

PROMOTING HUMAN RIGHTS AND DEMOCRATIC TRANSITION IN AFRICA

DIETER SEPP

Abstract

Direct and open external economic and diplomatic interference in domestic politics in the context of development co-operation is a rather new phenomenon, which started in the early 1990s. Its roots can be traced back to economic conditionality, generally known as structural adjustment on the one side and to the “velvet revolution” in Central and Eastern Europe on the other. Political conditionality constitutes a radical break with one of the central pillars of the post war international order: the rule of non-interference. On a normative level, it therefore demands a very careful weighing of state sovereignty against the defence of human rights and democracy. A reasonable case can be made in favour of intervention, however considering the results of political as well as economic conditionality in the past, we must also admit that we find very limited success. In the case of political conditionality it can even be argued that promoters of democracy have to consider carefully whether in some countries less interference is not more fruitful.

Dieter Sepp is researcher at the Institute for Advanced Studies in Vienna, email: sepp@ihs.ac.at.

Introduction

The “Third Wave of Democracy” not only swept over Eastern Europe, but also touched almost the whole of Africa. This article focuses on one remarkable aspect of African democratisation efforts when economic and diplomatic pressures were exerted from outside to force governments to initiate reforms they would otherwise have tried to avoid. Political conditionality, as this policy has been termed, was not restricted to Africa, but most African states depend heavily on foreign public and private investment (in the following, I will generally refer to the former as “aid”), and, therefore, are especially vulnerable to the use of political pressure in this context.

The widespread formulation of democratisation and respect for human rights as an explicit goal of development co-operation — and especially the notion that the human rights record of a country influences economic development — is a rather new development, at least in this intensity, which asks for some explication. The breakdown of the Eastern European block led to what can only be described as democratic euphoria in the Western scientific community and public opinion. It is impossible to decide to which extent top officials of western countries were really infected by it, but at least they felt compelled to pay extended lip service.

Justifying Political Conditionality

Development aid has always been politically conditioned in some way. US president John F. Kennedy founded the Alliance for Progress, the FRG tied assistance to non-recognition of the GDR, the USSR, China, Libya, and Cuba used assistance to spread the influence of their respective political regimes. Some of these conditions aimed at proliferating liberal democracy, others did not. What is new in the 1990s is a general and strong normative claim to use development co-operation as an instrument of promoting democracy. This allows us to question the validity of the normative argument itself, but also to evaluate actual development politics in the light of this normative claim.

Universality of Human Rights

When the defence of human rights is at stake on an international level, mostly non-western governments protest against the universal validity of human rights on the grounds of their cultural context. The human rights declarations in the past have been formulated in the European and US-American context. Therefore, these rights have only limited impact on non-western societies. It is true that documents like the human rights declaration are very complex and include rights of most different qualities, whose importance might not be equally felt in all cultures. Nevertheless, a certain basic agreement on the very principles of human rights can be found in every culture, and those governments which argue against the universality of human rights usually do not exactly respect those very principles, like the right to express one’s opinion, or the right to life. Western governments have often been criticised for putting political rights before social rights. This might be true, but it is no more justified to do the inverse (Hamm 1997).

In the context of international relationships, we must also consider arguments based on international law. After all, the protection of human rights is a part of international legal documents, which have been signed by most of the states whose governments now choose to cast doubt on their relevance (Dicke 1997).

On the level of international law, it has often been argued that human rights conditionality constitutes interference in domestic affairs, which is against the UN Charter. It is true that at the time of its draft, the principle of national sovereignty prevailed, although the right of self-determination constituted a first countervailing step. Recent development reinforces the movement to soften state sovereignty on a juridical level, following the almost total collapse of economic sovereignty. Not only conferences — dominated by OECD-countries — have issued declarations clearly curtailing national sovereignty, the South Commission, then headed by Julius Nyerere, and the ECA also reached the conclusion that respect for human rights, democracy, and sustainable development, have become matters for the international community. This may be interpreted as an obligation of the international community to intervene in gross human rights violations, but must not be confounded with a *carte blanche* for interventionism by individual states.

