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**European Union and Democracy Promotion in Africa**  
The Case of Kenya

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## **Abstract**

*This paper attempts to explore incoherence and inconsistency of EU democracy promotion by introducing the concepts of milieu and possessive goals in foreign policy and by observing the changes between the early 1990s and today's environment for democracy promotion in Africa. In the last section, the argument developed in the study is applied to a specific case study, EU democracy promotion in Kenya after the 2007 elections. The paper assumes that the degree of instrumentality attached to democracy promotion is to a large extent determined by the nature of the international system. With the end of the Cold war, democracy promotion in Africa came at little, if any, cost in terms of economic or strategic interests. In the two decades that followed, however, the conditions for democracy promotion to fit as a milieu goal and at the same time not to obstruct possessive goals of EU foreign policy have been progressively eroded. From a rationalist perspective, these changes require the EU to attach higher degrees of instrumentality to its democracy promotion policies in Africa. On the other hand, in the post-Cold war era, the EU has constructed its identity, and the legitimacy of its normative power, on a non-negotiable commitment to democracy as a universal value. The underlying argument of this study is that these two contrasting tendencies put EU external relations at large, and its strategy for democracy promotion in particular, under growing tension, resulting in incoherence and inconsistency.*

## Introduction

In the early 1990s, with the Cold war drawing to a close, the promotion of democracy and human rights assumed a prominent role in foreign policy agendas. This was favoured by the end of competitive bipolar geopolitics as well as the emerging belief in the ultimate superiority of liberal democracy (Fukuyama 1992). The early 1990s also witnessed a revival of the third wave of democratisation (Huntington 1993) which prompted a “teleological optimism in democracy’s propensity to inexorable expansion” (Youngs 2001, 1). These trends were grounded on the assumptions that democracy and good governance are essential prerequisites for development and that “democratisation is a process that can be assisted by appropriate support from the international community” (Council 1998). Although relatively later than other actors (Smith 2008, 142), the European Union (EU), then European Community, became an active promoter of democracy.

This paper attempts to explore EU democracy promotion by introducing the concepts of “milieu” and “possessive” goals in foreign policy and by observing the changes between the early 1990s and today’s environment for democracy promotion in Africa.

The paper assumes that the degree of instrumentality attached to democracy promotion is to a large extent determined by the nature of the international system. With the end of the Cold war, democracy promotion in Africa came at little, if any, cost in terms of economic or strategic interests. In the two decades that followed, however, the conditions for democracy promotion to fit as a milieu goal and at the same time not to obstruct possessive goals of EU foreign policy have been progressively eroded. From a rationalist perspective, these changes require the EU to attach higher degrees of instrumentality to its democracy promotion policies in Africa. On the other

hand, in the post-Cold war era, the EU has constructed its identity, and the legitimacy of its normative power, on a non-negotiable commitment to democracy as a universal value. The underlying argument of this study is that these two contrasting tendencies put EU external relations at large, and its strategy for democracy promotion in particular, under increasing tension, resulting in incoherence and inconsistency.

## EU and Democracy Promotion

On 28 November 1991, the European Community adopted "Resolution of the Council and of the Member States meeting in the Council on Human Rights, Democracy and Development" which, according to "the orthodoxy of the 1990s" (Crawford 2004, 4), made human rights and democracy a condition for development.

Since then, a clause defining respect from human rights and democracy as "essential elements" of co-operation has been included in all development agreements between the EU and the world (Commission 2001).

With the Treaty of Maastricht (1993), the development and consolidation of democracy and the rule of law, and respect for human rights and fundamental freedoms, became an objective of Common Foreign and Security Policy (CFSP) as a whole.

The Cotonou Agreement, regulating EU-African Caribbean Pacific (ACP) countries trade between 2000 and 2007, made human rights and democracy an integral part of sustainable development (Cotonou 2000).

The basis for EU action, the European Commission stated in 2001, is the attempt to uphold the universality of human rights and democratic principles. The EU Council defined these principles as follows (Council 1998):

- the right to choose and change leaders in free and fair elections,
- separation of legislative, executive and judicial powers,
- guarantees of freedom of expression, information, association and political organisation;

***Why does the EU promote democracy abroad?***

A combination of motives lie at the heart of the EU's commitment to promote democracy abroad (Smith 2008).

First of all, the view that human rights and democracy are desirable ends in themselves and mutually reinforcing objectives (Cotonou 2000).

A further motive is the purported link between democracy and peace. It is believed that democracy offers a kit of peaceful tools for the settlement of conflicts within states which can be externalised to relations between states. In addition, democratic institutions are believed to constrain the recourse to violent means in international relations. These assumptions are referred to as "democratic peace thesis".

In the 1990s, democracy also started to be seen as a prerequisite for social and economic development. Poverty reduction for instance, the EU Commission maintains, "will only be sustainably achieved where there are functioning participatory democracies and accountable governments" (Commission 2001, 4).

***How does the EU promote democracy abroad?***

The EU promotes democracy through the leverage offered by political dialogue, trade and external assistance. Human rights and democracy clauses are included in co-operation and trade agreements like for example the Lomé and Cotonou conventions with ACP countries or in the provisions of the European Neighbourhood Policy.

EU democracy promotion, at its high level, is based on three pillars, the use of incentives to reward countries that improve their democratic standards, the use of sanctions in those cases of

democratic abuses and setbacks, and the funding of democracy programmes including, inter alia, electoral assistance. This third pillar goes under the name of “democracy assistance”.

Democracy promotion is pursued both at EU and member state levels. With regard to the former, democracy-related programmes are financed through the chapter of community budget called European Instrument for Democracy and Human Rights (EIDHR).

The European approach to democracy promotion has gained some distinctive features, being referred to as “gradual, development-oriented, and based on positive engagement and partnership” (Youngs 2008a, 2).

However, the EU’s strategy for democracy promotion has also attracted criticism for being incoherent and inconsistently applied.

## Incoherence and Inconsistency of EU Democracy Promotion

According to Peter Burnell, a political strategy of external support to democratisation “involves a statement of the objectives and a clear understanding of the reasons why they are desired and the level of commitment that will be forthcoming. It must offer guidance on the who, the what, the when, and, above all, the how of support to democratization, and by implication when not and how not to, as well” (Burnell 2005, 381).

The EU has declared its commitment to prioritise human rights and democratisation in all relations with third countries. This commitment is underpinned by a belief in the mutually reinforcing nature of democracy and human rights as well as in democracy potential to contribute to development, stability, and peace.

However, this statement of high principles says little about how, and how differently given different circumstances, democracy promotion actually fosters peace, stability and other objectives. Looking for instance at EC democracy-related projects, Gordon Crawford points at the existence of a problematic gap between the general objectives and their stated immediate objectives. In other words, the EC’s ability to set abstract goals does not seem to be matched by an ability to put these goals into practice (Crawford 2001).

Youngs laments the “lack of an overarching systematic thinking” behind EU high-level, diplomatic, financial and commercial instruments of democracy promotion (Youngs 2003, 131) and a failure to justify selective conditionality (Youngs 2008a). He also observes that the relations between democracy, security, and development should be “articulated and harnessed in a far more specific and purposeful manner” (Youngs 2008a, 14).

