Regional Organizations as Democracy Enforcers: The Design of Suspension Clauses in the EU, OAS, and AU

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Abstract

Although regional IOs have been successful democracy promoters in some parts of the world, these same IOs have mixed track records with *defending* democracy in their member states. Given that an organization establishes democracy as an internal condition for membership and that it has a legal commitment to defend democracy as commonly defined, what explains inconsistent enforcement post-accession? While democratic density of a region and specifics of the crisis at hand may explain IO action in some cases, the contention made herein is that the suspension clause design is a partial determinant of its use. Suspension clauses are more usable when fewer actors (IO bodies) are required for implementation, when supranational bodies are involved and not only intergovernmental, and when the voting thresholds are lower. This paper compares the enforcement clauses of three regional IOs, the European Union, the Organization of American States, and the African Union, illustrating that, counter to theoretical expectations, regional IOs with less complex suspension clauses have been more active democracy enforcers.

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1 Introduction

In the post World War II period as the number of international organizations (IOs) grew exponentially, it became common to condition membership on certain behaviors or actions.[1] Conditions include everything from regularizing tariff rates and meeting certain military spending levels or production rates for particular goods to respect for the rule of law or commitments to environmental standards. Membership conditionality can enter at two stages in the accession process. External conditions are requisite criteria a potential member state must meet *prior* to admission and internal conditions bind member states to specific behavior *after* accession. Some conditions that are central to an organization's goals or mission might be both external and internal requirements. For instance, a state might have to remove tariffs on certain goods in order to join an economic organization, and then maintain specific tariff levels in order to remain in good standing.

Democracy was proposed as an external condition for IO membership as early as the inter-war period while negotiating the League of Nations.[2] IOs using democracy as an external condition are engaging in *democracy promotion*. Actions in the name of democracy promotion occur as a state is progressing in the democratization process, and include efforts to establish a system of government with separate powers delegated to independent branches, to normalize the rule of law and integrate it into the domestic culture, or to reduce discrimination and corruption. Much of what the literature can tell us about the relationship between international organizations and democracy is focused on this front-end process of membership conditionality.[3] When an IO establishes internal democratic conditions, though, it is engaging in *democracy enforcement*. Democracy enforcement occurs when a member state, which met the democratic criteria to be admitted under the external conditionality in the past, begins reneging on those commitments.

The end goals for democracy promotion and enforcement – supporting democratic institutions and defending democratic values such as the rule of law, maintenance of civil liberties, and respect

[1] Conditionality is an agreement between two actors in which certain behaviors are explicitly linked with promised benefits, such as "financial assistance, trade concessions, co-operation agreements, political contacts or even membership" in an organization or group (Cameron 2007, p. 184).

[2] Duxbury 2011, p. 1-2

[3] See Schimmelfennig & Sedelmeier 2004; Schimmelfennig 2007; Olivari 2014; Legler, Lean & Boniface 2007; Cooper & Legler 2006

for human rights – are observationally similar, but the means by which the organization can induce compliance are quite different. Most significantly, as a democracy promoter, an IO still has the ultimate reward of membership to offer along with its multifaceted benefits. Once that has been obtained, a different set of enforcement mechanisms is required. Paul Poast and Johannes Urpelainen (2015) argue IOs that were seemingly successful when using external conditions to make states rise to a certain level of democracy are not going to be able to stop democratic backslides in non-consolidated democracies because they lack enforcement mechanisms or ways by which they can intervene on behalf of democratic norms. While Poast and Urpelainen's assessment of the lacking *military* enforcement mechanisms is valid, IOs are designed to have alternative methods of enforcing commitments such as revoking the rights and privileges of membership with a suspension clause. So how common are suspension clauses, and do any IOs use them to enforce democratic behavior in member states?

In the early 2000s, Jon Pevehouse posited that the same regional IOs that proved themselves as democracy promoters would successfully defend democracy in their regions down the line.[4] Therefore, we might expect particularly democratic regional IOs to rely on these kinds of enforcement procedures. Ongoing democratic crises suggest being a good democracy promoter may not be a definitive indicator of a future effective democracy enforcer, though. The absolute number of democracies in the world has declined for eleven consecutive years; in the decade between 2005 and 2015, 105 countries experienced a net decline in civil liberties and political rights in while only 61 experienced a net improvement.[5] These democratic declines are not exclusive to "undemocratic" regions. Of these 105 countries that experienced a decline in democratic values, each one is a member of at least one IO, and, as will be discussed in this paper, at least 13 IOs include a formal, legal commitment to democratic governance as a condition for membership. This paper questions whether democratic density is a reliable indicator for democracy enforcement, suggesting that IOs *can* be both democracy promoters and democracy enforcers as Pevehouse contends only if the two tasks are considered distinctly at critical institutional design moments.

This paper contends the design of suspension clauses has an independent effect on their subsequent use, which better maps the empirical pattern of IO democracy enforcement efforts in the current

[4] 2002, 2005

[5] Puddlington & Roylance 2016, 2017

illiberal moment than regional democratic density. The important design features within the suspension clause are about the role and centrality of supranational versus the intergovernmental actors in the process, the number of IO bodies involved, and their decision rules. After providing descriptive analysis of the presence and design of suspension clauses from original coding of 326 international organizations' charters, I provide a comparative analysis of the suspension clauses from three most-similar regional IOs that have established democracy as an internal condition for membership. An assessment of these IOs suggests regions with less stable democratic transitions design more usable suspension clauses than regions where democratic transitions and consolidation have been seemingly successful.

The next section reviews the literature on delegating, legalizing, and enforcing democracy under international law. The third section illustrates how the design of an IO's suspension clause could have an independent impact on its use. Section 4 presents descriptive accounts of suspension clauses in international organizations' charters. Comparative analysis of the suspension clauses in the EU, OAS, and AU follows in section 5. Each case traces the legalization of democracy and the evolution of the suspension clause in treaty law, evaluates the design components and thus the feasibility of the suspension clause as a democracy enforcement tool, and presents a brief history of democratic backslides when the suspension clauses could have been, and in some cases were, applied. The final section provides recommendations for future work to better understand the origins and effects of this inverse correlation between a region's democratic density and the usability of enforcement mechanisms.

2 Defining and Defending Democracy in International Law

Democracy is typically first established as a principle or core value of the organization in its charter. Subsequent protocols and treaties may help legalize the organization's commitment to democracy over time. Legalizing democracy in so-called "democracy clauses"[6] within treaties may seem unnecessary among some collectives of states, especially if the current and foreseeable members "unambiguously meet its normative values."[7] However, an IO's ability to identify democratic erosion or a violation of

[6]Brimmer 2005, p. 233
[7]Fawn 2013, p. 6

democratic norms goes hand in hand with its enforcement capabilities. To fully understand the importance of legalization for democracy enforcement, consider its three components: precision, delegation, and obligation.[8] Precision is about how explicit or detailed the democracy clause is when identifying the expected behavior of members. Highly legalized democracy clauses outline non-negotiable tenets of democracy. Imprecise democratic requirements may make it easier to agree upon a text in the short run, but lack of specificity can allow for more shirking and is more difficult for the IO or other member states to enforce. While tariffs and other quotas can be objectively measured, normative or values-based conditions for members are more difficult to quantify without a precise democracy clause. Explicitness is preferred if actors want to increase the credibility of commitments or if they are seeking more political tools for handling democratic backslides.[9]

Delegation grants a third party, in this case the IO, the "authority to implement, interpret, and apply" the democracy clause within its member states.[10] When designing an IO, founding member states have different incentives to maintain authority over specific policy areas or to delegate authority to the organization. The issue areas up for grabs depend upon the scope and purpose of the organization. Delegation is "a conditional grant of authority from a principal to an agent that empowers the latter to act on behalf of the former."[11] According to theories about principal-agent relationships, states delegate in order to overcome policy differences,[12] because special expertise are wanted,[13] or to gain informal power over outcomes.[14] Functional institutionalists have long argued that IOs reduce transaction costs, increase cooperation, and help solve collective action problems.[15] Democracy clauses serve these functional ends: "they help overcome collective action problems and make commitments to democracy transparent and credible."[16] Despite these benefits, delegation is often equated with surrendering sovereignty, so the benefit to the member states must be high in exchange. Delegating democracy enforcement to a regional IO requires balancing fears of democratic

[8] Abbott et al. 2000
[9] See Abbott & Snidal (2000) on hard versus soft legalization.
[10] Abbott et al., 2000, p. 401
[11] Hawkins et al. 2006, p. 7
[12] Hawkins et al. 2006, p. 20, see also Keohane 1984.
[13] See also Haas (1992) and other contributions to the special issue of *IO* on epsitemic communities.
[14] See also Stone (2011) on shared formal and informal control in international institutions.
[15] Keohane 1984
[16] Genna & Hiroi 2015, p. 55

backslides against fears of unilateral or other international intervention. IO members might prefer to delegate oversight powers to a regional IO that they can partially control rather than risk unilateral intervention by another state at a later date.[17] Formal IOs have also proven to have uniquely long time horizons. Granting democracy oversight to a party that will outlast other potential enforcers, such as a hegemon, is in the interest of all the states that want to see democracy prevail.

Joining regional clubs or organizations is one method by which states make credible commitments to other states. Part of the allure of joining IOs is that they hold members accountable for their obligations by maintaining high costs of membership, high costs of defection, and creating audience costs.[18] Including a democracy clause in the charter is, thus, one way to signal to all potential members what the expectations of membership are and for members to signal their resolve to uphold democratic ideals. IOs can only serve this function when their response to member state noncompliance is consistent, legitimizing the threat to punish another backsliding member. Institutions seek legitimacy in order to maintain power, and legitimacy is directly related to the IO's accountability.[19] Internal democratic conditions need to establish not only what the expectations of members are, but what the consequences of non-compliance might be. By doing so, internal conditions can help to defend an organization's interests from strategic or false ratifiers.[20] These three components interact. Highly precise or specific democracy clauses can ensure consistent interpretation of events by the third party to which oversight has been delegated.

No matter the level of precision, delegation, and obligation in a democracy clause, the question remains whether the IO has the capability to enforce it. Most existing work on IO enforcement efforts in general focuses on inconsistent responses by a singular organization to crises within its region. Traditional power politics arguments[21] and the strategic importance of the violating state to the organization as a whole[22] offer explanatory evidence for variation in democracy enforcement within one organization, but they do not help explain the cross-regional variation in suspension clause use. There is at least one great power involved in regional affairs everywhere, they do not always

[17] See Stone (2011) on partial control of organizations by less-powerful member states.
[18] Pevehouse 2002a, p. 613
[19] Barnett & Finnemore 2004
[20] See Simmons (2009)
[21] Van der Vleuten and Hoffman (2010)
[22] Donno 2010

get their way in IO decisions,[23] and they have even come under investigation by the IO for non-compliance themselves.[24] While internal inconsistency is puzzling from an IO capacity perspective, the cross-regional pattern is the focal point of this analysis.

One potential cross-regional explanation is that there is no pattern of enforcement because these democratic crises themselves are not comparable. Organizations could simply be hedging their bets and intervening in select cases based on the severity of the crisis, as is one argument in the literature.[25] According to this argument, an IO will always respond to a military coup, but will be unlikely to recognize and subsequently punish a state for intragovernmental crises prohibiting the rule of law in the country. Rather than traditional military coups, today's new authoritarians have adopted hyper-legal and extralegal methods simultaneously. The new democratic backslide starts by targeting media, civil society, and alternative branches of government. All types of democratic erosion can be observed in each region. If this explanation were true, we would expect no IO to enforce democracy in the "less-severe" cases. Regional IOs have very mixed track records of involvement in democratic crises, though, as will be illustrated in the case studies that follow.

