



***The Global State of Democracy 2017***  
*Exploring Democracy's Resilience*

**Chapter**

# 3

Threats from within: democracy's  
resilience to backsliding

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International IDEA  
Strömsborg  
SE-103 34 STOCKHOLM  
SWEDEN  
Tel: +46 8 698 37 00  
Email: [info@idea.int](mailto:info@idea.int)

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Cover illustration: Michael Tompsett, <<http://www.michael-tompsett.pixels.com>>

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# Threats from within: democracy's resilience to backsliding

What can be done when the instruments of democracy are used to undermine it from within? Threats to democracy from those in power constitute some of the gravest affronts to the global state of democracy today. These leaders manage to increase their political power by manipulating electoral norms, restricting dissent and freedom of speech, and reforming the constitution to extend their terms in office—all within the legal framework of the democratic system. Most alarming, these actions have a ripple effect on the functioning of institutions beyond those directly targeted, and affect people's safety, wellbeing and livelihoods. Some countries have diverted from this dangerous path towards authoritarianism. This chapter focuses on factors that help resist or counteract democratic backsliding, including leveraging citizen preferences for democracy, generating change from the bottom up, and taking advantage of the remaining (if frail) checks and balances. It examines cases of recent backsliding in Hungary, Poland, Sri Lanka, Venezuela and Zimbabwe.

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**Written by**  
Catalina Uribe Burcher and Sumit Bisarya

Our democracy is threatened whenever we take it for granted. All of us, regardless of party, should be throwing ourselves into the task of rebuilding our democratic institutions.

—Barack Obama, US President, 2008–16  
(10 January 2017)

## 3.1. Introduction: democracy in decline

Examples of democratic backsliding abound in 2016–17. In Venezuela, the government has rewritten the constitution to give the president sweeping powers and undermine watchdog institutions. In Turkey, thousands of professors, journalists and members of the opposition have

been jailed with minimal due process (BBC News 2017d; Daragahi 2016; Kingsley 2017). In Burundi, President Pierre Nkurunziza defies international pressure and violently stamps out national opposition to extend his stay in power for a third term (ICG 2016). In Hungary, radio stations and newspapers critical of the government were forced to shut down (Bienvenu 2016). In the Philippines, President Rodrigo Duterte's war on drugs resulted in thousands of extra-judicial killings and human rights violations; his intention to extend the use of martial law further threatens to curtail personal freedoms and the rights of detainees (BBC News 2017c, 2017b; UN News Centre 2017; Amnesty International 2017a). In established democracies such as the United States, there are worrying signs that the Trump presidency is challenging the constitutional and democratic order. While these actions

would not be surprising in authoritarian states, all were conducted by governments that came to power in free and fair elections. Thus, the question is: 'what is wrong with democracy?' (*The Economist* 2016; 2017: 5).

The unceasing march towards liberal democracies as the 'end of history' appears to have stalled. While the fall of the Berlin Wall and the end of the Cold War heralded an era of unprecedented democratization, current trends appear to be driving in the opposite direction: the resurgence of nationalist rhetoric and protectionist policies from India to the USA illustrated by the 'Brexit' vote in the United Kingdom; an ongoing 'war on terror' accompanied by a renewed securitization agenda that limits civil liberties; grotesque levels of economic inequality; and challenges to the claimed moral superiority of Western democracies by a newly confident and assertive Russian foreign policy.

The most serious concern is that democracy is rotting from the inside. Authoritarianism has traditionally been conceptualized as a regime type that is illegitimately imposed on its populace. It is assumed that authoritarian leaders suppress their political opposition and enact anti-democratic measures against the will of the electorate. Yet the recent election in liberal democracies of leaders with authoritarian characteristics—who reduce democratic freedoms and political competition—demonstrates that, to paraphrase Martin Luther King, Jr. (1965), the arc of the general will of the people does not always bend towards democracy.

The number of cases of 'modern democratic backsliding' (defined in section 3.2) is rising (Bermeo 2016: 8), including in supposed democratic transition success stories such as Poland and Malaysia. Countries that experience backsliding share three factors: (a) a party or leader coming to power through elections broadly considered to be free and fair; (b) manipulation of the institutions and procedures designed to provide checks on executive power;

### BOX 3.1

#### Resilient societies: confronting backsliding

Democracy can be challenged from within. Modern democratic backsliding can take place through the manipulation of democratic rules and institutions. Constitutions and electoral rules can be used to favour a ruling party and limit the independence and power of the judiciary and the media. For a democracy to resist backsliding, the checks-and-balances system must be prepared to counteract the manipulation, abolition, or weakening of existing rules and institutions. A democratic system can recover if one element of the system can react to these dysfunctions, which requires citizens to have the capacity to adapt and respond to changing political scenarios, as well as opposition from the judiciary, the legislature, the media and political parties.

and (c) use of the law to reduce civic space and political freedoms in order to crush dissent and disable political opposition, and diminish the role of civil society.

When analysing modern democratic backsliding, International IDEA considers its implications for the legitimacy of democracy as a political system, and why it threatens democratic values as well as human rights and the rule of law, rather than the causes or drivers (Lust and Waldner 2015). This analysis complements the assessment of the global state of democracy since 1975 by focusing on a selected number of democratic backsliding events up to 2016.

Based on the Global State of Democracy (GSoD) indices data (International IDEA 2017) and a selection of 15 countries, International IDEA explored whether democratic backsliding events affect other dimensions of a country's democracy. These events include coups and the manipulation of electoral or constitutional rules to extend terms in office. The data analysis also explores whether citizens in backsliding regimes become disinterested in or opposed to democracy as a political system.

The analysis focuses on 15 countries that were selected from those for which data were available to maintain a regional balance, and to include examples of general backsliding as

Modern democratic backsliding can take place through the manipulation of democratic rules and institutions

TABLE 3.1

### Selected countries and events for data analysis

Country (region)	Democratic backsliding event year	Type of democratic backsliding event	Analysis period (GSoD indices)	Analysis period (perception surveys)
Argentina (Latin America and the Caribbean)	1995	President Carlos Menem overstay—amendment	1975–1995–2015	1996–2016
Brazil (Latin America and the Caribbean)	1998	President Fernando Henrique Cardoso overstay	1975–1998–2015	2000–2015
Colombia (Latin America and the Caribbean)	2006	President Álvaro Uribe Vélez overstay	1975–2006–2015	2007–2015
Ecuador (Latin America and the Caribbean)	2007	President Rafael Correa election and Constitutional amendments	1975–2007–2015	2008–2015
Lesotho (Africa)	1994	Coup	1975–1994–2015	1999–2014
Madagascar (Africa)	2009	Coup	1975–2009–2015	2013–2015
Namibia (Africa)	2000	President Samuel Nujoma overstay	1995–2000–2015	2002–2014
Niger (Africa)	2009	President Mamadou Tandja overstay—coup/emergency	1975–2009–2015	2013–2015
Pakistan (Asia and the Pacific)	1999	Coup	1975–1999–2015	2001–2012
Peru (Latin America and the Caribbean)	1995	President Mamadou Tandja overstay—coup/emergency	1975–1995–2015	1995–2015
Thailand (Asia and the Pacific)	2007	Coup	1975–2007–2015	2007–2013
Russia (Europe)	2012	President Vladimir Putin re-assumes office	1991–2012–2015	2006–2011
Turkey (Europe)	2002	President Recep Tayyip Erdogan election	1975–2002–2015	2007–2011
Ukraine (Europe)	2010	President Viktor Yanukovich takes office	1991–2010–2015	2006–2011
Venezuela (Latin America and the Caribbean)	2004	President Hugo Chávez overstay—replacement	1975–2004–2015	2005–2015

**Notes:** The starting year for the analysis period (perception surveys) is the year prior to the event year for which data are available in the perceptions survey; the final year is the most recent one for which data are available in the perceptions survey.

**Sources:** Bermeo, N., 'On democratic backsliding', *Journal of Democracy*, 27/1 (2016), pp. 5–19; Ginsburg, T., Melton, J. and Elkins, Z., 'On the evasion of executive term limits', *William & Mary Law Review*, 52 (2011), pp. 1807–69, <<https://ssrn.com/abstract=1683594>>.

defined by Bermeo (2016: 5–19), as well as cases in which leaders modified term limits to extend their mandate as identified by Ginsburg, Melton and Elkins (2011: 1869) (see Table 3.1). The analysis does not focus on the countries or events themselves, but on the changes they triggered in the quality of democracy dimensions and subdimensions, as well as perceptions of democracy within the countries.

The analysis compares the sample to a control group of countries (with comparable human development and historical connections) in which these trends *did not* occur (see Table 3.2). While they may have experienced democratic setbacks during those periods, they did not experience a backsliding event as defined above. The starting point of the analysis corresponds to the years of data availability in the survey sources. The same years were used for the analysis of the GSoD indices data and the perception surveys to ensure homogeneity.