Liberal Democracy

In our view, a hierarchy of human rights violations can be established led by state sponsored murders, torture, and arbitrary detention. It is rather easy to justify intervention when the physical integrity of people is endangered by state actions, but the subtler the human rights violations, the more difficult it becomes to make a case for intervention. When it comes to democratic rule, its enforcement becomes critical for international organisations like the World Bank family, since democratic conditionality usually promotes a certain democratic model and privileges certain social or political groups (Gillies 1996). This constitutes interference in domestic affairs, however, which is clearly forbidden by the very charters of those institutions.

It is, however, not justifiable to generally condemn the promotion of liberal democracy, since it was the only model under discussion in the transition of the early 1990s. The models proposed by critics of the transfer of Western models are either liberal democracies combined with mostly economic claims to the international community, or they are not acceptable as democracies at all. It can be said that liberal democracy is the only point of reference in the dominant discussion of political regimes, regardless of whether discussants identify themselves with the model or attack it (Holtz 1997, 36). The only noteworthy attempt to establish an alternative model of democracy can be observed in Uganda, and again, serious reservations must be expressed concerning its democratic content. Unlike what some African politicians liked to claim, political conditionality did not force a completely alien type of regime onto African societies.

Nwokedi was criticised for oversimplification, because he divided governments into those prepared to democratise and others that resist (Nielinger 1998). It is true, that this distinction is inadequate for judging the possibilities of actual intervention, but, on a normative level, it is crucial. Those governments, which state that they want to become more democratic, are entitled to every kind of support and encouragement; but when a government refuses to democratise, the use of force is in bad need of legitimacy. Even in the presence of a democratic opposition with strong popular support, external actors should use conditionality to protect this opposition from oppression and not directly embrace the opposition's agenda.

The Responsibility of Western Donors

Contributing to democratising efforts may also be regarded — as it is mainly done by NGOs — a duty of the donor community. After all, at least in the bilateral context there is no doubt that development co-operation was repeatedly used to support an incumbent government in its effort to remain in power, for whatever reasons. One might argue that, consequently, donors carry their share of responsibility for the poor human rights record and the lack of democracy in a country, where they supported dictators who resisted domestic pressure for improvements in those very fields (Clapham 1996).

Consequently, NGO-summits and international conferences dominated by southern politicians have repeatedly appealed to donors “to support indigenous efforts which promote the emergence of a democratic environment and facilitate the people’s effective participation and empowerment in the political life of their countries” (UNECA, quoted in (Erdmann 1996, 118)).

Instruments of Political Conditionality

Human rights conditionality has been implemented by using a wide variety of measures, which can roughly be categorised in three classes.

(1) Quantitative ex-post conditionality follows a very simple logic: If conditions are not met, overall aid will be reduced or completely suspended. Most donor countries have established laborious catalogues of political criteria for ranking recipients on a scale which determines the percentage of negotiated assistance that will actually be disbursed. This model also allows for the allocation of more than 100 per cent of the negotiated amount.

(2) Qualitative ex-post conditionality is mainly a refinement of the quantitative type, since it has been argued that while some transfers are probably more likely to have an impact on governmental behaviour than others, a government can also be sanctioned by diverting money to projects with little or no government influence. Since development aid often concerns attempts to relieve absolute poverty, simply cutting those payments would only punish groups that probably suffer from government policies already.

(3) Positive measures follow a completely different logic, and counting them as instruments of political conditionality means stretching the concept. They presuppose agreement and collaboration of recipients as they support existing efforts of democratic institution building in the widest sociological meaning of the word. These measures may be subdivided into measures, which support a democratic state — like election monitoring, political training of officials and soldiers — and those, which support a democratic civil society. The latter comprises support for interest groups, parties, and NGOs, training of journalists, etc.

Context of Conditionality

When it comes to imposing political conditionality, different actors in development co-operation follow varying policies and strategies of legitimisation, which are related to their respective institutional contexts. States and IFIs are bounded by provisions of international law, which bring them into conflict with the rule of non-interference. NGOs can act much more ideologically; the European Parliament, on the one hand, operates in a context of permanent interference in national af-

fairs, and on the other hand, is desperately searching for new tasks, and if possible, with great moral value.