The strongest explanation for cross-regional enforcement variation to date has been the democratic density argument. This theory suggests the democratic density of a region is a reliable indicator of whether an IO would encourage democratization, assure this lock-in for leaders, *and later enforce democratic practices* amongst club members.[26] Democratic density is measured as the proportion or "percentage of permanent member in the organization that are democratic."[27] There are several reasons why a group of democracies is suspected to be better enforcers than a group of various regimes. First, they presumably have an equal respect for and commitment to democratic rule. Second, they

[23]Although power politics certainly play a role in international interactions, IOs have also acted against the powerful states' wishes. For example, the OAS did not react as forcefully as the US wanted in response to the assassination of the vice president of Paraguay and intra-governmental troubles between 1999 and 2000. In Europe in 2013, Germany was among a small group of EU member states who authored a letter asking for the EU to act against the constitutional crisis in Hungary, but the Union did not formally act (Westerwelle, Timmermans, Søvndal, & Tuomioja, 2013). Even when powerful states are involved in the IO's decision, their control over outcomes in these organizations is limited.

[24]If it were true that organizations were targeting less-powerful states in democracy enforcement, the IOs would disproportionately punish the weak member states for reneging on their democratic commitments. Counter to this point, powerful states are sometimes harshly punished, such as when the AU suspended Egypt in 2013 after the "unconstitutional change in government" as then-president Mohamed Morsi was ousted. Alternative incentives must be at play here.

[25]Hafner-Burton 2009, p. 36; Arceneaux and Pion-Berlin 2007

[26]Pevehouse 2005, p. 3-4

[27]Pevehouse 2005, p. 46

are more likely to behave in a transparent manner, making it less likely they will try to cheat one another or game the system. Third, a body of literature suggests democracies respect international agreements moreso than non-democracies.[28] The democratic density theory has been well supported by the empirical record in terms of IO democracy promotion. In the case studies that follow, however, it appears the less democratically dense regions are equipped with more precise democracy clauses and corresponding suspension clauses. The following section identifies the critical characteristics of these suspension clauses which will be subject to comparative analysis.

3 Designing the Suspension Clause

The question remains why an IO would not suspend a member state if it became noncompliant with its democracy clause and a suspension rule is provided. Part of the decision to use the suspension clause has to do with the barriers to its use. The decision-making process impacts whether the IO finds enforcement costs worth the political and reputational gains of stopping the democratic backslide. The complexity of the process depends on three factors: the nature and number of the IO bodies involved in reaching a consensus about suspension and the decision rule at each stage.

When an IO is delegated agency over democracy enforcement, multiple bodies of an IO may share responsibility for its implementation. States, or the principals in the relationship, design these internal checks and balances in an attempt to maintain control of the agent, the IO.[29] Agreement among more actors is always more difficult to reach.[30] When these organizations meet in multiple settings to discuss the same event, it is also more likely that a process can get stuck between stages. Suspension clauses that include multiple bodies would need to include additional mandates or timelines for moving from one body to another to ward against this possibility. As more actors are involved, the implementing a democracy clause becomes less likely. Therefore, the *number of actors* involved in activating a suspension clause is inversely related to the IO's propensity to implement it.

Suspension clauses can also involve different *types* of actors. IOs are comprised of a mix of intergovernmental bodies, which remain primarily loyal to the member states, and supranational bodies,

[28]For full review of democratic density argument, see Pevehouse 2005, pp. 46-49
[29]Hawkins et al. 2006, p. 29
[30]Koremenos, Lipson, & Snidal 2001, p. 765

with a primary responsibility to the organization's values. The officials in an intergovernmental body are either elected or appointed by democratically elected leaders in the states, while the supranational leaders are either directly elected by the people or by the heads of the member states as a whole. Cortell and Peterson (2006) argue that supranational representatives have a vested interest in the organization's legitimate authority and will thus prioritize the IO's agenda over that of any member state.[31] Representative comprising an intergovernmental bodyprioritize domestic interests and may therefore be reluctant to enforce democratic norms in a member state. The expectation should be that the supranational bodies more actively defend democracy than the intergovernmental bodies, which have other domestic interests to prioritize. When they both are involved in the process to suspend a member, IO action may seem more legitimate, but use of the suspension clause is less likely. A greater role for supranational bodies increases the likelihood of suspension when democratic norms are violated.

When evaluating a suspension clause, we should also determine how difficult it is for states to build a coalition within the organization either in favor of non-action (potentially out of fear that ones own country may be in a similar position later) or in favor of acting against the violating state. *Voting rules* are measured along a continuum: unanimity is the highest threshold, narrowly followed by consensus voting, then supermajority voting, and finally by simple majority.[32] Veto rights heighten the vote threshold. Vetoes are reserved by member states that want a tool for protecting state interests. When a suspension clause allows for a veto by any single member, a violating state only needs one ally in the organization to keep suspension off the table. Alternatively, an IO with a low voting threshold and no right of veto can bypass these coalitions. The IO is more autonomous in the latter case. Karen Alter (2006) describes the complexity of voting rules as "designed to allow a small number of powerful states to block the legislative will of the majority, and a large number of weak states to block the will of the powerful."[33] The kind of majority needed and the presence of veto players together influence the likelihood of actually implementing a suspension clause.

Complexity exists along a spectrum based on these three features: the number of bodies, the

[31] p. 260, 262
[32] Cortell & Peterson 2006, p. 261; Koremenos, Lipson, & Snidal 2001, p. 12
[33] p. 327-8

nature of bodies, and the voting rule in each. At one end is a highly complex suspension clause: multiple bodies are involved, most of which are intergovernmental, all requiring high vote thresholds and preserving the right of member state veto. At the other end, only one supranational body is responsible for making the decision to suspend and it does so by a simple majority vote. These descriptions should be considered ideal types. In practice, a suspension clause involving only one body that is intergovernmental and must take a unanimous decision may be equally likely to be used as one involving multiple bodies each taking decisions by simple majority.

Confounding Factors

Even with the existence of an easy-to-use suspension clause, there are at least two confounding factors that could make intervention more or less likely. The first important factor is about potential costs of defection for the member state. The intrinsic value of membership rights depends on the depth of integration and issue linkage.[34] Some organizations focus on only one issue area, good, or are meant to solve only one coordination problem. These single-purpose organizations do not have strong leverage over unrelated behaviors of the member states. When an IO's scope is broad, however, costs of membership and subsequent defection are high. As more sectors are integrated, the state is more likely to comply in response to an IO's threat of suspension. The particular combination and prioritization of issues within an organization's competences also matters. While organizations focused only on democracy do exist (i.e. the Community of Democracies), primarily values-based organizations such as the Council of Europe have fewer means of enforcement by nature: "these bodies do not convey immediately tangible and material benefits to their members" so there is less to withhold.[35] Solely economic organization have the opposite problem: though they have plenty of material collateral, they usually lack a strong normative commitment to democracy. Multipurpose organizations have the greatest leverage over member states and can inflict higher costs on a defector by virtue of issue linkage. Therefore, the scope of the qualitative analysis to follow in Section 5 is restricted to multipurpose organizations.

Second, and as briefly alluded to in the previous section, the type of democratic backslide will

[34]Davis 2004
[35]Fawn 2013

make IO action more or less likely. A democratic state can backslide in a number of ways, some of which are easily identifiable for an IO, such as a violent coup d'état. Military coups are no longer the typical form of anti-democratic power grabs, though. More ambiguous abuses of political office and slow erosions of democratic governance have become the norm amongst todays "would-be dictators."[36] These methods of democratic erosion include rewriting election rules to extend an official's tenure, redistricting in order to secure electoral victory and skew representation, suspending branches of government in order to circumvent the democratic process, or altering the constitution to consolidate power amongst a small set of loyalists. In these instances, democratically elected leaders of a state use their legal and political advantage to amend the rules of the system. Any criticism can be dismissed as international meddling in domestic politics. These crises may happen incrementally, making it difficult to identify a definitive moment when the country went from being acceptably democratic to undemocratic.[37] Because the crises themselves introduce an important confounder for this study, the qualitative portion of this analysis explicitly notes the modal form of democratic erosion that each organization has experienced.

Research Design

The remainder of this paper examines the suspension clauses in regional IOs. Recent work on IO influence on member state behavior has focused on regional rather than at universal organizations in part because neighboring states share a number of economic, historical, and socio-political traits (Pevehouse 2005; Haftel 2012; Genna & Hiroi 2015). Borzel et al. (2013) point out that regional IOs have "broad mandates" and exist in an intermediary space between universal organizations which are subject to least-common-denominator agreements, and states, which are restrained by norms of non-interference. Regional IOs are therefore uniquely positioned to serve as democracy enforcers by virtue of their design. Today, at least 12 regional IOs condition membership on democratic governance, both for potential and for existing members (see Table 1).[38] This list was compiled based on textual analysis of the *current* IO treaty law, including original charters and subsequent amending

[36] Dobson 2012

[37] El-Hage 2010, p. 8

[38] Other organizations have rhetorical commitments to democracy and democratic values, but most of these do not meet the threshold of legalization.

Table 1: IOs with Democracy Clauses

Organization	Year Legalized
African Union (AU)	1999
Andean Community	1998
Common Market for Eastern and Southern Africa (COMESA)	1993
Council of Europe (CoE)	1949
East African Community (EAC)	1999
Economic Community of West African States (ECOWAS)	1999
European Union (EU)	1992
Southern African Development Community (SADC)	1992
Common Market of the South (Mercosur)	1998
Central American Integration System (SICA)	1991
Organization of American States (OAS)	1959
Union of South American Nations (UNASUR)	2010

Note: Dates reflect year in which agreement was signed. Founding year indicates the year the current organization was founded. The African Union and European Union both developed out of previous organizations, but these are the dates of the official founding of the present day organization. Compilation by the author.

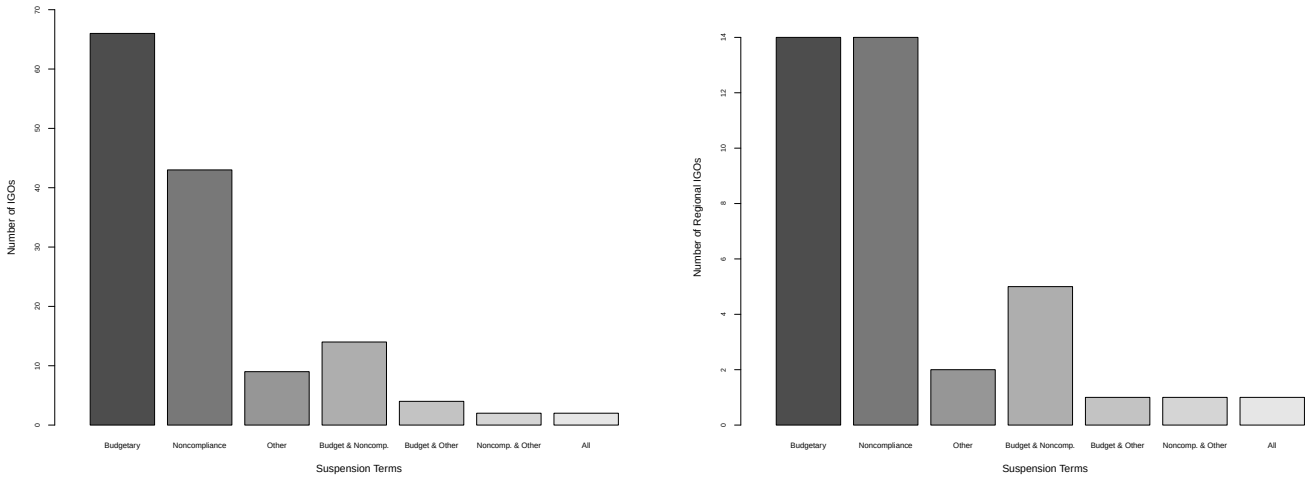
or supporting protocols.

