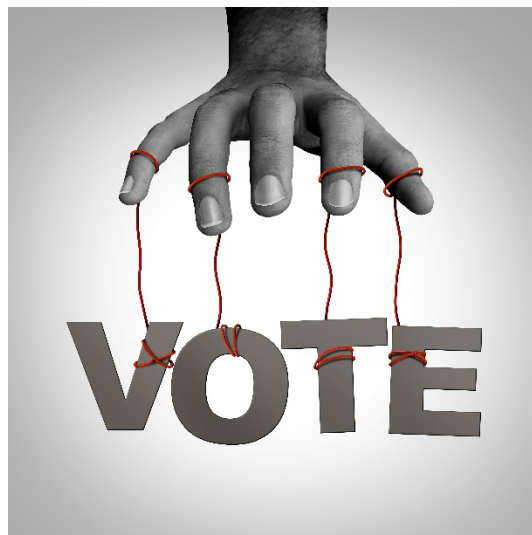


WORKSHOP

Requested by the DROI Subcommittee



Strengthening the right to participate: legitimacy and resilience of electoral processes in illiberal political systems and authoritarian regimes



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EN

WORKSHOP

Strengthening the right to participate: legitimacy and resilience of electoral processes in illiberal political systems and authoritarian regimes

ABSTRACT

In 2022, the Human Rights Subcommittee decided to prepare a Recommendation to the Council, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy on how to respond to undemocratic elections by strengthening the human right to participate in public affairs. On 25 January 2023, a Workshop was organised on behalf of the Human Rights Subcommittee to discuss the challenge of elections in authoritarian countries from a human rights perspective. It focused on authoritarian leaders' strategies to enhance their legitimacy and undermine international democracy standards, as well as proposals for further refining the EU's human rights and democracy support toolbox. This report brings together the background briefings prepared for the workshop and a summary of the debate with Members, academics and EU representatives.

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I. Working papers

BRIEFING 1

How do authoritarian governments make use of elections and electoral processes to increase their legitimacy?

ABSTRACT

Autocratic legitimation is not an oxymoron. Elections and electoral processes play a relevant role for various autocratic regimes in addressing both domestic and international audiences. Compared with democracies where elections determine access to power, elections in autocracies are used to safeguard and bolster the power status quo, albeit they may also lead to stress factors for the respective regimes. This Briefing discusses how autocratic regimes use elections and electoral processes for the sake of regime legitimacy and how they try to control unintended consequences. Such a deconstruction of election as a form of input-legitimation helps not only to explain how autocrats nurture their grip on power via elections but also demonstrates to what extent this affects international standards, challenges the liberal international order and leads to the diffusion of autocratic practices, norms and ideas.

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List of abbreviations

EU	European Union
DOP	Declaration of Principles
ICCPR	International Covenant on Civil and Political Rights
LIO	Liberal International Order
PAM	Parliamentary Assembly of the Mediterranean
OSCE	Organisation for Security and Co-operation in Europe
UDHR	Universal Declaration of Human Rights

1 Introduction: autocrats and their grip on power

Research on autocracies has gained tremendous momentum over the past 10 to 15 years. Certain overlapping trends have contributed to that: (1) the halting of democratisation processes and friction in consolidated democracies have nurtured a debate on democratic backsliding and ‘autocratisation’; (2) the number of autocracies has increased with 70 % of the world’s population now living under autocratic rule (V-Dem Institute, 2022: 6); (3) at the same time, the international order¹ has evolved to become more fluid and multipolar. It has only recently culminated in Russia’s war of aggression on Ukraine in 2022 with a massive fallout for the Liberal International Order (LIO) built on multilateralism, rule-based cooperation and peaceful conflict solution. Yet, the LIO’s erosion had already begun earlier with countries such as China and Russia trying to alter ‘the ecology of the international order’ (Cooley and Nexon, 2020: 83), which included contesting the very meaning, for example, of democracy and human rights (State Council, 2021). This has encouraged political leaders in democracies and autocracies alike either to rely ever more on (*ad hoc*) international and regional alliances as long-standing multilateral agreements are crumbling or – in the case of autocratic regimes – to promote ‘counter-norms’ within global governance institutions. This is highly relevant for international standards of free and fair elections (Krennerich, 2021) since autocrats are increasingly creative in shaping their own counter-norms to challenge and undermine international election monitoring.

These developments have led to two important findings. Firstly, autocratic protagonists portray their non-democratic governance model as superior and as an example that others should emulate (Kneuer and Demmelhuber, 2020)². This leads to awkward constellations in which autocrats use the camouflage of recognised democratic standards (here: free and fair elections) despite the absence of democracy, and thus shape new norms of election observation. Secondly, autocrats are exploiting different policy fields for the sake of fostering regime legitimacy (climate, sports, infrastructure etc.). Elections and electoral processes play a central role in the autocratic regime survival game, which has led to increased emphasis on the question of how to understand this ‘transformation of autocratic rule’ (Morgenbesser, 2020: 1053). Decades of normative debates were based on the historic assumption that autocratic legitimation should be regarded as an oxymoron, given that autocracies are intrinsically unstable, and hence any quest for legitimacy thus remained solely within the domain of democracies. However, there is now a consensus that any non-democratic regime type needs carefully orchestrated legitimation strategies (Beetham, 2013) – plus durability factors such as repression, elite cohesion and regional/international alliances.

These strategies encompass modes of input-legitimation (e.g., elections), output-legitimation (e.g., wealth promises, social contracts) and narratives of national identity (collective we-identity). This Briefing is centred on the questions of how, to what extent and under which circumstances autocratic regimes use elections and electoral processes for the sake of regime legitimacy. It also considers to what extent this affects international standards and leads to the diffusion of autocratic practices, norms and ideas. Elections and the underlying broad spectrum of societal participation and mobilisation play a central role in autocracies for both domestic and international audiences (but not in the sense that they embody the right to participate as a human right, as enshrined in the International Covenant on Civil and Political

¹ Understood as the body of rules, norms and institutions that govern relations among various state actors in international politics. This understanding of the international order allows for distinguishing the order from the international system with its broader context in which state actors operate next to non-state actors (Mazarr et al., 2016: 16).

² This encompasses and explicitly acknowledges a strand in the literature that has shown, on the one hand, how international democracy promotion had supported the prevention of democracy. Meyerrose (2020) argues, for example, that the membership in international organisations associated with democracy promotion makes democratic backsliding more likely. On the other hand, literature has shown how autocracies have also learned from liberal democracies in fields such as anti-terror programs and surveillance techniques. Brownlee (2012), for example, presents a thorough case study on the United States of America-Egypt relationship.

Rights (ICCPR) and the Universal Declaration on Human Rights (UDHR). In contrast to democracies where elections determine access to power, elections in autocracies are used solely to legitimise, safeguard and bolster the status quo of power despite yielding to unintended consequences in domestic and international arenas. However, these unintended consequences are being handled increasingly professionally by autocratic regimes.

The sample used here encompasses closed and electoral autocracies³ within a broad cross-regional approach (Azerbaijan, China, Egypt, Iran, Russia, Saudi Arabia, Venezuela, et al.) and follows a multidimensional methodological approach⁴.

2 Setting the stage: autocracies and legitimacy

Autocratic legitimation is no longer regarded as an oxymoron. Autocratic regimes need a carefully orchestrated spectrum of legitimation strategies which are considered essential for regime survival. With the objective of generating legitimacy, legitimation is hereby understood as a multifaceted strategy, in that it comprises various tracks. Although this brings to mind Huntington's notion of legitimacy as a 'mushy but essential concept' (Huntington, 1991: 46), it remains the key to understanding politics. Legitimacy is not a status but a constantly developing process, negotiated on a permanent basis regardless of the regime type. The 'legitimacy formula' is of course extended and buffered by additional stabilisation sources, including repression, regional/international alliances and co-optation with country-specific factors applying.

The formula builds on different forms of legitimation. As previously highlighted, legitimation strategies entail modes of input- and output-legitimations together with narratives of national identity. This applies to any regime type, be it democratic or autocratic. However, as a rule of thumb, the argument for autocracies is undisputed: autocratic regimes try to compensate for the deficits on the input dimension (since elections are by definition not free and fair) with output-legitimation (e.g., growth rates, modernisation discourse) and/or with a stronger focus on national unity. In this regard, China may serve as a good example, with a *de facto* absence of electoral processes (except for the local level), the legitimacy formula previously rallied around a wealth promise to the Chinese people with tremendous economic growth rates. Now, with macroeconomic stress factors increasing – not just because of the pandemic – the Chinese regime is focusing on aspects of national unity and national pride. In his speech celebrating the Communist Party's 100th anniversary, Xi Jinping reiterated the important role of a 'thriving nation that is advancing with unstoppable momentum toward rejuvenation' (Nikkei Asia, 2021).

Elections or electoral processes as a strategy for input-legitimation also provide a window of opportunity to co-opt certain elite groups so as to avoid any destabilisation momentum that may lead to critical junctures. On the one hand, so long as the Politically Relevant Elites⁵ adhere to the 'rules of the autocratic game', in that they participate in elections, accept the modes of participation and do not question the fundamental pillars of the political order, there is a payoff for elite cohesion. On the other hand, in times of a severe legitimacy crisis, the regime can compensate for any lack of legitimacy with repression and/or a

³ This Briefing relies on the categorisation used in the Varieties of Democracy Institute (also named V-Dem Democracy) Report 2022 (V-Dem Institute, 2022). Electoral autocracies have institutions emulating democracy but fall substantially below the threshold for democracy. Closed autocracies have an individual or a group of people that exercise power largely unconstrained by the people (V-Dem Institute, 2022: 13).

⁴ This Briefing is based on the literature on autocracies, the normative reference point of free and fair elections as given in the European Handbook for Election Observation (European Union, 2016), reports from think tanks working in relevant fields and numerous fieldwork experiences in autocratic regimes. Empirical evidence is presented depending on the classification as a closed or electoral autocracy by V-Dem Institute 2022 dataset. The Briefing does not further differentiate into subtypes of 'electoral autocracies' as done in the literature. For example, von Soest and Grauvogel (2017: 6) distinguish between hegemonic and competitive authoritarian regimes depending on the degree of electoral contestation.

⁵ Following the concept of the Politically Relevant Elite as presented by Perthes (2004).

boosted nationalism discourse. Yet, research has provided evidence that this can only be temporary and often entails unintended consequences (Gerschewski, 2013: 28).

The existence of elections implies a minimum of controlled pluralism to provide the basis for electoral contestation. However, any opening of spaces for contentious politics may lead to unintended consequences, be it good results of tolerated parties/candidates, protest movements or a low voter turnout despite regime mobilisation. Research with large-N samples has shown that elections are conducive to regime survival in the long run because they do not only improve capacities for co-optation and repression but also mitigate future risks by localising oppositional groups. At the same time, they produce short-term instability because they serve as focal points for regime opposition (Knutsen et al., 2017). The effect of elections in autocracies varies since they are embedded in different contexts, regime types, regime age and various degrees of institutionalisation. Gandhi and Przeworski (2007) offer a plausible explanation that elections in political orders with a high degree of institutions may yield more regime durability because it allows more top-down management via formal and informal procedures.