Bilateral Conditionality

Conditionality in the context of bilateral development co-operation is most critical. On the practical side, bilateral conditionality is only effective when a majority of donors of a given country agree to act in a co-ordinated way. On the normative side, bilateral conditionality reveals most instances of double standards. Frequently, countries are treated favourably, because they are of economic or strategic importance to the donor. As mentioned before, the history of bilateral development co-operation shows instances of political conditionality right from the beginning. The United States declared democracy a principal goal of development co-operation under the presidencies of Kennedy and Carter, but they were never prepared to put strategic or economic interests at risk (Nielinger 1998, 168f). The Bush administration also announced that democratisation was to be made a criterion for development aid (Diamond 1995), but the general traits of its foreign policy leaves room to suspect that this has to be attributed to historic coincidences rather than to a specific democratic commitment of that government. President Clinton formulated a very strong conditionality statement, but the encouraging development of the early years of his presidency soon came to an end. By the second half of the 1990s, it had become clear that strategic concerns still prevailed in US foreign policy. Some observers also detected increasing competition with the French government for influence in the region and for access to potential and partly actual markets (Joseph 1998).

The United Kingdom and Germany both followed a very similar approach to political conditionality with a strong bias toward a neoliberal market economy. The Nordic countries and Canada most strictly insisted on popular participation in the politics of recipient states and on respect for human and social rights. In the cases under study, they hesitated most before resuming suspended aid transfers (Nielinger 1998, 166f).

French president Mitterrand became very famous in development politics for officially announcing that aid would be conditioned by the recipients' democratising efforts at the Franco African Summit in La Baule. This announcement had diplomatic effects. Some of the favoured "Francophone" allies were not invited to further meetings, others refused to attend; but the speech received so much attention only because it coincided with the toppling of several veteran dictators and the holding of multi-party elections in many "Francophone Countries." Apart from the rhetoric, not very much was done in Paris. It is by now agreed that the famous "Sovereign National Conference" of Benin was not at all intended by the French government, which merely tried to manage the political and economic crisis of Benin in a way that would allow the Beninois president Kérékou to stay in power. One year after La Baule, president Mitterrand weakened his position on democratisation considerably, and soon after that speech, the president of Togo, Eyadéma, staged a pro-government, military coup to prevent the Togolese National Conference to repeat the success of its Beninois example. The enormous costs of French hegemonic politics in Africa and the upcoming, new generation of French politicians and voters have lead to a gradual policy change over the last few years.

Some countries like Austria and the Netherlands refused to make negative conditionality a principle of their development politics, arguing that it harms development without serving the aim of promoting democracy. It must be said that Austria does undertake so-called positive measures and that the Netherlands strongly and repeatedly deviated from its anti-conditionality stance.

EU

The European Union already suspended aid in singular cases of severe human rights violations in the 1980s. The first formal reference to human rights conditionality, following a general declaration of the EU council in 1988, was to be found in the Lomé IV contract, which regulates privileged access of African, Caribbean, and Pacific countries to European markets; the mid-term negotiations of funding this contract were used to establish democratic conditionality (Nielinger 1998, 165). Several declarations within the framework of the European Parliament, the Councils of ministers, and the commission, underlined the politics of conditionality.

IFIs

The political conditionality imposed by IFIs, and especially by the World Bank family, may be seen as a consequent continuation of economic conditionality introduced in the context of “program-based lending” — more commonly known as Structural Adjustment — in light of the general debate on the interrelation of development and what was to be known as “Good Governance” at the end of the 1980s (Gillies 1996). The famous report on development in Africa, “From Crisis to Sustainable Growth,” mentioned accountability as a relevant requisite of development; in 1991, “Good Governance” was officially stated as a primary concern of World Bank lending policy (Diamond 1995). The World Bank defined these two concepts from a very narrow, managerial perspective, and defenders of this policy always pointed out that the Bank only followed the international research discourse and the pressure of its member states.

It must also be said that whenever sanctions were imposed by the donor community, the World Bank generally was the first organisation to resume aid transfers. Two main motives arise: the World Bank’s possibilities to write off debts are very limited, and the willingness to destroy economic “success stories” for political reasons is minimal.

