

EU Aid Conditionality in ACP Countries: Explaining Inconsistency in EU Sanctions Practice

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Abstract

The EU is often criticised for using negative conditionality only in poor, strategically less important countries in the ACP region. However, whether and why there is inconsistency within the group of ACP countries has not been properly investigated. Therefore, this article investigates the reasons for the EU's non-application of Article 96 of the Cotonou Agreement in five countries that can be considered typical cases where negative conditionality is generally imposed, namely countries that experienced flawed elections over the last ten years: Ethiopia, Rwanda, Nigeria, Kenya and Chad. On the one hand, the study confirms previous findings that security interests tend to trump the EU's efforts to promote democratisation. On the other hand, the article adds that democratisation might not only conflict with the EU's interests, but also with its objective to promote development and poverty reduction.

Keywords

Development cooperation; Political conditionality; Sanctions

SINCE 1995, THE EUROPEAN UNION (EU)¹ HAS HAD THE POSSIBILITY TO SUSPEND AID towards developing countries that violate human rights or experience democratic breakdown. This was made legally possible by defining human rights, the rule of law and democratic principles as "essential elements" of the Lomé Agreement between the European Community (EC) and the group of African, Caribbean and Pacific (ACP) countries. In 2000, this political conditionality was broadened to some extent by making good governance a fundamental element, making it possible for the EU to suspend aid in cases of severe corruption and bribery (Hadfield 2007: 43-44). Article 96/97, which can be invoked when one of the essential or fundamental elements is violated, provides that the EU might impose sanctions after consultations with the violating country in which the EU and the partner country try to remedy the situation.

While the emergence and legal status of this conditionality clause has been described and analysed elaborately (Arts 2000; Fierro 2003; Hilpold 2002; Holland 2002), only few studies have focused on its application. From the studies that *have* investigated the application of

¹ Throughout the article, the term "European Union" (EU) will be used as a general rule, whereas "European Community" (EC) is only used when referring specifically to the legal (first pillar) dimensions.

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Article 96/97, it is clear that political conditionality is usually invoked only in a limited number of cases, mostly in countries that experienced flawed elections or a *coup d'état* (Laakso *et al.* 2007: 48-50; Portela 2007: 41-42). In the case of a *coup d'état*, the EU has been consistent: each clear-cut *coup d'état* in the ACP region has been followed by EU sanctions (Laakso *et al.* 2007: 50). The table in the Appendix gives an overview of Article 96 cases and the situation that led to the invocation of the human rights clause. Different reasons can explain this limited application. For the EU, sanctions are seen as an ultimate tool and agreement in the Council is not easily found.² Therefore, sanctions are only imposed when the situation leaves little room for interpretation, such as in cases of democratic breakdown, while for human rights violations, a "cut-off" point is more difficult to agree upon (Laakso *et al.* 2007: 34; Smith 2001: 200; Portela 2007: 42).

We thus know that the EU consistently invokes Article 96 in the case of a *coup d'état* and also often in cases of flawed elections, while human rights violations or more gradual deteriorations of the democratic process are less likely to lead to sanctions. The EU practice thus confirms studies on political conditionality, which have suggested that donors tend to focus on a minimalist, electoral conception of democracy (Diamond 1999: 56; Tomasevski 1997: 157). However, we do not know whether the EU is consistent in its striving for free and fair elections around the world. The reason for this hiatus is that studies focusing on the application of development aid suspensions have not or hardly considered those cases where the EU does not apply Article 96. This article therefore seeks to advance possible explanations for the non-application of Article 96 in ACP countries where flawed elections have taken place in the last ten years (the so-called "non-cases").

Previous studies on EU democracy promotion have mainly advanced EU and Member State interests to explain inconsistent policies. The main argument is that, when democratisation conflicts with the EU's interests in a country, the EU will most likely prioritise its interests. On the one hand, this article will investigate whether this assumption is also valid for the EU's policies in the group of ACP countries, which consists primarily of Sub-Saharan African countries that are mostly poor and little important strategically. A distinction is made between security interests, political-historic interests and economic interests. On the other, the article adds an additional factor that might complicate EU democratisation policies in developing countries. The EU might close an eye towards certain countries that tend to make progress in eradicating poverty while stagnating or worsening politically. In other words, the EU's proclaimed overarching goal in the developing world, namely poverty reduction, might conflict with its desire to promote democratisation. Five Sub-Saharan African countries that experienced dubious elections in the last ten years are investigated in this article: Ethiopia, Rwanda, Nigeria, Kenya, and Chad. In the selection of the cases, efforts were made to have maximum variance with regard to the independent variables. Ethiopia, Kenya and Nigeria are strategically important allies of the EU, while Chad and Rwanda have a rather negative impact on security in their surrounding regions. All five countries have a very different colonial history, with Ethiopia not having been colonised, and the other four countries colonised by three different EU Member States: Belgium (Rwanda), France (Chad) and the United Kingdom (Kenya and Nigeria). The countries also vary regarding their economic importance, including important (Nigeria) and less important (Chad) oil producers and relatively large (Nigeria, Kenya, Ethiopia) and small (Rwanda, Chad) economies. Lastly, the countries also vary substantially in their economic and social development: some countries have high growth but only limited progress in the social sphere (Kenya, Nigeria), others achieve high growth rates and make great progress towards the achievement of

