
8. Regional democracy protection

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8.1 INTRODUCTION

During the first two decades after the end of the Cold War, states in Africa, the Americas, and Europe increasingly delegated competencies to Regional Organisations (ROs) to intervene in cases where national democratic institutions were threatened. In many cases, these competencies were added to ROs' constitutive treaties through democracy clauses or protocols signed by heads of state and ratified by national parliaments (Closa, 2013; Duxbury, 2011). Even autocratically dense ROs – those composed mostly of authoritarian states – have developed electoral monitoring or adopted discursive commitments to democracy in the post-Soviet region and Southeast Asia. Why do states agree to be monitored and possibly punished by ROs on the sensitive issue of domestic governance? How do ROs interpret democracy-protection norms and how do they localise these norms to their specific regional settings? How effective is regional democracy protection (RDP)?

This chapter critically explores these questions, taking stock of three decades of scholarly debates on the international (and regional) dimension of democratisation, as well as the latest literature on regionalism and authoritarianism. The label of RDP has been chosen to englobe several policies oriented to intervene when democratic institutions are threatened, for instance through unconstitutional changes of government (UCG) or various types of abuses of power by elected authorities. There are other umbrella concepts widely used in academic literature, such as *democracy promotion* and *democracy assistance* that include policies and programmes oriented to build capacities in young or fragile democracies, assist and monitor elections, and in general, promote *good democratic governance* (see Youngs, 2012; Carothers, 2015; Kurki, 2018). While this chapter touches upon some of these policies, its focus is on the actions implemented by ROs to *protect* democratic institutions under situations of political crises.

Most of the early literature about RDP published in the late 1980s and during the 1990s understood these policies as a reflection of the emergence of democracy as a global standard of appropriate governance (Franck, 1992). In contrast, this chapter argues that the significance of RDP in protecting democratic institutions within democracies or deepening democratic improvement in autocracies remains unclear due to four reasons. First, the implementation of RDP policies has been monopolised by heads of state/government making it unlikely they will enforce sanctions against violations perpetrated by the heads of state/government themselves. Second, enforcement is highly susceptible to regional asymmetries of power: some governments perceive themselves as the enforcers of the norm, while others are perceived as the addressees undermining the impartiality of ROs, and thus the legitimacy of the norm. Third, non-democratic states have taken advantage of the forum shopping opportunities opened by simultaneous membership in several ROs. And fourth, ROs are ill-equipped to address the ultimate sources of most democracy crises in contemporary societies, the roots of which lie in deep tensions between global capitalism and national democratic governance.

This fourfold argument is developed in Section 8.4. Before, and following the structure of other contributions in this Handbook, the question about why states have delegated RDP competencies to ROs is addressed (Section 8.2). The main ROs that have developed these competencies in Europe, the Americas, and Africa are mapped out in Section 8.3. The chapter concludes with final remarks.

8.2 WHY HAVE STATES DELEGATED RDP COMPETENCIES?

Scholars adopting a liberal perspective rarely address this question. The intrinsic value of democracy – usually understood in its liberal variant – is taken for granted and accordingly the need for protecting democratic institutions from authoritarian forces is assumed rather than problematised. This was asserted by Thomas Franck (1992) when he claimed that democracy has become a global right and that international organisations (particularly ROs) are there to enforce it. Democracy is seen as a crucial component of the liberal international order (Ikenberry, 2011), the world society (Meyer *et al.*, 1997) or the liberal global script (Börzel and van Hüllen, 2015). From this perspective, ‘democratic international intervention’ by ‘international democratisers’ using their linkages and leverage on fragile democracies and non-democratic states (Levitsky and Way, 2006) is described and celebrated, but rarely discussed.

Certainly, this looks quite different from non-liberal and non-Western perspectives. Critics with the US-led project of a liberal international order from various camps have traditionally seen international practices – like democracy protection/promotion – as a pretext for external intervention in the domestic affairs of those states that are not aligned with Western powers (see Kurki, 2010; Parmar, 2018; D’Souza, 2018).