Autocratic regimes can be categorised into different sub-types, each of which generates different experiences in regard to elections and electoral processes. Whereas in electoral autocracies⁶ elections are formalised routines, in closed autocracies such elections are rare and limited, for example to specific subnational levels. This is in line with scholarly findings that procedure-based strategies such as elections do have a stronger role in electoral autocracies than in closed autocracies that rely either more on identity-based (von Soest and Grauvogel, 2017) or performance-based legitimacy (e.g., via growth rates and development projects framed in national modernisation discourses). Autocratic subtypes, though, are no 'closed containers'. The shift from electoral autocracies to closed autocracies is fluid and no one-way street. The manner in which elections are orchestrated can be an indicator in tracing the autocratisation process from an electoral autocracy to a closed autocracy and vice versa (V-Dem Institute, 2022: 21). The Varieties of Democracy Institute (or 'V-Dem Institute') classifies, for example, Turkey as an electoral autocracy since 2013, but considers it as one of the top 'autocratisers' in view of its shrinking spaces for contentious politics in previous elections.

3 Elections and the institutional arena

Elections in democracies serve as an institutionalised arena for the competition of elites as they decide over access to power and thus regularly channel democratic deliberation. In autocracies, this is rather a 'crucial non-event' (Schedler, 2009: 386) with elections having a different role to play. Therefore elections do not comply with the human right to participate in public affairs as written down in various binding international human rights documents and treaties (e.g., ICCPR and UDHR). The role of elections is rather multi-faceted and electoral processes in autocracies are therefore vivid and diverse. The analysis of elections and electoral processes in non-democratic regimes must not be restricted to regime practices and respective electoral procedures. The analytical reference and starting point is the constitution⁷ and the corresponding legal setting (e.g., election laws) in order to identify the legal claim (e.g., the scope of elections on all governance levels, i.e. national and subnational) from which the initial electoral processes can be investigated.

3.1 Forms and functions in the domestic arena

Elections and electoral processes may emerge in different forms. In scholarly debate, most attention has been paid to electoral processes at national level, be it elections for the presidency or elections for parliament or parliament-like assemblies. Election implies the existence of political alternatives that the

⁶ Based on V-Dem Institute data, electoral autocracy remains the most common regime type in the world (totalling 60 countries). See footnote 4 on more fine-grained notions of 'electoral autocracies'.

⁷ This Briefing uses the Constitute Project [database](#) (last accessed on 4 January 2023).

'populace' may vote for. This includes referenda as a direct vote by the electorate on a proposal, law or political issue (e.g., constitutional referendum). In former autocratic regimes, this encompassed presidential referenda – for example in Egypt until 2005 – although this form of election is already a striking indicator regarding the limited spaces of electoral contestation. Such presidential election styles have lost momentum in the 21st century's autocracies, not just because of more difficulties in 'selling' the vote as democratic to an international audience. First and foremost, autocratic regimes have learned that regulated competitive presidential elections with varying modes of pre-election manoeuvring (e.g., strict selection criteria regarding the eligibility of candidates) promise more legitimation potential. This can also include fabricated charges or politically motivated prosecution at the onset of an election cycle in order to exclude potentially popular candidates from running for office (see Alexei Navalny's exclusion from the Russian presidential elections in 2018). The Guardian Council – fully controlled by the Clergy – in the Islamic Republic of Iran is another prominent example of how competitive presidential elections are managed through a strict pre-screening of potential candidates who are allowed to enter the race only with clearance from the council.

This monitoring and regular suspension of candidates as a mainstream technique also applies to elections for parliament and may entail additional strategies. This can be more pre-emptive and aims at pre-selecting potential candidates long before the formal election cycle starts. The parliament-like *Majlis al-Shura* (Federal National Council) in the United Arab Emirates is elected by an electoral college system (active and passive voting rights are restricted to members of the college). Although the electoral college has been successively expanded in recent years (from 6 595 members in 2006 to 224 279 in 2015) its composition is decided by the 7 Emirates' respective rulers.

Elections and electoral processes matter not only at national level but also at subnational level in regards to regional councils, local governance and various bodies within a municipality. They often result from political decentralisation strategies which for various reasons are driven by the centre. As a 'strategy of first choice' for many autocracies, elections at subnational levels of government, in other words elections in the periphery, should become a more crucial aspect to consider from the perspective of international election observation (Demmelhuber et al., 2020). They are both relevant for elite cohesion steered by the regime and a space for electoral contestations amongst oppositional candidates. Empirical evidence may be found cross-regionally, for instance the electoral autocracies in Ethiopia and Uganda (Aalen and Muriaas, 2018).

Electoral processes may also take place informally. This is especially the case in political orders with traditional pre-state modes of rule and interactions. For many years, for example, Kuwaitis went to informal tribal polls (or 'tribal primaries') in order to vote for candidates who will run in the national elections. In a move to control this process more comprehensively and to avoid potential stress factors, the ruling regime modified the constituencies beyond tribal affiliations and banned tribal primary elections, albeit with limited success (Freer and Leber, 2021).

The functionalities of elections certainly become open to question when there is little or no free and fair environment for contentious politics. Elections in autocracies entail four functions that can form a feeder for regime survival, in that they:

- allow limited spaces for contentious politics and set the stage for controlled pluralism in state institutions (= *legitimation function*);
- include licensed opposition parties in the given political order (= *safeguarding function*);
- create spaces of co-optation for the sake of elite cohesion (= *clientelism function*) and;
- may serve as a barometer for regime support/capacity and dissent (= *information function*).

These functions apply to any form of electoral processes in autocratic regimes, albeit of course to different country-specific degrees. The legitimisation function is an inherent feature of any autocratic regime that allows certain spaces of limited pluralism, although there is much variance depending on the regime type and degree of electoral contestation. The safeguarding function aims at fostering legitimisation of the given political order by incorporating inherent oppositional groups and by making sure that they all agree on the autocratic rules as the 'only game in town'. This is also valid in cases where parties are prohibited or monopolised by one-party regimes. Proxies, such as independent candidates or political societies fulfil a similar role.

Elections are likewise a welcome instrument for managing elite cohesion and co-opting other sector elites. Different modes of formal and informal co-optation apply since electoral mandates can be an issue of patronage or gratification within clientelist networks of privilege. This may at the same time include the strategic co-optation of opposition parties and lead to a combination of the safeguarding and clientelism function. Morocco exemplifies this double function *par excellence* in the post-Arab uprisings years: With the constitutional reform (2011) allowing room for more parliamentary power, the King was obliged to accept the results of parliamentary elections by appointing a Prime Minister from the strongest party. This led to a government under the moderate Islamist Party (Justice and Development Party) that was then operating within the given political order, adhered to the rules of the game and finally stabilised the existing political order with the King on top of the power pyramid.

Elections and parliamentary debates may also serve as 'test balloons' for specific political issues and societal trends. In other words, elections have an information function, in that they present a test case for the regime in measuring to what extent the regime capacity is sufficient to organise support for regime-affiliated candidates or regimes' political agendas. For instance, if any regime fails to achieve a supermajority in presidential or parliamentary elections, the legitimacy deficit of the regime rises. The same applies to low voter turnouts which are regularly issues of manipulation or pragmatic handling (e.g., *ad hoc* extension of election days). Yet, in electoral autocracies that have recently undergone an 'autocratisation' process, the toolbox to fabricate higher voter turnout may be limited. The 2022 parliamentary elections in Tunisia with 8.8 % voter turnout is of zero added-value for the autocratic regime under Kais Saïed, who thought he would receive popular backing for his reconfiguration of the political system. The results demonstrate limited regime capacity for mobilising regime support and provide circumstantial evidence to suggest that the pitfalls for any regime are numerous within less institutionalised settings after regime changes and/or new institutional setups in the political order.

These regime-fostering functions are contrasted by elections that turn into stress factors for the ruling regime. On the one hand, elections may lead to unintended protest events or unexpected results with stronger results for formal and/or tolerated opposition candidates, for instance parliamentary elections in Venezuela after the death of Hugo Chávez in 2015 with the opposition winning a supermajority. On the other hand, elections may lead to a replacement of an autocratic regime elite including a fully-fledged reshuffle of the regime elite. Elections in post-Soviet states offer a myriad of examples, *inter alia*: the presidential elections (*de facto* referendum) in Georgia in the aftermath of the Rose Revolution in 2003 saw Mikheil Saakashvili winning the 2004 elections with 96.2 % of the votes; or the election of Kurmanbek Bakijew with 88.7 % of the votes in Kyrgyzstan after the Tulip Revolution in 2005 (Stykow, 2012: 244f.). Both the regime-threatening stress factors mentioned are more likely in times of sufficient legitimacy deficits of the ruling regime, be it due to a recent political upheaval (e.g., revolution, *coup d'état*, *autogolpe*) or a lack of regime capacity and elite cohesion (e.g., in times of disputed succession).

One may preliminarily conclude that it matters whether elections take place in electoral or closed autocracies, albeit both subtypes are not static and may overlap. The legitimisation function is of key importance in electoral autocracies, whereas safeguarding, clientelism and information matter more in closed autocracies. Potential stress factors are also more likely in electoral autocracies and in recently

'autocratising' countries since the spaces of controlled contention are wider than in closed autocracies. 'Autocratisation' processes may yield further incremental decay and lead to a closed autocracy. However, the reverse is also possible. In both cases, elections can be a booster, on the one hand acting as a camouflage for a more autocratic order (e.g., referenda encompassing more presidential prerogatives at the expense of the branches), whilst on the other hand serving as an indicator that the regime must expand spaces of controlled contention as a buffer for popular unrest (e.g., allowing for competitive presidential elections instead of referenda).

3.2 Elections and functions in the international arena

Scholarly literature has shown that autocratic regimes have developed new tactics for overcoming the high costs of fully complying with the international norm of external election observation without denying it. A 'mock-compliance strategy' (Debre and Morgenbesser, 2018: 329) has become the 'new gold standard' for autocrats worldwide. It is designed to fulfil one decisive function by conveying a message that the political order is legitimate and elections took place in a free and fair environment.

The portfolio of regime tactics to achieve external validation includes,

- gatekeeper tactics with highly regulated accreditation schemes (e.g., to avoid larger, renowned professional missions);
- observation schemes including national/regional/international 'fake observers'⁸ and/or shadow/zombie monitoring bodies (e.g., to steer the respective discourse on the quality of free and fair elections);
- investment in international public relations firms (e.g., to bolster the international image) and;
- intervention in other country's elections (e.g., to ensure sympathetic election monitors in international delegations via bilateral parliamentary friendship bodies).