Section 4 presents original data about the frequency of suspension clauses in IO charters, but the majority of this analysis is qualitative in nature.[39] Section 5 presents a comparative case study of the suspension clauses of three regional IOs with democracy clauses, which allows for a deeper understanding of bureaucratically complex process of suspension in cases of democratic backsliding. The outcome of interest in this study is the application or non-application of a suspension clause in the presence of a democratic crisis.[40] The primary counterargument to this hypothesis is that no matter how the suspension clause is designed, the more democratic regions will be the effective democracy enforcers. The following analysis shows that the regional IOs that have been active democracy enforcers have less restrictive clauses and that these regions are also less democratically dense than regional IOs with suspension clauses that are difficult to implement.

[39]This data was collected in collaboration with Davis for her ongoing book manuscript project.

[40]Original literature on legalization in international relations was careful not to conflate delegation to the international community with effective enforcement by said party. Like Abbott et al. (2000), a clear distinction is made here between what the IO is legally *able* to do and its effects in the member state. There are a number of confounding factors that simply cannot be controlled for in a comparison at this level of analysis if the outcome of interest was whether the suspension clauses have the intended effects of stopping the democratic backslides in member states. Instead, the focus remains on the IO's *execution* of the suspension clause given that the conditions for triggering it have been met.

Figure 1: Conditions of Suspension in IOs



(a) All IOs (N=100)

(b) Regional IOs (N=25)

Note: These categories are non-exclusive. Source: Davis (manuscript in progress).

4 The Prevalence of Suspension Clauses as Democracy Enforcement Mechanisms

An ongoing data collection project samples the 326 unique IOs from the Correlates of War Project (version 3.0). In an assessment of their original charters only, 100 include a suspension clause.[41] Of these 100, 43 suspend based on noncompliance with other more general principles, which would include a democracy clause when present (see Figure 1a). An additional 9 suspend for other criteria, such as when membership is conditional on being in good standing within another organization (i.e. UNESCO membership dependent upon good standing in the UN). Subset to only regional organizations, which is the focus of this analysis, 14 IOs included a suspension clause for noncompliance with the original charter and two for these "other" issues (see Figure 1b). The "other" category suggests potential network effects when democracy is mandated in any one organization.

This data on suspension clauses does not completely reflect the organizations with democracy clauses listed in Table 1 since the first round of coding evaluated only the original charters of each organization. As Table 1 notes, most organizations did not include democracy clauses in their original

[41]Coding of suspension clauses courtesy of Christina Davis (manuscript). This coding does not take account of amendments to the charters or inclusion of the suspension clause in other protocols or treaties. In that sense, these numbers are conservative.

charters, but added them sometime around the 1990s. Despite this imperfect overlap in the initial data, we can learn important information from reviewing the suspension clauses in the larger sample. First, suspension clauses do not always target the same rights and privileges. In the sample of 100 suspension clauses, 77 revoke the violating member state's voting rights in the organization. Looking only at organizations that suspend based on general noncompliance, 31 specify the suspension of voting rights; nine of these are regional organizations. While voting rights are suspended, states can sometimes still attend meetings and perhaps participate in debate, but they have no say in any formal vote. The loss of voting rights does not preclude the organization from considering important matters, and any state under suspension will still be bound to the final decision. Most member states would not accept being bound by a decision they did not have a say in — the shock to state sovereignty is too great. Thus, the expectation of including a clause revoking voting rights is that the government will do all in its power to avoid such political sanction.

Reviewing the larger dataset also reveals that suspension clauses can be about more than voting rights. Sometimes, suspension is the first step towards more aggressive action by the IO, namely full expulsion. In that case, application of the suspension clause is a warning to the violating state: if they do not come into compliance within a specified amount of time, the organization will expel the state altogether. In the full sample, 45 organizations have both a suspension clause and an expulsion clause. Of these, 32 provide for expulsion as an extension of suspension if conditions are continuously violated. Among regional organizations only, thirteen organizations have both a suspension and expulsion clause, and ten of these expulsion terms explicitly build upon suspension.

The particular wording of the suspension clause is also revealing. For some organizations, confirmed noncompliance automatically leads to suspension of voting rights or membership broadly. Other organizations build flexibility into their suspension clauses, along the lines of: "up to and including suspension of voting rights." Leaving the option for alternative sanction types down the line might alleviate concerns about overly rigid, automatic responses, making the clause more agreeable at the negotiating stage.

5 Suspension Clauses as Democracy Enforcement Mechanisms in Three Regions

Of the 12 organizations with democracy clauses listed in Table 1, four organizations are equipped with separate suspension clauses as a means of enforcing the legalized democracy clause: the European Union (EU), the Organization of American States (OAS), the African Union (AU), and the Union of South American Nations (UNASUR). This study reviews one organization in each region such that there is no membership overlap; this avoids any concerns about a regime complex or burden sharing among the organizations for the time being. Each region has experienced at least one instance of democratic backsliding when these clauses were tested. This paper does not argue that democracy is of the same quality in each region. Although each of these IOs has a democracy clause, they have had very different experiences with democratization and the most common type of backslide observed in each region is different. In some cases, the backslides are directly comparable, but this is not necessary for the purpose of this analysis. The argument here is that when member states violate their regionally defined democratic mandates, the suspension clause's design helps to explain the organization's decision to implement it.

As was outlined above, the democratic density hypothesis suggests the regional IO with the most democratic membership will be the most effective democracy protecter. In Table 2, I present several common measures of democracy among the membership of these three organizations.[42] The Freedom House average is taken of the composite civil liberties and political rights scores, with 1 being most liberal and 7 being least. The Polity IV average reflects the regular polity score, with 10 being the most democratic and -10 being the most autocratic score. Among the several democracy indicators provided in the Varieties of Democracy or "V-Dem" project, the liberal democracy index and the liberal component index reflect the "ideal of liberal democracy" and the "liberal principle of democracy," respectively, along interval scales (average presented as percentage). All of these measures of democracy show a similar pattern: the average democracy score is highest among EU member states

[42]The calculations for the AU only include the signatories of the 2002 OAU/AU Declaration on Principles Governing Democratic Elections in Africa. This Declaration and the subsetting will be explained further in the case study below. When the entire AU membership is included in calculations, the numbers reflect even less democraticness, so subsetting the data to only these countries does not change the relationship between the three organizations which this table is meant to illustrate.

Table 2: Democratic Density across Regions (various measures)

	EU	OAS	AU
FH Average (2015)	1.2	2.33	4.36
Polity IV (2015)	9.62	4.31	3.71
V-Dem Averages (2015)			
Liberal Democracy Index	76%	52%	35%
Liberal Component Index	91%	69%	56%

Source: Puddlington & Roylance 2016; Marshall et al., 2016; Coppedge et al., 2017.

in 2015, followed by the OAS members at that time, and finally the AU. Do the suspension clauses, one of the strongest democracy enforcement tools, follow expectations of the democratic density argument?

The following case studies provide detailed analysis of three suspension clauses' design and subsequent use vis-a-vis democratic backsliding. First, I review the legal provisions that make each IO a credible democracy enforcer and the suspension clause. This information is largely drawn from textual analysis of treaties, charters, protocols, statutes, and declarations of the IO. Second, I evaluate the process for implementing the suspension clause, noting the number of actors, type of actors, and voting rules required at each point. Finally, I provide a non-exhaustive discussion of recent and ongoing cases when a member state's democratic governance has been challenged.

5.1 European Union

Europe is arguably the densest region of the world for consolidated democracies, with a collective average Freedom House score of 1.2 in 2015. The European Union firmly established democracy as a condition for membership in 1992, and provided for suspension if these norms were violated in 1997. At this point, the EU became a democracy enforcer, not just a democracy promoter. This suspension clause involves four IO bodies, two of which are intergovernmental. The member states retain a right to veto and all voting thresholds are supermajorities. Over the past decade, several of the 28 member states have challenged the rule of law and the values of the Union. In large part, the European Union has been unable to stop these democratic backslides, and — despite recent increased consideration in Hungary and Poland — has yet to apply the suspension clause, Article 7 (TEU). The following

analysis of the suspension clause's evolution suggests the many institutional checks built into the clause render it unusable.

5.1.1 Legal Precedent as a Democracy Enforcer

When the EU's predecessor, the European Coal and Steel Community, was founded in 1952, the main goals were economic prosperity and peace on the war-torn continent. There were no firm political requirements for membership, and attempts at deepening political and defense ties through the rest of the decade were largely unsuccessful. In 1986, the Single European Act made the first explicit reference to democracy in an EU treaty, speaking of the determination of the member states to defend democracy in the region (preamble). With the end of the cold war, there was an unprecedented influx of applicant countries to the EU. Enlargement to a region with democratizing countries quickly became a motivating factor for the IO to more explicitly commit to democratic norms and governance.

The 1992 Treaty on European Union (TEU, also known as the Maastricht Treaty) further embedded democracy as the governance norm in EU member states. Article F(1) declares, "The Union shall respect the national identities of its Member States, *whose systems of government are founded on the principles of democracy*" (emphasis added). This clause represents the first time that the EU legally declared that all EU member states were and would be run by democratic governments, although it had been a norm for some time. The TEU set a precedent for the European Council, which met in 1993 to discuss potential membership of the Union's newly democratizing neighbors. The Council concluded with a statement on general principles for membership, which came to be known as the Copenhagen criteria:

> Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.[43]

While the EU's commitment to democracy and mandates for new members were laid out in the

[43]European Council 1993, Section 7 A(iii)

Copenhagen Criteria, the language in this document for the 1990s was still markedly unbalanced in its attention to promoting democracy for acceding states versus protecting it within the Union.

The Union's commitment to democracy continued to develop while a clause for suspension of members was also introduced. The Treaty of Amsterdam in 1997 declared,"The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States" (Article F(1)). At the end of this paragraph of values, a provision was added by which "the existence of a serious and persistent breach by a Member State of principles mentioned in Article F(1)" may result in the suspension of said member state's rights and privileges (Article F.1 (1-2)).

Since Maastricht (signed 1993, effective 1997) and Amsterdam (signed 1997, effective 1999), the EU has undergone two other significant treaty reforms, the Treaty of Nice (signed 2001, effective 2003) and the Treaty of Lisbon (signed 2007, effective 2009). The Nice Treaty renumbered the previously discussed articles: the principles of the Union were listed as Article 6(1), and the suspension clause was enshrined in Article 7. Substantively, Article 6(1) did not change Article F(1). The provision for suspension did change substantively, thanks in part to an experience with one member state. In January 2000, Austria formed a government with the far-right party, Freedom Party, FPÖ. The party's de facto leader was known and criticized among other leaders for his xenophobic rhetoric and intolerant nationalism.[44] In response to the party's inclusion in the government, other member states levied simultaneous, bilateral sanctions against the state. There was no provision within the EU treaties at the time to act in a coordinated fashion. As a result, since the heads of state were already negotiating the draft text for the Nice Treaty, a provision was added to Article 7 which allows the Council to "determine that there is a clear risk of a serious breach by a Member State of principles mentioned in Article 6(1)."[45] This preventative measure allowed the EU to intervene early in a case when democracy and other principles were at risk. Subsequent changes to the suspension clause were minimal. In 2004, the draft European Constitution dropped the provision for independent observers to speak on behalf of member states.[46] Although the constitution was rejected in national referenda,

[44]Until this time, far right parties had been generally kept out of ruling offices across Europe.