Perhaps a good way to address this question is by adopting the perspective of the governments that have signed democracy clauses and protocols, and thereby delegated authority to the ROs. From the perspective of new or fragile democratic states, a first motivation for consenting to RDP is to fence off their regimes from potential authoritarian domestic actors (Moravcsik, 2000; Genna and Hiroi, 2015). Following this logic, sanctions and suspension clauses are intended to dissuade coup plotters (Pevehouse, 2002), and regional electoral monitoring is aimed at dissuading electoral fraud by incumbents (Kelley, 2012). Business actors and civil society groups support the accession of their states to democratically dense ROs to ensure governments’ credible commitment to principles normally linked to *liberal* democracy such as the rule of law and the protection of private property (Pevehouse, 2002; 2005). All these motivations are well captured by the idea that ROs ‘lock in’ member states in a trajectory of democratisation making autocratic deviation costly (Moravcsik, 2000). To be sure, while the concept of lock-in may explain why governments commit themselves to protect democracy in their regions, it does not ensure that those commitments will be necessarily observed and respected at home, as the recent literature on democratic backsliding has evidenced in cases such as Hungary, Poland, Venezuela, or Nicaragua. The issue of implementation and enforcement is revisited in the next section.

A necessary condition for adopting RDP policies is some level of ‘like-mindedness’ (Pevehouse, 2016). This explains why ROs – which in general operate in geographically circumscribed spaces and are grouped around culturally proximate countries – are favoured by governments over organisations with a more universal membership at the moment of

developing democracy-protection policies. Hellquist (2020) has drawn on an analogy from the academic field conceiving ROs as ‘peer-reviewers’. The underlying idea is that the membership relation on which ROs are based provides these organisations with a legitimacy that other actors at the international system simply lack (Hellquist and Palestini, 2020).

But why would a non-democratic regime delegate RDP competency? *Prima facie* authoritarian regimes of different kinds have no incentive to delegate democracy-protection competencies to ROs. Yet, authoritarian governments have supported the creation of regional electoral monitoring and other institutions in ROs with an authoritarian or mixed membership such as the Economic Community of West African States (ECOWAS), the African Union (AU) and the Commonwealth of Independent States (CIS). Scholars have argued that for autocracies, these types of regional institutions are used to signal legitimacy to domestic and international audiences (Hulse and van der Vleuten, 2015; Robinson, 2013; Davies, 2013). Furthermore, by equipping ROs with democracy-protection institutions, electoral authoritarian governments open forum shopping opportunities and provide a democratic appearance to keep extra-regional democratisers at bay (Debre and Morgenbesser, 2017; Vanderhill, 2017; Cooley, 2015; Debre, 2021). Other authors have argued that, in the contexts of foreign-aid dependency, embracing liberal norms such as democracy and human rights protection can be instrumental to win the favour of Western donors (Leininger, 2015).

There is a third important motivation for supporting RDP that has less to do with democracy *per se*. Sudden regime changes and processes of autocratisation in a neighbouring country are perceived by state actors as a source of instability that can spill over into their own states. This explains why Colombia *cares* about democracy in Venezuela, or Nigeria *cares* about democracy in Guinea-Bissau. Rather than the erosion of democracy in the neighbourhood, what states care about is the violence, economic meltdown, and migration flows bred by certain processes of autocratisation. In other words, the protection of democracy can be perceived as a proxy for the promotion of security and stability. This is a strong explanation for the adoption of policies of non-acceptance of UCG in Africa, which is a mixed macro-region in which democratic, electoral authoritarian regimes, and closed autocracies share geographical spaces (Hartmann, 2016). Hartmann and Striebinger (2015, p. 70) have argued that Nigeria pressed for the adoption of a very intrusive protocol by ECOWAS to lock in its domestic democratic development at the regional level. Electoral authoritarian regimes such as Burkina Faso and Togo followed Nigeria, while closed autocracies such as Mauritania withdrew from ECOWAS before the protocol was signed. In cases of autocracy-dense regions in which most or all states are closed autocracies, processes of democratisation in neighbouring countries are perceived as survival threats. In the Middle East or Southeast Asia, states have either resisted RDP policies altogether, or adopted rhetorical commitments with democracy (Debre, 2020; 2021; Schembera, 2020; Davies, 2018).

