



JOÃO PAULO FERRAZ OLIVEIRA

***THE INTERNATIONAL GOVERNANCE OF DEMOCRACY PROTECTION:
A COMPARATIVE STUDY OF THE ORGANIZATION OF AMERICAN
STATES AND THE EUROPEAN UNION***

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Thesis defended by the Department of Science of UFMG, Brazil and by the ISPOLE-UCL Belgium Department, in a co-tariff regime between the Federal University of Minas Gerais and the Catholic University of Louvain.

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THE INTERNATIONAL GOVERNANCE OF DEMOCRACY PROTECTION: A COMPARATIVE STUDY OF THE ORGANIZATION OF AMERICAN STATES AND THE EUROPEAN UNION.

JOÃO PAULO FERRAZ OLIVEIRA

Tese submetida à Banca Examinadora designada pelo Colegiado do Programa de Pós-Graduação em CIÊNCIA POLÍTICA, como requisito para obtenção do grau de Doutor em CIÊNCIA POLÍTICA, área de concentração INSTITUIÇÕES, COMPORTAMENTO POLÍTICO E POLÍTICAS PÚBLICAS, linha de pesquisa Política Internacional e Comparada.

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And I gave my heart to seek and search out by wisdom concerning all things that are done under heaven: this sore travail has God given to the sons of man to be exercised therewith. I have seen all the works that are done under the sun; and, behold, all is vanity and vexation of spirit. (...) And I gave my heart to know wisdom, and to know madness and folly: I perceived that this also is vexation of spirit. For in much wisdom is much grief: and he that increases knowledge increases sorrow.

Ecclesiastes 1:13, 14; 17, 18

ABSTRACT AND KEYWORDS

Democratization studies have produced relevant diagnoses of the outcomes and challenges to democracy. As a general rule, these studies have privileged the role of domestic conditions, as an *explanans* of democratic transformation and promotion. The present thesis dialogues directly with this literature, assuming that international actors, such as intergovernmental organizations (IGOs), play a key role in protecting democracy in world politics. Focusing on the European Union (EU) and Organization of American States (OAS), this thesis investigates the conditions in which IGOs participate of democratic-protection policies in periods of transition a democratic discontinuity or breakdown. We would argue that three conditions are sufficient for IGOs to engage in protecting democracy. First, at the domestic level, elite actors must move toward democratization during transitional period or attempt a coup d'état in cases of discontinuity/breakdown. Second, at the international level, IGOs must coordinate their actions with an autonomous agency (the International Secretariat) in a decision-making arena that includes various member states. The present study has used the combination of Qualitative Comparative Analysis (QCA) and Causal Process-tracing (CPT) to select typical cases and verify the empirical causal mechanisms that led those three conditions toward the intended outcome. It has analyzed the role of IGOs during the Czechoslovakian, Bulgarian, and Haitian periods of transition, as well as cases of democracy discontinuity/breakdown in Hungary, Romania, Peru, Paraguay, Guatemala, and Honduras. The findings show that the analytical model has considered the role of conditions in all cases of transition for both organizations, as well as all cases involving the breakdown of democracy and OAS action. The European Union behaves differently in cases of democratic discontinuity because the EU democracy-protection regime represents an intervenient variable, especially given the option of international bureaucracy to participate without coordination in the member-states' decision-making arena. The present thesis argues that, to understand IGO participation in democratization studies, analyses must first assume this participation as a matter of governance; second, they must assume that coordination exists between the domestic and international spheres, and last, that IGOs are relevant in this process.

Keywords: Democracy protection, intergovernmental organizations, democratization, governance.

RESUMO

Os estudos de democratização produziram diagnósticos relevantes dos resultados e desafios à democracia. Como regra geral, esses estudos privilegiaram o papel das condições domésticas, como explicação da transformação e promoção democrática. A presente tese dialoga diretamente com essa literatura, assumindo que atores internacionais, como organizações intergovernamentais (OIGs), desempenham um papel fundamental na proteção da democracia na política mundial. Focalizando a União Europeia (UE) e a Organização dos Estados Americanos (OEA), esta tese investiga as condições em que os OIGs participam de políticas de proteção democrática em períodos de transição para uma descontinuidade ou avaria democrática. Argumentaríamos que três condições são suficientes para os OIGs se envolverem na proteção da democracia. Primeiro, no nível doméstico, os atores de elite devem avançar em direção à democratização durante o período de transição ou tentar um golpe de estado em casos de descontinuidade / colapso. Segundo, no nível internacional, os OIGs devem coordenar suas ações com uma agência autônoma (Secretaria Internacional) em uma arena de tomada de decisão que inclua vários Estados membros. O presente estudo utilizou a combinação de Análise Comparativa Qualitativa (ACQ) e rastreamento de processos causais (CPT) para selecionar casos típicos e verificar os mecanismos causais empíricos que levaram essas três condições ao resultado pretendido. Ele analisou o papel dos OIGs durante os períodos de transição da Checoslováquia, da Bulgária e do Haiti, bem como casos de descontinuidade / colapso da democracia na Hungria, Romênia, Peru, Paraguai, Guatemala e Honduras. As conclusões mostram que o modelo analítico considerou o papel das condições em todos os casos de transição para ambas as organizações, bem como em todos os casos que envolvem o colapso da democracia e a ação da OEA. A União Europeia se comporta de maneira diferente nos casos de descontinuidade democrática, porque o regime de proteção à democracia da UE representa uma variável interveniente, especialmente dada a opção da burocracia internacional de participar sem coordenação na arena de tomada de decisão dos estados membros. A presente tese argumenta que, para entender a participação da OIG nos estudos de democratização, as análises devem primeiro assumir essa participação como uma questão de governança; segundo, eles devem assumir que existe coordenação entre as esferas doméstica e internacional e, por último, que os OIGs são relevantes nesse processo.

Palavras Chave: proteção democrática, organizações intergovernamentais, democratização, governança.

LIST OF ABBREVIATIONS

Arab Maghreb (AMU)
 Bulgarian Agrarian National Movement (BANU)
 Bulgarian Communist Party (BCP)
 Causal Process Tracing (CPT)
 Causal Process Tracing (CPT)
 Central and Eastern European Countries (*CEECs*)
 Christian Democratic Party (PDCG)
 Civic Forum (CF)
 Comité de Asociaciones Agrícolas, Comerciales, Industriales y Financieras (CACIF)
 Common Foreign and Security Policy (CFSP)
 Communist Party of Czechoslovakia (CPCz)
 CVM (Cooperation and Verification Mechanism)
 Czech Republic and the Public Against Violence (VPN)
 Czechoslovak People's Party (ČSL)
 Ejército Guerrillero de los pobres (EGP)
 El Frente Democrático (*Fredemo*)
 European Bank for Reconstruction and Development (EBRD)
 European Commission (EC)
 European Community (EC)
 European Neighborhood Policy (ENP)
 European Political Cooperation (ECP)
 European Strategic Programme for Research and Development in Information Technology (ESPRIT)
 European Union (EU).
 Foreign Policy Analysis (FPA)
 Fuerzas Armadas Rebeldes (FAR)
 General Secretary (GS)
 German Democratic Republic (GDR)
 Global International Organizations (GIGOs)
 Gulf Cooperation Council (GCC)
 Hungarian Socialist Party (MSZP)
 Instituto Nacional de Electrificación (INDE)
 Inter-American Democratic Charter (IADC)
 Intergovernmental Organizations (IGOs)
 International Monetary Fund (IMF)
 International Relations (IR)
 International Relations (IR)
 Lehet Más a Politika (LMP)
 Liberal Democratic Party (PDL)
 Liberal Intergovernmentalism (LI)
 Movimiento de Acción Solidaria (MAS)

Multilevel governance (MLG)
Non-governmental Organizations (NGOs)
Organización del Pueblo en Armas (ORPA)
Organization of American States (OAS)
Partido Guatemalteco Del Trabajo (PGT)
Peruvian Servicio de Inteligencia Nacional (SIN)
Principal-Agent (PA)
Qualitative comparative analysis (QCA)
Regional intergovernmental organizations (RIO)
Secretaries-General (SGs)
Set-theoretical approach (STA)
Social Liberal Union (USL)
The American Popular Revolutionary Alliance (APRA)
The Research for Advanced Communications Technologies (RACE) Programme
The Single European Act (SEA)
The Southern Africa Development Community (SADC)
The Union of Democratic Forces (UDF)
The Union of Soviet Socialist Republics USSR
Treaty of European Union (TEU)
Treaty of European Union (TEU),
Treaty on Functioning of the European Union (TFEU)
Unidad de Accion Sindical y Popular (UASP)
Unidad Revolucionaria Nacional Guatemalteca (URNG)
Union del Centro Nacional (UCN)
United States (US)
World Bank (WB)

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INTRODUCTION

The democracy debate in the academic field of politics has uncovered issues that go deeper than a simple political-regime analysis. As Robert Dahl has emphasized in "*On democracy*," specific features of democracy, constructed over many decades in accordance with certain values, have generated the perception that democracy is the best and most normative form of government system. The construction of this normative model resulted from a long ideological struggle with other forms of social organizations. In the last century alone, the political world has witnessed fascism, Nazism, communism, militarism, and other forms of authoritarian organization (such as Arab monarchies and theocratic authoritarianism), in coexistence with democracy on this historical path (McFaul, 2004). The prevailing view of democracy reflects its capacity to adapt to new societal expectations. Following Dahl's argument, the functioning of democratic institutions prevents autocrats from overpowering society, enhances a set of fundamental rights (mainly personal freedoms and self-determination rules), fosters political equality among citizens, and provides institutional mediation between the preferences of citizens (characterized in contemporary studies as a complex plurality of ideas, beliefs and values) and decisions (McFaul, 2004; Hurrell, 2007). There continues to be a serious debate about the association between democratic institutions and economic success, as democratization studies have shown that market societies grow stronger. Some researchers have argued that this relationship should be treated as a stock variable, since long-term democracy (seen from the perspective of the historical process) leads to strong economic performance. Others believe that democracy encourages growth because democratic societies are open to competition and voluntary exchange, creating the right environment for people to exercise their economic freedoms. (McFaul, 2004; Gerring et al., 2005; Heo and Tan, 2001).

In a broader sense, democracy is loudly defended, regardless of the existence of authoritarian countries. According to McFaul (2004), pro-democracy arguments are directly associated with human rights and international peace, concepts that overflow in the political speeches and practices of national states and international actors, who view the increased institutionalization of democracy as an international norm. Kofi Annan

(2002) shared this perspective in his article "*Democracy as an international issue*," emphasizing the importance of democratic institutions in constructing peace and domestic political order, fostering human rights, and encouraging transnational groups and people at the international level to expand their political participation and to use IGOs as mediators. According to Held (1995), democracy has acquired an aura of legitimacy and law justification, enabling it to offer the best solutions for solving disputes or stabilizing the political order.

Interestingly, the analytical effort needed to understand the internationalization of the democratic phenomenon has only recently become a feature of the democratization literature. As Flockhart (2005) has argued, in democratization studies, the answer does not depend on who has answered, but on when the answer was sought. Earlier studies that investigated the role of international causes in democratization did not immediately arrive at an answer. For a long time, such studies searched for domestic causes and attributed more importance to them. This changed when Huntington (1991), in his work on "waves of democratization," called attention to the multiple causes that determined the path of democratization path, drawing on external influences as well as the particularities of nation-states. By the beginning of the 1990's, the democratization literature assumed that both national and international factors influenced the process and that some domestic-international nexus was necessary.

Given this historical trajectory, according to Flockhart (2005), the connection between Democratization Studies and International Relations has been recognized by its absence more than its vigor. He argues that, although these two fields of research have shared and overlapping interests, they have yet to be discovered. The main objective of the present thesis is to create a dialogue between these two fields of research. Out of various relevant subjects in world politics (including spillover effects, great powers, and transnational agents), this paper focuses on intergovernmental organizations (IGOs).

We begin by drawing on the formal role of IGOs to assume the existence of explicit arrangements, negotiated among international actors, that prescribe, denounce

and/or authorize behavior. Explicit arrangements¹ are public, at least among the parties themselves (Koremenos et al., 2001:762). In addition to sets of formal rules, IGOs have agency capacity, resulting from their rational-legal bureaucracies (based on physical spaces—buildings, offices, and headquarters), which are capable of establishing specific political autonomy to gather information and mold preferences (Ruggie,1993; Barnett and Finnemore,1999). Mobilizing international actors of this type requires a different approach from that used to mobilize other international actors.

Indeed, the theoretical connection between IGOs and the democratization process is relatively new in the international-politics literature. Initially, there was a certain skepticism about the role and importance of IGOs during the democratization process, reflecting the standard theoretical arguments, which emphasized domestic variables. Second, important scholars focused their theoretical investigations on the ways in which IGOs acted during the democratization process and where IGOs committed to advancing the democratization process were likely to be found. Although these questions help us understand IGO participation in the democratization process, a piece of the theoretical puzzle is missing. This study therefore focuses on one central question: what factors are likely to trigger the participation of IGOs in regional democracy protection, providing sufficient causal conditions and associated mechanisms to cause IGOs to participate in the various stages of democratization stages. In other words, when and under what conditions do IGOs participate in the democratization process.

With this as its main perspective, this thesis aims to produce a parsimonious model of explanation centered on important political preferences and behavioral factors, empirically recognizing the actors involved in the political process and their political aims and interactions during democratization; it also respects the idiosyncrasy of IGOs. It is important to analyze IGOs as international actors. This study will analyze the relationship between IGO bureaucracies and the nation-state, as well as providing a careful analysis of the domestic sphere.

¹As in Koremenos et al.(2001), this concept does not include tacit bargains and implicit guidelines, which, although part of the negotiation process, are not empirically verifiable.

Using these conceptual settings, it is possible to understand the causal mechanisms that weave together domestic and international conditions, observing the relationship between the costs of action and political coordination among different political actors, at various levels of analysis. By focusing on the role of IGOs at two extreme moments of democratization, democracy transitions and breakdowns, this thesis adopts a novel approach that goes beyond merely recognizing the role of IGOs in the democratization process.

Most studies have focused on the “consolidology” approach to democratization (Pevehouse, 2005). By contrast, this thesis contributes to the transitology of democracy literature and recent discussions about democracy discontinuity; it addresses by the hopeful literature of the 1980’s, with its focus on democracy consolidation, and the skeptical literature, which addresses the current status of democracy in the 2000s.

The core question is: *What causal conditions explain the participation of IGOs in democratic protection-processes during periods of democratic transition and democracy discontinuity or breakdowns?* To answer this question requires significant interaction between the domestic and international spheres of analysis, strengthening the domestic-international nexus assumption. In cases of transitions to democracy, this thesis argues that transitions from below have a lower cost of action for IGOs when it comes to new democratic rule-setting. Aside from this scenario, IGO participation of IGOs is associated with mistrust and a higher cost of action. In cases of democracy breakdown or discontinuity, IGO participation depends on the international democratic-protection regime constructed by the institution itself. We have detected two types of protection policies: curative and preventive. In other words, IGOs can participate in the democratization process either before or after the *coup d’état* takes place.

At the international level, the interactions between international bureaucracy and member-state positioning require some careful analysis. The question about participation would arise, not only in response to a specific position in the domestic sphere, but an agency and principals established a policy of coordination. In other words, IGO participation can reflect an interest in democracy-protection policies put forward by the international agency, in coordination with a convergence of member states that endorse this policy.

A combination of these three important pieces causes IGO participation in the democratization process. In using the term “participation,” this thesis has adopted the Darren Hawkins (2008) concept of “protection of democracy,” as “activities that offer tangible or intangible rewards or penalties to the state as a whole for aggregate behavior with respect to the democratic standard. (*op. cit.*, 2008: 375).” According to Hawkins, protective action results in higher costs because it requires high levels of coordination among states in the decision-making arena. Penalties are more difficult to apply because there is negative reciprocity between supporters and sanctioned members (Hawkins, 2008). Consequently, the empirical detection of IGO participation reflects a strong (substantive) form of participation, which mobilizes punishments and rewards to protect the concept of democracy.

Empirically, this thesis analyses the role of the European Union (EU) and the Organization of American States (OAS). These two organizations are recognized as the main regional intergovernmental organizations (RIOs) with a history of constructing democracy-protection policies during transitions to democracy and situations involving democratic breakdown or discontinuity. This thesis has therefore used a strong comparative approach, in conjunction with a causal mechanistic approach to understand the participation of these IGOs. To explore cases of transition, it investigates periods of transition in Eastern Europe and Central America during the third and fourth waves of democratization, following the cases of Czechoslovakia, Bulgaria, and Haiti. To examine case of democratic breakdown or discontinuity, this thesis focuses on the most iconic cases in Latin America and Europe, including the role of the OAS in Peru, Guatemala, Paraguay, and Honduras and the current EU action in Romania and Hungary.

Using these cases, the present study produces a theory-building approach to the role of IGOs in the democratization process. As the following chapters discuss, the analytical model constructed here has some key features. First, it adopts a middle-range approach that incorporates an agency-driven analysis, followed by historical context. Second, it aims to construct a parsimonious model, using a few causal conditions to achieve the intended outcome. Third, it contemplates the conjunction of IR and Political Science concepts, following the mainstream literature in adopting an elite-driven analysis, the concepts of democracy and democratization stages, and principal-agent

approaches to the IGO literature. In this sense, the model uses a strong interdisciplinary construction to understand the phenomenon in question. Fourth, the model combines a strong comparative approach with qualitative concerns to understand the role of causal mechanisms in achieving the intended outcome; in this sense, it establishes a dialogue directly with qualitative methodological approaches. Fifth, the model assumes the whole complexity of international politics, understanding that the domestic-international nexus is embedded in an array of governance interactions between international and domestic actors. Last, the model aims to illuminate the democratization process in order to incorporate international actors (Here, IGOs), providing another explanation for the complex dynamic of democracy in world politics.

In addition to Chapter 1 and the conclusion, this thesis consists of three main chapters. Chapter 2 covers the methodological aspects of this work, combining the QCA method and Causal Process Tracing technique. This chapter presents the main features of each methodological tool, emphasizing their equifinality and configurational approach. In discussing the QCA method, Chapter 2 presents the standards for comparison, the case-selection approach, a truth-table analysis with a boolean reduction. Through this case-selection process, typical cases were selected for CPT analysis; the causal mechanism, embedded in the entities' actions and intended causal paths, are presented and discussed. Combining the QCA method and CPT technique made it possible to select three cases of transition and six of democratic breakdown or discontinuity in Central America and Eastern Europe. This group of cases made it possible to standardize the sequence of events that led towards the intended outcome and to define a path for empirical analysis.

Chapters 3 and 4 discuss the empirical core of the study. Chapter 3 applies analytical models to democratic transitions and discontinuity. It begins by detailing the historical processes of transition in Latin American and Eastern Europe. Next, it focuses on the political divisions among elites, preferences, and political interactions during the democratic transition process. As previously discussed, the model indicates that certain elite political acts produce a cost-of-action mechanism for IGOs. The empirical detection of such political preferences and behaviors is the main focus of this chapter. After the transition-to-democracy analysis, the same modeling effort occurs in cases of

democracy discontinuity in threatened democracies and/or cases of democracy breakdown. This chapter achieves its main objective by verifying of relationship between the behavior of political elites behavior and the IGO's decreasing participation costs, given these political settings.

Chapters 3 and 4 present an intensive discussion of the main topic of this thesis: the conditional causes of IGO political participation. Chapter 4 explores the agency causing conditions for IGOs, analyzing bureaucratic mobilization through the Principal-Agent theoretical approach. The first section provides a historical description of experimental democratic-protection policies and a history of the EU and OAS. It argues that the evolution of these policies share some similarities, including the concepts of democracy proposed and their institutionalization, in relation to mechanisms of action and democratic-protection policies. Finally, confronting the phenomenon of democratic protection, this chapter examines how IGO bureaucracies are "catapulted into leadership," by leading the process of implementing technical, juridical, and political initiatives to curb damage to democratic institutions (PELKMANS and MURPHY, 1991). However, the historical context in each region changes the approach of the OAS and when it comes to the "timing of action ," ultimately constructing what this thesis calls "curative" and "preventive" democratic-protection policies.

The main empirical section of Chapter 4 discusses bureaucracy mobilization during periods of transition and democracy discontinuity. Applying the PA model, this section shows the way bureaucracies react to domestic political contexts, forging an autonomy of will and action, as discussed in relation to the model in Chapter 2. This empirical analysis illustrates the autonomous positions adopted by the European Commission and the OAS General-Secretary using official reports, policy papers, technical reports, and official press releases about domestic scenarios, as well as positional signs toward the main decision-making arenas, composed of member-states. The main purpose of this chapter is therefore to show that institutional democracy-protection policies are constructed as an intervenient variable in the "timing of action" by IGOs, facing a domestic context and the need to empirically verify an autonomous position toward domestic events. Bureaucratic agencies thus represent a causal

condition for IGO participation, producing aspects of the causal mechanisms that create the intended outcome.

Finally, Chapter 4 discusses the decision-making arena by examining the way in which member state converge to adopt common democracy-protection policies. To ensure IGO participation, states must avoid “principal slippage” actions and converge instead toward substantive IGO participation in transitions and breakdowns of democracy. This chapter observes the standards of convergence empirically, by examining voting procedures in the main decision-making arena, for each case resulting from the QCA process.

CHAPTER 1 –INTERGOVERNMENTAL ORGANIZATIONS AND THE PROTECTION OF DEMOCRACY

1.1 Democracy as a fundamental topic in politics

The current wisdom optimistically proclaims that, since the 20th century, international society has lived in the golden age of democracy. In the absence of any viable alternative, capable of producing optimal results in the face of complexity, liberal democracy is “taken to be the only feasible form of democracy and goes unchallenged” (Bohman, 2007:1). The uncontested position of democracy has been reinforced by discussions between practitioners and scholars on better ways of organizing jurisdictions, units, and political levels to foster legitimacy and solve everyday political problems efficiently.

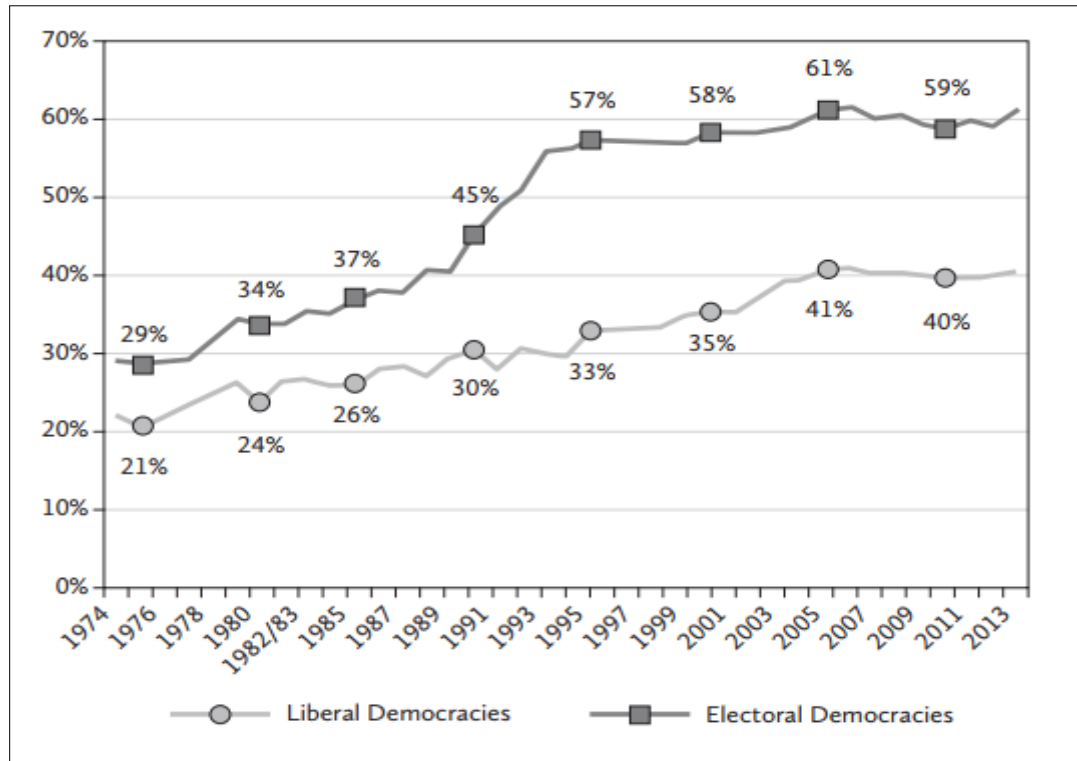
Nevertheless, several democratic setbacks in recent years have reflected the low economic performance of democratic transitions and the relative stability of authoritarian countries, defying the ascent of extreme-left and extreme-right powers in both in Europe and Latin America. The ensuing debate that has generated mistrust in the assumed one-way advance of democracy throughout the world (Plattner, 2015; Howe, 2017). Commenting on the decline of democracy in recent years, Schmitter (2015) has argued that, although gaps in the set of ideas and practices that constitute democracy have increased pressure on the future of democracy and its procedures, democracy will survive through a continuous process of change, although future procedures and outcomes are difficult to predict.

Held (2006) has highlighted the historical resilience of democracy by analyzing the way it has changed to adapt to social transformations. From Ancient Greece to modern times, political leaders have given democracy different meaning and rule-making procedures. There has been a constant idiosyncrasy equilibrium between being resilient to change and able to sustain itself as a political regime, especially when challenged by authoritarian advances (successful or otherwise) through the years.

Diamond (2015) expressed a moderate view in the “myth of democratic recession” discussion. Admitting the use of recent quantitative data, he recognized that the global index of democratic countries achieved a remarkable run between 1975 and 2007. As Figure 1 demonstrates, however, “the number of both electoral and liberal

democracies began to decline after 2006 and then flattened out (*Ibid.*: 2015:142). From his perspective, this indicates a state of equilibrium, in which democracy has neither increased nor declined.

Figure 1. Democratic index 1975–2007



Source: Diamond, 2015:101.

This equilibrium, according to Diamond (2015), does not necessarily lead to a calamitous scenario. Describing this situation as a “little” setback for democracy, he comments:

While the performance of democracy is failing to inspire, authoritarianism faces its own steep challenges. There is hardly a dictatorship in the world that looks stable for the long run. (...)Economic development, globalization, and the information revolution are undermining all forms of authority and empowering individuals. Values are changing, and while we should not assume any teleological path toward a global “enlightenment,” (*Op.cit.*, 2015:153)

Another recent discussion in political science has established more questions about the golden ages of democracy and optimistic prognoses. Focusing on Western democracies, this new literature recognizes a disaffection with the democratic form and a wider skepticism toward liberal institutions, especially when it comes to mainstream political parties, legislatures, presidents, and prime ministers (Foa and Mounk, 2017; Howe, 2017). According to Foa and Mounk (2017), the relationship between democratic institutions and their maintenance reflects the benefits provided by democratic systems, in comparison to other political forms. If these benefits are not enjoyed, democracy tends to suffer some setbacks.

