

**DEFENDING DEMOCRACY IN THE WEST:
THE ROLE OF INTERNATIONAL ORGANIZATIONS AGAINST
DEMOCRATIC BACKSLIDING**

Jose De Bastos H.

ABSTRACT

The period of democratic expansion around the world after the end of the Cold War came to a halt in the past decade. Many countries were unable or unwilling to complete their transition from authoritarianism to full democracy and instead remained as hybrid regimes, with some democratic and some autocratic characteristics. This paper focuses on a more recent trend: democratic backsliding. Countries that have gone from democratic to hybrid regimes, mostly due to popular support for illiberal leaders and parties. Specifically, the research focuses on Hungary, and the role of the European Union in trying to avoid such backsliding in one of its members. Despite several legal instruments and economic and political leverage, the EU has not stopped or slowed down the authoritarian path followed by Viktor Órban's government in Hungary, putting one of its founding values in doubt. The paper also looks at the case of Venezuela, and how another regional body, the Organization of American States, has been unable and unwilling to defend democratic principles in that country.

INTRODUCTION/BACKGROUND

There was a general impression that democracy was advancing and consolidating worldwide after the collapse of the Soviet Union and the end of the Cold War. However, years after the fall of the Berlin Wall, Steven Levitsky and Lucan Way (2010) determined that a large number of nations did not complete their evolution from authoritarianism to democracy, and 25 years after the start of the latest democratizing wave, those nations did not seem on their path to democratize. Both scholars coined the term “competitive authoritarian regimes”, as an intermediate stage between full autocracy and democracy, while rejecting the idea that this was only a temporary stage before reaching a democratic status (p. 4). Their theory, together with research from other authors, is mostly centered around the notion of states that abandoned full authoritarianism and did not reach full democracy.

Meanwhile, in the past few years, many countries have started moving in the opposite direction: going from a democratic regime into a hybrid regime. According to Freedom House (2016), 2015 became “the 10th consecutive year of decline in

global freedom”. The Democracy Index of the Economist Intelligence Unit (2016) adds that “an increased sense of personal and societal anxiety and insecurity in the face of diverse perceived risks and threats... is undermining democracy”.

Both reports were written before two shocking electoral results in two of the world’s oldest and most consolidated democracies: the support for a withdrawal of the United Kingdom from the European Union, and the election of businessman Donald Trump as President of the United States.

In the middle of this global environment, two nations are challenging the long-lasting commitment of the European Union to liberal democracy: Hungary and Poland. In recent years, electorates in both countries have given large support to parties that have taken broad control over the government, amending their countries’ constitutions, challenging the judiciaries and limiting the freedom of the media. Despite several legal instruments available within the European Union, its institutions have done little to avoid these and other measures in both countries, which appear to go against the “values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights”, upon which the European Union “is founded on” (“Treaty of the European Union, European Union, 2012”).

The seeming impotence of the European Union presents a challenge to other international institutions and democratic governments throughout the world, most of which have considerably less leverage than the EU to defend and promote democracy. The case of Hungary is not an isolated situation of democratic backsliding, but it is unique in the sense that it has been unfolding for more than five years in the middle of the most powerful and liberal democratic regional organization in the world. This paper will also look into the case of Venezuela, which has been ruled by the same party for the last 18 years with several crises concerning democracy. In this case, the Organization of American States, the regional body of the Americas, has tried to exert influence on this situation unsuccessfully on several occasions.

The main focus of this research is the role of regional and international organizations in the defense of democracy: what, if anything, can these supranational institutions do when democracy is being attacked in one of their member states? How can democratic, non-interventionist organizations help to prevent and discourage democratic backsliding? What is the role of international players when a democracy is attacked from within, not with a military coup d’état, a guerrilla rebellion or a massive electoral fraud, but by a leader elected through a free and fair election? My goal is to analyze what has been done in the recent past, specifically by the European Union and the Organization of American States, and how these institutions are modifying their behaviors and their internal legal instruments to face this relatively new challenge of democratic backsliding.