² While in principle, the opening of consultations and the partial suspension of aid may be decided with a qualified majority of the votes, it has been noted that in practice, these decisions are taken by consensus in the Council (Laakso *et al.* 2007: 16).

the Millennium Development Goals (Ethiopia, Rwanda) and Chad scores poorly on both economic and social development.

The remainder of the article proceeds as follows. In the subsequent section, the literature on EU democracy promotion is reviewed in order to generate concrete expectations for EU democracy promotion in the ACP region. The second section presents the five country cases studies and gives a brief introduction of the electoral records of these countries. The third section then applies the hypotheses on the five cases. Conclusions are presented in the last section.

When EU interests trump democracy promotion: a review of the literature

Previous research has suggested that the interference of security or economic interests with the promotion of democracy is the main explanatory factor for EU inconsistency in democracy promotion and especially negative conditionality. Sanctions are only imposed on weaker countries where the EU has no important security or economic interests and which have limited capacity to reciprocate, such as Sub-Saharan Africa (Brunner 2009; Smith 2001). The importance of security interests has been further specified by studies on EU democracy promotion in the Mediterranean region. It has been argued that the EU is more interested in stabilising than in democratising the Mediterranean region. Although the current regimes in the Southern Mediterranean do not conform to the liberal democratic model, ousting them would endanger energy supplies, cause massive migration to the EU or provoke terrorist attacks, as current leaders are key partners in the war on terrorism (Jünemann 2004: 7; Gillespie and Whitehead 2002: 196; Balfour 2006: 126). A similar view is reflected in research on EU democracy promotion in Central Asia, which concludes that economic and security interests, namely energy interests and the fight against terrorism impede the EU in fulfilling its democracy promotion agenda (Crawford 2008; Hoffmann 2010; Warkotsch 2006). Studies on EU democracy promotion in South-East Asia focus more clearly on the trade-off between commercial interests and democracy promotion, e.g. in China (Algieri 2007).

However, whether these factors also account for a less consistent democracy promotion agenda in the poorer and strategically less important ACP region has not been properly investigated. Olsen (2000: 163) seems to suggest a similar conflict between security interests and democracy promotion in Africa. In a study of EU democracy promotion in three African countries (Kenya, Niger, Algeria), he concludes that “whenever there is a conflict between security and democracy, the Europeans tend to give priority to security”. Crawford (2007: 84) confirms this finding in a study on EU democracy promotion in Ghana. According to his article, EU democracy promotion is limited in Ghana because the EU has few direct security interests in the country. In this context, one should also note the recent evolution of a “securitisation” of EU development policies, whereby security and development policies increasingly tend to merge. The Cotonou Agreement includes a whole article on peace-building and conflict prevention and resolution (Article 11), while revisions added articles on the fight against terrorism and the non-proliferation of weapons of mass destruction (Articles 11a and 11b). Most authors describing this evolution seem to suggest that the EU, when confronted with security and development objectives, will most likely prioritise security to development (Hadfield 2007; Youngs 2007).

Another factor important for EU democracy promotion in the ACP region are political-historical relations related to colonial history. The relations between the European Community (EC) and the African, Caribbean and Pacific countries originate in European colonialism. Grilli (1993) speaks of EC associationism between the Member States and their former colonies, by which the former colonizers hoped to preserve their influence. According to this view, former colonial links were the main driving force of associationism.

Consequently, France - as the Member State that maintained the widest and longest colonial presence in Africa - was most influential. This French domination has been confirmed in other studies (Holland 2002: 25-26; Claeys 2004: 118-119; Dimier 2006: 266), although it is also widely recognised that the accession of the United Kingdom (UK) and the inclusion of Anglophone colonies in Africa, the Caribbean and the Pacific have greatly diminished French influence in EC development policies. A statistical analysis of EU sanctions came to the counterintuitive conclusion that former colonies of EU Member States were sanctioned more severely than non-former colonies. However, this might be related to the fact that former colonies were generally less democratic than non-former colonies (Hazelzet 2005: 12). Jünemann and Knodt (2007: 354-355) note that historical (in the sense of ex-colonial) interests have prevented the EU from using negative instruments towards certain countries, such as France in the case of Algeria.

