- Boycotts of sport and cultural events
- Suspension of co-operation with a third country” (Kreutz 2005: 5-6).

The Lomé IV Convention in its amended version from 1995 already provided for a procedure of consultation and aid suspension as it included an “essential elements clause” (Art. 5) and a “non-execution clause” (Art. 366a). In the Cotonou Agreement these provisions were replicated by the Articles 9 and 96. Article 96 provides the legal basis for the application of sanctions or suspension of the Cotonou Partnership Agreement in case of breaches of an essential element; complementary “its rarely used sister” (Mackie/Zinke 2005: 1), Article 97 presents a similar provision with regard to the fundamental element of good governance (cases of serious corruption). The Cotonou Agreement puts major emphasis on the precedence of political dialogue and consultations. The political dialogue as envisaged in Article 8 should always be the prior procedure and a permanently ongoing process. Only in case this regular dialogue fails to prevent a violation of an essential element a formal consultation according to Article 96 is foreseen (*see Annex I*).

Before the revision of Lomé IV in 1995 there was no solid formal legal basis for sanctions or suspension for reasons related to human rights or democracy and, thus, “suspension of development aid before 1996 was often handled in informal ways” (Hazelzet 2005: 4). Moreover, as Fierro observed, the EC already used punitive measures by applying democracy and governance criteria without the formal basis for such a procedure, and thus “clearly trespassed the legal boundaries of Lomé at the time” (Arts 2000: 339).

But even with the formulation of general criteria and procedures the application of the consultation procedure and the introduction of sanctions remains a very complex and also quite controversial issue. For instance, Santiso stated in 2002:

“The consultation procedure remains largely unregulated and the ‘appropriate measures’ to the discretion of the EC. While this uncertainty provides for flexibility, it can and does also generate misunderstandings and frictions, between the EC and the development partners, and within the EU itself [...]. More fundamentally, the process by which a country qualifies and re-qualifies for EC support remains to be specified. Once a country has been sanctioned, there must be greater clarity on how it will re-qualify and how the rehabilitation process will unfold” (Santiso 2002b: 33).

Fierro furthermore criticises the Commission for its “non-transparent reporting” (Arts 2000: 340) and notes that “[e]ven though the Commission’s reporting on negative human rights or democracy measures has increased significantly in recent years, in many cases it is still extremely difficult to trace the exact reason behind punitive Community Action” (ibid.: 339).

As a result of the general unclearness and lack of transparency the Cotonou Article 96 “has acquired a somewhat negative image” (Mackie/Zinke 2005: 5) and there are different perceptions of how the formal framework is meant to work, and especially a lot of scepticism on side of the ACP states (ibid.).

While for the political dialogue according to Cotonou Article 8 specific guidelines had been adopted in 2003, such guidelines were not existent with regard to the application of Article 96 until 2005 (Mackie/Zinke 2005: 6). In this context Bradley summarizes:

“One of the key objectives of the Cotonou Agreement is to eradicate poverty, and it is therefore expected, within the spirit and nature of the ACP-EU Partnership, that when the Article 96 consultation procedure is invoked, it will be without any negative consequences for the aforementioned key objective of the Agreement. Nevertheless, Article 96 is perceived to be negative, potentially punitive in nature, unilaterally applied, and when applied incorrectly, neither complementary to nor in conformity with the key objectives of the Cotonou Agreement. It is within this context that the ACP Group, through the recent revision of the Cotonou Agreement, addressed these concerns by rendering political dialogue under Article 8 more systematic and formal. The new Annex VII to the Cotonou Agreement entitled, “Political dialogue as regards human rights, democratic principles and the rule of law”, sets out detailed modalities for this structured dialogue, which should bring the eventual application of Article 96, when needed, in line with the key objectives of the Cotonou Agreement.” (Bradley 2005: 1).

Furthermore, while before 2004 there had been no explicit strategy or framework of principles for the use of sanctions by the EU, Kreutz identifies a “new phase of sanctions policy”

(Kreutz 2005: 12) in 2004. He refers to the adoption of the “Guidelines on implementation and evaluation of restrictive measures (sanctions) in the Framework of the EU Common Foreign and Security Policy” (December 2003) and the “Basic Principles on the Use of Restrictive Measures (Sanctions)”, jointly drafted by the Secretary General/High Representative and the Commission and adopted by the Council in June 2004. “In short, the ‘Guidelines’ explore how to enhance effectiveness of sanctions, while the ‘Basic Principles’ define their use and finality” (Portela/Kreutz 2004). According to Kreutz, the “two documents should be considered complementary, and together they provided the first programmatic declaration of EU sanctions policy” (Kreutz 2005: 14). While the two documents provided timely information about the objectives of sanctions and about which types of sanctions could be employed, they did not bring any significant development with regard to the existing policy as such. But in general, Portela and Kreutz identify two trends that characterize “the EU’s approach to framing an autonomous sanctions policy: it has substantially increased the number of sanctions regimes imposed over the past decade, and it has increasingly employed ‘targeted’ sanctions, which exert pressure on the leadership while attempting to limit harm on the civilian population and neighbouring countries” (Portela/Kreutz 2004).

As Hazelzet notes, “[a]ccording to many EU officials, the evolution and enhanced availability of legal instruments to impose sanctions or start consultations within the Lomé and Cotonou framework has led to a more proactive and transparent EU policy” (Hazelzet 2005: 3). Yet, manifold criticism is still expressed especially from the ACP states and non-governmental actors, especially with regard to the consistency of the sanctions policy. One obvious sign of inconsistency is the fact that the suspension or restriction of development co-operation up to now was only applied to ACP countries and – apart from the case of Haiti – only to African states, while in other cases (e.g. Israel, Russia, China and Latin American countries such as El Salvador, Guatemala, Mexico and Brazil), the measures remained mild or did not even go beyond rhetoric (Pippan 2002: 276). Thus, Fierro remarks: “Because the clause has only been applied to ACP countries, and thus developing countries, it is very difficult not to argue that there has been a double standard policy at play” (Fierro 2003: 309).

3.4 Positive Measures in the EU-ACP Cooperation

3.4.1 Framework for Positive Measures

Although the EU always emphasized the preference for the positive approach, it was far less developed – in a clear framework - than the negative approach throughout the 1990s. However, as Santiso states, “[t]he legal basis for democracy assistance has progressively

solidified, being introduced in primary (treaties) and secondary (regulations, directives and decisions) European law” (Santiso 2002b: 15).

Since the early 1990s the EU finances a broad range of positive measures to promote democracy and human rights. Guidelines and principles for the objectives and priorities for the EU’s positive approach can be derived from the areas highlighted in official resolutions and communications of the EU (the Commission). The regulations from 1991 – already mentioned above – laid the basic foundation for the positive approach, which was first articulated in the 1991 November Resolution of the Council of Ministers. The latter gave high priority to positive measures and already outlined a number of areas and examples of such activities (Sheehy 2003: 5; Fierro 2003: 290f.; Pippin 2002: 200). In 1995, a communication from the Commission to the Council and the Parliament introduced the notion of ‘positive measures’ and highlighted some general priorities (Commission 1995; 200b: 27). In 1998, another Communication on democracy, rule of law, human rights and good governance in the EU-ACP co-operation identified a number of specific areas for positive measures which can mainly be differentiated between measures addressing government structures and institutions (e.g. strengthening participatory and electoral processes, strengthening rule of law, decentralisation and good governance, measures against corruption etc.) and those aiming to support civil society (supporting activities of human rights promotion and conflict prevention, civic education, empowering vulnerable groups, capacity building for civil society organisations and initiatives, supporting independent media etc.) (Fierro 2003: 292; Nolting 2003: 123).

Although external evaluations emphasized the general importance of the EU’s positive measures for democratization processes in the partner countries (e.g. Heinz/Lingnau/Waller 1995; Commission 2000b), a lot of criticism was expressed especially with regard to shortcomings concerning the planning, organisation and coordination of measures, mainly caused by unclear competencies, lack of implementation regulations and complex financing mechanisms. As a reaction to the persisting criticism - especially by the Parliament - and the legal challenge that resulted from a ruling by the Court of Justice from May 1998 which contested the legal basis for EC democracy aid – and led to a de facto suspension of democracy assistance activities - , the Council adopted two legally binding regulations on democracy promotion in April 1999 (975/1999, 976/1999), which include the basic principles for the implementation of positive measures. They define objectives, procedures and criteria for the choice of partner organizations and offer a comprehensive list of possible activities (Schmidt 1999: 19; Santiso 2002b: 18; Sheehy 2003: 5). (*see Annex 2*)

Still, concerns about the quality and effectiveness of the EC development aid and democracy promotion were raised, and the Community further addressed some shortcomings of the EC development assistance. In November 2000 the Council and the Commission adopted a Joint Statement on the European Community's Development Policy, which identified the promotion of democracy, human rights, rule of law and good governance as integral parts of EC development cooperation and a priority area of foreign aid (Crawford 2004: 8; Santiso 2002c: 108). According to the Commission, "[t]his Policy Statement, together with the reform of the management of external assistance [...], represent a new framework for the European Commission's activities in support of human rights and democratisation" (Commission 2001: 5). The mentioned reform of management mainly concerns the establishment of the Europe Aid Co-operation Office as an autonomous implementing agency, under which the project cycle was reunified from identification through implementation, which had been divided before (between the Common Service for External Relations (SCR), the Directorate General for External Relations and the Directorate General for Development). This reform should clarify the responsibilities and streamline the procedures (Santiso 2002c: 108). Furthermore, in May 2000, as a reaction to the alleged fragmentation and inconsistency of previous activities, a Community Co-operation Framework was adopted which mandates the EC to establish elaborated Country Strategy Papers, that "encourage a more systematic approach by requiring an analysis of the situation in each country relating to human rights, democracy and the rule of law" (Commission 2001: 7).

3.4.2 Financial Sources: EDF and EIDHR

As Crawford states, "[i]f EU support for democratisation is to become a reality rather than merely a set of platitudes that are routinely offered in official documents, then significant financial assistance is required" (Crawford 2004: 7). In general, two types of financial resources for positive measures can be identified, namely specific community-financed budget lines (mainly grouped together in the 'European Initiative for Democracy and Human Rights') and mainstream regional development co-operation funds like the European Development Fund (EDF) in the case of the ACP states.

Article 9 of the Cotonou Agreement provides the legal basis for the active support of human rights and democratization activities as it states "the Partnership shall actively support the promotion of human rights, processes of democratisation, consolidation of the rule of law, and good governance" (Art. 9(4) CPA). The financial instrument of the EU-ACP co-operation is made up of the European Development Fund (EDF) and the national indicative programmes (NIPs) and regional indicative programmes (RIPs).

The EDF, which is funded through contribution of the member states, can be used for financing activities to promote human rights, democracy and good governance. National authorities of ACP member states can request funding for positive measures, which is allocated through the indicative programmes, basing on country strategies (Sheehy 2003: 6; Grimm 2007: 169).

It is important in this context to emphasize the innovations that came with the Cotonou Agreement which mainly concern the reform of programming through a simplification of instruments and introduction of performance-based management and ‘rolling programming’ allowing for an improved strategic planning. Since Cotonou, the basic programming instrument are the so-called ‘Country Support Strategies’ (CSS), which guide the programming processes for each ACP country, basing on an assessment of the conditions in the country relating to democracy, human rights and good governance, and the country’s own development strategy. Thus, the agreement “marks the end of ‘aid entitlements’ according to which countries were allocated fixed and locked amounts of aid regardless of their performance” (Santiso 2002b: 33), especially as a flexible strategic performance review mechanism has also been established, which allows for regular progress reviews and CSS updates. Through ‘rolling programming’, including an annual operational evaluation to assess performance and the possibility of modifying allocations accordingly, it becomes possible to flexibly react to conceptual shortcomings, inefficiencies and implementation problems. At least in theory, this shall ensure the efficient, target-oriented allocation of resources, while through the introduction of country strategies should enhance coherence and consistency (ibid.; Keßler 2007: 63f.; Santiso 2002b: 34). In practice, there is still much criticism, as for example “the extent to which human rights are included in the country strategy papers varies considerably” (Sheehy 2003: 12) and even where references to the promotion of democracy and human rights were included in the strategy papers, they often remain to vague and abstract to allow for a target-oriented approach (Grimm 2007: 170).

In June 2006, the 10th EDF has been agreed by the ACP states and the EU. It is concluded for the period from 2008 to 2013, with an overall amount of 23,966 billion Euros (de Bergh 2005: 1).

Apart from the EDF under Lomé and Cotonou, Commission-managed budget lines are also available for funding positive measures in ACP countries, in particular through the European Initiative for Democracy and Human Rights (EIDHR). On initiative of the European Parliament the EIDHR was created in 1994 and brought together a number of budget headings specifically dealing with the promotion of human rights and democracy (chapter B7-70) in

order to enhance efficient allocation, transparency and accountability (Sheehy 2003: 12; Arts 2000: 298f.). The EIDHR funds are available to all regions – including ACP/Africa – and complementary to the main regional instruments such as the EDF.

Apart from its geographical openness, we can identify some significant differences between the financing of positive measures through the Community budget and the procedures of the EEF. First, while the EEF covers a period of five years, the budget of the Community is adopted annually. This allows for ad hoc measures and allows for a prompt reaction to observations and experiences during the implementation of projects already in the next budget. Secondly, there is less influence of the EU member states as they are not consulted for each project, which makes the decisions with regard to projects much easier. On the other side, the EIDHR instruments can also be used without the consent of the partner countries (the host government). Thus, there is a special importance of co-operation with civil society organisations such as NGOs (Nolting 2003: 126). Moreover, the Commission sees this aspect as a contribution to the “added value” of the EIDHR, as the measures can even be applied if other programmes are not available, for example in case of aid suspensions (Commission 2001a: 14).

There are three main forms of support under the EIDHR (Commission 2001b: 11ff.): (1) grants awarded through calls for proposals (to civil society operators including local authorities, but excluding official governmental organizations on national and international level), (2) targeted projects (identified by the Commission), i.e. grants awarded without a call for proposals (mainly concerning the co-operation with international and regional organizations), and (3) micro-projects, “designed to support small-scale human rights and democratisation activities carried out by grassroots’ NGOs” (ibid.: 13).