Incoherence in the EU strategy for democracy promotion is directly connected to inconsistency in its application.

In the absence of a strategy explaining the selective nature of conditionality, the uneven application of sticks and carrots can easily be interpreted as a “weakening of EU commitment to democracy (Youngs 2008a) or a total lack of serious commitment (Olsen 1998, 343) with inevitable implications on political credibility and legitimacy (Crawford 1997, 89).

EU democracy promotion seems to be affected by what is generally referred to as a “rhetoric-practice gap” (Crawford 2004) whereby EU policies do not live up to the high principle of democracy promotion informing all objectives of EU’s external relations.

The fact that EU efforts to promote democracy seem to be inconsistent in many cases, and generally falling short from forming a coherent strategy can be ascribed to two orders of causes. One is related to the nature of the EU as a foreign policy actor, the other to the relations between democracy promotion and other objectives of EU foreign policy.

The EU is not a state and whether it has full capacity to conduct foreign policy remains questionable. Actorhood requires an identity, a self-contained decision-making process and practical capability to effect policy (Hill, Wallace 1996, 5), the EU as an international actor falls short from these requirements.

Identity is an issue which will be dealt with more extensively in the next sections. Here I limit myself to say that EU’s external actions strengthening the EU’s identity on the international stage.

With regard to its decision-making, EU foreign policy often resembles an hydra, “a collective enterprise through which national actors conduct partly common, and partly separate, international actions” (Hill, Wallace 1996, 5).

EU democracy promotion has sometimes been affected episodes of member states policies contrasting with common EU positions, or even cases of contrasts between EU institutions themselves.

Coming to the practical capability to effect policy, it has been suggested that EU democracy promotion is affected by "bureaucratic inertia" whereby, despite the introduction of political conditionality in the early 1990s, ongoing development aid programmes have not been re-orientated and aid remains focused on traditional socio-economic development and poverty alleviation rather than political reform (Crawford 2004, 23-24).

Besides the causes inherent to the nature of the EU as an international actor, this work's premise is that any attempt to make sense of incoherence and inconsistencies of democracy promotion brings about the question of how democracy promotion is connected to other declared and non declared objectives of foreign policy.

The EU claims to place a higher priority on human rights and democratisation in its relations with third countries and to use the opportunities offered by political dialogue, trade and external assistance to promote these ends (Commission 2001).

However, trade and external assistance do not always offer opportunities to foster democracy. Stability or security interests sometimes clash and even trump democratic concerns. Another supposed reason for EU democracy promotion policies not to be implemented in a consistent manner is that they actually serve other less evident and self-interested objectives (Olsen 2003).

The relations between democracy promotion and other objectives of EU external action are more complex than it is generally understood and the aim of this study is to explore these relations in order to make sense of EU democracy promotion incoherence and inconsistency.

## Democracy Promotion as a Milieu Goal

In order to shed light on the nature of democracy promotion as a foreign policy objective and its relation with other objectives, I introduce the concept of “milieu goals” as formulated by Arnold Wolfers in *Discord and Collaboration: Essays on International Politics* (Wolfers 1962).

“The policy of nations aims at a multitude of goals”, however, “one can distinguish goals pertaining, respectively, to national possessions and to the shape of the environment in which the nation operates. I call the former ‘possession goals’, the latter ‘milieu goals’” (Wolfers 1962, 74-75). Milieu goals are of a different nature because “nations pursuing them are out not to defend or increase possessions they hold to the exclusion of others, but aim instead at shaping conditions beyond their national boundaries” (Wolfers 1962, 76).

Genuine democracy promotion is a perfect example of milieu goal because it is not about expanding a country’s material possessions, but rather about shaping the conditions beyond its borders in order to create a friendly environment which is conducive to peace, stability and development.

It is worth remarking that milieu goals, and so democracy promotion, are not ends in themselves though. In fact, “milieu goals often may turn out to be nothing but a means or a way station towards some possession goal” (Wolfers 1962, 76),

For the EU, democracy is first of all conducive to peace and stability. “Democratic, pluralist governments which respect the rights of minorities are less likely to resort to nationalism, violence or aggression, either internally, against their neighbours or further afield” (Commission 2001, 4). In turn, “stable countries and free societies are also the best places to invest and to do

business” and their condition helps stem immigration flows towards the EU (Commission 2001, 4-5).

With the end of the Cold war, milieu goals such as the promotion of human rights and democracy assumed a prominent role in foreign policy agendas. This development spawned the resurgence of old theories, or the formulation of new ones, linking the “milieu goal” of democracy promotion to more self-interested possessive goals of its promoters.

A cornerstone of liberal internationalism is the “democratic peace thesis” which associates the milieu goal of democracy to stability and peace.

Emphasis on long-term structural objectives over short term security concerns is also a feature of Post-classical Realism (Brooks 1997). Here again, the interests at stake are peace and stability. By attaching certain relevance to changes in the international system, Post-classical Realism distances itself from Neorealism. For neorealists, short term security concerns always prevails over long term considerations, for postclassical realists, the trade-off between short and long term objectives depends on the degree of competition in the system, “if security pressures are not as strong, a rational state will give more weight to long-term priorities” (Brooks 1997). In this sense, lower security pressures and therefore the emphasis on long-term objectives, including milieu goals like the promotion of democracy and human rights, are the feature of post-Cold war international relations.

By contrast, Neorealist interpretations of democracy promotion maintains that the end of the Cold war did not bring any fundamental change in states’ reasons and motivations for giving aid (Olsen 1998, 343). Neorealism maintains that democracy promotion policies aim at fundamental changes in the recipient countries only inasmuch as they bolster donor interests: trade,

investment, security, and political interests (Olsen 1998, 347). Under this light, democracy promotion can hardly be seen as a milieu goal, but rather as a tool to achieve immediate possessive goals.

I assume that democracy promotion can have different degrees of instrumentality in a continuum from a pure milieu goal, as portrayed by liberal internationalism, to just a tool to pursue immediate possessive goals, as in Neorealist theory.

Burnell identifies the first of these ideal types of foreign policy strategies for democracy promotion as “[trying] to mobilise what could be largely instrumental demands for political reform inside countries, and pursues democratisation abroad as a means to other foreign policy goals” and the second as “[claiming] to value democracy and human rights for their own sakes and [seeking] to encourage wholesale conversion to these values in prospective new democracies” (Burnell 2005). The reality is one of continuous trade-offs between the two.

As Wolfers himself remarked, statesmen and people called upon to allot priorities between milieu and possessive goals face a trying dilemma (Wolfers 1962, 9), a dilemma which is actually even more trying for EU foreign policy-makers.

I assume that the degrees of instrumentality attached to democracy promotion are to a large extent determined by the nature of the international system whereby in a less competitive environment, the promotion of milieu goals comes at a lower cost in terms of possessive goals than in a more competitive one.

During the Cold war, the milieu goal of democracy promotion would come at an unsustainable cost in terms of geopolitical and security possessive goals. The underlying argument of this study is that with the end of the Cold war, Africa suddenly became a low competitive environment in which democracy promotion as a milieu goal came at little, if any, cost in terms of possessive

goals. In the two decades that followed, however, Africa has progressively returned to be a competitive environment.