8.3 WHERE HAS RDP BEEN IMPLEMENTED?

RDP policies have emerged mostly in three world regions: Europe, the Americas, and Africa. In Europe, the seeds of RDP can be traced back to the creation of the Council of Europe (CoE) and its Statutes (1949) that linked a suspension and expulsion clause (Art. 8) with violations of core principles (Art. 3). Although democracy is not explicitly mentioned among those principles, the CoE assumed that ruptures of democratic institutions were incompatible with the

functioning of the organisation, as apparent in the suspension of Greece in 1969 and Turkey in 1981 in response to military coups¹ (Soyaltin-Colella, 2020; Closa, Palestini and Castillo, 2016). Another European RO with democracy-protection policies is the Organization for Security and Co-operation in Europe (OSCE). In 1990 the member states of the Conference for the Security and Cooperation in Europe (CSCE, renamed OSCE in 1995), signed the Charter of Paris for a New Europe, establishing representative democracy as a condition for membership (Sneek, 1994).

Democracy was an informal criterion of membership for the European Communities too. In 1963, the accession of Spain was refused due to Francisco Franco's authoritarian regime (Closa, Palestini and Castillo, 2016). In 1993, the so-called 'Copenhagen criteria' established respect for democratic institutions as a condition for full membership in the European Union (EU) in the context of the accession of post-socialist countries (Schimmelfennig, 2007; Vachudova, 2005). On these grounds, the European Commission (EC) delayed the accession of Slovakia under the government of Vladimir Meciar – an episode that triggered the formalisation of democracy as a membership criterion by the Treaty of Amsterdam in 1997.

Against this backdrop, the EU implemented a series of programmes and policies such as the Program of Community Aid to the countries of Central and Eastern Europe (PHARE) to help candidate countries to reach the goals of a functioning market economy and a representative democracy (Schimmelfennig, 2005; 2007). These programmes were a case in point of successful 'democratic conditionality', the creation of positive incentives for political and economic reforms (Whitehead, 1996; 2020). However, once the candidate countries became fully-fledged member states, the logic of conditionality did not seem to hold any longer (Rupnik, 2015; Jenne and Mudde, 2012; Vachudova, 2014). There is evidence of erosions of democratic institutions in Visegrad countries, especially in Hungary under the government of Fidesz and in Poland under the government of Law and Justice (PiS), casting doubts on the ability of the EU to 'lock in' liberal democracy in its member states. The EC has developed a 'Rule of Law Framework' to deal with these member states and several infringement procedures have been applied. Yet, the EU has not enforced its suspension clause enshrined in the Article 7 of the Treaty of the European Union (Closa, 2020; Pech and Scheppele, 2017). While the EU stands as the only RO that frequently applies sanctions to violations of democratic institutions *outside* its membership and region, it has paradoxically refrained from using sanctions against its own members (Hellquist, 2019).

The regional commitment to democracy as a core value is as old in the Americas as it is in Europe. An early proposal of equipping the Pan-American Conferences with sanction policies against violations of democracy and human rights was discussed already in 1945 under the initiative of Uruguay and the endorsement of the United States (Long and Friedman, 2020). Yet, Latin American heads of state feared that such a proposal would open a window for US interventions in the region, and the proposal was rejected. The Organization of American States (OAS) Charter adopted in 1948 mentions democracy as a core value and precondition for peace and security, but it did not include concrete policies for its collective defence. The suspension of Cuba in 1962, for instance, was made on the basis of the ideology of Fidel Castro's regime and the threat to security that it allegedly represented in the context of a bipolar world order, rather than on the grounds of democracy protection. Similarly, the OAS did not impose sanctions against the military dictatorships in South America or the autocrats in Central America as long as they agreed with Washington's anti-communist policy (Perina, 2015; Herz, 2012).