Levitsky (2018) called attention to the structural causes of democratic discontentment, arguing that huge inequalities can create significant gaps between political elites and citizens. Even worse, the uneven enforcement of laws can create a more favorable path for rich (influential) people, in comparison to the rest of society. More broadly, governments perform weakly in such state structures: “In the absence of minimally effective state agencies, even honest and well-intentioned governments routinely fail to deliver the (public) goods” (*op. cit.*, 2018:105). Weak parties cause difficulties that strengthen the role of outsiders; crises erode the connection between citizens and party identities, leading to anti-system voting,

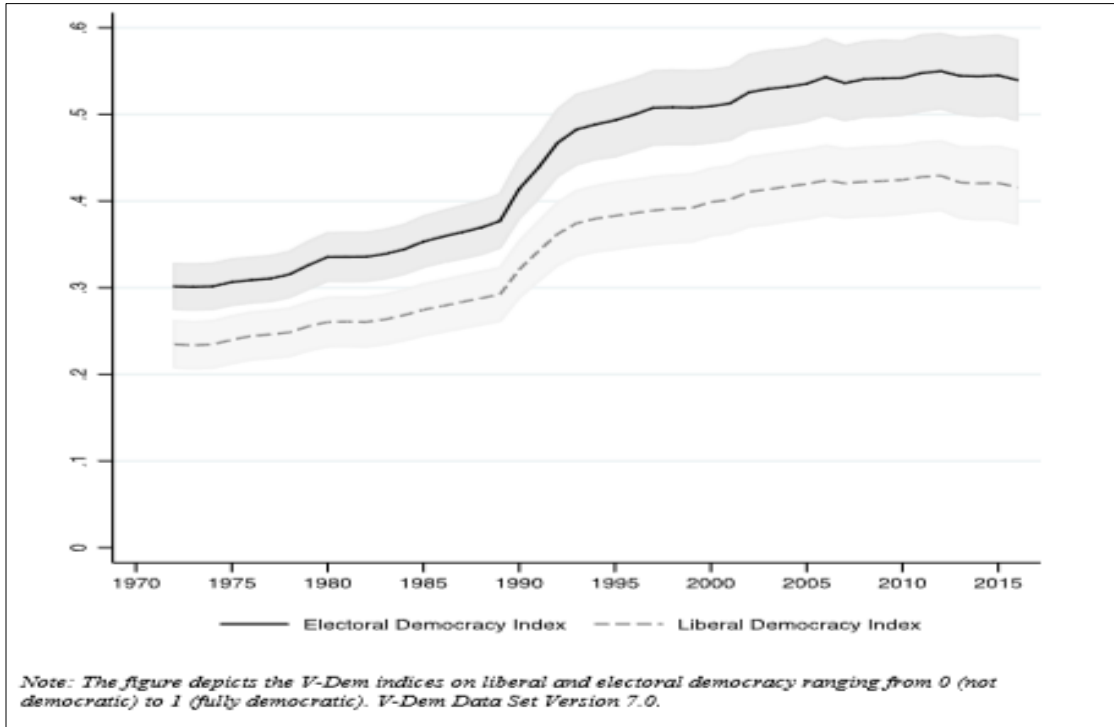
According to Mechkova et al. (2017), recent data have shown that the number of liberal democracies worldwide increased steadily until 2013 but then declined in the following years. Many liberal democracies² became electoral democracies,³ decreasing the quality of democratic institutions and liberal norms. Other liberal democracies have become electoral autocracies,⁴ where politics is more competitive but not fully democratic.

²According to Mechkova et al.(2017), a liberal democracy is a regime that has free, fair, multiparty elections with minimal institutional prerequisites. Unlike in electoral democracies, liberal principles are satisfied.

³According to Mechkova et al. (2017), an electoral democracy is a regime that has free, fair, and multiparty elections with minimal institutional prerequisites, but liberal principles are not satisfied.

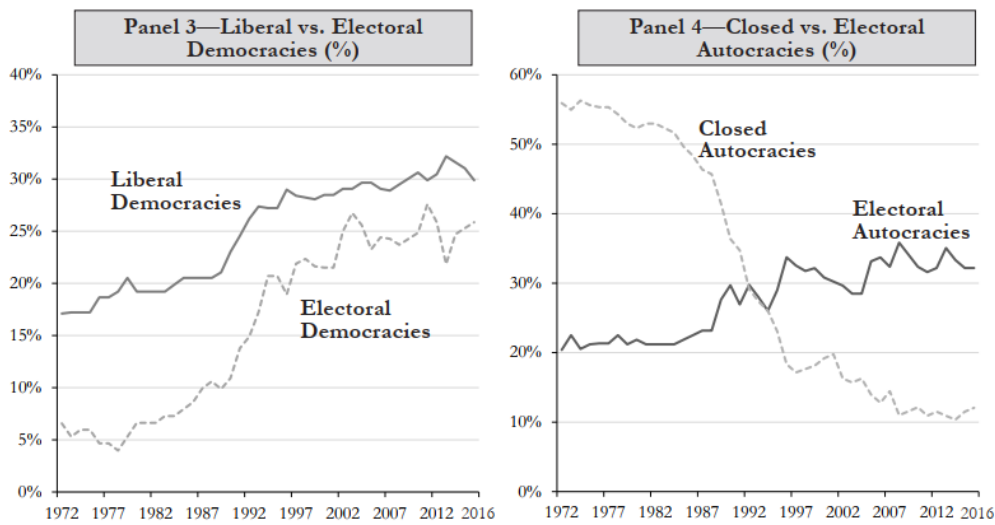
⁴Electoral autocracies are characterized by a lack of free, fair, de-facto multiparty elections; minimal institutional prerequisites are not fulfilled. They differ from close autocracies because elections for the chief executive are held with a minimal level of multiparty competition.

Figure 2. Average Levels of Democracy, 1972–2016



Source: Mechkova et al., 2017: 162

Figure 3. (Panel 3) Liberal vs. Electoral Democracies and (Panel 4) Closed vs. Electoral Autocracies (1972–2016)



Source: Mechkova et al., 2017: 162

This recent analysis raises new important questions about democratic setbacks, calling attention to selected cases to explore the phenomena. Ginsburg and Huq (2018) have focused on “Democratic near misses,”⁵ arguing that these cases shed light on institutional and situational conditions (social and political factors) associated with democratic restoration in moments of crises. These cases can be divided into the following groups:

[one type features] “a deterioration in the quality of initially well-functioning democratic institutions, without fully sliding into authoritarianism, but then, 2) within a timeframe of a few years, at least partially recovers its high-quality democracy. Graphically, this can be imagined as a case in which the quality of democracy evinces a U-shaped dip over time. Depending on the depth and duration of the dip, this definition can encompass two discrete sets of countries: first, those in which democracy was under severe threat but survived intact; and second, those which may have fallen below a minimum threshold of democratic quality into a nascent competitive authoritarianism, albeit one that nevertheless was quickly reversed.” (Opcit., 2018:17)

In addition to challenging the “golden age of democracy” argument, this new democratic context raises questions about the reasons for and ways of explaining recent events. First, some commentators have criticized the form or impact the current wave of populism in several democracies, asking questions such as the following:

Are citizens merely disappointed with existing political elites, or are they actually becoming open to authoritarian alternatives to democracy? Are the causes of the populist rise primarily cultural, or are they economic? And what might the answers to these questions imply about potential remedies? (MOUNK, 2018:99)

When democracy advances or declines, the academic discussion searches for theories about variants and institutional possibilities within and outside the state, aiming to improve the public good and the representative qualities of democracy. In observing the institutional and normative victory of democracy, many commentators explained the expansion of democracy by focusing on domestic causal conditions. According to Jean Grugel (2002), most mainstream explanations in the political science literature discuss

⁵ “Near misses” are cases in which democracy is exposed to social, political, or economic forces that could cause it to backslide but somehow overcomes those forces and regains its footing (Ginsburg and Huq, 2018:17).

the role of modernization processes, historical sociology, theories based on agency action, and cultural approaches.

The source of causality in democratization studies thus centers on domestic variables. Lipset (1959) associated democratization with economic equality, standards of living, and economic capitalist modes, arguing that democratization procedures were weak in very poor and unequal countries. Correlating these economic variables would have various effects on the conditions for democracy; for example the conditions for democracy could be strengthened by changing the power relationship between the classes if a redistribution of resources were to empower the lower classes. The studies that followed Lipset were inspired by Tocqueville's theory of mobilized cultural variables. The new methodological frameworks, introduced by the behavioral revolution of the 1960's, were another source of explanations for the democratization processes. In a set of attitudes, they argued, some cultural features (open-mindedness, participation, civility, and cooperation), associated with the concept of "civic culture" would advance and stabilize democracy (Coppedge, 2012; Przeworski et al., 2003; Vanhanen, 2003)

The growing number of democracy studies has shown that the democratization process requires multiple causes. Dahl (1971) argued that the following conditions were important for democracy: a) control of the military by elected officials; b) a modern market economy; c) some pluralism, and d) no hostile non-democratic interference from international spheres in domestic politics. O'Donnell and Schmitter (1986), Mainwaring and Perez-Linan (2013), Huntington (1991), and Thiel (2010) adopted a micro-foundational approach, noting the significance of political actors, their strategic actions, and impact of their interactions on political decision-making. In other words, for democracy to succeed, elites in society must observe a political pact, following the collapse of the authoritarian status quo. These researchers credit agency action with determining the fate of democratic procedures, whether consolidation or breakdown. Linz and Stepan (1978) also highlighted the role of political leadership and demonstrated that explanations could not be based on structural-variable observation alone. Vanhanen (2003) added to the agency-driven discussion the political struggle for scarce resources, arguing that the distribution of political power among actors also had an impact on democratization.

Through many years of theorization, explanations of democratization have commonly been associated with national governments, in which the analysis of policy dynamics focused on domestic interactions among structures, actors, and processes. Those analyses rarely included the international arena, where sovereign states still appear as the main political actors. Nevertheless, several 20th century modifications, which added greater complexity to international and national actors alike, have made scholars aware of the need to understand the democratic dimension of the international arena.

The expansion of ideas about democratization the democratizing waves that began in the 1970's (Huntington, 1991), together with the collapse of Soviet Union, produced an academic understanding that the promotion of democracy was not confined to national states. One way to explain these phenomena is by saying that international forces have interfered with public motivations in different regions of the world, recognizing the connection between domestic and international spheres (Pevehouse, 2005; Vachudova, 2005; Herz, 2012).

Apart from studies on governance by newly democratic states, most studies that examine external actors have analyzed individual entities (national states and transnational groups) or the spillover effects associated with the transmission of ideas and structures during democratization processes. Few studies have analyzed multilateral actors, such as intergovernmental organizations (IGOs). As Pevehouse (2005) observed, even in discussions about the role of NGOs in democracy diffusion, theoreticians focused more on the international outcomes of state-to-state interactions, such as overcoming war, or achieving cooperation and coordination through agreements, than on the domestic impact of NGOs actions. Although Drezner (2003), Milner and Keohane (2002), Mansfield and Pevehouse (2006), Thiel (2010), and Martin (1993) made theoretical attempts to understand the domestic-international nexus, rather than international actors, in democratization contexts, theoretical consistency and testing are far from complete in this field.

Even during the third wave of democratization, in the new context of the Cold War, where international causes played an observable role in democratization

processes, a certain skepticism has persisted in the literature. According to Phillippe Schmitter (1986):

“one of the firmest conclusions that emerged from our Working Group was that transitions from authoritarian rule and immediate prospects for political democracy were too large to be explained in terms of national forces and calculations. External actors tended to play an indirect and usually marginal role . . . (*op. cit.*, 1986:5)”

In Schmitter’s argument, internal national forces played the dominant role in democratization, while international forces had a possible intervenient status but no central causal role. In contraposition, Pevehouse (2005) analyzed this popular argument as the consequence of an epistemological deficiency in the literature. From his perspective, non-existent or undeveloped theoretical approaches and the lack of cross-national empirical findings that linked stages of internationalization and democratization had created a deep gap between international variables in the democratization literature, resulting in unreliable diagnoses.

The present thesis reacts against Schmitter’s skepticism by providing a model that explains the participation of IGOs in extreme moments of democratization. It also follows Pevehouse’s scientific exhortation, which emphasizes the interference of international actors in the various stages of democratization. This interference is made possible by international democracy-protection policies and international regimes that protect democracy. It connects international decisions with domestic protagonists involved in the democratization process.

The first issue addressed by this thesis therefore involves the role of international actors in the democratization literature. This thesis aims to reduce the existing analytical gap in democratization studies. Among various international actors and structures that are able to participate in democratization, it highlights the participation of Intergovernmental Organizations (IGOs) in such political scenarios.

As a starting point, this thesis adopts the mainstream concept of Intergovernmental Organizations (IGOs). IGOs are international institutions that develop the “explicit arrangements, negotiated among international actors that prescribe,

denounce and/or authorize behavior. Explicit arrangements⁶ are public, at least among the parties themselves (Koremenos et al., 2001:762). IGOs, along with formal rules, have agency capacity, which reflects their rational-legal bureaucracy (based in physical space, such as buildings, offices, and headquarters). These bureaucracies are able to establish specific political autonomy, gather information, and mold preferences (Ruggie, 1993; Barnett and Finnemore, 1999).

It is remarkable that so many different types of IGOs exist to address specific themes and structures. The present thesis focuses on regional intergovernmental organizations (RIO),⁷ which have been shown to have a great capacity to promote democracy. Laurence Whitehead once stated that “the importance of such international dimensions of democratization seems much clearer at this regional level than at the worldwide level of analysis” (Pevehouse, 2005:520). According to Pevehouse (2005), RIOs are “formal institutions whose membership is limited by geography (*op. cit.* 2005: 3).”

The choice of RIOs as an analytical *locus* is not random or inconsequential. Following the arguments of Pevehouse (2005), the analytical decision to choose regional IOs has a reasoned foundation. Besides being the most common type of IGOs in world politics, the importance of the international dimension of democratization seems more intensive at regional than global levels. Moreover, regional IOs have a smaller number of member states, permitting an in-depth analysis of their interactions, standards of behavior, and institutional causal processes used to promote democracy. Political interactions are associated with the socialization of ideas and the construction of binding, monitoring, and enforcement policies (Pevehouse, 2002a).

Accordingly, regional-level governance can produce idiosyncratic dynamics, in which actors can produce direct responses more promptly than global institutions. For this reason, regional IGOs are valuable subjects of substantive-action analysis, in relation to democracy promotion. The theme of democracy promotion reflects new regional dynamics, which make it plausible to analyze this phenomenon in proper

⁶As in Koremenos et al.(2001), the concept does not include tacit bargains or implicit guidelines, which, although part of the negotiation process, are not empirically verifiable.

⁷According to Lopes (2006) an IGO can be considered “global” in scope when it has: (a) three-digit membership and (b) member states from at least three different continents” (*op. cit.*, 2016:15)

institutions, based on geographic proximity and higher levels of political interaction (Fawcett, 2005; Pevehouse, 2005).

In relation to IGOs and democratization studies, however, this discussion is relatively new in political science and the IR literature. The initial and general academic agenda has focused on how IOs protect democracy and how effective such institutional mechanisms are when applied to national states. The second largest area of research on international organizations as protectors of democracy involves finding and identifying such organizations.

Pevehouse (2005) identified the IO supply-side approach to democratization, arguing that “Organizations with a higher democratic ‘density’ are more likely to be associated with both transitions and consolidation. By democratic ‘density’, he refers to the percentage of permanent members in the organization that are democratic states” (Pevehouse, 2005:155). Although it may seem tautological, this argument associates the transference of national states’ democratic practices and interests to RIOs, as promoters of democracy. The RIOs would enforce and implement political conditionality to create a homogeneous idea of democratic organizations, generally represented through procedural representative democracy. In this way, RIOs would follow their own members’ democratic performance, indicating policies that provide democracy-consolidation incentives, clauses based on the political regime, and conditional resources. Pevehouse (2005) believed that regional international organizations found it easier to overcome the collective-action dilemma because they had fewer actors and could use more political and economic leverage to pressure their members to democratize. Reflecting his perspective, the regional platform allows a deeper sharing of problems and preferences, enhancing instruments used to leverage punishment and rewards in response to specific democratic behaviors.

Tracking this debate, Kim and Heo (2017) have presented important results that relate to IGOs and democracy development. Using two-equation statistical models, they observed 112 developing countries between 1972 and 2002. Their estimation led to important findings:

- a) IGOs can produce significant direct and indirect effects on democracy development.
- b) The positive and statistically significant indirect effects of IOs on democracy via economic openness remain stable regardless of measures of IOs;
- c) For measures of IOs, membership in democratic IOs is positively and significantly related to democratization while other internal and external factors are controlled;
- d) ...the analysis performed in this thesis [, it] “empirically showed that regional IOs play a significant role in enhancing economic openness facilitating economic integration” (Kin and Heo, 2017:434).

In summary, the literature on the international protection of democracy through intergovernmental organizations has produced specific hypotheses on how intergovernmental organizations work in these political processes and where they are predisposed to protect democracy. Nevertheless, no concrete set of causal conditions or analytical model can show what causal conditions explain the participation of international organizations in processes to protect democracy— in other words, when IGOs participate in democracy protection (Coppedge, 2012).

1.2. IOs and democracy protection

Assuming the rational functionalist argument that intergovernmental organizations are important in world politics, this thesis extends the perspective to include democracy-protection policies. This choice challenges two traditional skeptical perspectives about the dissemination of democracy in world politics. First, in his discussions about the importance of international factors in democratization processes, Philippe Schmitter has argued that external actors tend to play an indirect and marginal role. Second, the external actors who act directly in democratization processes are likely to be great

powers with the capacity to enforce norms, rather than IOs (Pevehouse 2005; Pevehouse, 2002b).

This subsection reverses this argument, casting IOs as important actors in democracy protection and organizing the discussion around the following questions: How can IGOs protect democracy? Where is it possible to find IGOs protecting democracy? Finally, this thesis explores the gap in the literature to explain the context in which IGOs protect democracy.

1.2.1. How do IGOs protect democracy and where are they?

First, domestic-oriented approaches cannot explain every aspect of democracy expansion. Other explanations, involving international spheres, have been constructed; these include the political participation of international organizations. The academic debate started with an important question: how do IOs promote democracy and, specifically, how do they promote democracy during transitions and democratization processes. (Poast and Urpelainen, 2015).

An initial discussion appeared in Keohane et al. (2009) seminal article about the important relationship between IOs and democracy defense. First, the article challenged the idea that the technocratic features of IOs could undermine democracy in domestic spheres. Secondly, it argued that an international organization's institutional mechanisms can produce a smooth transition to democracy and even consolidate it (Keohane et al., 2009; Poast and Urpelainen, 2015). Lastly, its main argument was that multilateral institutions could enhance the quality of domestic democracy by working inside governmental institutions to restrict the power of special factions with vested interests, protecting individual rights and improving the quality of democratic deliberations, or as they called it, the "defense of constitutional democracy."⁸

Mansfield and Pevehouse (2006) highlighted IO membership participation. During transitions to democracy, IO participation provides credible reinforcement by making the

⁸Keohane et al. (2009) argue that democracies are fundamentally "constitutional arrangements (that) enhance the ability of the people to rule themselves by ensuring periodic, fair elections. Democratic deliberation and decision-making require prior agreement on settled rules to establish elections, to determine eligibility for voting and for service in office, to define the responsibilities of various elected officials, and to govern the appointment of non-elected officials" (*op. cit.*, 2009:5).

commitment to sustain liberal reforms and avoid uncertainty. The membership mechanism elevates the cost of deviant behavior on the part of leaders and the political elite. Furthermore, the multilateral arena sends a message to domestic and international actors that transitions to democracy do not constitute “cheaptalk,” but aim to elevate the nation’s political commitment of democratic behavior. This multilateral arena can internationally validate a brand-new transitional regime, enhancing its legitimacy in domestic spheres.

Jon Pevehouse (2002a) presented three other potential causal mechanisms to explain the influence of IOs on regime change: a) diplomatic or economic pressures, in combination with internal forces opposing old authoritarian movements; b) (in reference to Keohane et al. (2009)), the fact that IGOs can accept the liberalization of certain groups to increase political acceptance of liberalization, mainly by socializing domestic elites; and c) credible external-warrant safeguards for elites during the democratization process.

In discussing the consolidation of democracy, Pevehouse (2002b), Poast, and Urpelainen (2015) focused on IOs’ ability to cope with short-term challenges. Through the political advantages associated with membership, the organization can enhance domestic institutions, rewarding pro-democratic institutions and punishing pro-authoritarian elite behavior. Moreover, barrier clauses that associate membership with democracy also pressure countries to adapt to such institutional features. For instance, the European Union requires all of its members to be liberal, free-market democracies; the organization of American States created the Santiago Commitment to Democracy, or “Resolution 108,” which requires member states to have democratic characteristics (Pevehouse, 2005).

Poast and Urpelainen (2015) have argued that IOs can build the standard functions of electoral competitions, as a way of consolidating democracies. By implementing fair and organized elections, monitoring results, accountability, and legislative assistance, political groups can learn from the experiences of older democracies. Second, IOs can improve policy implementation by rewarding different pro-democracy interests in society and enhancing governance institutions. Third, IOs can provide informational support and solutions to standard governance problems.

Fourth, they can decrease uncertainty about future policies through political scripts forged in the multilateral arena, i.e., focal points that can converge expectations in democratizing states.

Unlike Pevehouse (2002b; 2005), Poast and Urpelainen (2015) were more skeptical about the role that IOs played during transitions and reversals of democracy. According to these authors, IOs cannot enforce quick or intensive action during transitions or breakdowns of democracy. Such political scenarios occur because conflicts, revolutions, and strong military *coups d'état* are common. This strong response is not easy to achieve in multilateral arenas and it involves high action costs. As for preventing authoritarian reversals, they believed that IOs functioned as “political alarms” that could draw the attention of the international community, but had no substantive role to play in policy action.

This thesis provides a model that partly mitigates the assumptions of Poast and Uperlain. First, this theoretical model assumes that IOs can participate in transitions to democracy, given the particular position of domestic actors and the international coordination policy. The model also explains why IOs find it difficult to prevent democracy reversals and act late in *coup d'états*. This does not mean that IOs cannot act to restore democratic standards after breakdowns.

This normative and relatively non-politicized argument of Keohane et al. (2009) and Pevehouse (2005) mentioned that IOs select elite groups inside national states to establish or restore democratic standards. Gartzke and Naoi (2011) have introduced two considerations: first, IOs are politicized; money and hard politics can influence the elites selected by IOs, regulating political donations and disciplining dishonest politicians. Second, IOs struggle to exercise political pressure because they encounter so many divergences between the preferences of governments and IOs. This selectivity reveals a more skeptical argument: that IOs find it difficult to handle great powers and must therefore adapt to a selective intervention pattern.

As Haine and Weiffen (2015) have pointed out, the cost of IGO actions in democracy-protection cases differs from applying a given course of action to a third country and organization member state. From their point of view, the political defense of democracy requires high levels of coordination among member states on aspects if

internal affairs and penalties, which are more difficult to apply than rewards. A continuous legal and political battle wages around the themes of sovereignty and non-intervention, resulting in politically constrained IGO actions.

Through the analytical model it presents, this thesis demonstrates that issues involving the IGO bureaucracy, state membership positions, and domestic-sphere status are always well suited for analysis because they influence the eventual participation of IGOs in transitions to democracy and breakdowns of democracy coordination. Aware of this literature gap, the general objective of this thesis is to explain what can trigger the participation of IGOs in regional democracy protection, providing sufficient causal conditions and mechanisms of causality for IGO participation during the stages of democratization. This thesis is based empirically on domestic and international courses of action.

In accordance with its general objective, the present thesis has the following specific objectives in its analysis.

- a) In terms of domestic analyses, this thesis aims to produce a parsimonious explanatory model, centered on important political preferences and behavioral factors, which empirically recognize which actors are involved in the political process, as well as their political aims and interactions during democratization.
- b) Through its international analysis and focus on specific IGO features, this paper aims to the role of bureaucracy in the decision-making process. The focus is thus on the role of international agencies in constructing autonomous preferences and their substantive interference in democracy-protection policies.
- c) From an analytical perspective, IGOs belong to the multilateral decision-making arena. To determine the international involvement of IGOs, this thesis aims to identify the position of national states, the dynamics of their interactions, and the voting procedures that result from their cooperation or failure to implement democracy-protection policies.
- d) In defining the specific details of this analytical subject, this thesis aims to understand the relationship between the position of bureaucratic actors and

the voting positions of national states, assuming that combining these positions creates the causal mechanism studied in this research.

- e) Given the constantly changing relationship between domestic and international spheres of analysis, this thesis also aims to understand the causal mechanisms that mix together domestic and international conditions. It observes the relationship between action costs and political coordination among different political actors at various levels of analysis.

This thesis therefore makes two assumptions. First, IGOs play a role in democratization, although they are not the only actors with political stakes. Second, IGOs participate in all stages of the democratization process, contributing to transition, consolidation, and discontinuity. To address this issue, the thesis asks the following research question: *What causal conditions explain the participation of IGOs in democratic-protection processes at times of transition, discontinuity, or the breakdown of democracy?*

These research questions focus on how to approach the topic. At one moment, it requires conditional causal explanations relating to domestic and international conditions to explain the participation of IGOs. In this sense, the constant observation of domestic contexts and international mobilization is the key approach used to understand democracy-protection policies. According to Coppedge (2012), different stages of democratization require different approaches to determine how causal explanations interfere in specific contexts. Although conditional causes require some generalizations, there are other modes of operation for different types of IGO action.

This thesis therefore makes the following statements as causal conditions:

In cases of *transitions to democracy*, the participation of an IGO depends on:

Causal condition₁: *At the **domestic level**, during the transitional period, the authoritarian regime opts for reformist behavior, while the opposition (democratizing force) focuses on both democratization and reformist behavior. This scenario involves a “transition from below,” which triggers a causal mechanism that reduces the cost of actions IGOs participating in new democratic rule setting. Aside from this scenario, IGO*

participation involves mistrust and the high cost of action associated with strong institutional mobilization.

Although this transitional domestic context is necessary for the model, it cannot force IGOs to participate, especially given that several transitions to democracy have occurred historically, IGOs interfering in political contexts. IGOs therefore present two additional causal conditions at the international level, which relate only to them. These conditions exist in IGOs' dynamic of decision-making and require demanding political coordination between two IGO procedures. First, IGOs have a bureaucratic domain in which informational and technical features produce a logic of action that leads toward democracy-protection policies. Secondly, IGO area-decision-making arenas center on nation-state preferences and the final decisional case of IGO participation. To ensure that IGOs participate in coordinated action between bureaucratic agencies and decision-making arenas, the following conditions are required:

Causal condition₂: *At the **international level**, within the agency sphere of IGOs, the bureaucracy has a coherent commitment to support democracy-protection policies. In other words, bureaucratic IGO agents formulate an autonomous and reasoned preference toward a domestic democratization context.*

Causal condition₃: *At the **international level** at which IGOs are viewed as decision-making arenas, member states converge toward implementing democracy-protection policies; they do not produce a principal slippage action. In terms of causal conditions, the number of states in favor of democracy-protection policies (drivers) must be higher than the number of states that reject democratic policies.*

It is important to acknowledge that the transition to democracy is not the main topic of this thesis; rather, the main intended outcome is the participation of IGOs in such contexts. This requires conditions that govern the appearance of international actors in the political scene.

As previously mentioned, IGO participation in breakdowns and attempts to rupture democracy also depend on the combination of international and domestic

interference, with a dynamic that differs in different transitional periods. The main causal mechanism produced by the domestic context involves a decrease or increase in the cost of action for intergovernmental organizations. In democracy-degrading processes, IGO participation can change in accordance with the international regime of democracy protection constructed by the IGO during its historical path. In these moments, especially, IGO regimes that promote democratic-protection work act as an intervening variable, encouraging IGO actions in domestic contexts at different stages of process. Thus, the IGO participates in the democracy-protection context at different moments. This also means that:

Causal condition₄: *At the **domestic level**, depending on the IGO regime set up to protect democracy, participation occurs at different stages of democratic discontinuity. If the democracy-protection regime is curative, IGO participation will occur if the target of a coup d'état loses the political conflict. In cases in which the regime for democracy protection is preventive, IGOs will participate before the conflict escalates between the mobilizing democratic forces and coup d'état attempts.*

At the international level, causal conditions follow the same dynamics as transitional moments. Like democratic transitions, in discontinuity processes of democracy, the causal mechanisms toward the participation of IGOs rely on coordinated actions between the agency and the arena of the decision, so:

Causal condition₅: *At the **international level**, within the agency sphere of IGOs, the bureaucracy has a coherent will toward democracy-protection policies. The IGOs' bureaucratic agents formulate an autonomous and reasoned for defending democratic standards in the domestic context.*

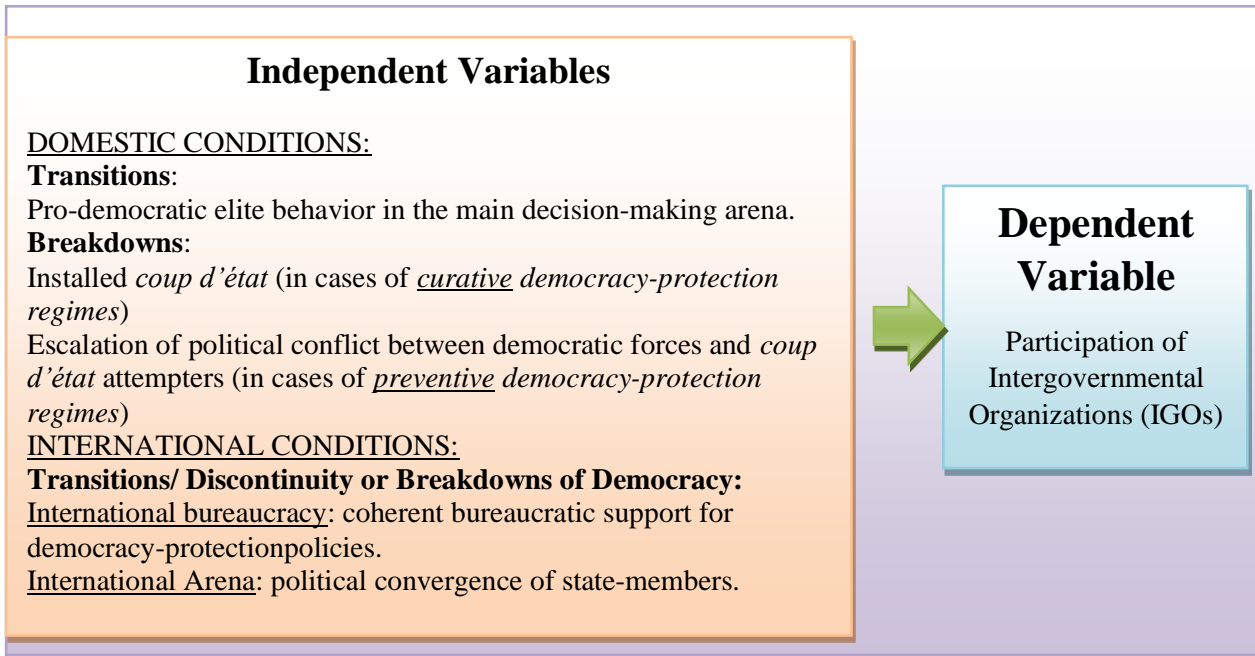
Causal condition₆: *At the **international level**, in the IGO arena of decision-making, the member-states converge toward implementing democracy-protection policies to maintain the democratic status quo without producing a principal slippage action. In terms of causal conditions, the coalition of states in favor of democracy-protection*

policies (drivers) must be higher than the number of states opposing democracy policies (breakmen).