This research will examine Levitsky and Way’s (2010) theory that Western governments influence democratic transitions around the world through leverage

and linkage. It will try to answer if those same institutional and economic tools have worked when the influence is being used within Western nations. The fact that competitive authoritarian regimes are now found in most regions of the world, and the perception, exemplified in the 2016 reports by Freedom House and the Economist Intelligence Unit, that the trend around the world is not towards democracy but towards a democratic recession, make this project relevant.

While many regional and international organizations have focused their work mostly on economic development, respect for human rights, or political stability, both the European Union and the Organization of American States have democracy promotion as one of their foundational goals. Many of their treaties and institutions are based on the respect of free elections, the rule of law and freedom of the media, which is why I believe it is significant to examine what they have done to defend these values. The results of the investigation should contribute to the growing body of research on democratic backsliding, competitive authoritarian regimes and the role of regional organizations in promoting democracy. The investigation should also work to redirect the focus of the academic research less on evolution towards democracy, and more on the setback towards authoritarianism.

The project also sets out to highlight the limitations democratic institutions have when they are sabotaged from within. If a majority of the population freely and frequently supports a specific party, and this party exerts pressure on institutions that are supposed to be autonomous and independent over a long period of time, there appear to be limited institutional resources inside a country to avoid a democratic backsliding. Thus, the role of other nations and international organizations could and should be to work to stop this “illiberal” trend.

Hungary and Venezuela, just like Poland more recently, seem to be ideal cases for the study of democratic backsliding in countries where the population, freely and fairly, chose leaders who have become a menace to liberal democracy.

HYPOTHESIS

Despite the regional organizations’ expressed intents to be composed only of democratic states, and their treaties specifying ways to avoid democratic backsliding, such theoretical objectives have not been fully realized. At the same time, however, in the current global environment the ideals of democracy and democratic values hold more significance than they did in the past. The democratic ideal, and the self-interest of appearing to be a democracy has forced autocrats to make some adjustments in this direction.

I argue that a lack of normative commitment to democracy by elected leaders, both in Europe and in the Americas, has eroded the influence that international organizations have to avoid democratic backsliding. Two other factors hurt such influence further. One is the continuous electoral support to both those who attack democracy and those who do nothing to defend it which means that the incentives to act against democratic backsliding are almost null. The second is the

complicity that leaders in the region have for their ideological allies who are affecting democratic values. There is a general desire for democracy, but other governments in these regional organizations seem to be satisfied with a minimum threshold of it in these backsliding countries. As long as there are not obvious and symbolic interruptions of democracy, the consensus is to give timid responses without concrete actions, even if the other governments have the leverage to take actions such as imposing serious sanctions.

CONCEPTUAL FRAMEWORK

DEMOCRATIC BACKSLIDING AND COMPETITIVE AUTHORITARIANISM

Two concepts are central to this project: democratic backsliding and competitive authoritarian regimes. In a recent paper, Nancy Bermeo (2016) outlines what appears to be a growing phenomenon in regimes around the world. According to her, “at its most basic, [democratic backsliding] denotes the state-led debilitation or elimination of any of the political institutions that sustain an existing democracy” (p. 6). The author goes on to divide democratic backsliding into three categories, which are evolutions from the more violent attacks on democracy seen in the past: promissory coups instead of outright coups d’état (p. 6), executive aggrandizement instead of executive coups (or “autogolpes”) (p. 7), and strategic harassment and manipulation in electoral processes instead of election-day fraud (p. 8).

The reason for these new ways to reduce freedoms and democratic values is the strong global influence of the democratic ideal: the international pressures for countries to celebrate elections, have legislative bodies and have institutions for the rule of law. The wave towards democracy initiated after the Cold War, highlighted by Levitsky and Way (2010), generated a need to maintain appearances. “Many autocrats adopted formal democratic institutions (...) With the disappearance of the Soviet threat, the United States and other Western powers stepped up efforts to encourage and defend democracy through a combination of external assistance, military and diplomatic pressure, and unprecedented political conditionality” (p. 17).