As a rule of thumb, one can argue that the first two techniques have become widespread among all autocratic regimes and do not significantly correlate with the degree of 'autocratisation'. Pro-active investments abroad and intervention in electoral processes usually depend on regime capacity and may be found among a handful of autocratic protagonists.

This incremental decay of international election observers' impact has become more visible over the last 10 to 15 years. Elections in Egypt have shown how teams of international observers were allowed to witness various elections after the breakdown of Mubarak regime in 2011. They were of great value for the regime's objective of gaining international recognition in the early stages of 'democratisation'⁹. This was fully in line with the year-long phenomenon that saw autocrats inviting international observers, whilst at the same time being ready to cheat in front of them and thereafter face negative consequences (Hyde, 2011: 367), just for the sake of gaining rewards and benefits when showing some sort of commitment to 'democratisation' and a theatre of reform. With the LIO script losing grip and a 'third wave of autocratisation' (Lührmann and Lindberg, 2020) gaining momentum, international election observation has been facing various stress factors since autocrats tried to shape the observation discourse in a proactive, regime-supporting manner. In the Egyptian case, the 2014 presidential election observation mission from the EU was the last to date. As soon as any autocratic regime has been sufficiently consolidated, the tone changes during subsequent elections in line with the number of election observers.

⁸ For a list of politically biased observers, see the [database](#) of the European Platform for Democratic Elections (last accessed on 3 January 2023).

⁹ In Egypt, the democratisation process rapidly halted in 2013 with a (second) military intervention that toppled the democratically-elected presidency of the late Muhammad Mursi.

The composition of election observers became limited to rather small national, regional and international non-governmental organisations with hardly sufficient capacities for a broad mission and a lack of monitoring expertise. This provided access for shadow/zombie monitoring bodies to play leading roles in Egyptian media and government observation discourse, albeit this had already been visible in the 2014 elections with the national media almost completely ignoring any cautious criticism from the EU mission (Debre and Morgenbesser, 2018: 340ff.).

In the 2019 constitutional referendum, which drastically expanded presidential and military powers at the expense of the judiciary and legislative, Egypt allowed 11 domestic and 2 international groups, with the latter being paramount examples of shadow/zombie observers. It included the Yemeni-based Ma'onah Association for Human Rights and Immigration (or simply Ma'onah), whose shadow/zombie badge is more than obvious in view of its regular statements in strong support of the autocratic regime, stressing the firm commitment of Egyptian authorities to meet international law and obligations while rejecting international interference (Association Ma'onah for Human Rights and Immigration, 2019).

An outline of election observation in Egypt for the last decade fits in the well-documented trend of shadow/zombie monitoring to control election discourse and potentially side-line critical voices. The proliferation of this regime-led observation process initially started in the aftermath of the Colour Revolutions occurring in post-Soviet states during the 2000s (Debre and Morgenbesser, 2018: 328). Morgenbesser (2020: 1065) refers to the first recorded case for southeast Asia, Cambodia in 2013, with the most praise in support of the elections' free and fair character coming from two groups whose travel costs were covered by the ruling Cambodian People's Party.

Similar techniques – but less professionally orchestrated – may be found in autocratising countries that have recently left the democratisation path. For instance, in Tunisia's 2022 elections, foreign election observers were first fully rejected although then Tunisian-based or regional-based missions, such as the Carter Center, the National Democratic Institute or the Parliamentary Assembly of the Mediterranean (PAM), were allowed to observe the 2022 elections (presidential, parliamentary, constitutional referendum). Whilst mentioning many deficiencies, the Carter Center's assessment nevertheless testifies that 'election day itself proceeded calmly and without major irregularities, as have all elections in Tunisia since 2011' (The Carter Center, 2022). The PAM statement though reads like an endorsement of President Said's politics: 'From a technical point of view, no irregularities were found in the conduct of the elections. [...] The PAM delegation considers that Parliamentary Elections in Tunisia represent an initial step toward restoring the country's democratic path' (PAM, 2022). This aligns with Said's alleged bottom-up democracy discourse to restore the flawed political order following the 2011 revolution.

It may be concluded that although international legitimation remains a strong incentive, it is increasingly becoming side-lined by sophisticated narratives proclaiming national sovereignty and an over-self-confident staging of ostensibly free and fair elections. External validation based on non-genuine and non-standardised observation missions becomes the new surrogate for international legitimation on behalf of standardised international missions, based on the Declaration of Principles (DOP) for international election observation. Inviting international election observers (within the DOP scheme) has always been a double-edged sword: on the one hand, international election observation has been a welcome opportunity to reap the awards of international approval; whilst on the other hand, it has been a stress factor in view of unintended fallouts. Meanwhile, election observation missions have developed into carefully orchestrated chorales with autocratic regimes becoming more sophisticated in steering the discourse and avoiding unwanted damage (see the Information box on Azerbaijan below). The Azerbaijani case reminds us of Thornton's assessment that fake observers 'muddy the waters: when an official international mission declares serious problems with the elections, the government can conveniently point to a fake observer group that contradicts that assessment. It becomes a damaging "he-said, she-said"' (Thornton, 2020).

For professional international observers, coming up with a clear-cut differentiation between genuine observation groups and shadow/zombie groups remains a daily challenge. Debre and Morgenbesser (2018: 330) offer a list of criteria¹⁰, although there remains a porous overlap with regional organisations such as the Arab League for example, which is a signatory to the DOP for international election observation, without having any track record of election monitoring and moreover comprising a super-majority of autocratic states.

Information box – Azerbaijan as a frontrunner

Elections in Azerbaijan have provided a prominent example over recent years, demonstrating how the Aliyev regime allowed certain observation missions to become involved but still successfully manipulated the missions' resulting narrative. In other words: 'Aliyev's regime often manages to find Western observers who were willing to praise Azerbaijani elections as free, fair, and democratic' (Shekhovtsov, 2020). During the 2013 presidential election, observers were already speaking about a broken system of international election observation due to the loud chorus of different voices endorsing or opposing the election's democratic standards. Since then, the regime in Baku has become even more creative in staging an international election observation that may be instrumentalised for the sake of regime survival at home and reputation management abroad. In the 2020 parliamentary elections, the largest mission (358 observers) comprised observers from the Organisation for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights, OSCE Parliamentary Assembly and Parliamentary Assembly of the Council of Europe. This was then expanded by election observers sent by regional organisations with a questionable track record openly opposing reports from OSCE missions (in this case the second-largest mission with 252 observers was sent by the Community of Independent States) or often by individuals who were part of the Baku regime's well-known 'Caviar diplomacy'. It was supplemented by the mission of the Shanghai Cooperation Organisation, a regional organisation built around the nucleus of autocratic governance. Its mission praised the election as legitimate, transparent, valid and democratic. The Azerbaijani case is a blueprint example of how fully autocratic elections receive the badge of free and fair. With 883 international monitors representing 59 organisations, the regime was able to ensure a vivid spectrum of positions and assessments so that 'the authorities carefully selected international monitoring missions that would praise the elections' aimed at relativising the findings of the independent and more critical missions led by OSCE and others (Shekhovtsov, 2020).

3.3 Narratives and the temptation of authoritarian learning

Election narratives are constructed around ideas of regime legitimation, both at home and abroad, being subject to continual cross-development and adaptation. International election observation has long been

¹⁰ The criteria are (1) a majority of autocratic Member States; (2) no signatory to the DOP for international election observation and (3) a track record in validating elections with low integrities (Debre and Morgenbesser, 2018: 330).

accepted as a norm and hence autocrats freely invited international observers, clear in the knowledge that manipulation and fraud will be readily apparent. Many argue that autocratic regimes have historically sought acceptance by displaying some ostensible commitment to democratisation, given their expectation that international rewards are linked to the achievement of democratic standards. At the same time, they have been willing to suffer potential negative fallout from reports of fraud and election management.

However, with increasing 'autocratisation' this argument has become less convincing. The rapidly evolving literature on diffusion and authoritarian learning shows how autocratic practices, ideas and norms are spreading and challenging internationally agreed democratic standards. Autocratic protagonists are gaining more self-confidence that their governance model is superior and formulate country-specific narratives about the role and function of elections. They are departing from previous positions of passivity and theatres of reform in view of a perceived hegemonic liberalisation and democratisation discourse. This encompasses election-specific narratives that are built on the principle of rejecting any form of international interference, as vividly elaborated in the China's State Council White Paper on Democracy: 'Whether a country is democratic should be judged by its people, not dictated by a handful of outsiders' (State Council, 2021). Empirical evidence suggests that there is an increasing reference to the normative power of national legislation that shall bypass international standards derived from binding international treaties on civil and political rights (e.g., ICCPR). Any criticism on the electoral process by external observers is portrayed as politically motivated, driven by subversive smear campaigns or not bound to political reality. This follows findings in the literature on narratives' wider role within processes of autocratic regime survival since autocratic protagonists (states and regional organisations alike) strategically create, exploit and contest narratives for the sake of attraction and autocratic image management (Hagström and Gustafsson, 2019; Dukalskis, 2021).

This goes along with more sophisticated pre-election manoeuvring in the selection of allowed and non-allowed observers. The former are increasingly sent by other autocratic regimes and provide the 'seal of clean and fair elections'. Shadow/zombie monitoring bodies seem to be the new 'gold standard' to silence or circumvent more critical voices in their adherence to international standards of free and fair elections. However, these international standards are watered down if the discourse on election monitoring is dominated by regime-loyal shadow/zombie monitors and international legitimation is not a serious objective. This explains why the rate of observed elections has not been decreasing since the sophistication on how to deal and undermine the international norm has significantly increased (Debre and Morgenbesser, 2018: 328). This finding may not only be seen as relevant for the norm of election observation, as Hyde concludes, it 'could also be applied to other international norms triggered by changing values or preferences among influential international actors' (Hyde, 2011: 367).

4 Conclusion

4.1 Elections: a Pandora's box or a win-win for autocrats?

Elections are relevant for autocracies in fulfilling a broad set of functions that are beneficial for regime survival but, nevertheless, do not represent institutionalised transfers of power and will not embody the right to participate in public affairs as a human right as written down in various international treaties and declarations. The forms and functions of elections in autocracies vary in line with: the regime type and age; the election type; the election levels; and the ruling regime's composition. Yet, these forms and functions oscillate within a given spectrum. This Briefing has shown that electoral autocracies have an even broader set of forms and functionalities than closed autocracies. This does not mean that elections do not fulfil important functions in closed autocratic settings. Whilst the legitimation function is limited in line with the level of electoral contestation, the other three functions – safeguarding, clientelism and information – consequently assume even more importance.