[45]Treaty of Nice, "Substantive Amendments," Article 1(1)

[46]The Nice version of Article 7 also permitted for "independent persons" to speak on behalf of the member state in question. In the midst of the Haider Affair, as the situation in Austria became known, a board of experts was

the text was used as a starting point for drafting the most recent treaty, the 2007 Lisbon Treaty.[47]

The European Convention and draft Constitution proposed a number of principled changes which were left out of the Lisbon Treaty. The article on values of the Union was, however, updated to read: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."[48] In the condensed version of the Treaty on European Union and the Treaty on the Functioning of the European Union, these values are listed as Article 2. It is under the combined provisions in Article 2 and Article 7 TEU that the EU is legally committed to defending democracy in member states today.

5.1.2 Process for Suspension: Evaluating Article 7 (TEU)

There are four EU bodies involved in determining whether or not a "serious breach" of EU values exists, and if so implementing the suspension clause: the intergovernmental European Council, intergovernmental Council of Ministers (frequently called just "the Council"), the supranational European Commission, and the supranational and popularly elected European Parliament. The supranational bodies contribute early in the process, but the final stages of decision making lie with the intergovernmental councils. The voting rules relevant to the procedure described in Article 7 (TEU (2010)) are provided in the Treaty on the Functioning of the European Union (TFEU (2010)).[49] They are different for each EU body and at each stage in the process.

There are four stages to implementing the suspension clause (see Figure 3). To start, the European Commission, the European Parliament, or one-third of the member states can formally charge a

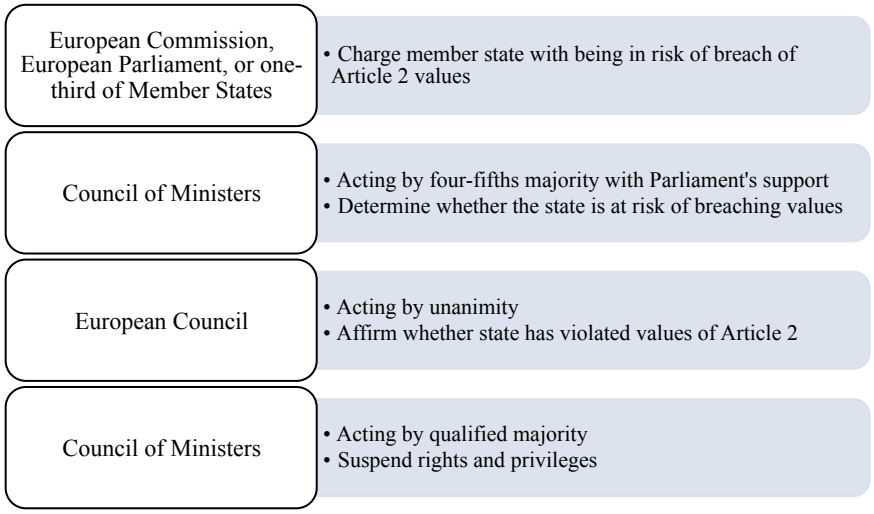
commissioned to report on the situation in Austria. Portuguese Prime Minister Antonio Guterres acting as President of the European Council requested that the Prseident of the European Court of Human Rights put together a panel of experts to evaluate the situation (Sadurski 2010, p. 18). The rapporteurs were former Finnish Prime Minister Martti Ahtisaari, former Vice-President of the Euroepan Commission of Human Rights Jochen Frowein, and former Spanish Foreign Affairs Minister, former Secretary General of the Council of Europe, and former European Commission member Marcelino Oreja. This "three wise men" report informed the Nice amendements, but the provision for making these independent observers a regular part of Article 7 was removed in later reform.

[47] The only functional change in this reform is that the role of the European Parliament is by "consent" rather than "assent." This change reflects larger anemdments to the Parliament's role in Union affairs.

[48] Article 1a, Treaty of Lisbon, Article 1(3)

[49] The evaluation below is based on the most recent version of the TEU as amended by the Lisbon Treaty.

Figure 2: EU Suspension Process (TEU)



member state with breaching the EUs values before the Council of Ministers (Article 7(1) TEU). The European Commission is comprised of 28 ministers, equivalent to the number of member states. Although there is a commissioner for each nationality, these ministers are to renounce all national interests, and operate completely independently from any national government or institution of any kind (Article 17(3) TEU). Its mandate is to "promote the general interest of the Union and take appropriate initiatives to that end" (Article 17(1) TEU). The European Parliament is unique because it is the only directly elected representative body of the EU (Article 14(2-3)). Officials sit with their transnational political groups, rather than with their national delegations, only further confirming the supranational nature of the body.

The accused member state is invited to submit it observations about its own actions before the European Council (Article 7(1) TEU). The Council of Ministers then determines by a four-fifths majority with the support of the Parliament whether a Member is at risk of breaching EU values (Article 7(1) TEU 2010; Article 354 TFEU). The Council of Ministers is comprised of one representative from each member state at the ministerial level (Article 16(2) TEU). Different individuals may represent the governments depending on the topic at hand. If the Council's vote on a breach is affirmative, the European Council must then vote by unanimity, excluding the member state in question, on whether the state has in fact violated EU law (Article 7(2) TEU). The European Council is comprised of the heads of state or government, along with the President of the Commission and the President of the

European Council, elected among the heads of state. Consensus is the standard decision-making rule in this body (Article 15(4) TEU).

The fourth step is implementation of some kind of punishment. Once the European Council determines a breach has been made, the issue returns to the intergovernmental Council of Ministers, which decides exactly which rights are to be suspended. The Council votes to suspend the states voting rights, acting by qualified majority of the other member states (Article 7(3) TEU, Article 354 TFEU). A qualified majority is a special vote threshold unique to the EU, and is the standard decision rule in the Council unless otherwise noted, as in the earlier stage of Article 7 (Article 16(3) TEU). It requires passing a double majority, representing a majority of member states and a majority as a percent of the population. A vote taken by qualified majority must represent an absolute majority of the member states, 15 of the 28, and 62% of the EU population.[50] The Council is encouraged in Article 7(3) to consider the repercussions of suspension on the people of the state. During the term of suspension, the member state remains bound to all other obligations of membership. It is also the Council's responsibility to lift any suspensions when the member state it determines the state is no longer in breach of Article 2 (Article 7(4) TEU 2010).

The majority of decision making power for implementing Article 7 lies with the intergovernmental bodies, which all require a supermajority vote. There are several points at which a proposal for suspension could simply sit idle. For example, the Council might receive a proposal from the Commission but not call a vote. Agenda control in these intergovernmental bodies is maintained by the member states. The voting thresholds in these bodies are all high. If a vote would reach the European Council, member states retain the right to veto. Anticipation of vetoes down the line may even dissuade the other bodies from initiating the process in the first place. As the next section illustrates, in the few cases when a member state was in fact backsliding, the suspension clause has been held up early in the process.

[50]Specific requirements for QMV have changed slightly, most recently in 2014. See the European Council's explanation of the traditional and changed provisions at http://www.consilium.europa.eu/en/council-eu/voting-system/qualified-majority/

5.1.3 Using Article 7 (TEU)

Despite the time and detail worked into these clauses, this suspension tool has never been applied in a case of democratic erosion. Former Commission President José Manuel Barroso called it the "nuclear option."[51] To be fair, the EU has not had many experiences with drastic democratic backsliding to date, but some notable events could have warranted its consideration. In 2012, Romania also underwent a constitutional crisis, as the government of Prime Minister Victor Ponta appointed new ombudsmen, undermined the court, and replaced the speakers of Parliament.[52] Article 7 was not discussed in either of these cases. The use of Article 7 has come up twice in recent history: in Hungary in 2013 and in Poland in 2015.

Sweeping constitution reforms in Hungary since 2010 have severely weakened its status as a democratic state. In 2010, Prime Minister Viktor Orbán's Fidesz party won an unprecedented two-thirds majority in Parliament. This election result was both free and fairly obtained according to OSCE/ODIHR Election Assessment Report (2010). With this supermajority, Fidesz was able to initiate a string of legislation which significantly altered the constitutional culture in the country and destabilized the rule of law. Parliament amended the constitution twelve times in the first year in office including a provision to lower the voting threshold in order to call for a new constitution; it could now be called with the same two-thirds majority vote.[53] Parliament then introduced a complete draft of a new constitution in late 2011, which opposition parties and societal actors had no hand in drafting. It was adopted after only one month of parliamentary debate and came into force in January 2012. Subsequently, this constitution has undergone five major overhauls and dozens of other changes in between. Within these constitutional amendments, the government has all but eliminated the independence of the judiciary, appointed regime loyalists to ombudsmen positions, undermined the separation of powers, severely limited the independence of media outlets, and discriminated against religious and ethnic minorities, in addition to restricting a number of social rights in the name of traditional, namely Christian, values.

Former European Parliament President Martin Schulz brought up the possibility of suspending

[51] Barroso, 2012 State of the Union Address
[52] Csaky 2012
[53] Scheppele 2013

Hungary in March of 2013 after the fourth amendment to the fundamental law.[54] In June 2013, the Parliamentary Committee on Civil Liberties, Justice, and Home Affairs (LIBE) presented the first comprehensive report on an individual country. Commonly called the Tavares Report, it explicates the detrimental impact these amendments have had on foundational principles of democracy in the country and calls for specific concessions of the government. The Parliament overwhelmingly supported this report at the time, including some members of Orbán's own party, the European People's Party (EPP), but the Council never considered it further. Despite an appeal to the Commission in a letter co-authored by the foreign ministers of Germany, the Netherlands, Denmark, and Finland in 2013 requesting more action, no action was ever taken beyond the Commission and Parliament. In the time since the Tavares report, the Hungarian government has come under international scrutiny for its handling of refugees, especially in the fall 2015 and winter of the following year;[55] the unannounced, overnight closure of the largest national daily news publication, Nepszabadsag in October 2016; a law targeting Central European University and threatening its closure in March 2017; and the adoption of a law that would force NGOs with foreign funders over an objectively small amount to change their status to "civic organizations funded from abroad" in June 2017.[56] The LIBE Committee has recently (July 2017) undertaken to draft a report on the quality of democracy in Hungary, which is the first ever with the mandate to trigger Article 7.

Poland's current government has taken similar steps to undermine the democratic culture in the country. On 25 October 2015, the Law and Justice Party (PiS) won an absolute majority in the lower house of parliament. This majority in combination with having a PiS candidate as President created a unique opportunity for Poland to pass legal reforms in a similar uncontested manner. The Polish government's first and ongoing affront has been against the judiciary. Although the previous party appointed judges to existing vacancies, they were never sworn in. The newly elected PiS government under the party head, Jaroslaw Kaczyński, subsequently appointed and swore in another set of judges, leading to a crisis of too many judges and competing arguments of legitimacy. In the midst of this controversy, the PiS introduced a law raising the requirements for taking decisions in the

[54] "Hungarian premier Orbán" 2013

[55] See Amnesty International, 2013 (Oct. 7), "Fenced Out: Hungary's Violations of the Rights of Refugees and Migrants"

[56] Law on the transparency of organizations funded from abroad, adopted 13 June 2017, Hungarian Parliament

Constitutional Court, increasing both the number of judges that needed to be present and the vote from a simple majority to a two-thirds vote.[57] Most recently, the government's attempts to usurp the court have culminated in a set of three laws.