The “window dressing” of democracy became not a symbolic gesture toward more developed nations, but a necessity to be on the good side of those with the power and the resources to either help or condemn your administration. But autocrats do not want to leave power, and democracy itself offered them ways to gain it and preserve it. Instead of coups, self-coups or blatant fraud, those wanting to access or remain in power looked for more moderate and gradual ways to meet their goals. “The decline of coups means that de-democratization today tends to be incremental rather than sudden”, says Bermeo (2016, p. 14). She adds “troubled democracies are now more likely to erode rather than to shatter – to decline piece by piece instead of falling to one blow” (p. 14).

In the case of executive aggrandizement, it begins with an elected

president or prime minister, who goes on to “weaken checks on executive power one by one, undertaking a series of institutional changes that hamper the power of opposition forces to challenge executive preferences” (Bermeo, 2016, p. 10). Other state institutions help the executive in this process, all of which may occur with a majoritarian support of the population and following established legal and/or constitutional parameters. This process, according to the author, presents two serious challenges for those who oppose it. Nationally, they lack the “bright spark” of an obvious anti-democratic act that could generate massive mobilization (2016: 14); and internationally, governments or regional bodies have difficulties challenging decisions taken by “democratically elected executives and legislatures” (2016: 16). In the past, when a group of soldiers expelled an elected president from the country and cancelled the right to gather in public spaces, there were evident signals of a break with democracy. This generated anger nationally and internationally and was assumedly rejected by the majority of the country that had voted for the president. However, when elected executives and legislatures modify laws and amend constitutions following the proper channels, the challenge becomes much more complicated.

Such democratic backsliding leads to a gray area, called “competitive authoritarianism” by Levitsky and Way (2010). The authors regard these as regimes in which “formal democratic institutions exist (...) but in which incumbents’ abuse of the state places them at a significant advantage vis-à-vis their opponents. Such regimes are competitive in that opposition parties use democratic institutions to contest seriously for power, but they are not democratic because the playing field is heavily skewed in favor of incumbents” (2010, p. 5).

For instance, the 2014 parliamentary elections presented an opportunity for the Hungarian opposition to remove Prime Minister Viktor Órban and his Fidesz party from power. Despite such opportunity, a plurality of the voters decided to renew their support for the center-right coalition. Before and after the election, however, Órban reformed the constitution, amplifying the advantages for the winner of the elections even if it was by plurality, filling autonomous institutions with party associates, and vacating most of the power from the Constitutional Court (Bozóki, 2011). This Court is a body which would have stopped many of his reforms. He also increased the power of the government over the media, thus presenting a challenge to the opposition in campaigning for votes and publicizing their protests against governmental actions (Bánkuti, Halmai, & Scheppele, 2012).

Another key element of Levitsky and Way’s theory is that competitive authoritarianism is not necessarily a transition stage, meaning that a country can stay in this hybrid phase for long periods of time. Also, although they focus on nations coming out of authoritarianism, the theory does not rule out the possibility that a consolidated democracy moves a step back into competitive authoritarianism.

LITERATURE REVIEW

HUNGARY AND THE EUROPEAN UNION

Shortly after the overwhelming victory of Fidesz at the 2010 parliamentary elections in Hungary, many authors took notice of the methods of the Prime Minister Viktor Órban, a known figure in Europe from his first leadership of the country between 1998 and 2002.

The election brought attention for several reasons: an extreme-right party emerged in third place with 16.7% of the vote (Jobbik), Fidesz and its coalition partner, the Christian Democratic People's Party, received over 50% of the vote, and, due to the mixed-electoral system of 176 single-plurality districts and regional and national proportional lists, such a figure turned into a disproportionate representation of more than two-thirds of the members in Parliament. According to Bánkuti, Halmai and Scheppele (2012), the large support for Fidesz was normal politics, after the failing economy under Socialist rule, but "what happened next was a mistake of constitutional design" (p. 138).