Section 3.2 explores six types of democratic backsliding, focusing on the three most frequently observed in the modern era. Section 3.3 examines the effect of modern backsliding on the quality of democracy, while Section 3.4 explores the relationship between backsliding and public support for democracy. Section 3.5 presents conclusions and recommendations. For additional information on the concepts discussed in this chapter see *Measuring Public Support for Democracy: A Resource Guide* (Schwertheim 2017).

### 3.2. Democratic backsliding: concepts and questions

Bermeo (2016) distinguishes between six types of backsliding: (a) a classic coup d'état, in which a sitting executive is ousted by the military or other state elites; (b) an executive coup, in which a freely elected executive seizes power unilaterally by suspending the constitution and establishing a rule-by-decree dictatorship; (c) election day vote fraud; (d) a promissory coup, which is framed as a defence of democracy and accompanied by a promise to hold elections and

TABLE 3.2

#### Control countries and year for data analysis

Country (region)	Analysis period (GSoD indices)	Analysis period, (perception surveys)
Botswana (Africa)	1999–2015	1999–2014
Chile (Latin America and the Caribbean)	1995–2015	1995–2015
Costa Rica (Latin America and the Caribbean)	1995–2015	1996–2015
Ghana (Africa)	1999–2015	1999–2014
India (Asia and the Pacific)	1995–2015	1995–2012
Romania (Europe)	1991–2015	1995–2012
South Africa (Africa)	1999–2015	1999–2014
Republic of Korea (Asia and the Pacific)	1995–2015	1996–2010
Slovenia (Europe)	1991–2015	1995–2011
Uruguay (Latin America and the Caribbean)	1995–2015	1995–2015

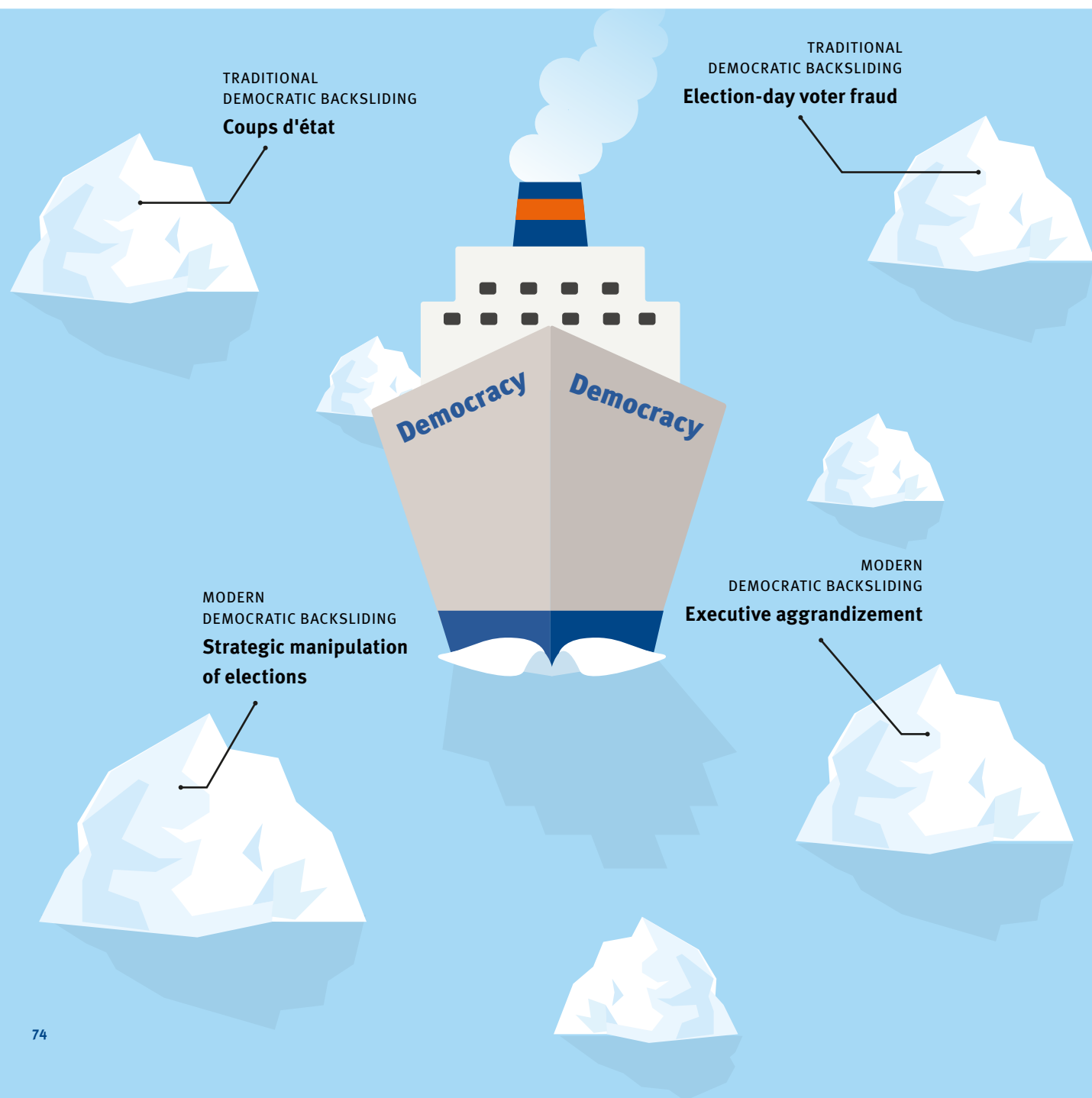
**Notes:** Regarding the analysis period for the GSoD indices, all countries within each region have the same starting year. These periods also cover the entire span in the sample countries for each region starting with the first event. Regarding the analysis period for the perception surveys, the measurement aggregates scores from the source surveys for their questions 'is democracy your preferred system of government?' and 'is it good having a democratic political system?'

**Sources:** World Values Survey, 'Wave 6: 2010–2014', <<http://www.worldvaluessurvey.org/WVSOnline.jsp>>; Afrobarometer 2016; Latinobarometro 2016.

imminently restore constitutional democracy; (e) executive aggrandizement, whereby elected executives gradually weaken constraints on their power and increase institutional obstacles to political opposition; and (f) the strategic manipulation of elections. Bermeo concludes that the first three forms of backsliding are becoming rarer, and that the latter three persist or have increased in frequency; for this reason, this chapter refers to the latter three as *modern* backsliding.

Instigators of modern backsliding manipulate, rather than abolish, democratic mechanisms and institutions—for example by changing

## What is democratic backsliding?





electoral laws and statutory protections for political freedoms—to strengthen their grip on power. This shift demonstrates the power of constitutional governance norms and regular elections, and thus the success of democracy promotion: deviating from these norms is becoming prohibitively expensive in terms of jeopardizing government legitimacy (Boix and Svolik 2013: 301; Svolik 2009: 477–94, 2015: 715–38). Box 3.2 describes Hungary's recent experience of backsliding. In certain contexts, after a coup there is considerable pressure for the new government to portray itself as a transitory body that intends to swiftly restore democracy (Chacha and Powell forthcoming; Thyne and Powell 2016).

Authoritarian leaders and elected despots increasingly seek to *use* the law (rather than violate or ignore it) to pursue their ends within the boundaries of the constitution (Przeworski 2014). Given the rise in backsliding associated with the manipulation—rather than the destruction—of constitutional and electoral mechanisms, this chapter focuses on cases of 'executive aggrandizement', which seem to occur more often than electoral system manipulation. In this context, what are some of the common elements of modern backsliding?

Constitutional rules provide constraints on those in power; their existence assumes that executive leaders may seek to usurp public power for personal or partisan gains. Electoral rules, which are a subset of constitutional rules, provide the means for individuals and groups to compete for access to power through the currency of public support. Both are prime targets for those seeking to weaken the democratic system, but the modern backslider seeks to *manipulate*, rather than abolish, them (Bermeo 2016).

Constitutional rules are changed either through the constitutionally prescribed procedure for amendment or by appealing to a popular base to replace the constitution. Abolishing or extending executive term limits is often a key feature of backsliding. Modern

### BOX 3.2

#### The archetypal backsliding story: the case of Hungary

Hungary's democratic transformation began in the 1990s and was further consolidated when it joined the European Union in 2004 after years of political, economic and administrative reforms to fulfil the accession criteria (European Commission n.d.). It was assessed as having achieved the necessary stability of democratic institutions, implementation of the rule of law and respect for human rights. Since then, the optimism surrounding the country's democratic progress has been replaced with worrying signs of modern democratic backsliding achieved through both executive aggrandizement and strategic electoral manipulation.