Meanwhile, the former specific budget headings (with thematic and regional reference) have been reduced step by step, and with the restructuring of the budget chapter in 2001, they were replaced by five general thematic budget lines (Sheehy 1993: 14f.; Grimm 2007: 168).

In 2006, the EIDHR referred to three budget lines only (19.04.02, 19.04.03, 19.04.04; replacing the B7-70 budget lines). The global amount for 2006 was 135.1 million Euros and the initiative was structured in four global thematic campaigns in order to “maximise the effectiveness of the limited programme funds and to better define its thematic scope” (Commission 2007e: 97). (*see Annex 3*)

With the beginning of 2007 the former Initiative was replaced by the new ‘European Instrument for Democracy and Human Rights’, established by a regulation from December 2006. It is the new financing instrument for the Community to provide complementary assistance for the promotion of democracy and human rights. The new concept inserts the

basic principles of local ownership etc. that were mentioned above and aims to establish a more strategic and efficient tool than its predecessor. Originally – for quite a long time - the Commission was proposing to mainstream democracy and human rights into other financial instruments of the CFSP, but the Parliament insisted on the a separate instrument preserving the unique characteristics of the EIDHR (Parliament/Council 2000).

One special area of democracy promotion is electoral assistance, which according to Santiso “constitutes the most visible form of EU democracy assistance” (Santiso 2002c: 112). Throughout the 1990s and up to now the EU undertook and financed a great number of electoral observation missions, but only in 1998 the EU started to develop and formulate operational guidelines. In that year the Council established criteria for the assessment of fairness and regularity of elections observed by the EU and formulated guidelines for electoral observation, and in 1999 criteria for the selection of observers were adopted (ibid.).

With a Communication in April 2000 the Commission undertook a first systematic review of the EU’s electoral assistance and observation and “defined a coherent and effective policy for election observation” (Commission/Council 2006: 42).

According to the EU Human Rights Report 2006, between July 2005 and June 2006 elections have been observed and supported in the following African countries: Burundi, DR Congo, Ethiopia, Guinea-Bissau, Liberia, Tanzania, and Uganda (ibid.: 46). Recently, elections have been observed by EU Election Observation Missions (EOM) in Nigeria and Sierra Leone.

3.5 Current Trends and Reform Processes

Since the year 2000 the international context of development cooperation has undergone some significant changes and reforms. The general trends have also affected the EU development policy and ACP-cooperation and important steps have recently been taken by the EU, especially with the adoption of the European Consensus and the new Africa Strategy. As this is of course not without consequences for democracy promotion in the context of EU development cooperation, we will try to get a brief overview of the trends and developments of the last years.

3.5.1 The New Paradigm of Development Co-operation: “Poverty Reduction”.

“Ownership”, “Partnership”

Throughout the 1990s a continuing debate about the effectiveness of development co-operation and development aid could be observed. The discussion included a lot of criticism

towards the instrument of conditionality and a growing consensus that successful political reforms in developing countries cannot be bought or forced from outside. Instead, it was realized that an essential factor is the willingness and ability to formulate reform programmes and to implement it self-responsibly with financial and technical assistance from bi- and multilateral donors. Thus, partnership and ownership became the new leitmotifs (VENRO 2006: 8; Schmitz 2006: 5).

Since the 55th UN General Assembly in September 2000, the adopted Millennium Development Goals (MDGs) function as the most important political guidelines of international development cooperation and the concept of poverty reduction functions as the main orientation line for development cooperation (Six 2006: 13). (*see Annex 6*)

The “new paradigm” of development cooperation according to Schmitz was transformed into an official programme with the Resolution of the UN Conference on Financing for Development in Monterrey in March 2002, which stated that in order to reach the MDGs, a new partnership between donors and recipients of development aid would be necessary, which is oriented towards the overall objective of poverty reduction and which should acknowledge the importance of ownership by the developing countries as a prerequisite for successful reform processes (Schmitz 2006: 14f). A first step towards a realization of this “ownership approach” already had been the introduction of Poverty Reduction Strategies by the World Bank and the IMF in 1999, which base on strategy papers that – at least formally – have been formulated self-responsibly by the recipient countries and which introduced a new kind of process –oriented conditionality (ibid.; VENRO 2006: 8).

Another important milestone in the debate and reform of development cooperation was the Paris Declaration on Aid Effectiveness which was the final document of the “High Level Forum on Joint Progress toward Enhanced Aid Effectiveness” that took place in Paris in March 2005. The main task of this multilateral conference was to address the challenge of how to make development aid more effective – from both recipient and donor perspective - in order to better serve the main objective of poverty reduction (ADA 2006: 8; Stoll 2006: 22). The major principles of the declaration can be summarized as follows:

- Alignment: Adjustment of aid contributions and programmes according to the needs and priorities of the recipient countries (supporting the national development strategies, institutions and procedures)
- Harmonization: Simplification of practices and procedures and improved coordination between the different donors (collective effectiveness and transparency)
- Ownership: Strengthening self-responsibility of the recipients, developing countries shall exercise effective leadership over their development actions

- Managing for results: strengthening result-oriented management and programme-oriented multi-donor-support (emphasis on budget support)
- Mutual accountability of donors and developing countries (adoption of 12 progress indicators for national measures and international monitoring)

3.5.2 The European Consensus

Since 2000, under the influence of internal but also external developments – like mentioned above –, the EU has been reforming its development cooperation. The reform process aims at more efficiency and visibility of EU development aid through an improvement of the quality of programmes and projects, adjusted awarding modalities and enhanced coordination and coherence of activities, following the overarching objective of poverty reduction.

The process is said to have started with the adoption of the joint statement on development policy in 2000 that was already mentioned before. It was the first attempt to introduce a comprehensive concept for a for the EU development policy. Thus, as Hexel states, a clearly defined and conceptualized EU development policy has only been adopted with the beginning of the 21st century (Hexel 2006: 2). The policy statement was revised and replaced by the ‘European Consensus on Development’ in December 2005 which was signed by the Commission, the Council and the Parliament as well as the 25 member states. According to Grimm “it is formulated for different levels of development policy and explicitly includes member states’ bilateral assistance in its sections on principles and guidelines” (Grimm 2006: 3). The document confirms poverty reduction as the common overarching objective, which should be oriented according to the Millennium Development Goals.

In accordance with the “new paradigm” popularly expressed in the Paris Declaration, the EU development aid shall effectively complement the member states’ policies especially through an enhanced consideration of individual needs and priorities of developing countries and regions. The Consensus emphasises the principles of ‘ownership’ and ‘partnership’ and explicitly mentions the accordance with principles of the Paris Declaration, as the EU “will take a lead role in implementing the Paris Declaration commitments on improving aid delivery” (Commission/Council/Parliament 2005: 11). The Country Strategy Papers (CSPs), introduced in 2000, and additional regional strategies are supposed to be the most important planning instruments with regard to the implementation of development aid in accordance with these principles.

As part of the reform process the EU has more and more turned from the project approach – which is criticised for a lack of coherence and ownership and high transaction costs – to a so-called ‘programme-based approach’ (PBA), that means the direct support of strategies and

programmes in the recipient country which those develop and implement self-responsibly (Schmidt 2005a: 2). This is especially practiced through budget support, i.e. the channelling of aid through the state budgets of recipient countries, which the Commission sees as the most efficient instrument to reduce poverty and generate growth (ibid.; Grimm 2006: 4).

The growing importance of EU budget support was accompanied by a changeover to a new practice of conditionality, namely the so-called 'performance-based conditionality'. The main objectives of this approach are enhanced results-orientation, enhanced ownership, linkage of performance and disbursement, improved monitoring, and improved accountability and transparency of the donors' decisions (Schmitz 2006: 26; Schmidt 2005b: 22f.).

A central element of the reformed EU conditionality is the combination of fixed and variable tranches and a gradual system of allocation for the variable tranches that allows for a reduction – but not a suspension - of disbursements in case of non-fulfilment of conditions or bad performance (ibid.; Schmidt 2005a: 81f.).

The 10th European Development Fund that is covering the period from 2008-2013 was reformed according to the overarching objective of poverty reduction (including the realization of the MDGs) and the framework of the European Consensus including the principles of the Paris Declaration (Commission 2007a: 3). Under the 10th EDF the Commission intends to extend the application of direct budget support. The allocation system includes a flexible incentive instrument as it that to agree upon an additional tranche through political dialogue with the recipient country which will be disbursed if commonly defined objectives are being fulfilled. The political dialogue should be oriented according to the principles of democratic governance presented by the Commission in its concept paper 'Governance in the European Consensus on Development' in August 2006 and adopted by the Council in October 2006 (Commission 2007a: 4). These principles mainly include the following: political dialogue, transparency, self-responsibility (instead of conditionality), mutual responsibilities, incentive mechanisms, participatory assessment of governance, inclusion of civil society, donor harmonization, orientation on national priorities, use of existing national structures and a special consideration of the situation in fragile states (Stoll 2006: 22).

The enhanced emphasis and application of budget support including additional incentive allocation mechanisms show a growing preference for the replacement of conditionality through ownership and self-responsibility, but also for an application of a new form of conditionality, namely an ex-post version of positive (incentive) conditionality in the allocation of development aid.

3.5.3 The EU Africa Strategy

In December 2005 the European Council adopted a new Strategy for Africa as the first EU concept with a continental focus. The strategy provides a comprehensive, integrated long-term framework for the relations between the European Union and the African countries. The different foreign, security, trade and development policies shall be coordinated within this framework.

The strategy and is in particular a reaction to global developments and changes within Africa and considers the basic principles of the changing concept of EU development development cooperation and is guided by the international consensus. Thus, it also emphasises the omnipresent Millennium Development Goals at the core of the concept.

On the one hand the strategy shall provide for a more adequate relationship with African countries especially considering the new dynamics in Africa, e.g. the establishment of the New Partnership for African Development (NEPAD) and the African Union (AU). On the other hand it shall improve coherence, consistency and effectiveness by better adjusting and coordinating the different programmes and approaches of the relevant policies (Hexel 2006: 3; Grimm/Kielwein 2005: 1f.).

4. EU Democracy Promotion in Practice: Experiences from Sub-Saharan Africa

4.1 Application of Conditionality and Sanctions

Nwobike calls the use of sanctions “a useful weapon to deploy against ACP governments implicated in human rights violations” (ibid.: 1391). Taking a look at the application of this “weapon”, the cases of consultations and suspensions within the EU-ACP cooperation, we can already identify at least 17 cases in which the EU suspended development aid without referring to a human rights and democracy clause between 1990 and 1998 (Burundi, Central African Republic; DR Congo, Djibouti, Equatorial Guinea, Gambia, Guinea-Bissau, Haiti, Kenya, Liberia, Niger, Rwanda, Sudan, Togo) (Bartels 2005: 7; Hazelzet 2005: 4f.). In this context, according to Hazelzet, [i]t is important to note that suspension of development aid before 1996 was often handled in informal ways, for instance, by a letter from the Commissioner and without former approval by the Council” (Hazelzet 2005: 4). This fact also makes it difficult to trace the exact reason behind the use of punitive measures by the EU in the cases before the introduction of the consultation procedure with the revision of Lomé. Until 2005, 15 cases of consultations under Article 366a of the Lomé Convention and Article

96 and 97 of the Cotonou Agreement (since 2000) can be identified, concerning 12 countries (Niger, Togo, Guinea-Bissau, Comoros, Cote d'Ivoire, Haiti, Fiji, Liberia, Zimbabwe, Central African Republic, Guinea, Mauritania) (Bradley 2005: 3ff.; Laakso/Kivimäki/Seppänen 2007). According to Bartels, “[t]he reason for the increased use of the non-execution clauses after 1999 is likely to be that it was only in that year that the Community managed to adopt a decision setting out the procedure for deciding on the implementation of Article 366a of the Lomé Convention” (Bartels 2005: 7). There are three main reasons for the invoking of consultations. In eight of the 15 cases the reason was a coup d’état, while in the other cases consultations were called either in response to flawed electoral processes or violations of human rights, democratic principles and the rule of law. In 11 cases the consultations led to the application of negative measures including complete suspension. By 2005, such measures still applied to six ACP countries: Togo, Haiti, Liberia, Central African Republic, Guinea, and Zimbabwe (Mackie/Zinke 2005: 7).

Of course, the suspension of development cooperation is just one of the possible negative measures in cases of violations of human rights and democratic principles. There are other possible measures of the CFSP and the trade policy, such as arms embargoes, financial sanctions or travel restriction, but this concerns a different policy area that is not explicitly focussed on in this context. Nevertheless, we can identify several African countries on which the EU imposed such strong restrictive measures, mainly following resolutions of the UN Security Council: Angola (1997), Burundi (1996), Cote d’Ivoire (2004/05) Ethiopia/Eritrea (2000), Liberia (1991 and 2001), Nigeria (1995), Rwanda (1994), Sierra Leone (1997), Somalia (1992), Sudan (1996), Zaire (1993’) and Zimbabwe (2001) (Hazelzet 2005: 7; Dialer 2007: 224). (*see Annex 5*)

4.2 Application of Positive Measures

It is difficult to give an overview of EU positive measures carried out in Sub-Saharan Africa, as there are different funding sources with a different regional or thematic focus. Furthermore, there is a lack of comprehensive evaluation and reporting. The existing sources (reports, evaluations) show a very fragmented picture and make it difficult if not impossible to make clear distinction according to both regional application (Sub-Saharan Africa) and thematic focus (democracy promotion). The EDF accounting reports provide an overview of expenditure for each country but do not specify the measures. With regard to the EIDHR the reduction and simplification of budget lines makes it more difficult to determine the assistance allocated to ACP countries. However, while for the EDF a comprehensive overview of funded democracy promotion activities is not available, the EIDHR-funded

projects are regularly presented in reports. The latest overview of funded positive measures can be found in the Annex to the 2006 EU Annual Report on Human Rights, covering the period from July 2005 to June 2006. (*see Annex 6*)

4.3 Significant Cases

As we have seen above, the EU development policy started making an intensive change, leading to a growing application of democracy promotion activities and a series of initiatives to fully or partially suspend co-operations under Lomé/Cotonou or other negative measures in cases of violations of human rights and democratic principles.