In a little more than a year, using its super-majority, Órban and Fidesz undermined every democratic counter-balance they could, in a process that included 12 amendments to the constitution before writing and approving a new one (Bánkuti et al, 2012). According to Bozóki (2011), Órban framed his wide victory as a revolution, and went on to "employ exceptional methods by making claims to exceptional circumstances. As a result, Órban deployed warlike, offensive tactics, pushing legislation through parliament that quickly and systematically rebuilt the entire public legal system" (p. 651).

During its first term with a supermajority, Fidesz gave Parliament the power to designate the judges to the Constitutional Court and filled it with a majority of party allies. They also selected a majority of friendly officers for the Electoral Commission and created a new Media Authority to oversee the work of the media, with "powers to levy hefty fines on all media outlets" (Bánkuti et al., 2012, p. 140). The terms for these and other officials, including the Presidency of a new Judicial Office with the power to promote and sanction judges, were set longer than those of the members of Congress. This gave Fidesz a power and an influence inside the state that could last longer than their electoral majority.

During this period the response from the European Union was "half-hearted and ineffectual, underlining both the lack of adequate legal instruments and the lack of political will to intervene", according to Kelemen and Blauburger (2015, p. 2). Article 2 of the Treaty of the European Union (TEU) states that the "Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities". It also mentions pluralism, non-discrimination, tolerance, justice, solidarity and gender equality as core values. Article 7 of the TEU is pretty straightforward as to what actions must be taken when these values are being violated in a Member State: determine if there is a "serious breach" of the values of

Article 2, determine if the breach persists, and eventually suspend certain rights, including voting rights in the European Council, of the Member State.

Sedelmeier (2014 and 2016) reaches certain conclusions as to why Órban's government was able to deeply reform the Hungarian state without being sanctioned by the European Union. Among them is the fact that Fidesz is a member of the European People's Party (EPP), the alliance of center-right political parties in the continent. This inhibited many of his European party allies, which included German Chancellor Angela Merkel and both the President of the Council and the President of the Commission, from taking action. Other obstacles were the known difficulty of gathering enough votes in the Council to impose sanctions (four-fifths on the first stage and unanimity in the second stage) and the fear that an aborted attempt might only reinforce Órban's position. A weak normative commitment to liberal democracy among some of the governments at the time, and the lack of an available intermediate stage before the punishment of severe sanctions also contributed to the inaction. All of these factors allowed Fidesz's government to reform the state without setting off major alert signals from Brussels.

Wetzel and Orbie (2011) mention an additional difficulty for the task of defending and promoting democracy from the European Union: a lack of definition as to what constitutes a democracy, which inevitably leads to a lack of understanding as to when a democracy is being violated (p. 567).

Recently, the European Union has aimed to solve one of these problems, by creating a new instrument to monitor possible breaches of the rule of law among its member states. The "Rule of Law Framework" within the European Commission, specifically looks to "fill a gap. It is not an alternative to but rather precedes and complements Article 7 TEU mechanisms" (European Commission, 2014).

The Framework consists of three stages: 1) an assessment to recognize if there is a "systemic threat to the rule of law", in which case a dialogue with the Member State will begin; 2) if the situation has not been resolved, a written recommendation to the state in which the Commission "will clearly indicate the reasons for its concerns and recommend that the Member State solves the problems identified within a fixed time limit"; and 3) a follow-up stage, in which the Commission will monitor the situation. If the situation has not been resolved following these steps, there will be the possibility of activating the mechanisms in Article 7.

Sedelmeier (2016) considers that this option "has potential, because it meets the criteria of formalization, publicity and impartiality" (p. 2). Contrary to Article 7, which has never been enforced in its short life, the European Parliament has already called upon the Commission to assess the situation in Hungary using the Rule of Law Framework. Additionally, the Commission assessed and issued its first recommendation under the Framework: to Poland to "take appropriate action" to address a systemic threat to the rule of law in that country.