Case Studies

Kenya

In the context of a general drive towards multi-party democracy in several African countries, pressure was also exerted on the government of the Kenyan president, Daniel Arap Moi. Moi’s first reactions were very aggressive attacks against Western interference, linked to the traditional reference to the inappropriateness of liberal democracy for African States (Nielinger 1998, 121). The Nordic countries were the first to react to human rights violations by threatening to reduce aid in July 1990 and by imposing the first sanctions in November of the same year. The U.S. followed at about that time. Great Britain remained much softer when in November 1991 the Kenya Consultative Group decided to withhold aid worth \$ 1 billion (Robinson 1993, 63).

The Kenyan government implemented immediate cosmetic changes and — when this did not work — actually announced the return to a multi-party democracy within roughly one year. The constitution was changed accordingly and dates for elections were set. Moi actively undermined democratisation by resorting to co-optation, intimidation, and the staging of ethnic riots. But the failure of the Kenyan transition to democracy is also due to the weakness of the split opposition (Nielinger 1998, 121). Throughout the sanction period, aid was never completely suspended, especially Britain and France continued with humanitarian aid; although the political environment deteriorated in 1992, disbursement resumed due to the economic and political importance of Kenya in the region (Robinson 1993, 64). World Bank and IMF were the first ones to grant fresh aid, the EU remained reluctant, and the Nordic states declined to accept the political changes as sufficient. The situation changed dramatically after the Somalia intervention in 1993 and in the face of the ongoing Sudan crisis. Once again, geo-strategic concerns prevailed over moral goals (Weiss 1995, 148).

The co-ordinated aid suspension, imposed by almost all the donors did lead to the installation of a Multi-party regime in December 1991, but from then on, prolonging the suspension of aid was the only instrument available to enforce “fair play” during the pre-election period (Hartmann 1999, 202-18). This example shows very clearly the problematic of combined economic and political conditionality. Mainly economic and international political factors lead the IFIs and big lenders to resume Aid. The like-minded countries eventually gave in to increasing pressure to follow suit, especially since half hearted reforms served as a pretext to see conditions fulfilled.

Algeria

Algeria is probably the most extreme example of the limits of a conditionality approach. Western governments were unwilling to accept the democratic installation of a fundamentalist Islamic regime and quite openly supported the military coup of 1990, which was staged to prevent a democratically elected party from taking power. There were clear signals that this party wanted to establish an Iranian style electoral dictatorship. Although this is not the place for a philosophical debate of the legitimate means to prevent the death of a democracy, the fact remains that democracy was by no means preserved when the preservation of a pro-Western government was intended.

Rwanda-Zaire Conflict

The case of Zaire demonstrates yet another limitation of political conditionality. By the beginning of the 1990s — it can be safely said — most donors had lost their patience with the Mobutu regime and were prepared to sacrifice their Cold War ally for the sake of political stability and respect for human rights. However, the Mobutu regime displayed remarkable diplomatic skills by sending extended lobbying missions to Western donor countries and co-opting several leading opposition figures, thereby disintegrating the anti-Mobutu alliance (Nielinger 1998, 118). Regional politics also helped the ageing dictator. The Rwanda crisis finally pushed the donor community to resuming aid transfers. Once again, Mobutu managed to save his regime by adopting a few minor reforms until he was militarily defeated. It cannot be said that the Kabila regime is more democratic than its predecessor,

but neighbouring governments as well as donor countries have already taken sides in the ongoing military conflict and unconditionally support the faction of their choice. It seems that the huge territory rich in raw materials is too important for conditionality to work.

"Hidden Agenda" or "Side Effects"?

Combining economic and political conditionality turned out to be most devastating. Economic sanctions should be reserved for severe human rights violations. Negative ex-post conditionality, especially when combined with economic conditionality, creates an atmosphere in which certain political conduct is a requisite for receiving financial assistance. As forcefully shown in the context of economic conditionality, this will lead to considering reforms as foreign interventions in internal affairs, and national governments and administrations will — at any occasion — try to circumvent these impositions, and "sell" the same kind of reform several times

Kenya is the most prominent example of a country that fulfilled economic conditions but was refused further assistance because of its human rights record. While it is hard to refuse desperately needed money for the recovery of a national economy heading in the right direction — according to the donor's view — giving in would signal that political conditionality is not to be taken seriously. Nevertheless, pressure for imposing political conditionality was so strong that most donors decided to hold back credits already dedicated to Kenyan projects — at least until the growing political crises in the neighbourhood of Kenya (Somalia, Sudan, Rwanda, Burundi, Zaire) shifted the balance in favour of a stable, loyal, and rather undemocratic partner state in the region.