4.3.1 Niger

Karin Arts mentions the case of Niger as the first clear case of applying negative measures under the revised Lomé Convention from November 1995 (Arts 2000: 342). In January 2001, a military coup led by Colonel Ibrahim Baré Mainassara stopped the democratisation process in the country and the first democratically elected government was overthrown. The European Council unanimously decided to suspend its development cooperation. According to Santiso, this was the first time of using Article 366a of Lomé, although the EU decided to resort to the ‘special urgency’ clause to react to the sudden interruption of the democratization process and immediately suspended cooperation without any consultations (Santiso 2002c: 121). The unclear procedures in the case of Niger gave rise to some criticism and frictions between the responsible Directorate General and the Commission’s legal service, according to whom the suspension had not met the procedural requirements (Arts 2000: 343). Anyway, the first decision for suspension was only valid for six months. After this, co-operation could resume. While Arts (*ibid.*) states that the Council had noticed encouraging progress in the restoration of constitutional order and respect for human rights in Niger, Santiso (2002c: 121) and Grimm (2007: 185) mention a veto by France against the re-conduction of the suspension as the main reason. As Grimm states, already two months after the decision of suspension, France resumed its bilateral aid to Niger. Although immediately after the Presidential elections in July 1996, the fairness and lawfulness of the election was questioned by the EU, France declared to be satisfied with the elections and continued its bilateral aid despite harsh criticism of other EU member states and later vetoed against the extension of the suspension and cooperation was resumed despite serious concerns (Grimm 2007: 185). Thereafter, the EU provided support for the upcoming elections and decided to award structural adjustment aid under the EDF. But in view of the highly contested presidential in July 2006 and the opposition parties’ boycott of the legislative elections in November the EU resorted to

punitive measures and suspended the payment of the second instalment of the EDF agreement and the discussions of a strategy paper for the 8th EDF, again without any consultations, which Arts refers to “internal disagreement within the Council, and between the Council, the Commission and the European Parliament, on the procedures to be followed” (Arts 2000: 343). In the following years the crisis continued and the democratic situation worsened. In 1999, after a bloody military coup including the murder of President Baré, the EU once again suspended its cooperation, but this time by applying consultations according to Article 366a. The consultations were concluded in 1999 and the EU decided to take appropriate “measures “accompanying Niger’s transition to democracy” (ibid.: 345), including “a genuine package of positive measures” (Fierro 2003: 330). It was agreed upon a ‘transition calendar’ including the adoption of a new constitution and elections under supervision of an independent electoral commission and cooperation was gradually resumed as the EU observed gradual progress in the transitional progress (Santiso 2002c: 122). Regarding the case of Niger, Fierro states that “It might be observed that the EU has begun to consider the possibility that appropriate measures may also be positive measures under 366a” (Fierro 2003: 330).

She goes on saying that this new tendency of applying a package of positive measures to restore democracy instead of suspending aid is depending on the cooperation and willingness of the country concerned as a basic precondition. Comparing the cases of Niger and Togo she states:

“In the case of Togo, development co-operation was simply suspended, and the EU proposed financial aid only for the purpose of conducting elections. Aid for elections was also dependent on a plan previously drafted by the Togolese authorities. The approach in the case of Niger was different inasmuch as it was pro-active, instead of reactive, and there are elements of a definitive strategy behind them: aid would not be suspended, but re-channelled in order to meet the EU’s objectives (a restoration of democracy). The strategy proved to be successful. Six months later, Niger fully restored democracy in accordance with the schedule.” (ibid.)

4.3.2 Togo

The mentioned example of Togo was actually the first case where the consultation mechanism according to Lomé-Article 366a was used (Arts 2000: 344; Fierro 2003: 321).

In July 1998, the Council, after a proposal of the Commission, decided to enter into the consultation procedure. The reason was a violation of Article 5 of the Lomé Convention especially with regard to democratic principles, as the EU electoral observation mission to Togo had observed serious irregularities. According to Fierro, “the case of Togo meant the end of a legally-dubious practice of decisions on suspensions being decided entirely at the

Council level through CFSP acts, such as common positions” (Fierro 2003: 322). Nevertheless, the procedures in this case were not without problems such as the delay in the actual reaction of the Commission, the unclearness of responsibilities and proceedings, the lack of meaningful dialogue criticised by the ACP group and the lack of strategic thinking, as by the time of the decision of suspension, a slow improvement of the democratic situation was already noticeable (ibid. 322ff.). Subsequently, Togo also became an example for respecting the principle that “measures shall be revoked as soon as the reasons for them have disappeared” (Mbadinga 2002: 7). Because at last, in the light of the improving situation in Togo, the Summit of Heads of States of the ACP countries in November 1999 adopted a resolution on the resumption of the cooperation between the EU and Togo “to put an end to the bad effects of sanctions on the Togolese civilian population and to enhance the democratic process”

In a general assessment of the case, Fierro notes:

“The Togo case was a pioneer and the EU learnt some lessons from it. On the one hand, application of the clause negatively, as encouraged by the Commission, was perhaps not the right track. In subsequent cases, often the most appropriate measures identified resulted in positive measures or incentives. On the other, and with an aim to prevent future potential disagreement over the results of the consultations procedure, the new Cotonou Agreement foresees, for dispute settlement purposes and in case internal procedures have failed, the possibility of appointing an arbiter. Finally, for future cases, the EU has started to develop a more strategic thinking including an effort to identify with the concerned side positive measures which would contribute to remedying the situation” (Fierro 2003: 327).

In 2004, again a consultation procedure with Togo was opened, this time under Article 96 of the Cotonou Agreement. Already in 1999 the opposition party had boycotted the parliamentary elections calling them unfair. President Eyadéma therefore promised not to stand as a candidate again in the 2003 presidential elections, in order to resolve the conflict between the opposition and the ruling party. In June 2001 an independent electoral commission (CENI) was established with support from the EU. But in 2002 this commission was dissolved by the government and the electoral system was changed in favour of the governing party. The government started violently oppressing the opposition who again boycotted the parliamentary elections in October 2002. Against his promise to step down, President Eyadéma again stood as a candidate and won the 2003 presidential election, which the opposition and independent observers described as not fair (Laakso/Kivimäki/Seppänen 2007b: 93).

Remarkably, the consultations which opened in April 2004 were called at the request of the government of Togo, which wanted to normalize its foreign relations and to overcome the

impasse created as a result of the measures already in place” (ibid.: 95). After the 2003 elections the EU had expressed serious concerns about the lack of transparency and fairness in the electoral process and also addressed the lack of respect for human rights in Togo. In addition, the ACP group in response to the developments in Togo had made efforts to convince the government of Togo of the importance of a consultation procedure in order to resume the development cooperation with the EU. This pressure and the realization of the unchanged political impasse drove Togo to the request for the consultations (Mbanga 2005: 11). During the consultations the parties agreed on a set of 22 commitments, covering four areas: “(1.) to establish democracy and the rule of law; (2.) to secure respect for human rights; (3.) to institute a free press and civil society; (4.) to ensure sufficient follow-up to the commitments and timetables” (ibid.: 12).

The case of Togo shows some striking features which are outlined by Mbanga (2005: 12f.). First, it is remarkable and quite unusual that the ACP country itself voluntarily requests the initiation of the Article 96 consultation procedure. Secondly, the positive influence of the ACP group, which “took the clear position that it was in Togo’s best interest to use the Article 96 procedure as a serious sign of its willingness to start a constructive dialogue with the EU” (ibid.: 12), and the African Union, which was also involved in the consultation, which was much appreciated by both the ACP states and the EU and “reduced the impression of a unilateral EU action which some observers have of the Article 96 procedure” (ibid.). Finally, Mbanga mentions the “relative flexibility” of the EU. In consideration of the flawed elections in 1999 and 2003, one of the priorities of the identified as key steps towards improved democratic conditions was the holding of free and fair legislative elections. However, as Mbanga states:

“[D]uring the consultations, Togo indicated its inability to meet specific deadlines for the legislative elections. The main reasons invoked were the slow pace of government administration due to weak capacities, and the numerous institutional changes that holding free and fair elections would require. The EU finally accepted Togo’s argumentation, agreeing that legislative elections would be held ‘*as soon as possible*’ in the context of a new electoral code, which was to be set up within six months” (ibid.: 13)

In June 2004 the EU organized an evaluation mission to Togo to assess the implementation of the 22 commitments, but the delegation returned without a conclusive evaluation. In August 2004 the Commission proposed a roadmap which linked the full resumption of aid to the holding of free and fair election and included incentives to encourage a return to democratic processes (Laakso/Kivimäki/Seppänen 2007b: 96f.).

Unfortunately, in 2005 the situation in Togo worsened again due to the death of President Eyadéma. Subsequently, power was unlawfully taken over by his son Faure Gnassingbé. Because of external pressure, including pressure from the EU, Fauré handed over to the legal successor for the interim Presidency, the Speaker of Parliament and elections were organized in May 2005, which were marked by massive violence. The EU did not invoke any further consultations. While the Commission and in particular the French government accepted the election results according to which Fauré had won, the European Parliament expressed concern about the validity and fairness of the election, and there was a continuing dispute about the results (ibid.: 97). In November 2006, the Council approved the decision to extend the measures agreed during the consultations for further two years. In its latest declaration from the EU Presidency (under Portugal) declares:

“The European Union, in close cooperation with the Community of West African States, continues to follow closely the democratic process in Togo. It congratulates President Faure Gnassingbé and all political forces in Togo on the progress already made in preparing the legislative elections, and commends their efforts to hold these elections within the constitutional deadlines set. The European Union also welcomes the progress made by the government of national unity in implementing the comprehensive political agreement and reaffirms its full support for the process of reconciliation among the people of Togo” (Council of the EU 2007).

4.3.3 Ghana

Ghana can be seen as a significant example, not because of a problematic democratic struggle, but, on the contrary, because of its remarkably positive democratic development and stability – at least in the African context. According to Carothers, Ghana can be seen as the only African country with significant democratic progress which has kept up its positive engagement for sustainable democratization (Carothers 2002: 9). With the peaceful – internally initiated - transition from military regime to democracy and later the peaceful democratic transfer of power between the concurring parties Ghana has reached quite reliable political and democratic stability. Thus, as Crawford states, “the Ghana case provides a particularly good test for EU democracy promotion efforts, and those of international actors generally. Given the favourable context, and demand for, democracy assistance, if the reality of democracy promotion does not live up to the policy rhetoric in Ghana, then it is unlikely to do so elsewhere in Africa” (Crawford 2004b: 3). Surprisingly, in his assessment of EU democracy assistance in Ghana he observes a massive gap between rhetoric and reality. From the collected empirical evidence he concludes that “EU democracy promotion in Ghana has not lived up to expectations created by its general policy rhetoric. Levels of democracy

assistance remain low and there is relatively little emphasis on this area by main EU actors” (ibid.: 22). Currently the Commission’s aid policy for Ghana bases on a five-year country strategy that allocates funds of 311 million Euros and shall “reflect the general principles of the Cotonou Agreement” (Community/Republic of Ghana 2002: 1). Nevertheless, democracy and human rights to not play an important role at all, while emphasis lies on the focal sectors of rural development, road transport and macro-economic support. According to Crawford, no human rights or democracy related projects have been supported in Ghana through the Commission’s budget line. As Ghana is recently not a focus country of the EIDHR it has not received any funds from the initiative, nor is there been any project supported from the budget line reserved for NGO support. There are rarely any democracy promotion activities of the EU in Ghana. One exception is for example the electoral support through a contribution to fund the 2000 elections. Under the EDF very few projects related to democracy and human rights have been funded (ibid.: 12).

All in all, Crawford summarizes that “despite all the rhetoric about democracy and human rights in EU treaties, resolutions and numerous policy documents, the European Community’s own development co-operation in Ghana has minimal focus on democratisation issues. Rather it appears more like a traditional development aid programme, with little emphasis on the political dimension, despite this having been identified as key to Ghana’s sustained development” (Crawford 2004b: 13).

4.3.4 Cote d’Ivoire

In the Case of Cote d’Ivoire (Ivory Coast) the consultation process was initiated by the EU after a military coup. The coup took place December 1999, led by General Robert Guei and resulting in the overthrowing of President Kona Bedié, the dissolution of democratic institutions, including the National Assembly and the Supreme Court, and the suspension of the Constitution (Mbadinga 2002: 7; Santiso 2002: 40f). This was of course an obvious violation of the essential elements of the revised fourth Lomé Convention. Following a proposal of the Commission, the Council opened a consultation process with Cote d’Ivoire on the basis of Article 366a. In this context, Fierro mentions a significant aspect of the proceeding of the Commission, which, for the first time, proposed to apply provisional – immediate but transitional - restrictive measures before the consultations. It remained unclear if this proposal was referring to the case as one of special urgency. Fierro states that, “Be it as it may, transitional restrictive may be illustrative for a punitive interpretation of the clause. The Council, on the other hand, has increasingly taken the view that the clause should also be read positively” (Fierro 2003: 334). However, although it was an interesting approach, the

Commissions proposal of provisional negative measures became meaningless because of the fast process of opening consultations (ibid: 335).

The consultations were held on the 7th February 2000 in Brussels. The acting Ivorian authorities pledged to restore democracy and agreed on a timetable for the holding of elections and the adoption of the constitution. The EU seemed to be satisfied with these agreements and the Council concluded the consultations in May and decided not to suspend cooperation but to apply a package of appropriate measures, which were “close to the category of ‘positive measures’ as they will help to support democracy during the transitional period” (ibid.). According to Santiso the measures included “the pursuit of cooperation on a gradual and conditional basis, focusing during the transition period on measures in support of the rapid and full restoration of constitutional democracy, the rule of law, good governance and civil society, and, should the need arise, humanitarian aid” (Santiso 2002: 41). The EU also announced its intention to closely monitor the developments in Cote d’Ivoire especially with regard to the coming elections that were to take place in October 2000.