Only at the end of the Cold War did American states start to equip ROs with formal RDP policies. In 1991, the OAS adopted Resolution 1080 that allowed the organisation to impose sanctions in cases of ruptures of democracy (i.e., coups). One year later, a democracy clause was added to the OAS Charter through the Protocol of Washington. This institutionalisation process concluded in 2001 when the General Assembly adopted the Inter-American Democratic Charter (IADC), which is an encompassing instrument that includes definitions of democracy and issue-linkages between democracy, human rights, and development, as well as rules for the electoral observation missions (EOMs) (Heine and Weiffen, 2014; Legler, 2012). As regards the EOMs, the IADC formalised a practice that the OAS had been implementing since 1962 (Perina, 2015). In the last three decades, the OAS General Secretariat has dispatched nearly 250 EOMs to half of the organisations' members. On the occasion of the US presidential elections in 2020, the OAS did not endorse the claims of electoral fraud raised by the incumbent Donald Trump (Organización de los Estados Americanos, 2020).

Perhaps the most crucial aspect of the IADC is that it defines procedures for the management of democracy crises, including a suspension clause and the possibility of sanctions. The IADC goes beyond previous instruments as it is not only applicable to cases of democracy breakdown (i.e., coups), but also to 'unconstitutional alterations of the constitutional regime', a concept that includes actions perpetrated by elected authorities, executive takeovers, and self-coups (Palestini and Martinelli, 2023; Heine and Weiffen, 2014; Perina, 2015; Legler, 2012). This is an innovation in the democracy-protection regime in the Americas and it was a response to the authoritarian practices adopted by democratically elected presidents such as Alberto Fujimori in Peru and Jorge Serrano in Guatemala.

Partly due to emulation of the OAS, and partly triggered by crises affecting fragile democracies in their own membership, sub-regional organisations in South America have also adopted RDP policies. The Common Market of the South (MERCOSUR) and the Andean Community (CAN) adopted protocols in 1998 and 2000 respectively that allow the organisations to impose sanctions against member states that face a breakdown of democracy. As discussed in the previous section, governments of fragile new democracies were eager to use ROs and regional integration to protect their regimes from domestic authoritarian actors (Closa and Palestini, 2018). In 2010, the newly created Union of South American Nations (UNASUR) adopted a similar democracy clause and created an Electoral Council oriented to 'accompany' (rather than observe) electoral processes in member states. The UNASUR Electoral Council was an initiative of Venezuela and has been described as providing a more incumbents-friendly alternative to the OAS-EOMs (Closa and Palestini, 2015; Agostinis and Closa, 2022). The UNASUR democracy clause has been used once against Paraguay in 2012 after the impeachment of President Fernando Lugo. The suspension of Paraguay (carried out by UNASUR and MERCOSUR, albeit not by the OAS) triggered an academic and political debate about the political nature of the enforcement of democracy clauses (Vidigal, 2013). Indeed, the impeachment of President Lugo – although hastily approved – was allowed by the Paraguayan Constitution and, yet, was deemed as undemocratic by the neighbouring South American governments (Marsteintredet, Llanos and Nolte, 2013).

Democracy protection instruments are less developed in Central America and the Caribbean. The System for the Integration of Central America (SICA) considers democratic consolidation as a purpose of the organisation. In 1995, member states signed the Framework Treaty on Democratic Security in Central America, which is a non-binding instrument although it contains many commitments relating to the respect and promotion of democracy. Similarly, in

1997, member states of the Caribbean Community (CARICOM) adopted the Charter of Civil Society which includes non-binding commitments to democracy (Closa, Palestini and Castillo, 2016). Notwithstanding the low legalisation of these instruments, SICA suspended Honduras in 2009 and CARICOM suspended Haiti in 2004 in the wake of the ousting of elected heads of government (Palestini, 2020; Berry, 2005).