From a rationalist perspective, these changes require the EU to attach higher degrees of instrumentality to democracy promotion policies in Africa.

However, in the post-Cold war era, the EU has constructed its identity, and the legitimacy of its normative power, on a non-negotiable commitment to democracy as a universal value.

These two contrasting tendencies put EU external relations at large, and its strategy for democracy promotion in particular, under serious tension, resulting in incoherence and inconsistency.

## Theoretical background

This study focuses on the agency in international dimensions of democracy promotion, and in an attempt to analyse democracy promoters behaviour and strategies, in particularly that of the EU, it draws from both rationalism and constructivism.

Rationalism assumes that state preferences are exogenously given and based on a strategic calculus. In Neorealist theory for instance, states are compelled to a quest for maximum relative power by the anarchical and competitive structure of international politics (Waltz 1979). From a Neorealist perspective, democracy promotion is little more than a tool to further donor's political and security interests (Olsen 1998).

By contrast, constructivism regards international relations as norm-governed and state interests as constructed through "a fluid and interactive process of identity formation" which leads to "particular norms coming to be seen as 'appropriate', that is, genuinely embedded in belief systems rather than adhered to for merely instrumental reasons" (Youngs 2001, 6). Looked at through constructivist lenses, democracy has become a constituting element of the EU's external identity and democracy promotion a genuine expression of Europe's normative power (Manners 2002).

The theoretical assumption of this study is that both rationalist instrumentalism and normative dynamics help make sense of EU external relations at large (Youngs 2004), and democracy promotion in particular.

## Democracy and EU Normative Power

The Cold war has been described as the last “Western civil war” (Huntington 1993, 23) and its end as the end of the Western phase in international politics and the advent of an era centered on the interactions between the West and the non-West (Huntington 1993, 23).

The collapse of the Soviet Union has also been regarded as a manifest sign of “the total exhaustion of viable systemic alternatives to Western liberalism” (Fukuyama 1989, 3).

The triumph of liberalism, combined with Western innate universalism, contained the seeds for a strong universalist spin in international politics (Brown 1999, 11).

In *The Anarchical Society*, Hedley Bull described the international history of the last century as “a prolonged attempt to cope with the drastic decline of the element of society in international relations brought by the single, catastrophic accident of the First World War” (Bull 1994, 249).

With values and norms making a significant comeback in foreign policy agendas in the early 1990s, and particularly with the attempt to bring democracy into international law (Rich 2001), the end of the Cold war might have inaugurating a return of the element of society in international relations, permeated by a new a universalist spirit.

Rather than a norm in Bull’s conventional terms, one that constrains state’s behaviour, the international community’s commitment to democracy has been regarded as an “enabling” norm, one that allows actions that would otherwise be impossible or unlikely to occur (Flynn and Farrel 1999). Before, “the idea of outside actors inserting themselves into sensitive political transitions was intensely controversial and often resisted”, by the late 1990s however “one could almost

expect or take as normal that in a democratising country outside actors would be involved in almost every sector, area, and institution of political life" (Carothers 2009, 113).

It was with the restructuring of the world order after the end of the Cold war, in its material and ideational dimensions, that the EU developed the traits of an international actor.

The EU has constructed its external identity, and the legitimacy of its soft power, on a non-negotiable "commitment to placing universal norms and principles at the centre of its relations with member states and the world" (Manners 2001, 241) which has gained to the EU the appellative of "normative power".

Distinct from civilian or military powers, whose influence is based on material instruments, a normative power has the ability to shape conception of "normal" in international relations by resort to the power of ideas (Manners 2001).

The EU's normative power "is built on the crucial, and usually overlooked observation that the most important factor shaping the international role of the EU is not what it does or what it says, but what it is" (Manners 2001, 252). Identity and normative power have thus become two densely intertwined concepts.

In the previous sections I introduced the idea of actorness, and identity as one of its constituting attributes. Here I assume that the EU's identity-construction has been informed by the net of post-Cold war international society norms in which Europe was bound (Lerch 2003) and of which it was a promoter at the same time. EU's external identity has become synonymous of commitment to universal values like peace, the respect for human rights, democratic principles and the rule of law.

However, provided that “collective identity refers to the shared image or we-feeling of a set of people” and it is defined by a set of characteristics thought to be typical of members of the category (Lerch 2003, 5), the EU is under the tension “inherent in the idea of bolstering an identity for a distinct political entity by reference to supposedly universal rights” (Schonlau in Smith 2008). To overcome this tension, rather than the values themselves, the way these values are pursued has become EU’s identity’s distinguish character.

Besides its hybrid nature, what really makes the EU unique, diverse than other actors in international relations, is its normative nature (Manners 2001).

EU’s normative power and EU’s identity are mutually reinforcing concepts. Normative power is built upon what the EU is, the EU’s identity and its inherent commitment to universal norms. On the other hand, EU’s identity as such needs distinguishing features, the most relevant of which is exactly the way the EU has committed to a value-driven foreign policy, its so-called “normative difference” (Manners 2001).

The emergence of democracy promotion, and its role in the construction of the EU’s identity, is not only the result of the normative turn of the 1990s, but also, as it will be analysed in the next section, of post-Cold war material restructuring of international relations.

## Democracy Promotion in post-Cold war Africa

This section will outline how, immediately after the end of the Cold war, democracy promotion in Africa came at little, if any, cost in terms of economic or strategic interests.

Previously, demands for political reform as a milieu goal would have had unsustainable costs in terms of possessive goals. When heralded, democracy promotion was overtly instrumental to security concerns or locked up in dynamics of bipolar confrontation.

Then UN Secretary-General Boutros Boutros Ghali lamented how the onset of the Cold war truncated support for democratisation and Western countries often ended up supporting “authoritarian regimes, on the grounds that those regimes opposed Communism and defended market freedoms” (Boutros Ghali 1996).

However, with the momentous change in international relations brought by the end of the Cold war, democracy promotion became a priority of foreign policy.

It is contested whether the addition of political conditionality is best explained by assuming states as moving beyond power politics or by traditional neorealist rationalism. Both perspectives, however, converge in the assumption that democracy promotion, either as a milieu goal for the shaping of a friendly environment, or more instrumentally for the pursuit of short term interests, was of little, if any, obstacle to possessive goals.

The end of the Cold war was regarded by many as inaugurating an era of peace and decreasing international competition in which security-related concerns could be traded for “ideological goals” (Diamond 1992, Meernik Krueger Poe 1998). This was even more the case in Africa where not only did the disappearance of bipolar competition leave governments “without any

convincing or serious alternative to political and economic liberalism” (Hale and Kienle 1998, 7), but it also shut down an important source of aid, the Soviet one. This left the EC and the fifteen EU bilateral donors accounting for over 50% of global Official Development Aid (ODA) (Olsen 1998, 2-3).

