

Political Conditionality in ACP-EU Relations: In which Conditions Can Economic Measures Constitute Efficient Foreign Policy Instruments? An Analysis of the Application of Article 96 of the Cotonou Agreement

Roxanne Rua¹

¹ Embassy of France in South Africa, Cooperation department - Democratic governance and human rights, Pretoria, South Africa

roxanne.rua@coileurope.eu

The Cotonou Agreement provides an interesting framework for the study of political conditionality, since democracy and human right clauses have emerged precisely in the context of ACP-EU relations. Article 96 of the Cotonou Agreement represents the most elaborate political clause contained in any EU agreement with third countries and is the only suspension mechanism which has been implemented in practice by the EU. Since the entry into force of the Cotonou Agreement in 2000, Article 96 has indeed been invoked in a number of cases, in which it has led to variable results. Although it is admittedly too early to assess the efficiency of Article 96 procedures overall, one may however wonder **in which circumstances economic measures seem to be most efficient in ensuring the respect for human rights, democracy and the rule of law** where those principles have been violated.

The paper aims at analysing the various cases in which Article 96 has been applied in order to draw conclusions concerning the circumstances in which the “appropriate measures” adopted have the greatest effect on the targeted authorities. Through a comparative analysis of the procedures with Zimbabwe (2001), Guinea-Bissau (2003), Guinea-Conakry (2004), Mauritania (2005) and examples drawn from more recent cases such as Madagascar (2009) or Niger (2010), a set of variables are tested in order to determine their respective impact on the outcome of the procedure. The analysis shows that (i) the internal coherence of the EU position, (ii) the active and coordinated involvement of the international community and (iii) the degree of implication of the relevant continental, regional and sub-regional institutions are among the factors exerting the greatest influence on the behaviour of the targeted authorities.

Based on the analysis of those variables, recommendations are formulated in order to ensure that the effect of the measures is maximised, e.g. by strengthening the dialogue before and after the proper “consultation phase” and by promoting inclusive and flexible solutions.

Finally, the questions at stake with the application of Article 96 are discussed in an attempt to identify the potential challenges that may face EU and ACP partners in future procedures.