Beyond the case of Hungary, and the more recent one of Poland, the

European Union has also seen apparent democratic backsliding in Romania. In that situation, after the center-left government of Prime Minister Victor Ponta tried to remove conservative President Traian Basescu from power, a number of actions rapidly taken by the European Parliament and the Commission restored the situation without the necessity of using the formal mechanisms established in the Treaty of the European Union (Iusmen, 2015). Ponta was ultimately persuaded to suspend the removal of the President. “The EU institutions initially exerted social pressure by naming and shaming the Ponta government’s actions and explicitly requesting the reversal of democratic breaches” (Iusmen, 2015, p. 598). Such pressure came both from leaders of the European People’s Party and from the Social Democrats, continental allies of Ponta. The effectiveness of this social pressure in the case of Romania leads Sedelmeier (2014) to argue that “EU pressure can be effective even without Article 7, but only if the conditions for both social pressure and material sanctions are favorable” (p. 118). In the Romanian case, it was key that the Social Democrats, Ponta’s allies in Europe, joined the criticism, and additionally that in 2012, the year of the case, the European People’s Party had 15 heads of government, versus only 5 for the Social Democrats.

VENEZUELA AND THE INTER-AMERICAN DEMOCRATIC CHARTER

In contrast to the European Union, the Organization of American States (OAS) does not have a large institutional structure, nor the level of political relevance of its European counterpart. It lacks an elected Parliament, a continental cabinet (similar to the Commission), or the voting structure of the European Council. It does have a Secretary General, a position similar to the President of the European Council, and it functions as the major arena for political debate about the Americas.

Also, contrary to the European Union, but in this case for its advantage, the OAS does have a specific treaty that defines democracy and the values that must be respected by all of its members. Signed in 2001, the Inter-American Democratic Charter (IADC) states the “right to democracy” of the peoples of the Americas. It also mentions respect for human rights, fundamental freedoms, periodic free and fair elections, a multi-party system and the separation and independence of the branches of government as “essential elements of representative democracy” (Organization of American States, 2001).

The IADC includes a series of steps to be taken “in the event of an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order in a member state”. It names the Secretary General, or an individual government, as those in charge of raising such an issue and taking it to the Permanent Council (ambassadors from all the member countries) to make an assessment of the situation. If it considers it appropriate, the Council may call for “diplomatic initiatives” to try and restore democratic order. If the Council considers that the diplomatic efforts have been unsuccessful, it will call for a special meeting

of the General Assembly (with the heads of governments), a body which could determine to suspend the member state which had the unconstitutional alteration. The instrument has been invoked several times in its 15 years of existence but only once (after the removal of President Manuel Zelaya in Honduras in 2009) has a member state been suspended.

Despite the fact that it was “conceived particularly to address threats involving alteration of the constitutional democratic order occurring ‘from within’” (García-Sayán, 2012, p. 130) the use of the IADC has mostly focused on another one of its goals, to defend established governments when they suffer attacks from the legislature or the military (McCoy, 2012). Recently, the Secretary General Luis Almagro (2016) has raised alterations of the democratic order in Venezuela, due to the actions of the government, but so far, the request has not received majoritarian support from the Permanent Council, thus not allowing the activation of diplomatic initiatives.

Similar to what occurs in Europe, “party-politics” seems to be a reason for the apparent failure in the OAS to avoid democratic backsliding, in this case in the form of “anti-imperialists governments”. Clashes between several Latin American governments and the U.S. administration (Cooper & Legler, 2006), complicated the situation from the beginning by raising suspicions that every proposal that looked to make the Charter easier to activate was part of a U.S. desire to meddle in Latin American governments (Legler, 2007). These proposals included giving voice to civil society groups in the OAS and creating an autonomous instrument to monitor the respect for democracy in the continent.