As Santiso states, “the October elections were supposed to bring a relatively smooth restoration of democracy, but things went terribly wrong” (ibid.). The electoral process was negatively affected by controversies about electoral laws and citizenship rights. The two biggest opposition parties could not present candidates and the North’s favourite candidate, Alassane Outtara was not allowed to stand for election due his contested nationality (According to the new constitution candidates had to prove that both of their parents had been citizens of Cote d’Ivoire.) (ibid.; Laakso/Kivimäki/Seppänen 2007b: 82). As it became obvious that the elections would not be free and fair and that Guei wanted to retain power, the EU suspended its electoral assistance first. The presidential and legislative elections – held in October and December 2000 - were regarded by the EU as not sufficiently open due to restrictions for the opposition candidates and acts of violence. Thus, the Commission proposed consultations which - after approval of the member states/the council - were launched in February 2001, this time under the Article 96 of the new Cotonou Agreement. As the EU was not only referring to the flawed electoral process as the reason for the consultations, but also to the failure of the government to fulfil the commitments agreed upon in the last consultation round (under Lomé-Article 366a), according to Laakso et al. “the case of Cote d’Ivoire in 2001 [...] serves as a bridge between the Cotonou Agreement and the Lomé Convention” (Laakso/Kivimäki/Seppänen 2007b: 82).

In March 2001, open and transparent elections were held in the country and in May the EU proposed to conclude the consultation procedure. The Council concluded the consultations in July and decided to gradually resume aid to accompany the positive developments. However,

it was decided to engage the Ivorian authorities in what Fierro calls an “innovative exploratory dialogue” (Fierro 2003: 336), an intensive multi-party dialogue round of three months on the various controversial issues. The full resumption was made dependent on the progress of this dialogue (ibid.; Fierro 2003: 336; Santiso 2002: 41). At the same time, the EU was prepared to financially support a number of positive measures with regard to social issues, institutional capacity building etc. and measures by the Ivorian authorities aiming at the fulfilment of their commitments. As Fierro states, “this has become a characteristic of the EU approach: the EU will directly contribute to restoring democracy by using its financial aid” (ibid.: 337). Finally, in January 2002 the relations were normalised and aid was fully resumed in consideration of the progress with regard to democratic structures and procedures (Laakso/Kivimäki/Seppänen 2007b: 82).

Although “the conditions of human rights, democracy and rule of law were actually quite promising in 2001 when the consultations were started” (ibid.) the situation in the country already deteriorated again in 2002. After President Guei was murdered in September 2002 the conflict between government and loyalists in the South and rebel troops from the North broke into an open war. In 2003 a peace agreement (Marcoussis agreement) was achieved, but nevertheless the fighting erupted again in 2004 and in April a peacekeeping force was sent by the UN and France (ibid./Dialer 2007). In August of the same year, the Commission once again proposed consultations according to Article 96, justifying it with a violation of human rights and lack of rule of law and good governance but for the first time this was rejected by the Council and Cote d’Ivoire was not invited for consultations. The application of Article 96 was seen to be counter-productive taking into consideration the slight improvement of the situation in the second half of 2004. Moreover, especially France and Germany argued that negative measures would not improve the situation, in particular because of the limited power and control of the Ivorian government. Another factor was the fear of increasing the risk of open violence against EU citizens in the country through threats of sanctions. Anyway, at the end of the year France started evacuating 8000 French citizens from the country as the situation further escalated (ibid.). It is important in this context to mention the fact that other restrictive measures of the CFSP were applied which are not part of development co-operation (and are therefore not examined here). While further consultations and aid suspensions were avoided, other sanctions like weapons embargoes etc. were still renewed and the EU also used the UN as a channel for its activities (ibid.; Dialer 2007: 224).

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 and also the caution of the EU not to apply it if it would be counter-productive. Laakso et al. sum up:

“Even though the essential elements of the Cotonou Agreement had been violated, the view of the Member States was that the EU had more leverage to influence the peace process in the country by maintaining as normal relations as possible, than it gained by invoking consultations. In a way the seriousness of the situation and the threat of civil war eroded the usefulness of Article 96” (Laakso/Kivimäki/Seppänen 2007b: 83).

4.3.5 Malawi

The EU is one of the key donors to Malawi, providing aid through the EDF as well as through regular community budget lines and the European Investment Bank. The main objective of the EU's development cooperation with Malawi is poverty reduction, with the focal areas for aid being transport, agriculture, health and macroeconomic support. Apart from that, since the early 1990s the EU is also supporting activities with regard to democracy and good governance, as a non-focal area (Magolowondo 2005: 177).

From 1964 to 1992 Malawi was under the regime of dictator Hastings Kamuzu Banda in a n oppressive one-party-system. In October 1992 Banda finally gave in to internal and external pressures for liberalization and democratization and announced a referendum about the introduction of a multi-party-system, which was held June 1993 under international supervision. A clear majority of the citizens voted for the admission of further parties and subsequently democratic elections were held in May 1994 (Nolting 2003: 146ff.).

The international donors played an important role in these developments as they were able to put pressure on Malawi through suspension of cooperation and development aid. In May 1992 the international donor community met for a consultative conference in Paris and developed a common position and decided to stop awarding aid, apart from humanitarian aid. Within the EU there was consensus about this decision. Nolting states that the low economic relevance was the major reason why such a consensus of the international donors, which was an important factor in the democratization process in Malawi, could be reached (ibid.: 154).

The starting process of opening and democratization in Malawi was supported by the EU from the beginning. The referendum in 1993 was already supervised by the EU and the first democratic elections in 1994 were financially supported and observed. After power had been taken over by the elected government under Bakili Muluzi, the cooperation with international donors reached a new phase of constructive cooperation including positive measures to support the democratic development of the country.

Initially, after the announcement of the referendum EU democracy promotion in Malawi mainly concentrated on the observance and support of the coming elections, mainly in cooperation with international NGOs (ibid.). In the following, the EU started supporting several activities with regard to democracy, human rights and good governance (*see Annex 7*). However, the financial volume of the EU democracy assistance remained low, as democracy promotion was not a focal area of development support (Magolowondo 2005: 177).

The overview of EU positive measures in Malawi shows that most of the supported activities took place during the transition period, while after 1994 the number of supported projects and programmes went down significantly. Furthermore, it can be said that the main areas of the EU democracy promotion was the support for elections and the growing cooperation with the local civil society (ibid.: 178, Nolting 2003: 155).

In his assessment from 2003, Nolting emphasizes the generally high relevance of the EU support for the process of democratization and liberalisation in Malawi and the relatively high financial volume making the EU the largest donor in the area of electoral assistance in Malawi (Nolting 2003: 155). This confirms the results of the external evaluations for the European Commission which generally present a quite positive conclusion (2000e; 2003c, 2003d).

Nevertheless a number of shortcomings of the EU democracy promotion in Malawi are identified, mainly regarding the lack of a clearly defined strategy (Magolowondo 2005: 190; Commission 2003c: 14), the complicated administrative structures of the EU (Nolting 2003: 189; Commission 2003: 15) and the delays in the awarding of funding and implementation of projects (ibid.). Furthermore, Nolting mentions the problematic tendency of the Commission to support expensive programmes in order to ensure the outflow of funds, which leads to a neglect of smaller project proposals and a preference for and concentration on the cooperating with government institutions (ibid.: 190).

5. Criticism and Constraints: Coherence, Consistency, Effectiveness

As mentioned before, there is much scepticism towards the real effects of pro-democratic pressure. Young (1996: 64) for example is describing that while by the end of the cold war brought up a lot of optimism, there is now a decreasing enthusiasm with regard to political conditionality. Often concurring geo-strategic and economic interests have been prior to political concerns of democracy promotion.

The majority of the studies focussing on external democracy promotion come to the conclusion that reforms cannot be induced or enforced externally, but have to be initiated by

the recipients themselves. A successful reform process towards democracy and good governance has to rely on internal pressures and initiatives and it needs the commitment of the recipients, i.e. a dedication to reforms based on voluntary steps and own conviction (Schmitz 2006: 12.)

Apart from the general scepticism towards the effectiveness of external democracy promotion there is a lot of specific criticism towards the EU's strategy especially with regard to the lack of consistency and credibility, as it seems not to be applied consequently.

Of course it is not possible here to reflect the whole critical discussion about EU democracy promotion and the instruments of conditionality and positive measures. Nevertheless, I will try to give a brief overview of the main critical points that are important for the discussion.

In general, it is obvious that political conditionality is a much more contested instrument of democracy promotion compared with positive measures which are generally respected as adequate instruments, although questions of (country-specific) strategies, coherence and effectiveness remain.

The democracy promotion of the EU through conditionality and positive measures is seen as quite progressive. In a world-wide comparison the integration of the aspects of democracy, human rights and good governance into the EU development policy is quite advanced and the developments especially since the 1990s as well as the reform steps since 2000 are seen as important achievements with regard to the adoption and definition of principles and procedures of democracy promotion. Nevertheless there is still much scepticism and criticism towards the EU democracy promotion in practice mainly with regard to the actual effectiveness and aspects of coherence and consistency.

One very general point of criticism is the failure to meet the expected and advertised outcomes. Critics see a large gap between the EU democracy promotion in theory and in rhetoric on the one hand and the reality, the actual application on the other hand (e.g. Nwobike 2005: 1395; Arts 2003: 21).

With regard to political conditionality, Lumina summarizes the criticism as follows: "While it has induced or provided the impetus for political reform in a number of countries such as Benin, Kenya, Malawi, and Zambia, political conditionality has also generated a great deal of controversy involving, among others, criticisms of interference with the sovereignty of recipient states, paternalism and double standards" (Lumina 2004: 329).

Serious obstacles for the effectiveness and appropriateness of conditionality as a democracy promotion tool are in particular aspects concerning consistency and coherence. Experience shows that in many cases conditionality is not used consequently and in some cases EU member states might even act contradictory to the Community's policy, like for example in

the case of Zimbabwe, when President Mugabe was invited to the Franco-African Summit in 2003, although sanctions including a travel restriction for political leaders had just been renewed by the EU (Arts 2003: 23).

In general, an inconsistent appliance of political conditionality and sanctions can be recognised in the practice of the EU. In most of the cases sanctions applied only hit weak, strongly dependent development countries – almost exclusively in Africa – which do not have a high importance for trade aspects. At the same time, countries with economic or strategic relevance are likely to be spared. For example, Nwobike mentions the cases of Ethiopia and Zaire, which “enjoyed continued EC financial support [and] have been prominent recipients of EC aid even though their human rights records are clearly abysmal.” (Nwobike 2005: 1395). With regard to the application of the consultation procedures and use of sanctions, Hazelzet mentions “the paradox that development cooperation is most likely to be withheld from those countries where it is least likely to have an impact” (Hazelzet 2005: 1). This is due to the fact that consultations are mainly successful in cases where the government is willing to cooperate or is highly dependent on EZ assistance. In other cases, where this is not the case, sanctions might therefore also not have a positive impact.

With regard to coherence, Laakos et al. differentiate between intended and unintended coherence. The first might be a result of considerations of the Commission with regard to the probable effects of punitive measures. Especially the manifold previous experiences with the use of such measures and its lack of effectiveness has led to a preference for alternative – rather positive - approaches in cases where the prospects of the usefulness of negative measures were low (Laakso/Kivimäki/Seppänen 2005: 53). On the other hand the treatment of democracy and human rights as horizontal themes in the EU foreign policy lead to an unintended incoherence, as there are different structures of geographical as well as thematic approaches that prevent an effective monitoring and strategic application.

The lack of coherence in the application of conditionality and sanctions can also be explained by the fact that development policy and democracy promotion are not isolated aspects but have to work in a system of different complementary and sometimes even competing and conflicting areas of foreign policy, e.g. economic aspects, security aspects, geo-strategic considerations. Moreover, the diversity of national interests of course affects the development policy. (Nwobike 2005: 1395/Arts 2003: 23).

Although important reform steps have been undertaken, which have especially enhanced the transparency and comprehensiveness of procedures in case of violations, there is still a lack of effective, commonly accepted monitoring mechanism which negatively affect the successful

application of conditionality and sanctions as a comprehensive, commonly accepted evaluation is missing (Arts 2003: 22).

With regard to the Cotonou agreement, Arts still identifies a lot of unclearness and ambiguity which undermines a clear strategy of implementation. According to her, “this was [obviously] done on purpose, so as to create the necessary space for national prioritising and own policy choices.” (ibid.: 21). But as we have seen above the subsequent revision and reform steps after 2000 including for example the adoption of guidelines for applying sanctions etc. have improved the situation and created more clearness and transparency with regard to the procedures.

Apart from the selectivity and incoherence in the application of sanctions, Schmidt also mentions the problem, that the EU, i.e. the Commission tends to react very late to developments in recipient countries with regard to violations of democratic principles and human rights (Schmidt 1999) and also criticises the lack of effectiveness of the EU’s negative sanctions, which in the majority of the cases during the 1990s did not make a noteworthy contribution to the intended change in the recipient country (ibid.: 26). The general scepticism towards conditionality as an instrument of conditionality presented in chapter 2.1 are also applicable for the EUs political conditionality within the EU-ACP cooperation.

Rich states that “the literature tends to the view that negative conditionality does not often bring the desired result” and with regard to the EU conditionality he summarized that “one broad conclusion is that this weapon is blunt and difficult to wield with any precision. The EU has embarked on its own learning curve to determine ways of calibrating the tool to particular circumstances. Negative conditionality works poorly in weak or failing states, and can have the effect of reducing even further the legitimacy of the state — thus making the solution to the problems more elusive. [...] Negative conditionality seems to work best when allied to internal forces working for the restoration of democracy. It thus strengthens the hand of those forces by giving them leverage they would not otherwise have.” (Rich 2004: 327).

Compared to conditionality the application of positive measures is much less contested in the critical discussions. The legitimacy and appropriateness of positive measures to promote democracy and human rights is generally accepted. But still problems are identified with regard to their effectiveness, which mainly depends on an appropriate strategic and country-specific approach. Although the financial volume of positive measures for democracy promotion is relatively low in comparison to other fields of development cooperation, the EU is seen as a major actor in worldwide democracy promotion through positive measures. Of course it is difficult to measure the real impact of positive measures on democratization processes, but in general studies about the EU positive measures present a quite positive

picture and acknowledge an important contribution of such measures to processes of democratisation and human rights in the recipient countries (e.g. Heinz/Lingnau/Waller 1995; Nielinger 1998; Schmidt 1999; Nolting 2003). Criticism remains with regard to the application of a coherent and strategic, country-specific approach, which is seen as a basic precondition for the success of positive measures. Especially in the 1990s the positive measures were mainly of ad hoc nature and a strategic approach only came up with the reforms of the last years. Finally, the EUs application of positive measures is sometimes criticised for the over-emphasis of elections and election support and the failure to support the long-term consolidation of democracy in the recipient state (Oschlies 2003: 98).