The main force behind this transformation was the Fidesz Party and its leader Viktor Orbán, who has been prime minister since 2010. Shortly after the 2010 elections Fidesz, which enjoyed a large enough majority in Parliament to amend the constitution, commenced a comprehensive revision of the country's constitution through a unilateral governmental process that did not include the political opposition parties or civil society (European Parliament 2011). Citizens were sent a questionnaire just before the draft was presented, but their answers were never incorporated into the final document. In the four years that followed, 800 new laws were passed and major constitutional changes were made. The amendments eroded the power of the Constitutional Court, the judiciary and the Electoral Commission, thus eliminating the necessary checks and balances and consolidating the power of the ruling party (Schepple 2014a, 2014b).

The scope of the Constitutional Court was narrowed: it lost jurisdiction over laws related to austerity measures and taxes. Its political impartiality was eliminated when experienced judges were forced into early retirement and replaced by an increased number of loyal government supporters. The national judiciary offices, originally an independent legal body with the right to appoint, delegate and promote judges, as well as determine which cases should be handled, was brought under direct political influence (Rajk 2012; Rajk et al. 2012).

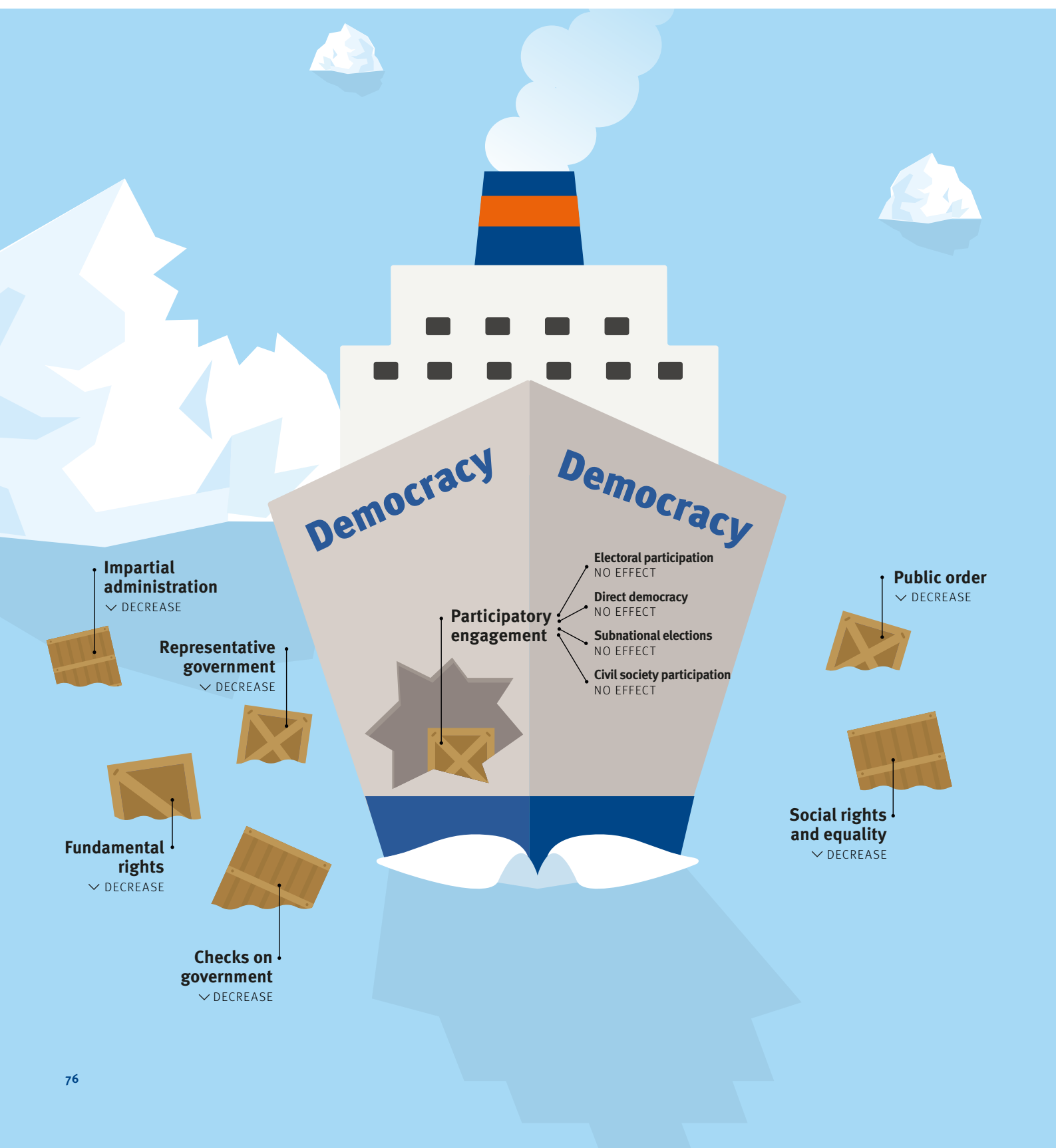
Electoral laws were changed to significantly restrict the ability to alter the current power structure. Constituencies were redefined to favour candidates of the ruling party, and new legal provisions ensured that the votes from compensatory lists would go to the winning party (Schepple 2014a, 2014b). The Electoral Commission was also populated with loyal party members.

The public media company, officially an independent outlet, was placed under government control and regulation, which impeded impartial, analytical or critical assessments of its policies (Howard 2014; Sipos 2015). The independent press was forced to censor itself following enormous fines and the loss of state-sponsored advertisement, while a national media and telecommunications agency was established to exercise wide-ranging censoring and sanctions to prevent any negative press coverage of the government (Freedom House 2016).

Thus, without breaking any laws and with no election day fraud, Fidesz subverted the system through both executive aggrandizement and electoral system manipulation to significantly roll back Hungary's democratic progress.



## What are the effects of democratic backsliding?



backsliders may seek to change the electoral rules in their favour, for example by redrawing electoral boundaries, increasing their veto powers (Bulmer 2015) or changing the electoral system to manufacture strong majorities. Common consequences of democratic backsliding include expanding the executive decree power, reducing legislative oversight, curtailing the independence of the judiciary and the media, abusing the state of emergency and passing legislation restricting constitutionally guaranteed rights, which is often targeted at reducing political opposition and dissent. The following section presents a more detailed analysis of these consequences.

### 3.3. Consequences of backsliding

The GSoD indices data provide an empirical understanding of the broader consequences of democratic backsliding, including coups, self-coups and executive aggrandizement. The data reveal the effects of backsliding events on other dimensions of democracy (i.e. Representative Government, Fundamental Rights, Checks on Government, Impartial Administration and Participatory Engagement) and development (namely social rights and equality, and public order).

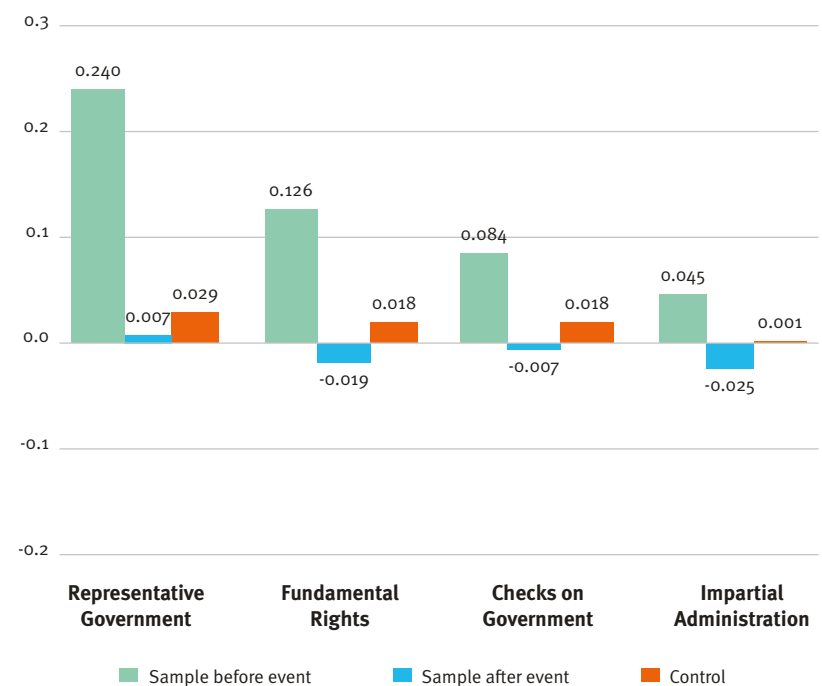
#### Implications for the quality of democracy

Do democratic backsliding events—as defined in Section 3.2—always decrease the quality of a country's democracy, particularly with respect to representative government, fundamental rights, checks on government and impartial administration? Figure 3.1 compares the GSoD indices scores of the study sample and control group in these four attributes.