Thus, this thesis holds a dialogue with the perspectives of Schmitter and Pevehouse, focusing on two aspects. It offers a theoretical framework in response to a skeptical statement made by Schmitter on the relevance of international actors in democratization studies. This analytical framework formulates an explanatory path to determine which causal conditions are sufficient for the appearance of international actors, more specifically IGOs, in transitions and breakdowns of democracy contexts. Second, this thesis, given Pevehouse's statement about the scientific gap on the participation of IGOs in democratization processes, offers an analytical response to the literature gap on intergovernmental organizations, focusing on what conditions (*when*) are necessary for IGOs to participate in various stages of democracy.

Table 1 summarizes the causal conditions (independent variables), at domestic and international levels, for the intended outcome of this thesis (dependent variable).

Table 1– Summary of Independent and Dependent Variables



Source: Author's own analysis

The research question and causal conditions mobilize specific terms—such as the participation of IGO, democracy-protection processes, and the chosen political stages of democratization—for their explanatory endeavor. The next subsection thoroughly discusses these terms in the research question, adding precision and clarity to these aspects of the thesis discussion. It also analyzes the intended outcome proposed.

1.2.2. Democracy protections are a governance—not a multi-level—matter

Constructing an analytic framework that can be used to evaluate the participation of IGOs in democracy protection policies requires a theoretical and methodological mobilization that targets the complex interaction between international factors and domestic political scenarios. In other words, it is plausible to assume that democracy protection policies are problems of governance⁹. This occurs because governance is not only a perspective of life administration, but also a form of management in a strategic context, which leads to the provision of general public goods concerned with creating conditions for a rules-based order and cooperation in collective action. Furthermore, they must be broadly conceived through several layers of analysis as they are not restricted to national or international systems, but related to regional, provincial, and local governments as well as to microfoundational levels of society, such as private companies and families (King and Schneider in Whitman, 2005; Chotray and Stoker, 2009).

Indeed, the approximation between these analytical levels is not new in international literature. Gourevitch (1978) provided a starting point with the “second image reversed” approach—the main argument of which establishes a link between the international dimension and domestic political outcomes. While he established linkages

⁹The concept of governance is amorphous and imprecise; it tends to lead to confusion due to its interdisciplinary use and scope (Chotray and Stoker, 2009). As a conceptual landmark, this thesis uses Rosenau’s definition of governance as “a summarization of the many ways individuals and institutions, public and private that manage their common relations (...). At the global level, governance has been seen primarily as intergovernmental relations, but should now be understood also as an involvement of non-governmental organizations, social movements, multilateral corporations and the global capital market” (Rosenau cited by Whitman, 2005:40).

between international and domestic spheres, the absence of an in-depth analysis of domestic political processes led to an incomplete analysis of events. Gourevitch, for example, discussed the influence of military and economic factors on domestic political interactions, focusing on electoral outcomes, cooperation policies, and coordination among domestic actors. Other examples appear in the literature, such as Thompson's (1996) search for external security threats and democracy risks, Mansfield and Pevehouse's (2006) discussion of IGO interference in democratization processes through membership incentives to recent transitional regimes, or Rosenau's (1969) search for "linkage politics" in order to establish middle-range theories for international-domestic analysis.

A prominent example of this search for international-domestic linkage is Putnam's two-level framework (Thiel, 2010; Mo, 1995). His argument established the behaviors of domestic actors when faced with some constraints by IGOs and other international institutions. Even when precedence is given to the domestic sphere instead of the international one, Putnam's research highlighted the interaction between domestic and international actors and how their interactions resulted in incentives for both to change. Former studies, as pointed out by Thiel, have not constructed a formalization of variables in terms of the game-theory approach; precedence was given to the domestic sphere rather than the international one in these studies as well (Putnam, 1988; Thiel, 2010; Pevehouse, 2005).

Andrew Moravcsik (1993) enhanced the two-level modeling approach by proposing an analytic framework of analysis termed "liberal intergovernmentalism" (LI). Focusing on regional integration, LI is grounded in broader social science theory. It reemphasized microfoundational explanations in political analysis. Thus, state preferences resulting from transnational and domestic interactions (including national leaders) are empirically verifiable due to their aggregate behaviors. Parsimoniously, assuming a rational choice approach in IR, LI explained the broad evolution of regional integration on the basis of how domestic preferences are constructed and political bargaining interacts with international institutions (Andersson, 2016; Moravcsik, 1993).

While focusing on integration studies, Moravcsik's liberal intergovernmentalism offered several important analytical insights for this thesis. Primarily, LI seriously

considers the formation of domestic actors' preferences. Considering the state as a unitary actor, LI assumes a liberal approach toward foreign policy formation. Diverging from *raison d'état* approaches, which focus on top-down deliberation created by centralized governments and men of state (diplomatic agents), liberal approaches argue that national interests involve a plurality of motivations and policy shifts that are dependent upon pressures from domestic social groups (Armitage, 2000, Foucault, 2008; Belém Lopes, 2013; Moravcsik and Schimmelfenning, 2009).

In this sense, understanding democracy protection policies requires considering political competition to be one of the factors that influence the formation of national coalitions; it recognizes that domestic politics interfere with strategic interaction among states and international actors. As discussed by Moravcsik (1993), state behavior is a result of strategic opportunities and preference formation in a supply-demand relationship. Demand refers to the identification of coordination policies perceived by national governments whereas supply arises from national responses to IGO pressures. In this thesis, a discussion on democracy protection involves observing domestic actors competing for influence in central instances during transitions and breakdowns in a democratic structure. The outcomes of domestic political interactions shall interact with international pressures. In this case, IGOs become protectors of democracy. The constant dialogue between domestic-international spheres is key in effective analyses of democracy protection policies by IGO actors.

The analytical model employed in this thesis posits that IGO participation in the protection of democracy policies occurs according to a two-level game approach, which differs from recent perspectives using multi-level governance analysis (MLG). Piattoni (2010) drew attention to the empirical dimension in multi-level governance studies¹⁰. In her perspective, it is important to check whether a policy is a matter of MLG and distinguishable from other political policies (conventional forms of political mobilization). In this case, there are three characteristics that denote an MLG policy:

¹⁰Multi-level¹⁰ governance would be “a set of general-purpose or functional jurisdictions that enjoy some degree of autonomy within a common governance arrangement and whose actors claim to engage in an enduring interaction in pursuit of a common good. Such a governance arrangement need not be engrained constitutionally; rather, it can be a fluid order engaged in an adaptive process” (DEBARDELEBEN and HURRELLMANN, 2007:4). The multi-level characteristics emerge in the overlap of juridical function. Consequently, it is a phenomenon that influences political mobilization (politics), policy-making arrangements (policy), and structure of state (polity) (PIATTONI, 2010).

“(1) different levels of governments are simultaneously involved in policy-making;
 (2) non-governmental actors are also involved, at different governmental levels;
 (3) the interrelationships that are thus created defy existing hierarchies and, rather,
 take the form of non-hierarchical networks” (*ops cit*, 2010: 83).

In her argument, MLG policies should indicate only “policy-making processes that see the simultaneous or staggered involvement of more than two levels of government” (*Ops cit*, 2010: 84). Thus, in policy formation, national governments, which interact with supranational institutions and transnational actors, do not reflect MLG characteristics. Consequently,

“to mobilize the concept of MLG, these latter must weave together different levels. (Piattoni, 2010:84)”, in addition, “(...) the full and formal presence of regional or municipal governments in policy arrangements is, therefore, not strictly necessary in order to qualify them as genuinely multi-level” (*ops cit*, 2010:84).

Thus, the empirical advantage of the MLG approach lies in the analysis of interdependence between different levels of government (at least three levels of government and civil society: the supra-, trans- and international level¹¹) connected by institutional chains and actors who cooperate in order to influence all public policy cycles, such as agenda development, implementation, and evaluation of results (Piattoni, 2010).

Assuming Piattoni’s empirical observation, this present work argues that the international protection of democracy, in cases of democratic transitions and breakdowns, does not reflect MLG for several reasons. The first is that democratic transitions and breakdowns are extreme events (beginning and end, respectively) of democratic consolidation—the conflicts of which concentrate in the central instances of government¹². O’Donnell and Schmitter (1986) and Carothers (2002) underlined that

¹¹Although it is not a theory of regional integration, multi-level governance studies admit the importance of supra- and transnational actors in integration decisions, recognizing increasing interdependence among different territorial levels in both vertical and horizontal dimensions of policy construction (BACHE and FLINDERS, 2004).

¹²This argument does not recognize moments of democracy consolidation as an example. As argued by Schneider (2009) and Morlino (2011), consolidation moments are related to power dispersion, particularly

transitions and breakdowns are top-down institutional reconstructions whose projection requires national coverage when constitutional changes frequently occur. This focus on central decisional instances obscures subnational levels, autonomous participation, and substantive interference in the fate of a regime at lower levels of government. In other words, substantive policy changes will occur in the central government in which primary political forces concentrate their efforts to accrue power, eschewing any effort toward developing subnational decision-making levels to alter political disputes or political leverage in negotiation procedures. Indeed, in these political moments, the output from central government disputes directly affects national governmental relationships and always subjugates subnational instances to central ones.

Furthermore, democratic transitions and breakdowns are concentrated in elite-driven processes focused on conquering central instances of decision-making. Huntington (1991), Gel'man et al. (2003), and Przeworski (1991) highlighted that although civil society and even mass movements appear in the political scenario, they are amorphous and—in terms of mobilization persistence—they tend to self-organize into elite groups such as labor unions, political parties, and popular movements controlled by leaders. Thus, masses are agents of political processes in the case that elites tolerate (or do not tolerate) their political actions. However, O'Donnell and Schmitter (1986) argued that regime changes are elite-managed and appear in the form of top-down collective action solutions whose political spaces are focalized at the central government¹³.

due to anchoring processes. According to Morlino (2011), an anchor is “an institution, entailing organization elements and vested interests, able to perform a hooking and binding effect on more or less organized people within a society. Anchoring refers to the emergence, shaping, and adaptation of anchors that hook and bind” (*ops cit*, 2011:113). These anchoring processes relate to the emergence of intermediary institutions or functional circuits of representation, such as organized associations (business elites, unions, religious associations or gate-keepers of structured interests groups), non-organized organizations (intellectuals, active elites), and neo-corporatist arrangements, which promote legitimation by connecting elites and citizens in a “transmission belt” and in dispersing power through greater pluralization of political competition. As Carothers (2002) argues, to consolidate democracy, there is the need of an in-depth reform of state institutions (including, subnational autonomy), strengthening of civil society and a regularization of elections, decision-making procedures, such as elections and participatory institutions. Consequently, the consolidation of democracy requires an opening up for wider participation and autonomy of different actors at different levels.

¹³In matters of transitions and breakdowns of democracy, the literature presents limitations in relating those political contexts with federal system states. The work of Samuels and Abrucio (2000) about transition to democracy and federalism in Brazil, recognizes this study deficit. In their conclusions, they argue that the democratic transition reinvigorated Brazil's federalism; however, during the transition pacts,

In summary, relating Piattoni's empirical approach of MLG cases and transitions with breakdowns of democracy, MLG concepts are not applicable because the primary political battle inside central instances strongly obfuscates subnational participation, underscored by governmental and main economic elites concentrated on central instances of decision making. Nevertheless, democracy protection can assimilate a two-level decision-making approach. In general, two-level approaches assume the rationality of state and the definition of national preference¹⁴ according to the capacity of national actors to establish their preferences in governmental spheres. Thus, the theory recognizes the articulation of groups and the capacity of governments to aggregate them by domestic institutions and political representation practices. Once these national preferences are constructed, the state establishes a relationship with international actors—for instance, by cooperating and bargaining with international organizations.

Thus, the present study proposed an analytical specification of social actors inside the state rather than treating these actors as a monolith. The study assumed that these actors are settled in a complex form of preference aggregation. In democratic transitions and breakdowns, individuals joined through coordinated actions in coalitions or collective actions or by interacting with different preferences in the political arena. Moreover, it acknowledges the relationship between the rational state and IGOs to strengthen democratization and protect democracy.

1.3. IGOs in action: The concept of participation in the stages of democratization

As previously assumed, IGOs can participate in all stages of democratization. The literature has focused more on the process of consolidation than any other stage of democratization. Seminal discussions of Mansfield and Pevehouse (2006) established a relationship between IGOs and democratic consolidation. In their argument, being a member of an IGO composed largely of democratic states can help leaders avoid

federal elites concentrated their political efforts on central government instances instead of using subnational legislature. Indeed, the lack of theorization relating federalism to democratic transitions makes the reflections about MLG institutions and the extremes moments of democratization less accurate.

¹⁴National interest "(...)emerges through domestic political conflict as societal groups compete for political influence, national and transnational coalitions forms, and new policy alternatives are recognized by governments(Moravcsik, 1997:481).

backsliding toward autocracy, which indicates that the institutional mechanisms of IGOs promote commitment to sustaining political reforms and facilitating democratic continuity toward consolidation.

In comparison with Mansfield and Pevehouse (2006), this thesis does not analyze the role of IGOs in the consolidation of democracy. The consolidation of democracy is a process comprised of several factors, both domestic and international. Their analysis in terms of causality requires different methods and models because power processes are dispersive by nature. These multi-causal and decentralized aspects of democratic consolidation present a challenge to conducting a precise and thorough analysis of the role of IGOs. Otherwise, extreme processes of democratization offer the possibility of analytically isolating the institutional role and procedures of IGOs and the central political stakeholders and actors, according to the literature. In this direction, this thesis develops an original perspective with which to examine democratic transitional and breakdown literature and the role of IGOs in this process beyond following a democratic analysis approach consolidated in the 1970's and 1980's.

Relating to the spread of democracy at the international level, the literature has coined three ideal-typical modes: leverage¹⁵, linkage¹⁶, and governance. Initially, the linkage and leverage models represented the trends of explanation in 1970's and 1980's democratization theories. In terms of linkage¹⁷, structural prerequisites and transnational exchange were explanatory factors for democratic expansion of democracy. This expansion was associated with institutional success in terms of political conflict resolution and economic development; thus, successful political regimes should be emulated. Others analyzed democracy as a neutral phenomenon of

¹⁵Also conceptualized as "conditionality" in Kubicek's (2003) perspective.

¹⁶Linkage procedures are outcomes of structural answers for democratization, such as socio-economic development (economic) and transnational exchange (cultural) (Coppedge, 2012). In such cases, external actors strengthen economic sectors and societal interchange in order to facilitate democratization. Governance procedures deal with the transference of procedural principles of democracy to political-administrative rule, opening trans-governmental networks and enforcing transparency and accountability of public conduct, thus resulting in a combination of good governance and democratic governance logic (Freyburg et al., 2015).

diffusion without predictable outcomes and as “domino effects” in some regions (Gleditsch and Ward, 2006; Schmitter, 1996; Pevehouse, 2005).

Conversely, leverage models have associated transitional paradigms of democratization, observing connections between international and domestic actors especially in relation to the behavior of political elites. From the international point of view, others have analyzed democratic diffusion as an outcome of the action of great powers in order to promote their ideology in their foreign policies through unilateral actions by using either hard or soft power. It directly influences the domestic political status, either by conditionality or imposition (Thiel, 2010; Freyburg et al., 2015; Morlino, 2011). In their remarks, leverage approaches observed the role of key actors endowed with the capabilities of any nature toward the implementation of democracy institutional frameworks instead of structural aspects and diffused transnational causes.

More recently, governance approaches have analyzed democratic expansion as principles that should be transferred through legal-administrative changes in specific areas of state bureaucracy, especially those in charge of public policymaking, focusing on the procedural aspects of democratization—transparency, accountability, and participation—and through transgovernmental networks, highlighting the case of the European Union (EU) (Freyburg et al., 2015). According to Morlino (2011), this principal transference relates to international socialization, the objective of which is changing target countries’ institutions and policies by virtue of having their choice of modes of behavior led to a democratic rule shared internationally. It involved different actors in a continuum of intensive relationships toward a verifiable liberal democracy institutionalization.

This thesis focuses on political leverage utilized for democratic protection. These politics are intensely associated with democratic transitions and easily applied to democratic breakdowns. Leverage approaches induce power to political elites in order to change shift authoritarian rule to democratic institutions and focus on polities and constitutions. These procedures, which are associated with actor-centered theories, use economic and political conditions that aim to change preferences of important political

actors, power bargaining in domestic society, and offer tangible and intangible consequences toward compliance with democracy institutions (Freyburg et al., 2015).

Vachudova (2005) scrutinized the concept of leverage, theoretical separating it into passive and active forms. In her perspective, the passive form is the traction that reaches its objectives merely by virtue of its existence. For instance, the benefits stemming from EU membership set incentives for other states to pursue membership. Conversely, active leverage includes deliberate conditionality; it presumes an institutional choice and political imposition by the IGO toward a political objective. Active leverage is promoted by the significant benefits of IGO membership, such as the pre-accession of EU to Eastern Europe countries, which are characterized by a large asymmetric relation and capacity of enforcement.

However, our model does not differentiate the types of leverage proposed by Vachudova, as the main outcome of this study is to observe the IGO participation in processes of democracy protection, regardless of the specification of leverage. However, the division proposed by Thiel (2010) also includes economic and political benefits provided by the IGO in order to attain specific policies. The models are summarized in Table 2.

Table 2. Types of democracy promotion model

	Linkage	Leverage	Governance
Target	Society	Polity	Sector
Outcome	Democratic Culture	Democratic institutions	Democratic governance
Channel	Transnational	Intergovernmental	Trans-governmental
Instrument	Socialization	Conditionality	Learning/socialization

Source: Freyburg et al., 2015:14

In sum, leverage mechanisms are treated as the bond between international and domestic spheres in cases of democratic transition and breakdown, and external pressure types are options available to international actors. The leverage mechanism coadunates the thesis model in some aspects. First, leverage addresses domestic political elites following an actor-driven analytic approach. Second, they focus on

democratic institution construction and maintenance in short-term periods of action, which are typical of the political situations analyzed by this thesis. Third, analyzing political instruments and conditionality of action is more effective during democratic transitions and breakdowns. Lastly, direct action refers to retaining full control of activities by external actors in order to target subjects whether it refers to governmental or social actors involved in the political process without working in support of another international actor, granting an in-depth approach for analyzing the actions of specific organizations inside specific political contexts (Magen et al., 2010).

Empirically, Pevehouse (2002a) shared this perspective and dedicated a significant part of his work to analyzing the role of IGOs in democratization. In his work, intergovernmental organizations offer three causal mechanisms linking their actions with democratization. The first causal mechanisms are pressures (diplomatic and economic) in compelling internal forces toward democratic behavior. The second are the advantages experienced by the transitional regime in joining IGOs (membership), ensuring the international legitimacy of the transitional elite, whether they be business groups or military actors. Third, IGOs can produce an arena of socialization in which elites can be persuaded to becoming less inimical toward liberalization and democratization systems, indicating a tendency of learning democratic practices. Table 3 summarizes IGO mechanisms according to the respective stage of democratization.

Table 3. Diffusion of democracy via IGOs

Diffusion of Democracy via IGOs		
Institutional and Political Mechanisms	Political context	
	Democratic Transition / Breakdown	Democratic Consolidation
Democratic Barrier Clauses (Pevehouse, 2005; Hawkins, 2008)	Transition and Consolidation	
Economic and political punishments. (Pevehouse, 2005)	Transition and Breakdown	
Moral Punishment (Shamming) (Hawkins, 2008; Pevehouse, 2002a)	Transition, Consolidation, and Breakdown	
Socialization process (International and domestic sphere) (Pevehouse, 2005)	Transition	
Monitoring (Hawkins, 2008; Donno, 2010)	Transition and Consolidation	
Multilateral validation of domestic regime (Pevehouse, 2005)	Transition	
Rule binding (regional effects) (Simmons et al., 2008)	Transition	
Democratic Density (Pevehouse and Russett, 2006; Donno, 2010)	Transition and Consolidation	

Source: Information compiled by the author

From Pevehouse's (2005) perspective, IGOs with large numbers of democratic permanent members—that is, with “democratic density”—are more likely to assist democratization efforts. This indicates that IGOs are special actors working as an *explanans* to interfere in the democratization process. This may be the case in either democratic transitions or breakdowns. This brings up some important contributions to democratization studies in two aspects. First, it incorporates the democratization explanation of active international actors with significant explanatory power. Second, it offers empirical causal mechanisms connecting the international sphere to domestic actors by filling the gap between the two levels of analysis. However, as Pevehouse (2005) highlighted, there is variation in IGO activity and mechanisms throughout the stages of democratization. IGOs sometimes—but do not necessarily—appear on the political scene. The key concept of IGO participation is the threshold that determines full membership to ensure the intended outcome.

In accordance with Thiel (2010), IGO participation in democratic transition and breakdown should demonstrate a substantive effect in relation to direct and strong pressures over states (Thiel, 2010; Magen et al., 2009). This type of participation targets two types of actors in the domestic context: political and social forces outside the government and those inside the government (*establishment*). In general, strong pressures challenge the authoritarian *status quo* or support pro-democracy group by using negative instruments or positive instruments for that.

Negative instruments are costly and are used to impose control to achieve specific goals for democratic reforms over the authoritarian government. In specific circumstances, however, positive instruments overtly support the opposition or authoritarian regime when the *status quo* demonstrates reliable acceptance of democratic transition or resists *coup d' état* attempts. Table 4 summarizes these mechanisms according to the type of pressure.

Table 4. External pressure types

Target	Strong Pressure	Weak Pressure
Regime	Imposition of costly punitive economic sanctions; fiscal conditionality reform measures - Sanctions have the potential to seriously damage system/economy	Diplomatic protest: public announcements; the doomed regime
	Potential political sanctions to undermine the political legitimacy of the regime; credible threats to future punishment	Soft financial incentives
	Possible financial support in exchange for a change in preferences for democracy	Commitment level lacks the credibility of threats to punish
Opposition	Open and covert direct assistance to opposition groups or key players	Support of the opposition only declaratory character
	Identification of clear recipients between opposition	General promotion of a wave of civil society definition.

Source: Thiel, 2010:120

Direct actions refer to external actors retaining full control of activities in order to target subjects—whether governmental or social actors—involved in the political process. They exercise autonomy in their actions without working in support of other international actors (Magen et al., 2010).

In this sense, this thesis treats any indication of strong pressure as a positive outcome for the substantive participation of IGOs in democracy protection policies not considering any weak pressures as positive outcomes for this present analytical model. It results in an explanatory model of sufficient causal conditions for strong pressures regardless of which policy is selected under these circumstances. Even in situations of strong pressures, the model does not identify which causes result in variation of pressure policies used by IGOs, which may reflect a model such as a toolbox policy model (Raile, 2011), or denote the effect and effectiveness of those instruments in the political context. For these concerns, an explanatory model would require further formalization of conditions or additional methods, including quantitative methods, not adopted in this research.

The strong and substantive participation of IGOs is borne from multilaterally forged international policies. In the literature, these policies are generally conceived around the concepts of democracy assistance, promotion, or protection. This thesis does not treat these terms as equal but differentiates them and chooses one as a concept that is valid for substantive participation in the intended research outcome.

The promotion of democracy has been associated with a state-centric perspective, which is associated with foreign policy constructions. Huber (2015) defined the promotion of democracy as “foreign policy activities which aimed at fostering the transition to, consolidation or improvement of democracy in other states and their societies” (*op cit*, 2015:23). Hawkins (2015) extended the concept of promotion to other actors beyond the nation-state, associating these activities with international organizations, NGOs, and other social groups. For him, “Democracy promotion is a catch-all term that refers to any effort by international actors to encourage or facilitate the growth and consolidation of democratic institutions” (Hawkins, 2008: 375).

Heine and Weiffen (2015) contributed to this discussion by differentiating the promotion and defense of democracy. In their perspective, the promotion of democracy

is outward-oriented—i.e., the targeting and employment of various instruments and pressures are related to third countries—and sometimes guides them to access IGOs to socialize democratic rules. From this point on, the defense of democracy appears as an inward-oriented procedure whose focus is on democratic consensus among states and applying pressure in the event of deviation from democratic ends.

Freyburg et al. (2015) addressed democracy promotion separately from the use of physical coercion and all non-transparent actions, such as diplomatic blackmail. Their concept defined democracy promotion as:

“comprising non-violent activities by a state or international organization that has the potential to bring about, strengthen, and support democracy in a third country. This covers the sum of voluntary activities adopted, supported, and (directly or indirectly) implemented by foreign actors that are designed to contribute to the democratization of autocratic regimes or consolidation of democracy in target countries” (Freyburg et al., 2015:10).

The assistance of democracy is a specific form of democracy promotion and is the most common and thoroughly analyzed aspect. Assistance occurs “when international actors allocate resources (for example, money, expertise) to governments or civil society actors for specific tasks (for example, training judges, rewriting municipal laws) in their attempts to build or consolidate democratic institutions” (Hawkins, 2008:375).

Hawkins (2008) developed the concept of democracy protection. He stated that democracy protection refers to “activities that offer tangible or intangible rewards or penalties to the state as a whole for aggregate behavior with respect to the democratic standard” (*op cit* . 2008: 375). According to him, protective action involves higher costs because it requires high coordinated decision-making among states. In the case of penalties, it is more difficult to apply due to the negative reciprocity that occurs among supporters and sanctioned members (Hawkins, 2008).

This thesis endorses Hawkins’ concept of the **protection of democracy** for its many contributions to the explanatory model proposed herewith. First, this concept does not reduce the activity of promotion solely to a national state; on the contrary, it reveals the possibility of expanding participation to other actors, such as IGOs. Second, this concept requires substantive participation when it admits the use of penalty and reward

mechanisms (including the use of violent measures), resulting in political mobilization that is more complex than the simple promotion or assistance of democracy. Third, it incorporates a debate on which democratic concepts should be protected. In this sense, it brings ideational substance to protection action.

This thesis applies its analytical model to the participation of the EU and the Organization of American States (OAS), which are considered by scholars to be the main contemporary democratic protection organizations on the basis of their regional efforts in international politics. As these IGOs facilitate institutional evolution over democracy protection policies and their initiatives and historical action in domestic contexts—both in democratic transitions and breakdowns. Furthermore, the evolution of democracy protection policies followed a similar path throughout years of institutional activities with different degrees of effectiveness, becoming central figures in their respective bureaucracies (the European Commission and the General Secretariat of OAS) in managing democracy protection policies.

After World War II and intensively after the Cold War, these IGOs are major examples of supporters of democracy protection advancement on a regional basis. The EU has reached important milestones in terms of democracy protection and functions as one of the major democracy protectors. After the Cold War, all efforts in Europeanization policies—focused on human rights education and institution-building—toward Eastern Europe have incited economic and legal integrational advances as well as normative values, such as democratic institutions (Pace, 2012). Recent advances in Europe occurred alongside the European Neighborhood Policy (ENP) and *acquis communautaire* process of progressive integration throughout Eastern Europe, which is considered to be an effective tool of democracy protection applied by an IGO toward a nation-state (Freyburg et al., 2015; Schimmelfenning and Sedelmeier, 2004).