The European Commission has been publicly opposed to the PiS government's actions in the midst of this crisis. The European Parliament held a plenary debate primarily focused on media freedom on 19 January 2016, and the European Commission has been in communication with the Polish government in letters between the foreign minister and Commission First Vice President Frans Timmermans. On 27 July 2016, a recommendation on the situation in Poland outlined the Commission's rationale for declaring a "systemic threat to the rule of law in Poland."[58]

In the midst of the judiciary crisis, the government has also passed laws restricting media pluralism and free expression. Beginning in January 2016, the government has attempted to consolidate power over state-run media under the treasury minister. Attacks on the media prompted the European Commission to initiate its rule of law mechanism, a review procedure that can theoretically lead to Article 7 activation, but has not yet been initiated.

While the road to consideration of Article 7 in the Hungarian and the Polish cases are different, both have come to a halt just shy of Article 7 initiation. The EU has repeatedly appears unable and unwilling to use its suspension clause. The will of regional powers like Germany has not prompted the EU to use it. The EU's role in Romania was effective by some accounts, but did not include the use of Article 7.[59] The Article 7 process as outlined above is highly inefficient. Combining the sheer number and type of bodies involved with the supermajority vote necessary at almost every stage could help explain why the suspension clause has yet to be used despite recognizable violations of Article 2 values.

[57] Passed 22 December 2015

[58] See para. 75

[59] See Sedelmeier (2014) for an account of the Romanian crisis in comparison to the Hungarian backslide.

5.2 Organization of American States

Democracy in the Americas has historically been less secure than in Europe, with many countries having long histories of coups d'état, self-coups or *autogolpes*, constitutional crises, and other squabbles with democratic governance. The average Freedom House score across the Americas was 2.33 in 2015. The largest regional IO, the Organization of American States, has actively engaged with governments who renege on their democratic commitments up to and including suspension. It set a regional commitment to democracy as early as 1959, but did not provide the organization with any enforcement mechanisms until the 1992 Washington Protocol. The OAS's role as a democracy enforcer was only strengthened over subsequent reforms, especially with the adoption in 2001 of the Inter-American Democratic Charter. Although intergovernmental bodies are the final decision makers for implementing the suspension clause, there is no veto, and the supranational secretary general plays an important initiation role.

5.2.1 Legal Precedent as a Democracy Enforcer

The OAS has promoted democracy consolidation projects across the region for several decades. In the original Charter of the OAS signed in 1948, the word democracy was only used twice: in the Preamble, suggesting the organization utilizes democratic institutions, and a second time in Article 5(d), which declares representative democracy as a principle of the organization. The states were focused on democracy promotion in the region, so they set external conditions for membership. Over time, the organization made these provisions more specific. In 1959, the Santiago Declaration set forth eight principles of "representative democracy": 1) the rule of law; 2) free elections; 3) term limits; 4) social justice and "respect for fundamental human rights"; 5) judicial oversight to point 4; 6) no "systematic political prescription"; 7) freedom of press, television, radio, information, expression; and 8) inter-state cooperation. The Cartagena Protocol of 1985 (effective 1988) amending the OAS Charter strengthened the region's democratic commitments, deeming it an "essential purpose" of the organization to "promote and consolidate representative democracy, with due respect for the principle of nonintervention."[60]

[60] Amendment to Article 2(b) of the charter in Article 2 Cartagena

Despite a rocky legacy of coups and authoritarian moments in many American states over the next few decades, the end of the cold war inspired newfound commitment to the principles of democracy and efforts at promoting *and* defending it in the region. In 1990, the General Assembly passed a resolution calling for the creation of a Unit for the Promotion of Democracy (UPD) within the General Secretariat.[61] This Unit was tasked with assisting member states in domestic democratic efforts.[62] The UPD presents annual reports to the Permanent Council, which then presents its findings to the General Assembly. Shortly thereafter, the 1991 Santiago Declaration and the corresponding General Assembly Resolution 1080 on "Representative Democracy" tasked the secretary general with monitoring the democratic quality of the member states. This resolution instructs the secretary general to:

> call for the immediate convocation of a meeting of the Permanent Council in the event of any occurrences giving rise to the sudden or irregular interruption of the democratic political institutional process or of the legitimate exercise of power by the democratically elected government in any of the Organization's member states.

Under these new provisions, the OAS could take immediate action in any event of an antidemocratic crisis in a member state, as the secretary general is supposed to initiate a meeting within ten days of a specific event. What the OAS would actually be able to do in response to a democratic backslide after this meeting was rather vague, though, with no specific punishment necessarily following.[63]

In 1992, the General Assembly gave Resolution 1080 grit by adding provisions for suspension of membership in the case of coups.[64] The 1992 Washington Protocol added Article 9 to the current OAS Charter:

> A Member of the Organization whose democratically constituted government has been overthrown by force may be suspended from the exercise of the right to participate in the sessions of the General Assembly, the Meeting of Consultation, the Councils of the Organization and the Specialized Conferences as well as in the commissions, working groups and any other bodies established.

This powerful shift in rhetoric enhanced the OAS's role as a democracy enforcer in the region. Sus-

[61] AG/RES 1063 (XX-O/90)
[62] Executive Order 90-3, 1990
[63] Levitt 2006, p. 95
[64] Washington Protocol 1992, Article 1

pension became a viable tool for democracy enforcement when diplomatic efforts fell short. It took five years for the Washington Protocol to be ratified by the necessary two-thirds of the members, so it did not come into effect until 1997. In the interim, the various meetings of the foreign ministers and heads of state reiterated the regional commitment to democracy and development (1993 Declaration of Managua) and dedication to many of the same values of representative democracy laid out in the 1959 Santiago Declaration (1994 Declaration of Miami).[65]

In April 2001, the heads of state and government agreed to bring these resolutions about democracy in the region together in one document. The proposed Inter-American Democratic Charter transforms this set of legalized norms into one massive democracy clause, also further detailing the organization's role in promoting and protecting democratic values in member states. This clause recognizes that "any unconstitutional alteration or interruption of the democratic order in a state of the Hemisphere constitutes an insurmountable obstacle to the participation of that state's government" in the organization.[66] The Permanent Council was tasked with expanding upon the draft charter produced at this meeting, and on September 11, 2001 the General Assembly unanimously adopted the Inter-American Democratic Charter (IADC). Article 1 of the IADC states, "The peoples of the Americas have a right to democracy and their *governments have an obligation to promote and defend it*" (emphasis added). In an introduction to the IADC, then-Secretary General Csar Gaviria highlights "respect for human rights and fundamental freedoms, free and fair elections and the transparency and accountability of government institutions and those who run them, recognition and respect for social rights, public participation to allow citizens to be directly involved in the definition of their own future, and the strengthening of political parties" as some of the key components recognized by all 34 member states as central to democracy.[67]

Articles 17 through 22 of the IADC expands the OAS's authority over different types of democratic backslides. Rather than just when a government is overthrown by force, the IADC allows the OAS to defend democracy in light of "an unconstitutional alteration of the constitutional regime

[65]A few other notable declarations and resolutions on the region's dedication to democracy were filed in the remainder of the century, such as the 1998 Santiago Declaration of the Second Summit of the Americas. These declarations did not substantively change the organization's commitments or introudce any new procedures for tackling democratic erosion, though.

[66]OAS 2001

[67]See Article 3

that seriously impairs the democratic order in a member state" (Article 20). Any kind of democratic weakening or backslide is considered an "insurmountable obstacle to its government's participation" in the organization as a whole. After the identification of any democratic backslide, coup or otherwise, the OAS has the authority to initiate the suspension clause "[when] diplomatic initiatives have failed" (Article 21). Article 21 functions under the same process as Article 9, the suspension clause established in the Washington Protocol, except the IADC is applicable to types of backslides other than violent coups. The process for using Article 17 through 22 in the IADC, altogether Section IV on "Strengthening and Preservation of Democratic Institutions," is thus the focus of the following section, but both remain valid.

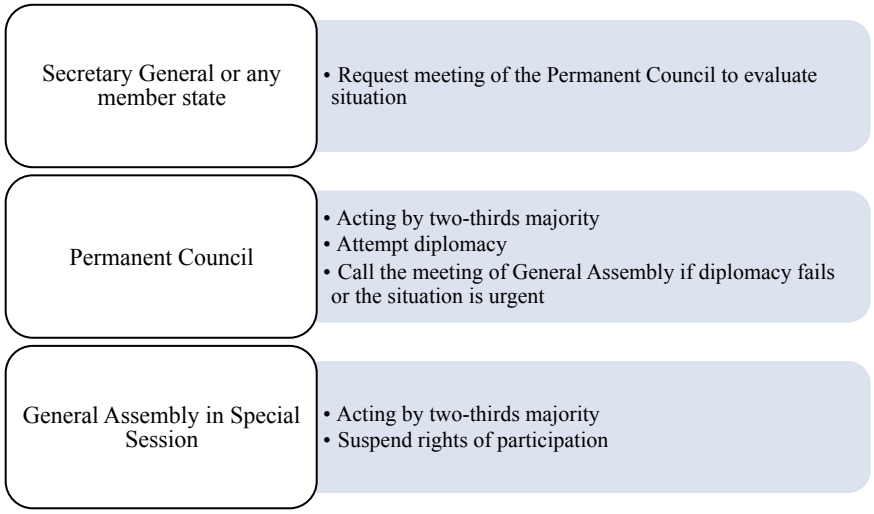
5.2.2 Process for Suspension: Evaluating Section IV (IADC)

The OAS's suspension clause can be implemented in three steps (see Figure 4). There are three OAS bodies involved in the decision to suspend a member state for an unconstitutional interruption of the democratic order under the Inter-American Democratic Charter: the intergovernmental Permanent Council and General Assembly and the supranational secretary general. The process is initiated by the Secretary General: if an "unconstitutional alteration of the constitutional regime that seriously impairs the democratic order in a member state" occurs, the secretary general is expected to call an immediate meeting of the Permanent Council. A lone member state can also take this step according to Article 20 IADC, which is unique from Article 9 of the Charter. The Permanent Council is the "Organ of Consultation," comprised of an ambassador from each member state.[68] This lower level intergovernmental body takes its decisions by two-thirds majority, excluding the member state(s) in question.[69]

When the Permanent Council has reason to believe an unconstitutional interruption has occurred, it may call a special session of the General Assembly. It is one of the few cases when the Permanent Council is given this authority in the Charter (Article 58). The General Assembly special session determines whether or not the event in question was unconstitutional and violated the democratic order as defined in Section IV of the IADC (Articles 17-21). The General Assembly of the OAS is the

[68]OAS Charter, Article 80
[69]OAS Charter, Article 89

Figure 3: OAS Suspension Process (IADC)



main agenda-setting and final decision-making body comprised of (OAS Charter, Chapter IX). The voting rule by the General Assembly is by a two-thirds majority with each state having one vote in accordance with the Charter.[70]

The suspension clause is meant to be enacted quickly. Under Resolution 1080, the whole process is supposed to be conducted in a ten-day period. Although the bodies take decisions by a supermajority, there is no reserved veto for any state. In place of a veto, member states are dissuaded from using the OAS to take any aggressive action against another member through the nonintervention principle (OAS Charter Article 19).