The norm of RDP in Africa made its way in a region in which sovereignty and non-interference were a stronghold (Williams, 2007). The replacement of the Organization of African Unity by the AU in 2002, and the embracing of a new doctrine of ‘non-indifference’ paved the way for the adoption of formal clauses of non-acceptance of UCG. A first informal commitment with democracy protection came in the wake of the military coup in Sierra Leone, with the Lomé Declaration in 2000. In 2007, the AU member states adopted the African Charter on Democracy, Elections and Governance (African Charter, hereafter) which widened the scope of what constitutes a UCG. Under the African Charter, five situations fall under the category of UCG: (1) military coups; (2) interventions by mercenaries; (3) interventions by armed dissident groups and rebel movements; (4) the refusal by an incumbent government to relinquish power to the winning party after free, fair, and regular elections; and (5) attempts to stay in power through constitutional or legal changes (Leininger, 2015; Hellquist, 2020). The two last points extend the AU competencies to cases in which elected authorities violate democratic institutions. Scholars have observed that the African Charter draws important inspiration from the IADC, being a case of South-South diffusion (Glen, 2012). Yet, both instruments differ in important ways. To begin with, the precision level of what constitutes a violation of democracy (UCG in the AU jargon) is higher in the African Charter than in the IADC (both instruments being more precise than democracy clauses in the European ROs). Second, the African Charter entails an enforcement authority – the Peace and Security Council – that the IADC lacks; furthermore, it allows UCG perpetrators to be brought before courts, a competency that is also absent in the IADC. Finally, AU member states have delegated more authority to the AU Commission in the field of democracy, peace, and security than American states have done with the OAS General Secretariat, which remains a largely administrative body (Palestini and Martinelli, 2023; Leininger, 2015). According to Legler and Tiekou (2010), the reasons for these variations lie in the differentiated evolutions of the American and African democracy-protection regimes. While in the Americas, RDP was a state-driven process, in Africa it was an expert-driven process, in which transnational networks of policy entrepreneurs played a larger role.

As in the Americas, African sub-ROs (also known as Regional Economic Communities, RECs) emulated the institutionalisation of democracy protection in policies developed at the continental level by the AU. Several RECs have largely formalised their commitments to democracy protection (see Hartmann, 2016). Among them, ECOWAS stands out because of the formalisation of democracy and human rights protection policies, and the enforcement mechanisms entailed. The 1999 ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security defined measures against military interventions in member states that involved – among other actions – violations of human rights, the rule of law, and democratic principles. This Protocol-Mechanism was complemented in 2001 by the Protocol on Democracy and Good Governance which provides more precise definitions and democratic standards for member states (Hartmann and Striebing, 2015). In terms of enforcement, ECOWAS goes beyond all other ROs in Africa and elsewhere as it allows not only suspensions and sanctions, but also the use of military interventions in the

case of regional norm violations. These forces have been implemented in recent cases of military coups in Côte d'Ivoire (2010), Guinea-Bissau (2012), and Mali (2012) (Odobó, Andekin and Udegbumam, 2017).

RDP has been almost absent in other world regions. The main explanation, as discussed in the previous section, is that in autocratic-dense regions – such as the Middle East or Southeast Asia – democracy protection is perceived as a threat to regime survival (Debre, 2020). Yet, autocratic ROs have adopted the semantics of democracy (and human rights) protection. For instance, in 2008, the Association of Southeast Asian Nations (ASEAN), which includes among its members monarchies and single-party regimes, added ‘strengthen democracy’ as the seventh purpose of the organisation. However, ASEAN does not contain any democracy-protection policies and has not reacted to flagrant breaches of democracy such as the 2014 military coup in Thailand (Schembera, 2020). Davies (2018, p. 179) has called ASEAN a ‘regime of bounded toleration’, in which the informal, non-binding, and imprecise commitment to democracy allows the organisation to tolerate various degrees of authoritarianism.