Since the 1980's, Latin American countries have experienced transition and democratic crises. Many states have mobilized to act individually and multilaterally. Since the inception of OAS, it has functioned as the exponent in this process, using institutionalized mechanisms to facilitate democratic transitions and mitigate democratic crises (Hawkins, 2008); these interventions have been institutionally based on the OAS Charter in association with the American Convention on Human Rights, the Declaration

of Santiago in 1959, and the Protocol of San Salvador in 1999. In terms of institutional evolution, the OAS took a step toward democracy protection policies when it established the founding document “Inter-American Democratic Charter” (IADC) in the 1990’s; this charter emphasizes an embedded perspective that democracy is a domestic norm that should be collectively defended in the Americas. In this sense, the OAS set several practices involving election monitoring and legitimation and assistance provision to domestic groups to facilitate assured democracy and high-quality information as well as reports on the status of democracy in member states (Herz, 2012).

This subsection explained the terms of the research question to clarify which aspects of democracy protection are the focus of this study. Assuming a procedural liberal democracy concept, it establishes a threshold for democratic transformation by stages. As stated, the focus is centered on domestic contexts in moments of transition (as initial processes of democratic continuity) and moments of democracy discontinuity (threatened democracy and democratic rupture). In these periods, it analyzes the primary actors and their preferences and interactions while considering the literature as the main source of information on regime changes.

In the international analysis of IGOs, this thesis chooses the specific concept of participation and international democracy protection. First, the concept of IGO participation relies on substantive participation that is characterized by strong pressures exerted by these actors, which involve reward and punishment mechanisms by both authoritarian and democratic bodies. It supports Hawkins’ concept of the protection of democracy, which differs from common concepts in democracy diffusion studies, such as the promotion or assistance of democracy. The concept of democracy protection allows for the inclusion of different actors, beyond nation-states as participants of democracy expansion processes and grants the use of rewards and punishments toward democracy, which is multilaterally agreed upon.

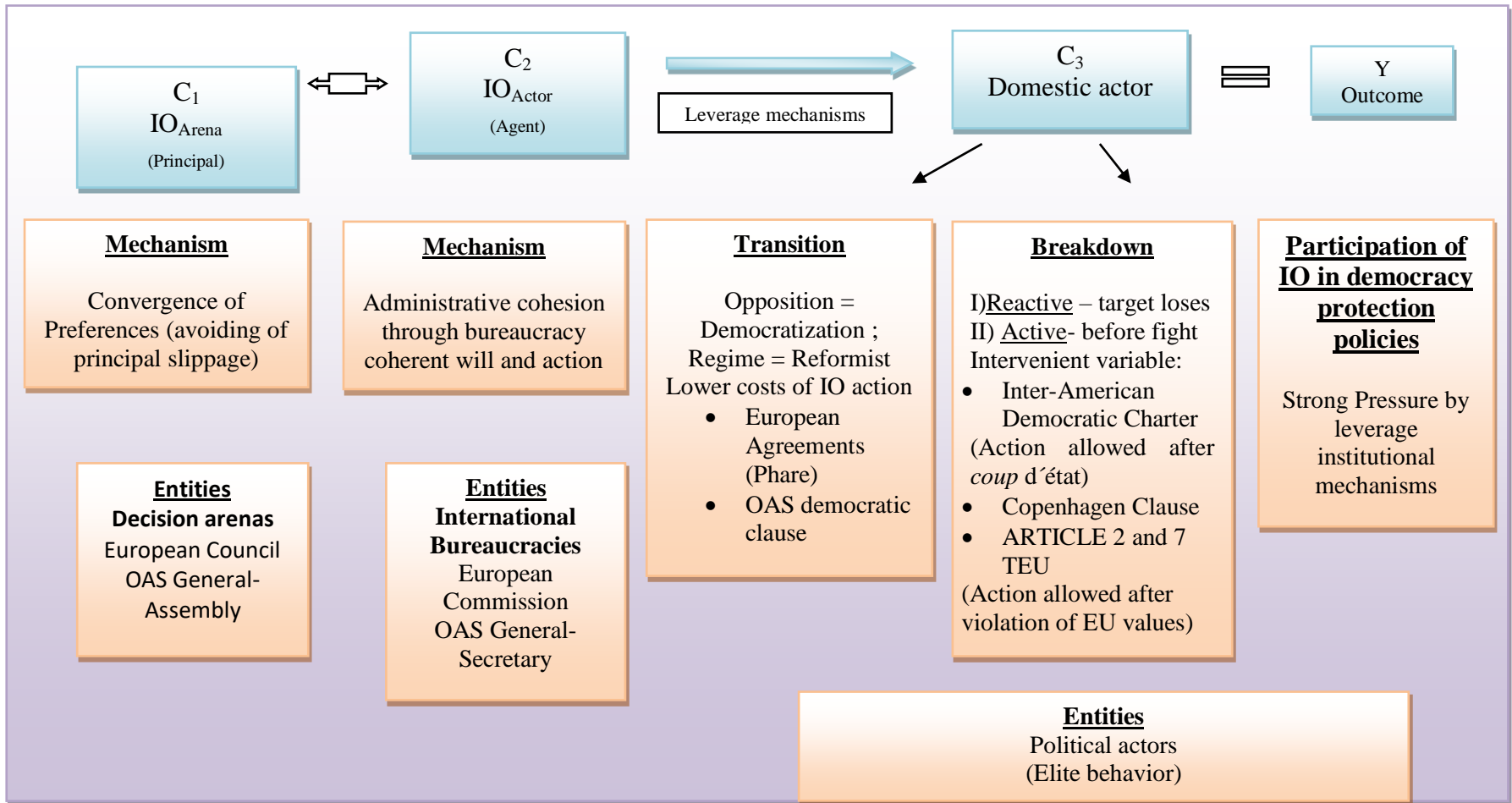
Figure 2 illustrates the explanatory model, relating causal conditions to the intended outcome that is used in this thesis. The next subsection carefully discusses the constituent elements of this analytical model, which makes some theoretical and methodological decisions in order to achieve a consistent explanation for IGO participation.

The first established element was an approach associating IGO participation in democracy protection policies to two-level game analysis. The next subsection will discuss this line of argumentation in-depth, stating that in cases of transition and democratic discontinuity, MLG approaches are not suitable for the conceptual and empirical conditions of this specific political context.

Following the perspective of transitology from the 1970's and 1980's, this model directs its attention toward an elitist approach of political conflict and cooperation. It focuses on a two-level game: the political elites involved in the political process on one level and IGO participation in certain political scenarios on the other. Following the perspective of transitology, this thesis utilizes a rational choice approach and game modeling to relate the positioning factor and action costs of IGOs. In terms of international analysis, the subsection also explains the application of principal-agent analysis for IGOs. As discussed previously, the causal mechanisms related to IGO participation also require certain coordination between bureaucracies (Agents) and nation-states in the arena of decisionmaking (Principals).

The following subsections discuss the operational aspects of this study. They establish the analytical lenses for examining the domestic and international spheres. Domestically, the study opts for the perspective of transitology and political scenarios that appear after the interaction between actors, their balance of power, and their preferences. Internationally, the study utilizes the principal-agent theory and its empirical demands. To conclude, this chapter explains the methodological choices for analyzing each case and the causal mechanisms within. In this sense, this present work uses qualitative comparative analysis (QCA) to identify typical cases and causal process tracing (CPT) for understanding causal forces toward the intended outcome.

Figure 4.- Proposed explanatory model: Causal conditions and mechanisms



Source: Information compiled by the author

1.4. Domestic variables and international connections

As discussed above, this thesis relies on a two-level game perspective that distinguishes the domestic sphere from its international equivalent. As a starting point, this component of the explanatory model focuses specifically on the domestic sphere. According to the model, part of the conditional cause regarding the participation of IGOs in democratic protection policies lies in the political behavior of actors during critical moments of democratization. Therefore, at the domestic level, an analytical model that structures the political goals of actors, their preferences, and the institutional settings in which they are immersed in during both scenarios of the democratization process is required. With this purpose in mind, this subsection presents the positional school of transition and modeling regarding the breakdown of democracy with reference to legislative-executive interaction.

1.4.1. Positional School and democratic transition analysis

The democratic transition scenario can be differentiated using a range of approaches and paradigms relating to structural, cultural and rationality-based variables (Thiel, 2010; Coppedge, 2012). In the face of these varying approaches, this thesis opts for the transitional school approach towards democratization. Such an approach constructs formal models that clearly define who the main actors are in the political process, the choices that these actors may face, and the resulting strategic interactions among them, which serve as causal mechanisms for the democratic transition (Coppedge, 2012; Thiel, 2010).

A number of assumptions are important regarding the positional perspective of democratic transition:

1. Transition policies relate to the strategy of the actor, and, therefore, to understand causal mechanisms regarding regimes in transition, we require theories that adequately capture the dynamics of strategic interaction.

2. Based on political action theories, transition studies provide an explanation of democratization as a *process*. This process consists of choices made by the main actors involved in the transition.
3. The political process can create an environment or opportunity to change authoritarian structures. An opportunity policy consists of the following set of variables: a) elite divisions, b) state capacity that may be affected by the loss (or gain) of external allies, and c) international support for systemic economic problems or bureaucratic breakdowns/political corruption. (Thiel, 2010)
4. When an authoritarian regime opens itself up for liberalization, a range of scenarios are possible, including a democratic outcome. Transitions, as discussed above, are highly uncertain, while the democratic scenario requires an equilibrium among a range of self-interested actors. Negotiation among these actors then produces an equal bargaining process.

In this sense, according to Przeworski and Limongi (1997), democracy could result from individual actions, meaning that, for any democratic transition, the analyst must look for an actor-centered perspective—without agency action, there can be no democratization. This traditional perspective relies on elite-centered and top-down collective action through which a certain and contingent elite reconstructs or destroys the political outcome via interactions such as imposition, reform, or revolution (Thiel, 2010; Karl and Schmitter, 1991).

In general, the positional school of transition uses a rational choice approach¹⁸ for explaining democratization, while also observing the strategic choices of political actors; they therefore opt for actor-based explanations. Rustow (1970) triggered this actor-

¹⁸Generally, rational-choice theory explains social outcomes from the perspective of actors' intentional desires and beliefs (individually or collectively). Ontologically, rational choice assumes that humans act rationally and that a rational action requires three aspects: "the action must be optimal, given the beliefs; the beliefs must be also supported as possible, given the evidence; and the evidence must result from an optimal investment in information gathering (Elster, 2007:191)." Generally speaking, rationalists are methodological individualists. The tradition of rationalists' main explanation lies in the pursuits of the actors. This is due to the fact they choose, prefer, decide, and learn, and social events are not artificial structures that explain social life, as well as because they do not exist independent of the individuals who constitute them. In this sense, collective outcomes are assumed from an individual's desires, beliefs and choices, which means that explaining causal mechanisms concerning collective issues comes at the individual level and, consequently, their hierarchized preferences, values, and decision utilities can become valid explanations of macrostructures (Lichbach, 2003).

driven approach and, from then on, authors such as Przeworski (1992), Thiel (2010), and Morlino (2011) have further developed explanatory models embodying these propositions. Actor-driven approaches usually put the fate of political regimes in the hands of political actors, meaning that the results of interactions involving the actors result in a specific type of political regime (Thiel, 2010).

Focusing on political actors and using a rational-choice approach to analyze transitions and breakdowns of democracy tends to have an elitist perspective toward political results. In other words, as political elites are the founders of democracy, they can, therefore, also function as the cause of its undermining. It also means that the course of democracy depends on several factors, although these will always relate to the beliefs of the elites, attitudes, and their behavior in top-down instances within the given political context (Bunce, 2000; Thiel, 2010).

Huntington (1991) shared the same priority concerning the behavior of the elite, but he adds that the relative power among individuals and groups and their political positions at specific times are also important to the democratization process. These two aspects—depending on the democratic forces, whether in government or opposition—resulted in different concerns in relation to the possibilities for a path towards transition. Higley and Burton (1989), for instance, constructed their analysis on transitions and breakdowns entirely upon the internal relations of national elites. They conceived national elites “as persons who are able, by virtue of their authoritative positions in powerful organizations and movements of whatever kind, to affect national political outcomes regularly and substantially” (*op cit.*, 1989:18). Empirically, national elites can be described as the top position-holders in the political, governmental, economic, military, and cultural organizations of society.

In their argument, the variability of consensus-building by national elites directly influences the fate of regimes. When national elites are classified according to their level of unity, in the first case (unity), national elites share a tacit consensus regarding the rules and codes that are capable of being adapted in a “politics-as-bargaining” process, and will only consider the possibility of achievement after a period of negotiation. A different scenario appears in disunity cases, in which little understanding concerning political conduct exists, and which usually require the adoption of extreme measures in

order to protect their interests. This then leads to a trend of regime instability or a non-transition towards democratic status (Higley and Burton, 1989).

This thesis presents an actor-centered perspective on the domestic analysis model, focusing specifically on national elites. Sharing Thiel's (2010) assumptions, the analysis assumes that contextual factors never determine the process of transition or breakdown, however, it must observe elite-managed collective action, especially that which focuses on both their managing capacity in these moments and their normative attitudes towards democracy and authoritarianism (Mainwaring and Perez-Linan, 2013).

As rationalists, the positional school of transition offers a solution in terms of both collective and individual action. In political circumstances, decision-making frequently involves a limited number of individual or corporate actors: governments, political parties, business associations, unions, organized groups, etc. Their actions under certain rules are a joint product of their independent choices. In this sense, the rational choice can construct collective actors via coalitions or aggregations. Coalitions are arrangements among actors who are acting separately but who, at a certain interaction moment, converge around compatible purposes and coordinate their strategies. In most cases this is done by negotiated agreements. Aggregations represent a more dramatic reduction of complexity and occur when individual actors conveniently organize themselves into a limited number of coalitions (Scharpf, 1997). In accordance with Scharpf (1997), this thesis uses the idea of *hypothetical coalitions*. According to Scharpf, they constitute a separation of:

"given population of actors into two potential groups, each of whose members share a common interest in a certain potentially salient aspect of the expected outcomes of policy interactions. The interaction between these hypothetical coalitions can then be represented as a two-person game in which outcomes are evaluated in a single dimension. (...) Of course, this does not yet tell us which of these potential coalitions, if any, will actually form. However, the number of empirically probable coalitions can be significantly reduced if we next proceed to an examination of their internal cohesion" (Scharpf, 1997:81).

In terms of the structure-agency debate, positional school approaches do not necessarily ignore perspectives that associate democracy with other stages of democratization. However, these scholars claim that modernization and other structural factors allow for positive reflections regarding the maintenance of democracy, but not

the processes that inaugurate democracy. Following Mainwaring and Liñán (2013) proposition, this thesis is situated between structural (long-term explanations) and agency actions (short-terms explanations). Nevertheless, it does not mobilize the contingent or diffuse the features of structural forces because it assumes them to be more distant in the context of the political explanation of our study cases. Instead, this present thesis searches" for proximate variables in the sequence of causation" (*op cit* . 2013:24), which means:

“(1) whether actors have moderate or radical policy preferences (radical actors tend to be destabilizing in competitive regimes); (2) whether they have a normative preference for democracy or authoritarianism; and (3) how supportive the regional political environment is for competitive and authoritarian regimes” (Mainwaring and Perez-Linan,2013:25).

In transitional school agenda, the game-theoretical approach was often used by O'Donnell and Schmitter (1986), Przeworski (1992), and Thiel (2010), whose main works forged formal models¹⁹ of political liberalization based on strategic interaction and mathematical explanations in order to offer predictions and diagnoses. However, regarding domestic analysis, this thesis follows a novelty proposition discussed by Mcfaul (2002), Beyme (1996), and Welsh (1994) with regard to transitional analysis. Their work captures the main assumptions of rational choice and agency-driven approaches, as well as establishing a “soft rational choice,” which approaches the observations of certain post-transitional pact scenarios.

This innovative method relates to a critical view regarding transitional approaches in the context of Latin American, as well as its application for other experiences around the world. Special attention should be paid to Mcfaul (2002) who offered an alternative set of causal paths for resulting regime types (between democracy and dictatorship) that can apply to both Latin American and Eastern Europe in terms of democratic transition.

¹⁹According to Coppedge (2012), formal theories pursue levels of integration that avoid small and large research samples. Generally, formal theorists “are universal scope; clear, simple, and explicit assumptions; and the potential to generate testable hypotheses derived from theory. Formal theorists aspire to universal scope by refraining from limiting the applicability of their theories to certain times and places: what is true for one committee is assumed to be true for all committees as long as the assumptions of the model are met” (*ops cit*, 2012:71).

Thus, in the observation of the transitional process, these authors focused on the balance of power in the context of democratic transition. Mcfaul (2002) divided this into three main possibilities: the balance of power for the ancient regime, the even or uncertain balance of power, and the balance of power for challengers. According to Welsh (1994), in the context of the balance of power, the means of conflict resolution can be differentiated as imposition, bargaining, competition, and cooperation among actors in democratic transition negotiations.

Following the interaction between these two aspects, according to McFaul's argument, it is plausible to observe two main paths: a transition imposed from below (pressure from below in Beyme's (1996) view), or a transition imposed from above (control from above in Beyme's (1996) formulation). This thesis operates within the analytical realm of the domestic sphere. It concentrates first on the theory's applicability to both Latin American and Eastern European scenarios, and then conducts formal model testing. According to Mcfaul (2002), imposition from below represents the context for hegemonic democrats. In some of these transition negotiations, the dominant dynamic was a confrontation that did not compromise the old and the new elite. According to the author:

"When the balance of power became clear, these new political actors, aided by the support of society, imposed their will on the weaker elites, whether soft-liners or hard-liners, from the ancient regime. Though the process itself was not always democratic, the ideological commitment to liberal principles held by this transition, victors pushed the regime change toward democracy. Democrats with power, not the process of transition, produced new democratic regimes. The process of regime transformation was revolutionary, not evolutionary" (*ops cit.* 2002:228).

Drawing a comparison between arguments put forward by Mcfaul and Przeworski (1991) as well as Thiel (2010), a transition from below takes place, according to Przeworski's assessment, when actors in civil society increase the confidence of their protests and, consequently, the protests are not successfully repressed. Similarly, in Thiel's model (2010), the transition occurs when a huge rupture takes place in the authoritarian side, meaning the opposition gains the capacity to carry out the transition. In other words, "The opposition could [can] directly embark on coming to power and overthrowing the regime" (Thiel, 2010:114). Another path is presented when the

imposition from above is related to hegemonic autocrats. According to McFaul, this scenario has occurred “at the beginning of regime change in these countries,” and meant “analysts hoped/hypothesized that “pragmatic” leaders from above might be able to guide their countries along an evolutionary path to democracy” (*op cit*, 2002:232).

According to Beyme (2002), these scenarios require the former leading actors of a communist or authoritarian regime to open up their states. Normally, the balance of power favors the dissidents of the old regime who want to follow a democratic path (in Przeworski’s words—“the regular softliners”), while the construction of new social actors and pluralistic means of participation depends on advances made by the leaders of the former regime. In other words, the means of conflict resolution occur among both old and new actors, however, this mostly depends on the behavior of the old elite. In Thiel’s (2010) game-theoretically oriented model, this occurs when both players are interested in finding some power-sharing agreement. However, in the context of a more complicated interaction, there may be still high levels of mistrust among these actors.

In Thiel’s words:

“The regime makes offers to liberalize, however but does not intend to move to democracy. We cannot assume the regime to be dominated by, in fact, protodemocratizers⁶⁶ as opposed to, more realistically, liberalizers. Liberalizers simply prefer limiting their absolute power rather than resorting to possible bloodshed, but their goal, nonetheless, is to stay in power.⁶⁷ The further opening of the system through, for example, the legalizing of the opposition and the entering into negotiations as equal partners could present, notwithstanding, successful pre-conditions for an eventual subsequent transition” (*ops cit*, 2010:114).

Regarding these arguments, and the causal condition of this thesis, the transitional scenarios appear to be as follows:

- 1) IGOs face fewer costs relating to action in scenarios where the transition is imposed from below, once the democratic forces inside the state dictate the democratic trajectory.
- 2) IGOs face higher costs relating to action in scenarios where the transition is imposed from above, once the democratization procedure relies on the actions of

a former authoritarian regime to enact change. This scenario produces high levels of mistrust between IGOs and the behavior of the post-authoritarian elite.

1.4.2. Inter-branch crisis and foreign pressure game

Democratic backsliding or democratic breakdowns require a discussion that is distinguishable from transitions to democracy. These scenarios have gained prominent status in the literature of democratization, especially after the excitement and “wishful thinking” generated by the early days of the post-Cold War era. According to Tomini and Wagemann (2017), this explains why a large number of studies observed reverse waves in the mid-1950/mid-1970s, as well as why there has been a lack of studies that focus on the contemporary world.

In the specific context of democratic backsliding and breakdowns, the literature can be divided into identifying the *conditions* for this democratic trajectory and analysis of the resulting *process*, both of which have mainly related to the roles and strategies of the respective actors²⁰ (Tomini and Wagemann, 2017). In this sense, much like the positional school, discussions concerning the breakdown of democracy have also addressed rational choice approaches (Svolik, 2014; Powell, 2012; Bell, 2016). These studies focused on the behavior of the elite (civil-military relations), in order to analyze the ability of these political actors to attempt a *coup*. They also assessed problems related to collective action resulting from this endeavor. Empirically, the literature on *coups d'état* has focused on the role of the military and the conditions for successful plotters to organize and execute democratic ruptures.

Consequently, a large portion of the literature has overlooked the participation of these actors in a political vacuum, while still observing that political and institutional factors, “such as the form of government, the concentration of executive power, institutional checks and balances, the party system, the distribution of power and the institutional balance” (Tomini, 2017:4) matter. Some authors have highlighted the

²⁰Some authors analysis other structural causes for democratic breakdown such as economic development, macroeconomic choices and performances (Gasiorowski 1995; Berg-Schlosser and Mitchell 2000, 2002 In Tomini and Wagemann, 2017).

dangers of an excessive concentration of power in the hands of the executive branch, the role of constitutional engineering and the capacity of amendments towards autocracy in changing the rules of the game, and incumbent takeovers by presidents and legislative *coups d'état* (Tomini and Wagemann, 2017).

This thesis observes the crises between legislative and executive powers, including both those that involve the role of the military and those that do not. As discussed by Helmke (2010), these political instabilities can also be analyzed through the rational choice approach, especially for analysis regarding the actors, the composition of the branch of government, and the institutional intervenient variables involved in the process. In addition, comparable to transitions towards democracy, Mainwaring and Perez Linan (2014) have also observed the presence of pro- or anti-democratic normative preferences within the elite. Tomini and Wagemann (2012), meanwhile, have argued that one major point of convergence is that "restricted political elites play a key role through their strategic decisions, which are often dictated by their pre-existing beliefs and commitment or opposition to democracy"(op cit, 2017:5). In situations relative to breakdowns of democracy, both the payoff and the dimension of the interaction with external actors result in a change of their meanings and outcomes.

In terms of analytical models, Helmke (2010) created an *Inter-branch crisis game* in the context of the legislative-executive crisis. In spite of not having a direct dialogue with Perez-Linan (2010), her model aims to detect moments of parliamentary *coup* and self-*coup* (Peréz-Linan, 2010). In other words, these moments relate to the executive and legislative engagements in misconduct, according to democratic standards.

In the domestic arena, the political relationship has two main actors in this regard: the *aggressor*, who engages in misconduct against democracy, and the *target*, who abides by democratic rules. This differentiation can be useful for understanding the behavior of both the executive and the legislature in the event of democratic breakdowns in which either the aggressor is the executive, as in the case of self-*coups*, or in which the legislative is the aggressor, as in parliamentary *coups*.

The Aggressor has two choices: to attack²¹ [T] or not[~T]. Consequently, the target can then either react [R] or not [~R]. Assuming these preferences, there are three possible outcomes. First, if the aggressor does not attack [~T] and the target does not react [~R], the scenario can be described as the democratic *status quo*. Second, if the aggressor attacks [T] and the target does not react [~R], the scenario results in a breakdown of democracy. Finally, if the target chooses to react to the attack of the aggressor, the resulting outcome is a fight for power, which is the scenario with the highest level of political instability (Helmke, 2010).

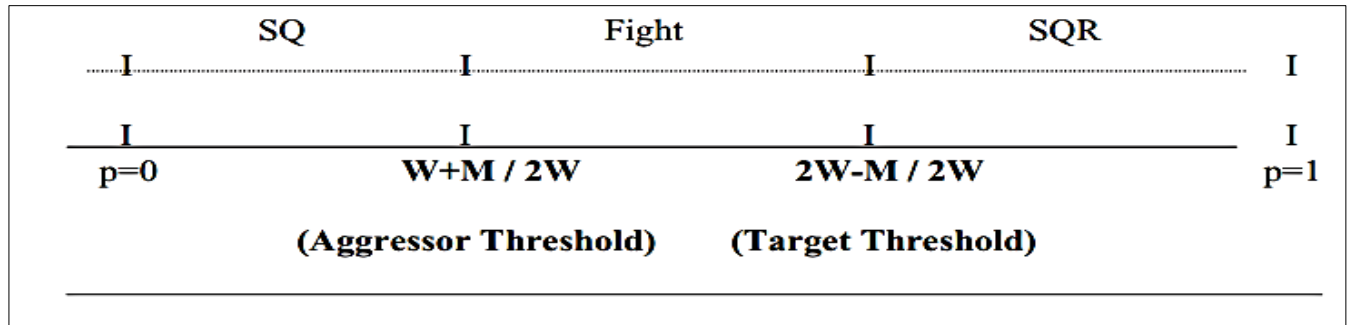
According to Helmke's model, p represents the probability of the aggressor winning or of the accomplishment of a democratic rupture. The letter W represents the political stakes in the conflict for both sides, while M refers to the payments that relate to engaging in an inter-branch crisis. Regarding the status of the target, a reaction to the political crisis will only occur when M_t is greater than $2W$, with the aggressor only increasing the power of its attack when W increases. An increase in the success of W helps the aggressor, whereas an increase in M has the opposite effect. This means that M must be equal to or lower than twice the value of the political stakes. In the aggressor's position, an increase in the political stakes, combined with a lower cost, induces them to fight; on the other hand, if their political stakes do not outweigh the costs, the *status quo* will remain.

At some point in the conflict escalation, the two sides will begin to fight for power, meaning both actors will have incentives to either attack or defend when T and R (fight) appear. If probability (p) is closer to 0, the *status quo* benefits the target that will suffer the *coup*; on the other hand, when it is closer to 1, the target cannot afford to reverse a circumstance in which a breakdown occurs, meaning the aggressor has already established its non-democratic *status quo*.

In figure 5, Helmke proposes the positioning and outcomes using a probability line between maintaining the democratic *status quo* or a breakdown.

²¹According to our concept, these instances usually relate to forced resignations, parliamentary blockades with the help of the military, incumbent takeovers with the help of military forces, or changes in the rules designed to enhance the unbalancing among powers (Helmke, 2010).

Figure 5 - Payoffs and formulas



Source: Helmke, 2010

In this sense, this thesis, drawing on Helmke's (2010) model, proposes the combination of an actor-centered approach in order to:

- a) Analyze the preferences and strategies of the actor within the historical narrative;
- b) Analyze the timing of the process. As has been argued, IGOs respond to different moments of executive-legislative conflict; in other words, the moment when conflict escalates (the process of democratic backsliding) and when the *coup d'état* is already in place (when the authoritarian aggressor wins the political conflict).

1.4.3. IOs as political arena of decision-making and as political actors

As has been described above, the milestone for this thesis concerns conditional causes relating to the participation of IGOs in democratic protection policies. Once the domestic analytical model has been presented, the explanation requires the insertion of the international sphere in conditional causal equations. The studied international actors are limited to Intergovernmental Organizations (IGOs), defined by Thiel (2010) as multilateral external actors. In addition to interfering in the behavior of the state, in order to affect the establishment of coordinative and cooperative convergence, IGOs also have the capacity to implement policies that directly interfere with states' domestic spheres. In regard to this connection between the international and domestic levels, Thiel (2010) understood the involvement of external actors in influencing domestic actors as either a direct interference via the agency-driven method or, in terms of the

direction of policy, an influence that would come from the top-down action of IGOs. This direct interference requires a relatively strong attempt at influencing transitions and breakdowns within a democracy, given the capabilities and institutional tools possessed by IGOs.

However, as stated above, the domestic context is a necessary causal condition within the analytical model, while the cost of action arising as a result of this context is an explanatory causal mechanism for the participation of IGOs. This process, however, is not automatic: there are also political forces (political and institutional actors) that react and respond to certain situations at the domestic level. In cases of transition and democratic discontinuity, there are three possibilities for connecting the domestic conditions and IGOs.