5.2.3 Using Article 9 & the IADC

The OAS has a long and mixed history as a democracy enforcer to match the spectrum of crises it has faced.[71] The violations range from threatening the independence of offices and dismantling checks between branches of government to coups or near-coups. In most cases of intra-governmental disputes, the OAS has intervened diplomatically and proactively, rather than by using the suspension clause. Even though the Secretary General's mandate is to have a Permanent Council meeting called within ten days of a crisis situation, many crises resolve themselves before the organization is able to take all the steps in the process. Venezuela's coup in 1992 and an attempt in 2002, Ecuador's attempted coup

[70] OAS Charter Article 56; Article 21 IADC

[71] For a full list of democratic crises through 2005 categorized by crisis type, see McCoy (2007, p. 278).

in 2010, Bolivia's intra-governmental crisis in 2004, and Paraguay's institutional crisis of 1996 are all examples of situations resolving themselves between the time the Permanent Council was called and when the General Assembly could meet. A 2002 coup attempt in Venezuela led the secretary general to call a meeting of the Permanent Council. The coup resolved itself between the meeting of the Permanent Council and the General Assembly meeting, so the full process of suspension is unobservable. This case is important, though, because while the US was partial against the Chaveź government being ousted, the organization still followed the protocols, calling for meetings that could have led to suspension.

The OAS has shown urgency in some situations. Honduras was suspended in 2009 after ousting their democratically elected President Manuel Zelaya. Despite enflamed rhetoric, this conflict qualifies as an intra-governmental crisis not a typical military coup d'état. Secretary General José Miguel Insulza became aware that the Congress along with the Supreme Court had removed President Zelaya from office, and called for an immediate meeting of the Permanent Council. On June 28 2009, the Permanent Council met on what happened to be the day President Zelaya was arrested. The Permanent Council condemned the coup and called a special session of the General Assembly. Two days later, the General Assembly adopted a resolution suspending Honduras and declaring the new government illegitimate.[72] The suspension lasted until 2011 when Zelaya was able to return to Honduras from exile. This was the first use of Article 21 of the IADC.

The IADC has not been as readily applied in all crises. El Salvador faced a constitutional crisis over the summer of 2012. El Salvador's Supreme Court is broken into four chambers, one of which deals explicitly with issues of constitutionality. After the Constitutional Chamber began ruling against the will of the ruling party, the National Assembly appointed a new set of judges to replace over half of those already serving on the Supreme Court. The crisis was resolved by domestic actors after two months. While it did last longer than ten days and the OAS technically could have convened to consider suspension, it opted for alternative diplomatic enforcement strategies in this case.

The OAS has witnessed a variety of threats to democracy in its member states. Despite the pres-

[72] AG/RES 1 (XXXVII-E09)

ence of the global hegemon, the OAS has considerable autonomy over decisions to initiate suspension clauses, vested in the office of the secretary general. It has proven that it will act contrary to the US's wishes. If ever a few states are undergoing simultaneous antidemocratic crises, more severe crises may overshadow lesser offenses; the secretary general must of course prioritize. Nevertheless, in a vast number of cases, the secretary general recognizes any type of democratic crisis and calls a meeting of the Permanent Council for an evaluation. Even when the suspension clause is then not used, either because the situation has resolved itself or because alternative methods are chosen, providing a strict timeline for the secretary general makes the IO proactive. In cases that do go on to the third phase, the intergovernmental General Assembly takes its decision by supermajority, but the lack of a veto makes it more likely that a coalition can be arranged even if one or two member states are skeptical. The combination of these factors makes the suspension clause a viable tool for democracy enforcement in the region.

5.3 African Union

Africa is not a region typically associated with democratic values or norms. Among a subset of countries that have signed the African Charter on Democracy, Elections, and Governance (2007), the average Freedom House score was only 4.36 in 2015. Still, the African Union has been a very active regional democracy enforcer, constantly monitoring member states' democratic quality and suspending members until democratic governance is restored. Unlike other regions, the OAU established democracy as an internal condition, introduced a suspension clause, and provided the mandate for a new organ specifically concerned with the democratic quality of member states all in one declaration, the Lomé Declaration of 2000. The AU delegates one intergovernmental body the authority to suspend a member state, a 15-person panel representing the regions. This less complex suspension process can explain some instances of its use given rival hypotheses.

5.3.1 Legal Precedent as a Democracy Enforcer

The African Union's predecessor, the Organization on African Unity (OAU), was founded in 1962. This Charter, ratified in 1963, had no mention of democracy, democratic governance, rule of law,

constitutionality, or human rights, except as relevant to the UN Universal Declaration on Human Rights. As Rachel Murray (2004) points out, the main concerns of the OAU at the time were more regionally focused: "non-interference in internal affairs, sovereign equality of states, the fight against neocolonialism, self-determination in the state context, and peaceful settlement of disputes" (p. 7). In some respects, this set of priorities mimics early periods of integration of the EU and the OAS, but the emphasis on liberation is unique to the region's experiences. Murray (2004) interprets the lack of attention to human rights early on in the treaties as an understanding that most challenges were going to come from outside the regional club, and mechanisms for enforcement within the a member states were an overreach of authority.[73] Sovereignty concerns were prioritized over simplicity of the organization's activity. In 1981, the OAU adopted the African Charter on Human and Peoples Rights (ACHPR), but it did not come into force until 1986. While the charter maintained a commitment to human rights as identified by the UN, democracy was still not mentioned.

In the late 1990s, promoting *and* protecting democratic institutions in member states became an explicit goal of the OAU. In a declaration adopted in 1999 at the 35th Ordinary Session of the Assembly, the OAU "unanimously rejected any unconstitutional change as an unacceptable and anachronistic act, which is in contradiction of our commitment to promote democratic principles and conditions."[74] In 2000, the Assembly adopted the Declaration on the Conference on Security, Stability, Development, and Cooperation in Africa (CSSDCA), which proclaimed, "Democracy, good governance, respect for human and peoples' rights and the rule of law are prerequisites for the security, stability and development of the Continent."[75] The development of these democratic commitments parallels a larger story of institutional change; in 1999, the Sirte Summit resolved to transition from the OAU to the African Union.

In response to the coups throughout the region, in 2000 the AU's Assembly of Heads of State and Governments (the Assembly) adopted the Lomé Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government (hereafter "Lomé Declaration"). The declaration remains one of the central documents for governing democracy in today's AU. The Lomé Declaration

[73] p. 8
[74] AHG/Decl.141 (XXXV), cited in AHG/Decl.5 (XXXVI)
[75] Decl. 4, Section 9(h)

first clearly identifies nine principles of democracy as commonly accepted by the member states: a democratic constitution; respect for the rule of law, including the Pan-African Parliament; "separation of powers and independence of the judiciary"; participatory democracy based on the concepts of pluralism and gender balance; respect for opposition parties and change in power between rival political groups; free and fair elections; freedoms of expression including the freedoms of the press; recognition of both the UN Declaration on Human Rights and the African Charter on Human and Peoples' Rights in national constitutions; and the "guarantee and promotion of human rights."[76] It notes that these features are not new, but have been gradually adopted by the institution in other declarations.

Second, the Lomé Declaration defines four types of backslide or unconstitutional changes in government: "military coup d'état against a democratically elected Government; intervention by mercenaries to replace a democratically elected Government; replacement of democratically elected Governments by armed dissident groups and rebel movements; [and] the refusal by an incumbent government to relinquish power to the winning party after free, fair and regular elections" (Lomé (b) i to iv). This list is certainly not exhaustive, but it focuses on the main types of backsliding experiences in the region up to that time. In addition to defining democratic principles and explicitly outlining violations of democratic governance, Part (c) of the Lomé Declaration introduced procedures for dealing with a member state that backslid in any of these ways defined in Part (b). Finally, the Lomé Declaration assigned responsibility for implementing the process should a crisis arise in a member state to the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution (Part (d)).

The Constitutive Act of the African Union was also adopted in Lomé in 2000. It came into force in 2002 once two-thirds of the 53 member states had ratified it, officially replacing the OAU.[77] The Act declares one of the AU's defining principles is to "promote democratic principles and institutions, popular participation and good governance" (Article 3(g)). The Constitutive Act and several related

[76]Lomé (a) i to ix

[77]Institutionally, the AU was very similar to the OAU; for the purposes of this paper, the Central Organ evolved into to the Peace and Security Council. The Protocol establishing the Peace and Security Council was adopted by the first Ordinary Session of the Assembly of the African Union in Durban on 9 July 2002, and came into force on 26 December 2003. To date, 49 of the 53 member states have ratified it, although all have signed it. It preserved all non-conflicting resolutions, including the above mentioned Lomé Declaration.

protocols adopted in the years shortly thereafter strengthened and clarified the region's dedication to democracy and its mechanisms for enforcing it. Article 4(p) of the Constitutive Act strongly condemns and rejects any unconstitutional change of governments. Article 30 declares "Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union."[78] These changes strengthen the AU's internal democratic conditions for membership. They also complement and increase the visibility of the suspension clause first outlined in the 2000 Lomé Declaration Framework for an OAU Response to Unconstitutional Changes of Government. Shortly thereafter, the AU adopted guidelines for democratic elections in the region (see the 2002 OAU/AU Declaration on Principles Governing Democratic Elections in Africa).

The most drastic change in the AU's democracy enforcement capabilities has been the introduction of the African Charter on Democracy, Elections, and Governance (ACDEG), adopted by the Assembly on 30 January 2007. It was not until 16 January 2012 that the fifteenth ratification was confirmed and the ACDEG came into force.[79] The ACDEG outlines eleven principles of democracy, expanding upon the nine outlined in 2000.Under this framework, the signatories promote democratic values, the rule of law, constitutionality, free and fair elections, and separation of powers, especially the judiciary (Article 2(1, 2, 3, 5) ACDEG). They also "[p]rohibit, reject and condemn unconstitutional change of government in any Member State as a serious threat to stability, peace, security and development."[80] The ACDEG's chapter on sanctions for cases of unconstitutional changes of government includes the same four situations described in the 2000 Lomé Declaration with one addition: "Any amendment or revision of the constitution or legal instruments, which is an infringement on the principles of democratic change of government."[81] This addition reflects changes in the types of democratic crises observed in the region. In Article 25, the ACDEG builds upon the suspension process outlined in the 2000 Lomé Declaration, which is explained in the following section.

[78]Article 23 of the Constitutive Act declares that the AU can also apply sanctions to any member state for defaulting on payments to the economic organs (1) or for non-compliance with other requirements of the Act (2).

[79]Note, only 23 of the 53 AU member states have ratified the ACDEG at this time: Benin (2012), Burkina Faso (2010), Cameroon (2011), Chad (2011), Cote dIvoire (2013), Djibouti (2012), Ethiopia (2008), Ghana (2010), Guinea, (2011), Guinea-Bissau (2011), Lesotho (2010), Malawi (2012), Mali (2013), Mauritania (2008), Niger (2011), Nigeria (2011), Rwanda (2010), Sahrawi Arab Democratic Republic (2013), Sierra Leone (2010), South Africa (2010), Sudan (2013), Togo (2012), and Zambia (2011) (IDEA 2014).

[80]Article 2(4) ACDEG)

[81]Article 23(5) ACDEG

5.3.2 Process for Suspension: Evaluating the Lomé Declaration

The process for suspension from the AU is governed by Part (c) of the Lomé Declaration of 2000 as updated by the ACDEG.[82] The Lomé Declaration delegates responsibility for enforcing democracy by suspending a violating member state to just one body, the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution. Upon recognition of a crisis, the Central Organ sets a time frame for the state to restore democratic governance (Lomé 2000). The initial suspension term is typically six months. In the interim, the member state is suspended from participating in any meetings. If the government does not come into compliance, the AU will add targeted sanctions on top of the state's membership suspension, which can be economic or diplomatic, such as suspension of visas for specific individuals.