While these factors all relate to a potential conflict between democratisation and the EU's interests, the case study analysis will demonstrate that a conflict between the objectives of EU development policy is equally possible. The EU's objectives in the ACP region are stated in the Cotonou Agreement. Article 1 states that "The partnership shall be centred on the objective of reducing and eventually eradicating poverty consistent with the objectives of sustainable development and the gradual integration of the ACP countries in the world economy". The Lisbon Treaty clearly states that the primary objective of EC development cooperation is "the reduction and, in the long term, the eradication of poverty" (Article 208 Treaty on the Functioning of the European Union). Policy documents reflect the general consensus that economic development is not possible without democratisation. This idea was first mentioned publicly in the 1991 Council Resolution on human rights, democracy and development and is also repeated in Article 9 of the Cotonou Agreement, which names democracy, human rights, the rule of law and good governance "an integral part of sustainable development". It is still reflected in the EU Consensus on Development (2006) which states that both the eradication of poverty and the promotion of democracy, good governance and human rights form the objectives of EU development policy. This means that the EU is confronted with a dilemma in those countries that make progress in poverty reduction, but have rather poor democratic records. The article further explores this dilemma by examining the cases of Ethiopia and Rwanda.

An overview of non-cases

In order to investigate whether there is inconsistency in the EU's promotion of electoral democracy through conditionality, this section of the article presents a number of ACP countries that have not been sanctioned, despite the fact that they are not electoral democracies. Of course, the question whether a country is an electoral democracy is already quite controversial. Therefore, this study is limited to those cases in which an EU election observation mission itself concluded that the elections were problematic (Ethiopia, Rwanda, Nigeria, Kenya) or where the EU expressed clear criticism about the electoral process despite the fact that there was no EU election observation (Chad).

The 2005 parliamentary elections in Ethiopia were monitored by a large observation mission deployed by the EU and led by the socialist Member of European Parliament (MEP) Ana-Maria Gomes. The overall report was without doubt the most critical of all international observer missions, concluding that "the elections fell short of international principles for genuine democratic elections" (EU Election Observation Mission 2005: 1). Although the elections were more or less peaceful and the campaigning had been more open to the opposition than in preceding elections, violence arose in the counting and aggregation process. The results were heavily contested and the National Election Board of Ethiopia (NEBE) – which was accused by the opposition of being in favour of the ruling

party - fell short in investigating claims of fraud. This led to mass protests in the Ethiopian capital Addis Ababa, to which the government reacted by imposing a ban on demonstrations and on the freedom of assembly. Over two hundred people were killed and tens of thousands arrested (mostly members of the main opposition party) in protests in June and November 2005. Opposition leaders were arrested by the government on the suspicion of staging a coup (Harbeson 2006; Abbink 2006). In 2008, local elections were held, which were perceived to be uncompetitive due to strong pressure by the ruling party to vote for or join the ruling party. International observers were not allowed during these elections and the international community remained silent about the conduct and results of the poll (Aalen and Tronvoll 2009: 117-118). Although the 2010 parliamentary elections did not bring about the same kind of violence than in 2005, the EU concluded that the electoral process "fell short of international commitments for elections, notably regarding the transparency of the process and the lack of level playing field for all contesting parties". It was noted that state resources were used in some cases to fund ruling party campaigns and that public administration at the local level was highly influenced by the ruling party. Opposition concerns about the impartiality of the NEBE had not been met (EU Election Observation Mission 2010: 1). The lack of political openness and the curtailing of political and civil rights in the aftermath of the 2005 elections (Aalen and Tronvoll 2009) can explain the minuscule gains of the opposition: whereas the independent opposition had managed to secure 109 (CUD) and 9 (UEDF) seats in 2005, the ruling party EPRDF won 544 of 547 seats in 2010 (EU Election Observation Mission 2010). Despite the fact that all three of these elections were flawed, the EU did not invoke Article 96. Nevertheless, the EU demonstrated its lack of trust in the government by suspending budget support jointly with other donors in December 2005, as a reaction to the post-electoral violence. However, budget support was resumed under the Protection of Basic Services programme only a year later, and continued ever since, despite the severe deterioration in Ethiopia's democratic record in recent years.