6. Conclusions

The analysis of the EU democracy promotion in the context of the EU-ACP cooperation shows that the EU is a quite important and prominent actor in the promotion of democracy, human rights and good governance in Sub-Saharan Africa.

The EU development policy and the framework for the EU-ACP cooperation have been strengthened through several reform steps leading to an improvement of the coherence and effectiveness of the EU, although there are still a lot of shortcomings and the development policy is still seen in the shadow of other more important foreign policy areas. In general it can be observed that since the end of the Cold War the promotion of democracy has steadily gained importance in the EU foreign and development policy.

The concept of political conditionality has successfully been integrated into development policy, in particular into the ACP cooperation under Lomé and Cotonou. Similarly, positive measures have become a prominent part of the EU development cooperation and democracy promotion especially throughout the 1990s.

Nevertheless, basing on the observances made above, a very ambiguous picture is left behind. The EU democracy promotion, including both conditionality and positive measures, still has a lot of shortcomings, problematic aspects and appendages for criticism. Very significant is the gap between rhetoric and reality of democracy promotion and the problems of adequately implementing the measures.

Both political conditionality and positive measures potentially provide for an effective and appropriate strategy for democracy promotion. But the problem is the lack of strategic and coherent application. Coherency, credibility and country-oriented strategic thinking in the

implementation would enhance the effectiveness as well as the acceptance of both conditionality and positive measures.

Both concepts have to be further developed and improved and put into a comprehensive formal and procedural framework, which has of course already happened partly through the reforms of the last five years, but they still do not go far enough.

A basic problem of democracy promotion already starts with the unclearness and lack of binding definitions of the key concepts of democracy, human rights and good governance, leaving too much room for interpretations resulting in different approaches and strategies. A clearer definition of these concepts, shared by all partners would create more transparency and reduce the scepticism towards the EU's activities especially from the recipient side and would provide for a better foundation of democracy promotion activities.

It is up to the EU to undertake the necessary adjustments in the formal and procedural framework and also find a way to ensure coherent and appropriate application of conditionality, sanctions and positive measures. Throughout the 1990s and especially with the latest reform steps the EU has shown its willingness and ability to react to current developments and the observed shortcomings of the instruments and application of democracy promotion. The Commission has made a continuous change towards the emphasis of the positive approach instead of the negative approach that was dominating in the 1990s and that is still much more criticised than the positive one. The formal and procedural framework was strengthened through reform steps and adoption of guidelines. Furthermore, the EU has reacted to current trends and integrated the aspects of ownership and partnership. The European Consensus and the new Africa strategy can be seen as decisive steps in this development. But as we have seen, the reality does not always reflect what is written on the paper. It is therefore important to realize the principles of partnership and ownership in the practical application of democracy promotion. The experience of the application in Sub-Saharan Africa shows both extremes, in some case the EU has been able to react adequately and go through a learning process while in other case the activities were condemned to fail from the beginning because of a problematic approach. This leads to the aspect of flexibility and adequate consideration of the circumstances in the recipient countries. Both conditionality and positive measures provide for good strategies of democracy promotion and although there are several negative examples – especially with regard to conditionality and sanctions. Neither should they not be praised as the “silver bullet” for democracy promotion nor be condemned per se as inappropriate. Instead it is important to apply them in an appropriate manner taking into consideration the individual circumstances of each case. The adoption of the ownership principle and country strategies is a good step in that direction. The current situation of the

framework for EU democracy can be seen as quite promising, and a continuing learning and reform process could lead to a steady improvement of the EU's democracy promotion capacities and practical success. However, such a positive scenario is not pre-assigned. Instead, the conflicting interests within the EU, the administrative complexity and a lack of self-criticism could also lead to a continuation of inconsistent, slow and intransparent procedures of democracy promotion, which undermines its objectives and would further justify the doubts of the credibility of the EU as democracy promoter.

References

EU Documents:

- Bartels, Lorand (2005): Human Rights and Democracy Clauses in the EU's International Agreements, Edinburgh
(Note for the European Parliament; DGExPo/B/PolDep/Study/2005/06)
- Eriksson, Anders (ed.) (2002): Handbook for European Union election Observation Missions, Stockholm (SIDA)
- Laakso, Liisa/Kivimäki, Timo/Seppänen, Maaria (2007a): Evaluation of Coordination and Coherence in the
Application of Article 96 of the Cotonou Partnership Agreement (Studies in European Development
Co-operation Evaluation No.6, European Union, April 2007), Amsterdam
- Laakso, Liisa/Kivimäki, Timo/Seppänen, Maaria (2007b): Evaluation of Coordination and Coherence in the
Application of Article 96 of the Cotonou Partnership Agreement – APPENDIX: Case Studies
Amsterdam
- European Commission/Republic of Ghana (2003), Joint Annual Report 2002 Ghana – EU Cooperation, October
2003
- European Commission (1995): Communication to the Council and Parliament on The European Union and the
External Dimension of Human Rights Policy: From Rome to Maastricht and Beyond, [COM (95) 567, 22
/10/1995]
- European Commission (1998): Democratisation, the rule of law, respect for

- human rights and good governance: the challenges of the partnership between the European Union and the ACP States (COMMISSION COMMUNICATION TO THE COUNCIL AND PARLIAMENT) [COM(98) 146, 12/03/1998]
- European Commission (1999): Cooperation with ACP Countries in Armed Conflicts (COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT) [COM(1999)240 final, 19/05/1999]
- European Commission (2000a): Operational coordination between the Community and the Member States of the European Union in the field of development cooperation (REPORT FROM THE COMMISSION) [COM(2000) 108 final, 01/03/2000]
- European Commission (2000b): External Evaluation of Community Aid Concerning Positive Actions in the Field of Human Rights and Democracy in the ACP countries, 1995-1999
- European Commission (2000c): Follow-up to the First Summit between Latin America, Caribbean and the European Union [COM(2000) 670 final, 31/10/2000],
- European Commission (2000d): Communication from the Commission on EU Election observation and assistance [COM(2000) 191 final]
- European Commission (2000e): EXTERNAL EVALUATION OF COMMUNITY AID CONCERNING POSITIVE ACTIONS IN THE FIELD OF HUMAN RIGHTS AND DEMOCRACY IN THE ACP COUNTRIES, 1995-2000 – Mission Report Malawi, 26 June 2000
- European Commission (2001a): The European Union's Role in Promoting Human Rights and Democratisation in Third Countries [COM(2001) 252 final, 08/05/2001]
- European Commission (2001b): European Initiative for Democracy and Human Rights Programming Document 2002-2004. Commission Staff Working Document, Brussels
- European Commission (2003a): The EU-Africa Dialogue (COMMUNICATION FROM THE COMMISSION TO THE COUNCIL) [COM(2003) 316 final, 23/06/2003]
- European Commission (2003b): Towards the full integration of co-operation with ACP countries in the EU budget (COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT) [COM(2003) 590 final, 08/10/2003]
- European Commission (2003c): EVALUATION OF THE EUROPEAN COMMISSION'S COUNTRY STRATEGY FOR MALAWI – Vo. 1: Final Report, September 2003
- European Commission (2003d): EVALUATION OF THE EUROPEAN COMMISSION'S COUNTRY STRATEGY FOR MALAWI – Vol. 2: Supporting Documentation, September 2003
- European Commission (2005a): Policy Coherence for Development Accelerating progress towards attaining the Millennium Development Goals {SEC(2005) 455} [COM(2005) 134 final, 12/04/2005]
- European Commission (2005b): Annual Report 2005 on the European Community's Development Policy and the Implementation of External Assistance in 2004 {SEC(2005)892} [COM(2005) 292 final, 15/07/2005]
- European Commission (2005c): External Actions through Thematic Programmes under the Future Financial Perspectives 2007-2013 [COM(2005) 324 final, 03/8/2005]
- European Commission (2005d): EU Strategy for Africa: Towards a Euro-African pact to accelerate Africa's development {SEC(2005)1255} [COM(2005) 489 final, 12/10/2005]
- European Commission (2006a): Thematic Programme for the promotion of democracy and human rights worldwide under the future Financial Perspectives (2007-2013) [COM(2006) 23 final, 25/01/2006]

European Commission (2006b): Financing for Development and Aid Effectiveness –
The challenges of scaling up EU aid 2006 – 2010 COM(2006) 85 final, 02/03/2006]

European Commission (2006c): Annual Report 2006 on the European Community's
Development Policy and the Implementation of External Assistance in 2005
{SEC(2006) 808} [COM(2006) 326 final, 22/06/2006]

European Commission (2006d): Governance in the European Consensus on Development
Towards a harmonised approach within the European Union [COM(2006) 421 final, 30/08/2006]

European Commission (2006e): Proposal for a Council Regulation on the implementation of the 10th European
Development Fund [COM(2006) 650 final]

European Commission (2007a): Verordnung über die Durchführung des 10. Europäischen Entwicklungsfonds
nach dem AKP-EG-Partnerschaftsabkommen [VERORDNUNG (EG) Nr. 617/2007 DES RATES; 14.
Mai 2007]

European Commission (2007b): Annual Report 2007 on the European Community's Development Policy and
The Implementation of External Assistance in 2006, Commission Staff Working Document (SEC(2007)
840)

European Commission/Council of the EU/European Parliament (2005): 'The European Consensus on
Development'. JOINT STATEMENT BY THE COUNCIL AND THE REPRESENTATIVES OF THE
GOVERNMENTS OF THE MEMBER STATES MEETING WITHIN THE COUNCIL, THE
EUROPEAN PARLIAMENT AND THE COMMISSION, Brussels

European Commission/Council of the EU (2006): EU Annual Report on Human Rights 2006

European Parliament/European Council (2006): Regulation on establishing a financing instrument for the
promotion of democracy and human rights worldwide [REGULATION (EC) No 1889/2006 OF THE
EUROPEAN PARLIAMENT AND OF THE COUNCIL, 20 December 2006]

European Union Council of Ministers (1991), Resolution of the Council and of the Member States meeting in the
Council on Human Rights, Democracy and Development, 28 November 1991, [Doc. no. 10107/91],
(European Commission, Brussels).

European Union Council of Ministers and European Commission (2000), Joint Statement on EC Development
Policy [10 November 2000].

European Union Council of Ministers (2000), European Union Annual Report on Human Rights (European
Commission, Brussels)

Council of the European Union (2007): Declaration by the Presidency on behalf of the European Union
on Togo; Brussels, 12 July 2007

ECDPM-Publications:

- ECDPM (2001): Cotonou Infokit: Towards a Stronger Political Partnership (18). Maastricht: ECDPM
- ECDPM (2004): InfoCotonou No. 7: The review of the Cotonou Partnership Agreement: What's at stake? Maastricht: ECDPM.
- ECDPM (2005): Assessment of the EC Development Policy Statement. Maastricht : ECDPM
- ECDPM (2006): Evolution of ACP-EU Relations over 50 years. 2006. Maastricht : ECDPM
- Bradley, A. (2005): An ACP Perspective and Overview of Article 96 Cases. (ECDPM Discussion Paper 64D). Maastricht: ECDPM.

- De Bergh, Marie-Laure (2006): The 10th European Development Fund: where do we stand? (ECDPM Background note). Maastricht : ECDPM
- Hazelzet, H. (2005): Suspension of Development Cooperation: An Instrument to Promote Human Rights and Democracy? (ECDPM Discussion Paper 64B). Maastricht: ECDPM
- Mbangu, L. (2005): Recent Cases of Article 96 Consultations. (ECDPM Discussion Paper 64C). Maastricht: ECDPM.
- Mackie, J and C. Rossini (2004): A changing EU: what are the development implications? Challenges facing the EU's new political leadership . (ECDPM In Brief 8). Maastricht : ECDPM
- Mackie, James/Zinke, Julia (2005): When Agreement Breaks Down, What Next? The Cotonou Agreement's Article 96 Consultation Procedure, ECDPM Discussion Paper No.64A, Maastricht
- Mackie, James/Zinke, Julia (2006): Delivering the goods: Challenges for ACP-EU relations in 2007. (ECDPM In Brief 17). Maastricht : ECDPM.