A case can be made for trying to influence governmental behaviour by appealing to common values. This seems most promising in the context of exclusive communities, like the ACP, a group of countries associated with the European Union, which could also be encouraged to honour similar values, e.g., in the context of respect for basic human rights. However, the European Union and its member states (and other donor countries) may be reluctant to choose the strategy of providing a "leading by example" since, following the principle of reciprocity, it would open their respective human rights records for scrutiny by the recipient governments. A vital aspect of this kind of political pressure is that it cannot be exerted on the same administrative level on which conditionality negotiations take place. It requires the involvement of official diplomatic exchanges or even interactions on governmental levels.

Critics of conditionality, but also analysts close to the IFIs, have observed a denationalisation of key positions in the administration, especially in the ministries of commerce and finance, as a result of structural adjustments. The mildest form is the growing influence of foreign advisors — in many instances IMF or World Bank officials are nominated to top functions — or else, nationals, who have typically spent most of their professional careers in IFIs, are employed by their governments while their salaries are being paid by donors. Furthermore, a serious contradiction arises when the donor community demands that the government be more responsive to the population and uses direct negotiations between top officials of national ministries and donor organisations — the typical procedure of "program-based lending" — as a means of getting there (Mkandawire 1996).

Cynics may interpret the resulting further extension of external accountability, as described above, in such a way that donors manoeuvred themselves into situations that obliged them to impose political and especially human rights conditionality. Given their direct implication in national politics, they share an important part of the responsibility for the darker sides of these politics and are consequently obliged to act accordingly. As a matter of fact, I tend to support this argument to a certain degree: given the momentary administrative situation in many African countries, the populations of donor countries should actually hold their governments responsible for complicity in human rights violations. This, of course, can only be considered as an intermediary measure. If we take political conditionality at face value, this would mean that external accountability has to be replaced by popular accountability.

Conclusions

If the narrowly economic and technical quality of performances by aid agencies in the past has been flawed, it seems even less likely that political interventions will be more competent (Olukoshi 1996, 84).

As we have tried to argue in the first part, a good case can be made for the moral legitimacy — and in some cases even for the obligation of donors — to intervene and promote human rights in recipient countries, especially when the former are implored to do so by groups that suffer from severe human rights violations. We have also seen that these victims have increasingly sought the support of Western states and, above all, the USA, when trying to get rid of their repressing regimes and, probably, to install a democratic political system. It does not matter in this context, whether help was demanded, because Western responsibility was felt, as we tried to argue above, or if they simply turned to those perceived capable of achieving the pursued goal. However, even when we agree that — in principle — donors may or even should intervene, their means must be weighed very carefully, considering the exact circumstances, the nature of the conflicts, and the possibilities of intervention as well as probable side effects.

The practice of political conditionality in the past few years, on the other hand, has shown that negative ex-post conditionality can only lead to very limited results and only promises success when the recipient economy depends very heavily on financial aid and donors who control the greatest possible part of financial transfers agree on a common policy and are willing stick with it. In the cases studied, conditionality was given up before reaching satisfactory results for strategic or economic reasons. Double standards and sometimes also hidden agendas are extremely detrimental, not only to the success of the current operation, but also to the credibility of conditionality as a whole. For humanitarian reasons, it is recommendable to opt for qualitative rather than quantitative conditionality, which means carefully choosing appropriate means for sanctions and, in the first place, exempting humanitarian aid (Lingnau et al. 1996, 12).