The EU election observation mission to the 2003 parliamentary and presidential elections in Rwanda noted several irregularities, including the stuffing of ballot boxes and the illegal manipulation of the lists of voters. In addition, the mission found that competition was unequal and without real opposition, as the campaign period was marked by arrests, intimidations and interrogations by the ruling party (Meyer-Resende 2006: 16). However, despite these severe accusations, Chief Observer MEP Colette Flesch concluded that the elections were an important step in the democratic process (BBC News online, 27 August 2003). The report from the Observer Mission of the 2008 legislative elections was more severe in tone. It noted that there were a number of shortcomings in the elections regarding international and regional standards for democratic elections. The main concerns were the lack of transparency in the consolidation of the votes and the publication of results at the polling stations and the lack of political debate amongst contestants, due to intimidation and arrest of the opposition and limitations to the freedom of press and information (EU Election Observation mission 2008a). The 2010 presidential elections, which again took place in a climate of violence and intimidation, including killings of the opposition, were not observed by the EU, advancing that there were already many elections in Africa in 2010 and Rwanda was not amongst the priority countries (EU Business, 5 August 2010). Although the Netherlands have given a clear signal by not planning any budget support to Rwanda because of its poor democratic record, the EU and other Member States stand firm in maintaining substantial support, including budget support, to the country (Kanyesigye 2010).

In 2003, the EU deployed an observation mission to the presidential, gubernatorial and assembly elections in Nigeria. The mission concluded that the national assembly elections were marked by serious shortcomings. Similarly, the presidential elections and a number of gubernatorial elections were marred by serious irregularities and fraud in a number of

states, such as ballot stuffing and the changing of results, according to the EU mission (EU Election Observation Mission 2003). However, in a statement by the Presidency, the EU called the elections “an important step in the democratic process in Nigeria” (Council of the European Union 2003). The conclusions drawn from the 2007 presidential, national, gubernatorial and assembly elections were much more critical. The overall judgment was that the elections fell short of basic international and regional standards for democratic elections, due to very poor organisation, the lack of essential transparency, procedural irregularities, fraud and widespread voter disenfranchisement. The fraud and lack of transparency was so serious according to the observers, that there could be no confidence in the results (EU Election Observation Mission 2007: 1). Chief Observer Max Van den Berg concluded that the poll was one of the worst that the EU had ever observed (Enabulele and Ewere 2010: 185). Despite these strong accusations, Nigeria’s electoral process has not affected close relations between Nigeria and the EU. The Ministerial Troika held one year after the elections in May 2008, hardly dealt with issues of human rights and democratisation (Council of the European Union 2008a).

In the beginning of the 21st century, Kenya was known as one of the success stories of democratic transition in Africa. After years of dictatorship, President Moi announced in 2002 that he would not stand for another term in the 2002 presidential elections. These elections, monitored by the EU were praised as an “important step in the process of democratic development in Kenya” and “an example for other countries in the region”, according to the EU election observation team (EU Election Observation Mission 2002). In addition, the rejection of the proposed constitution by the Kenyan people in a 2005 referendum was regarded as a sign of further democratic progress in the country. For this reason, the presidential election in December 2007 and its violent aftermath came as a surprise to the international community. Whereas voting itself was relatively free and fair, problems emerged in the counting process. The electoral commission declared Kibaki to be the winner, but the margin was very small and many constituencies were still disputed. In addition, the parliamentary elections had resulted in an overwhelming majority for opposition candidate Odinga (Abuya 2009: 135-136; Throup 2009: 296). The EU observer mission concluded that “the 2007 General Elections fell short of key international and regional standards for democratic elections”. According to the mission, the lack of transparency in the processing and tallying of the results undermined the confidence in the accuracy of the final result. In addition, the mission concluded that there were some important shortcomings and deficiencies in the legal framework of the elections, which lacked basic transparency safeguards relating to the tallying and publication of the results (EU Election Observation Mission 2008b). Instead of imposing sanctions, the EU actively supported African attempts of mediation by John Kufuor and Kofi Annan, which eventually led to a power-sharing deal in February 2008 (Council of the European Union 2008b).