One instance of how this can happen is through international bureaucratic initiatives. These international agencies have both the legal and material capacity to monitor states' behavior and inform them about it multilaterally. In cases involving the EU and the OAS respectively, the European Commission (EC) and the General Secretariat (GS) have guidelines to inform, question, and analyze domestic contexts in order to maintain or improve democratic standards. In such situations, and in cases of transition and democratic discontinuity, both the first observation and institutional mobilization designed to manage the domestic situation can be provided through the main bureaucratic organization responsible for enforcing policies designed to protect democracy. This means that, in these cases, the agency aspect plays a key role in political mobilization.

The second connecting force between domestic and international contexts is the member states within the organization. Both the EU and the OAS allow their member-states to mobilize politically around a certain domestic political context. This means that international bureaucracies and member-states can function as "fire-alarms," or as producers of "shaming" policies designed to highlight breakdowns in democracy. They can also serve as "hand-holders" within transitions towards a democratic process. Although different costs relating to mobilization are involved, member-states can also mobilize other states and institutional procedures in order to connect certain domestic situations with the institutional participation of the IGOs.

Finally, a third connecting force can arise from networking between transnational or non-governmental domestic groups. Keck and Sikkink *in* Bloodgood (2017) posited a model of transnational advocacy networking known as the “boomerang effect”. In these situations, when access is blocked by their home governments, the strategy of advocacy groups is to utilize their networks in order to access other countries and multilateral agencies. The blockage of government institutions by domestic groups generally occurs in less democratic countries or liberalization processes, not merely because their interests may be incompatible with those of the democratically elected governments. This means that, through their networking, which consists of ties or links (unidirectional and reciprocal), transnational groups can reach international instances through bureaucracies (*Agency*) and nation-states (*Principals*) that are capable of aiding their democratic demands inside an authoritarian state of affairs in their respective domestic contexts.

Although this thesis recognizes that there are connecting points that can widen domestic situations into the realm of intergovernmental organizations, it does not focus exclusively on this process. In every aspect, this type of political mobilization does not necessarily lead to the participation of IGOs in cases involving democratic protection policies. In this sense, in terms of the intended outcome, this thesis defends the idea that analytical focus should be on top-down structures that design the policies and then decide and apply them from an international context into the domestic sphere. As discussed above, this means that the focus rests on bureaucratic agencies and the decision-making arena which is comprised of member-states.

In this respect, the organizational capability of IGOs requires attention to be paid first towards the formulation of policies at the supranational level and then according to the internal dynamics of the states in question (Joachim et al, 2008). Thus, regarding IGO participation in democratic protection policies, a specific approach regarding how their idiosyncrasies produce such policies should be expected. In other words, the policy cycle that IGOs construct is different from those developed by unilateral external actors, such as nation-states. As Joachim et al (2008) have argued, IGOs have a different form of translating international agreements into concrete policies, and these can help to mobilize resources and various actors in a dynamic manner.

In the literature describing how international bureaucracies gather IR and public administration analysis, theoretical development has led to two main approaches. The first could be called a “relational approach,” which comes from Principal-Agent (PA) literature, while the second can be described as a sociological approach, which derives from the constructivist school. This thesis opts for a relational approach, which demands that this political procedure is split into analytical aspects which can be applied to the policy-making and implementation tools of IGOs (Bauer and Ege, 2016).

First, IGOs are established as organizational structures for decision-making processes among nation-states (Abbott and Snidal (1998) termed it “effects of centralization”). According to Abbott and Snidal, states act through IGOs because they provide neutral, depoliticized, or specialized forums, unlike other informal and decentralized arrangements. In many IR theoretical approaches (especially within regime theory), this formal organizational structure usually provides an optimal arena for negotiation and for forging cooperation, coordination, and compliance among nation states. (Abbott and Snidal, 1998; Keohane, 2002; Archer, 2001)

Second, IGOs have an operational face and management feature in their bureaucracy, or, in other words, an ‘actorness’ perspective regarding IGOs. According to Hawkins et al (2006), IGOs are actors in their own right and capable of developing an actor-oriented or strategic approach towards international politics. This thesis highlights the importance not only of international institutions as decision-making forums, but also of actors who are capable of strategically forging and implementing their own interests. According to Hawkins et al (2006), this process of delegation arises as a result of an authority dynamic within multilateral-approved IGOs through which the states confer powers (implementation capacity) upon the organization, and, by consequence, the IGOs implement their policies.

In this sense, when analyzing IGOs and multilateral actors, it is necessary to understand two of their characteristics: they are both decisional areas of nation states and actors within their own international bureaucracy regarding the implementation of policies decided on an intergovernmental/supranational basis. For this purpose, splitting the analytical endeavor into these two characteristics matches the Principal-Agent (PA) assumptions of political science. First, in applying PA theory to IGOs and

states, IGOs play an important role in international politics. Second, the relationships between Principals (actors within the arena; in the case of IOs, nation-states) and Agents (secretariat and international bureaucracy) are interdependent. Yet, in order to provide a better diagnosis of the PA relationship, a careful analysis regarding both the preferences of states in decision-making arenas and the institutional capacities of the international bureaucracies in implementing policies is needed (Hawkins et al, 2006).

According to Hawkins et al (2006), *delegation* occurs when there are conditional guarantees of authority from the Principal to the Agent, especially when the two parties overcome the dilemmas regarding cooperation and coordination. Thus, the lower the preference heterogeneity within the larger arena, the higher the chances for delegation to the agents. The intended reason for the analysis of an IO as a political actor is to cast light on the behavior of bureaucracies and secretariats in mobilizing technical bodies, reports, and positions on democratic protection.

In this sense, the first part of the analytical endeavor focuses on the bureaucratic aspect of IGOs. Bauer and Ege (2016) contributed to this discussion by suggesting the conceptualization of bureaucratic autonomy in PA theory, focusing on intra-organization structures and the relationships between the secretariat and main member-states. Towards this purpose, the authors provided an indicator that is based on the capacity of IGOs to create autonomous preferences and action; in other words, the capacity of agencies to exert discretion despite the respective preferences of member-states. Although a considerable portion of PA literature is concerned with the controlling capacity of principals over the agents, the behavior of agents is considered as simple and unclear in relation to their process of participation within this research.

In terms of this thesis, the concept of autonomy put forward by Bauer and Ege, is applied. From their perspective, bureaucratic autonomy is a “combination of the capacity to develop independent preferences within the bureaucracy (‘autonomy of will’) and the ability to translate these preferences into action (‘autonomy of action’)” (*op cit*, 2016:6). Consequently, this thesis assumes that bureaucratic agencies in democratic protection policies create a “set of corporate goals,” or a convergence of preferences along with their capacity to act. Such action is provided by the statutory

powers contained within the charters of IGOs, which in PA theory refers to the delegation pacts between Principals and Agencies (Bauer and Ege, 2016).

In order to create an autonomy of will, this thesis observes the capacity for administrative differentiation. This capacity relates to the development of different preferences from bureaucratic institutions in comparison to their political principals. In the absence of this administrative differentiation, bureaucracies should act completely in line with the preferences of member-states, resulting in the absence of independent causal conditions within the analytical model (Bauer and Ege, 2016). However, it is also important to emphasize that the administrative differentiation of an agency is in constant disagreement with the preferences of the principals. The main difference lies in the analytical possibility for an autonomous construction of agency preference, which either converges or does not converge towards the principals.

Autonomy of action rests in the ability of the bureaucracy to translate its preferences into action. In this respect, their competencies and resources arise from their statutory powers (competencies shown in the charter vis-à-vis the political member states) (Bauer and Ege, 2016). This thesis analyzes the two spheres of bureaucratic conditions in line with this distinction. First, it deals with aspects involving the formation of agency preference and, in terms of preference formation, follows the empirical suggestions regarding administrative differentiation put forward by Bauer and Ege (2016).

The first indicator of preference formation lies in the capacity of secretariats to collect and process information. Consequently, the initial aspect related to preference formation arises from the data related to the case study, or the empirical data and reports produced during democratic transitions and breakdowns. However, the production of information is not enough for preference formation if these pieces of information are not established as points of reference for an institutional position. Therefore, the complementary part of preference formation lies with either the secretary-general or the director-general, thus representing the convergence of a bureaucratic position.

However, for autonomous preference formation in the context of democratic protection policies, bureaucratic action needs to occur. This means that the sole

production of preference, without action, is therefore useless. The possibility of bureaucratic action consists of delegating negotiation between principals and agents, and therefore involves the ability of the bureaucracy to express its preferences and establish agenda-setting possibilities for the decision-makers within the member states. Empirically, the actions of this agency rely on the statutory powers of IGOs, as stated in the agreements between member-states and bureaucracy, which are then translated into international law in treaties, protocols, and agreements related to democratic protection policies. In these documents, it is possible to determine which circumstances led to the actions of an agency, how this process took place, and what possibilities are feasible for expressing their preferences.

Consequently, the preference formation equation relies on the capacity to form preferences (by information gathering and leadership positioning) and the capacity to act (action prerogatives in the treaties). As explained in the methodological section, the first empirical analysis of cases demonstrates that bureaucracies often disagree with the principals of the arena, leading to the conclusion that some sort of autonomy preference formation related to agencies of democratic promotion must exist. In this sense, the argument recognizes that bureaucracy has a mobilizing role, which is independent of or dependent on the principal, and can apply informational and political mechanisms in order to achieve its goals. As can be seen in the cases studied in this thesis, there is a clear mobilization of their internal regimes around democratic protection. Thus, the bureaucracies that are closer to the EU Council of Ministers and the OAS General Assembly will be analyzed. These are, respectively, the European Commission and the General Secretariat (Veen, 2011).

In decision-making arenas, the study aims to understand both the dimensions of political conflict and the position of the states within this context, while also observing the stability of these alignments among the actors toward convergence in democratic protection policy (Veen, 2011). In terms of PA analysis, observing standards of convergence means observing the efforts of the IGO to avoid “principal slippage”, or, to use Bryant's terminology (2015), when governments present behavior that deviates from their contracts with agents. Empirically, the analysis of both organizations will focus on the voting dynamics in the decision-making arena. This means that the

position of each state and the construction of convergence in the context of democratic protection policies—whether by consensus or qualified majority—will be assessed.

Appropriating the division proposed by Schimmelfenning (2003) to state preferences in decision-making arenas, this thesis divides the preferences of states into two simple groups. States that support democratic protection policies during democratic transitions and breakdowns are called “drivers” of this political effort, whereas those that oppose these efforts and who block the proposed policies in the main arena will be known as “breakmen”(Veen, 2011; Schimmelfenning, 2003). This division consequently leads to the argument that, for the participation of the IGO in democratic protection policies, the avoidance of “principal slippage” occurs when states converge toward the behavior of *drivers* and not *breakmen*. In terms of research analysis, the thesis is concerned with the collective decision-making of the Council of Ministers of the European Union and the OAS General Assembly.

1.4.4.1.1. The dual aspect of IOs: as actors (agency) and arena

The period of realism-based dominance in IR analysis has, almost axiomatically, changed over recent years. As a result, it is now widely understood that IOs are the result of, and instruments of, state interests. This development has produced a gap in the literature regarding the autonomous dimension of IOs and, consequently, a lack of empirical research concerning both their policy-making procedures and their implementation. (Reinalda and Verbeek, 1998)

Since the 1980’s , scholars have constructed a range of explanations regarding the autonomy of IOs. First, autonomy has been linked to resources that implement decisions. This has mainly centered around the role of leadership and institutional instruments in reaching cooperation with member states. In the 1980’s , the idea of epistemic communities gave extra weight to influential policy-makers, promoting technical groups that could manage risks and offer quick solutions to member states. More recently, the relationship between IOs and different information sources, actors, and member states has offered experts room for maneuver within international

institutions to operate, exploit, and constitute influential forms of information regarding international policies. (Reinalda and Verbeek, 1998)

Academically, the agency factor of intergovernmental organizations is divided into two strands of analysis. The first approach shows a rational and relational nature, which relates to principal-agent theory. The second approach uses a sociological and identity-based approach, which relates to constructivism (Bauer and Ege, 2016).

Focusing on principal-agent theory, Delreux and Adriaensen (2017) state that this approach helps to identify the main explanations for delegation and discretion, which will consequently lead some actors to delegate authority to others. In most cases, the principal-agent relationship is established by delegation, namely a contract. In the context of IGOs, formalized treaties and pacts are the typical instruments of delegation. These are commonly the outcomes of legislative acts or negotiation mandates and this allows different types of powers to be transferred to IGO bureaucracies.

The delegation and control of principals result in agents who possess a certain degree of discretion. For Delreux and Adriaensen (2017), "'Discretion' should be understood as the autonomy or the room for maneuver the agent has in carrying out the delegated task" (*op cit*, 2017:6). Hawkins et al (2006) state that IOs are autonomous actors in their own right. Autonomy, in this context, represents "the range of independent action that is available to an agent and can be used to benefit or undermine the principal, while slack is actual behavior that is undesired" (Hawkins, 2006:8). In part, this autonomy is the result of a delegation pact with the principal. According to Lake and Mccubbins (2006), there are six reasons for states to delegate services to IGOs:

- (1) specialization and expert knowledge possessed by agents;
- (2) the presence of policy externalities affecting many states;
- (3) paradoxes of collective decision-making that can be resolved by granting agenda-setting power to agents;
- (4) resolving disputes between principals;
- (5) enhancing policy credibility by yielding authority to agents with more extreme preferences;
- and (6) locking in policy by creating an autonomous agency. (*ops cit*, 2006:342)

Bauer and Ege (2016) have added the combination of the capacity to the autonomous dimension in order to develop independent preferences within a bureaucracy (autonomy of will), as well as the actions of those preferences (autonomy to act). In accordance with Hawkins et al (2006), IOs will be willing to exert their influence

in future decision-making processes, which means asking for greater levels of delegation²² and lowering the level of control of national states. This thesis analyzes these two dimensions of IO *actorness*²³, defending the idea that a combination of these dimensions is necessary for the participation of IOs in the context of protecting democracy.

Taking these dimensions of autonomy into consideration, the capacity of IOs to exercise their power depends on specific conditions and institutional capabilities. Autonomy of will concerns the construction of an IO's preferences in a form that does not necessarily incorporate all the preferences of the member states. First, this critical feature of policy constructions, improvement, and even disagreement with the principals, according to Bauer and Ege (2016), forges administration differentiation, meaning a capacity to collect and process information independently. Second, it also forges the capacity to converge administratively over a certain political topic, which is a coordinated action designed to achieve a common bureaucratic preference (Bauer and Ege, 2016).

As a result, autonomy of action relies on two types of resource. First, institutional resources, such as statutory powers, exist in order to minimize political constraints and increase administrative resources to set the agenda. In addition, these also help to convince states to delegate more authority and reduce their level of control (Bauer and Ege, 2016; Hawkins et al, 2006). Hawkins and Jacoby (in Hawkins et al, 2006) summarized this agency capacity in four mechanisms:

First, agents can reinterpret the rules in gradual ways that, though visible, do not give principals enough incentives to overturn the reinterpretations and that allow the principal time to adapt to the new interpretations. Those incremental steps can then sum in substantial ways. Second, agents can reinterpret rules in ways that split collective principals and make it unlikely that they will act to overturn the ruling. Third, agents can behave in ways that accord with the substantive preferences of principals but that develop procedural innovations. If principals are eager to embrace the substantive decision, they will often prefer not to raise concerns about the procedural innovation at that the point, but then may find

²²Delegation is a conditional grant of authority from a principal to an agent that empowers the latter to act on behalf of the former. This grant of authority is limited in time or scope and must be revocable by the principal. (Hawkins et al, 2006),

²³According to Brattberg and Rhinard (2013), it is a way to conceptualize IGOs' role in world affairs (especially the European Union) and differentiates an "international actor" historically rooted in state, nation and *realpolitik*. In general, the concept of actorness relates to recognition, authority, cohesion, autonomy and consistency of actions of the IGO in world politics.

that agents invoke such procedures as precedents in later decisions. Then, especially if a collective principal is split, it is difficult to restore the original procedural guidelines. Finally, agents can ask principals to formalize a practice that agents have developed informally. (*op cit*, 2005:207)

The second resource—material resource—takes into account the budget of the organization primarily responsible for funding, dependence upon mandatory contributions, and even multiple sources of donations from other actors (Bauer and Ege, 2016). Finally, Verbeek (1998) associates the autonomy of an IO with the implementation of policies. According to him, implementation is an opportunity to analyze policies formed through collective decision-making or which are the result of autonomous dimensions. According to Joachim et al (2008), implementation refers to the concrete actions of international agreements and the adoption of rules or regulations. This thesis pays attention to the participation of IOs in democratic protection, i.e., substantive actions of an IO for a political purpose or its participation in the implementation of democratic protection agreements.

Additionally, Joachim et al (2008) defend the idea that, for the sake of implementation, two major factors need to be taken into account. The first of these is the *actorness* of IOs in constructing and implementing those policies, which involve institutional resources (monitoring and sanctioning) and authority based on the technical and information capacity of the IO. Second, in order to “bring domestic politics back in”, it is also necessary to stress the role of domestic institutions and interested parties in affecting the implementation of international agreements.

However, as has been pointed out by Hazelzet (1998), the autonomy of the IOs does not mean complete independence of action. This is because they are entangled with nation-states or, in the PA theory model, with their principals. According to Hawkins et al (2006), the relationship between nation-states and an IO's bureaucracy is a matter of control. This control occurs through monitoring mechanisms, constraints based on the nature of delegation, and the political selection of agents designed to assimilate their preferences in consonance with the perspective of the principal. More importantly, the relationship between principal and agent is based on mutual benefits, which means it represents fewer costs to the principal and autonomy to act for the international bureaucracy. In this sense, delegation benefits principals because they can share the

burden with a specialized agency capable of overcoming collective decision-making dilemmas and solving arbitration disputes, while also providing legitimacy and credibility to the decisions taken. (Hawkins et al, 2006)

The major aspect of the relationship between a principal and an agent lies in the capacity and willingness of the agency to expand their authority and slippage action towards a dependency upon the principal (Uperlainen, 2012). However, Bryant (2015), and Menz (2015) have drawn attention to another slippage aspect, which is provided by the actions of the principal. For Bryant, the principal slippage occurs when the preferences of the principal alter over time or become contrary to the preferences of the agency, even if the contract between them establishes a pact regarding the behavior of both. Bryant compares this type of behavior to that of governments and central banks regarding their budgets and monetary policies or, as Menz has proposed, to nation-states who change their preferences after migration policies have been constructed multilaterally in accordance with bureaucracies. In sum, according to these authors, principal slippage undermines multilateral agreements and implementation processes, thus realizing the importance of collective dilemma solutions between principals and agencies. This means that the political slippage of agents can even produce positive results for policy implementation, whereas, slippage concerning the principal undermines multilateral policy construction.

It is clear that IGOs are important due to their levels of institutionalization and their bureaucratic mechanisms. In their relationships with nation-states (principals), they offer advantages for reaching agreements and implementing policies. Although agencies search for increasing levels of independence, their relations with nation states are fundamental for the multilateral construction of policies, especially those relative to democratic protection policies.

Analyzing IGOs through their agency capacity results provides an incomplete understanding of their actions in the international arena. Thus, as has also been pointed out by realist approaches (Mearsheimer, 1994), IGOs are decision-making arenas, whose main actors are the member states themselves (Archer, 2001). According to Haftel and Thompson (2006), decision-making body analysis has important implications for the relationship between the agency features of IGOs. In their argument, observing

how nation states' decisions, dialogues, and negotiations directly influence the autonomy decision construction of IOs, how a bureaucracy reacts to a state's decision, and which procedures result from the perspective of Principal-Agent delegation all need to be addressed.

In the analysis of IGO decision-making, multilateralism studies have observed issues regarding cooperation and coordination among nation states, especially in institutions related to the multilateral context. Consequently, multilateralism requires an analysis of both the organizational form and the capacity of nation states to renounce to temporary advantages toward the management of momentary constellations of interests (Ruggie, 1993; Caporaso, 1993).

Caporaso (1993) explored three theoretical routes in order to understand multilateral activities. The first possibility takes into consideration the characteristics of national states, their preferences and capabilities, and their strategic environments. This approach observes, paradigmatically, their goals, as well as how provisions for cooperation in a multilateral setting are achieved. Using this approach, the application of game-theoretic modeling and the identification or designation of political groups capable of converging and enforcing the conditions of cooperation are common. Martin (1993), for example, used cooperation, coordination, suasion, and assurance game-theory models to explain difficulties in coordination or cooperation contexts within multilateral institutions. According to her, although this type of analysis does not provide a solution to the institution of multilateralism, it provides a rational-choice baseline expectation regarding the behavior of states.

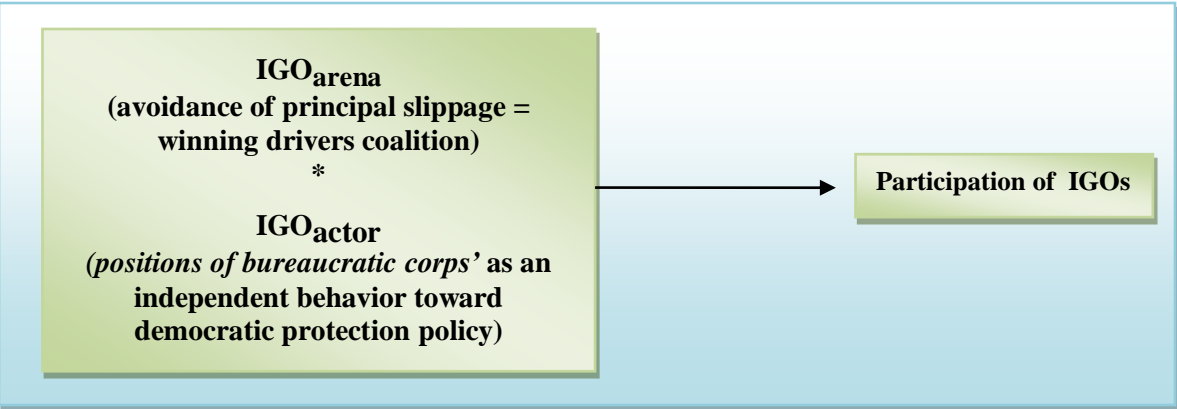
A second approach considers a socio-communicative aspect of nation state convergence, observing the social relations of communication, shared beliefs, norms, and identity construction. This form of analysis observes discussions, trust, and distrust, allowing consensus building through the development of converging perceptions. Finally, institutional approaches, which mix rational and sociological assumptions, rules, norms, and habits of cooperation, are insufficient for the convergence of nation states in the decision-making arena, however, practices are outcomes that arise from identity formation.

In this sense, multilateralism studies take IGOs not only as agencies but also as a negotiating forum for member states. In this political forum, the bargaining process promotes a configuration of different national preferences, along with different degrees of intensity and the relative costs and benefits deriving from an agreement (Vleuten, 1998). The results of bargaining between nation-states can be reached through a “minimum common denominator” threshold, which has no substantive advances in the agreement, or by “splitting the differences”, a process that is often managed by a mediator and which offers a higher level of solution based on the common interests of the respective parties. In each of these scenarios, IGOs appear as an ambiance designed to reduce uncertainty and asymmetrical information. This more stable behavior is an outcome of the predominance of institutional survival combined with a large membership of nation-states (Vleuten, 1998).

Empirically, some authors have tracked the behavior of actors in decision-making arenas through a number of different approaches, including both qualitative and quantitative methods. In terms of Global Intergovernmental Organizations, Bailey et al (2017) applied statistical models and database analysis to UN voting procedures and the behavior of the state from 1946 to 2012. Observing a gap in the literature in terms of data sources for constructing a reliable measurement of state preferences, their main purpose was the development of a state-of-the-art, ideal point model for estimating the dynamics of national preferences. In terms of Regional Intergovernmental Organizations, Veen (2011) has also observed the nation state’s behavior in the European Council through the monitoring of formal and informal processes in political deliberations. In his terms, the analysis of state behavior in the European Council can follow a constructivist perspective, taking into account the role of informal decisions and “behind-the-scenes” arrangements, or a more formal analysis involving bargaining models, assuming that the rational choice theoretical core and the determination of the actors, preferences, and resulting interactions among them.

The resulting equation, which accounts for our analytical model regarding IGOs and their role in protecting democracy, can be represented as follows:

Figure 6 - Relation between IGOs and its participation



Source: Information compiled by the author

CHAPTER 2 – METHODOLOGY

This thesis attempts to understand how causal conditions relate to the participation of IOs in democracy protection. In this regard, in the explanatory model, there are some methodological characteristics which this subsection discusses in depth. In summary, the explanatory model(i) opts for a set-theoretic method as an analytical approach; (ii) assumes a theory-centered perspective as a form of deductive theoretical construction of causal conditions; (iii) has a middle-range scope, which combines micro-level and macro-level conditions as sources of explanation; and finally, (iv) admits the comparative endeavor as a crucial effort in producing strong inferences about causal relations (Schneider and Wageman, 2012).

Thus, this thesis rests on a combination of Qualitative Comparative Analysis (QCA) and Causal Process Tracing (CPT) at different stages of the research. Initially, through the QCA approach, I construct a cross-case analysis by way of qualitative case selection and, subsequently, through CPT, as a within-case approach, I analyze typical cases resulting from the cross-case approach, to understand causal phenomena through mechanistic explanations (Schneider and Rohlfing, 2013).

2.1. Set-theoretic approach and causal complexity

The first methodological choice for the explanatory model was the use of the set-theoretic approach (STA). STA operates with cases in sets. “Sets” are “boundaries that define zones of inclusion and exclusion” (Mahoney in Schneider and Wageman, 2012:24) of a certain concept. Consequently, the “sets” serve as a threshold to decide whether a case belongs to the concept or not. Additionally, STA states that explanations for social phenomena lie in relations among sets, allowing for the possibility of a complex approach to causation, or, to use Joachim’s (2014) term, “configurational thinking.”

“Configurational thinking” involves multiple conjunctural causation²⁴perspectives. It implies some assumptions about causal relations that are summarized in four features. First, the explanation of a phenomenon (social outcome) is usually the result of a combination of conditions.²⁵ Second, it allows for other types of conditional combinations to produce the same social outcome (conceptualized as *equifinality*). Third, conditions disposed of by contextual influences can change the outcome (conceptualized as *causal heterogeneity*). Thus, individual conditions may have different influences over the outcome, especially on how they combine with the presence/absence of other conditions.²⁶ Lastly, configurational thinking searches for individually “necessary” or collectively “sufficient” conditions for a social outcome (Schneider and Wageman, 2012).

This thesis model provides explanations for collective sufficient conditions about standards of IOsfor democracy protection. This statement of sufficiency is translated into the sentence “if X, then Y,” or “the statement that X is sufficient for Y to generate expectations about the value of Y only for cases that display X. All cases that are *not* members of X are *not* relevant for the statement of sufficiency” (Schneider and Wageman, 2012:57).

Applying these assumptions to the present thesis model, the causal sufficient argument is expressed in these results: for the intended outcome (participation of IOs in democracy protection), the conditions of i) domestic mobilization; ii) international bureaucracy cohesion and, iii) member-state convergence in the political arena are sufficient. Thus, the sufficiency formula is:

$$i*ii*iii (Xs) \rightarrow \text{IGO participation (Y)}$$

²⁴Commonly, “a cause is defined as necessary if it must be present for a certain outcome to occur. A cause is defined as sufficient if, by itself, it can produce a certain outcome” (Ragin in Schneider and Wageman, 2006: 753).

²⁵For matters of differentiation, co-variational approaches use the term “variable.” This thesis, by using STA approaches, uses the term “causal conditions,” as it does not follow a symmetrical causality approach.

²⁶It relates to the principle of asymmetry. Differing from a symmetrical aspect (such as linear regression and statistical methods), the assumption of asymmetry argues that “insights on the causal role of a condition are of only limited use for the causal role of its absence, and the explanation of the occurrence of an outcome does not necessarily help us much in explaining its non-occurrence (Schneider and Wageman, 2012).

Schneider and Wageman (2012) argued that, if the *explanans* for a phenomenon is not unique, the set-theoretic approach is the best choice for multiple causations, no matter how many cases are dealt with. In others, although the models need not be limited to *small-N* (Schneider and Wageman, 2012), set-theoretic models can gather medium-N samples (20 to 25 cases) with in-depth causal analysis. Additionally, set-theoretic approaches enable analysis “before and after the analysis of the data such as the (re-)collection of data, (re-)definition of the case selection criteria, or (re) specification of concepts, often based on preliminary insights gained through QCA-based data analysis” (Schneider and Wageman, 2012:11).