The OAU's Central Organ was replaced in the AU with the Peace and Security Council (PSC). This body was intended to serve as "a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa" (Protocol Relating to the Establishment of the Peace and Security Council of the AU 2002, Article 2(1)). This body takes its decisions by consensus, with each representative having one vote (Protocol 2002, Article 8(12, 13)).[83] Ten of the fifteen members are elected for two-year periods and five are elected for three-year periods "in order to ensure continuity" (Protocol 2002, Article 5(2)). The specific individuals present at these meetings can vary, depending whether the organization meets at the level of permanent representative, ministers, or heads of state and government.[84] The members are supposed to reflect the regions, not solely the states from which they come. The Protocol does call for their primary commitment to be to "uphold[ing] the principles of the Union," with a special emphasis on respect for constitutional governance, in accordance with the Lomé Declaration" (2002, Article 2(a, g). The PSC is technically intergovernmental, but has a supranational mandate, making it a unique case. This suspension clause is the simplest to implement of the three under consideration here.

[82]While not all member states have ratified the ACDEG, they have signed and ratified the Lomé Declaration, which they are still bound to according to the Constitutive Act and Protocol establishing the PSC.

[83]There is a provision allowing for the Council to take its decision by a two-thirds majority but only in non-procedural matters (Protocol 2002 Article 8(13)). It remains unclear whether the suspension clause qualifies. Decisions to suspend up to this point have been unanimous.

[84]The most frequent arrangements is among the permanent representatives; they meet at least twice a month as per Article 8(2).

5.3.3 Using the Lomé Declaration

Despite the legalization and specificity of democracy in AU treaties, the member states have had long and incomplete struggles internalizing democracy. Since the adoption of the 2002 Lomé Framework, the AU has responded to several types of crisis. Most commonly, the AU has suspended states after traditional military coups or interventions by other armed groups. Giunea-Bissau (2012), Burkina Faso (2015), the CAR (2013), Niger (2010), and Mauritania (2005, 2008) were all suspended following military coups. These suspensions typically last until elections are held and the AU declares a return to the democratic order. Mali was suspended for only seven months from March until October 2012 after a lower ranking military officials staged a coup of President Toure ("African Union Ends Mali Suspension" 2012). Other suspensions last much longer; Guinea was suspended for two years after its coup in December 2008 (Penney 2010). In June 2013, the Peace and Security Council voted to completely suspend Egypt's membership and voting rights for an "unconstitutional change in government" following Mohamed Morsis removal from a democratically elected office. Egypt was reinstated as an active member in June 2014 after elections were held (Aman 2014). Egypt's suspension is important because it is one of the more powerful member states, and power politics arguments would not expect an IO to suspend a strategically important state.

The AU has suspended member states for other antidemocratic offenses as well. An unconstitutional presidential appointment in Togo got the state suspended from 25 February 2005 until presidential elections were held that May. Madagascar was suspended after elections in 2001, when the incumbent failed to get the necessary majority to bypass a runoff but claimed victory anyway (Freedom House 2003). Cote d'Ivoire was suspended in 2010 after the incumbent President Laurent Gbago lost the election but refused to rescind power (CNN 2010). Despite this active track record, the AU has also failed to respond to a few crises. In 2008, Zimbabwean President Mugabe took incredulous human rights violations to retain office after losing in a run-off election (ICRtoP).

The process for implementing the suspension clause is very streamlined — only one body bears the responsibility for identifying and responding to a crisis. The Peace and Security Council does take decisions by supermajority and ideally by consensus. Nevertheless, consensus between fifteen

sub-regional representatives is the simplest procedures under study in this paper. The PSC does not seem to balk at the suspension of powerful members, such as Egypt. It also acts to defend democracy under all five types of backslide identified in the Lomé Declaration and the ACDEG. The simplicity of the suspension clause makes it a viable tool for democracy enforcement in all kinds of crises and for all member states.

6 Looking Across the Cases: Design Matters

Table 3 breaks down the suspension clauses evaluated above along the three design components, number of actors, nature of actors, and voting rules. Further case studies would be necessary to evaluate the importance of having a supranational body more involved in this process. In the OAS, the supranational role is imperative to the use of the clause, but the AU's PSC is also an active enforcer and by all accounts is intergovernmental. The most definitive conclusion that can be drawn from this comparison is that IOs with fewer actors involved in applying the suspension clause have used it more frequently in light of democratic crises. Similarly, IOs with lower voting thresholds in that they do not allow for a veto have been the ones to invoke their suspension clause. In fact, both IOs that have actually used their suspension clause do not allow a lone member state to veto the process.

This conclusion does not seem altogether revolutionary: it is always easier to get agreement between fewer actors. What is more unexpected, though, is that the least democratic regional IO, the AU, is the one that has the fewest actors involved. The suspension clause in the EU, the regional IO with the highest democratic density by all measures presented in Table 2, is the least usable by

Table 3: Evaluating Suspension Clause Complexity

	EU	OAS	AU
Number of Actors	4	3	1
Nature of Actors	Intergovernmental strong, Supranational limited	Supranational strong, Intergovernmental final say	Intergovernmental Strong
Voting Rule	Supermajority, With veto	Supermajority, No veto	Consensus No veto
Applied Suspension Clause?	Never	Yes	Yes

design.

It seems, in opposition to the democratic density argument, an IO's success as a democracy promoter may make the member states *less* inclined to design strong democracy enforcement mechanisms. Subsequently when a member state does backslide, that IO is not the democratic defender that we expect. This correlation begs further examination. Design does matter for use, but is design endogenous to some other factors at the treaty drafting stage? To fully answer this question would require an examination of the conditions under which these suspension clauses were designed. What can we learn about the legal cultures of the states who do design usable clauses or their political cultures versus those that choose to set high barriers to their use? Perhaps design of enforcement mechanisms in an international treaty is an indication of the political stability of its drafters, in which case we should pay closer attention to not only what the text says, but who is drafting it. Answers to these pressing questions are particularly important as we consider whether and which IOs can be relied on as defenders of democracy in the current global illiberal moment.

References

Abbott, K., Keohane, R., Moravcsik, A., Slaughter, A-M., & Snidal, D. 2000. The Concept of Legalization. *International Organization*, 54(3): 401-419.

Abbott, K., & Snidal, D. 2000. Hard and Soft Law in International Governance. *International Organization*, 54(3): 421-456.

African Union. 2002. Protocol Relating to the Establishment of the Peace And Security Council of the African Union. Available at `http://www.au.int/en/sites/default/files/Protocol_peace_and_security.pdf`

—. 2007. African Charter on Democracy, Elections and Governance. Available at `http://www.ipu.org/idd-E/afr_charter.pdf`

—. 2013. The Continental Early warning System. Available at `http://www.peaceau.org/en/page/28-continental-early-warning-system-cewsi`

"African Union Lifts Madagascar Suspension." 2012. *BBC*. Available at `http://www.bbc.com/news/world-africa-20075563`

Aman, A. 2014. African Union set to Restore Egypts Membership. Available at `http://www.al-monitor.com/pulse/originals/2014/06/egypt-african-union-restore-membership.html#`

Amnesty International. 2013. "Fenced Out: Hungary's Violations of the Rights of Refugees and Migrants. Published 7 October. Available at `https://www.amnesty.org/en/documents/eur27/2614/2015/en/`

Arceneaux, C., & Pion-Berlin, D. 2007. Issues, Threats, and Institutions: Explaining OAS Responses to Democratic Dilemmas in Latin America. *Latin American Politics and Society*, 49(2): 1-31.

Barnett, M., & Finnemore, M. 2004. *Rules for the World: International Organizations in Global Politics*. Cornell: Cornell University Press.

BBC. 2011. OAS Lifts Honduras Suspension after Zelaya Agreement. Available at `http://www.bbc.com/news/world-latin-america-13622939`

Boix, C. 2003. *Democracy and Redistribution*. New York: Cambridge University Press.

Boix, C. 2011. Democracy, Development, and the International System. *American Political Science Review*, 105(4): 809-828.

Boniface, D. S. 2007. The OASs mixed record. In T. Legler, S. F. Lean, & D. S. Boniface (Eds.), *Promoting Democracy in the Americas* (40-62). Baltimore: John Hopkins University Press.

Brimmer, E. 2005. Vigilance: Recognizing the Erosion of Democracy. In M. H. Halperin & M. Galic (eds), *Protecting Democracy: International Responses*. New York: Lexington Books. Pp. 233258.

Cameron, F. 2007. *An Introduction to European Foreign Policy*. London: Routledge.

Chayes, A., & Chayes, A. H. 1993. On Compliance. *International Organization*, 47(2): 175-205.

Cooper, A. F., & Legler, T. 2006. *Intervention without Intervening? The OAS Defense and Promotion of Democracy in the Americas*. Palgrave MacMillan.

Cortell, A. P., & Peterson, S. 2006. Dutiful Agents, Rogue Actors, or Both? Staffing, Voting Rules, and Slack in the WHO and WTO. In D. G. Hawkins, D. A. Lake, D. L. Nielson, & M. J. Tierney (Eds.), *Delegation and Agency in International Organizations*. New York: Cambridge University Press.

CNN Wire Staff. 2010 (Dec. 9). African Union Suspends Ivory Coast amid Political Chaos. `http://www.cnn.com/2010/WORLD/africa/12/09/ivory.coast.au/`

Coppedge, Michael, John Gerring, Staffan I. Lindberg, Svend-Erik Skaaning, Jan Teorell, David

Altman, Frida Andersson, Michael Bernhard, M. Steven Fish, Adam Glynn, Allen Hicken, Carl Henrik Knutsen, Kyle L. Marquardt, Kelly McMann, Valeriya Mechkova, Pamela Paxton, Daniel Pemstein, Laura Saxer, Brigitte Seim, Rachel Sigman and Jeffrey Staton. 2017. "V-Dem Codebook v7.1" Varieties of Democracy (V-Dem) Project.

Csaky, Z. 2012. Romania: Is the Crisis Over? Freedom House: Freedom at Issue Blog. Available at https://freedomhouse.org/blog/romania-crisis-over#.VVzIUFVViko

Davis, C. 2004. International Institutions and Issue Linkage: Building Support for Agricultural Trade Liberalization. *The American Political Science Review*, 98(1): 153-169.

—. N.d. Entry and Exit : How Membership in International Organizations Transforms International Cooperation. Manuscript in progress.

Dobson, W. J. 2012. *The Dictators Learning Curve: Inside the Global Battle for Democracy*. New York: Anchor Books.

Donno, D. 2010. Who is Punished? Regional Intergovernmental Organizations and the Enforcement of Democratic Norms. *International Organization*, 64(4): 593-625.

Duxbury, A. 2011. *The Participation of States in International Organizations: The Role of Human Rights and Democracy*. New York: Cambridge University Press.

Drezner, D. 2007. *All Politics is Global: Explaining International Regulatory Regimes*. Princeton, NJ: Princeton University Press.