It is widely recognised that Chad is not an electoral democracy, although the EU has never sent an observer mission to Chadian elections. The International Crisis Group (2006: 2) noted that the 2001 presidential and 2002 legislative elections took place in “controversial circumstances” and according to Freedom House (2002), the elections were marred by “serious irregularities and indications of outright fraud”. After the 2002 legislative elections, the electoral process further deteriorated. The opposition decided that it would stop participating in the elections, as participating would only legitimise the elections (International Crisis Group 2008a: 9). In June 2005, President Déby organised a constitutional referendum that would allow him to stand for a third term, despite earlier promises that he would step down (International Crisis Group 2006: 2). The presidential elections in May 2006 were held despite a call by the international community and the opposition to postpone the elections because of the turmoil caused by a coup attempt in February 2006. The elections resulted in a landslide victory for President Déby, which came

to no one's surprise as the main opposition boycotted the elections and Déby's adversaries were mainly unknown to the public (International Crisis Group 2006: 2). Legislative elections have been postponed several times since 2007. In August 2007, a political agreement was reached between the government and the unarmed opposition to cope with some of the problems in the electoral process. In the meantime, a new electoral commission has been set up and an electoral census has been undertaken. Legislative, presidential and local elections are foreseen for 2011 (United States Institute for Peace 2010). Although the EU did not send observer missions to none of these elections in Chad, it is clear that the EU questioned the credibility of the elections. A Council Presidency statement on the 2001 presidential elections regretted "the many shortcomings in the organisation of the poll and the resultant irregularities" (Council of the European Union 2001). Reacting to the 2006 presidential elections in Chad, Commissioner Michel expressed concern about the climate in which the elections took place and the lack of dialogue between government and opposition (Michel 2006). There was no official reaction to the 2002 legislative election nor to the 2005 constitutional referendum. The EU seems to prefer a constructive approach towards Chad instead of sanctions, for example by facilitating the political deal reached in August 2007.

Explaining inconsistency

Security interests

Ethiopia and Kenya are located in the strategically important region of the Horn of Africa. The importance of this region to the EU is illustrated by the Strategic Partnership the EU adopted in 2006, which is the only Strategic Partnership that the EU has adopted with an African sub-region. The EU fears that a destabilisation of the Horn of Africa would undermine the EU's security: "cross-border dynamics, such as illegal migration and trafficking of arms, drugs and refugee flows, are factors contributing to instability and tensions that spread throughout the Horn of Africa, and could even reach the EU" (European Commission 2006: 5). It is also noted that the Horn of Africa is sensitive to extremist influence from neighbouring sub-regions as a result of the fragility of most countries, weak governments and economies, poor governance and many internal and cross-country conflicts (European Commission 2006: 5; Rotberg 2005: 1-22). In addition, some of Africa's most threatening conflicts are located in the region, including the civil wars in Sudan and in Somalia, but also several border conflicts, including between Ethiopia and Eritrea and between Eritrea and Djibouti. In December 2008, the EU deployed a naval mission along the coasts of Somalia to discourage the operations of pirates. Ethiopia and Kenya are key allies of both the EU and US in the securitisation of the region. Ethiopia is the main backer of the transition regime in Somalia and Ethiopian troops even fought the Islamic Courts in 2006 in the town of Baidoa, after which Ethiopian troops remained in the country for some years to support the transition authorities (International Crisis Group 2008b). Although Kenya's role in Somalia is less pronounced, it also supports the transition regime and has hosted several peace talks on Somalia (Economist Intelligence Unit 2008: 11). Moreover, Kenya cooperates closely with the EU in the fight against piracy along the coast of Somalia. An agreement was signed in 2009 on the prosecution of suspected Somali pirates in Kenya (*Agence France Presse* 26 April 2009). Kenya and Ethiopia are also crucial partners of the United States (US) in the war on terrorism. Both countries participate in several US programmes, such as the East-Africa Counter-Terrorism Initiative and the Terrorist Interdiction Programme (Prendergast and Thomas-Jensen 2007; Whitaker 2008: 256-257).

Even more so than Ethiopia and Kenya, Nigeria tries to present itself as the peacemaker on the continent, and especially in West Africa. Nigeria is the main driving force behind ECOWAS (the Economic Community of West African States) and contributed most of the

troops of the peacekeeping operations in Liberia and Sierra Leone (Obi 2008: 190). Despite the weaknesses of its own democratic record, Nigeria has also tried to act as a force for democratisation in West Africa, for example by supporting the democratic process in Togo, Sao Tome and Principe and Liberia (International Crisis Group 2007: 12).

While Nigeria, Kenya and Ethiopia could be seen as stabilising forces in their regions, this cannot be said about Rwanda and Chad. Relations between Sudan and Chad are difficult, as Chad is accused of supporting the Justice and Equality Movement in Sudan, while Chad suspects that Sudan is involved in rebellions in the country (International Crisis Group 2006: 22). Similarly, Rwanda is at odds with the Democratic Republic of Congo (DRC), because of the occupation by Rwanda, Uganda and Burundi of the North-eastern part of the country during the second Congolese war. More recently, Kagame was accused of supporting Nkunda's *Congrès National Pour La Défense du Peuple* (International Crisis Group 2009). Nevertheless, despite Rwanda's involvement in the DRC, it has been noted by some authors that the mere fact that Rwanda is internally stable is crucial for donors. Donors might not be pushing too hard for democratic reforms, as democracy might also have destabilising consequences in a post-conflict and ethnically divided society such as Rwanda (Uvin 2001: 180; Silva-Leander 2008). This 'democratisation-stability dilemma' does not exist in the case of Chad, which is also internally unstable because of the many armed opposition groups threatening the ruling regime.