8.4 ENFORCEMENT AND EFFECTS OF RDP: WHAT DOES THE EMPIRICAL EVIDENCE TELL US?

In this section it is argued that the effectiveness of RDP in protecting democratic institutions remains unclear. RDP policies have not lived up to the liberal expectations of them as becoming guardians of democracy (Franck, 1992). Certainly, we cannot know what would be the state of democracy if RDP policies did not exist. The drop in the number of coups d'état in the Americas (and their absence in Europe) could be partially attributed to the ‘lock-in’ effect of RDP. But be that as it may, evidence shows that liberal democratic institutions such as elections, independent judiciaries, a free press, and the respect of political and civil rights are threatened in all regions, including those in which RDP has emerged. In fact, the number of ongoing processes of autocratisation (i.e., the erosion of democratic institutions) has exceeded the number of ongoing processes of democratisation (i.e. the improvement of democratic institutions), with a sharp decay in Western liberal democracies (Lührmann and Lindberg, 2019).

There are several factors that compromise the capacity of RDP to protect national democratic institutions. These are grouped into four sets of factors: the intergovernmental character of enforcement; the power asymmetries and informal hierarchies that impair the consistency and impartiality of enforcement; institutional overlap and forum shopping; and the limited authority of ROs to tackle the sources of contemporary crises of democracy.

8.4.1 Governments are Simultaneously the Enforcers and Targets of the Norm

Some scholars address regional human rights and democracy protection as part of the same international/regional regime (see Pevehouse, 2016; Duxbury, 2011). However, this conflation neglects a crucial difference between both fields. The protection of human rights is based on (relatively) autonomous enforcement institutions, such as regional courts and tribunals in which judges have the authority to legally prosecute and sanction human rights violations. In the case of democracy protection, enforcement is monopolised by the states themselves. Heads of state/government (or their representatives) and not judges are those who deliberate and

undertake measures (or refrain from doing so) when facing an alleged violation of democracy in a fellow member state. Thomas Legler (2012, p. 854) aptly called this informal norm ‘executive sovereignty’. Therefore, the liberal idea that democracy is a ‘right’ – i.e., susceptible to legal enforcement – remains a figure of speech rather than a reality when looking at the design of RDP (Hellquist and Palestini, 2020). Certainly, enforcement authorities have different degrees of authority. For instance, in the OAS the enforcement of the IADC must be decided by the entire General Assembly (although some crucial decisions, such as suspension, are decided through a qualified majority), while in the AU these decisions are taken by a subset of 15 member states that compose the Peace and Security Council and that are supposed to represent not their national interests but the region as a whole (Hellquist, 2020; Palestini and Martinelli, 2023). Yet, even in the EU – the most supranational RO – the decision to activate Article 7 hinges on the Council, its intergovernmental body (Closa, 2020).

Scholars have argued that RDP is, by design, biased in favour of executives (Arceneaux and Pion-Berlin, 2007; Levitt, 2006; Closa and Palestini, 2015). The evidence shows that ROs are more prone to intervene when a fellow head of government is being threatened than when a fellow head of government is the transgressor (Legler, 2007; 2012; Palestini, 2020). Furthermore, other branches of the state – i.e., the legislature or the judiciary – do not have the same access to the ROs as the executive branch, which is represented by the foreign ministers and the heads of government (McCoy, 2006).² In Latin America, an entire new vocabulary has been created to denote the conflicts between branches of the state (inter alia self-coups, parliamentary-coups, executive takeovers, institutional/constitutional coups, etc.), which are the main type of contemporary democracy crises (Pérez-Liñán, 2007; Marsteintredet and Malamud, 2020; Svulik, 2014). When these power disputes are brought to the attention of an RO, the executive branch enjoys with advantage, as it holds a privileged representation and position in the decision-making process.