At first glance, it might sound contradictory to state that autocratic regimes are allowing international election observers to be present during their elections. However, traditional lines of argument are no longer as watertight in claiming that autocrats expect to be rewarded simply because they invite international observers, despite being prepared to cheat in front of them and face negative consequences as a result (Hyde, 2011: 367). Autocratic regimes are becoming increasingly confident in controlling this discourse of external endorsement to the extent that they are now co-opting observers to challenge potential critical voices. The phenomenon that autocracies confirm free and fair elections in the absence of democracy has become the rule rather than the exception. Autocrats have been learning a lot from other autocratic regimes over the last 10 to 15 years in that regard and hence one of the growing techniques amongst autocracies concerns the employment of shadow/zombie monitoring bodies. With a weakening of the LIO, 'dictators and dominant parties fought back' (Debre and Morgenbesser, 2018: 328) and international standards of free and fair elections have, as a consequence, become watered down (a trend that is visible for the whole human rights system and international law)¹¹.

Potential stress factors arising out of elections are slightly higher in electoral autocracies since there are more spaces for contentious politics. We have seen that these Pandora's box conditions can be particularly problematic for countries that have only recently 'autocratised', in that they still have unfinished institutional setups and hence a limited toolbox for effective election management (e.g., manipulation of voter turnout or pre-election manoeuvring). It is exactly in these dynamic transformation processes that international election observation should remain a priority. The same applies to a much-needed increased focus on sub-national and local elections.

In summary, elections can act both as a stabilising tool and a stress factor depending on the regime type and additional country-specific conditions. Elections alone, though, are not the only key to regime survival. Elections as a form of input-legitimation are limited by definition; hence this deficit must be compensated for by additional efforts regarding output-legitimation or identity-management. Elections must also be presented to the international community in order to receive the seal of free and fair elections which remains an important message for the domestic audience. With increasing reliance on handpicked, regime-loyal shadow/zombie monitors, we are now observing a 'mock-compliance strategy' (Debre and Morgenbesser, 2018: 329) masquerading as the international norm of external election observation that will eventually challenge the international norm itself.

4.2 Relevance for the European Parliament and the EU

For years there was a tangible consensus regarding the minimum criteria for elections to be classified as democratic. It went along with a strong normative capacity for international elections observation missions that shared a liberal democratic nucleus. 'The norm of external election observation was once inseparable from its enforcement by a collective [...] on behalf of democratic states' (Debre and Morgenbesser, 2018: 331).

With the LIO becoming less attractive and competing autocratic 'languages of governments' gaining traction over liberal democratic scripts, the leverage and impact of international election monitoring is being subject to increasing challenges. With more and more shadow/zombie election observation missions and emergent creative strategies on behalf of autocrats in staging international election observation, the democratic character of elections has lost its significance. It is all about framing a narrative of competition via elections that automatically leads to sufficient external validation (instead of fully-fledged international legitimation). At the same time, internationally-agreed standards (the rules of the game) become challenged and undermined when non-democratic actors measure the alleged democratic

¹¹ Robust empirical evidence still remains *a lacuna*, exceptions include, for example, Walter (2022).

character of elections despite the absence of democracy and the EU eventually recognises the results of flawed elections. This legitimacy challenge does not only relate to elections and electoral processes. The challenge is manifold and encompasses, for example, sophisticated activities by autocratic regimes to use internationally agreed-policy goals, such as the United Nations climate goals, for the sake of regime survival. Under the umbrella of a discourse around supporting internationally-agreed climate goals, this regime activism is primarily used for co-optation of certain elite groups and output-legitimation in the domestic arena ('greenwashing')¹².

Ultimately, from an EU perspective, there is a need to respond more effectively to undemocratic elections in autocratic regimes both at national and subnational levels with a focus on the relevance of post-election autocratisation. Staying away from election observation while other observers sent by autocratic regimes fill the vacuum (e.g., Russian election observation mission to Tunisia 2022) cannot be a blueprint for future EU activities in international election observations (in view of the EU's broad set of observation schemes, including short-term observation missions sent by the European Parliament¹³).

¹² The literature in this field is rapidly evolving. Zumbrägel (2022) presents robust evidence for this 'greenwashing', for example in Saudi Arabia and neighbouring Gulf monarchies.

¹³ Under the supervision of the Democracy Support and Election Coordination Group. The parliamentary delegation is always integrated into the EU Election Observation Mission and endorses their findings and conclusions (see the respective [website](#) of the EU Election Observation Missions, last accessed on 27 February 2023), or joins International Election Observation Missions organised by the Office for Democratic Institutions and Human Rights (ODIHR) (in the OSCE area).

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BRIEFING 2

How can the EU and its partners respond to the use of elections as legitimisation strategies by authoritarian regimes?

ABSTRACT

This Briefing examines different elements of the democracy and human rights toolbox of the European Union (EU) as they relate to authoritarian regimes' electoral legitimisation strategies. The EU's focus on these kinds of problematic electoral processes has improved over the past decade but there is still room to develop EU policies further by addressing authoritarian electoral legitimisation strategies as the symptom of deeper underlying drivers of non-democratic trends. The Briefing proposes ten policy actions to implement such an approach, involving diplomatic, funding and multilateral human rights instruments.

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List of abbreviations

EU	European Union
EOM	Election Observer Mission
EEAS	European External Action Service
ICCPR	International Covenant on Civil and Political Rights
OECD	Organisation for Economic Co-operation and Development
OSCE	Organisation for Security and Co-operation in Europe
ODA	Official Development Assistance
UN	United Nations
USA	United States of America

1 Introduction

This Briefing is the second in a series of two which address the challenge of many authoritarian and semi-authoritarian regimes around the world using elections that are far from free as part of their legitimisation strategies. This is a growing trend and one that presents thorny policy challenges for the European Union (EU) and its partners. The two Briefings argue for policy rethinking on this issue and redoubled efforts to make EU responses more effective, building on recent policy adjustments to European democracy-support strategies.

However, this is not a Briefing about the mechanics of election observation. The EU and Member States are committed to improving election observation techniques and signed up to a large number of related principles; this is an issue already firmly on the EU agenda and one where policy has evolved notably in recent years. Neither is the Briefing's remit to look at EU strategy against authoritarianism in general or in all its aspects. Furthermore, its purpose is not to assess every aspect of EU responses to the overarching trends towards more repressive and widespread authoritarian governance.

Rather, the following Briefing pitches its focus between these two agendas, by looking at EU policies around regimes' use of elections to buttress authoritarian control. In essence, it relates authoritarians' use of elections to different elements in the EU democracy and human rights toolbox. Its remit is not to cover all elements of EU democracy support but more specifically to relate these to electoral legitimisation strategies. The Briefing focuses on the most repressive authoritarian contexts while also pointing to the larger number of countries where electoral legitimisation has become a more serious challenge.

The Briefing argues that the EU's focus on electoral processes has improved over the past decade, but that room still remains for tightening the linkages between this focus and the EU's more general democracy and human rights toolbox. In particular, the EU could usefully adopt a more human rights-centred approach to electorally based authoritarian legitimisation by focusing on the human right to participate. Crucially, the EU should move to treat authoritarian electoral legitimisation strategies as the symptom of deeper underlying drivers of non-democratic trends.

The methodology and approach used in this Briefing adopt a broad definition of democracy support in order to place election-related initiatives within a wider context of other democracy support strategies. This wide definition and conceptual understanding of the problem is crucial to the main policy arguments developed, as explained below.

2 The challenge

The first Briefing in this series offers a diagnosis of the challenge facing EU policy-makers. Authoritarianism is gaining momentum. Regimes that are already autocratic seem to be protecting their power with greater effectiveness. Many regimes with some degree of open political competition have shifted in a clearer authoritarian direction. Not only are autocratic dynamics spreading but authoritarian regimes are also becoming wilier and more sophisticated in the strategies they use to legitimise their hold on power (Demmelhuber, 2023).

A widespread argument is that the nature of authoritarian rule has changed, as non-democratic regimes rely less on pure brute force and rather nurture different forms of input and output legitimacy (Keane, 2020). Many regimes now run elections as a form of what can be labelled authoritarian legitimisation and these serve to consolidate a regime's grip on power rather than opening that power to genuinely pluralistic competition.

There is a range of trends at work in this sense across different types of political regimes and there are different challenges in play, *inter alia*: openly autocratic leaders who run fraudulent elections; and, subject to striking growth, situations where leaders gain power through more or less open elections but then use

that support to move in an autocratic direction. So-called elected autocrats are becoming increasingly common, while authoritarian regimes are becoming more effective at rooting themselves in the legitimacy bestowed by elections.

This Briefing focuses on the most repressive autocratic regimes in the world¹⁴. In these regimes, electoral manipulation is not a new problem and has been at the heart of EU democracy support for many years. Yet the challenge is becoming more pervasive and shifting in nature. The challenge includes direct and indirect elements, the former of which relate to the control of elections themselves, whilst the latter indicated the strategies that regimes deploy to gain legitimacy.

It is important not to exaggerate the role of elections in authoritarian legitimation within autocracies. Most of these regimes still rely on brute repression as the mainstay of their power or depend on certain policy outputs such as economic growth or public security. They have become more adept at delivering services to the population and addressing some of its concerns but their political strategies have generally become more draconian too. It might be doubted whether elections in strongly autocratic regimes can really convince a high share of the population that the government is based on a legitimately won fair competition.

Regimes still depend in these cases on rules that stifle pluralist contestation either at elections or more generally. Authoritarian regimes in China or Singapore might have become more sophisticated but it is doubtful that those in places such as Myanmar, Venezuela or Zimbabwe can be said to have successfully pursued more subtle or effective avenues of legitimacy. The Varieties of Democracy Institute (also named V-Dem Institute) provides a list of the main drivers of 'autocratisation' over the past 10 years: this does not include election manipulation as one of the most influential on-the-rise control techniques (V-Dem Institute, 2022).

The policy implications are that EU interventions around elections are important but that the crucial factor is how regimes' attempts at legitimation-through-elections relate to other strategies of autocratic control. Controlled elections are only one part of authoritarian legitimation and, as argued in the first Briefing in this series, their importance varies across different types of political context and regime. This means that the EU needs to link its election-related interventions to a much wider strategy to deal with the ways that authoritarian regimes seem able to fortify their rule.

3 Assessing EU strategies

This section offers a summary of EU policy responses to these challenges over recent years. This includes EU decisions to either send or not Election Observer Missions (EOMs) to monitor elections in authoritarian contexts and whether the rules that determine such decisions are working on a clear and consistent basis. Included is a look at EU funding around contested elections, especially in the form of support for civil society groups to monitor these events, assessing how far this funding has addressed the wider and more indirect elements of authoritarian legitimation. While academic analyses and project evaluations have focused critically on these aspects of EU policies over many years, a number of emerging considerations add new dimensions to the debate.