All four dimensions of democracy (Representative Government, Fundamental Rights, Checks on Government and Impartial Administration) on average stagnated or declined in the aftermath of the democratic backsliding incidents (detailed in Table 3.1). Importantly, this shows a trend reversal in those countries, since before the incidents the four attributes were improving. Those reversals were not part of a broader trend: these attributes of democracy improved or remained unchanged in

FIGURE 3.1

#### Quality of democracy: Representative Government, Fundamental Rights, Checks on Government and Impartial Administration



**Notes:** The country selection for the sample and control countries, as well as the starting years of analysis for each, are detailed in Tables 3.1 and 3.2, and span until 2015. The green bars indicate the change in the sample countries before the events, the blue bars indicate the change in the sample countries after the events, and the orange bars indicate the change in the control countries. A substantial change is defined as 0.1 points on the scale ranging from 0 to 1, and 0 to -1, i.e. 10 per cent of the scale range. Negative scores illustrate decline, and positive scores indicate gains. The height of the bars indicates the score change between the event years and 2015.

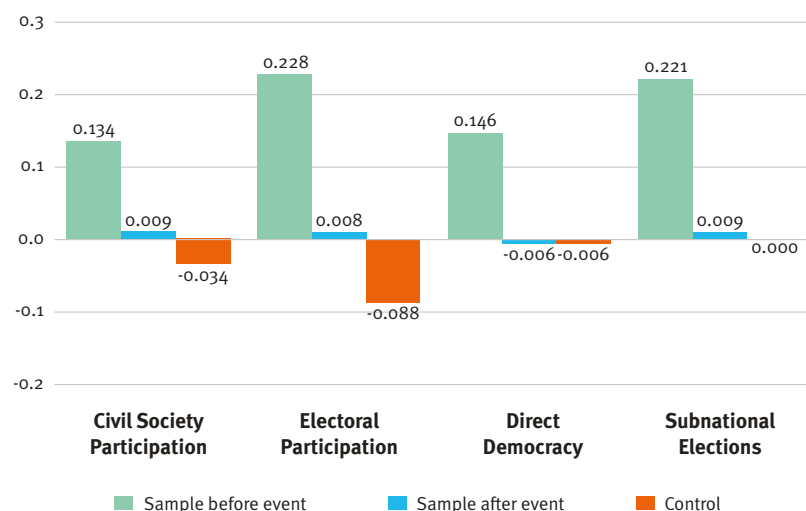
**Source:** GSoD indices 2017 (Representative Government Index, Fundamental Rights Index, Checks on Government Index, Impartial Administration Index).

the control countries (presented in Table 3.2). These data therefore suggest that there is some correlation between the overall deterioration of these democratic attributes and the democratic backsliding events described in this chapter.

The fifth attribute of democracy, Participatory Engagement, shows a different trajectory. Figure 3.2 illustrates that none of the four subattributes used to measure participatory engagement (civil society participation, electoral participation, direct democracy and subnational elections) suffered a significant comparative change after countries experienced democratic backsliding. While there was a reversal compared to before the backsliding events, the trends seem to have followed the broader patterns observed among

FIGURE 3.2

### Participatory Engagement: Civil Society Participation, Electoral Participation, Direct Democracy and Subnational Elections



**Notes:** The country selection for the sample and control countries, as well as the starting years of analysis for each, are detailed in Tables 3.1 and 3.2, and span until 2015. The green bars indicate the change in the sample countries before the events, the blue bars indicate the change in the sample countries after the events, and the orange bars indicate the change in the control countries. A substantial change is defined as 0.1 points on the scale ranging from 0 to 1, and 0 to -1, i.e. 10 per cent of the scale range. Negative scores illustrate decline, and positive scores indicate gains. The height of the bars indicates the score change between the event years and 2015.

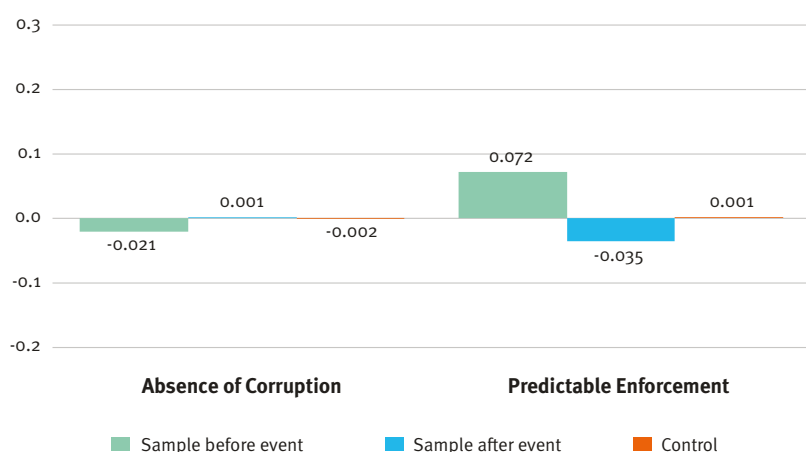
**Source:** GSoD indices 2017 (Civil Society Participation Index, Electoral Participation, Direct Democracy Index, Subnational Elections Index).

the control countries (described in Table 3.2). This indicates that, while many aspects of democracy suffer during and after events of democratic backsliding, they do not seem to encourage disengagement, despite attempts to silence civil society (Aho 2017; European Parliament 2017; HRW 2017b).

Another interesting finding is the extent to which impartiality in the administration changed after backsliding, particularly as it relates to corruption and the predictable enforcement of public authority. Figure 3.3 illustrates an average comparative decrease in the predictable enforcement of public authority after the backsliding events of 0.03, compared with complete stagnation in the control countries. By contrast, backsliding seems to have had no significant effect on corruption levels in the sample countries (Figure 3.3). This trend also applies to non-backsliding countries, which indicates that resilient democracies are able to resist setbacks in curbing corruption fuelled by democratic backsliding events.

FIGURE 3.3

### Impartial Administration: Absence of Corruption and Predictable Enforcement



**Notes:** The country selection for the sample and control countries, as well as the starting years of analysis for each, are detailed in Tables 3.1 and 3.2, and span until 2015. The green bars indicate the change in the sample countries before the events, the blue bars indicate the change in the sample countries after the events and the orange bars indicate the change in the control countries. A substantial change is defined as 0.1 points on the scale ranging from 0 to 1, and 0 to -1, i.e. 10 per cent of the scale range. Negative scores illustrate decline, and positive scores indicate gains. The height of the bars indicates the score change between the event years and 2015.

**Source:** GSoD indices 2017 (Absence of Corruption Index, Predictable Enforcement Index).

A concerning by-product of democratic backsliding is the devastating effects it has on people's daily lives and wellbeing. In Burundi, 'violence, fear, socio-economic decline and deepening social fractures have characterized the beginning of the president's third term. Following protests in April 2015 and Nkurunziza's re-election in July, confrontation has taken the form of urban guerrilla warfare which, beyond the targeted assassinations, torture and disappearances, has had an insidious and devastating impact' (ICG 2016: i). In the Republic of the Congo violence erupted 'after protests [in 2015] over the constitutional referendum that extended the eligibility of presidential candidates beyond age 70, which allowed Mr Sassou-Nguesso, 72, to run again' (Benn and Chauvet 2016). Similarly, 50 people were killed in September 2016 in Kinshasa in protests against the president's decision to delay elections in the Democratic Republic of Congo (DRC) (Burke 2016).

Figure 3.4 illustrates the relationships between democratic backsliding and the deterioration of public order (defined as a combination of internal conflict and major episodes of political violence). While the control countries strengthened public order by 10 per cent, democratic backsliding events were followed by a comparative deterioration of public order. Most problematic, violence in these contexts becomes a catch-22: as the concentration of power increases, people's dissatisfaction escalates, sparking violent reactions. In turn, those seeking to remain in power use this violence to justify their decisions and restrictions on liberty.

In addition, there may be a relationship between democratic backsliding and a decline in development. Figure 3.5 illustrates that backsliding depressed these countries' performance in social rights and equality (the extent to which basic welfare and social and political equality are realized) by nearly half, on average, compared to before the incidents and to control countries.