For many states in the Third World the results was “increased dependency on resources and models supplied by Western governments or financial institutions” (Hale and Kienle 1998, 8) combined with decreasing European interest in Africa (Olsen 1997, 1998 and 2004). Decreasing pressures in terms of economic and geo-strategic interests in turn meant that “Northern donors generally [had] the least to lose in Sub-Saharan Africa by applying sanctions (Crawford 1997, 90). In this particular circumstances, not only was democracy promotion favourable as a milieu goal but also beneficial to overtly instrumental and short term objectives. Olsen observes how the introduction of political conditionality could have in fact served other non-declared self-interested EU objectives in Africa by providing for instance a justification for reducing aid when it “no longer served its former political and security purposes” (Olsen 1998, 346 and Crawford 2001, 3). Olsen suggests that democracy promotion also served the objective of developing “Europe into a significant international actor” (Olsen 2004, 246).

## Today's environment for democracy promotion

Immediately after the end of the Cold war, democracy promotion in Africa came at little, if any, cost in terms of economic or strategic interests. It has been observed how, to some extent, it was even beneficial to instrumental goals of EU foreign policy.

In the two decades that followed, however, the conditions for democracy promotion to fit as a milieu goal and at the same time not to obstruct other possessive goals of EU foreign policy have been progressively eroded.

The reasons for this erosion are to be found in the changing environment for democracy promotion.

To begin with, "it becomes simultaneously very difficult", Chris Brown observes, "distinguish between the impact on the world system of a victorious liberal internationalism and that of [Western hegemony]" (Brown 1999, 47), as much difficult it is today distinguishing the fate of the two.

While the twenty-first century seems to disclose a return to multi-polarity and competitive geopolitics, the "teleological optimism in democracy's propensity to inexorable expansion" (Youngs 2008a, 1) comes under question, together with Fukuyama's underpinning belief in the ultimate victory of liberal democracy (Fukuyama 1992).

The wave of democratisation of the 1990s is now over (Carothers 2007) and it has fallen short from bringing about a "world-wide democratic revolution".

Where it has not receded into authoritarianism, democratisation has often meant little more than electoralism (Diamond 1996), leading to combinations of democracy and authoritarianism, most

often regarded as hybrid forms of “democracy with adjectives” (Collier and Levitsky 1997). More recently, the belief in the transitory nature of these hybrid forms has been cautiously reconsidered (Carothers 2002).

The more pessimist claim that the world has slipped into a democratic recession (Diamond 2008), the more optimist that democracy is neither in retreat, nor in advance, but rather on a neutral balance, and stable in Africa (Carothers 2009).

The other side of the story is the challenge posed by those authoritarian or totalitarian governments “who learned how to avoid being swept away by the third wave of democracy” (Carothers 2008, 114).

While the end of the Cold war meant the collapse of any viable alternative to liberal democracy, we are now beginning to see the rise of alternative political models (Carothers 2008, 114), which are eroding the almost universal consensus around liberal democracy.

The success of liberal democracy has come to be seen as far from ultimate and inevitable (Gat 2007). It is argued that authoritarian capitalist great powers, which have been absent from the international stage since 1945, seem today “poised for a comeback” (Gat 2007, 59) with the model incarnated by China and Russia becoming a potential “attractive alternative to liberal democracy” (Gat 2007, 67). This “might imply that the near-total dominance of liberal democracy since the Soviet Union’s collapse will be short-lived and a universal democratic peace is still far off” (Gat 2007, 67).

Carothers is more cautious with regard to the role played by China in the global democracy algorithm. Although China’s growing aid to Africa, which comes without any democratic or human rights string attached, does bolster some authoritarian regimes (e.g. Sudan, Angola,

Zimbabwe), the “China model” itself has not gained great appeal among elites, nor among citizens (Carothers 2009).

Although, as Carothers argues, there is nothing new in the “China” or “authoritarian capitalism” models because the idea that strong-arm governments are better at development than democracies is an old one (Carothers 2009), since the end of the Cold war, this idea has never had such a revival.

I will not regard the growing Chinese influence in Africa as the rise of an alternative model to liberal democracy, I will assume though, with Burnell, that China has an “influence biased in an anti-democratic direction” (Burnell 2006, 12) to the extent that it constitutes a form of passive democracy counter-promotion.

Burnell defines passive forms of democracy counter-promotion as those “contacts and relations by the outside world that prove harmful to democratisation but [are] framed by other reasoning, objectives or goals and [are] not intended by anyone to be hostile to democracy. In many of these cases the actors could claim with some legitimacy that democracy effects (good or bad) are none of their business” (Burnell 2006, 14).

The rise of China does have a material impact on the efforts of those countries which promote democracy in Africa, including the EU.

The fact that China pursues a “no-conditionality” development aid policy was of little relevance when the Asian giant figured under the category “other donors”, but today its share of total ODA has grown considerably. In 2004, China accounted for 1.20% of total donor aid to Kenya, the following year, its share jumped to 8.21%, similar trends have been registered in other countries.

At the Sino-African Summit of November 2006 in Beijing, China pledged to double its aid and provide US\$5 billion in loans and credits in the following three years<sup>1</sup>.

Growing Chinese aid to Africa is breaking the monopoly that Western bilateral and multilateral donors secured in the early 1990s, and it undermines their leverage for political reform. If decreasing aid means decreasing interest (McKinley and Little in Olsen 2004, 427), the same logic should apply the other way round.

The statistics for OECD countries show that Africa's share of global ODA totalled more than 40% in 2006, as opposed to 30% in 1999 (OECD 2008). Almost all European bilateral donors have increased aid to Africa between 2004 and 2006, for countries like the UK and Germany figures have even doubled, EC aid has gone up from US\$3,587 million in 2004 to US\$4,172 million in 2006. Figures for 2008 showed development aid is at its highest level ever<sup>2</sup>. OECD countries ODA to sub-Saharan Africa amounted US\$22.5 billion in 2008, an increase of 10% in real terms over 2007, during the same time, the EC registered a 6.8% increase.

Increasing interest towards Africa is one of the most remarkable trends in twenty-first century international relations. In 2006 Chinese President Hu Jintao visited ten African countries, including Kenya. In November the same year, when forty-eight African heads of state gathered in Beijing for the China-Africa Summit, he declared the event as "historic"<sup>3</sup>.

The Chinese show of might was replicated one year later by the EU with the EU-Africa Summit in Lisbon. For the first time, the EU adopted a continental embrace of Africa, in contrast to the Cotonou agreements, dealing with ACP countries, and the European Neighbourhood Policy,

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<sup>1</sup> "China to double its aid to Africa", *BBC*, 4 November 2006

<sup>2</sup> "Development Aid At Its Highest Level Ever in 2008", *OECD newsroom*, 30/03/2009

<sup>3</sup> "China Double its Aid to Africa", *BBC*, 4 November 2006

dealing only with Northern Africa, the Lisbon Summit established the EU-Africa Partnership, a an instrument complementary to the other two, but extended to the whole of Africa.

In April 2008, New Delhi was the venue of the first India-Africa Summit ever.

Increasing interest towards Africa, and the multi-polar reconfiguration of international relations, are transforming the continent into an increasingly competitive environment. Devoid of the ideological tones of the Cold-war, competition today is primarily economic.