3.1 Election observation and wider political dynamics

While this is not a Briefing about election observation *per se*, it is concerned centrally with the link between elections and other elements of the EU toolbox related to democracy and human rights. In this sense, the

¹⁴ Indices define these in different ways. The V-Dem index uses a category of 'closed autocracies'. The Economist Intelligence Unit index's lowest category is defined as 'authoritarian regimes'. Freedom House's lowest rank is termed 'not free' regimes.

decisions over where to send EOMs are relevant to the Briefing's remit of examining EU responses to autocratisation.

It is generally agreed that EU approaches to election observation have improved significantly over the last decade. At the same time, it is also widely acknowledged that there is further room for improvement in how election observation activities relate to other EU policy instruments and actions. The improved quality of election observation has not been able to stem the tide of autocratisation – in fact, it cannot be expected to have any kind of systemic impact if the focus on elections is not more tightly and coherently nested within strategies to tackle the varied sources of growing authoritarian pressure.

The European External Action Service (EEAS) reports that the EU has deployed 160 election missions since 2000, an average of 7 per year. This average represents only a small selection of those elections run in far from free and fair circumstances that take place across the world each year. In the countries that are part of the Organisation for Security and Co-operation in Europe (OSCE), the EU contributes to OSCE election missions and does not send separate stand-alone missions¹⁵.

The countries where these missions are sent are chosen by the EEAS together with Member States and the European Parliament. There is no single, unifying criterion behind decisions to deploy EOMs. The selection is relatively arbitrary as different preferences and priorities of political groups and Member States have to be considered. The EU's Handbook for election observations says only that decisions are made based on 'added value, political priorities and budgetary availability' (European Union, 2016: 121). The overall number of missions is limited largely by budgetary considerations.

In 2022, the EU deployed EOMs to Colombia, Kenya, Kosovo, Lebanon, Lesotho, São Tomé e Príncipe, Senegal and Timor-Leste. The EU also deployed Election Follow-up Missions to Madagascar, Malawi, Mozambique, Nigeria and Zimbabwe. In 2021, the number of missions was curtailed by COVID-19. EOMs were deployed to Ghana, Zambia, Gambia, Honduras, Iraq, Kosovo and Venezuela. Expert teams went to the Central African Republic, Ecuador, El Salvador and Liberia.

A useful snapshot can be gleaned from matching the EEAS's own database of different types and levels of EOMs in the last five years (from 2017 to 2022) to different types of political regimes. Using the Varieties of Democracy Institute's categories of political regimes (V-Dem Institute, 2022), EU electoral missions have been deployed to electoral democracies, electoral autocracies and closed autocracies. Using the regime types offered by the Economist Intelligence Unit's annual democracy index (Economist Intelligence Unit, 2022) the missions include flawed democracies, hybrid regimes and authoritarian regimes.

Most missions go to countries where elections are at least somewhat competitive or moving in a more democratic direction and not the most authoritarian states. The fact that the EU sends missions only where it is invited to do so usually rules out deployments to countries run by the most authoritarian regimes. Still, the list of countries receiving EOMs does include a number of these most severely authoritarian countries – and those where the problem of zombie observers is serious, as outlined in Briefing 1 of this series (Demmelhuber, 2023). The EU Handbook states that choices are made with the expectation that an EOM will 'result in an improved election' (European Union, 2016: 122). In some cases, the EU manages to leverage access and certain improvements, although it is clear that in most countries where EOMs were present this is not the case in any significant way (the evidence being that few of the countries in the list of states receiving EOMs, above, show improvement in the different annual democracy indices).

Some recent policy developments indicate a strengthening commitment to election observation. The decision to deploy an EOM in Nigeria to observe the elections in February and March 2023 has been deemed especially significant by High Representative/Vice-President Josep Borrell, who has said that

¹⁵ European External Action Service, 'EU Election Observation Missions', [webpage](#) accessed on 6 January 2023.

‘these elections will be crucial for the consolidation of democracy in Nigeria, and for the stability in the region’ (European External Action Service, 2022b).

The EU and Member States were active in the 15th Annual Implementation Meeting of the Declaration of Principles for International Election Observation held in Brussels from 6 to 8 December 2022. They backed the agreement that ‘International Election Observers need to be more active in follow-up activities and spread their best practices with like-minded partners across the globe’ (European External Action Service, 2022a). Within the Summit for Democracy process led by the United States of America (USA), the EEAS has been involved in the Electoral Integrity ‘cohort’ with International IDEA and India.

The EU has increased the number of Follow-up Missions deployed annually since the 2010s, which reflects a growing emphasis on the implementation of EOMs’ recommendations. The EU and Member States have increasingly stressed the need to use recommendations from past EOMs to advance best practices and lessons learned.

The EU has gradually modified its basic approach to monitor ‘electoral cycles’ as opposed to focusing only on elections themselves. The EEAS says it follows a ‘long term approach’ and with ‘systematic follow up’ on EOM recommendations and making these an ‘integral part’ of EU political dialogues¹⁶. It has begun to press governments to implement EOM recommendations as a step towards further observation and increased funding – Malawi is an example of this. EOM Chief Officer post-election return visits have often become quite high-profile events and carry much leverage (Venezuela is one recent example that substantiates this trend). The EU has worked over the years to improve the follow-up from EOMs. This has borne fruit in terms of plugging their recommendations into political debate, keeping a focus on election distortions well after the election has taken place and raising the media profile of voting irregularities.

Still, the follow-up has not led to any systematic connection between EOM recommendations and the wider state of EU relations with the country in question – and this risks strengthening regimes’ legitimisation strategies. There remain many cases where the EU strongly criticises election manipulation but then offers the government in question high amounts of aid, more generous trade agreements and more security cooperation. Member States governments in the Council sometimes agree to refer to EOM recommendations in Council conclusions (for example, in Pakistan) but at other times decline to do so in deference to security priorities (for example, in Mozambique). In the latter cases, EOM decisions are strikingly disconnected from wider EU aims in responding to global authoritarianism.

A country’s election assessment is not a strong predictor for the state of its relations with the EU – many other factors determine these relations and carry more weight than the trend of elections being used for authoritarian legitimisation. Regimes have also become adept at cherry-picking parts of EOM reports to give the impression that the international community is giving a seal of approval to elections which are far from free.

3.2 The right to participate and UN processes

The EU institutions and Member States have sought to harness the United Nations (UN) International Covenant on Civil and Political Rights (ICCPR). In Article 25 governments across the world agreed to protect the ‘right to participate in public affairs’ – a right that is also enshrined in the UN Declaration on Human Rights and applicable to countries not signatory to the ICCPR. The ICCPR gives the most detailed legal base for the EU to use and one that is formally accepted by participating states. Within the UN Human Rights Committee, state reviews have highlighted certain problems with elections and stressed the need for improvements, including: those in relation to intimidation around elections; reduced autonomy for electoral commissions; the banning of and restrictions on registration of political parties; restrictions on

¹⁶ European External Action Service, ‘EU Election Observation Missions’, [webpage](#) accessed on 6 January 2023.

the right to vote; limited rights to stand for election; and distorted campaign financing. The state reviews have also sometimes raised concerns about broader trends against democracy, such as the heavy concentrations of power in executives or restrictions on the freedom of assembly and expression, as well as the lack of media freedom – Venezuela being one example. The Committee’s most frequently raised concern has been with limits on women’s political participation.

Still, the Centre for Civil and Political Rights has characterised the Human Rights Committee’s use of the Article 25 provision as ‘unsystematic and undeveloped’, even if it has been on the rise since 2018. Crucially it also laments a disconnect between the policy communities dealing with elections, on the one hand, and those covering human rights and democracy, on the other hand (Centre for Civil and Political Rights, 2021). The EU has looked favourably at proposals to update General Comment 25 to help harness Article 25 to cover new challenges such as online manipulation. Given authoritarian trends in most states today, though, this would be pushing very much against the political grain: while some authoritarian regimes claim they offer participation and a different type of democracy, in practice most of them are seeking to narrow not widen citizens’ effective engagement to hold public authorities critically to account.

3.3 Reform persuasion

The EU most commonly uses dialogue in pressing third country governments to reform elements of their electoral procedures. This persuasion often harnesses EOM recommendations but also goes beyond these. As the number of EOMs is relatively limited, there are more countries that do not receive EOMs but where the EU seeks to persuade governments to reform. Here, the EU tends to focus on underlying structural issues and not just events related to a specific election. This typically includes attention to: making electoral commissions more formally independent; improvements to voter registration procedures; and more balanced media coverage around elections.

The evidence suggests that the most autocratic regimes are not generally open to this persuasion. In other, slightly less closed states, there is more chance of influence but also a risk: governments may make such specific changes and win EU approval for doing so but in a political context that enables them to retain *de facto* control of election dynamics.

This relates to a policy lesson identified in the first evaluation of EU observation missions, carried out in 2017. This evaluation was generally positive and concluded that EU election missions help identify and publicise irregularities and empower civil society to monitor elections critically. However, one more critical finding was that EOMs are detached from other EU instruments. The realm of election observations works rather separately from core elements of EU democracy and human rights strategy, with this contributing to their still limited impact on overarching problems in democratic erosion (Particip GmbH and GOPA Consultants, 2017: 3).

Reflecting this, the EU Action Plan on Human Rights and Democracy 2020-2024 commits to doing more in strengthening the link between election work and ‘the wider EU support for human rights and democracy,’ through both ‘political and cooperation tools’ (European Union, 2020: 19). One notable case has been in Venezuela, where an electoral mission engaged with both government and opposition, feeding into efforts to restore mediation talks – even if this has not as yet had any tangible impact on authoritarian repression.

3.4 Sanctions and conditionality

Beyond dialogue and statements of concern, the EU rarely takes a step further to cut aid, trade and political cooperation with regimes guilty of tightening their control over elections. The EU has deployed some forms of sanctions and conditionality with increasing frequency as part of its toolbox in recent years – especially related to conflict and security concerns in countries like Iran and Syria. However, the Union’s overall use of such punitive measures remains relatively sparing; its well-known preference for dialogue-based strategies and engagement continues. Moreover, there is not a strong connection between the

problem of authoritarianism and authoritarian states' wider legitimisation strategies, on the one hand, and the EU's use of sanctions and conditionality, on the other hand.

The EU introduced its new Global Human Rights Sanctions Regime in 2021. This has begun to impose sanctions on individuals and entities involved in egregious human rights abuses. This sanctions regime has taken the focus of sanctions away from country-level political contextual factors, such as the use of elections to legitimise authoritarian repression. Indeed, the general thrust in EU policy is to target individuals involved in serious repression and to keep these measures separate from country-level policies.

Under a small number of country-level sanctions regimes, the EU has imposed measures on some of the most autocratic states such as Belarus, Myanmar, Nicaragua, Russia and Iran. These are relevant to the issue of electoral manipulation but only indirectly: election-based authoritarian legitimisation is not usually the direct reason why sanctions are imposed.