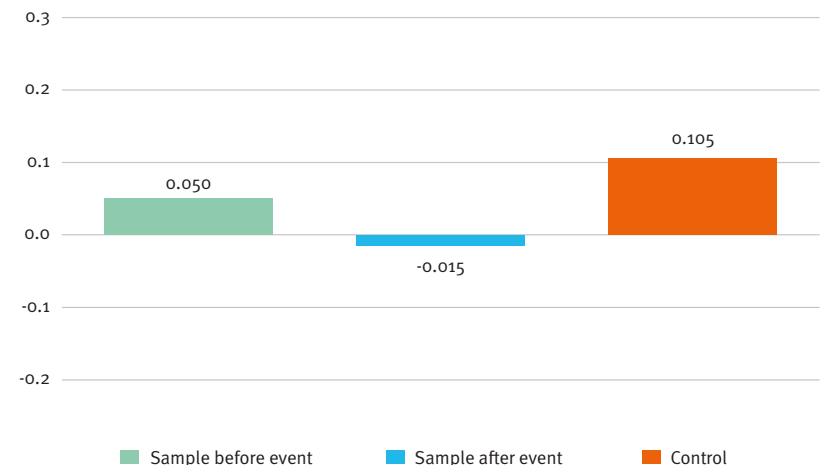
### The malicious nature of modern backsliding

Since modern backsliders have typically been democratically elected and have formally complied with the constitution and other laws, they can claim a weapon that is largely unavailable to traditional coup makers—a degree of legitimacy (Schedler 2002). While all autocrats may claim to rule in the name of the people, or for the good of the nation, they must enforce that rule through force. This is costly to maintain in the long term; the more legitimacy that can be claimed, the lower the costs of staying in power (Dimitrov 2009).

Legitimacy is important at the international level: regional organizations have responded to the increasing occurrence of coups by asserting that 'unconstitutional transfers of power' warrant sanctions, including the suspension of membership until constitutional rule is reinstated (OAS 2001; AU 2007; ECOWAS 2001). It is harder for regional organizations

FIGURE 3.4

#### Public Order before and after events

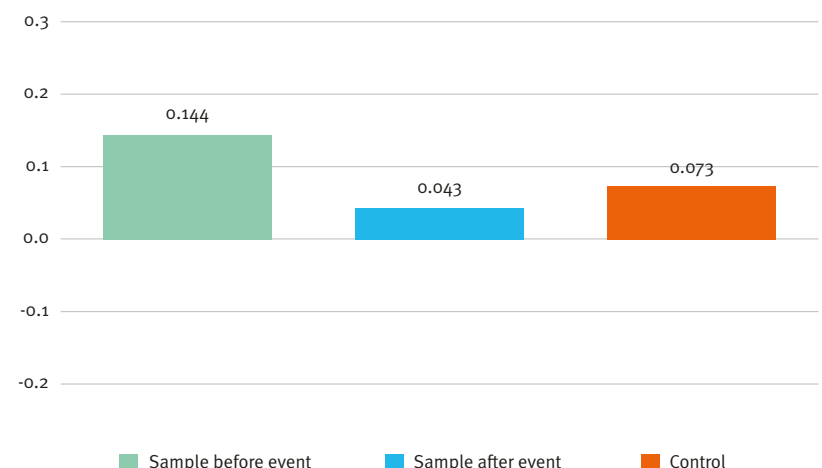


**Notes:** Data on public order aggregates the following indicators: (a) internal conflict, (b) major episodes of political violence, (c) conflict incidence, (d) intrastate war, (e) monopoly on the use of force and (f) conflict intensity. The country selection for the sample and control countries, as well as the starting years of analysis for each, are detailed in Tables 3.1 and 3.2. The green bar indicates the change in the sample countries before the events, the blue bar indicates the change in the sample countries after the events and the orange bar indicates the change in the control countries. A substantial change is defined as 0.1 points on the scale ranging from 0 to 1, and 0 to -1, i.e. 10 per cent of the scale range. Negative scores illustrate decline, and positive scores indicate gains. The height of the bars indicates the score change between the event years and 2012.

**Sources:** Political Risk Services (n.d.); Marshall (n.d.); UCDP (n.d.); Correlates of War Project (n.d.); Bertelsmann Stiftung (n.d.).

FIGURE 3.5

#### Social Rights and Equality



**Notes:** The country selection for the sample and control countries, as well as the starting years of analysis for each, are detailed in Tables 3.1 and 3.2, and span until 2015. The green bar indicates the change in the sample countries before the events, the blue bar indicates the change in the sample countries after the events and the orange bar indicates the change in the control countries. A substantial change is defined as 0.1 points on the scale ranging from 0 to 1, and 0 to -1, i.e. 10 per cent of the scale range. Negative scores illustrate decline, and positive scores indicate gains. The height of the bars indicates the score change between the event years and 2015.

**Source:** GSoD indices 2017 (Social Rights and Equality Index).

to sanction modern backsliders who formally comply with their own constitutions, such as Hungary's Viktor Orbán (Choudhry and Bisarya 2014; Hedling 2014).

Since modern backsliders must obey the formal rules of the game, they leave open avenues in which to challenge their power (Bermeo 2016). While they may violently crush dissent and political opposition, they must also continue to hold elections. Therefore

elections provide both an opportunity for contest—however diminished—and a rallying point for the opposition. The endpoint of modern backsliding is thus not full-scale authoritarianism, but weakened democracy in which 'even if the cards are stacked in favour of autocratic institutions, the persistence of meaningful democratic institutions creates arenas through which opposition forces may—and frequently do—pose significant challenges' (Levitsky and Way 2002). Boxes 3.3 and 3.4

### BOX 3.3

#### Modern backsliding and resistance efforts: the case of Venezuela

Between 1958 and 1993 Venezuela's democracy was perceived as relatively stable and highly institutionalized. While there were threats of backsliding during that period, serious signs of erosion began in 1993, when Rafael Caldera, an old establishment figure, was elected president as an independent candidate. In 1998, Hugo Chávez, a political outsider and former soldier who attempted a coup d'état against former President Carlos Andrés Pérez in 1992 (García Marco 2017), became president due to a severe economic crisis and divisions within the main parties (Corrales and Penfold 2011).

In the 1998 election, President's Chávez's party, the Movement of the Fifth Republic (Movimiento de la Quinta República) received 20 per cent of the vote and 35 seats in the Lower House (Molina 2002: 227). The president began his administration with high approval ratings (*The Economist* 1999), which gave him the political power to call for a referendum to elect a National Constituent Assembly responsible for writing a new constitution (Greste 1999). The referendum passed with more than 80 per cent of the votes (*El Mundo* 1999). In the Constituent Assembly election held a few months later, the majoritarian electoral system enabled President Chávez, with 66 per cent of the vote, to control 95 per cent of the seats (121 of 128). Thus his 'Chavism' movement was able to draft a constitution without having to make concessions to the opposition. On 15 December 1999 the new constitution was approved in a referendum with more than 70 per cent of the votes (*El Mundo* 1999).

A few days later the Constituent Assembly dissolved all other public authorities, including the Congress, the Supreme Court of Justice and all state Legislative Assemblies (Méndez la Fuente 2007: 115–47), thus disrupting the country's power balance and the autonomy of democratic institutions. The national and local elections of July 2000 further opened the door for President Chavez to build an almost absolute authority with few institutional counterweights, all within existing constitutional and electoral frameworks. After Chávez was re-elected with 60 per cent of the vote, and his party obtained more than 48 per cent of the congressional seats (Molina 2002: 227),

the 'Chavista' majority in Congress could appoint many political authorities, including judges and the authorities in charge of electoral institutions (Tanaka 2006: 47–77).

President Chávez enjoyed broad electoral support, which legitimated his mandate in practice. He and his party won the 1998, 2000, 2006 and 2012 presidential elections; the 2000, 2005 and 2010 congressional elections; the 1999 referendum to call a Constituent Assembly and later approve the new Constitution; the 2004 presidential recall referendum; and the 2009 referendum to allow the re-election of all authorities without restrictions. The president nonetheless lost the 2007 referendum that tried to change the Constitution to declare Venezuela a socialist state and extend the president's term limit, a defeat he accepted (Jiménez and Hidalgo 2014).

After Chávez's death in 2013, President Nicolás Maduro, his political successor, won the 2013 election. Some level of democratic resistance materialized in the 2015 parliamentary elections, when the opposition party, the Democratic Unity Roundtable (Mesa de Unidad Democrática), won a majority of 109 out of 167 seats (BBC News 2015b). Unfortunately that led to a counter-reaction. The Supreme Court, controlled by the government's political supporters, attempted to seize the National Assembly's powers, leaving a weakened legislature (Krauze 2017). In addition, subnational elections scheduled for December 2016 were suspended without justification, several political opponents were killed or jailed (Lozano 2017), and a National Constitutional Assembly was elected to redraft the Constitution in what the opposition considers an attempt by President Maduro to avoid elections he would likely lose (Casey 2017). However, the election of the Constitutional Assembly has not been widely recognized by the international community or internally by the opposition, amid allegations of electoral tampering (BBC News 2017e; Semana 2017; Smith-Spark and D'Agostino 2017; The Guardian 2017).