Websites:

<http://europa.eu/> (European Union Gateway)
<http://www.europarl.europa.eu/> (European Parliament)
<http://eur-lex.europa.eu/en/index.htm> (European Union Law)
<http://europa.eu/scadplus/> (European Union Policies/Legislation)
<http://ue.eu.int/> (Council of the European Union)
<http://www.consilium.europa.eu> (Council of the European Union; Public Register of Council Documents)
<http://www.acpsec.org> / www.acp.int (Secretariat of the African, Caribbean and Pacific Group of States)
<http://www.africa-union.org/> (African Union)
<http://www.inwent.org/E+Z/> (Zeitschrift für Entwicklung und Zusammenarbeit)
<http://www.epawatch.net>
<http://www.oxfam.org.uk/>
<http://www.concordeurope.org> (European NGO Confederation for Relief and Development)
<http://www.weed-online.org/>
<http://www.venro.org/>
www.europa-digital.de
<http://www.ecdpm.org/> (European Centre for Development Policy Management)
<http://www.zef.de/> (Zentrum für Entwicklungsforschung)
<http://www.die-gdi.de/> (Deutsches Institut für Entwicklungspolitik)
<http://www.odi.org.uk/> (Overseas Development Institute)
<http://www.bond.org.uk> (British Overseas NGOs for Development)
<http://www.euforic.org/> (Europe's Forum on International Cooperation)

Other Literature:

- Abrahamsen, Rita (2000): Disciplining Democracy. Development Discourse and Good Governance in Africa, London
- Arts, Karin (2000): Integrating Human Rights into Development Cooperation: The Case of the Lomé Convention, The Hague

- Arts, Karin (2003): Political Dialogue Requires Investment: Meeting the Human Rights Commitment of the Cotonou Agreement; In: ACP-EU Courier, No. 200, September-October 2003; pp. 21-23
- Arts, Karin/Dickson Anna K. (2004): EU Development Cooperation – From Model to Symbol
- Austrian Development Agency (ADA) (ed.) (2007) EU-Außenhilfeprogramme 2007-2013. Die Instrumente im Überblick, Wien/Brüssel
- Babarinde, Olufemi/Faber, Gerrit (eds.) (2005): The European Union and the Developing Countries. The Cotonou Agreement, Leiden
- Baracani, Elena (no date): The European Union and Democracy Promotion: a strategy of democratization in the framework of the neighbourhood policy?, Florence
- Basedau, Matthias (2003): Erfolgsbedingungen von Demokratie im subsaharischen Afrika. Ein systematischer Vergleich ausgewählter Länder, Opladen
- Baracani, Elena (...): The European Union and Democracy Promotion: a strategy of democratization in the framework of the neighbourhood policy?, Florence
- Beetham, David (1994): Key Principles and Indices for a Democratic Audit, in David Beetham (ed.) Defining and Measuring Democracy, London; pp. 28ff.
- Börzel, Tanja A./Risse, Thomas (2004): One Size Fits All! EU Policies for the Promotion of Human Rights, Democracy and the Rule of Law; Paper for the Workshop on Democracy Promotion, Oct. 4-5, Center for Development, Democracy, and the Rule of Law, Stanford University
- Bradley, Andrew (2005): An ACP Perspective and Overview of Article 96 Cases, ECDPM Discussion Paper No.64D
- Bredow, Wilfried von/Jäger, Thomas (1997): Demokratie und Entwicklung. Theorie und Praxis der Demokratisierung in der Dritten Welt, Opladen
- Brown, Stephen (no date): Foreign Aid and Democracy Promotion: Lessons from Africa
- Brüne, Stefan: Europas Außenbeziehungen und die AKP-Staaten: Das Abkommen von Cotonou. Eine erste Zwischenbilanz, in: Nord-Süd-Aktuell, Hamburg 16 (2002), pp. 301-314.
- Brusco, Giancarlo (2004) Eurocentrism and Political Conditionality: The Case of the Lomé Convention. In: Cosgrove-Sacks, Carol (2001): Europe, Diplomacy and Development, New York
- Burnell, Peter (ed.) (2000a): Democracy Assistance. International Co-operation for Democratization, London
- Burnell, Peter (ed.) (2000b): Democracy Assistance. The State of the Discourse, In: Ibid. (ed.) (2000a): Democracy Assistance. International Co-operation for Democratization, London; pp. 3-33
- Burnell, Peter (ed.) (2000c): Democracy Assistance.: Origins and Organizations; In: Ibid. (ed.) (2000a): Democracy Assistance. International Co-operation for Democratization, London; pp. 34-64
- Carothers, Thomas (1997): Democracy Assistance: The Question of Strategy', in Democratization Vol. 4 No. 3, 2002 , pp.109-32.
- Carothers, Thomas (1999): Aiding Democracy Abroad. The Learning Curve, Washington D.C.
- Carothers, Thomas (2002): The end of the transition paradigm; In: The Journal of Democracy Vol.13 No.1, 2002
- Clapham, Christopher (1995): Political Conditionality and Structures of the African State. In: Africa Insight Vol.25, No.2/1995, pp. 91-241
- Cosgrove-Sacks, Carol (ed.) (2001): Europe, Diplomacy and Development, New York

- Cosgrove-Sacks, Carol (ed.) (1999): The European Union and Developing Countries. The Challenges of Globalization, London
- Crawford, Gordon (2000): European Union Development Co-operation and the Promotion of Democracy; In: Burnell, Peter (ed.) (2000a): Democracy Assistance. International Co-operation for Democratization, London; pp. 90-127
- Crawford, Gordon (2001): Foreign Aid and Political Reform. A Comparative Analysis of Democracy Assistance and Political Conditionality, New York
- Crawford, Gordon (2002): Evaluating EU promotion of human rights, democracy and good governance: towards a participatory approach, Leeds
- Crawford, Gordon (2004a): Democratisation in Ghana: assessing the impact of political aid (1997-2003), POLIS Working Paper No.8, Leeds
- Crawford, Gordon (2004b): The European Union and Democracy Promotion in Africa: The Case of Ghana, POLIS Working Paper No.10, Leeds
- Dahl, Robert (1971): Polyarchy, Participation and Opposition, New Haven/London
- Dahl, Robert A. (1998): On Democracy, London
- Dauderstädt, Michael/Lerch, Marika (2005): International Democracy Promotion: Patiently Redistributing Power; FES: Internationale Politikanalyse Frieden und Sicherheit, Mai 2005
- Debiel, Tobias/Fischer, Martina (2000): Krisenprävention und zivile Konfliktbearbeitung durch die EU. Konzepte, Kapazitäten und Koheränzprobleme, Berlin
- Dialer, Doris (2007): Die Entwicklungspolitik im Brennpunkt. Eine Analyse der politischen Dimensionen des Cotonou-Abkommens, Frankfurt am Main
- Diamond, Larry 1995: Promoting Democracy in the 1990s. Actors and Instruments, Issues and Imperatives. A Report to the Carnegie Commission on Preventing Deadly Conflict. New York.
- Dolzer, Rudolf (2004): Good Governance: Neues transnationales Leitbild der Staatlichkeit?, Bonn
- Erdmann, Gero (1999): Demokratie- und Menschenrechtsförderung in der Dritten Welt, Bonn
- Ferdowsi, Mir A.(1998). Afrika – ein verlorener Kontinent. In: Ferdowsi, Mir.A. (Hrsg.): Afrika zwischen Agonie und Aufbruch. München (Bayrische Landeszentrale für politische Bildungsarbeit).
- Ferdowsi, Mir. A. (1999): Die Europäische Entwicklungspolitik. Eine retrospektive Betrachtung, in: ders. (Hrsg.), Vom Enthusiasmus zur Ernüchterung? Die Entwicklungspolitik der Europäischen Union, Forschungsstelle Dritte Welt, Arbeitspapier 27/1999, München 1999, S. 3-22
- Fierro, Elena (2003): The EU's Approach to Human Rights Conditionality in Practice, The Hague
- Giorello, Marco (2001): The Clauses of Democratic conditionality in the European Union's External Relations; In: Cosgrove-Sacks, Carol (2001): Europe, Diplomacy and Development, New York; 79-95
- Gould, Jeremy (ed.) (2005): The New Conditionality. The Politics of Poverty Reduction Strategies, 2005
- Grant, Richard/Nijman, Jan (eds.) (1998): The Global Crisis in Foreign Aid, New York
- Grilli, E. R., (1993): The European Community and the Developing Countries, Cambridge.
- Grimm, Sven (2003) Die Afrikapolitik der Europäischen Union. Europas außenpolitische Rolle in einer randständigen Region (Institut für Afrikakunde), Hamburg

- Grimm, Sven (2006): EU Development Cooperation: Rebuilding a tanker at sea, FES Briefing Paper June 2006, Berlin
- Grimm, Sven/Kielwein, Nina (2005): The European Unions's Strategy for Africa – Coherence in the Face of a Complex, Changing Continent? (DIE Briefing Paper 9/2005), Bonn
- Grugel, Jean (2000): Democracy without Borders. Transnationalization and Conditionality in New Democracies, London/New York
- Gyimah-Boadi, E. (2001): A peaceful turnover in Ghana; In: Journal of Democracy vol.12 no.2, pp.103-17
- Halm, Dirk (1997): Konditionalität. Entwicklung, Ergebnisse und Probleme eines Konzepts der entwicklungspolitischen Zusammenarbeit, Münster
- Hamm, Brigitte (2006): Good Governance und Menschenrechte – Bad Governance und Corruption; In: Stiftung Entwicklung und Frieden/INEF (eds.): Globale Trends 2007, Bonn; pp. 225-245
- Hammel, Werner (2001): Entwicklungsarbeit ist politischer geworden. Der Einfluss der politischen Theorie. In: Thiel, Reinold E. (ed.) (2001): Neue Ansätze zur Entwicklungstheorie. Deutsche Stiftung für internationale Entwicklung (DSE). Informationszentrum Entwicklungspolitik (IZEP). Bonn; S. 186-194
- Hansohm, Dirk/Kappel, Robert (1993): Schwarzweiße Mythen. Afrika und der entwicklungspolitische Diskurs, Münster/Hamburg
- Hartmann, Christof (1999): Externe Faktoren im Demokratisierungsprozess. Eine vergleichende Untersuchung afrikanischer Länder, Opladen
- Hazelzet, Hadewych (2005): Suspension of Development Cooperation: An Instrument to Promote Human Rights and Democracy?, ECDPM Discussion Paper No. 64B, Maastricht
- Heinz, Wolfgang S./Lingnau, Hildergard/Waller, Peter (1995): Evaluation of EC Positive Measures in Favour of Human Rights and Democracy (1991-1993), DIE, Berlin
- Hemmer, Hans-Rimbert/von Urff, Winfried (ed.) (2004): Afrika zwischen Reformen und Staatsverfall (Bericht vom 7. Limburg-Seminar „Wissenschaft und Praxis der Entwicklungsökonomik“, 21. bis 24. Januar 2004), Weimar
- Hexel, Ralf (2006): Die Entwicklungspolitik der EU – Stand der Dinge, Berlin (Friedrich-Ebert-Stiftung)
- Hippler, Jochen (1994): Die Demokratisierung der Dritten Welt nach dem Ende des Kalten Krieges. In: Hippler, Jochen (ed.) (1994): Demokratisierung der Machtlosigkeit - Politische Herrschaft in der Dritten Welt, Hamburg; pp. 11-45
- Hoffman, J. (1988): State, Power and Democracy: Contentious Concepts in Practical Political Theory, Brighton
- Holland, Martin (2002): The European Union and the Third World, New York
- Holtz, Uwe: Ein demokratischer Diskurs über die Zukunft der europäischen Entwicklungspolitik gegenüber den AKP-Ländern, in: Uwe Holtz (Hg.), Europäische Gespräche 3 / 97. Konsultationsforum: EU und AKP auf dem Weg zu einer neuen Partnerschaft? Eine Dokumentation, Bonn 1997, S. 5-16.
- Holtz, Uwe: Partnership for the 21st Century. A Preliminary Assessment of the EU-ACP Agreement, in: D+C (Development and Cooperation), Nr. 2 / 2000, S. 8-12.

- Huntington, Samuel P. (1991): *The Third Wave. Democratization in the Late Twentieth Century*, London
- Johnson, Omotunde E.G. (2005): *Country Ownership of Reform Programmes and the Implications for Conditionality*. G-24 Discussion Paper No.35, New York
- Kanbur, Ravi (1998): *Aid, Conditionality, and Debt in Africa*
- Kappel, Robert (1998). *Die Entwicklungskooperation zwischen Europa und den AKP-Staaten - eine Bewertung der entwicklungspolitischen Folgen des Lomé Modells*. In: Ferdowsi, Mir. A. (Hrsg.): *Afrika zwischen Agonie und Aufbruch*. München (Bayrische Landeszentrale für politische Bildungsarbeit).
- Keßler, Ulrike (2007): *40 Jahre Afrikapolitik – ein Rückblick*; In: Müller-Brandeck-Bocquet et al. (2007): *Die Afrikapolitik der europäischen Union. Neue Ansätze und Perspektiven*, Opladen & Farmington Hills
- Kielwein, Nina (2005): *Herausforderungen für die öffentliche Entwicklungsfinanzierung in Subsahara-Afrika: Aktuelle Debatten über Instrumente und Optionen*. Bericht zum DIE-Afrika-Fachgespräch am 01. Juni 2005, Bonn
- Koch, Walter A. S. (ed.) (1994): *Ökonomische Aspekte der Demokratisierung in Afrika*, München
- Kohnert, Dirk (1995). *Perspektiven der Liberalisierung von Wirtschaft und Gesellschaft in den neuen Demokratien Schwarzafrikas*. In: *Demokratisierung, und good governance als Faktoren wirtschaftlicher Entwicklung in der Dritten Welt*. Hamburg: Deutsches Übersee-Institut.
- König, Klaus (2001): *Zum Governance-Begriff*; In: König, Klaus/Markus Adam (ed.) (2001): *Governance als entwicklungspolitischer Ansatz*, Speyer; 2-23
- Krause, Alexandra: *Die EU als internationaler Akteur in Afrika*; In: *Aus Politik und Zeitgeschichte / Beilage zur Wochenzeitung Das Parlament*, B 13-14 / 2002, pp. 24-30
- Kreutz, Joakim (2005): *Hard Measures by a Soft Power? Sanctions Policy of the European Union*, BICC Paper 45, Bonn
- Lingnau, Hildegard (2005): *Menschenrecht und Entwicklungszusammenarbeit. Perspektiven eines Menschenrechtsansatzes in der deutschen und internationalen Entwicklungspolitik*. In: Messner, Dirk/Scholz, Imme (eds.) (2005): *Zukunftsfragen der Entwicklungspolitik*, Baden-Baden
- Lumina, Cephas K. (2004): *Political Conditionality and its Implications for Human Rights. The Case of Zambia*. In: Nhema, Alfred G. (ed.) (2004): *The Quest for Peace in Africa. Transformations, Democracy and Public Policy*, Addis Abeba; 329-347
- Magolowondo, Augustine Titani (2005): *Democratisation Aid as a Challenge for Development Co-operation. A Comparative Study of Overall Policies of Two Bilateral and Two Multilateral Development Agencies and How they are Implemented in Malawi*, Bochum
- McCarthy, Stephen (1994): *Africa – The Challenge of Transformation*, London
- McFaul, Michael (2004): *Democracy Promotion as a World Value*. *The Washington Quarterly*, 28:1, Winter 2004-05; 147–163.
- Müller-Brandeck-Bocquet et al. (2007): *Die Afrikapolitik der europäischen Union. Neue Ansätze und Perspektiven*, Opladen & Farmington Hills
- Mullerson, R. (1997): *Human Rights Diplomacy*, London