This highlights an important feature of EU responses over recent years: the union reacts to dramatic interruptions of the democratic process but less so when the process of autocratisation is gradual and surreptitious. This is especially so in relation to the rule of law: incremental weakening of judicial independence has been a leading edge of autocratisation and acts as an enabler of authoritarian electoral legitimisation strategies. In the vast majority of countries suffering strong democratic backsliding, rule of law problems and electoral manipulation the EU chooses not to adopt really significant critical measures¹⁷. Four examples illustrate this:

- (i) The EU moved incrementally to restore funding and other cooperation in **Egypt** despite heavily manipulated presidential elections in 2018 and parliamentary elections in 2020. These elections represented one of the clearest cases of an authoritarian regime seeking legitimisation. The EU focus has rather been on increasing cooperation on other issues like security, migration, energy supplies and the green transition.
- (ii) Parliamentary elections in 2020 in **Azerbaijan** were strongly criticised by an international election observation mission for restricting any meaningful pluralism or competition. The regime has recently introduced extremely restrictive laws on media and political parties; these are not strictly related to elections but ensure that electoral campaigns will be even more controlled by the regime. Despite all this, in 2022 the EU signed an energy cooperation memorandum with Azerbaijan under which it agreed to double its imports of Azeri gas – the main source of revenue that sustains the Aliyev regime.
- (iii) **Kazakhstan's** presidential elections in November 2022 saw President Tokayev win a second term with a landslide; although the OSCE lamented the lack of 'genuine pluralism' in the contest, the EU has offered ways to take the 2020 EU-Kazakhstan Enhanced Partnership and Cooperation Agreement to a new level.
- (iv) **Tunisia** is a notable example of a regime trying to use elections to legitimise a dramatic authoritarian turn. Tunisia's parliamentary elections in December 2022 attracted a turnout of only 11 % and were boycotted by opposition parties. The elections effectively cemented the country's authoritarian turn, after President Saied had largely neutralised any possibility of pluralistic contestation since his auto-golpe in 2021. The EU did not deploy an EOM to the elections but nor has it imposed any critical measures and has planned to release new macro-financial assistance to the Tunisian government.

In sum, the ranking of democracy issues in EU decisions over critical measures is not high. The EU has come to either use or raise the prospect of sanctions for a wide range of policy objectives, especially those related to security, trade and climate change objectives. With the EU needing partnerships with autocratic regimes

¹⁷ See in the forthcoming European Democracy Hub, *Annual Review of European Democracy Support 2022*, Brussels (Belgium), 2023.

for a range of strategic aims and having finite leverage, this arguably squeezes the political capital left for measures tailored specifically to the kinds of authoritarian-legitimation trends covered in this Briefing.

3.5 Development aid and democracy funds

According to a study by the Organisation for Economic Co-operation and Development (OECD) the share of assistance provided to countries classified as autocratic has increased over the last decade. In 2019, 79 % of Official Development Assistance (ODA) went to autocracies, up from 64 % in 2010, in part due to the spread of authoritarian governance. As many countries descended into being more repressive autocracies they continued to be large aid recipients. The use of electoral manipulation to underpin trends towards autocracy has not led donors to redirect their aid in any significant way. The increase in humanitarian aid in particular has contributed to this feature of aid flows in the last decade, leaving no meaningful correlation between aid fluctuations and regime types.

Most governance aid (73 % in 2019, from 65 % in 2010) has also gone to countries moving in an autocratic direction or to autocracies and most often is delivered through direct support to government bodies. In line with categories used by the OECD, as much aid goes directly to governments in closed autocracies as in democracies: in closed autocracies 59 % of ODA was channelled through the public sector, in electoral democracies this was 56 % and in electoral democracies it was 64 %. Neither has there been variation in the share of aid going to civil society: 11 % in both closed autocracies and electoral democracies. Trends have been far from uniform: some of the biggest 'autocratisers' received aid increases while others had their aid decreased (OECD, 2022)

There is not a strong correlation between the countries to which EOMs are sent, on the one hand, and those receiving significant amounts of EU democracy and human rights funding, on the other hand. In some where EOMs were sent the EU developed a rich array of other forms of political assistance – for example in Myanmar and Tunisia. Yet in most the EOM mission did not trigger any really significant democracy funding designed to empower checks and balances against regimes.

For many years, critics accused the EU and other democracy supporters of over-focusing on elections. The standard charge heard for many years is that European and indeed other Western democracy supporters reduce democracy to needing little more than free elections. However, EU funding has increasingly prioritised a range of issues other than elections, especially related to building civil society capacities. This funding has targeted a wider range of actors, become more flexible and is now implemented in a more decentralised manner. This funding has helped especially in defending civic activists from regime attacks and imprisonment, keeping some of them active in work related to countering electoral legitimation.

In some countries, critical election work has acted as a catalyst and platform for such funding. For example, OSCE criticisms and recommendations now feed in more systematically to EU funding in Eastern Partnership states and the Western Balkans under the rubric of pre-accession funding. In other countries, this link is less evident, especially in those where traditional development funding outweighs reform-oriented funds.

4 Policy options and recommendations

Following these diagnoses of the challenge and an overview of EU responses to date, a number of policy recommendations can be suggested. The following 10 ideas might merit consideration from EU policy-makers and parliamentarians.

4.1 Relate election assessments to wider autocratisation

The EU needs more systematically to build into its assessments of elections a consideration of how elections relate to the wider political context. This is because the EU needs to be attentive to a growing

risk: countries where regimes' direct manipulation of elections is not as far-reaching as their general degree of overall authoritarian control of the political and civic spheres.

In these contexts, tailoring EU policy around regimes' electoral performance can easily underplay the more general and pervasive elements of authoritarianism. Moreover, changes to election commission structures are unlikely to have a great impact in this overall authoritarian context if they are not related to the more powerful drivers of autocratisation. EU election observers need to join reflections on wider undemocratic practices within highly autocratic countries in addition to those focused on the electoral cycle itself. Regimes often tighten civic freedoms and civil society space in the context of electoral preparations and this kind of development needs more high-profile EU tracking. Delegations' human rights reporting often covers such rights erosion but this coverage could be broader in its scope and more systematic and be framed more explicitly around the authoritarian legitimisation challenge. The EEAS has in the last five years begun to give some attention to its EOM reports serving as an early-warning template for wider democratic regression; this could be developed into a more standard and systematic practice with greater effect. These reports could also serve as a platform for the EU to raise the right to participate in its human rights dialogues with third country governments.

4.2 Multilateral dialogues and standard setting

The UN High Commissioner for Human Rights and Carter Centre have called for a more human rights-based approach to elections, using UN human rights mechanisms to stress that states are obliged to recognise all citizens' right to participate (Carter Centre, 2017). The EU has already been supportive of the Human Rights Committee in its use of the right to participate in public affairs to press governments for certain democratic reforms. As autocratic regimes are happy to ignore such injunctions, there may be relatively limited scope to press any further in this direction.

One more oblique or indirect tactic would be to give much higher levels of support for civil society organisations to engage more with the Human Rights Committee and make more effort to press for use of Article 25 – especially in the sense of free elections being a fundamental right that goes hand in hand with civil society freedoms too. Civil society has so far underused this provision in the UN, including the Human Rights Council, Universal Periodic Reviews and Special Procedures and so the EU might usefully support and encourage civil society organisations to use these avenues more systematically (Centre for Civil and Political Rights, 2021: 41). In this way, the human rights community could be pressed to engage more with election-based sources of rights infringements, in a way that it has so far declined to do (Carter Centre, 2017).

The EU should make fuller use of the Guidelines to States on the Effective Implementation of the Right to Participate in Public Affairs of the Office of the High Commissioner for Human Rights as a tool for addressing the wider aspects of authoritarian legitimisation from a rights perspective. These are comprehensive, referring to many human rights issues, civic space, gender, freedom of information, access to justice, indigenous rights, and others. They do not talk explicitly about regimes using unfree elections for legitimacy. Yet the inclusion of a wide spectrum of rights issues in relation to participation could be harnessed to address this phenomenon. The Guidelines do not talk explicitly of democracy, except in mentioning that free elections are central to democracy and indeed include a lot on consultation and other looser forms of citizen involvement in public affairs (Office of the High Commissioner for Human Rights, 2018). There is a risk of non-democratic regimes being able to argue that they offer 'participation' without democracy – this is a longstanding issue with the imprecision of the term 'participation'. The EU could usefully use these Guidelines in its efforts to connect elections with wider regime legitimisation and should do so by linking the rights-based approach to participation more explicitly to other areas of democratic reform – the EU could thus be more explicit about this than the Guidelines themselves.

4.3 Funding for EOMs

In terms of the criteria for deciding whether or not to send EOMs, the EU can move in one of two basic directions. It could either undertake a lot more engagement around elections and link concrete policy decisions to this in a more meaningful and systematic ways. Or it could pull back from election observation and election-related funding in the most repressive autocracies to avoid the risk of legitimising elections which are clearly not free.

If it were to opt for the former, the EU would need a far larger budget ring-fenced for electoral observation and monitoring. An area for improvement would be to have more funds to send a far higher number of observation missions, including follow up missions. The current number of 7-10 per year represents a drop in the ocean relative to how widespread the problem of authoritarian election legitimisation has become. Policy-makers stress that at present it is the relatively modest budget that imposes the main constraint to democracy strategy around elections.

4.4 Invitation conditionality

If the EU were to move in the other direction of being a lot stricter and more rigorous in its implementation of election observation, it could explore various forms and degrees of conditionality related directly to electoral manipulation. Part of the policy challenge is related to how election observation is carried out and how it relates to other elements of EU policies but another part relates to the basis on which the EU decides on such election observation. Here, the trend of authoritarian legitimisation calls for the EU to reassess its approach towards conditionality and adopt a more consistent approach to these decisions.

One directly tailored form of conditionality would be for the EU to require a third country government to invite an EOM as a precondition for any upgraded trade, aid or strategic cooperation agreement. As this kind of link could be difficult to make work in practice and would likely be considered too radical by most Member States then more limited and moderate forms could be introduced. As an alternative, a country could be required to implement EOM recommendations before the EU agrees to observe any more of its elections and give these any seal of approval – here leverage would come from the EU not sending a mission.

As indicated above, the EU has begun to attempt some such leverage on an *ad hoc* basis and could take such efforts further and on a more regular basis. In a more subtle way, the EU could also make more effort to dissect the ways in which regimes build legitimisation strategies in post-election periods and incorporate these indicators into condition-based decisions on aid allocations. Where the EU does use restrictive measures or conditionality, it could accompany such decisions with a more developed communications strategy that explains how such critical positions flow from authoritarian legitimisation strategies.