Assuming the perspective of causal complexity, with respect to the selection of conditions for the explanatory model, this thesis model follows a theory-centered approach for that subject. Although Ragin (2014) argued that set-theoretic methods commonly follow inductive approaches,²⁷ the method allows deductive approaches (or variable-oriented approaches) through two procedures. First, deduction operates when it selects conditions according to an *ex ante* theoretical literature examination. This theoretical review is the selector of what are the most important *explanans*. Second, conditions resulting from a theory-centric selection are *systematic*, which means that they are capable of generalizing across cases inserted in the context in which they are expected to operate (Ragin, 2014).

In addition, this thesis model has a theory-building aim. As previously discussed, by recognizing gaps in the democracy protection literature, this model detects systematic conditions and simple causal mechanisms for the intended social phenomenon to manifest across a delimited context of cases. As a theory builder, this model displays a middle-range capacity for several reasons. First, middle-range theories mobilize macro/micro conditions as causes of explanation. Micro-level conditions are concentrated around action formation mechanisms, or explanations, in terms of preferences of individuals and results after strategic interaction of the parties. Macro-levels contrastingly relate to social structures or institutions, which constrain individual

²⁷It occurs because they tend to observe cases in depth (in a case-oriented perspective) and extract possible explanation inferences from this analytical exercise (Ragin, 2014).

actions²⁸ (Berg-Schlosser, 2009). The interaction between micro- and macro-levels binds the theoretical explanation of time and space, and they are not postulated to reach validation in all times and spaces (Berg-Schlosser, 2009).

Second, STA assumptions used by my thesis model state that the intended outcome is not interpreted in isolation but in conjunction with other conditions. In terms of empirical analysis, it requires the contextualization of each explanatory condition, reinforcing an explanation delimited in time and space (Schneider and Wageman, 2006). Consequently, the explanatory model of this thesis does not have universal claims. Instead, it is limited to a specific comparable period, specifically, the contexts of the waves of democratization in the 1980's and post-Cold War breakdowns of democracy attempts, taking into account idiosyncrasies of each state.

As Schneider (2009) summarized, this sensitivity to contexts allows middle-range theories to obtain more causally complex patterns of causation and empirical regularities related to the cases. This feature, along with comparative approaches, can produce some level of parsimony across cases (especially, middle-N analysis); it gathers strengths of case-oriented²⁹ and theory-oriented approaches for theory-building causal complexity.

Therefore, following the advice of Schneider and Rohlfing (2013) and Beach and Rohlfing (2015), this thesis combines QCA and CPT in two research stages. The selection of this combination of two set-theoretic methods is not trivial but justified according to the objectives pursued herein. First, as exhorted by Schneider and Wageman (2012), the explanatory model assumes that the intended outcome is produced by a combination of conditions (*multicausal setting*), which means that in such cases, it is highly recommended to understand causal claims in sets through the set-theoretic method.

²⁸Beach and Pedersen (2016) refer to them as “situational mechanisms.”

²⁹As discussed by Della Porta (2008), case-oriented approaches are rich descriptions of a few instances of a certain phenomenon. In general, this approach focuses on individual cases, aiming to comprehend a complex unit of analysis and its constituent parts. Therefore, the approach generalizes its assumptions to a delimited number of studied cases, valorizing the examination of each case as a complex set of relations (making evident a great number of characteristics), exploring their diversity (including deviant cases), and providing an in-depth description of small-N cases.

Second, STA operates in the middle ground between a single case (intensive case study) and large-N (statistical model) and is recognized as a middle-way between a qualitative and quantitative approach. Since this thesis deals with middle-N (15 to 25 cases), the QCA technique combines instruments for analysis based on intensive case studies and comparative case studies, especially in mapping positive intended outcomes.

Third, the QCA technique suits the theory builder endeavor in its use of the QCA truth table as a tool. The results of the truth table from the data exploration function present a dual consequence, both a typology constructor and a source of new theoretical arguments. This tool helps to free contradictions through Boolean reduction formula tests, observing the dialogue between cases and outcomes and providing the researcher with the possibility of analyzing different outcomes, positive or negative, according to the research question (Rihoux and Ragin, 2009).

In relation to within-case analysis in this thesis, the selection of CPT as a method lies in its capacity to analyze cases in depth. First, by focusing on causal relationships, CPT analyzes how activities, created on theoretical level by actors or institutions, produce mechanisms of explanation and verifies if they are actually present in a relationship between causes and outcomes. Second, CPT builds a comprehensive explanation of a particular intended outcome, which enhances two important aspects of scientific analysis: the understanding of the historical processes and the empirical fingerprints of causal mechanisms related to the context (Beach and Pedersen, 2016).

As stated by Collier (2011), process-tracing would contribute to diverse research objectives by:

(a) identifying novel political and social phenomena and systematically describing them; (b) evaluating prior explanatory hypotheses, discovering new hypotheses, and assessing these new causal claims; (c) gaining insight into causal mechanisms; and (d) providing an alternative means—compared with conventional regression analysis and inference based on statistical models—of addressing challenging problems such as reciprocal causation, spuriousness, and selection bias. Thus, qualitative tools can add leverage to quantitative analysis. They can also strengthen causal inference in small-N designs based on the matching and contrasting of cases—designs which have great value, but whose contribution to causal inference urgently needs to be supplemented by within-case analysis. (Collier, 2011:824)

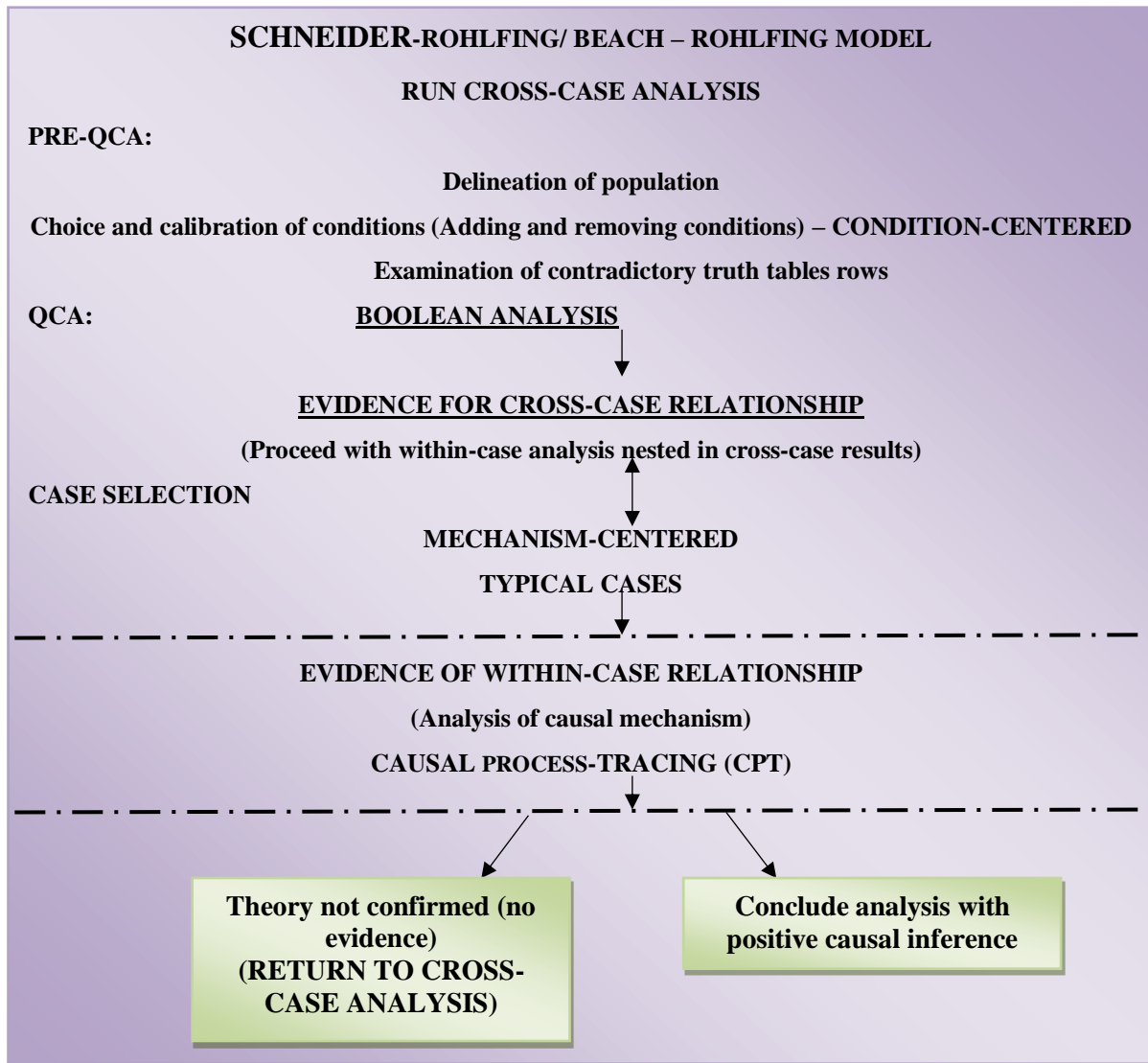
Thus, as a starting point, QCA for cross-case analysis is used. This procedure selects typical cases in a delimited universe of cases where the XY relation may appear, leading to a condition-centered approach. This initial procedure collects causally homogeneous cases or positive-intended outcomes based on the presence or absence of conditions. The next section thoroughly discusses the QCA method and shows the results of cross-case mapping using truth procedure.

After a careful selection of causally homogeneous cases, the second part takes on a new perspective, focusing on a mechanism-centered approach³⁰: using Causal Process Tracing (CPT), this thesis discusses the entities that breed the causal mechanism for an intended outcome, gaining an in-depth within-case feature. Thus, Section 2.5 focuses on CPT methodological features and causal mechanical aspects of the thesis model.

Table 5 summarizes the methodological steps, taking into consideration the advice of Schneider and Rohlfing (2013) and Beach and Rohlfing (2015).

³⁰According to Beach and Rohlfing (2015), mechanism-centered designs aim to thoroughly examine the causal relationship between X and Y within a delimited population, resulting in mechanistic evidence. This means these designs focus on the disaggregation of procedures that transmit causal forces by organizing and linking parts between causes and outcomes.

Table 5– Research pathway in the selection and analysis of cases.



Source: Schneider and Rohlfing, 2013

2.2.QCA: Cross-case analysis and typical cases

(QCA) considers set-theoretic method assumptions (Blatter and Haverland, 2014). However, QCA does not differ from other approaches because of the number of cases—it deals with middle-N cases (15 to 25 cases) without losing consistency³¹ and

³¹According to Schneider and Wageman (2012), consistency provides a numerical expression related to how empirical information deviates from a perfect subset relation. This is important for interpreting sufficient conditions and establishing logical minimization from the conditions and outcome relationships.

coverage³²—as its main scientific concern lies in identifying the causal factors, as sufficiency or necessity relationships between X (causes) and Y (intended outcomes). Through these relations, QCA allows for discernment among the universe of cases with the most causally homogeneous ones.

In this regard, QCA methods involve stages of research. Initially, Schneider and Rohling (2013) drew attention to the pre-stage of QCA, which is responsible for discerning the causal conditions of the model and, posteriorly, the definition of the universe of cases. Once the explanatory conditions are determined by the theoretic-centered approach, our method selects cases related to the intended outcome, in other words, those that have full membership in a set relation. This selection between conditions and outcomes can be treated as dichotomous³³ when the phenomenon is present or absent within the scope of cases (Wageman and Schneider, 2012).

This thesis opts for this type of *crisp set approach*, excluding or including cases from/to the model according to the presence or absence of IGO participation in democracy protection policies. The concept of the participation of the IGO evokes those strong institutional pressures, involving rewards and punishments; it targets pro-authoritarian and pro-democratic forces during transitions to and discontinuity of democratic processes.

2.3. Comparisons and case selection

QCA deals with cross-case analyses. Consequently, contrasts and comparisons, implicit or explicit, are required (Goertz and Mahoney, 2012). In political science, a large proportion of empirical methods use comparative analysis. Indeed, comparative methods through similarity and difference approaches bring about clarity in causal explanation models. Through these models, the configurational settings, along with comparative approaches, focus on a limited number of cases and create descriptions that tend to encompass institutional and micro-political variables (Peters, 2013).

³²According to Schneider and Wageman (2012), coverage expresses how many of the outcomes are explained by the explanatory condition.

³³Technically called *crisp set QCA* ³³(Grofman and Schneider, 2009).

Among several types of comparison described³⁴ by Peters (2013), this thesis focuses on the analysis of similar processes and institutions in a limited number of countries that can be compared. According to the author, these comparative types:

... illuminate the nature of either the process or the institution itself or the politics of the countries within which they occur. In practice, these case studies are often capable of saying a good deal about the process, as well as a great deal about the countries. (Peters, 2013:14–15)

Consequently, the comparative approach verifies propositions and tests theories, which demonstrate certain causal relations among different settings, aiming to establish similar and consistent processes of explanation. Therefore, the comparative method that is different from the statistical method selects cases based on two aspects. First, it selects those in which theoretical relevance is more permissible; second, it selects cases that share similar properties or features that make them comparable, that is, purposefully and not randomly selected (Peters, 2013).

2.3.1 Comparison between waves of democratization and breakdowns of democracy

Concerning the selection of comparable cases, the thesis model operates as follows. First, in the proposed context, a selection of cases that present a history of the transition and breakdown of democracy is conducted. In this sense, the Polity VI Project database³⁵ is employed to catalog the most important regime political transitions from 1946 to 2013 through a regional filtering process. By singling out Latin America and Eastern Europe as two regions of analysis, this research found 24 states whose historical background matched these extreme junctures of the democratization process.

³⁴Peters (2013) points out that, in comparative politics, there are five types of studies classified as components of comparative politics. For him, they are: i) single country descriptions of politics; ii) analysis of similar processes and institutions in a limited number of countries, selected for analytical reasons; iii) studies developing typologies for countries and subnational units; iv) statistical or descriptive analysis of data; and v) statistical analysis of all countries of the world in order to develop countries across a range of political systems.

³⁵The database is a result of the Polity Project of the Center for Systematic Peace (<http://www.systemicpeace.org/polityproject.html>). The project has a research tradition of coding authority features of political systems around the world in order to examine qualities of democratic and authoritarian authority in governing institutions.

Second, the cases are delimited according to similarities of historical length and historical context. To achieve this classification, the study selects the context of the two great waves of democratization in the 21st century, also considering the most prominent moment of the actions of IGOs in matters of democracy protection (Huntington, 1991). For Latin American cases, the study focused on the third wave of democratization in the 1980's and, for Eastern Europe, on the fourth wave of democratization at the beginning of the 1990's (Beyle, 1996; McFaul, 2002; Mainwaring and Pérez-Liñan, 2013; Bunce et al., 2010).

According to McFaul (2010), the comparative approach involving the third and fourth waves of democratization, not considering important differences between them, had possibly led to inaccurate results before. From his perspective, the main comparison inaccuracy lies in delivering an analysis based on assumptions of there being an elite division between soft- and hard-liners and the power distribution among them. The third wave theorists, while privileging preferences of the actors over structural causes, argued that democratic transitional "pacts" occurred when there was a limitation on policy choices and a proportional sharing in the distribution of benefits among political elites involved in the transition. The fourth wave theorists operated in a different manner, demonstrating an unclear elite division and imbalance of power among main transitional actors. Due to this imbalance, the pact was not a possible outcome of power equilibrium; on the contrary, democratic transition favored being overtaken by a democratically oriented group over an authoritarian one (Macfaul, 2010).

Assuming McFaul's concerns, this thesis concurs that relative to the participation of IGOS, the two waves of democratization are comparable in two aspects. First, McFaul (2010) showed concern with how power equilibrium explains the success or failure of democratic transition, differently from the intended outcome of this present study. Instead, the present explanatory model assumes that preferences of the elites for reformist/moderate behavior toward democracy are mechanisms that might precipitate an IO to take action, once they decrease political costs of an intervention. This means that the main point of the analysis is not the power equilibrium and its relation to regime fate but elite behavior toward democracy (Mainwaring and Perez-Linan, 2013). Second, since the domestic approach focuses on elite behavior, this model cleaves them

according to their pro-democratic or pro-authoritarian status and not to their soft- or hard-line positions. This occurs because the specification of soft- and hard-liners has always been an inaccurate concept, and when empirically stretched in transitology discussion (Stepan,1997), it demonstrates generalization problems. In this regard, Mainwaring and Perez-Liñan (2013) proposed the separation of pro-democratic and pro-authoritarian behavior to provide systematic capacity in terms of generalization, logical simplicity for empirical validation, and verification capacity in transition contexts.

Thus, in relation to a comparison of the two waves of democratization, this thesis concerns the participation of IGOs in transitions and breakdowns instead of the fate of regimes during this period. For that matter, the study observes the preferences of the elites, instead of the power equilibrium among them, and pro-democratic and reformist political divisions, instead of soft-versus hard-liners. It assumes that the analytical decisions about elite behavior and democratization contexts become comparable in every dimension of domestic analysis on the two historical occasions.

Due to the geographical expansion of the waves of democratization, the research required a selection of clusters of comparable cases in this context. In Latin America, the most prominent region at issue in democratic transition was Central America.³⁶ Indeed, there are many similarities among Central American states and their insertion in the regional context (Mahoney, 2001). Historically, they share common Spanish colonization with agrarian economy baselines and several attempts at regional integration. During the national period between 1823 and 1838, they formed the United Provinces of Central America, but other attempts at political integration have failed since then. However, since the 1960's , they have formed a common market space and regional efforts to construct regional parliaments, as well as shared commercial and trade agreements with the US. The most important impact on the Central American region was the force of a neoliberalism wave powered by international economic actors; in consequence, all Central American states have adopted neoliberal strategies with little deviation from the hardcore capitalist model (Booth et al., 2009; Barnes, 1998)

³⁶Similar to Both et al (2009), this thesis considers Central America to comprise Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica.

Additionally, elite behavior is the main explaining factor in political context analysis in Central America, which reinforces one of the features of this explanatory model. Booth et al. (2009), Haynes (2011), and Huntington (1991) argued that after the independence process, the agrarian elite formation has had a strong influence on the fate of the political regime. One example is the authoritarian regime settling in the region because of civil wars between conservative and liberal elites. This fact consequently brought the military into politics. This historical context has provided too many democratization studies with a focus on elites such as Huntington's and Peeler's studies, whose main diagnosis relied on how elites negotiated democratic regimes (such as in Honduras, El Salvador, Costa Rica, and Guatemala) with other social forces (Haynes,2011).

This comparable approach led Booth et al. (2009) to argue among themselves that in Central America the regime transformation from authoritarianism to democracy differed according to the fundamental rules of politics and the ruling elite coalition. In general, political experience in Central America could be thought of as even basic regime types: military authoritarian, personalist military, reformist military, civilian transition, revolutionary, revolutionary transitional, and civilian democratic regimes. According to these authors, all Central American countries experienced at least three of these seven basic regime types during the period between 1970 and 2004.

Table 6– Central America and regime type's in1970–2004

Costa Rica	El Salvador	Guatemala	Honduras	Nicaragua
Civilian Democratic	Military Authoritarian	Military Authoritarian	Military Authoritarian	Personalistic Military
	Reformist Military (1979)	RM (1982)	RM (1980)	Revolutionary (1979)
	Civilian Transitional (1984)	Civilian Transitional (1985)	Civilian Transitional (1982)	Revolutionary Transitional (1984)
	Civilian Democratic (1992)	Civilian Democratic (1996)	Civilian Democratic (1996)	Civilian Democratic(1987)

Source: Booth et al. (2009:30)

In this sense, it is comparable that Central America shares a historical colonial heritage, similar political culture, economic baseline, civil wars, and, especially, privileged elites who have retained economic power and social capabilities to maintain their grip over the government.

Similarly, some features of the Central American case appeared in Eastern Europe during the fourth wave of democratization at the beginning of the 1990's. Pridham and Vanhanen (1994) observed the dynamic between political context and political institutions in relation to democratization experiences. The political environment produced by Gorbachev's responses to the political turmoil produced by the Soviet Union collapse led the region, once immersed in a Soviet historical legacy, into a period of radical economic and political transformation. Indeed, this context forced former Soviet republics to establish democratic institutions such as parliaments, multiple parties, and a stable ruling coalition government regarding civil society. These countries called for traditional ethnic and nationalist social mobilization, including mass media and free press, as well as associative mobilization. Michael Haynes (2011) drew attention to elite behavior and Eastern European transition, arguing that the political collapse of the former regime could be explained by important actors who decided to eradicate the Soviet regime and try new regimes based on democratic structures. Besides the similarities among former Soviet countries, the post-Cold War context provided a window of opportunity for Western powers and Intergovernmental Organizations, including the European Union, to act for the reintegration of those countries in the new political era, including democratic transitions (Schimmelfenning and Sedelmeier, 2004; Haynes, 1996; Pace, 2012).

Concerning breakdowns of democracies, this thesis purposefully selects the most pursuant responses of the EU and OAS. In Latin America, they are (in chronological order): Peru (1992); Guatemala (1993), representing a breakdown of democracy by self-*coup*; Paraguay (1996); and Honduras (2009), a breakdown by legislative *coup*. Additionally, as discussed before, even in breakdowns of democracy attempts, these countries present similar features in terms of political systems, economic underdevelopment, and social legacies from the decolonization process (Mahoney, 2001; Boniface, 2002).

Relative to the European Union, cases are selected using a different approach. Historically, after the fourth wave of democratization, *coup* or *self-coup* attempts were almost nonexistent in the European experience.³⁷ However, this thesis selects Hungary (2012–2013) and Romania (2012–2013) as good examples of democratic discontinuity and as analytical cases for European Union action. As previously conceptualized, the cases related to the European Union have been labeled as cases of *threatened democracy*. First, according to the Polity IV Project, in 2013, Hungary and Romania reached grades 10 and 9, respectively, characterizing them as embodying the highest level of institutionalized democracy.³⁸ However, due to measures against liberal democracy and equilibrium among powers, the political crisis in those countries triggered the European Union institutional action and intense political participation to tentatively restore their democratic standards, consistently with what had been multilaterally decided by the EU (Morlino, 2011; Sedelmeier, 2014).

Therefore, this thesis applies the following analytical standards:

- i) In Latin America, the analysis of two types of breakdowns of democracy: Peru (1992) and Guatemala (1993) as *self-coups*, Paraguay (1996) and Honduras (2009) as *legislative coup d'étatplots*, both aggressions to the OAS Charter and its democratic protection regime
- ii) In the European Union, in the absence of typical breakdowns, the analysis of the process of democracy discontinuity dubbed *threatened democracy* in Romania (2012) and Hungary (2012), both democracies in minimalist

³⁷Some democratic challenges in terms of threats to democracy appeared in Eastern European semi-presidential systems, with strong disagreements among prime ministers and presidents that could lead to democracy breakdowns (Protsyk, 2005). The thesis model, in its comparison with Latin America, looks for conflicts between executive-legislative instances, or executive-other instances, and not, intra-executive problems.

³⁸According to Polity V and important for this thesis analysis, in terms of the legislative-executive relation, besides the concept of democracy already discussed, democracy has institutionalized constraints for the exercise of power by the executive. Other aspects of a plural democracy such as the rule of law, systems of checks and balances, freedom of the press and so on, are means to, or specific manifestations of, these general principles. Methodologically, the Polity V Project does not include coded data on civil liberties. Democracy indicators are measured on an additive 11-point scale (0–10). The operational indicators of democracy are derived from the coding of the competitiveness of political participation, the openness and competitiveness of executive recruitment, and the constraints on the chief executive. Polity V also uses a minimalist perspective of democracy.

terms, jeopardized by processes of imbalance among powers and the succeeding risks of civil liberty violations

2.3.2 Comparison between Intergovernmental Organizations and international regimes of democracy protection

As previously discussed, at the international level, this thesis assumes IGOs to be decision-makers, as well as bureaucratic actors with autonomous preferences; thus, the principal-agent approach fits this analytical split. Indeed, comparing the European Union with any other IGO is not an easy task, due to historical pioneers in Europe in modern regional integration (which eventually served as models for other institutional integration attempts) and the magnitude of the bureaucratic complexity of the EU, which potentially makes any attempt of comparability ever more inaccurate and idiosyncratic.

However, in relation to democracy protection policies, as Chapter 4 of this thesis discusses in-depth, the literature agrees that the EU and OAS are the best regional examples in this field (Pace, 2012; Herz, 2012; Hawkins, 2008; Heine and Weiffen, 2015). In this regard, these IGOs are basically comparable in two main aspects; they directly influence our thesis' explanatory model.

First, they are comparable with respect to the relationship between their decision-making arenas (principals) and specialized bureaucracies (agents). In the European case, the European Council appeared as the main and final decisional arena and the European Commission as an information gatherer, evaluator, and policy advisor (authors), for that matter.

In this regard, the Charter of the European Union³⁹ establishes a principal-agent model of democracy protection. First, the European Commission acts as a monitor at the institutional and advisory instances in matters related to state compliance with democracy procedures, demonstrating normative prerogatives to act on the occurrence of episodes of non-compliance. Second, the European Council acts as the highest instance of judgment and exercises its prerogative as the principal.

³⁹Appendix

Similarly, the interaction between principal and agent occurs in the Organization of American States, where the General Assembly (principal) is the final decisional arena and the General Secretariat is the specialized bureaucracy in charge of evaluation and advisory activities about such matters (authors), all institutionally supported by Resolution 1080,⁴⁰ dated 1993, and the 2001 Inter-American Democratic Charter.⁴¹

In this sense, the institutional contract of delegation between principal and agency is comparable in both the EU and OAS. First, their institutional levels present the same features— one as a final decisional stage and the other as a properly specialized bureaucracy for democracy protection matters. Second, both organizations have highly technical bureaucracies endowed with administrative cohesion to produce coherent democratic protection policies. Third, the interaction between the European Council (the European Commission and General Assembly) and the General Secretariat, in all cases, is the most important administrative relationship explaining the formal actions of IGOs in democracy protection issues.

Another comparable aspect between the European Union and the Organization of American States dwells on a similar history of the institutionalization of their democratic protection international regimes. Initially, in response to the democratization waves, the EU and OAS were neither bureaucratically nor legally prepared to respond to the context exigencies. In this sense, during the transition contexts, both the European Commission and the OAS General Secretariat bureaucracies were “catapulted” as heads into dealing with ongoing situations (Pelkmans and Murphy, 1991). Concomitantly, the non-preparation for the context showed that both organizations did not have programmatic or operational regimes in play for transitions and breakdowns of democracy, featuring a declaratory aspect of the democratic protection regime (Pelkmans and Murphy, 1991). Therefore, the actions of the IGOs were uneven among the cases under assessment; they showed different proportions of concern and political mobilization.

After the Cold War, both Intergovernmental Organizations developed more consistent and operational regimes on democracy protection and gradually incorporated

⁴⁰Appendix

⁴¹Appendix

the Organizational Charter, democratic values, legal instruments, and bureaucratic procedures for further advances in such matters, especially mechanisms to incentivize democratic maintenance among their members (Heine and Weifen, 2014; Freyburg et al., 2015; Vachudova, 2005). Table 7 summarizes the evolution of democratic protection policies related to critical moments of democratization processes.

Table 7– International democratic regimes’ historical evolution

European Union	Organization of American States
Transition of democracy context	
European Agreement (1989) PHARE Agreement (1990)	OAS 1948 Charter – Articles 2 and 39 Samoza Resolution (1979) Protocol of Cartagena (1985)
Characterized by: <ul style="list-style-type: none"> • A declaratory statement more than a procedural statement • No clarity about statutory prerogatives of institutional agencies • Catapulted institutions as a response to context challenges • Larger maneuver of action by institutional agencies 	
Breakdowns of democracy	
Copenhagen Criteria (1993) – 1995 Treaty of European Union (Amsterdam 1999) Article7 TEU Article2 TEU	Santiago Commitment and Resolution 1080 (1991) Washington Protocol (1992) Managua Declaration (1993) Inter-American democratic charter (2001–2002)
Characterized by: <ul style="list-style-type: none"> • Procedural statements in terms of agency action • Clearer statutory prerogatives of institutional agencies • Evolution of democracy promotion regimes in the new post-Cold War context • Institutional maneuver by institutional agencies declared in Organization Charter 	

Source: Information compiled by the author

In this sense, this thesis assumes two types of comparison: one among countries in periods of transition and breakdowns of democracy and, the second, between patterns of action of IGOs in democracy protection policies. The first concern selects two important main regions in democratization studies—Central American and Eastern Europe—and besides the similarities among these clusters, attempts to understand the behavior of elites as a zone of comparison between them. As an approach, separating pro-democratic from pro-authoritarian behavior as explanatory conditions enhance our empirical detection capacity.