METHODOLOGY AND ANALYSIS

To measure democratic backsliding, I took the “procedural minimum” of democracy stated by Levitsky and Way (2010) of free, fair and competitive elections, full adult suffrage, broad protection of civil liberties including freedom of speech, press and association, the absence of non-elected authorities that limit elected officials, and the existence of a reasonably level playing field between the government and the opposition (p. 6). Wetzel and Orbie (2011), working with a concept of democracy coined by Wolfgang Merkel (2004), add a valuable specificity regarding horizontal accountability: elected authorities are surveyed by relatively autonomous institutions (p. 575).

As described by Levitsky and Way (2010), democratic transitions after the Cold War were successful wherever the “linkage to the West was high” (p. 5). The authors argue that both leverage and linkage were relevant, but the latter seemed to be a determinant factor for a country to complete its transition from autocracy to democracy. Leverage to the West refers to a country’s “vulnerability” to external pressure, while linkage is defined as the “density of ties and cross-border flows among particular countries and the United States, the European Union and Western-dominated multilateral institutions” (2010, p. 42). I will use this idea of

leverage and linkage in the study of the cases of democratic backsliding.

Finally, Sedelmeier's research (2014 & 2016) will help me evaluate how party-politics plays a role in determining whether to enforce sanctions against governments that violate democratic principles, and if informal instruments to exert social pressure could be more useful.

HUNGARY AND THE RULE OF LAW FRAMEWORK

Based on several academic perspectives it appears undeniable that Hungary has suffered from democratic backsliding. Not only has Freedom House categorized it as a country with a negative democratic trend but it has slid backwards based on our concept of democracy. Electoral rules favor the incumbent, the freedom of the media has been hampered and horizontal accountability has been undermined (Bozóki, 2011 and Bánkuti et al. 2012). Such backsliding, with no concrete action from the European Union leads to an initial conclusion: the EU has been unsuccessful in fulfilling its mission to defend democracy within its member states.

Seeing as Hungary is a member of the European Union, it is self-evident that Hungary has high linkage with the EU and that the EU has high leverage within the country. However, Hungary is not as politically vulnerable to its European neighbors as it was before its accession to the regional organization. According to De Ridder and Kochenov (2011), members of the EU were able to exert a larger pressure on countries during the period in which they were candidates to enter the EU. During this time, Eastern and Central European countries knew that they needed to comply with EU treaties in order to have the support of their peers and be accepted. After the accession of Hungary to the EU, the leverage from the EU to Hungary was considerably reduced. The linkage, on the other hand, continues to be very high. Geographic proximity with Europe has not changed, intergovernmental linkage (diplomatic and military ties) has increased with accession, and other linkage indicators such as the flow of people from Western countries into Hungary continue to be high (Hungarian Central Statistical Office, 2016).

According to the MIT's Observatory of Economic Complexity, 84% of Hungary's imports come from other European countries, and 83% of Hungary's exports go to other European countries. The numbers were 81% and 87% respectively when the country entered the EU in 2004, so the change in this respect has been minimal. Russia and China have become larger economic partners since 2004 (from 10.3% to 12.2% in imports and from 2.5% to 5.1% in exports) but not to an important level. Thus, it seems plausible to say that European economic linkage with Hungary has remained on similar levels since the democratic backsliding started to occur.

It appears that Sedelmeier's theory of "party-politics" is a main factor driving the lack of action from the European Union. In contrast to the fast and overwhelming response to the 2012 Romanian political crisis by much of the

European leadership (Iusmen, 2015), the Hungarian crisis has garnered little attention, despite being six years old. The Liberal party in Europe (Alliance of Liberals and Democrats for Europe) attempted in 2015 to demand sanctions against Hungary based on Article 7 but were not supported by the Social Democrats, due to their fear that the initiative would not receive support from the governments of the majoritarian center-right coalition (Sedelmeier, 2016). In fact, the European Parliament voted twice to express concern over the new Hungarian constitution, demanding the activation of the Rule of Law Framework, and the European People's Party voted against in both occasions, despite the votes being non-binding to any sanctions. (European Parliament, 2015)