The government has managed to curtail the resistance to limit these democratic reversals, notably internally by the judiciary (led by the general prosecutor) and externally by the Organization of American States (OAS)—through a series of political manoeuvres (El País 2017; Lafuete and Meza 2017). Violence and intimidation have not silenced protesters (Sanchez and Armario 2017). The people remain the defenders of Venezuela's democracy.

discuss modern backsliding in the contexts of Venezuela and Sri Lanka, respectively.

### 3.4. Resistance to backsliding: a case for democratic resilience

Is democratic backsliding correlated with declining popular support for democracy? Two classic essays on democracy provide opposing visions of popular sentiments within backsliding regimes: De Tocqueville's passages on 'soft despotism' in *Democracy in America* (De Tocqueville 2003 [1835]) and Vaclav Havel's *The Power of the Powerless* (1992).

De Tocqueville posits that citizens have competing desires—to be free, and to have a leader—that they balance by electing a despotic leader who dictates public policy based on his or her whims, but returns to the electorate at periodic intervals for revalidation. People acquiesce to this situation because they convince themselves that they are still sovereign—and therefore free—because they continue to choose who leads them.

Havel takes as his starting point a greengrocer in what was then totalitarian Czechoslovakia. Each morning the grocer puts up a sign in his shop window that says 'Workers of the World Unite!' because the totalitarian system demands it; if the grocer did not, this would be taken as a challenge to the system that would be penalized. However, Havel makes two central points. First, if all shopkeepers refused to put up their signs, the system would be powerless to enforce its rules: the totalitarian state depends on acceptance because it cannot continue to enforce its rule by force indefinitely. Second—and importantly for this study—regardless of how many days the grocer puts the sign in his window, he knows there is something wrong with the system. Thus democracy is an idea as well as a system, and whether the grocer takes down the sign or not, the yearning for freedom from arbitrary and tyrannical rule remains.

Does the modern backsliding of democratically elected leaders indicate the popular acceptance of soft despotism—that is, do citizens elect

#### BOX 3.4

#### Modern backsliding and resistance efforts: the case of Sri Lanka

Mahinda Rajapaksa was elected president of Sri Lanka in 2005 in the midst of a civil war and lost his seat in the 2015 elections following accusations of human rights violations and corruption, as well as 'executive aggrandisement'. The civil war lasted nearly three decades and claimed an estimated 100,000 lives. It ended with a government victory in May 2009 (Insight on Conflict 2013).

In September 2010, the Parliament approved a constitutional change that allowed President Rajapaksa to seek an unlimited number of terms and gave the central government control over independent bodies such as the police, the judiciary, the Electoral Commission and the National Human Rights Commission (HRW 2016). In January 2013, Rajapaksa orchestrated the impeachment of a Supreme Court justice after she overruled one of his family's patronage schemes (Aneez and Sirilal 2013). After nine years of increasingly autocratic rule, President Rajapaksa and his family controlled nearly all aspects of the Sri Lankan state. The cabinet appointed in 2007 was one of the largest in the world, with 52 ministers and deputy ministers (BBC News 2007).

In 2015 President Rajapaksa lost the presidential election and was replaced by coalition candidate Maithripala Sirisena (BBC News 2015a). The following parliamentary elections secured a majority for Sirisena's coalition. The new government immediately implemented reforms that abolished surveillance and censorship of the media and civil society groups. It embarked on constitutional reforms to restrict executive powers, limiting the presidential mandate to two terms, took steps to reinstate an independent judiciary (HRW 2016) and released a number of political prisoners.

While Sri Lanka's democracy has not regained its previous strength, there are signs that the current government will continue its promised reforms. Majorities of the country's main ethnic communities prefer democracy 'to any other kind of government' (CPA 2011: 3). An ongoing constitutional reform process provides an opportunity to better prevent democratic backsliding in the future (HRW 2017a). Yet the risk of political backlash is real. The bounce-back may be hampered by the impact of decades of warfare on the country's political and institutional culture.

backsliders because they have diminished support for democratic values? Or is it wrong to conflate modern backsliding with declining support for democracy: do the public—like Havel's greengrocer—maintain their support for democracy and resist authoritarian rule even as it is forced upon them by the people they have elected?

This question is important, as individual attitudes matter. While other elements, such as elite-related and institutional factors, may drive democratic stability or prevent backsliding (Dahlum and Knutsen 2017),

**The endpoint of modern backsliding is not full-scale authoritarianism, but weakened democracy**



In countries experiencing democratic backsliding, people's positive perception of democracy as a system of government increased

citizens have a key role to play. The fuel that ignites collective and institutional action against state abuses, in this case democratic backsliding, starts with the citizen. The media typically pays attention when people mobilize, and institutions pay attention when the media reports on those concerns (World Bank 2017: 241). People's perceptions of democracy in the aftermath of democratic backsliding thus have the potential to shape their actions against backsliding, which is a crucial element of democracy's resilience.

In countries experiencing democratic backsliding, people's positive perception of democracy as a system of government increased (on average by more than 8 per cent), while control countries experienced an average

decline in support for democracy. Figure 3.6 illustrates how people's positive regard for democracy in the sample and control countries changed in the subsequent surveys with respect to the situation before and during the backsliding events.

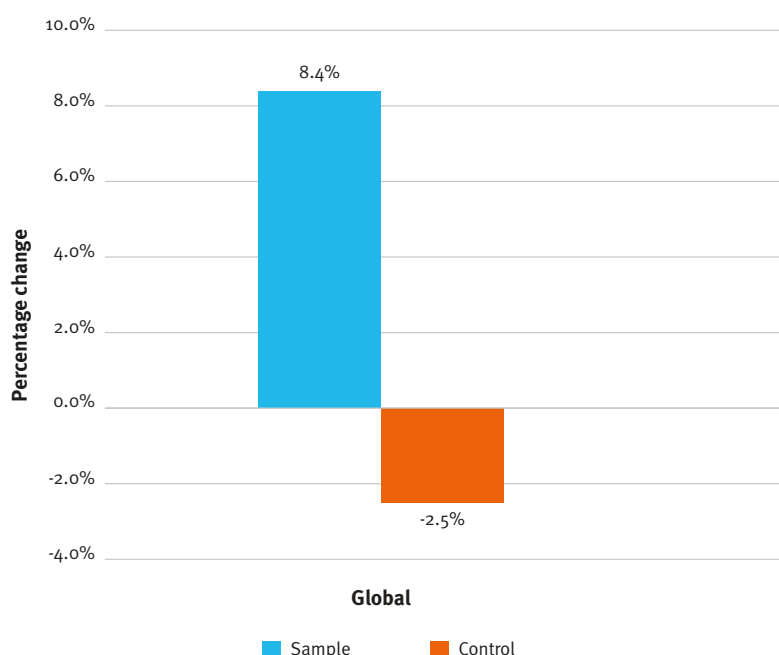
A possible explanation for this contrast is that people may better appreciate what they do not have. In this case, democratic backsliding would seem to make citizens realize that democracy is preferable to other types of government, while in places where democracy has not suffered as much, people might take it for granted. While drawing causal explanations is beyond this survey, the critical finding for democracy assistance providers is that, in nearly all cases, democratic backsliding does not indicate a decline in popular support for democracy, but actually the opposite. The findings further suggest that resistance to democratic backsliding is emerging from within those countries—Havel's greengrocers.

While US President Donald Trump's election does not fully meet the criteria of democratic backsliding in this chapter, people from both parties, scholars and the media sounded alarm bells regarding the threat of democratic backsliding after several controversial decisions taken during his first months in office (Behar 2017; Hains 2017; Huq 2017; Huq and Ginsburg 2017; Kiley 2017; Wang 2017; Wilstein 2017). Similar to countries experiencing democratic backsliding, the situation seems to have prompted a slight increase in people's belief that providing more power to the president would be too risky, from 72 per cent in August 2016 (before his election) to 77 per cent in February 2017 (Pew Research Center 2017).

Recent research reveals the important role of non-violent resistance in these types of contexts (Vinhagen 2017). The cases of Poland and Zimbabwe in Boxes 3.5 and 3.6 show how citizen-based resistance emerges in two very different phases of backsliding. In Poland, the newly elected government is at the

FIGURE 3.6

#### People's change in their positive perception of democracy



**Notes:** This measurement aggregates scores from the source surveys for their questions 'is democracy your preferred system of government?' and 'is it good having a democratic political system?' While these measures carry some inherent biases and limitations (see the 'Resource Guide on Measuring Popular Support for Democracy'), these were mitigated by not comparing specific scores in the selected countries, but instead by looking at the change in those perceptions in each country before and after the backsliding events and in relation to the change among the control countries. The country selection for the sample and control countries, as well as the starting years of analysis for each, are detailed in Tables 3.1 and 3.2. For Table 3.1, the starting year is the one immediately before the 'event year' for which data are available in the perceptions survey; the final year is the most recent one for which data are available in the perceptions survey. The blue bar indicates the percentage change in the sample countries after the events, the orange bar indicates the percentage change in the sample countries after the events. The lower side of the scale illustrates negative percentages (i.e. decline); the upper side positive percentages (i.e. gains). The height of the bars indicates the percentage change between the event years and 2015.