Political-historical interests

The five non-cases that are being scrutinised in this article all have different colonial histories. Ethiopia was never colonised, despite a brief annexation by Italy between 1936 and 1941. Kenya and Nigeria are both former colonies of the United Kingdom. Colonial history has resulted in strong cultural and economic links with the UK that continue to exist as a consequence of large immigration into the UK. Kenyan and Nigerian communities count around 150,000 Kenyan and Nigerian-born residents in the UK, which places them at the bottom of the top 10 of foreign residents in the country (Office for National Statistics 2009). These figures are most likely an underestimation, as the total number of Nigerians living in Britain on a more-or-less settled basis is estimated at one million (Whiteman 2008: 275). The colonial history between both former colonies and the UK has however not impeded several frictions in the relations with their former coloniser. Indeed, it could be argued that strong cultural ties could even result in *more* pressure for democratisation. For example, when General Abacha annulled the results of presidential elections in the 1990s, civil society in both the UK and Nigeria strongly advocated a tough stance towards the regime. Although they were only minor (not affecting trade in oil for example), sanctions were nevertheless imposed. The fact that UK-Nigerian relations are good, despite the 2007 elections, is more likely to be related to the fact that the UK is happy with the economic reforms and diplomatic strategies that have been undertaken in recent years, rather than to colonial history (Whiteman 2008: 269-271). Similarly, despite colonial history, the rampant corruption in Kenya has led to several diplomatic rifts between the UK and the Kibaki regime (*Agence France Presse* 21 January 2003; 17 May 2006; 9 December 2007).

After having been colonised by Germany in the 19th century, Rwanda was granted to Belgium as a mandate territory in 1919. It gained independence in 1962. Despite strong cultural, political, social and economic ties in the first decades of independence, relations between Belgium and Rwanda were affected by Belgium's role in the Rwandan genocide. Belgium is seen as having contributed to a large degree to the distinction between Hutu and Tutsi, by introducing identity cards and privileging Tutsi under colonial rule. In addition, Belgium has done nothing to prevent the genocide, withdrawing troops after the murder of ten Belgian soldiers and even advocating for a withdrawal of the United Nations

peacekeeping mission. It is often argued that this historic responsibility might have created a sense of guilt amongst Belgians and other European Member States alike, creating a "genocide credit" for President Kagame. Relations between Rwanda and its former coloniser have significantly improved since the public apology for Belgium's role in the genocide in 1999. The improvement of diplomatic relations has led to political and economic reengagement: aid has increased significantly since 2000 and Belgium also praised the 2003 elections in Rwanda, despite the critical EU report (Hayman 2010: 343-345; *Agence France Presse* 9 October 2003).

Nowhere in the above-mentioned cases have colonial relations played such an important role than in Chad. It is widely acknowledged that French support to the Déby regime is crucial to its survival. France is concerned to maintain its military base 'Epervier' in Chad, which is the second largest after Djibouti. Former military interventions and the presence of the military in the country have created close relations between certain high-ranking officers and Déby. Political relations between Déby and France have also been close because of Déby's role in protecting French interests in Congo-Brazzaville, the Democratic Republic of Congo and the Central African Republic (International Crisis Group 2006: 17). These close ties are reflected in France's stance towards the political crisis in Chad. France openly supported the constitutional amendment allowing Déby to run for a third term and the subsequent presidential elections in 2006 (International Crisis Group 2008; Marchal 2006: 474-475). France also intervened militarily through its military base to protect President Déby against rebel attacks in April and November 2006. Moreover, France was the main architect of the European military mission EUFOR Chad/Central African Republic that is mandated to protect civilians, ensure humanitarian aid and the safety of UN personnel in the regions of eastern Chad and north-eastern Central African Republic that are affected by the humanitarian crisis in Darfur (International Crisis Group 2008).