Part of the literature depicts China as a resource-hungry superpower whose main foreign policy concern is to secure access to resources (Zweig and Jianhai 2005). Besides a resource hunt, which often appears to be an oversimplification of China's interests in Africa, the continent is becoming an important market for Chinese goods, mainly manufactured good, machinery and transport equipment. A five-fold growth of bilateral China-Africa trade was registered between 2000 and 2006. In addition, Chinese companies are engaging massively in infrastructure, a focus area of EU development aid.

In 2006, a columnist of Kenya's *The Daily Nation*, wondered "with China calling, is it time to say goodbye to US and Europe?". In August 2009, Senegal's President Abdoulaye Wade called on European nations to boost their aid to Africa, warning that countries there might turn to Brazil, China and India for economic help"<sup>4</sup>.

The increasing importance of economic interests is accompanied by a sharpening of security concerns, which has led observers to talk about the development of an EU "national interest" towards Africa (Olsen 2004).

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<sup>4</sup> "Senegal leader warns EU of competition from China and India", *EUbusiness*, 19 August 2009

The use of the adjective “national” implies that the EU, in this respect, has less to do with a distinguishing post-modern foreign policy and is mainly concerned with strategic objectives, namely the prevention of instability and turmoil.

Peace and stability are for instance key priorities of the newly born EU-Africa Partnership. The partnership strengthened dialogue between crisis management bodies of AU and EU, the Peace and Stability Committee and the Political and Security Committee and led, in February 2009, to the launch of the second Africa Peace Facility.

But the most remarkable development in EU external tools is the birth and strengthening of crisis management capabilities. The European Defence and Security Policy (EDSP) was prioritised in 1998 and became operative in 2003. The same year the EU deployed its first peace operation in Africa, Operation Artemis in the Democratic Republic of Congo (DRC). Other operations were deployed in Chad, Central African Republic and, in February 2008, offshore the coast of Somalia. The latter, Operation Atalanta, shows the forefront role of the EU in the fight against piracy and its growing security interests in Africa.

To complete the picture, 9/11 and the fight against terrorism have added another element to the equation. Terrorism has produced two effects on democracy promotion, in some cases, democracy and human rights concerns are trumped, in others, efforts towards democracy and human rights are intensified.

In several cases the EU has applied positive conditionality with no relation to democracy and human rights improvements, e.g. support to the Moroccan and Jordanian governments (Youngs 2008b) or Pakistan (Smith 2008).

On the other hand, the Bush administration's democracy promotion policies, built on the purported link between fighting terrorism and implanting democracy in the Middle East, seem to prioritise freedom and democracy promotion.

Both attitudes however have something in common, a low appeal for democracy promotion as a milieu goal.

Increasing interests and competition in Africa, together with the growing impact of geopolitics, mean the end of the Western honey-moon of the early 1990s when there was no relevant contrast between the promotion of democracy as a milieu goal, and the pursuit of more self-interested possessive goals. With the appalling perspective of an "Africa without Europeans" (Alden 2008) and the security pressure dictated by failing states and international terrorism, the pursuit of milieu goals comes, once again, at a high cost in terms of strategic interests.

This puts the EU in an extremely awkward position, on the one hand compelled to sharpen the instrumentality of its democracy promotion policies, on the other, aware of the corrosive implications that an overtly instrumental strategy for democracy promotion might have on the fundamentals of its identity and normative power.

The US is faced with a similar dilemma, with relation to counter-terrorism for example, where a strong tension is felt between pressing new security concerns and its democracy interests (Carothers 2003, 85).

This tension however is not as strong as in the EU. For the US democracy promotion is less a matter of identity than for the EU, US foreign policy has had a long practice of democracy promotion being little "more than just a side element of anticommunist security policies" (Carothers 2007, 112). The EU was instead born, as an international actor, in the early 1990s, and the framing of its identity was influenced by the profound changes brought about by the end of

the Cold war. The key to EU's normative power is an identity built on a non-negotiable "commitment to placing universal norms and principles at the centre of its relations with its Member states and the world" (Manners 2001, 241), a commitment to democracy promotion as a milieu goal.

Pressed from one side by China and its overtly commercially-driven development aid<sup>5</sup>, on the other side by the US which can more easily attach higher degrees of instrumentality to its democracy promotion commitment, the EU has remained caught up in a sort of democracy-fits-all principle typical of the early 1990s, an over-optimistic belief that democracy promotion can always serve other objectives of foreign policy and vice-versa.

## **The Case of Kenya**

Incoherence and inconsistency in the EU strategy for democratisation in Africa, the nature of which, it has been posited, is inherent to the tension between EU's normative identity and the strategic pressure from a changing environment for democracy promotion, need to be analysed on a country-by-country basis. For this purpose, I have chosen a case in which the EU has not applied democracy-related conditionality in spite of alleged election fraud, Kenya following the 2008 post-electoral crisis.

### ***Why Kenya?***

Kenya offers an interesting contrast between the early 1990s and today's environment for democracy promotion.

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<sup>5</sup> Chinese development aid is coordinated by the Ministry of Commerce, while the Ministry of Foreign Affairs has an advisory role.

In 1991, when President Daniel arap Moi ended the one-party rule of Kenya African National Union (KANU), decisive was the pressure of Western donors, the leverage they gained in the post-Cold war era and the disappearance of any geopolitical justifications for propping up non-democratic regimes. In that occasion, the US, European countries and the European Commission teamed up with the International Monetary Fund (IMF) and the World Bank (WB). This did not happen seventeen years later, in 2008.

Kenya is also an interesting case because it does not depend heavily on external support, in fact, only 5-6 % of government revenues come from international aid. It has been estimated that today Kenya could do it even without aid at all<sup>6</sup>. In the special circumstances of the early 1990s however, although dependence was limited too, donors still had an edge to exert democracy-biased pressure.

When it comes to the role of China, Kenya is another example of the growing relations between Africa and the Asian giant. However, Kenya eschews the oversimplification of a resource-hungry China exchanging oil for cheap manufacture. Kenya is a rather poor country in terms of natural resources, especially oil. The case becomes more interesting because China is strongly involved in infrastructure and road construction, areas in which it competes directly with the EU<sup>7</sup>.

Kenya seems to validate the argument that democracy is in world-wide recession too. After the democratic and peaceful transfer of power to the opposition in 2002, the country was regarded as a beacon of democracy<sup>8</sup>, and an example for other African countries. The electoral misconduct in

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<sup>6</sup> Patrick Smith in Tenday Maphosa, "European Parliament Calls for Suspension of EU Aid to Kenya", *Voice of America*, 18 January 2008

<sup>7</sup> It is estimated that over 44 Chinese companies operate in Kenya. Chinese contractors have initiated road rehabilitation projects within Nairobi, and the upgrading of Jomo Kenyatta International Airport. The EC is financing road rehabilitation projects along the Northern Corridor connecting Nairobi with Malaba, on the Ugandan border.

<sup>8</sup> EC External Relations Commissioner Benita Ferrero-Waldner in "Kenya: EU Deploys Election Observation Mission", *Europa Press Releases*, 13 November 2007.

2007, and the violence that followed, brought the country to the brink of civil war and dissolved international community's expectations.

On the other hand, the post electoral crisis offers a unique case-study to observe how democracy promotion is linked, and often subordinated, to overriding security concerns.