- Napoli, Daniela (1995): The European Union's Foreign Policy and Human Rights; In: Neuwahl, Nanette A./Allan Rosas (ed.) (1996): The European Union and Human Rights, The Hague; 297-312
- Nhema, Alfred G. (ed.) (2004): The Quest for Peace in Africa. Transformations, Democracy and Public Policy, Addis Abeba
- Nielinger, Olaf (1998): Demokratie und Good Governance in Afrika. Internationale Demokratisierungshilfe als neues entwicklungspolitisches Paradigma?, Hamburg
- Nolting, Armin K. (2003) Die Demokratieförderung der EU: Eine Untersuchung am Beispiel von Positivmaßnahmen in Malawi und Simbabwe, Bochum
- Nuscheler, Franz (2006): Entwicklungspolitik, Bonn
- Nwobike, Justice (2005): The Application of Human Rights in African Caribbean and Pacific-European Union Development and Trade Partnership; In: German Law Journal, Vol. 06 No. 10, October 2005; 1381-1406
- Nwokedi, Emeka (1995): Politics of Democratization: Changing Authoritarian Regimes in Sub-Saharan Africa, Münster/Hamburg
- Nyamugasira, Warren (2000): Aid Conditionality, Policy Ownership and Poverty Reduction. A Southern Perspective of Critical issues, Constraints and Opportunities, Kampala/Uganda
- Portela, Clara/Kreutz, Joakim (2004): New principles on the use of sanctions: from symbolism to effectiveness?, ISIS European Security Review, Brussels
- Oschlies, Johannes (2003): Politische Konditionalität in der Entwicklungszusammenarbeit. In: MenschenRechtsMagazin, No.2/2003
- Pippan, Christian (2002): Die Förderung der Menschenrechte und der Demokratie als Aufgabe der Entwicklungszusammenarbeit der Europäischen Gemeinschaft, Frankfurt am Main
- Pyne, Eric Peter (2006): Die Bildung von guten Regierungen und Verwaltungen in den heutigen Gesellschaften und Staaten Afrikas und die Wahrung innerer Sicherheit, Hamburg
- Rich, Roland (2004): Applying Conditionality to Development Assistance; In: Agenda, Vol. 11, No. 4/2004, pp. 321-334
- Riedel, Eibe/Martin Will (1999): Human Rights Clauses in External Agreements of the EC; In: Alston, Philip (ed.) (1999): The EU and Human Rights, Oxford; 723-754
- Robinson, Mark (1995): Aid, Democracy and Political Conditionality in Sub-Saharan Africa. In: Sorensen, Georg (ed.)(1993): Political Conditionality, London; 85-99
- Roehder, Katja (2004): Entwicklungspolitische Handlungsfelder im Kontext erodierender Staatlichkeit in Subsahara-Afrika (DIE Discussion Paper 5/2004), Bonn
- Sandschneider, Eberhard (undt.): Externe Demokratieförderung Theoretische und praktische Aspekte der Außenunterstützung von Transformationsprozessen, Gutachten für das Centrum für angewandte Politikforschung, Berlin
- Santiso, Carlos (2001a): Good Governance and Aid Effectiveness: The world Bank and Conditionality; In: Georgetown Public Policy Review, Volume 7 Number 1, Fall 2001; pp.1-22
- Santiso, Carlos (2001b): INTERNATIONAL CO-OPERATION FOR DEMOCRACY AND GOOD GOVERNANCE: MOVING TOWARD A SECOND GENERATION? In: European Journal of Development Research, vol.13, no.1 (June 2001), pp.154-180.

- Santiso, Carlos (2002a): Reforming European Union Development Cooperation: Good Governance, Political Conditionality and the Convention of Contonou (ACES Working Paper 2002.4), Washington
- Santiso, Carlos (2002b): The Reform of the EU Development Policy. Improving Strategies for Conflict Prevention, Democracy Promotion & Governance Conditionality, Washington
- Santiso, Carlos (2002c): Promoting Democracy by Conditioning Aid? Towards a More Effective EU Development Assistance, Washington
- Scappucci, Gioia (1999): EU-ACP Relations in the 1990s. In: Cosgrove-Sacks, Carol (ed.) (1999): The European Union and Developing Countries. The Challenges of Globalization, London
- Schmidt, Petra (2005a): Budgethilfe in der Entwicklungszusammenarbeit der EU (DIE-Studie), Bonn
- Schmidt, Petra (2005b): EU-Budgethilfeinstrumente: Vorreiter für eine neue Entwicklungszusammenarbeit?; In: Kielwein, Nina (2005): Herausforderungen für die öffentliche Entwicklungsfinanzierung in Subsahara-Afrika: Aktuelle Debatten über Instrumente und Optionen (Bericht zum DIE-Afrika-Fachgespräch am 01. Juni 2005), Bonn
- Schmidt, Siegmund (1999): Die Demokratie- und Menschenrechtsförderung der Europäischen Union unter besonderer Berücksichtigung Afrikas. In: Forschungsstelle Dritte Welt (ed.) (1999): Arbeitspapiere zu Problemen der Internationalen Politik und der Entwicklungsländerforschung, Nr. 28/1999
- Schmidt, Siegmund (2002): Aktuelle Aspekte der EU-Entwicklungspolitik. Aufbruch zu neuen Ufern?, in: Aus Politik und Zeitgeschichte / Beilage zur Wochenzeitung Das Parlament, B 19-20 / 2002, Bonn, 10.05.02, S. 29-38.
- Schmidt, Siegmund (2004): Die Europäische Union und Afrika. In: Weidenfeld, Werner (ed.) (2004): Die Europäische Union. Politisches System und Politikbereiche, Bonn
- Schmidt, Siegmund (2007): Die EU-Sicherheitspolitik gegenüber Subsahar-Afrika; In: Müller-Brandeck-Bocquet et al. (2007): Die Afrikapolitik der europäischen Union. Neue Ansätze und Perspektiven, Opladen & Farmington Hills
- Schmitz, Andrea (2006): Konditionalität in der Entwicklungspolitik (SWP-Studie), Berlin
- Schmitz, Hans Peter/Sell, Katrin (2000): International Factors in Processes of Political Democratization. Towards a Theoretical Integration; Grugel, Jean (2000a): Democracy without Borders. Transnationalization and Conditionality in New Democracies, London/New York; In: pp. 23-41
- Sheehy, Orla (2003): The Positive Application of Human Rights within EU-ACP Development Co-operation Policy, European University Institute
- Simma, Bruno/Jo Beatrix Aschenbrenner/Constanze Schulte (1999): Human Rights Considerations in the Development Co-operation Activities of the EC; In: Alston, Philip (ed.) (1999): The EU and Human Rights, Oxford; 571-626
- Siraj, Sanjida M.B. (2005): Self Interest, Conditionality and Effectiveness: Triaxial Tension within EU Development Cooperation, Limerick
- Siraj, Sanjida M.B. (2004): Good governance as a policy agenda in the EU-development assistance: conditionality and effectiveness, Limerick
- Six, Clemens (2006): Der europäische Konsens zur Entwicklungspolitik. Die EU als Geberin in veränderten internationalen Beziehungen, Wien

- Smith, Karen Elizabeth (1998): The Use of Political Conditionality in the EU's Relations with Third Countries. How Effective? In: European Foreign Affairs Review, Bd.3/1998, S.253-274.
- Smith, Karen Elizabeth (2004): The role of democracy assistance in future EU external relations (Paper for the European Conference 'Enhancing the European Profile in Democracy Assistance', July 4-6, 2004, the Netherlands)
- Sorensen, Georg (1993): Introduction; In: Sorensen, Georg (ed.)(1993): Political Conditionality, London; 1-5
- Sorensen, Georg (1995): Conditionality, Democracy and Development; In: Stokke, Olav (ed.) (1995): Aid and Political Conditionality, London; 392-409
- Stokke, Olav (1995): Aid and Political Conditionality: Core Issues and the State of the Art; In: Stokke, Olav (ed.) (1995): Aid and Political Conditionality, London; 28-72
- Stokke, Olav (1996): Foreign Aid: What Now? In: Stokke, Olav (ed.) (1996): Foreign Aid Towards the Year 2002: Experiences and Challenges, London; 16-129
- Stoll, Georg (2006): Die Rechnung ohne den Gast gemacht? ‚Gute Regierungsführung‘ in der Entwicklungszusammenarbeit. In: Verband Entwicklungspolitik deutscher Nichtregierungsorganisationen e.V. (VENRO) (ed.) (2006): Welche Konditionalitäten braucht die Entwicklungszusammenarbeit?, Berlin/Bonn
- Tetzlaff, Rainer (1998): Widersprüche und Risiken, Chancen und Voraussetzungen der Demokratisierung. In: Ferdowsi, Mir.A. (Hrsg.) Afrika zwischen Agonie und Aufbruch. Bayrische Landeszentrale für politische Bildungsarbeit, München
- Thiel, Markus (2004): The conditionality of U.S. & E.U. Development Aid Upon Democratization – A Comparison (€Working Papers, Vol.2, No.1), Centro de Estudios Europeos
- Uvin, Peter (1993): "Do as I Say, Not as I Do": The Limits of Political Conditionality; In: Sorensen, Georg (ed.) (1993): Political Conditionality, London; 63-84
- Van Cranenburgh, Oda (2000): International Policies to Promote African Democratization. In: Grugel (2000a): Grugel, Jean (2000): Democracy without Borders. Transnationalization and Conditionality in New Democracies, London/New York; pp. 92-105
- VENRO (Verband Entwicklungspolitik deutscher Nichtregierungsorganisationen e.V.) (ed.) (2006): Welche Konditionalitäten braucht die Entwicklungszusammenarbeit?, Bonn/Berlin
- Vorrath, Judith (2005) From Individual Action to a Common Strategy? EU policy on sub-Saharan Africa, Bonn
- Weidinger, Bernhard (2001): Partnerschaft, „Eignerschaft“, Vormundschaft ? Bekenntnisse zu Partnerschaftlichkeit und „Ownership“ in der EZA der Europäischen Union; in: Stichproben. Wiener Zeitschrift für kritische Afrikastudien 2/2001, Jg. 1, Wien
- Werther-Pietsch, Ursula (1999): Strategie für Entwicklung auf Grundlage der Menschenrechte und Demokratisierung, Wien
- Wiseman, John A. (ed.) (1995): Democracy and Political Change in Sub-Saharan Africa, London
- World Bank (ed.) (1989): Sub-Saharan Africa: From Crisis to Sustainable Growth: a Long-Term Perspective Study, Washington D.C.
- Youngs, Richard 2001: Assessing Democracy Promotion: The Case of European Union Strategy (Centre for European Policy Studies, Working Paper 167), Brüssel.

Annexes:

Annex 1: Consultation Procedure under Article 96 (Cotonou Agreement)

- § “One of the parties *'considers that the other Party has failed to fulfil an obligation stemming from the respect for human rights, democratic principles and the rule of law'* [Art. 96(3)(a)].
- § The party conducts its own internal discussions to clarify its position and consider how it will present its concerns to the other party.
- § In the EU's case this involves:
 - Discussions in the relevant working groups in the EU Council;
 - The Commission issues a proposal to the Council to start consultations (either at own initiative or on request by the Council)
 - Further discussion and perhaps amendment of the proposal in the Council at working group level, then acceptance by the EU Committee of Permanent Representatives and the Council of Ministers.
- § The demanding party supplies *'the other Party ... with the relevant information required for a thorough examination of the situation'* and invites *'the other Party to hold consultations that focus on the measures taken or to be taken by the party concerned to remedy the situation'* [Art. 96(3)(a)]. For the EU this is done by letter from the EU Council to the authorities of the ACP country concerned.
- § The other party accepts or declines invitation to start consultations (in which case the demanding party can move straight to *'appropriate measures'*)
- § *'The consultations shall begin no later than 15 [now 30] days after the invitation',* are *'conducted at the level and in the form considered most appropriate for finding a solution'* [Art. 96(3)(a)] and normally take place in Brussels.
- § Participants in the consultations are, for the EU, the Troika; for the ACP, the ACP state in question, the “group of friends” of the country in question, relevant regional organisations (e.g. the African Union) and the ACP Secretariat.
- § During the consultations, attempts are made to agree on a list of commitments and a timeframe in which to fulfil them.
- § Consultations last *'for a period established by mutual agreement',* and *'no longer than 60 [now 120] days'* [Art. 96(3)(a)]. They are closed officially through a procedure similar to that of initiating the consultations. For the EU, this is by decision of the Council on proposal of the Commission
- § If agreement is reached on the commitments, the country concerned takes the agreed steps.
- § If no agreement is reached, if the country refuses to fulfil the measures or keep to the timeframe of the consultations or in cases of special urgency:
 - The other party takes *"appropriate measures"*;
 - The other party may or may not apply appropriate measures until the commitments are fulfilled (i.e. until respect for the essential elements is fully restored).
- § The appropriate measures to rectify the situation should be *'revoked as soon as the reasons for taking them have disappeared'* [Art. 96(3)(a)].
- § To this end, the situation in the country to which the appropriate measures apply is monitored regularly, usually on at least a six-monthly basis.”

(Source: Mackie/Zinke 2005: 6)

Annex 2: Typology of activities according to Article 2, Regulation 975/1999

- § “Activities in support of human rights and civil society, with a focus on
 - Civil and political rights
 - Economic, social and cultural rights
 - Rights against poverty and social exclusion
 - Rights of minorities, indigenous peoples, refugees, ethnic groups

- Institutional development in the field of protection and rights promotion
 - Resources for specific institutions so as to prevent torture or ill-treatment, or to rehabilitate victims
 - Education, training, consciousness raising
 - Human rights observation
 - Support for non-discriminatory measures
 - Support to fundamental freedoms
- § Activities in support of democracy and the rule of law, with a focus on
- Independence of the judiciary, humane prison systems, constitutional and legislative reform, abolition of the death penalty
 - Separation of powers, support for institutional reforms
 - Support for political pluralism
 - Prevention of corruption, administrative accountability¹⁴
 - Participation in economics and politics, including all genders
 - Support to electoral processes
 - Separation of civilian and military functions, training in human rights awareness
- § Activities in support of human rights and democracy through conflict prevention, such as by
- Institutional development, in particular for early warning
 - Promoting equal opportunities and bridging identity-based divisions
 - Group conciliation, confidence building
 - Promoting humanitarian law
 - Institutional development for those dealing with the consequences of conflict, in particular international criminal courts”

(Source: European Commission 2000b: 19-20)

Annex 3: Thematic Campaigns under EIDHR 2006:

“Campaign 1: “Promoting justice and the rule of law”

covers the following overall objectives:

- The effective functioning of the International Criminal Court and other international criminal tribunals, including their interaction with national justice systems;
- The progressively restrictive use of the death penalty and its eventual universal abolition;
- The reinforcement of the work of international human rights mechanisms.