Economic interests

The ACP region is only of marginal economic importance to the EU. In 2009, the ACP group (excluding South Africa) represented only 4.5 per cent of the EU's total imports and 5.2 per cent of its export. The only ACP countries (again excluding South Africa) in the list of the EU's 50 main trade partners are Nigeria (the EU's 26th trade partner) and Angola (the EU's 37th trade partner) (European Commission DG Trade 2009a). Going back to our five "non-cases", only Nigeria is economically important to the EU. Nigeria is Africa's second largest economy, after South-Africa. The EU mainly imports oil from Nigeria: in 2005, 91 per cent of EU imports from Nigeria were oil products, representing 3.3 per cent of the EU's total oil imports (European Commission DG Trade 2009b). Nigeria is the 8th largest oil importer for the EU (European Commission DG Energy 2010). Despite the fact that Kenya and Ethiopia are also amongst the largest economies in Sub-Saharan Africa (with respective GDPs numbering over \$30.2 billion in the case of Kenya and 28.5 billion in the case of Ethiopia in 2009), their economies are only of minor importance when compared to the Nigerian giant (\$169 billion). Moreover, their main exports consist of agricultural products such as coffee, tea and flowers. The economies of Chad (\$6.7 billion) and Rwanda (\$5.1 billion) are even smaller (World Bank World Development Indicators). Despite the fact that Chad is also an oil exporting country and 85.2 per cent of Chadian exports to the EU are mineral fuels, the relative importance of Chadian oil to the EU, with €100 million imported in 2009, is negligible (zero per cent) (European Commission DG Trade 2009c).

In conclusion, after scrutinising our five non-cases with regard to their importance for the EU's security, political-historic and economic interests, we can conclude that strategic interests are definitely more important than political-historic or economic interests. Strategic importance plays a role in three of the five mentioned non-cases: Ethiopia, Kenya

and Nigeria, which are important stabilising actors in the region. To a lesser degree, security interests might be of importance in Rwanda, to the extent that this country is not democratic but stable. Political-historic relations related to the colonial past only play a very clear role in Chad, where France is widely known to be keen on maintaining President Déby in power and EU policies are clearly dominated by France. To a lesser degree, colonial history might also play a role in Rwanda, where the 'genocide credit' makes Belgium reluctant to criticise Rwanda's democratic record. In other cases, such as Kenya and Nigeria, colonial history has not impeded public outcry for democratisation by the former coloniser. Lastly, economic interests can only be considered to be directly important in the case of Nigeria, which is a significant oil exporter to the EU.

Democracy versus development

Rwanda and Ethiopia have had impressive growth rates in the last years. GDP growth in Ethiopia has been above 10 per cent since 2004. Economic growth has been less impressive in Rwanda, but still substantial at over seven per cent on average between 2000 and present (World Development Indicators). In addition to solid economic growth, both countries have made significant progress regarding the Millennium Development Goals. The MDG monitor notes that Rwanda and Ethiopia are on track for most of the MDGs.³ As such, the EU's silence about the lack of democratisation in Ethiopia and Rwanda might actually be beneficial to some extent to the population in these countries. This relates to the so-called "humanitarian dilemma". Human Rights Watch notes that donors choose to continue programmes in Ethiopia, because the suspension of their programmes would have even worse consequences for the population, given the fact that a large part of the Ethiopian population is dependent on food aid (Human Rights Watch 2010: 81).

Moreover, donors might be more inclined to continue development assistance in these countries because programmes are well managed. Marysse *et al.* (2007) point out that donors prefer countries that are 'well governed' in the technocratic sense of the word, even if they do not fulfil donor objectives with regard to democratisation. Technocratic good governance involves low corruption, low regulatory burden, strong government effectiveness and an adequate legal environment for the private sector. This is especially the case for Rwanda, which scores above the Sub-Saharan African average for all indicators of technocratic governance identified by the World Bank: government effectiveness, regulatory quality, control of corruption and the rule of law.⁴ For control of corruption, Rwanda even scores above world average, ranking in the 61st percentile. Ethiopia has less impressive scores, which are around the Sub-Saharan African average, except for government effectiveness, for which Ethiopia ranks in the 40th percentile and thus scores above average.

Does this democratisation-development dilemma also occur for the other three cases identified in this study: Chad, Kenya and Nigeria? Both Kenya and Nigeria have had relatively high growth rates in the last few years: Kenya's GDP grew by five to seven per cent between 2004 and 2007 and Nigeria even had over 10 per cent GDP growth in 2003 and 2004, followed by six per cent on average in 2005-2008.⁵ However, despite economic

³ The MDGs are (1) Eradicate extreme poverty and hunger, (2) Achieve universal primary education, (3) Promote gender equality and empower women, (4) Reduce child mortality, (5) Improve maternal health, (6) Combat HIV/AIDS, malaria and other diseases, (7) Ensure environmental sustainability and (8) Develop a global partnership for development. On the basis of national Government reporting, Rwanda will most likely achieve MDGs 1, 3, 4, 5, 6 and 7, while information for MDGs 2 and 8 is insufficient. Ethiopia will most likely meet MDGs 2-7, and could also meet MDGs 1 and 8 if changes are made.