8.4.2 Enforcement is Affected by Asymmetries of Power and Informal Hierarchies

Intergovernmental enforcement has several consequences. On the one hand, it provides the perception that states are being monitored and sanctioned by ‘their peers’. This is Hellquist’s (2020) argument when she portrays the AU anti-UCG policy as a functional equivalent of the ‘peer-review process’ in academia. Yet, it can also lead to asymmetrical enforcement. Closa and Palestini (2018) have provided evidence that South American governments adopted regional democracy clauses with asymmetrical expectations of enforcement in mind: decision-makers took for granted that certain states (the most powerful or stable) were the enforcers of the norm, while others (the smallest or the most vulnerable) were the addressees.

Any such relationship of tutelage among states is more likely to happen when enforcement is left to governments than where there is legal enforcement by an international tribunal or dispute-settlement mechanism. Tutelage has serious implications for the legitimacy of the norm as it normalises power asymmetries and informal hierarchies, rendering enforcement dependent on the contingent interests of the most powerful member states (Palestini and Martinelli, 2023).

8.4.3 Institutional Overlap and Forum Shopping

Institutional overlap occurs when two or more international institutions share members, or members and mandates (Gehring and Oberthür, 2009; Brosig, 2013; Weiffen, Wehner and Nolte, 2013). RDP is a field particularly prone to overlapping institutions. As democracy has become a standard of appropriate governance, ROs emulate one another and adopt electoral monitoring capacities and democracy clauses. A state that is a member of more than one democratically committed RO is also subject to more than one democracy-protection regime. However, institutional overlap is many times strategically tailored by states that seek to make space for forum shopping. For instance, the presidential elections in Belarus in 2020 were monitored by the OSCE and the CIS, and was also commented on by the CoE. While the CIS considered that ‘minor violations noted by the observers had not been widespread and had no impact on the electoral process’ (CIS, 2020) the OSCE and the CoE accused Alexander Lukashenko’s incumbent government of electoral fraud and strongly condemned the human rights violations, thus recommending new elections. Similarly, the government of Nicolás Maduro in Venezuela forum shopped the UNASUR as the main mediator of the political crisis while fending off the OAS (Closa and Palestini, 2015). With the rapid worsening of the political and social situation in Venezuela, the legitimacy of UNASUR also became eroded and, eventually, its members massively withdrew from the organisation in 2018 (Legler, 2020).

It is highly unlikely that these overlaps and inconsistencies will be solved spontaneously as functionalist thinking suggests, since they have been strategically introduced by member states. Nevertheless, in some regional contexts, states have come up with ways to ‘manage overlap’. For instance, CARICOM recognises the *primacy* of the Commonwealth of Nations in issues related to the protection of democracy and the rule of law. In Africa, there is a principle of primacy that confers to the (sub-)regional economic communities the first responsibility to tackle an unconstitutional change of government (Striebinger, 2016). These principles of subsidiarity or primacy could limit the ability of transgressor states to exploit forum shopping opportunities. Yet, they will hardly make any difference when overlapping ROs are linked to antagonistic regional projects or to the foreign policy of competitive regional powers (Tolstrup, 2015; Risse and Babayan, 2015).

8.4.4 Limited Scope of the Norm

Probably the most important factor that limits the effectiveness of RDP lies in the fact that ROs simply lack the competencies to address the ultimate sources of democratic backsliding and autocratisation in contemporary societies. If we look at the global trends of autocratisation in young as well as in well-established liberal democracies we find their origins, first, in the inability of democratic governments to guarantee the social rights of their citizens and deliver public goods; second, in a crisis of the forms of representation normally linked to a crisis of party systems; and, third, in an ongoing deterioration of the public sphere. To put in bluntly, ROs have neither the authority nor the capacity to deal with any of these sources of democratic decay.