Campaign 2: “Fostering a culture of human rights”

covers the following overall objectives:

- Strengthening civil society organisations in advocacy of the rights of vulnerable groups and the furtherance of related international instruments;
- Reducing the occurrence of torture, effectively implementing international instruments against torture and providing support for the rehabilitation of victims of torture;
- Enhancing education, training, monitoring and awareness-raising on human rights and democratisation issues.

Campaign 3: “Promoting the democratic process”

covers the following overall objectives:

- Underpinning and developing democratic electoral processes;
- Strengthening the basis for civil society dialogue and democratic discourse.

Campaign 4: “Advancing equality, tolerance and peace”

covers the following overall objectives:

- Securing equal rights and treatment of persons and people belonging to minorities irrespective of racial, ethnic or caste origin, or of language and religion;
- Inter-cultural and interethnic understanding;
- Securing respect for the rights of indigenous peoples;
- Reinforcing the engagement of civil society in conflict prevention and resolution.”

(Source: EIDHR Annual Work Programme 2006, Amendment 1, p.2)

Annex 4: UN Millennium Development Goals

The UN Millennium Development Goals

Goal 1: Eradicate extreme poverty and hunger

- Reduce by half the proportion of people living on less than a dollar a day
- Reduce by half the proportion of people who suffer from hunger

Goal 2: Achieve universal primary education

- Ensure that all boys and girls complete a full course of primary education

Goal 3: Promote gender equality and empower women

- Eliminate gender disparity in primary and secondary education preferably by 2005, and at all levels by 2015

Goal 4: Reduce Child mortality

- Reduce by two thirds the mortality rate among children under five

Goal 5: Improve maternal health

- Reduce by three quarters the maternal mortality ratio

Goal 6: Combat HIV/AIDS, malaria and other diseases

- Halt and begin to reverse the spread of HIV/AIDS
- Halt and begin to reverse the incidence of malaria and other major diseases

Goal 7: Ensure environmental sustainability

- Integrate the principles of sustainable development into country policies and programmes; reverse loss of environmental resources
- Reduce by half the proportion of people without sustainable access to safe drinking water
- Achieve significant improvement in lives of at least 100 million slum dwellers, by 2020

Goal 8: Develop a global partnership for development

- Develop further an open trading and financial system that is rule-based, predictable and non-discriminatory, includes a commitment to good governance, development and poverty reduction— nationally and internationally
- Address the least developed countries' special needs. This includes tariff- and quota-free access for their exports; enhanced debt relief for heavily indebted poor countries; cancellation of official bilateral debt; and more generous official development assistance for countries committed to poverty reduction
- Address the special needs of landlocked and small island developing States
- Deal comprehensively with developing countries' debt problems through national and international measures to make debt sustainable in the long term
- In cooperation with the developing countries, develop decent and productive work for youth
- In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries
- In cooperation with the private sector, make available the benefits of new technologies— especially information and communications technologies

(Source: <http://www.un.org/millenniumgoals/goals.html>; September 2007)

Annex 5: Consultations and Sanctions in Cases of ACP States until 2005 (Chronological Overview)

EU suspension of development aid without reference to a human rights and democracy clauses (1990-1998):

Year	Cases
------	-------

1990	Sudan
	Liberia
1991	Central African Republic
	Djibouti
	Haiti
	Kenya
1992	Equatorial Guinea
	Togo
1993	Burundi
1994	Gambia
	Equatorial Guinea
	Rwanda
1995	Nigeria
1996	Niger
1997	Burundi
	DR Congo
1998	Guinea-Bissau

Application of Article 366a of the Lomé Convention

<i>Year</i>	<i>Cases</i>	<i>Reason</i>
1998	Togo	Flawed electoral process
1999	Niger	Coup d'état
	Guinea Bissau	Coup d'état
	Comoros	Coup d'état
2000	Cote d'Ivoire	Coup d'état

Application of Article 96/97 Cotonou Agreement

<i>Year</i>	<i>Cases</i>	<i>Reason</i>
2000	Haiti	Violations of democratic principles, flawed electoral process
	Fiji	Coup d'état
2001	Cote d'Ivoire	Democratic failures
	Liberia	Violations of human rights, democratic principles, rule of law and serious corruption
2002	Zimbabwe	Violations of human rights, democratic principles, rule of law
2003	Central African Republic	Coup d'état
	Guinea-Bissau	Coup d'état
2004	Togo	Democracy, respect for human rights and fundamental freedoms
	Guinea	deterioration of democracy and the rule of law, failure to respect human rights and fundamental freedoms and the lack of good economic governance
2005	Mauritania	Coup d'état

Application of sanctions/appropriate measures (by 2005):

Sudan since 1990 (commenced prior to the inception of Art. 366a (Lomé))

Togo	since 1993
Haiti	since 2001
Liberia	since 2002
Zimbabwe	since 2002
Guinea	since 2005

(Sources: Bradley 2005; Hazelzet 2005; Bartels 2005; Laakso/Kivimäki/Seppänen 2007)

Sanctions or restrictive measures in force (measures adopted in the framework of the CFSP towards African countries, by September 2007):

DR Congo
Cote d'Ivoire
Liberia
Sierra Leone
Somalia
Sudan
Zimbabwe

(Source: http://ec.europa.eu/external_relations/cfsp/sanctions/measures.htm; 09/2007)

Annex 6: Projects selected for support under EIDHR in Sub-Saharan Africa between 1st July 2005 and 30th June 2006		
Country	Project	Max. EC contribution
Projects selected through Global Calls for Proposals:		
<i>Support for the abolition of the death penalty:</i>		
Rwanda	Campagne de plaidoyer pour l'abolition de la peine de mort au Rwanda	300.000 €
<i>Prevention of torture:</i>		
Burundi	L'émergence du droit à un procès équitable pour les victimes de torture au Burundi	920.000 €
Kenya	Innovative tools for the abandonment of the practice of female genital mutilation / cutting (FGM/C)	304.936 €
<i>Combating impunity through international justice:</i>		
DR Congo	Renforcer les capacités des acteurs locaux oeuvrant dans l'assistance juridique des prévenus et des victimes de crimes internationaux	941.280 €
<i>Support for democracy, good governance and the rule of law:</i>		
Angola	Enhancing the Capacity of Media and Civil Society to Contribute to Sustainable Peace in Angola	634.662 €
Burundi	Programme d'appui à la justice au Burundi: Pour une égale protection devant la loi: Volet projet d'Appui à la société civile (ASC)	952.043 €
Burundi	Projet de renforcement du cadre de concertation de la société civile Burundaise	165.836 €
Burundi	Renforcement des capacités des institutions et de la société civile dans la Province de Karusi	376.571 €
Eritrea	Enhancing the role of the Unions in defense of the workers' rights as an integral part of human rights as defined by the ILO Fundamental Conventions	406.326 €
Eritrea	The Human Rights Approach to Civil	214.784 €

	Society Capacity Development in Eritrea (HRA/CSCD-Eritrea)	
Ghana	Bonne gouvernance et participation des femmes dans sept pays d'Afrique de l'Ouest	1.019.608 €
Mozambique	Civil society and public administrations: working together to protect human rights in Maputo Province, Mozambique	638.144 €
Mozambique	Supporting and networking Civil Society Organizations and Public Institutions for an improved capacity to face Human Rights issues in Mozambique	672.554 €
Mozambique	Civic Education and Promotion of Human Rights	713.133 €
Nigeria	Budget monitoring through the Nigerian media	1.243.746 €
Nigeria	The Nigeria Law Project Phase 2	1.001.456 €
Nigeria	Strengthening Budget Transparency through Public Participation: Monitoring NEEDS and SEEDS in Nigeria	1.200.000 €
Nigeria	Project on Gender Budget Transparency and accountability	150.000 €
Rwanda	Appui aux institutions judiciaires et à la société civile, pour une meilleure application des principes fondamentaux de droit rwandais.	960.000 €
Rwanda	Projet d'appui de la société civile au processus Gacaca au Rwanda (P.A.P.G), Phase II.	599.607 €
Rwanda	Rights Awareness and Action project	1.372.662 €
Sierra Leone	Leh Wi Push Pis – strengthening democratisation and human rights in Sierra Leone	867.093 €
Sudan	Centre pour la promotion des droits de l'enfant	480.000 €
Zimbabwe	Capacity building of human right defenders in Zimbabwe to optimise their basic human rights work in the prevailing legal and socio-political environment.	852.330 €
Zimbabwe	50% Core funding for Media Monitoring Project of Zimbabwe (MMPZ)	154.519 €
<i>Support for promoting the rights of indigenous peoples:</i>		
Cameroon	Securing the Rights of Indigenous Forest Peoples in Central Africa through Capacity Building and Legal and Human Rights Support at the Local, National and International Levels.	455.000 €
Kenya	Maasai Indigenous Peoples' Rights Initiative	260.660 €
<i>Regional Human Rights Masters Programmes:</i>		
South Africa	Master of Laws (LLM) Programme in Human Rights and Democratisation in Africa	1.500.000 €
Projects selected without a call for proposals:		
Sierra Leone	Victims Justice and Legacy Project (Sierra Leone Special Court)	695.244 €
Zimbabwe	Support for the Strengthening of the Rule of Law through Enhanced Capacity of Stakeholders in Zimbabwe (United Nations Development Programme)	600.000 €
Projects selected through Country Calls for Proposals:		
Country specific calls for EIDHR micro-projects were concluded for the following African countries: Angola, Burundi, DR Congo, Ivory Coast, Mozambique, Nigeria, Rwanda, Sudan, Zimbabwe.		

(Source: Council of the European Union/European Commission: EU Annual Report on Human Rights 2006)

Annex 7: Overview of EU support for democracy in Malawi through positive measures (1992-2003)

Year	Project	Democratic dimension covered	Amount (ECU/Euro)	Source	
				EDF	EIDHR
1992	Legal assistance to Chihana/ trade unionist		19,846		X
1993	Support through UNDP to the Referendum Commission (Chief Technical Advisor, logistics, consultants, as well as equipment, rental of cars and premises)	democratic transition/ elections	100,000		X
1993	support to the National Consultative Council (NCC) - office equipment, rent, current expenses	democratic transition/ elections	170,000		X
1993	support to the NCC and Electoral Commission (rental of cars and premises)	democratic transition/ elections	54,000		X
1993	support for general elections by sending 4 NGO observers (through International Commission of Jurists - 3 Legal advisors, and 1 Human Rights Advisor from African Countries)	Elections	113,000		X
1993	voter education and election monitoring, training of monitors, information and materials through Public Affairs Committee (PAC)	Elections	226,725		X
1993	support to the all party training on multiparty democracy, training of election monitors, capacity building for independent journalism and management training	Elections	459,000		X
1993	Voter education and election monitoring training through Africa European Institute	Elections	97,000		X
1993	Civic education for participatory development; publications for education for training for participators development; training of trainers through Dan Church Aid	Elections	275,000		X
1993	sending 4 observers to the referendum and 6 international observers to the PPE	Elections	249,859		X
1993	monitoring of the freedom of the media during the referendum period through Article 19	Elections	24,050		X
1993	freedom of expression during elections	Elections	60,000		X
1994	Co-financing the Government's referendum budget; assistance in the organisation of an election team responsible for rendering technical and material support during the referendum and the election, partly finance the cost of the National Consultative Council (NCC)	democratic transition/ elections	3,000,000	X	
1994	a project in the context of election preparations, providing for cases of political intimidation, or lack of media objectivity (through Article 19)	Elections	60,000		X
1994	international election observation and monitoring through the International Commission of Jurists	elections	132,859		X
1994	support for the professionalisation of and greater autonomy of the recently established independent press through the Friedrich Ebert Stiftung)	Civil society/media	248,000		
1995	Proposal for the revision of national laws in contravention of freedom of expression	Civil society/media	26,000		x

	(MAI/COM/56/95) through Article 19				
1995	Identification of interventions to support democracy and human rights (6-MAI-82)	not specified	333,000	X	
1996	Civic Education in Schools (MAI/PS/200/96) through the Malawi Contact Group, (later named Malawi Foundation)	civic education	380,000		X
1996	strengthening Malawi's democratisation (6-MAI-068)	not specified	375,000	X	
1997	Support for Independent Media (MAI/CO/212/97) through Malawi Institute of Journalism (MIJ)	Civil society/media	345,000		X
1997	Evaluation of MIJ (7-MAI-083)	Civil society/media	50,000	X	
1997	Legal assistance in democratisation and human rights (7-MAI-085)	access to justice and human rights	70,000	X	
1997	Promotion of the Rule of Law and Improvement of Justice (7-MAI-094)	access to justice and human rights	6,361	X	
1997	Paralegal training for the Ministry of Justice (MAI/ED/139/97) run by Dutch Consultants, DHV	access to justice and human rights	290,000		X
1998	Consultancy to design a Paralegal and Training Programme (7-MAI-102)	access to justice and human rights	44,000	X	
1998	Malawi Elections Monitoring Project (MAI/EL/142/98) through PAC	Elections	400,000		X
1998	Voter registration (MAI/EL/166/98) through Electoral Commission	Elections	529,000		X
1998	Civic and Voter Education for National and Local Elections -National Initiative for Civic Education (NICE)-(7-MAI-013)	Elections	1,964,000	X	
2000	Promotion of the Rule of Law and Improvement of Justice (8ACPTPS 004)	access to justice and human rights	2,125,000	X	
2000	Civic and Voter Education for National and Local Elections -National Initiative for Civic Education (NICE), Phase II (8-MAI-025)	elections	4,062,000	X	
Total			16,288,700	12,029,361	4,259,339

(Source: Magolowondo 2005: 274-276)