4.5 Rules of deploying EOMs

One of the most direct and radical moves could be for the EU to introduce more objectively pre-set and stringent rules for where it deploys its different kinds of election missions. The section above shows how the EU has had much flexibility to deploy observation missions across very different regime types – and including in contexts where most analysts would say there is no prospect at all of meaningful electoral competition and where the political trend is toward autocratisation (like Jordan, El Salvador and Zimbabwe, for example). One rule could be to send missions only to regimes with a certain degree of openness or overall democracy score – with the EU setting a minimum threshold to define this and also more explicitly calling out the unacceptability in of zombie observers providing a mask of legitimacy to unfree and unfair elections.

Many diplomats would not be supportive of taking away EU flexibility but it would send a signal that the EU is more attentive to the updated strategies that autocratic regimes use to legitimise their rule. The most

difficult judgements over whether partially competitive elections can be useful in restraining authoritarianism are in semi-authoritarian or hybrid regimes. In the most repressive autocracies it seems more clear-cut that they most often fail to help in this aim, unless these regimes show a genuine desire to open up and begin a process of political liberalisation that includes electoral competition – a situation that in recent years has been rare. Where the EU makes a decision not to send a mission, it should formulate more prominent communications outreach that links such decisions to authoritarian legitimisation.

4.6 Reassess democracy aid

Many election-related EU funding initiatives have struggled to gain traction in highly autocratic regimes. Much funding goes to aims such as improving the professionalism of electoral management bodies. In addition to these relatively narrow and technical kinds of issues, the EU needs to support initiatives aimed at more politically offsetting the disproportionate weight of ruling parties in elections. Regimes can often modify detailed elements of electoral commissions, voter registration and the like without ceding any meaningful control over the results of elections, because of the wider power structures that sustain their rule. Electoral reforms may help but most work on democratic transition stresses that the wider challenge is to help foster domestic coalitions for reform to sustain consistent public pressure on regimes. The EU could build into its aid programming with third countries a commitment to fund these kinds of political initiatives specifically as a follow up to authoritarian election-based legitimisation strategies. This funding should support local civil society organisations build more effective communications strategies against regimes' legitimisation strategies as these increasingly extend beyond direct repression. The EU could fund a future EU non-governmental organisation Human Rights Forum specifically on the issue of authoritarian legitimisation strategies with an aim to get the human rights community more focused on this challenge. In the last several years, the path towards highly closed autocracy has very often run through a tightening of dominant-party dynamics. It is in these contexts that these wider political approaches are especially needed.

4.7 Party strengthening

One specific area in need of more attention is that of political party strengthening. Where elections legitimise highly authoritarian regimes, it is generally an outcome of single or dominant party type dynamics. The underlying problem in these regimes is the weakness of competing parties and the control of one dominant party. Elections in effect serve to legitimise that underlying dominance of the regime: they may need only relatively modest degrees of manipulation because the effective potential of electoral competition has been neutralised before elections occur.

The role of electoral authorities has been particularly problematic in such countries. Electoral management bodies are essentially controlled by the dominant parties. In these cases, the EU has typically focused on mediating talks between incumbent dominant parties and opposition parties over electoral conditions. The EU and other donors have shied away from supporting political parties to rebalance dominant party systems, in recognition of the political risks this entails. The EU might reconsider this omission. It could explore how support to parties and longer-term electoral support can be made to work together more effectively in the future.

4.8 Civil society monitoring and reporting

The EU should insist that where it sends an election mission is accompanied by funding for local observers who are usually in a better position to understand local dynamics and personalities as well as the political context. The EU has often sought to do this and has moved increasingly in this direction over recent years but the approach could be made much more systematic and high profile. Beyond EOM countries, more EU support for civil society electoral work could also be provided to publicise regime manipulation of elections

and also to use such electoral work as a platform from which to build longer-term civic capacity. In this sense, EU funding could be less cautious in the partners it funds and look to support newer and more critical civic voices. The International Foundation for Electoral Systems has stressed the priority imperative of upgrading support for coalition-building in opposition to electoral legitimisation strategies – especially in repressive contexts where willingness has not been forthcoming from regimes to change electoral management rules (Buriel, 2022). In line with this, the EU should upgrade this kind of civic empowerment most ambitiously in the closed authoritarian contexts where elections are most clearly and absolutely uncompetitive.

This significantly increased support could help push back against the digital strategies that are enabling regimes' electoral manipulation. While the EU has begun to do this in its EOMs, which now include social media analysts, there is scope for it to build into its general digital strategies in third countries much more of a targeted focus on digital techniques around elections. Indeed, the EU Action Plan on Human Rights and Democracy 2020-2024 acknowledges the need to provide more support for combatting online manipulation techniques around elections (European Union, 2020: 19). The EU could usefully make an effort to support online activists to engage on election issues, on which online activists are still often relatively unengaged.

4.9 Use the Summit for Democracy process

The EU is already engaged on electoral issues within the Summit for Democracy process that the Biden administration launched in 2021. With the future of this process uncertain, the EU could offer to play a leading role in maintaining its existence after the USA hosts its second democracy summit in spring 2023. The EU could then orientate the process towards the challenges of authoritarian legitimisation techniques, as discussed in this Briefing. This would have the advantage and value of encouraging democracies from around the world to become more engaged in pushing back against this challenge. The EU should make a particular effort in this regard to incorporate civil society organisations from the most repressive autocracies as these vital actors have so far been excluded from the summit process – and it should present this incorporation as part of its strategy to pushback against authoritarian legitimisation and highlight the human right to participate.

4.10 Repression and authoritarian drift

In many of the world's most closed autocracies, the EU will need to look more broadly into its toolbox, to the extent that it increasingly struggles to gain traction with its traditional kinds of policy approaches. In the most repressive political contexts, there will be little scope for beneficial work around election monitoring and regimes increasingly deploy a whole swathe of autocratisation levers that secure their control. Repression against civil society makes access for external funders more difficult, and these regimes tend to challenge rather than bend to formal multilateral norms. Dealing with these challenges requires the EU not merely to tweak elements of its election work, funding or UN-related diplomacy but rather to consider the role of democracy support within its overarching foreign and security policies. If tensions between democracies and autocracies are, to some extent, becoming more sharply geopolitical, then the EU needs to raise its treatment of democracy concerns to this high political level. This means building more strategic alliances for democracy, prioritising democracy as a strategic interest and not as something to be traded off against other interests, incorporating democracy issues into geo-economic and trade strategies, using climate funding as an entry point for political reform, and finding unconventional avenues to support civic voices able to speak out against autocracies and their electoral legitimisation strategies. These issues extend beyond this Briefing's remit but it is important to stress how important it will be for the EU to cast its democracy strategies more widely in this way, as the trend of autocratisation becomes deeper and more multifaceted.

In conclusion, the thread linking these recommendations is the need to focus on the underlying root causes of authoritarian legitimation. As regimes use elections as one part of an authoritarian playbook, the EU needs to focus not just on election processes themselves but on the context around elections. Many policy-makers will say this is not news to them and that the EU has been moving in this direction for a number of years. Yet, the policy record suggests that there is still room for a much more systematic EU focus on the wide range of causal factors that explain why regimes are able to deflect opposition to their repressive rule. EU democracy support needs to address not just the direct tactics of repression and political control but also the ways in which authoritarian regimes build legitimacy, including through claims that they offer electoral competition and participation. In this sense, authoritarian regimes' successful use of elections needs to be treated as a symptom more than the main malady and feed into a more wide-ranging set of EU policy initiatives.

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WORKSHOP PROCEEDINGS

**Strengthening the Right to Participate:
Legitimacy and Resilience of Electoral Processes
in Illiberal Political Systems and
Authoritarian Regimes**

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1 Programme

For the Subcommittee on Human Rights (DROI)

WORKSHOP **Legitimacy and Resilience of Electoral Processes in Illiberal Political Systems and Authoritarian Regimes**

Wednesday, 25 January 2023

9:00 - 10:30

Brussels, Antall Building, room 4Q1, Brussel / Optional remote participation

PROGRAMME

- 9.00** **Introductory remarks**
- **Bernard Guetta**, MEP, Vice-Chair of the Subcommittee on Human Rights
- 9.15** **Academic expert presentations**
- **Thomas Demmelhuber**, Professor of Middle East politics and society at the University Erlangen-Nürnberg (Germany) and Visiting Professor at the College of Europe
 - **Richard Youngs**, Professor of international relations at the University of Warwick, Senior Fellow at Carnegie Europe and Visiting Professor at the College of Europe
- 9.45** **Debate**
- 10.20** **Concluding remarks by the Chair**
- 10.30** **End**

2 Introductory remarks by the Chair

Bernard Guetta, MEP, Vice-Chair of the Human Rights Subcommittee, pointed to the DROI Committee's decision to prepare a recommendation to the Council, Commission, and High Representative for Foreign Affairs and Security Policy on how the EU could strengthen its response to undemocratic elections from a human rights perspective. He stressed that the human right to participate in public affairs, as enshrined in the International Covenant on Civil and Political Rights and the Universal Declaration on Human Rights (UDHR), is at the heart of many, if not all, other human rights and freedoms. While democracy is suffering from a backlash globally, many authoritarian regimes continue to hold elections to strengthen the legitimacy of those in power. This presents a challenge for the EU and its allies as well as democracy and human rights defenders.

3 Presentations by academic experts

3.1 Thomas Demmelhuber (University Erlangen-Nürnberg)

Professor Thomas Demmelhuber started his presentation by highlighting three key trends, namely: (1) a halting of democratisation processes and various frictions in consolidated democracies that have nurtured the debate on democratic backsliding, (2) recent data suggests that 70 % of the world's population lives under autocratic rule, and (3) the liberal international order built on multilateralism, rule-based cooperation, and peaceful conflict resolution is facing stress factors, with new actors trying to influence the ecology of the liberal order and presenting authoritarianism as superior.

Professor Demmelhuber explained how electoral processes are embedded in different types of authoritarian regimes, referring to the different categories of 'electoral autocracies' and 'closed autocracies'. In the domestic arena, authoritarian elections serve four core functions:

- I. **Legitimisation function:** Elections allow limited spaces for contentious politics and set the stage for controlled pluralism
- II. **Safeguarding function:** Elections can include licensed opposition parties in the arena of contentious politics
- III. **Clientelism function:** Elections contribute to elite cohesion
- IV. **Information function:** Elections may serve as a barometer of regime support and capacity.

In view of the international area, Professor Demmelhuber stressed the importance of the **mock compliance strategy**, which he referred to as the new 'gold standard' of electoral processes in authoritarian contexts. Other authoritarian actors confirm that elections took place in a free and fair environment, which leads to a watering down of international standards of election observation. Regimes invite 'zombie' or 'shadow' election observers, sometimes alongside genuine independent observation missions, to get the democratic stamp and crowd out critical messages.