**Sources:** World Values Survey 2016; Afrobarometer 2016; Latinobarometro 2016.



### BOX 3.5

#### Democratic resilience through civil society: the case of Poland

Poland's peaceful transition to democracy, consolidation of democratic institutions and successful integration into the EU have contributed to a sense of national pride and admiration by other countries yearning for a similar transformation. After decades of oppression from its Soviet-backed regimes, Poland showed the world that civil society, trade unions and regular citizens could make a difference by uniting forces in their demand for democracy, human rights and an improved quality of life. Seen by many as the *musterkind* among the countries that joined the EU in 2004, Poland seemed at the time to be on a steady road to economic growth, political stability and democratic consolidation (Ekiert and Soroka 2013).

In recent years political developments have increasingly raised concerns, causing observers to question whether Polish democracy is temporarily diverging from its path or if a democratic U-turn has commenced. Since its election with an absolute majority of seats in 2015, the ruling Law and Justice Party has pursued changes to the country's checks and balances system. Just a few months after its election, the government passed bills that reduced the authority of the Constitutional Court and its ability to oversee Parliament, manoeuvred the appointment of the Constitutional Tribunal justices and limited the court's constitutional review powers. Other laws were passed enabling the government to bring public media under state control by appointing the heads of public TV and radio, as well as civil service directors (BBC News 2016). The European Commission expressed its concerns about what it perceived as being 'a systemic threat to the rule of law in Poland', and urged the Polish Government on two consecutive occasions to reverse its decisions, guarantee the independence of the Constitutional Tribunal and comply with the EU's democratic requirements (European Commission 2016).

In December 2016 there was deadlock in Parliament when opposition parties besieged the chamber after being excluded from the budget voting, following their protests of a decision to

limit media access to Parliament (Amnesty International 2017b: 298). These actions, together with other bills that extended the state's right to monitor citizens and limited citizens' freedom of assembly, ignited mass protests in Warsaw and other main cities. Thousands of women gathered in the streets dressed in black to protest highly restrictive draft anti-abortion legislation. This ultimately led to a rolling back of the bill (Borys 2016), but other repressive measures continued igniting protests in 2017. Notably, a new draft bill intended to end the terms of members of the National Council of the Judiciary and give Parliament powers to choose most of its new members, while a new draft law would have allowed Parliament to appoint Supreme Court judges and put courts under increased government control (Al Jazeera 2017). Protesters and EU criticism over the proposed legislation managed to put enough pressure on the government to block them. However, one additional law allowing the justice minister to appoint and remove senior judges was ratified (Reuters 2017).

Following the Polish tradition of historical civic movements, such as the Workers' Defense Committee and the Committee for Social Self-defence in the 1970s (Lipski 1985) and Solidarity in the 1980s, the Committee for Defence of Democracy (KOD) was formed in direct response to the perceived degradation of the Polish democracy (KOD 2017).

The KOD quickly rose to become a nationwide movement, uniting citizens in protests against government decisions that were deemed unlawful, which limited civil liberties, undermined democracy and opposed EU principles (Eriksson 2016). Through its independence from any political party (and its clear refusal to become a party), as well as its active media and social media presence and inclusive and decentralized organization, the KOD soon became the representative of an urban and well-educated middle class (Eriksson 2016). Although not yet fully supported by the largely conservative, rural communities, the KOD continues to grow as a political force in Poland, showing the government and the world that just as democracy was once attained through citizen organizations, it might be safeguarded in the same way.

initial stages of what appears to be executive aggrandizement, while even authoritarian Zimbabwean President Robert Mugabe must still hold elections, and allow some forms of political competition and protest to legitimize his stay in power.

#### Checks and balances: limiting democratic erosion caused by executive aggrandizement

Modern democratic backsliding involves the excessive expansion of executive power within

the country's existing constitutional and legal structures. While constitutional and electoral mechanisms that should safeguard the delicate balance of power within the state are subject to manipulation during backsliding, they still help limit power grabs (Global Commission on Elections, Democracy and Security 2012). For example, Gambian President Yahya Jammeh was ousted in January 2017 after two decades in power when he lost his bid for re-election (BBC News 2017a). His attempt to stay in power was met with troops from

BOX 3.6

**Resilience through civil society after backsliding:  
the case of Zimbabwe**

Women of Zimbabwe Arise (WOZA, which also means 'come forward') is one of the largest and most influential civic movements in Southern Africa. Since its foundation in 2003, it has tirelessly voiced the concerns and everyday issues affecting the lives of Zimbabwean women, uniting citizens' forces into visible actions meant to highlight and improve women's social, economic and human rights (WOZA 2017a).

In a country that has only had one ruling party and president since independence from British colonial rule in 1980, the yearning for democracy has become particularly pronounced over the last two decades. Following a severe economic crisis partly fuelled by the mismanagement of state finances, corruption and participation in a costly war in the DRC, Zimbabwe's citizens faced extreme inflation, high unemployment and an alarming decay in public services provision (Africa Economic Development Institute 2009).

Driven by this palpable degradation in the quality of life, civil society organizations started voicing the problems faced by ordinary citizens and demanding change. WOZA, originally comprised of an unobtrusive group of economically challenged mothers, became one of the leading figures of this citizen mobilization, working against political violence, and for equality and education, respect for basic human rights and increased democracy. The simplicity and legitimacy of their message, as well as their non-violent tactics and inclusive approach, attracted many followers. Today the movement includes an incredibly diverse group of 85,000 members representing all ages, genders, abilities, social statuses and economic backgrounds (WOZA 2017a). A special wing for men, MOZA, was created in 2006 (Zimbabwe Human Rights NGO Forum 2017).

Over time, WOZA has come to symbolize a resilient, peaceful voice for Zimbabwean citizens and their priorities for change. In 2006 it gained fame for creating the People's Charter of Zimbabwe, a 'wish' declaration of 10,000 citizens regarding their country's future; most notably, people expressed support for increased democracy, accountability and public service delivery (WOZA 2017b).

WOZA was actively involved in protests during the drafting of a new constitution, which the organization did not believe reflected the will of the people. Although civil society organizations were involved during the consultation period, WOZA criticized the feedback process as inadequate for creating a 'truly people-driven constitution' (Mapuva 2013: 266). WOZA made a commitment to the constitutional reforms, outlined in the WOZA People's Charter, and strongly opposed constitutional amendments that would have made the constitutional process subject to political party control (The Zimbabwean 2009).

Over the years, WOZA has conducted hundreds of peaceful protests that have drawn attention to citizens' day-to-day issues and struggles. The protests were often met with police brutality, incarcerations and public harassments, which spurred public sympathy for the organization and exposed the regime's repression and shortcomings (Amnesty International 2013; Freedom House 2011).

Senegal to enforce the election results, backed by a unanimous UN Security Council vote (Withnall 2017).

Democracy is comprised of a network of several mutually reinforcing institutions and processes. When one fails, others—particularly the judiciary, the legislative branch and the media—can exert pressure and demand accountability to revert, or at least limit, the weakening of the system (Jelmin 2012: 7).

Courts have been crucial in limiting executive authorities' attempts to increase their power by manipulating the constitution. For example, although Colombian President Álvaro Uribe Vélez's supporters succeeded in changing the Constitution in 2005 to allow him to run for a second consecutive term, in 2010 the Constitutional Court truncated his attempt to change the Constitution again to allow him to run for a third term (Lozano 2010).

Parliaments can also curtail attempts to excessively expand executive power (Fish 2006). While in Rwanda the lower house of Parliament was unable to halt President Paul Kagame's bid to run after his second term concludes in 2017, which means he will be able to stay in office until 2034 (Uwiringiyimana 2015), the cases of Zambia, Malawi and Nigeria are more encouraging. In 2001, a proposed bill in Zambia that would have extended term limits was removed given the prospect of its defeat in Parliament. In Malawi the same happened in 2002 when the bill failed to receive sufficient endorsement by Parliament; in Nigeria this took place in 2006 when 'it was finally withdrawn when it became clear that it did not have sufficient parliamentary support' (Zamfir 2016: 5).