⁴ World Bank Governance Indicators, see <http://info.worldbank.org/governance/wgi/index.asp>

⁵ These figures fell markedly in 2009 as a consequence of the economic crisis (Worldbank World Development Indicators).

growth, this did not always trickle down to the population. Both countries are off track regarding the eradication of extreme poverty by 2015. The picture is a little less bleak for Kenya, which could meet most other MDGs if policy changes are made, but Nigeria is off track for most of the other MDGs. Only MDG 2 on universal primary education will probably be met in these countries. A second problem concerns the rampant corruption in both countries. They score below the Sub-Saharan African average in the World Bank Governance Indicators on the control of corruption.

Figures on Chad show that its economic is very poor condition. Chad experienced enormous injections of capital in 2003 because of the start of oil production, resulting in astronomical GDP growth rates, but this has not led to sustained economic growth. Recent figures show that the economy has been hardly growing since 2006 (and even shrinking in 2008). Chad is off track for the MDGs, except for MDG 2 regarding universal primary education.

Conclusion

EU negative conditionality is often criticised for its lack of consistency. This article has investigated whether this inconsistency could also be identified in the case of the EU's relations with the group of African, Caribbean and Pacific (ACP) countries. Since the EU uses negative conditionality mainly to punish countries for negative evolutions in the electoral process, the article looked into five countries with questionable electoral records: Ethiopia, Rwanda, Nigeria, Kenya and Chad. Although the EU seems to agree that the elections that took place in the period between 2001-2010 in these countries did not meet international standards, it preferred to use political dialogue instead of punitive conditionality. The main part of the article was concerned with explaining this inconsistent application of conditionality. It first explored factors relating to the EU's interests, which are mostly advanced when talking about inconsistency of EU democratisation policies. More specifically, the article looked whether security, political-historic and economic interests could explain why the five non-cases have not been sanctioned. Security interests seemed to be most important in the economically little important Sub-Saharan African region. More specifically, countries like Nigeria, Ethiopia and Kenya are key partners of the West in the fight against terrorism and in maintaining peace in their respective regions by means of diplomacy and peacekeeping troops. In Rwanda, the democratisation-stability dilemma might play a role, meaning that the EU chooses not to meddle in a country's internal affairs as long as it remains stable. Political-historic interests related to the colonial history of one of the EU Member States play a very large role in Chad and, to a much lesser degree, in Rwanda, but are less important in Kenya and Nigeria, where colonial relations have not impeded diplomatic rifts resulting from discussions about democratisation. Economic interests are a minor explanatory factor in the economically little important Sub-Saharan African region, but do play a role in Nigeria, which is an important oil producer. Apart from traditional explanations relating to the EU's interests, the article also argued that in developing countries, the EU might face a dilemma in countries that might not be democratic, but are nevertheless developing economically and socially. This thesis is illustrated with the case studies Ethiopia and Rwanda, where high economic growth, substantial progress regarding the Millennium Development Goals and relatively good technocratic governance stand in sharp contrast with negative evolutions in the democratic sphere.

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Appendix: Overview of Article 96 cases

Country	Date of invocation	Context
Fiji	4/08/2000	<i>Coup d'état</i>
Central African Republic	22/05/2003	<i>Coup d'état</i>
Guinea-Bissau	19/12/2003	<i>Coup d'état</i>
Mauritania	29/11/2005	<i>Coup d'état</i>
Fiji	27/02/2007	<i>Coup d'état</i>
Mauritania	15/09/2008	<i>Coup d'état</i>
Guinea	16/03/2009	<i>Coup d'état</i>
Madagascar	4-5/06/2009	<i>Coup d'état</i>
Haiti	2/08/2000	Flawed elections
Côte d'Ivoire	22/01/2001	Flawed elections
Togo	30/03/2004	Flawed elections
Guinea	30/03/2004	Flawed elections
Niger	27/10/2009	Referendum for third mandate of President in view of Presidential elections
Liberia	23/07/2001	Involvement with human rights violations by the RUF, lack of freedom of the press and of expression, corruption
Zimbabwe	29/10/2001	Growing violence and insecurity, lack of freedom of expression, violence in the pre-electoral period, illegal occupation of land

Sources: Laakso et al. 2007a; Portela 2007; Official EU documents