He also noted that while international legitimisation remains a strong incentive for authoritarian regimes, sophisticated narratives proclaiming national sovereignty increasingly sideline it. Further, he emphasised that the role of elections should not be overestimated as a legitimisation function, as regimes build on a broad set of durability resources. He also stressed that forms and functions of elections differed according to the authoritarian contexts. Professor Demmelhuber recommended more focus on i) countries with post-election autocratisation, a common contemporary phenomenon ii) elections in settings with a young institutional architecture, iii) elections below the national level (regional or local elections).

3.2 Richard Youngs (University of Warwick)

Professor Richard Youngs laid out that the EU has improved significantly in its efforts to deal with non-democratic elections in the past decade, inter alia through:

1. A more **systematic** approach, focusing on the long-term electoral cycle and starting to understand how electoral dynamics relate in a broader political context;
2. A better **following-up** system for international **election observation missions (EOM)**; however, the link between election observation outcomes and political relations with partner countries remains incoherent;
3. While much aid is going to authoritarian countries, one can observe a more bottom-up approach by funding initiatives to reform the electoral process and civil society capacity building to monitor electoral manipulation;
4. Collaborating with other partners on international standard setting, and to increase the profile and value of the ICCPR, specifically the **right to participate**.

Professor Youngs noted that while a lot has been done to address **mock compliance strategies** and **electoral manipulation**, autocratic regimes continue to develop more effective, nuanced, and skilful strategies to achieve legitimacy in political practices. Thus, Professor Youngs concludes with **ten recommendations** on how the EU can develop a more systematic approach to address these challenges. The EU could

1. adopt a broader political assessment of elections;
2. provide more funding for election observation, and better link electoral work to broader political strategies
3. explore how to use conditionality surrounding its invitations for EOMs, or their resulting recommendations;
4. strengthen its rules on sending EOMs;
5. reassess its democracy aid relating to elections to dedicate more resources to address mock compliance;
6. enhance its focus on political parties, which are a significant causal factor of election manipulation in dominant party political system, and often remain overlooked;
7. increase its support for independent civil society election monitoring initiatives;
8. use the Summit of Democracy to reintroduce the issue more systematically onto the international agenda;
9. consider more indirect and oblique ways to use multilateral human rights forums for strengthening the right to participate;
10. adopt a more political approach to deal with autocratisation since elections are only a part of authoritarian oppression.

4 Debate

Nacho Sánchez Amor, MEP (S&D, ES), rapporteur for the DROI recommendation on the right to participate, explained that he wanted to tackle the election challenge from the perspective of participation and human rights. This would complement the work on EOMs and elections in authoritarian regimes done by the EP's Foreign Affairs Committee (AFET) and the Democracy and Elections Coordination Group (DEG). Mr Sánchez Amor noted that the approach to election observation missions needs to be reconsidered, but DROI should discuss elections and authoritarianism with a focus on the individual's right to participate in elections. He invited the academic experts to turn more to the notion of how to protect clean elections from the point of view of the voter. He underscored that unless individuals' right to vote can be guaranteed in authoritarian regimes, there is no point in protecting the election system as a whole.

Leopoldo López Gil, MEP (EPP, ES) argued that, realistically, the situation described by the experts can be seen in 70 % of countries worldwide. Referring to the case of Venezuela, he stated that the government weaponises elections to impose its will and remain in power. But Venezuelan citizens cannot be deceived and continue to fight against repression. He recalled that the EU has made multiple recommendations but more must be done to ensure follow-up, e.g. by linking them to negotiations and agreements in the area of trade or development cooperation. He asked whether human rights sanctions could be used in a preventative manner against individuals or bodies who undermine democracy, before autocratisation actually takes root.

Katalin Cseh, MEP (Renew, HU) noted that the situation described by the experts is also a problem within the EU. She expressed concern that the erosion of democracy and participation has led to a situation where OSCE and ODIHR members, such as Russia, Belarus, and Turkey, violate the right to participate but keep their memberships. She noted that many countries do not follow the EOM recommendations, and asked whether sanctions or other enforcement measures may be more effective. She supported increased funding for election observation, but also stressed the need for follow-up and problem analysis. She asked whether the EU could play a stronger role in the Summit for Democracy to improve its impact.

Heidi Hautala, MEP (Greens/EFA, FI) inquired how the OSCE and ODIHR work against the trends of fake elections and mock compliance which hollow out established international standards. She cautioned against a more political approach to EOMs, as it could lead to a more 'realpolitik' approach and undermine an objective evaluation of democratic standards, or the lack thereof. She asked about the role of international platforms, such as the Summit for Democracy or the Community of Democracies, as they are not undisputed. Ms Hautala mentioned that elections might be organised in Myanmar in August, which would fulfil many of the criteria of 'mock compliance'.

Peter van Dalen, MEP (EPP, NL) stated that the debate had been very academic and asked for clarity on how autocratic regimes were defined and classified. He noted that the EU institutions were overemphasizing the dialogue approach, criticised the gas deal with Azerbaijan, and asked for detailed answers on how the EU should deal with autocratic leaders. Mr van Dalen insisted that the experts should be concrete on what to do with non-democratic countries which benefit from the Generalised Scheme of Preferences (GSP). He concluded that many autocrats are not interested in the EU's statements and recommendations.

Isabel Santos, MEP (S&D, PT) argued that there is a clear split between autocracies and democracies. The EU has a role to play in defending democracies and must take an active stand to remain relevant in global politics. She called for stronger connections between EOMs and the EU's foreign policy. She argued that dialogue as such was not problematic, but autocratic governments should not be presented as reliable partners. Communication is important. She emphasised that rules and protocols for EOM must be clear and their results must have political consequences. She supported Mr Sánchez Amor's remarks that we need to look at how EOMs are carried out, as well as more mechanisms in the run-up and the follow up to elections.

Neal Mac Call (EEAS, Head of Division – Democracy and Electoral Observation) reminded that many of the points were discussed during the 15th Annual Implementation Meeting of the Declaration of Principles (DoP) for International Election Observation which took place at the European Parliament in Brussels from 6 to 8 December 2022. He drew attention to the fact that the EU's methodology for election observation is under constant revision, notably through three consecutive EU handbooks on election observation (the fourth is to be released soon). Progress has been made inter alia on exploratory missions, which assess the democratic character of elections through contacts with authorities, parties and civil society organisation; enhanced visibility and boosted media profiles for EOMs in the countries where elections take place, which helps to expose false narratives promoted by regimes; the EU's long term approach to election observation with missions on the ground for extended periods of time; and increasing attention to follow-up missions. Mr Mac Call agreed that more could and should be done to address rising challenges better. He welcomed a discussion on how to further develop the current methodology which would also involve the other institutions and member states. A more coordinated approach between the assessment of the EOM and other policies should be promoted internally.

Thomas Demmelhuber raised five relevant points following the discussion:

1. The mock compliance strategy is a complex phenomenon with diverse actors. A systematic database of observers without a professional track record of observing elections may be useful.
2. There are commonalities in autocrats' strategies and behaviours, highlighting that these leaders are vividly learning from one another.
3. The right to participate must be central to future debates and should be the common denominator in EOMs. This supports the argument for more attention to regional and sub-national elections, where the voting experience is more tangible to individuals.
4. Autocrats are aware of the international audience, and only a minority of leaders do not care about how they are perceived, which is why they invite international EOMs. But autocrats are becoming more self-confident and proactive in shaping the discourse.
5. There has been an academic debate for decades on how to best define autocracies. A systematic approach to classify different regime types is relevant also for politics because establishing a common denominator will prohibit regimes from playing with democratic vocabulary, while allowing a fine-grained understanding of different types of authoritarian regimes.

Richard Youngs agreed that the EU must consider a more concrete approach to ensure the individual's right to participate. The EU could enhance funding to bring civil society organisations working on elections and on human rights together and thus add more pressure on regimes during the election cycle. Professor Youngs highlighted that working only on elections will not solve the underlying issues since elections are only part of the regime's survival game and multiple oppressions occur throughout the election process. He emphasised the growing phenomenon of elected autocrats, which gain power through genuinely competitive elections and then use that political legitimacy to become more authoritarian. To address this phenomenon, Professor Youngs recommended employing EOMs earlier to determine warning signals and take pre-emptive measures. For sanctions, the academic literature shows that they are only effective in certain circumstances. The EU could apply pressure rather with positive incentives. Professor Youngs agreed that the Summit of Democracy had not lived up to the expectations so far, and he proposed that the EU and its Member States could take the lead if the US steps back in March 2023 and coordinate with other democracies to take more proactive ways.

Nacho Sánchez Amor MEP (S&D, ES) stressed that his focus on the individual rights perspective, rather than election observation, is linked to the distribution of roles within the EP. DROI should not duplicate the work of AFET and DEG. He recalled that fake observers' profiles were already being mapped, and the EP

had forbidden MEPs' participation in non-official observation missions. As for regional and local elections, he warned that this could be counterproductive if not done properly and with the necessary means. Lastly, Mr Sánchez Amor underlined that the EU is no longer a model for other regimes. Autocrats are now confident to present their own model as superior and more efficient, eroding the EU's soft power.

Mr Guetta concluded the debate, stating that DROI should continue the debate on the topic as it was fundamental for the human rights subcommittee.

5 Biographies of speakers

Thomas Demmelhuber is Professor of Middle East Politics and Society at the Friedrich-Alexander-University of Erlangen-Nürnberg. Before he was Assistant Professor for Political Science at the University of Hildesheim (2012-2015). His PhD in 2008 on EU-Egyptian relations was awarded with the German Middle East Studies Association's dissertation prize for best PhD in Middle Eastern studies. Demmelhuber's research focuses on state, power and politics in the Middle East from a comparative perspective including international actors such as the European Union. Demmelhuber has published/edited numerous books, e.g. in 2018, he co-edited, together with Tobias Schumacher and Andreas Marchetti, [The Routledge Handbook on European Neighbourhood Policy](#) and in 2020 together with Marianne Kneuer a comprehensive volume on [Authoritarian Gravity Centres: A Cross-Regional Study of Authoritarian Promotion and Diffusion](#).

Richard Youngs is a senior fellow in the Democracy, Conflict, and Governance Program at Carnegie Europe. He works on EU foreign policy and on issues of international democracy. Youngs is also a professor of international relations at the University of Warwick. Prior to joining Carnegie in July 2013, he was the director of the European think tank FRIDE. He has held positions in the UK Foreign and Commonwealth Office and as an EU Marie Curie fellow. He was a senior fellow at the Transatlantic Academy in Washington, DC, from 2012 to 2013. Youngs has authored fifteen books. His most recent works are *Rebuilding European Democracy: Resistance and Renewal in an Illiberal Age* (Bloomsbury/Tauris, 2021), *The European Union and Global Politics* (Macmillan, 2021), *Civic Activism Unleashed: New Hope or False Dawn for Democracy?* (Oxford University Press, 2019) and *Europe's Eastern Crisis: The Geopolitics of Asymmetry* (Cambridge University Press, 2017).

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