On the contrary, recent events in Poland have garnered criticism from the Liberals, the Social Democrats and the EPP in the European Parliament, but not from the more conservative and Eurosceptic "European Conservatives and Reformists Group", to which the Polish ruling party PiS belongs (European Parliament, 2016). This reinforces the idea that ideological complicity amongst political parties in different countries is an obstacle for the transnational defense of democratic values. If so, then the existence of autonomous and non-partisan bodies to monitor democratic standards appears to be a potentially valuable alternative solution.

The Rule of Law Framework of the European Commission is an example of such an instrument. Although it is still too early to measure its impact, the Framework has acted promptly against the risks for democracy in Poland, activating two of its three stages due to the persistence of the democratic breaches. If the third stage is reached, it will be up to the Framework to urge the activation of Article 7. This will demand an initial action from the European Parliament, that must consent that there is a risk of a serious breach of the values of the European Union in Poland, and, if approved, the governments gathered at the European Council must decide whether to apply the sanctions established in Article 7. The Framework, however, is under control of the European Commission, a body in which all the members of the EU and the largest political groups are represented and which also has many political ties. For example, its president is the former Prime Minister of Luxembourg and its head of foreign affairs is the former Minister for Foreign Affairs of Italy. The Framework has also not taken specific actions against Hungary yet.

An autonomous body, composed of experts and technocrats, and following specific guidelines as to what represents a democratic breach, could be more useful for a comprehensive monitoring of democracy. Its work would probably be more impartial, with no direct strings to the political parties in the region. Just like the Framework, it could follow a set of steps before making a recommendation to the institutions of the EU.

Ironically, there is such a body in Europe, but not inside the European Union: the Venice Commission, which "provides legal advice" to the members of the Council of Europe, an organization with 47 European members, not related

to the EU. The members of the Venice Commission are “university professors of public and international law, supreme and constitutional judges, member of national parliaments and a number of civil servants” (The Council of Europe). One of the areas of work of the Venice Commission is “democratic institutions and fundamental rights”, and it frequently provides opinions and studies concerning those areas in European countries.

VENEZUELA AND THE PRINCIPLE OF NON-INTERVENTION

The case of the OAS is noticeably different from that of the European Union. Although there are economic and political linkages among its 34 member states, the organization does not have much influence over its members. The toughest sanction it can impose for a democratic breach is a suspension from the organization. Many of its members have shown a complete disregard for the institution in the past decade, creating sub-regional bodies like Unasur in South America, disobeying orders from the Inter-American Human Rights Court, and even skipping payments for the annual budget dues. All this suggests that a suspension from the OAS would not be much feared among its members.

The rise in the price of oil in the early 2000s helped Venezuela break much of the dependency it had with the United States, while still maintaining the commercial relationship between the countries. Moreover, the large amount of resources allowed the Venezuelan government to gain leverage over other countries, mostly small Caribbean nations, through a treaty to sell oil to those nations at low-interest prices (Glickhouse, 2013). At its peak, this treaty, Petrocaribe, had 18 countries. Thus, at any debate in the OAS concerning human rights or democratic backsliding in Venezuela, the governments of Hugo Chávez and Nicolás Maduro had at least other 16 close allies (Cuba is not an active member of the OAS and is a member of Petrocaribe).