Kenya's stability is seen as a precondition to the entire region's stability. Kenya hosts the only UN headquarters in the global South, has been for decades a gateway to Africa for humanitarian agencies and media reporters. It shares borders with trouble-spots like Southern Sudan and Somalia and is a platform for international efforts towards these two regions. The Somali transitional government itself was initially installed in Nairobi, so are, today still, several European embassies to Somalia. In the EU security algorithm, Kenya has also recently become an important partner because it can try those arrested for piracy by the EU naval mission Atalanta.

To complete the picture of security-related issues, especially after the 1998 bomb attack to the US embassy in Nairobi and later under the Bush administration, Kenya has become an important US partner in global counter-terrorism. The US has increased military support to Kenya by 800 per cent since 2001, it has sold vehicles, speedboats and provided training<sup>9</sup> together with the British army<sup>10</sup>.

### ***EU and democracy promotion in Kenya***

At the end of the Cold-war, Kenya fell short from basic democratic standards. Before 2002, with only few exceptions, Kenya was ranked as "not-free" by Freedom House. The right to choose and change leaders was *de jure* denied by the constitutionally-sanctioned KANU single party rule. There was no effective separation between executive, legislative and juridical powers, Kenya was a strong form of presidential government where the head of state, and at the same time head of

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<sup>9</sup> "Kenya: America Donates 41 Vehicles to Military", *The Standard*, 13 September 2007.

<sup>10</sup> "Kenya: Trained in Terror", *The Guardian*, online edition, 30 July 2008.

government, nominated the Attorney General, the judges of the High Court, Provincial and District Commissioners and Election Commissioners, and could also dissolve the Parliament at any point in time (EU EOM 2008b). There were heavy restrictions on the freedoms of assembly and association.

“Kenya was one of the first countries to be subjected to massive donor pressure to democratise” (Olsen 1998, 353). In 1991, following a meeting with the Kenyan government, donors decided to reduce aid flow until improvements had been achieved in the human rights and corruption areas. As a result, President Moi announced that free and multiparty elections would be held in December 1992. Moi was re-elected in the 1992 elections and Kenya’s democratic and human rights records did not significantly improve. With the 1997 elections approaching, spearheaded by Scandinavian countries, the EU piled new pressure upon the Moi government. On 31 July 1997 the IMF suspended its structural adjustment facility to Kenya for three years, a move which induced the government to launch a number of reforms to level the playing field. These reforms did not avoid a second re-election for Moi though.

Between the end of the Cold war and 2002, conditionality was generally effective despite Kenya’s low dependence on donor aid. This was possible because the EU, US, IMF and WB teamed up, but also, as Olsen argues, because the EU and its member states had no fundamental interests at stake (Olsen 1998, 357). This first phase is one in which democracy promotion as a milieu goal does not obstruct EU possessive goals in Kenya.

### **2002-2007**

In 2002, Moi’s second elected presidential term expired, Uhuru Kenyatta, son of Jomo Kenyatta, first President of Kenya, was selected as KANU’s candidate to State House. However, Mwai Kibaki from the opposition National Rainbow Coalition (NARC) won by a large margin and

became Kenya's third president. The 2002 elections, the first democratic transfer of power in the history of Kenya, and the first monitored by EU observers, were saluted a major democratic advance and inaugurated an era of positive rewards. Between 1990 and 1999, ODA to Kenya amounted to an average of US\$673million per year, from 2002 it started to increase steadily, 584 in 2003, 667 in 2004, 767 in 2005 and 925 in 2006 (OECD 2008)<sup>11</sup>.

The first Kibaki's term in office was also marked by expanding relations with China. Kenya-China trade grew by 36% between 2005 and 2006. In 2004, China accounted for 1.20% of total donor aid to Kenya, the following year, its share jumped to 8.21%.

Kibaki's presidency epitomises the changing environment for democracy promotion outlined in the previous chapter, an environment in which EU's interests in Africa assume increasing relevance and the material and cultural monopoly of Western donors is being eroded. Nonetheless, EU democracy promotion in Kenya avoided being incoherent as long as the increased interest could be channelled as "positive rewards" for the democratic advance of 2002. This compromise broke down with the 2007 elections when the tension at the heart of EU democracy promotion laid bare.

### ***The 2007 poll and post-electoral violence***

On 27 December 2007, Kenyans went to the polls for the tenth time since independence and the fourth time since the re-introduction of multiparty politics. The elections pitted incumbent Kibaki from the Party of National Unity (PNU) against Raila Odinga, from the Orange Democratic Movement (ODM), the two splinters of NARC. Polling was generally conducted in an orderly manner, but the counting and tallying processes, EU Electoral Observation Mission (EU EOM) reports, were delayed and lacked consistency in transparency. On 30 December, the Electoral

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<sup>11</sup> Data refer to 2005 prices.

Commission of Kenya (ECK) suspended the announcement of results, Samuel Kivuitu, the ECK Chairman was escorted out of the Kenyatta International Conference Centre by the police. At 17.30 the same day he announced, behind closed doors, the victory, by a margin of 230.000 votes, of Mwai Kibaki who was sworn in half an hour later. The announce was followed by the eruption of widespread violence which caused more than 1,300 deaths and the displacement of about half a million people. From a beacon of stability and democracy, Kenya fell to the brink of civil war.

Diamond described the 2007 elections in Kenya and its aftermath as “another abrupt and violent setback of democracy” (Diamond 2008, 36). Carothers argued that “although the Kenyan government’s attempted manipulation of the January 2008 elections led to terrible violence, Kenya is actually as or more democratic today than it was ten years ago” (Carothers 2009, 8).

Rather than the issue whether Kenya is today more or less democratic than before, the focus of this study is on the reaction of the international community at large, and the EU in particular, to the election irregularities and the crisis.

On 1 January 2008, the EU EOM preliminary statement declared that the general elections had fallen short of key international and regional standards for democratic elections (EU EOM 2008a). The poll, it was reported, was marred with a number of irregularities, most remarkably inconsistencies between the results tallied at constituency level and those in the ECK headquarters in Nairobi. EU EOM Chief, Alexander Graf Lambsdorff mentioned the case of the Molo constituency where Kibaki obtained 50,145 votes, and the results published by the ECK, in which the President was given 75,261 votes (EU EOM 2008a).

The preliminary findings of the EU EOM were in line with those of the Commonwealth and the East African Community observation missions, and enjoyed great visibility both in Kenya and in

Europe where suspects of electoral fraud sparked a controversial debate on whether to apply negative conditionality or not.

On 14 January 2008, the European Parliament (EP) passed a motion for a resolution on Kenya endorsing the preliminary conclusions of the EU EOM. "Owing to widespread reports of electoral irregularities", the motion stated, "the results of the presidential elections cannot be considered credible" (Parliament 2008a). The EP called on Mwai Kibaki to agree on an independent examination of the presidential vote and on measures to make the perpetrators of electoral irregularities accountable for their actions. The resolution also called for fresh presidential elections if it would have been impossible to organise a fair recount of the votes (Parliament 2008a).