El-Hage, J. 2010. Under what circumstances may the OAS apply the democracy clause against a member state? *Human Rights Foundation*. Available at http://hrf.org/uploads/Democracy_Clause.pdf

European Commission. 2014. European Commission presents a framework to safeguard the rule of law in the European Union. Press Release IP/14/237. http://europa.eu/rapid/press-release_IP-14-237_en.htm

European Council. 1993. Conclusions of the presidency. Copenhagen Summit. June 21-22. Retrieved from http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/72921.pdf

European Union. 1992. Treaty on European Union. Official Journal of the European Communities C 191. Available at http://eur-lex.europa.eu/en/treaties/dat/11992M/htm/11992M.html

—. 1986. The Single European Act. Available at http://www.eurotreaties.com/singleuropeanact.pdf

—. 1992. Treaty on European Union (Maastricht). http://europa.eu/eu-law/decision-making/treaties/pdf/treaty_on_european_union/treaty_on_european_union_en.pdf

—. 1997. Treaty of Amsterdam. http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C:1997:340:TOC

—. 2001. Treaty of Nice. Available at http://www.eurotreaties.com/nicetreaty.pdf

—. 2007. Treaty of Lisbon. Available at http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:EN:HTML

—. 2010. Consolidated versions of the Treaty on European Union (TEU), the Treaty on the Functioning of the European Union (TFEU); Treaty of Fundamental Rights of the European Union. Official Journal of the European Communities C 326. Available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:326:FULL:EN:PDF

Fawn, R. 2013. *International Organizations and Internal Conditionality: Making Norms Matter*. New York: Palgrave Macmillan.

Freedom House. 2003. Freedom in the World Country Report: Madagascar. https://freedomhouse.org/report/freedom-world/2003/madagascar

Gehring, T., & Faude, B. 2013. The Dynamics of Regime Complexes: Microfoundations and Systemic Effects. *Global Governance*, 19: 119-130.

Genna, G. M., & Hiroi, T. 2015. *Regional Integretion and Democratic Conditionality: How Democracy Clauses Help Democratic Consolidation and Deepening*. New York: Routeledge.

Grigorescu, A. 2015. *Democratic Intergovernmental Organizations? Normative Pressures and Decision-Making Rules*. New York: Cambridge University Press.

Haas, P. E. 1992. Introduction: Epistemic Communities and International Policy Coordination. *International Organization*, 46(1): 1-35.

Hafner-Burton, E. 2009. The Power Politics of Regime Complexity: Human Rights Trade Conditionality in Europe. *Perspectives on Politics*, 7(1): 33-37.

Haftel, Y. Z. 2012. *Regional Economic Institutions and Conflict Mitigation: Design, Implementation and Promise of Peace*. Ann Arbor: University of Michigan Press.

Hawkins, D. G., & Jacoby, W. 2006. How Agents Matter. In D. G. Hawkins, D. A. Lake, D. L. Nielson, M. J. Tierney (eds.), `DelegationandAgencyinInternationalOrganizations`. New York: Cambridge University Press. Pp. 199-228.

Hawkins, D. G., Lake, D. A., Nielson, D. L., & Tierney, M. J. 2006. Delegation under Anarchy: States, International Organizations, and Principal-Agent Theory. In D. G. Hawkins, D. A. Lake, D. L. Nielson, M. J. Tierney (eds.), *Delegation and Agency in International Organizations*. New York: Cambridge University Press. Pp. 3-38.

"Hungarian premier Orbán rejects constitutional criticism." 2013 (March 14). *Deutsche Welle*. Retrieved from `http://www.dw.de/hungarian-premier-orban-rejects-constitutional-criticism/a-16676088`

International Institute for Democracy and Electoral Assistance (IDEA). 2014. Accelerating Member State Ratification of the African Charter on Democracy, Governance and Elections. Available at `http://www.idea.int/africa/accelerating-ratification-of-the-african-charter-on-democ cfm`

Keohane, R. 1984. *After Hegemony: Cooperation and Discord in the World Political Economy*. Princeton: Princeton University Press.

Koremenos, B., Lipson, C, & Snidal, D. (2004). The Rational Design of International Institutions. *International Organization*, 55(4): 761-799.

Legler, T., Lean, S. F., & Boniface, D. S. 2007. *Promoting Democracy in the Americas*. Baltimore, MD: The Johns Hopkins University Press.

Levitt, B. S. 2006. A Desultory Defense of Democracy: OAS Resolution 1080 and the Inter-American Democratic Charter. *Latin American Politics and Society*, 48(3): 93-123.

Marshall, M. G., Gurr, T. R., & Jaggers, K. 2016. *Polity IV Project: Political Regime Characteristics and Transitions, 1800-2015*. Center for Systemic Peace.

McCoy, J. L. 2007. Transnational response to democratic crisis in the Americas, 1990-2005. In T. Legler, S. F. Lean, & D. S. Boniface (Eds.), *Promoting Democracy in the Americas*. Baltimore: The Johns Hopkins University Press. Pp. 270-290.

McMahon, E., & Baker, S. 2006. *Piecing a Democratic Quilt? International Organizations and Universal Norms*. Bloomfield, CT: Kumarian Press.

Müller, J. (2013). Safeguarding democracy inside the EU: Brussels and the future of liberal order. Washington, DC: Transatlantic Academy Paper Series. Retrieved from `www.transatlanticadademy.org`

Murray, R. 2004. *Human rights in Africa: from the OAU to the African Union*. New York: Cambridge University Press.

OAS. 1948. Charter of the Organization of American States. Signed at the Ninth International Conference of American States, Bogota, Mar. 30-May 2, 1948. Available at http://avalon.law.yale.edu/20th_century/decad062.asp

—. 1959. Protocol of Buenos Aires. Available at http://www.oas.org/dil/treaties_B-31_Protocol_of_Buenos_Aires_sign.htm

—. 1959. Declaration of Santiago. Available at http://www.jstor.org/stable/2196170

—. 1985. Protocol of Cartagena de Indias. Office of International Law. Washington, DC: OAS. Available at http://www.oas.org/dil/treaties_A50_Protocol_of_Cartagena_de_Indias.htm.

—. 1989. Human Rights and Democracy – Electoral Monitoring. AG/RES 991 (XIX-O/89). Available at http://www.oas.org/en/sla/docs/ag03803E01.pdf, (p. 37).

—. 1991a. The Santiago commitment to democracy and the renewal of the Inter-American system. Adopted at the third plenary session held on June 4, 1991. Available at http://www.oas.org/en/sla/docs/ag03805E01.pdf

—. 1991b. Representative democracy (Santiago Accords). AG/RES. 1080 (XXI-O/91). June 5. Santiago, Chile. Available at http://www.oas.org/en/sla/docs/ag03805E01.pdf

—. 1992. Washington Protocol. Available at http://www.refworld.org/docid/3de4a1f84.html

—. 1993. Declaration of Managua. Available at http://www.sedi.oas.org/ddse/documentos/Discapacidad/english/Managua_declaration.pdf

—. 1994. Declaration of Miami. Available at http://www.state.gov/p/wha/rls/59673.htm

—. 1997. Charter of the Organization of American States. Signed in Bogot in 1948 and amended by the Protocol of Buenos Aires in 1967, by the Protocol of Cartagena de Indias in 1985, by the Protocol of Washington in 1992, and by the Protocol of Managua in 1993. Washington, DC: General Secretariat of the Organization of American States.

—. 2001. Inter-American Democratic Charter. OEA/Ser.D/XX SG/UPD/III. September 11. Lima, Peru. Available at http://www.oas.org/OASpage/eng/Documents/Democractic_Charter.htm

OAS Secretary General. Executive Order No. 90-3(Rev. 1). Subject: Unit for Promotion of Democracy. http://www.oas.org/legal/english/gensec/EX-OR-90-3.htm

Organization on African Unity. 1981. African Charter on Human and Peoples Rights. Available at http://www.achpr.org/instruments/achpr/

—. 2000. Constitutive Act of the African Union. Available at http://www.au.int/en/about/constitutive_act.

—. 2000. CSSDCA Solemn Declaration (AHG/Decl.4 (XXXVI)). Available at http://www.peaceau.org/uploads/ahg-decl-4-xxxvi-e.pdf

—. 2000. Lomé Declaration of July 2000 on the framework for an OAU response to unconstitutional changes of government (AHG/Decl.5 (XXXVI)). Available at http://www2.ohchr.org/english/law/compilation_democracy/lomedec.htm

Olivari, D. R. 2014. The Role of the Organization of American States in Promoting Democracy. *International Institute for Democracy and Electoral Assistance*. Stockholm, Sweden.

OSCE/ODIHR. 2010. Election Assessment Mission Report Hungarian Parliamentary Elections. http://www.osce.org/odihr/elections/hungary/117819

Penney, J. 2010. African Union lifts sanctions against Guinea. *Reuters*.

Pevehouse, J. 2002a. With a Little Help from My Friends? Regional Organizations and the Consolidation of Democracy. *American Journal of Political Science*, 46(3): 611-626.

Pevehouse, J. 2002b. Democracy from the Outside In? International Organizations and Democratization. *International Organization*, 56(3): 515-549.

Pevehouse, J. 2005. *Democracy from Above: Regional Organizations and Democratization.* Cambridge, UK: Cambridge University Press.

Poast, P., & Urpelainen, J. 2015. How International Organizations Support Democratization: Preventing Authoritarian Reversals or Promoting Consolidation? *World Politics*, 67(1): 72-113.

Puddlington, A., & Roylance, T. (2016). *Freedom in the World 2016, Anxious Dictators, Wavering Democracies: Global Freedom under Pressure (Freedom in the World).* Freedom House. Retrieved from `https://freedomhouse.org/report/freedom-world/freedom-world-2016`

Puddlington, A., & Roylance, T. (2017). *Freedom in the World 2017: Populists and Autocrats: The Dual Threat to Global Democracy (Freedom in the World).* Freedom House. Retrieved from `https://freedomhouse.org/report/freedom-world/freedom-world-2017`

Sadurski, W. 2010. Adding Bite to Bark? A Story of Article 7, the EU Enlargement, and Jörg Haider. Syndey Law School Legal Studies Working Paper Series, No. 10/01.

Scheppele, K. L. 2013. Testimony before the U.S. Commission on Security and Cooperation in Europe (Helsinki Commission), Hearing on "The Trajectory of Democracy — Why Hungary Matters." March 19, 2013.

Schimmelfennig, F., & Sedelmeier, U. 2004. Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe. Journal of European Public Policy, 11(4): 669-687.

Schimmelfennig, F. 2007. European Regional Organizations, Political Conditionality, and Democratic Transformation in Eastern Europe. *East European Politics & Societies*, 21(1): 126-141.

Sedelmeier, U. 2014. Anchoring Democracy from Above? The European Union and Democratic Backsliding in Hungary and Romania after Accession. *Journal of Common Market Studies,* 52(1): 105-121.

Stone, R. W. *Controlling Institutions: International Organzations and the Global Economy.* Cambridge: Cambridge Univeristy Press.

Svolik, M. W. 2012. *The Politics of Authoritarian Rule.* New York: Cambridge University Press.

Tavares, R. (2013, June 25). On the situation of fundamental rights: standards and practices in Hungary (pursuant to the European Parliament resolution of 16 February 2012. (2012/2130(INI)). Committee on Civil Liberties, Justice and Home Affairs. Retrieved from `http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2013-0229&language=EN`

Transparency International. 2005. Ecuador Faces Institutional Crisis. `http://archive.transparency.org/news_room/in_focus/2005/crisis_ecuador1`

Tsebelis, G. 2002. *Veto Players: How Political Institutions Work. Princeton*, NJ: Princeton University Press.

Van der Vleuten, A. & Hoffman, A. R. (2010). Explaining the enforcement of democracy by regional organizations: Comparing EU, Mercosur and SADC. *Journal of Common Market Studies*, 48(3): 737-758.

Westerwelle, G., Timmermans, F., Søvndal, V., & Tuomioja, E. (2013). The letter from Germany, Finland, Denmark and the Netherlands request a new mechanism to safeguard the fundamental values of the EU. Retrieved from `http://www.rtt.ro/en/scrisorea-prin-care-germania-finlanda-`