The regional political environment was the final piece in an overall favorable situation for the Venezuelan government. Close political allies of Chávez, of the so-called “Bolivarian left”, won the presidency in Bolivia (2006), Nicaragua (2007) and Ecuador (2007), and continue to be in power to this day. In many other Latin American countries, socialists and leftist leaders, historically critical of the United States, also won the presidency. These included Lula Da Silva (2002) and Dilma Rousseff (2011) in Brazil, Néstor Kirchner (2003) and Cristina Fernández de Kirchner (2008) in Argentina, Michelle Bachelet (2006 and 2014) in Chile, and Tabaré Vázquez (2005 and 2015) and José Mujica (2010) in Uruguay. Such a trend allowed the Venezuelan government to have even greater support from the OAS in a variety of situations. In February 2014 for example, protests broke out in the country and over 40 people were killed. The political opposition and human rights organizations criticized harsh repression from police, military and paramilitary forces of the Venezuelan government against peaceful demonstrations. Meanwhile, that March, the OAS passed a resolution showing its solidarity with the victims and the

government of Venezuela, declaring its “respect for the principle of nonintervention”, and expressing “its appreciation, full support and encouragement for the initiatives and the efforts of the democratically elected Government of Venezuela”. Only Panama and the United States raised reservations with the resolution (Organization of American States, 2014).

A very different behavior can be seen from the Inter-American Human Rights Commission. The Commission is an autonomous entity within the Organization of American States, which oversees the situation on human rights in the continent and holds annual conferences with governments and civil society groups. Additionally, regular citizens have access to the Commission to request protections or elevate specific cases of human rights violations. Over the years, the Commission has regularly expressed concerns over different types of violations in Venezuela, while also criticizing different measures in the United States, Brazil, Central America and Cuba, which demonstrates its independence. However, many of its recommendations on Venezuela and other countries are not followed by the governments involved nor have earned the interest of the political representatives of the OAS, due to the organization’s lack of leverage.

CONCLUSION

The theoretical and empirical review of the role of international organizations against democratic backsliding is not an optimistic one. Despite treaties and formal commitments to liberal democracy and democratic values, many democratically elected governments in Europe and the Americas turn a blind eye when democracy is being attacked from within in neighboring nations.

The lessons drawn from the European Union and the Organization of American States show that as long as the overreaches come from friendly executives, the regional bodies will show constraint in fighting against democratic regressions. As long as the governments are elected and formal institutions are maintained, ideological allies will not use the sanctioning instruments at their hand, leaving aside the powers of leverage and linkages that they possess with the democratic aggressors.

On the positive side, as Bermeo (2016) points out, the dominance of a democratic ideal persists, and the likelihood of coups d’état and new outright dictatorships in Europe and the Americas has been noticeably reduced since the end of the Cold War. Unfortunately, such an international environment, and the institutions that have been created, have not worked efficiently to consolidate democracies, leaving numerous competitive authoritarian regimes, including some new ones, as this report suggests.

The attempted and real creation of more autonomous and de-politicized bodies to monitor democratic behaviors is a positive step. It shows an acknowledgement of recent democratic backslidings and the need for new mechanisms to prevent them. These new institutions can provide impartial reports on aggressions from governments of every ideology. They can also pressure

international bodies to take action, taking the responsibility of making this first step from governments in the region, which may fear retribution if they are the first ones to act. With similar attributes to the Rule of Law Framework, former officials and civil society groups presented the idea to the Organization of American States of creating an Office of the Ombudsman for Democracy (Santistevan de Noriega, 2012). This idea, however, did not receive much support.

Of course, even autonomous bodies like these are at risk of being insufficient if the normative commitment to democracy continues to decrease among democratically elected authorities. Órban's government, as part of the European People's Party, one of the two biggest political coalitions in the EU, is the perfect example of several factors working together against liberal democracy: wide electoral support, a legal takeover of the institutions, and a friendly international environment.

This article has focused on institutional ways to avoid democratic backsliding, and the responsibility that leaders in Europe and the Americas have had in the failure to prevent it. Ultimately however, the responsibility also rests on the voters and their will to defend democratic institutions both in their countries and abroad. These supranational institutions, which promote liberal democratic values, were created due to the popular support for leaders who defended such values. If authoritarian leaders, like Órban or Chávez, continue to receive widespread support, the ideals of Europe and the Americas would inevitably change, and its new institutions would not work as watchdogs for democracy, but as the backbones of a new undemocratic era.

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