On 28 December 2007, the EU had transferred €40 million to the Kenyan government. The EP expressed its regret that this could be seen as politically biased and therefore called for all further budgetary support to be frozen until a political resolution to the crisis would be achieved (Parliament 2008a). The resolution was welcomed by some member states officials, Germany Development Minister, Heidemarie Wieczorek-Zeul for instance, called for the EC to freeze direct financial assistance to Kenya<sup>12</sup>. More cautious was EC Development Commissioner Louis Michel who said that "if there is not quickly a deal between the parties to return to calm... budgetary aid... will not continue, but we cannot purely and simply suspend all development aid"<sup>13</sup>.

Support for sanctions came particularly from sections of public opinion and the media<sup>14</sup>.

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<sup>12</sup> "Euro Lawmakers Want a New Elections for Kenya", *NewEurope*, 21 January 2008.

<sup>13</sup> Ukandu, Ugo Harris "Kenyan and Nigerian Election Disputes – A Contrast", *Global Politician*, 21 January 2008.

<sup>14</sup> *The Economist* described the situation as "a very African coup", *The Telegraph* called on European governments and the US not to recognise Kibaki's government, impose travel bans, asset freezing, and halt aid and foreign investment if a re-count of the vote would be refused. Giorgio Schultze, President of Humanist International, sent an open letter to Kibaki and Odinga calling for new and free elections. Mr Schultze was mistakenly quoted by *The Nation* as the President of the EU, <sup>14</sup> "Repeat Elections Best Option for Peace, says EU", *The Daily Nation*, 5 January 2008.

On 16 January, two days after the adoption of the EP motion for a resolution, members of the Kenya Joint Assistance Strategy (KJAS)<sup>15</sup> released a statement threatening to reduce assistance to the Kenyan government if commitment to good governance, democracy, the rule of law and human rights weakened.

On 17 January however, Sean McCormack, a US State Department official, reassured that no imminent cuts were planned in US aid to Kenya<sup>16</sup>.

Besides the ambiguous stance of the US, the KJAS position was undermined by an important absentee, the World Bank. Colin Bruce, World Bank Kenya Director wrote a memo in early January, later leaked to the press, in which he dismissed the statement of the EU EOM as “not thorough and precise” and declared Kibaki’s victory as valid<sup>17</sup>.

Mr Bruce memo attracted strong criticism, particularly from former British High Commissioner to Kenya, Sir Edward Clay, who accused the WB of protecting their budgets and projects irrespective of the government’s bad management<sup>18</sup>. Mr Bruce was also accused of bias because at that time he rented his own Nairobi house from no other than Mwai Kibaki.

Another more obvious absentee from debates over reduction of aid to Kenya was China. Chinese Ambassador to Kenya, Mr Zhang Ming declared that his country preferred not to interfere in the internal affairs of foreign countries, and therefore it would not change its policy on Kenya, and continue to undertake projects it had initiated with the previous government<sup>19</sup>.

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<sup>15</sup> The KJAS gathers Western bilateral and multilateral donors to Kenya. The EC with €399 million allocated for 2008-2013 makes up 8.93% of total aid, other important donors are the IMF (11.14%), the WB (5.70%), the US (15.45%) the UK (7.99%), Sweden (5.60%) and Germany (4.93%). Data refers to 2005 as reported in the EC-Kenya Country Strategy Paper for 2008-2013.

<sup>16</sup> “US assures on Continuation of Aid to Kenya”, *The Daily Nation*, 18 January 2008.

<sup>17</sup> “Memorandum on Kenya Elections”, *Financial Times*, 9 January 2008, “The Dilemma for Kenya’s Donors”, *New Statesman*, 17 January 2008

<sup>18</sup> “World Bank Under Pressure to Withdraw Aid Until Resolution Found”, *The Independent*, 18 January 2008.

<sup>19</sup> “Kenya: EU Warns of Sanctions if Talks Fail”, *The Standard*, 15 February 2008.

For the EU, the eventual story was one of continued support. If we look at transport infrastructure for instance, the EC-Kenya 2008-2013 Country Strategy Paper's main focal sector, the scenario before 2007 was, and is still today, one in which European contractors divide labour with Chinese ones. I take the example of the Northern Corridor upgrading, a system of roads connecting Nairobi to Malaba, on the Ugandan border. Between 2003 and 2007 the EC financed "Northern Corridor Rehabilitation Project" Phase I (€79million) and Phase II (€58million) which were contracted to French and German companies<sup>20</sup>. The submission for tenders of Phase III closed on 26 January 2009 but at the time of writing contracts have not been signed yet.

In 2004, the WB initiated the \$207million-worth Northern Corridor Transport Improvement Project, of which \$100million was contracted to China Road and Bridge Corporation, roughly \$99million went to the Swiss company SBI International Holding. In July 2009, the WB approved an additional financing worth \$253 million under the rationale that the post-electoral violence caused major disruptions. By then, the Chinese government had also initiated a separate project for the Eastern by-pass of Nairobi. In this scenario, potential loss to Chinese competition, in case of aid cutting, would have been a likely outcome<sup>21</sup>.

More short-lived was the debate over the recognition of Kibaki's government. Promptly after Kibaki was sworn in, the US Ambassador to Kenya, Michael Ranneberger, congratulated the President on his re-election and invited Kenyans to accept the outcome of the vote. The US retreated from this move as evidence of fraud became apparent and violence escalated, but never took into consideration the option of not recognising Kibaki. Ms Jendayi Frazer, then US Envoy to

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<sup>20</sup> European Commission Delegation to Kenya, available at <http://www.delken.ec.europa.eu> last accessed on 30 August 2009.

<sup>21</sup> World Bank Kenya, available at <http://worldbank.org/ke> last accessed on 30 August 2009.

Africa, recognised Kibaki as Kenya's President because he was the one who had been sworn in<sup>22</sup>.

Only after Kibaki unilaterally nominated his cabinet, did Ms Frazer warn that the US would stop conducting business as usual<sup>23</sup>.

A contrasting view came for Britain where Ms Meg Munn, British Deputy Minister for Foreign and Commonwealth Affairs declared during a House of Commons committee meeting that Britain did not recognise the new Kibaki government. On 28 January however, the British government refuted these claims<sup>24</sup>.

Besides the issue of "whether" and "which" measures to take against Kenya, it is worth looking at the debate over the conditions attached to them.

The European Parliament was more vocal in calling for democracy-related conditions like a re-count, or even a re-run of the presidential elections. More moderate, but still democracy-related, were calls for "all allegations of election irregularity to be pursued through the proper democratic and legal channels" coming from the European Council Presidency on 11 January (Council 2008a), or for investigation on the irregularities urged by the EU External Relations Council Conclusions of 28 January (Council 2008b).

On similar tones, British Foreign Secretary David Miliband had called on 6 January for concerns about irregularities to be given full vent through peaceful political and legal means<sup>25</sup>.

The US, by contrast, never mentioned democracy-related conditions. A re-run or a re-count of the vote were ruled out from the beginning. In an interview to *The Nation* on 16 January Mr Ranneberger excluded the ideas of a re-count or new elections as simply not feasible<sup>26</sup>.