The second concern was the search for comparable aspects between the European Union and the Organization of American States. The comparable content between them in terms of democracy protection policies lies in the institutional advancement of an international regime and the interaction between agents and principals in delegation processes. These two aspects are useful for the analytical model for two reasons. First, two explanatory conditions for the participation of the IGOs reside in the interaction between arena and bureaucracy, an aspect in which the EU and OAS look similar; and second, the historical evolution of democracy policies regarding these two organizations is uneven, although they have similarly responded to context changes since the 1980's . As a result, our thesis model should be able to deal with similar comparable conditions in matters of domestic and international breadth.

2.3.3. Democracy Protection regime in action: comparison among members and non-members of IGOs.

As previously discussed, this present thesis selected, using the Polity V Project database, several countries that experienced the process of transition and breakdown in two main regional clusters: Central America and Eastern Europe. However, differently, from breakdowns or discontinuities of democracy, cases in transitional moments presented some countries that did not have the status of IGO membership such as Eastern Europe countries with the European Community, in comparison with Haiti, a member of OAS.

Regarding this matter, it is necessary to demonstrate comparability in two different types of IGO policies, one related to foreign policy action and others in matters

of internal compliance, cases of transitions to democracy. To solve this comparability problem, the main concept of democracy protection policies used in this thesis may inspire some solutions.

As previously mentioned, this thesis follows Darren Hawkins' concept of democracy protection policies. In his words, democracy protection refers to "activities that offer tangible or intangible rewards or penalties to the state as a whole for aggregate behavior with respect to the democratic standard (*op. cit.*, 2008: 375)." This concept, indeed, includes the role of IGOs in democratic procedures in world politics, following substantive action related to rewards or punishments toward an accorded concept of democracy. The construction of this theoretical model focuses solely on one intended outcome: the substantive participation of IGOs in matters of reward and punishment in cases of transition and breakdowns or discontinuity of democracy. The concept's use, followed by the model construction admits any decision-making procedure that produces rewards or punishments by IGOs. Consequently, for cases of democratic transition in the present thesis, for both cases of foreign policy or IGO compliance policy use, if it produces substantive action by the IGOs, it is plausible for comparison.

Some authors of Foreign Policy Analysis (FPA) have been skeptical in defending the idea that the European Union would produce a foreign policy. The arguments supporting this skepticism are many. Generally, the fragility of this construction is compared with a state-centric perspective, either for the European Union deficit in structural or instructional aspects, in quick response to problems, or even, in independent action by EU bureaucracy from the member-state or complex decision-making in a non-centralized sphere (Smith, 2002).

This thesis follows another approach. Smith (2002) argues that "the foreign policy of the European Union is the capacity to make and implement policies abroad that promote domestic values, interests and policies of the European Union (*op. cit.*, 2002:8). In this sense, first, it assumes that the European Union is an important actor in world politics, although it is faced with the complex implementation of policy in various different institutional and procedural organizations, with relative cohesion (Smith, 2002).

Second, Smith's concept dialogues with Hawkins' protection of democracy concept in two main aspects. This concept of European Union dialogues First, it includes the protection of domestic values, interests, and policies of the EU. As Chapter 4 demonstrates, among these European values, the democratic aspect appears, along with the European integration of more intense institutionalization after the 1980's . Second, among the implementations of Foreign Policy, the European Union included instruments of reward and punishment as a form of achieving and promoting European values. According to Smith (2002), these Foreign Policy instruments included,

(...)political diplomacy; the economic instruments of economic sanctions, trade preferences and the provision of aid; the negotiation and conclusion of international agreements; and, indirectly, the utilisation of military force (...) The EU uses both negative and positive economic instruments in foreign policy implementation. Negative instruments are more commonly referred to as economic sanctions and include restraints on trade, aid and investment with the targeted country. Positive sanctions include the granting of trade preferences, particularly nonreciprocal trade preferences and the provision of aid— in the form of concessional loans or grants. Since Maastricht, economic sanctions have been explicitly recognised as instruments of the Common Foreign and Security Policy (Article 301 – ex Article 228a) although the decision-making procedures follow the Community method in that the Council acts by a qualified majority after receiving a proposal from the Commission. (*op. cit.*, 2002:115–116)

Historically, the Foreign Policy of the European Union was formally reconsidered and redesigned at that time. This foreign policy toward the East (or *Ostpolitik*, as it was called) was the first priority of the EU at the beginning of the 1980's (Jorgensen, 2004). Interestingly, as further discussed in Chapter 4, the European Political Cooperation (EPC) framework of foreign policy before the European Single Act in 1987 lacked a juridical base or institutional structure, like the whole International Protection of Democracy regime, meaning that subsequent success was related to the flexibility, pragmatism, and confidentiality involved in the political endeavor. Indeed, the EPC was a better form of Foreign Policy after the Luxembourg Agreement in 1970, and an anteroom for what would be the most institutionalized instrument of Foreign Policy, the Common Foreign and Security Policy (CFSP) in 1993 (Panayiotis, 1987).

For this thesis, in particular, the European Community related in a special way to Eastern Europe. Generally, as further discussed in Chapter 4, the development of

Foreign Policy toward institutionalization can be dated to the Single European Act in 1986, which meant a deep change in CFSP compared to EPC. This change occurred precisely at the moment of the response toward Eastern and Central Europe (CEECs) to expand EU international role with an enhancing role for the Commission and the “Brusselization” of European Policy, with EPC working groups and the Secretariat moving to Brussels (White, 2001).

The main changes after the 1980’s revealed a new policy implementation stage of Foreign Policy with robust instruments of socialization effort, or what Schimmelfenning (2005) called mechanisms of reinforcement. From his perspective, the European Union followed a bargaining model of negotiations: “the use of incentives and disincentives or threats and promises to motivate the target actors to adopt the norms” (*op. cit.*, 2005:107) with a strong material reinforcement through rewards: financial assistance, technical expertise, and participation in international decision-making. Second, the EU has predominantly used intergovernmental reinforcement through material rewards.

More concretely, it has sought to induce European non-member countries to comply with international norms of human rights and democracy by setting the fulfilment of these norms as conditions for membership and other material rewards. The EU offers two kinds of rewards to non-member states: assistance and institutional ties. The most important programmes of external assistance for European non-members in the post-Cold War era are *Tacis* (for the thirteen member countries of the Community of Independent States including Mongolia) and *Phare* (for the other CEECs – Central and Eastern European Countries). They offer technical and financial assistance in the transition of these countries to market economies (*op. cit.*, 2005:113).

According to Schimmelfenning (2005), the use of material rewards can be explained. First, the EU has specific capabilities that distinguish it from other organizations. As further developed in Chapter 4, the European Union (Community) developed strong economic power, not only among its members but as a pole of political attraction due to its benefits. Second, reinforcement by reward is a low-cost strategy in comparison with punishment. The first is paid after the successful adoption of norms, providing a more certain expectation of results, while the second occurs during the process of norm adoption, with no certain end of the process and some side effect expectations. Third, the vulnerability of EU is low in comparison with CEEC economic stakes, in addition to the fact that the size of the rewards has grown over time, with the

“conclusion of trade and co-operation agreements to association agreements and finally to the negotiation of membership. EU membership is probably the highest reward that any European organization has to offer in return for compliance with liberal democratic norms (*op. cit.*, 2005: 120).”

While foreign policy focuses on an outward approach, internal compliance focuses on an inward approach for nation-states. Haas (1998), following Jacobson and Weiss, believes that compliance “refers to whether countries, in fact, adhere to the provision of the accord and to the implementing measures that they have instituted (*op. cit.*, 1998:18). From his perspective, internal compliance is more than a simple implementation but entails a change in behavior associating international commitments to domestic law. Generally, according to Haas, compliance requires a measure of the legitimacy of the state’s claim to rule (or at least, a measure of voluntary acceptance); however, without it, a certain level of punishment and reward can be executed to avoid rebellious behavior.

In this sense, for both cases of foreign policy or internal compliance, action can use instruments of reward or punishment toward a state (either a member state or third country). This is the main intended outcome that this thesis model intends to analyze. Assumed to be a dichotomous outcome, the presence or absence of participation relates to these instruments and not the qualification of their capacities or efficiencies. Assuming the presence of rewards or punishments for a country in moments of transition, it is possible to do a comparison between the European Union and the Organization of American States in this democratization process. As discussed in Chapter 4, this demonstrates that the European Union learned the language of rewards in the beginning, to protect democracies in former Soviet countries, while OAS established punishment as the main instrument of democracy protection; however, neither cancel the analysis of the intended outcome, focusing on the instrument and not the efficiency or other nuances.

2.4. Truth table

Once the cases and intended outcomes are clearly defined, the next step is the utilization of a “truth table” tool, considered the core of the QCA procedure, which

condenses all logically possible combinations of conditions to account for the occurrence of a given phenomenon (Beach and Rohlfing, 2015). A truth table comprises formally organized rows and columns. Each row represents one of the logically possible combinations and combinations among conditions. In cases of crisp-set QCA, each condition may occur by its presence (1) or absence (0), and the total number of rows is calculated by the 2^k formula, where k stands for the number of conditions used, in the thesis model, by either presence or absence (Schneider and Wageman, 2012).

The 2^k formula shows the number of logically possible combinations in the truth table, which means that, as the research increases the number of conditions, more combinations will appear. Rows may appear for which there are no cases in the population, resulting from a limited diversity of reality. Therefore, these gaps are called “logical remainders” (Schneider and Wageman, 2012).

As discussed by Groffman and Schneider (2009), truth tables can

a) bring to the fore analytic similarities and differences between cases and (b) reveal contradictory rows, namely, cases with identical combinations of conditions that show, nonetheless, differences in the outcome (...) and (c) the degree of empirical “spread” in the data, namely, which logically possible combinations of conditions are and are not empirically observed. (Groffman and Schneider, 2009:667)

For the analyzed cases in this thesis, the dichotomous understanding of the results is the participation or non-participation of IOs in democratic protection. The expected result is to observe the combinations in which the result has $Y = 1$ or a positive intended outcome. Recapping the expected causal logic, it is understood that the conditioning factors for the participation of IOs in democratic protection (Y) are explained by the presence of convergence in the operative arena (*IOarena*), performance of international bureaucracy (*IOactor*), and participation of domestic actors against the domestic authoritarian *status quo* (*Domesticmob*).

Following the logic truth table proposed by the 2^k with the highest number of conditions (3), there are eight logical possibilities. However, for the proposed model, from eight logical possibilities, only four are favorable for the model explanation. As discussed, the model explains IOs’ policies of democracy protection in cases of transitions and breakdowns of democracy. Combinations 0000, 1000, 1100, and 0100

do not show the presence of the domestic mobilization (\sim Domesticmob) variable. This means that, if there is no domestic mobilization, to transit toward democracy or its breakdown, the context of explanation is not in place and is useless for this analytical endeavor.

Combinations 111, 011, 001, and 101 assimilate the heuristics requirements of the model, keeping the assumptions around the democratic transition and *coup* attempts but presenting different results according to different combinations of conditions (sets). What appears initially is that there is no sufficient condition for the expected result Y. Given that the results have $Y = 0$ in isolation, it does not meet the principle of sufficiency. Tables 8, 9, 10, and 11 summarize the relationship among conditions, outcomes, and cases.

Table 8– Truth table for transitions to democracy

Row	Cases	Conditions			Outcome
		IOarena	IOactor	Domestic mobilization	Y
1	Czech Republic, Bulgaria, Guatemala (1982), Honduras (1982)	1	1	1	1
2	Lithuania(1991), Nicaragua (1984)	0	1	1	0
3	Romania (1991), El Salvador (1992), Brazil (1988), Argentina	0	0	1	0
4	<u>Logical remainders</u>	1	0	1	0
5	Heuristically not important for the model because of the absence of transition and breakdown of democracy	1	0	0	0
6		0	0	0	0
7		0	1	0	0
8		1	1	0	0

Table 9– Truth table for threatened democracy and breakdowns of democracy

Row	Cases	Conditions			Outcome
		IO arena	IO actor	Domestic mobilization	Y
1	Breakdown: Peru (1992), Guatemala (1993), Paraguay (1996), Honduras (2009) Threatened democracy: Romania and Hungary (2012–2013)	1	1	1	1
2	Breakdown: Georgia (2015), Ecuador (2000), Panama (1988)	0	1	1	0
3	Breakdown: <u>Logical remainders</u>	0	0	1	0
4	<u>Logical remainders</u>	1	0	1	0
5	Heuristically not important for the model because of the absence of a transition to or breakdown of democracy	1	0	0	0
6		0	0	0	0
7		0	1	0	0
8		1	1	0	0

Table 10– Table truth of QCA cases of democratic transition

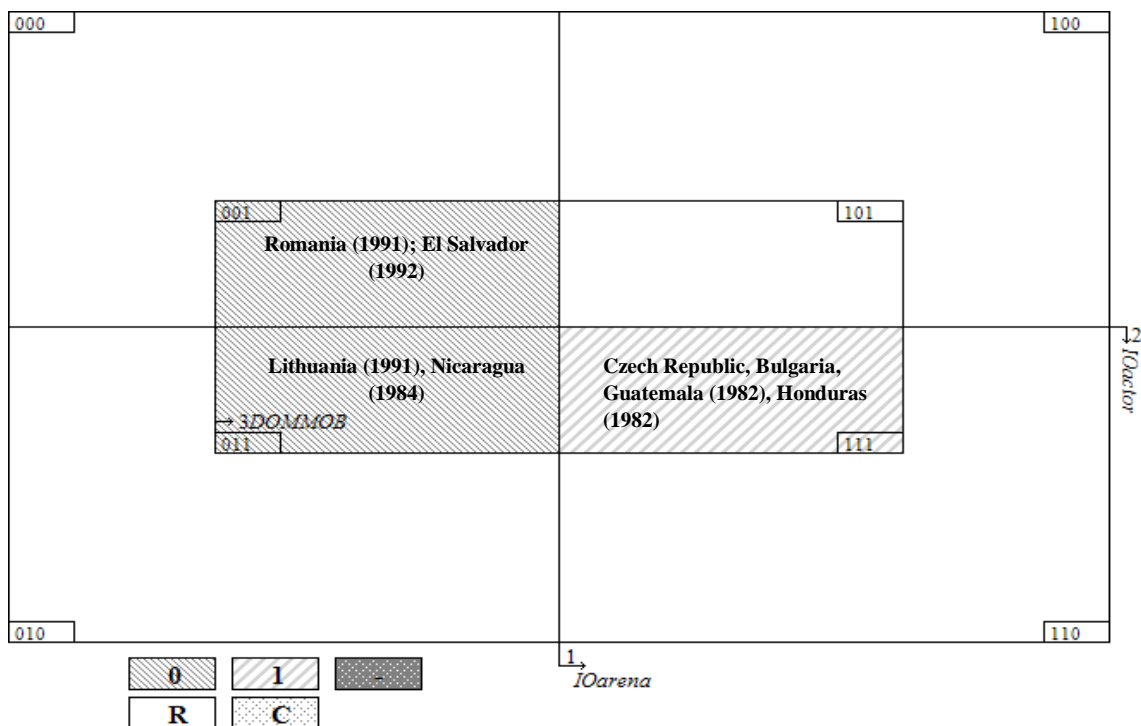
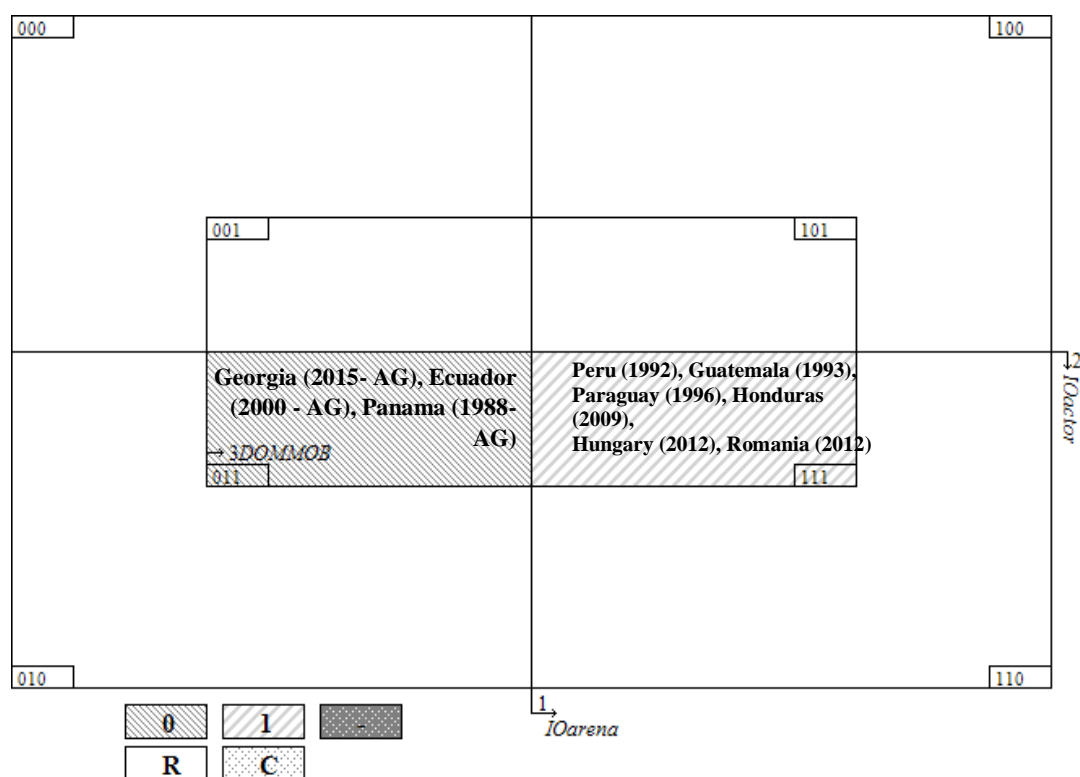


Table 11– QCA Table-truth for cases of self-*coup* and legislative *coup*

Once the truth table is complete, the final stage of the QCA involves reaching a parsimonious answer for the combination setting. To achieve this, the QCA uses the Quine–McCluskey algorithm⁴² as a simplification of Boolean expressions to produce the *logical minimization* in matters of sufficiency analysis (Schneider and Wageman, 2012). As discussed by Schneider and Wageman, this process is:

(...) guided by following the first principle of logical minimization: if two truth table rows, which are both linked to the outcome, differ in only one condition—with that condition being present in one row and absent in the other—then this condition can be considered logically redundant and irrelevant for producing the outcome in the presence of the remaining conditions involved in these rows. The logically redundant condition can be omitted, and the two rows can be merged into a simpler sufficient conjunction of conditions. (Schneider and Wageman, 2012)

⁴²Appendix

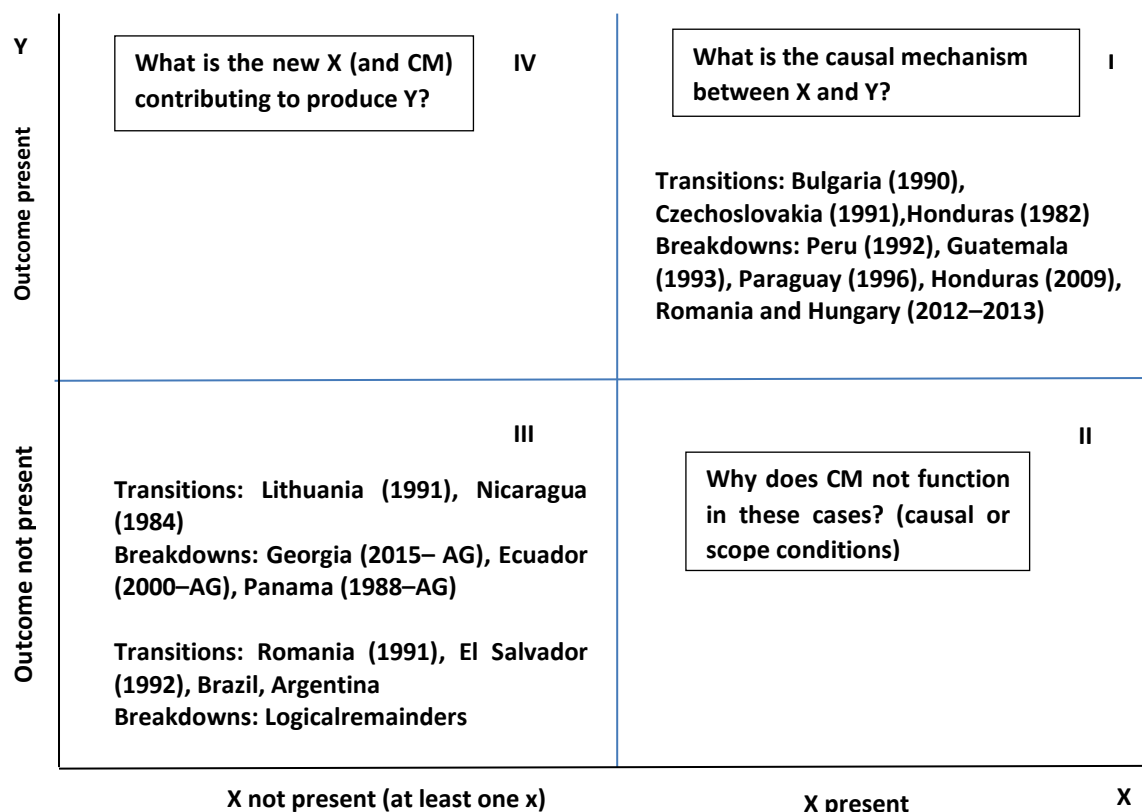
Applying Tosmana Software, specifically for Small-N Analysis of QCA, the logical minimization between theoretical conditions and cross-case selections is:

**Domestic mobilization (1) + IO arena convergence (1) + IO actor coordination (1) =
participation of IOs in democratic protection policies (Y)**

As discussed by Beach and Rohlfing (2015), the QCA method was constructed to establish a “big picture” of conditions and outcomes. This means that the “correlation is not causation” claim also extends to the QCA because a set of relations does not reflect causation relations.

According to the authors, if the main objective is to establish causal relations, the QCA and Causal Process Tracing (CPT) need to act in coadunation. Causal Process Tracing would gather the result pieces of the cross-case analysis in a within-case endeavor. In this sense, the best cases for this endeavor lie in typical cases that are defined as members of the solution and outcomes related to the sufficiency test. Figure 7 establishes this perspective (BEACH and Rohlfing,2015).

Figure 7– Presence and absence of outcome with cases



Source: Based on Beach and Rohlfing, 2015

The next section discusses the application of CPT in the next stage of the research. Focusing on the typical cases, it introduces the main features of CPT, i.e., the mechanism-centered explanation of an outcome. The objective is to demonstrate the theoretical model mechanisms that produce the intended outcome of this thesis: the participation of IOs in the protection of democracy policies.

2.5. Causal process tracing

Assuming the typical cases that resulted from the cross-case approach, this thesis has chosen the within-case approach to understand them (Goertz and Mahoney, 2012). Unlike the QCA method, Causal Process Tracing (CPT) is concerned with the causal chain between causes and outcomes (Beach and Perdensen, 2016; Beach and Rohlfing, 2015). CPT focuses on causally homogeneous populations and examines

small-N cases with sufficient depth to produce a confident positive inference about the intended outcome (Beach and Rohlfing, 2015).

The main aspect of the CPT method relates to the relationship between causal mechanisms, entities, and intended outcomes. Causal mechanisms are “a complex system, which produces an outcome by the interaction of a number of parts” (Beach and Pedersen, 2016:1). This means that the mechanisms are not the cause or outcome but, rather, the factors connecting them. A mechanism-centered approach focuses on desegregating processes, searching for causal forces transmitted through organized parts, to link the cause to the outcome (Beach and Rohlfing, 2015).

Beach and Pedersen (2016) discussed the question of whether causal conditions and mechanisms can be observed directly or if analytical constructions are non-existent in real life. This thesis shares their perspective, which states that there are some types of mechanism that can offer empirical observable evidence and others that cannot. In general, non-observable mechanisms are difficult to measure because they are confidential data or even subjective aspects that demonstrate only proxies (indicators) of observable implications, or simply fingerprints of evidence. On the other hand, entities are those that engage in whichever activities as factors/parts (actors, organization, structures) and where activities happen to transmit causal forces through mechanisms: thus, the observable aspects of causal relations. These entities vary according to the causal explanations discussed, which also means that this relation can result in different relationships between proximate and remote factors for the intended causal relation.

For Schneider and Wageman (2006), remote factors are relatively stable over time, or simply, they are context factors or structural factors. In general, remote factors fall outside the reach of actors and are legacies of time, which means that they are exogenous conditions given to actors. In accordance with Peters (2003), they are exemplified by meso-level conditions such as institutions, processes, and structural aspects forged during past years. Proximate factors are, on the other hand, products of human agency or micro-level conditions, which are, generally, temporarily and spatially closer to the outcome.

Peters (2013) claimed that cross-level inference is a crucial aspect of comparative politics, especially because a certain intended outcome cannot be

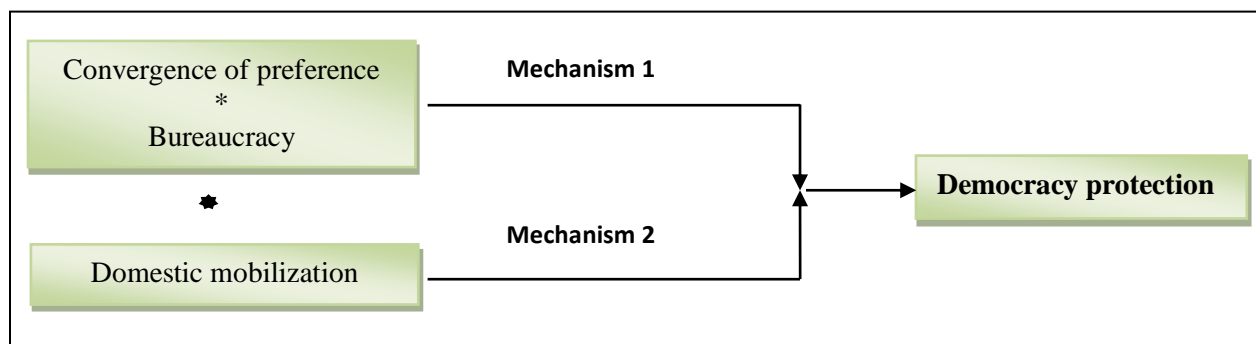
completely interpreted by choosing micro-levels or meso-levels only. According to him, the most important are:

to build, by patiently linking one unit to another, the total chain of interrelationships which link individuals to other individuals, individual to primary group, primary group to secondary group, secondary group to secondary group, secondary group to organization, organization to organization, and so on. (*op. cit.*, 2013: 48)

This thesis uses all these assumptions to establish a sufficient claim for the participation of IOs in democracy protection policies. As discussed before in the QCA results, this sufficiency claim lies in the combination of three causal conditions, which are: i) domestic mobilization; ii) bureaucracy coordination action; and iii) convergence of preference in decision-making arena.

Following Beach and Pedersen's (2016) model, the sufficient mechanism claim of this thesis would be two-way conjunction of mechanisms, as shown in Figure 8.

Figure 8– Thesis two-way mechanisms



Source: Based on Beach and Pedersen model, 2016.

According to the explanation of the model, two mechanisms appear as conducting forces for the intended outcome. Mechanism 1 is a combination of two parts, one resulting from bureaucratic cohesion and the other from member states' voting convergence. These two parts result in one mechanism, whose causal forces are produced by the coordinated policy of the IOs.

Reykers and Beach (2017) applied process-tracing tools in principal-agent modeling analysis. From their perspective, the combination of these approaches

produces three analytical benefits. First, the unpacking of mechanisms clarifies the logical scrutiny of the PA theory, which implies the possibility of developing better theories in terms of delegation and discretion relative to agency costs and the principal's intentions. Second, CPT promotes a rigorous empirical analysis connecting principals and agents, investigating what actors actually do in the process and strengthening the causal claims between X and Y in the modeling test. Finally, CPT helps to understand the context involving the PA situation being researched. In their argument, some types of cases can demonstrate particular control mechanisms, the idiosyncrasy of a certain mechanism, as well as possible outcomes in terms of efficiency in these circumstances.