It is equally damaging to political conditionality that it is usually linked to economic conditionality, since goal conflicts turned out to be close to inevitable. We wish to underline once again that there is ample evidence that economic conditionality weakened the already weak African states even more and to an extent that it has become questionable whether they are still capable of fulfilling the minimal tasks of statehood, let alone those assigned to them by economic and politi-

cal conditionality. Advocates of democracy should consider that, despite forceful arguments in favour of external agency (Collier 1997), democracy depends on democratic control of the political agenda (Dahl 1989, 114). We argue that in the core functions of modern statehood, economic and social policy, this control is practically non-existent in most African states. Therefore, and in many cases, a first step toward more democracy should lead to less rather than to more donor engagement.

References:

- Clapham, Christopher. 1996. *Africa and the International System: The Politics of State Survival*. Cambridge: Cambridge University Press.
- Collier, Paul. 1997. *The International Financial Institutions as Agencies of Restraint. Third Vienna Dialogue on Democracy*. Wien: IAS-Working Paper.
- Dahl, Robert A. 1989. *Democracy and its Critics*. New Haven: Yale University Press.
- Diamond, Larry. 1995. Promoting Democracy in Africa: US. and International Policies in Transition. In J. Harbeson, D. Rothchild (eds.), *Africa in World Politics. Post-Cold War Challenges*, 250-277. Boulder: Westview Press.
- Dicke, Klaus. 1997. Menschenrechte als Kulturimperialismus? In K. Dicke, M. Edinger, O. Lembcke (eds.), *Menschenrechte und Entwicklung*, 57-76. Berlin: Duncker & Humblot.
- Erdmann, Gero. 1996. Demokratie und Demokratieförderung in der Dritten Welt. Ein Literaturbericht und eine Erhebung der Konzepte und Instrumente. Bonn: Deutsche Kommission Justitia et Pax.
- Gillies, David. 1996. Human Rights, Democracy and Good Governance: Stretching the World Bank's Policy Frontiers. In J. M. Griesgraber, B. G. Gunter (eds.), *The World Bank. Lending on a Global Scale*, 101-141. London: Pluto Press.
- Hamm, Brigitte. 1997. Zum Zusammenhang von Entwicklung und Menschenrechten. In K. Dicke, M. Edinger, O. Lembcke (eds.), *Menschenrechte und Entwicklung*, 98-113. Berlin: Duncker & Humblot.
- Hartmann, Christoph. 1999. *Externe Faktoren im Demokratisierungsprozeß. Eine vergleichende Untersuchung afrikanischer Länder*. Opladen: Leske und Budrich.
- Holtz, Uwe. 1997. Menschenrechte: Hilfe oder Hemmnis für Entwicklung? In K. Dicke, M. Edinger, O. Lembcke (eds.), *Menschenrechte und Entwicklung*, 31-55. Berlin: Duncker & Humblot.
- Joseph, Richard. 1998. Africa, 1990-1997: From Abertura to Closure. *Journal of Democracy* 9, 2, 3-17.
- Lingnau, Hildegard and Peter Waller. 1996. Förderung von Menschenrechten und Demokratisierung im Rahmen der Entwicklungszusammenarbeit. Erste Erfahrungen unter besonderer Berücksichtigung von EU-Positivmaßnahmen in Afrika. *afrika spectrum* 31, 1, 5-25.
- Mkandawire, Thandika. 1996. Economic Policy-Making and the Consolidation of Democratic Institutions in Africa. In K. Havnevik, B. Van Arkadie (eds.), *Domination or Dialogue? Experiences and Prospects for African Development Cooperation*, 24-47. Uppsala: Nordiska Afrikainstitutet.
- Nielinger, Olaf. 1998. Demokratie und Good Governance in Afrika. Hamburg. Diplomarbeit.
- Olukoshi, Adebayo. 1996. The Impact of Recent Reform Efforts on the African State. In K. Havnevik, B. Van Arkadie (eds.), *Domination or Dialogue? Experiences and Prospects for African Development Cooperation*, 48-70. Uppsala: Nordiska Afrikainstitutet.
- European Parliament. 1996. *Die Rolle des Europäischen Parlaments bei der Einführung der Konditionalitätspolitik*. Brüssel: European Parliament.
- Robinson, Mark. 1993. Will Political Conditionality Work? *ids bulletin* 24, 1, 58-66.
- Weiss, Dieter. 1995. Human Rights and Policy Dialogue: A German Perspective. *Development Policy Review* 13, 143-150.