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<sup>22</sup> "Kibaki Invites Raila for Poll Crisis Talks", *The Daily Nation*, 8 January 2008.

<sup>23</sup> "US Warns Over Kenya's Crisis", *The Daily Nation*, 13 January 2008.

<sup>24</sup> "British Govt recognises President Kibaki and his Govt", *Kenya Broadcasting Corporation*, 28 January 2008.

<sup>25</sup> "Kenya: Statement by British Foreign Secretary, David Miliband", British Foreign and Commonwealth Office Press Releases, 4 January 2008.

The US threatened to stop conducting business as usual with Kenya, or deny visas to a number of politicians and businessmen suspected of fomenting violence, but these measures were not tied to democratic improvements.

During Kenya's general elections, the International Republic Institute (IRI), a US-based pro-democracy organisation, conducted an exit poll which gave Odinga ahead of 6% over Kibaki, the results of the exit poll were withheld during the crisis only to be released eight months later. An examination of *The New York Times* suggests that "the decision was consistent with other American actions that seemed focused on preserving stability in Kenya, rather than determining the actual winner"<sup>27</sup>.

If the US prioritised stability from the beginning, the EU was split between democracy concerns raised by the EP, section of the media and public opinion on the one hand, and stability-related concerns dictated by the deteriorating situation.

Under this tension, EU and member states official statements in the first weeks of January 2008 showed a blurred conflation of stability and democracy concerns. The EU Presidency statement of 11 January sought to ensure democracy and stability and invited the parties to a cessation of violence and a solution according to democratic standards (Council 2008a). It remained unclear how this could practically be achieved.

The initial democracy-related conditions, like a legal redress of irregularities, let alone a re-count or a re-run, were progressively abandoned under the weight of escalating violence. The EU Council Conclusions of 18 February 2008 no longer mentioned electoral irregularities (Council 2008c).

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<sup>26</sup> "Macharia Gaitito interviews Ranneberger", *The Daily Nation*, 16 January 2008.

<sup>27</sup> "A Chaotic Kenya Vote and a Secret US Exit Poll", *The New York Times*, 30 January 2009.

After 28 February, when the mediation efforts of the Panel of African Eminent Personalities led by former UN Secretary-General Kofi Annan led to an agreement between Kibaki and Odinga, democracy-related concerns were taken out of the equation.

British Prime Minister Gordon Brown saluted the power-sharing agreement as a “triumph for peace and democracy”<sup>28</sup>. It was undoubtedly a success for the former, less evident is how it benefited democracy in Kenya, at least in the short term.

With the creation of a coalition government, international pressure upon Kenya has not ceased altogether. In November 2008, the EU threatened again to withhold aid unless the recommendations of the Waki Commission, appointed upon advice of the international mediation team, were implemented<sup>29</sup>. And besides stability, justice for the victims of the violence became a salient interest for the EU. On 27 July 2009, the EU Council called for the establishment of a local special tribunal to end the impunity of perpetrators of the post-electoral violence. Mounting pressure for a local tribunal was combined with demands for reforms, specifically constitutional, electoral, police and juridical reform as well as enhanced measures to put an end to corruption (Council 2009). At the time of writing however, the issue of electoral irregularities remains still unaddressed.

From the first weeks of January up to the agreement for a coalition government, the EU was unrealistically trying to combine stability and democracy promotion. With time and the deteriorating crisis, at last stability gained the upper hand.

If the 2007 elections had not led to such a violent crisis, EU democracy promotion would have faced a much more trying dilemma. In fact, the EU choice for continued co-operation with Kenya cannot only be ascribed to the horrific entity of the violence. The EU has economic concerns, it

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<sup>28</sup> “Gordon Brown Hails Kenya Coalition Government”, *The Telegraph*, 28 February 2008.

<sup>29</sup> “EU in Kenya Poll Tribunal Threat”, *BBC*, 18 November 2008.

has been observed how unfavourable it might have been to suspend or reduce aid, given potential Chinese competition in focal areas of EU-Kenya co-operation. And the EU has also recently committed resources to a specific security-related concern, the fight against piracy.

In the Council Conclusions on Kenya of 27 July 2009 (Council 2009), the EU for the first time explicitly recognised Kenya's key role for regional stability and the importance of Kenya's partnership in the fight against piracy. From November 2008, when the EU launched naval operation Atalanta, until March 2009, the EU carried out negotiations with Nairobi for the conclusion of an agreement for the transfer and trial of pirates on Kenyan soil. With the first half of 2009 witnessing a deterioration of the situation in Somalia, the EU extended the mandate of operation Atalanta. Security cooperation between the EU and Kenya has definitely entered the democracy promotion algorithm.

## Conclusions

The reactions to Kenya's electoral irregularities and the following crisis spark a number of reflections.

Multilateral and bilateral diplomatic efforts proved successful in endorsing the mediation of the Panel of Eminent African Personalities led by Kofi Annan, and securing a political solution to the crisis in a short time.

In 2008 however, as opposed to the early 1990s, the EU, and Western donors at large, did not impose democracy-biased conditionality on Kenya. In 1991 and 1997 especially, the IMF and WB took the lead in revising aid policy towards Kenya, this time, the WB in particular, proved reluctant to do so. The US ruled out democracy-related conditionality from the very beginning, showing a pragmatic stability-oriented approach, and little uneasiness to accept the related costs in terms of democracy.

By contrast, the EU was the most forceful voice to lament election rigging and advance even extreme, and perhaps unfeasible, democracy-related conditions. This stance was taken, among EU bodies, especially by the EP. The EU EOM itself was an EP affiliated body, the mission was led by an MEP and assisted on election day by a delegation of four MEPs. Still in January 2009, when the EP passed a resolution on Freedom of Press in Kenya, there was a reference to "flawed" elections (Parliament 2009).

What emerges from this case-study is potential for contrast between a strong identity-related commitment to democracy, personified by the EP, and the compelling stability concerns dictated by the crisis and its implications on economic and security interests.

The EU seems less posited to come to deals with a changing environment, in which democracy promotion as a milieu does obstruct, in a growing number of cases, possessive goals of foreign policy. EU's rhetoric rests on the uncritical and over-optimistic claim that its political and economic engagement always fosters the dynamics of democratisation (Youngs 2008a, 13) which makes the EU wary of adopting a more instrumental democracy promotion. A strategy for external support to democratisation, it has initially been observed, must in the first place offer a justification for selective conditionality, and it should speak clearly of cases when democratic concerns need to be subordinated.

The overall EU reaction to the 2007 Kenya elections might have responded to such a strategy, and followed the belief that trading democracy for stability concerns in the short term would serve the former in the long run. However, the EU has failed to spell it clearly and convincingly, and this is partly to be ascribed to its identity-related rhetoric.

On the other hand, giving up on rhetoric might break down the equilibrium on which EU's normative power rests. The EU might start to be judged for what it does, rather than what it is, if it starts professing a more instrumental democracy promotion strategy. A less value-driven foreign policy can in turn erode the basis of legitimacy and public opinion support for ESDP operations for instance.

This tension, intrinsic to an identity framed upon universal values, and made even more acute by a changing environment for democracy promotion poses a serious dilemma for current and future generations of EU foreign policy-makers.

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