The output-legitimacy of contemporary democracies comes under strain when citizens perceive that their life chances do not improve according to their expectations (see Scharpf, 1999). A decade after the Arab Spring, Tunisians feel disappointed with the democratisation process that began after the ousting of autocrat Ben Ali. On 25 November 2019, around one

million Chileans took to the streets demanding ‘dignity’ and pressing for a radical overhaul of a socio-economic model perceived as deeply unfair. While Tunisia and Chile are depicted as exemplary democracies in their respective regional contexts, their citizens are deeply discontented with the performance of their democratic governments. This dissatisfaction is linked to the fact that the organisations – like political parties – expected to represent citizens’ demands have become uncoupled from their social bases and/or captured by private interests, especially national and transnational business (see Seawright, 2012). The institutions of public deliberation are also under attack. While in some democratic countries mass-media organisations are increasingly under government control (e.g., Poland), in others oligopolies impair the development of a pluralistic media (e.g., Brazil). Furthermore, digital platforms and social media have exponentially increased interconnectedness and access to information, but they are also said to contribute to the fractalisation of the public sphere (through the emergence of echo-chambers), and the global spread of disinformation (see Persily, 2017).

ROs and RDP policies are ill-equipped to deal with these ultimate sources of disaffection with democratic governance. Contemporary crises of democracy are directly connected with the dynamics of global capitalism (Streeck, 2014). Therefore, private actors such as banks, credit rating agencies, and transnational corporations are part of the problem (and perhaps the solution) of those crises. However, most ROs continue, attached to a *Westphalian* notion of ‘international society’ in which sovereign states are the main (if not the only) protagonists. Consequently, democratically committed ROs are doomed to be the firefighters (Cooper and Legler, 2006) that enter the scene when democracies are already in ‘intensive care’, leaving the sources of their decay untouched.

8.5 CONCLUSIONS

This chapter has explored the literature on RDP and particularly those policies concerned with crisis-management. RDP policies have been adopted and legalised through democracy clauses and protocols added to the constitutive treaties of ROs in Europe, Africa, and the Americas. The semantics of democracy protection have also spread to other regions in which democracy is the exception and authoritarian regimes the rule. In Europe democracy protection is strongly linked to the respect for the rule of law, in Africa the norm of non-acceptance of UCG is embedded in a normative framework that has regional stability and non-external interference as core principles. In the Americas, an anti-military coup norm was advocated by the governments of fragile new democracies in the wake of the democratisation processes. These general trends do not deny the existence of important inter and intra-regional variations among ROs. As Legler and Tieku (2010, p. 482) rightly point out, ‘although democracy has increasingly become valued worldwide [...] the distinct actor sets in each region’s multilateralism have crafted unique forms of promoting and defending democracy’.

Overall a cross-regional appraisal of RDP performance indicates that we are far from the scenario envisioned by scholars in the wake of the ‘Third-Wave of Democratization’, who imagined ROs as the enforcers of the ‘global right to democracy’. This chapter has shown that, despite some cross-regional variations, enforcement has been largely monopolised by heads of state/government rendering the RDP biased in favour of incumbent executives. The enforcement of RDP policies has been inconsistent and has mirrored power asymmetries and informal hierarchies among member states. Furthermore, the institutional overlap of electoral

monitoring and democracy clauses has opened forum shopping opportunities that are exploited by non-democratic leaders, which weaken RDP regimes and undermine their legitimacy. Finally, the underlying tension between global capitalism and national democratic governance, which underlies most contemporary democracy crises, eludes the competencies of even the most developed ROs.

While ‘democracy’ has been established as the standard of appropriate governance worldwide, the standing of the norm of ‘RDP’ is more fragile. In a global juncture in which the ongoing processes of autocratisation exceed the number of ongoing democratisations (Lührmann and Lindberg, 2019), the robustness of ROs and their RDP policies are being recurrently tested. If this scenario deepens in the next decades, it will be hard to imagine that the national governments – democratic or not – increasingly demanded by their citizens and constrained by global capitalist dynamics, will be willing to be monitored and reprimanded (let alone shamed and sanctioned) by the ROs of which they are members and principals. Without the necessary ‘compliance pull’ (Franck, 1992), ROs will struggle to keep their place as relevant norm enforcers of democratic governance in the international system.

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NOTES

1. Russia was also suspended by the CoE in 2000 – not on democracy grounds, but over the situation in Chechnya.
2. An exception to this is the CoE, in which members of national parliaments sit at the Parliamentary Assembly.

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