The media is an important catalyst for limiting or counteracting democratic backsliding. For example in Peru during President Alberto Fujimori's term, the government attempted to control the press by bribing a number of journalists to support his campaign for re-election (Hidalgo 2011). Yet media

circulation of a video of his adviser bribing a congressman resulted in the president's downfall. The same day the tape was broadcast, Fujimori called for elections and announced he was not going to run again (La República 2016). Similarly, social media has the potential to enable activists and protesters to voice their discontent about an increasingly eroding democratic landscape. The low costs and broad availability of these platforms makes them attractive tools for citizens to engage in political discussion and respond to state abuses (Faraon et al. 2011; Papic and Noonan 2011; Bruns et al. 2016). However, incumbents can also manipulate these tools to misinform their followers and increase their power (Chenoweth 2016; Cohen 2013; Gunitsky 2015; Walker and Orttung 2014: 73–4, 82; O'Brien 2014: 325).

Modern backsliders are less likely than their predecessors to abolish political parties, which leaves some avenues open to contest ideas and resist executive aggrandizement. Citizens stand a better chance of mobilizing popular resistance when there is space for elites to contest each other (Brownlee 2007). The case of the DRC (described in Box 3.7) provides an example of resistance in the political arena when constitutional checks through state institutions have been captured.

Regional organizations have sought to protect democracy; some have adapted tools designed to deal with traditional coups in order to address threats to constitutional democracy from within (Choudhry and Bisarya 2014). The African Union, the EU and the OAS, as well as subregional organizations such as the Economic Community of West African States, all have mechanisms to sanction member states for violating shared values promoting constitutional democracy and the rule of law, which modern backsliding actions fall foul of. In this way, democracy's resilience is bolstered not as an inherent characteristic of democratic governance, but because it is an important shared international value.

#### BOX 3.7

##### **Pursuing resilience to backsliding from political checks and balances: the DRC**

Attempts by African leaders to circumvent constitutional term limits and prolong their stay in office have become a major source of conflict and a threat to democratic stability and consolidation on the continent. According to Omotola (2011), between 2000 and 2010, 13 African presidents attempted to do so; ten were successful. Success often depends on whether the institutions are robust enough to serve as a check on executive authority—a key indicator of the health of any democracy (African Center for Strategic Studies 2016).

After 15 years as president of the DRC, Joseph Kabila was supposed to step down by December 2016 once his two terms in office concluded. However, he extended his stay in office. The unconstitutional extension of Kabila's term featured growing intraparty tensions and a weakening of discipline within his party; some from his party voted to 'defeat a parliamentary motion on a referendum to delay elections' in September 2014 (African Center for Strategic Studies 2016). A parliamentary coalition known as the Alliance of the Presidential Majority, which included members of Kabila's party, defeated an attempt to amend an electoral law in early 2015 that would have enabled him to extend his stay in office. The attempted amendment triggered street protests by opposition parties, citizens, journalists, human rights activists and civil society groups across the country's major cities (Roth and Sawyer 2015).

The president's supporters in Parliament then petitioned the Constitutional Court—the members of which are appointed by the president—to extend Kabila's term based on a constitutional provision that allows him to remain in office until a new president assumes his or her role. The National Independent Electoral Commission—which has been criticized for its lack of independence (Kumar 2016)—also petitioned the Constitutional Court to postpone the scheduled November 2016 elections until 2018, citing a lack of adequate preparations (Mwarabu 2016). In May 2016 the Constitutional Court ruled that President Joseph Kabila could extend his stay in office if the elections scheduled for November 2016 were postponed, which they eventually were. This was followed by violence and mass internal displacement (Gottipati 2017). And while this forced the signature of the Saint Sylvester Agreement on 31 December 2016 to hold new elections in 2017, the deal was not yet implemented at the time of writing (Berwouts 2017; Melber 2017; HRW 2017c).

### **3.5. Conclusions and recommendations: resistance to backsliding**

Democratic systems are fragile: they are susceptible to both external capture and, increasingly, erosion from within. Democracies take work and time, and are constantly under threat of decay. Countries are not neatly either democratic or authoritarian. Even fully consolidated democracies are at risk of backsliding, and even the most authoritarian regimes cannot fully extinguish the yearning for democracy.

Democracy's resilience is bolstered not as an inherent characteristic of democratic governance, but because it is an important shared international value

Most modern backsliders want to avoid the political costs of descending into complete authoritarianism; they seek, at most, a hybrid regime that maintains some elements of constitutional democratic governance, such as political parties, elections or independent courts. This, in turn, leaves opportunities for democratic bounce-back, not least because—as the data show—backsliding does not depress participatory engagement. More importantly, backsliding is accompanied by an increase in support for democracy as the preferred political system. The findings on public perceptions of democracy in the aftermath of backsliding suggest that the idea of democracy is well entrenched around the world; when it is taken away, rather than giving up on democracy, citizens feel more attached to it than ever.

Thus, democracy's fragility should—and must—be acknowledged as a cause for constant vigilance and support, but its resilience is also clear to those who choose to look for it. This resilience is rooted not only in the details of institutional design, systems of representation or legal protections for minorities, but in the very idea of democracy as a form of legitimate rule. This idea has become a norm to such an extent that would-be authoritarians are often forced to submit themselves to constitutional rule and elections, which although they may rig, still provide risks to the ruling regime.

As modern backsliding is not an all-encompassing overturning of the democratic order, it leaves open avenues to contest power. These may be through constitutional institutions designed to check power, such as courts or electoral institutions, or through other elements of democratic society, such as political parties and the media. The slide may not always be permanent, and societies are often resilient to backsliding. As would-be backsliders must continue to hold elections, and do so without complete ownership of the state, there are opportunities for democratic bounce-back.

Finally, the variances within the data are important, and should provide interesting

grounds for further research. For example, the variation in the effects of backsliding in different dimensions of democracy, and the different regional patterns observed in this respect, suggest areas for more targeted and tailored responses to threats to democracy. For example, the greater impact of backsliding on civil liberties than on participatory engagement might—with more detailed research—provide actionable insights into how best to protect democratic societies under threat. Recommendations on confronting and resisting backsliding follow.

### Democracy assistance providers

- *Avoid conflating democratic backsliding with a decrease in support for democracy.* The data show that the opposite is true, which indicates the importance of maintaining the support of the international community, particularly in cases at risk of, or at the onset of, backsliding. This can be critical in supporting local resistance.
- *Look beyond democratic transitions, and focus increasingly on democratic consolidation as well as democratic success stories.* Some countries have shown themselves to be susceptible to backsliding, so prevention, sustainability and long-term approaches are key to cementing resilience.

### Opposition political parties and civil society organizations

- *Rapidly organize, mobilize and raise awareness when there are signs of shrinking civic space.* While modern backsliding takes place gradually, civil spaces might rapidly reduce. In addition, sometimes the most technical aspects of backsliding may not be of interest to (or understood by) the general public. These include manipulating the appointment mechanisms for courts or changes in electoral laws.
- *Monitor the integrity of elections.* Make sure the government abides by international electoral principles and that the media accurately reports on instances of electoral malpractice. Importantly, rally civic

action to prevent electoral violence and demand actions that protect the role of non-incumbents.

- *Remain organized and seek dialogue with moderate elements of the governing power during backsliding.* Strategic long-term interparty dialogue might help all sides to reach compromises and change the country's democratic culture, rather than focusing on a one-off political crisis.

### **Policymakers**

- *Safeguard constitutional protections for political minorities and the opposition,* as well as the more traditional mechanisms of separation of the branches of government and independent accountability institutions. Political pluralism is just as important as institutional checks and balances.
- *Invest in building a professional, independent and competent electoral management body (EMB)* with a robust mandate to administer elections that are transparent and merit public confidence. The selection of the EMB's leadership is crucial to ensure its independence.

### **Regional organizations**

- *Build on existing systems of sanctions to develop accompanying formal monitoring systems related to unconstitutional transfers of power.*

More regular monitoring of constitutional governance is needed to reaffirm the norms on transfers of power or government change. Some regional organizations are more advanced than others in developing their role in safeguarding constitutional democracy, and more dialogue and exchange of experiences among regional organizations could be beneficial (see Wiebusch 2016).

- *Invest in conducting regular monitoring of constitutional governance.* While some milestones may clearly tilt the balance against democracy in a country, backsliding can also take place in small doses over a long period of time. International monitoring is therefore needed to reaffirm the norms on transfers of power or government change.
- *Foster intraregional dialogue among member states on good practices to safeguard constitutional democracy.* Building a common understanding of the basic standards and principles for constitutional democracies with which all governments must comply would make it harder for would-be backsliders to threaten their country's democracies. Crucially, building these common principles would facilitate the monitoring role of regional organizations to look beyond compliance with mere formal constitutional and electoral norms.

Even fully consolidated democracies are at risk of backsliding, and even the most authoritarian regimes cannot fully extinguish the yearning for democracy



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**International IDEA**  
Strömsborg  
SE-103 34  
Stockholm, Sweden  
Tel: +46 8 698 37 00  
[info@idea.int](mailto:info@idea.int)  
[www.idea.int](http://www.idea.int)