As discussed before, the application of the process-tracing method in PA models relates to the construction of mid-level theories that can be easily translated into empirical observations. Second, assuming a rational choice perspective, the actions are applied in a sequential logic toward an intended outcome, enhancing the focus in a sequential causal chain and the stages of delegation/discretion between principal and agent (Reykers and Beach, 2017).

Mechanism 2 is originally inside the state and is a result of the political behavior of elites whose causal force results in decreased costs of acting IO policy in the political context. This thesis argues that these two combined mechanisms offer a sufficient determinant for the intended outcome, forged by three sufficient conditions.

As codified by Beach and Pedersen (2013), the thesis model can be summarized in the following formula, where there are the explanatory mechanisms in sequence toward Y:

$X \rightarrow [(domestic\ mobilization\ (n_1) \rightarrow) * (bureaucratic\ cohesion\ (n_2) * memberstates\ convergence\ (n_3 \rightarrow))] Y$ (Participation of IGOs in democracy protection)

Table 12– Thesis model argument roadmap.

Causal condition 1: Pro-democratization elite behavior decreases the cost of Action by IGOs

1. Elite behavior

Evidence: a) Pro-democratic political positions during the transition process – defense of democratic institutions, minority rights, free press, and free speech
 b) Political speech, in the national territory or international sphere, during transition processes

Source: Newspapers, specialized literature, official documents

Mechanism = cost of participation of the IGO (non-observable)

Causal condition 2: Bureaucratic cohesion

2. Policy toward democracy protection by specialized agency or secretariat

Evidence: a) Position of Secretary-General or Head of Organization
 b) Position of international bureaucracy toward pro-democratic national behavior of actors
 c) Cohesion in policy reports toward democratization procedures

Source: Official documents, newspapers, policy papers, and annual reports

Mechanism = Part of IGO institutional procedure = observational

Causal condition 3: member state convergence

Evidence: a) voting result

b) Political mobilization in the decision-making arena toward democracy protection

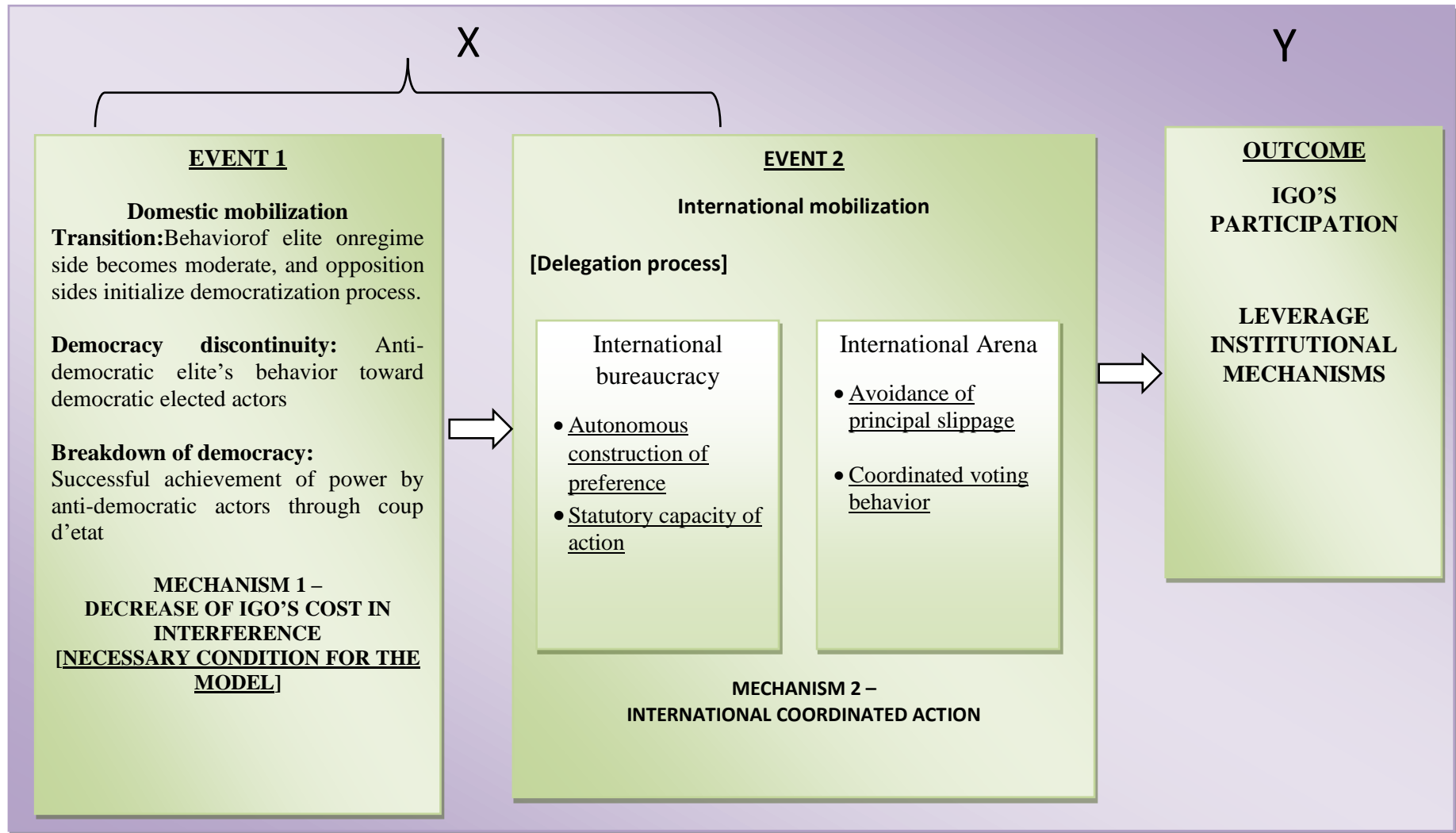
Source: Official documents, official statements

Mechanism = Part of IGO institutional procedure = observational

These three conditions provide two mechanisms, whose effects produce the intended outcome.

Source: Information compiled by the author

Figure 9 - Mechanism-based analysis in processtracing



SOURCE: Author's own elaboration

2.6. Contributions of the analytical model

The analytical explanatory model of this thesis aims to contribute to the state-of-the-art literature in democratization studies and international relations from a theoretical, conceptual, and methodological viewpoint. First, this thesis proposes, in the analysis of domestic contexts, the development of a rational-choice model capturing the main political positions of domestic elites, and making the mechanism of political costs involved in the political context as mechanisms of explanation. It results in some analytical contributions. It explains that, depending on a certain domestic context, incentives are produced for international participation in democratization or the discontinuity of democracy. Even assuming a greater amount of participation, it also explains how an international democratic power can influence the interaction between pro-authoritarian and pro-democratic forces inside the state. Second, in terms of empirical analysis, the model also organizes and analyzes the main political forces in the state; observes their political positions, their material capacity, and their symbolic capacity; and it develops a historical reconstruction of the political dynamics that led to the participation of intergovernmental organizations (IGOs) in the process.

In the analysis of international contexts, this thesis intensively focuses on IGOs. In matters of this subject of analysis, this proposed framework aims to contribute to international relations literature in a few aspects. In terms of institutional analysis, the model posits a substantive analytical division of IGOs, analyzing them both as bureaucracies and as decision-making arenas. It assumes that the process of democratic policy implementation requires the observation of different behaviors of the actors and incentives, inserted in a rule-oriented procedure of the IGO structure the outcome of the interaction of these different stages of decision-making procedures. It means that, without differentiation and substantive analysis of each institutional party, an assessment of the participation of the IGOs in democracy protection policies is incomplete.

As a result of this analytical division, this thesis helps to observe the bureaucracy mobilization around cases of democracy protection policies, which historically traces back the process of the agency's political positioning over this agenda. This institutional analysis focuses on the interaction between bureaucratic

agents and multilateral institutional decisions over democracy protection, resulting in an in-depth discussion between bureaucracy preference and institutional incentives and obstacles. For example, not only does it capture the construction of policies, it also determines which scenario is plausible to allow for IGO participation. Regarding the international relations literature, the framework of analysis follows an academic exhortation toward a more rigorous analysis of IGOs, their nuances, and their role in world politics.

Secondly, in terms of properly observing the member states of IGOs at the voting arena, this framework detects the politicization of the process, it points out the standards of convergence and divergence among states toward democracy protection policies. In this sense, the model proposes a qualitative analysis of the mobilization of the member-states, voting positions, and the process of convergence in the main arena of decision-making by IGOs.

However, apart from well-established transition and breakdown of democracy theories and in-depth discussions about state voting standards (Schimmelfenning, 2007) and bureaucracy analysis (Barnett and Finnemore, 1999), the main contribution of this thesis lies in a mechanistic analysis of the connection between international and domestic contexts in cases of IGOs, enriching the discussion about the international dimension in democratization analysis. Pridham and Vanhanen (1994), Whitehead (2002), and Kohler-Koch (1989) observed the absence in the literature of the identification, verification, and connection of relevant mechanisms in democratization matters, resulting in an under-theorized scientific status, summarized in explanations related to diffusion—vague functionalist approaches with a strong structural explanation and a lack of empirical veracity in explanatory mechanisms.

In response to recent criticisms by scholars (Pevehouse, 2005), the framework of analysis identifies, logically and in practical terms, the causal conditions originating from domestic and international arenas as explanatory forces for the proposed intended outcome—on the one hand, by projecting a consistent and logical model in terms of the rational cost of action resulting from a combination of forces in the domestic sphere, and on the other hand, by a verifiable political and procedural mobilization by international forces. The empirical observation of these explanatory forces formalizes the analysis of a domestic–international nexus through the hypothetical-deductive model and a qualitative test endeavor.

In terms of empirical analysis, this thesis contributes to a comparative endeavor and the mixing of qualitative tools to understand the intended outcome. First, the mainstream analyses of comparative politics related to the determinants of democratic transition or breakdown have ignored actors outside of the states. Second, recent international relations analyzed in terms of democracy expansion have focused on the analysis of nation-states but not of collective actors, such as IGOs (Thiel, 2010). This thesis thoroughly and solely focuses on IGOs as sources of explanation for democracy expansion. It is also closely joined with an attempt to apply the concept of protection of democracy, articulated by Hawkins (2008) in terms of a verifiable set of causal conditions and their political dynamics.

In addition, following a comparative tradition, the thesis model of explanation analyzes IGOs by mixing cross-case and within-case study approaches. In terms of IGOs, it observes the behavior of the European Union (EU) and the Organization of American States (OAS), and makes a specific comparison in terms of their democracy protection policies for evolution as well as their participation in transitions and breakdowns of democracy, despite a comparable skepticism about them (Hawkins, 2010).

This comparison also expands to cover domestic study cases over transitions and breakdowns of democracy. The thesis contributes to a possible comparison of EU and OAS actions in cases of transitions of democracy, assuming an elitist analysis as a compatible comparative approach for the third and fourth wave of democratization cases. Similarly, based on the concept of democracy discontinuity, the thesis analyzes the actions of the EU and the OAS in cases of threats to democracy including traditional coups d'état, detecting the participation of IGOs in different political actions, noting their timing and costs.

Lastly, this thesis applies the combination of two qualitative methods to achieve a mapping of cases related to the causal conditions. Afterward, the analysis of these causal conditions' explanatory mechanisms moves us toward the intended outcome. Schneider and Rohlfing's proposal (2013) is applied entirely, and the qualitative tools of the qualitative comparative analysis (QCA) and causal process-tracing (CPT) are used intensively. The use of set-theoretic methods and multi-method research is new in political science and international relations studies. This thesis especially aims to contribute to this literature in establishing a relational

causation in terms of sufficiency in a mechanistic approach over selected typical cases.

2.7. Limitation of the analytical model

Any analytical model represents a reduction in reality, and selects certain assumptions and primary causal conditions to pursue its intended outcome. Nevertheless, this theoretical and normative selection produces analytical limitations of reality and is not immune to criticism. The proposed analytical model shows some limitations in terms of actors, policy analysis, and the directional forces that may enhance the explanatory framework for the participation of IGOs.

In terms of political actors, the core assumption shares a traditional approach toward democratization analysis following schools of thought from the 1970s and 1980's. It means that the focus remains on elite behavior, and treats it as the main explanatory aspect for democratic change within states, as it especially addresses the role of actors in the main political arenas of conflict and decision-making. Consequently, this analytical decision does not privilege other forces in the transitions and breakdowns of democracy, such as the role of the masses, social and mainstream media, groups outside the main spheres of negotiation, and other forms of structural interference, as principle aspects of the causality chain.

Pridham and Vanhanen (1994), Perez-Linan (2007), and Bunce et al., (2010) drew attention to the controversy about popular mobilization in the democratization process. On the contrary, this thesis modeling does not contemplate popular mobilization as causal factors in transitions to democracy. Separating popular mobilization from the main causes of the participation of the IGOs in democracy protection episodes may deliver an incomplete analysis of the phenomenon.

The role of information diffusion by conventional media or digital media players are also a borderline in the analytical approach. Bebawi and Bossio (2014) drew attention to the role, in transitional periods, of social media revolution as a form of a coordinated forum for political mobilization, especially the interaction between mainstream media and social media during political crises.

Finally, the role of nongovernmental organizations (NGOs) and transitional groups outside the main government decision-making arena is also not covered. For this

reason, the strategy of the “boomerang pattern” developed by Keck and Sikkink (1999), which represents a “transnational advocacy networking in which domestic NGOs (DNGOs), when blocked from accessing their home governments, can ‘boomerang’ around the blockage via networks with other NGOs located in more accessible countries” (Bloodgood and Cloud, 2017:320) is not analyzed.

Another limitation lies in the directional causal force of the explanation provided. As discussed previously, the focus of explanatory forces comes mainly from a top-down perspective. It means that all conditional causes depart from IGO institutions in the domestic context, as they do not analyze the causal conditions that emanate from domestic spheres toward IGOs. The model works with the assumption that political forces have reached the IGOs, but does not theorize about it thoroughly. Any theorization or formalization of causal conditions about international agencies, member-states, and NGOs/transnational groups demanding mobilization from IGOs are not part of the main analytical scope of this work.

In relation to the intended outcome, the model analysis presents a few limitations to explain some features of the participation of the IGOs in two aspects: in terms of the variation of policies, and in terms of the efficacy of these policies. First, the conceptual threshold for the participation of the IGOs divides them into strong and weak pressures, and for each kind of pressure, there is a set of actions related to some of its characteristics. By privileging strong pressures, our model does not discriminate between the causal conditions for variance among policies. It states the causal conditions for strong pressures to take place, but not the causal conditions that lead to financial pressures, political pressures, shaming, economic and political incentives, as well as other forms of strong pressure. These specific-issue analyses would require a denser case-study approach, and would lead to a non-middle-range theoretical endeavor.

The same is true regarding the efficacy of these strong pressures from the participation of the IGOs’ terms for their democracy protection policies. The analytical model does not provide efficacy quantitative tests, nor observable standards to analyze either the level of democratic advances in target countries or the statistical weight of each causal condition toward the intended outcome. Other methodological tools and quantitative approaches would be required to capture the efficacy of policies and analyze them. In terms of the object of study, the model also respects a

circumscribed context and type of international organization (IO) with regional bases. The model requires some adaptations in terms of principal-agent dynamics in cases of global IOs and the respective relationship among causal conditions, intervenient variables, and intended outcomes. In terms of regional IOs (RIOs), it also requires an in-depth analysis of how other RIOs construct their democracy protection regimes, and which dynamics relate to the causal conditions proposed. In this sense, the model still privileges RIOs that have a higher level of democratic protection institutionalization and had cases that took place during their historical trajectories.

2.8. Transitional conclusions

Chapter 1 introduced the main discussion of the present thesis. It assumes the main concepts of democratization studies, and calls attention to the absence of an analytical framework that captures the participation of international actors in the democratization process, mainly because earlier studies privileged domestic conditions as the main explanation for democratization. Thus, it selects the extreme moments of democratization process (transitions and breakdowns/discontinuity of democracy), this thesis's main analytical framework mobilizes domestic and international conditions to explain the substantive participation of IGOs in this kind of situation.

The mobilization of domestic and international conditions requires decisions in terms of concepts and approaches. Firstly, as discussed previously, regarding the interaction between these two spheres. This thesis argues that in cases of transition and breakdowns/discontinuity of democracy, the approach would not relate to multilevel governance matters. Piattoni's (2010) conclusions that the empirical requirement for multilevel policies would allow the simultaneous participation of different levels, different actors, and non-hierarchical networks is a situation not found in the democratization moments studied in this thesis.

Secondly, for matters of precision of the intended outcome, the analytical model requires an explanation of what the concept of substantive participation of the IGOs would be like. As it is associated with the transition to democracy, political leverage policies would represent a strategic action by the external actor to endorse or punish key domestic actors toward the implementation of institutional democratic frameworks. Empirically, it would result in tangible and intangible incentives and

punishments, strong mobilization of assets, and certain political imposition. In terms of Thiel (2010), substantive action relates to direct and strong pressures over national states.

Certainly, this analytical framework does not deny the role of domestic conditions (especially, political elites) but admits as well the specific features of IGOs in the democratization process. In this sense, Chapter 1 introduced the main political mechanisms of IGOs according to democratization stages, and discussed some important factors that might lead IGOs to participate in transitions and breakdowns of democracy. To do that, the analytical framework highlights the interaction between the behavior of the political elite at the domestic sphere and international actors inside the IO mainly divided by the member-state and the international bureaucracy. The specific combination between these two political spheres leads to the intended outcome of this thesis: the participation of IGOs in moments of transition and breakdowns/discontinuity of democracy. Thus, Chapter 2 endeavored to mobilize the main concepts of democratization and its theoretical approaches in combination with international literature about IOs to present a parsimonious analytical framework that has led to this thesis.

In this sense, the empirical mobilization would focus on IGOs with an institutional evolution over democracy protection policies and their initiatives in matters of transitions and breakdowns of democracy. Regarding this historical approach, the EU (including the European Economic Community) and the OAS would appear as typical IGOs with regard to these policies.

Chapter 2 assumes the concepts and analytical modeling decisions, and presents the qualitative method approach, which conducts the empirical procedure for the analytical model, thus mobilizing the methodological debate that embeds the analytical framework. In this direction, it discusses and justifies the combination QCA–CPT approach in their terms and applications for the empirical cases selected for this thesis's analytical model.

The decision for QCA and CPT combination included all the assumptions provided by the use of the set-theoretical approach (STA). The literature generally assumes that STA presents three characteristics. The first is configurational thinking based on multiple conjuncture causation, which means that the explanation (social outcome) of a phenomenon is usually the result of a combination of conditions. The

second is that these combinations do not exclude other conditional combinations, but it allows the equifinality possibility. They assume that other conditions can produce the same social outcome; they depend on their disposed position and their contextual influences. Third, STA searches for collective sufficient conditions for a social outcome.

This thesis assumes all these method assumptions. First, the analytical model combines three conditions (both internationally and domestically ones) to explain a social outcome. Second, as a medium-range theory, the model does not exclude other conditional combinations toward the same social outcome, and indicates how they interact with contextual influences. Last, this thesis's analytical model searches for sufficient collective conditions, as argued before; the main argument is that the three conditions must be presented together for the outcome to appear.

Methodologically, the thesis uses QCA to construct a cross-case analysis. It selects from the Polity VI Project database during political transitions of important regimes from 1946 to 2013 both in Latin America and in Eastern Europe as two regions of analysis. This research finds 24 states whose historical background matched these extreme junctures of the democratization process. By this selection of cases, the QCA procedure finds typical cases relating to their condition appearances.

In terms of comparison, the analytical model concerns two aspects. First, the model looks for the compatibility of comparisons in the context of transition and breakdowns of democracy. The point of convergence between Latin American cases and Eastern Europe ones relies on the preferences of the elites for reformist/moderate behavior, and not for their institutional or political-economic conditions. The same is discussed toward democratic discontinuity, focusing on the process of democratic degradation and the participation of the IGO.

The second comparative concern relates to the comparison among IGOs. In this matter, the point of convergence is related to the evolution of their democracy protection regimes and the interaction between the decision-making arena and international bureaucracy. The EU or the OAS shared institutional levels having the same features—the former as a final decisional stage, and the other as a properly specialized bureaucracy for democracy protection matters—highly technical bureaucracies endowed with administrative cohesion to produce coherent democratic

protection policies and a similar history of the institutionalization of their international democratic protection regimes.

As these cases were selected and they were assumed as typical, the thesis follows the CPT approach, which focuses on causal relationships. Initially, CPT analyzes how activities that were theoretically conceived by actors or institutions produce mechanisms of explanation, and then verifies whether they are actually present in a relationship between causes and outcomes.

In this sense, the analytical model contributes to

- a) The development of a rational-choice model capturing the main political positions of domestic elites and making the mechanism of political costs involved in the political context as mechanisms of explanation;
- b) the organization and analysis of the main political forces inside the state, observing their political positions, material and symbolic capacity, and the development of a historical reconstruction of the political dynamics that led to the participation of IGOs in the process; and
- c) the production of an analytical division of IGOs, analyzing them either as bureaucracies or as decision-making arenas. It assumes that the process of democratic policy implementation requires, first, the observation of behaviors of different actors and incentives that are inserted in a rule-oriented procedure of the IGO structure, and second, the analysis of the outcome deriving from the interaction of these different stages of decision-making procedures.

CHAPTER 3: DOMESTIC CONDITIONS: ELITE BEHAVIOR IN THE TRANSITION, DISCONTINUITY, AND BREAKDOWN OF DEMOCRACY

As discussed in Chapter 1, the main explanatory model of the present thesis partly relies on the behavior of the domestic elite during transitions and democratic discontinuity contexts. The model claims that in cases of democratic transition,

IGOs have more incentives to participate in democracy protection when authoritarian regimes opt for reformist behavior, and the opposition (the democratizing forces) presses for democratization or reformist behavior. This combination of the elites' behavior produces a political scenario resulting in low cost of action for IGOs; in every scenario different from that, the cost of action for IGOs will likely increase.

This hypothetical implication is that *transitions from below*, a context in which more powerful democratizing forces at the societal level conducts the transitional process, implying a lower cost of action for IGOs due to the convergence of preferences and actions between these domestic actors and the organization. This low-cost convergence resulted in a quick process of cooperation/coordination pacts between IGOs and transitional states, in terms of time, long-term achievements, and the substance of the agreement, especially over democratization procedures.

Conversely, *transitions from above*, a context in which part of the former authoritarian regime leads the democratization process in the absence of strong participation from plural democratizing forces at the societal level, results in continuous mistrusting behavior by the IGOs in terms of elites' behavior toward democratization.

It means that, while in both circumstances the IGOs participated in the process of transition to democracy, the mistrust in top-down transitions resulted in a different approach by the IGO. From the very first moment, reluctant behavior in terms of the outcome—the agreement—represented twists and turns in the negotiation process. Thus, it increased the cost for transitional states and created high costs of accommodation for IGOs. Otherwise, instead of reluctant behavior, the IGOs demonstrated an energetic mobilization in matters of institutional mechanisms and political negotiations, so there were increasing costs of mobilization to keep the political context moving toward a complete democratic transition. Therefore, both

hesitant and forceful behavior in top-down transitions represented a sub-optimal outcome in terms of costs, in comparison with bottom-up convergence transitions.

During democracy discontinuity or breakdown, the thesis model claims that IGOs will participate in different moments of political conflict in accordance with their international democracy protection regimes. The international regime decisively influences the pattern of action of the IGO before or after a successful coup d'état takes place. This chapter demonstrates that,

*In cases of **preventive** democracy protection regimes, once some threatening behavior on the part of the domestic elites was detected toward democracy stability, the IGOs started a stronger mobilization, as long as the authoritarian mobilization undermined democratic values and institutions. In cases of **curative** democracy protection regimes, the cases demonstrated that IGOs acted after the confirmation of a successful coup d'état.*

Accordingly, from observing the historical narrative, the EU and OAS mobilized their institutional *apparatuses* in the face of authoritarian behavior by domestic elites—but at different times: the EU before democracy strangulation, and the OAS after a successful *coup d'état*.

This chapter mobilizes historical narratives to contemplate these two causal conditions in different contexts, focusing on the domestic analysis of elite behavior. Thus, it examines two objectives. First, mobilizing an elite-base model of analysis, it discusses the main comparable aspects of third and fourth waves of democratization (in Latin America and Eastern Europe, respectively). Second, it looks at their respective idiosyncrasies. This serves as an antechamber for the main part of this chapter, in which we aim, by the empirical elements of transition and democracy discontinuity/breakdown, to relate how the main entities get involved in the process, and to discuss their characteristics and their specific behavior in effective democratic protection provided by IGOs.

Thus, the historical narratives are part of the process-tracing method in order to mobilize the description of the main political actors implicated in the action, as well as their respective behavior toward democratic transition or backsliding. Based on the observable implications, it confirms the causal mechanism claims of the model in

the sense that pro-democratic or pro-authoritarian attempts enhance or diminish the cost of action by IGOs; it privileges and confirms a specific elite-driven analysis.

This chapter reaches some outcomes from the selection of cases resulted from a former QCA truth table and Boolean analysis. Indeed, in transition scenarios, Czechoslovakia featured a *transition from below* mode with strong participation of democratizing forces, quite different from Bulgaria and Haiti, who have had a *transition from the above* process. In those two countries, the mobilization of IGOs resulted in continuous mistrust about democratic behavior on the part of the elites and therefore increased the cost of action for a democratic transition.

In cases of a democracy discontinuity process, Hungary and Romania represented cases typical of a *preventive democracy protection regime*. In the EU, when elite behavior implied threats to liberal democracy, these two countries acted to safeguard a multilateral concept of democracy, that is, before the precipitation of a successful coup d'état. In a completely different approach that is consistent with a typical case of a *curative democracy protection regime*, both in cases of self-coup d'état (such as Peru and Guatemala) or legislative coup d'état (in Paraguay and Honduras), the OAS responded to the dangers after the coup. This chapter presents the following cases by their level of complexity, that is, from lower to higher costs of action for IGOs participation, given the elites' behavior. Thus, the cases appear in the following order: for the *transition* category, Czechoslovakia and Bulgaria feature in Eastern Europe, and Haiti in Latin America; for the *democracy discontinuity and breakdown* category, Romania and Hungary account for Europe, and Guatemala, Paraguay, Honduras, Peru for Latin America.

3.1. Waves of transition to democracy in Central America and Eastern Europe: Lessons from democratization studies

Mainwaring and Pérez-Linan (2005) assumed "wave" as a "continuous time spell during which there is a sustained decline in the number of authoritarian regimes" (Op. cit., 2005:75). Nevertheless, the literature does not agree on how many waves the world has already experienced. This thesis follows Huntington (1991) and McFaul (2002) in their stance that Latin America experienced its third wave of democratization in the post-1978 period, and the former Communist states in Europe experienced its fourth wave of democratization after 1989.

In terms of convergence, the third and fourth waves of democratization summarize several important features:

- i) Both transitions characterized great **uncertainty** in terms of processes and results. Indeed, this uncertainty grants the political process a sense of urgency, and any decisions from political actors become crucial for the regime's fate (Welsh, 1994).
- ii) It is plausible that an **elite-centered approach** explains the main decision-making process in the transitional period, though social movements and masses protests also participated in the political contexts (McFaul, 2002)
- iii) Transitions to democracy are outcomes of bargaining processes among elites. In this sense, pact construction is important for the fate of the political regime. O'Donnell and Schmitter in McFaul (2002) argued that pacts resulting from roundtable negotiation would be "interim arrangements between a 'select set of actors' that seek to (1) limit the agenda of policy choice, (2) share proportionately in the distribution of benefits, and (3) restrict the participation of outsiders in decision-making" (Ibid.: 217). In their perspective, any changes in this respect would be critical for democratic transition success.

According to McFaul (2002), for a better analysis of the possibilities of the democratic outcome, scholars should observe two aspects in terms of a pact among elites. First, it is important to observe that the level of differentiation in preferences among political elites interferes on the negotiation table and on the level of the power distribution among them. In his argument, for a successful pact, a certain limitation of agenda and exclusion of irreconcilable preferences (territorial integrity, international alliances, and private property right issues, for example) would help the convergence between authoritarian and democratizing forces. Second, part of the transitional success relates to a proportional sharing in the distribution of benefits from the new political regime in place. Thus, "negotiated transitions are most likely to find when the distribution of power is relatively equal" (McFaul, 2002:218), heterogeneous preferences and balanced leverage of the elite negotiation are in place, it is likely in a

democratic constitution, once "negotiations, compromises and agreements" are central to making democracy" (*Ibid.*).

Although both waves of democratization share important analytical choices (mainly in terms of the role of elites and outcomes from the pact process), Eastern Europe's experience compelled some empirical differentiation in comparison with Latin America's. These differences relate to the structural context of the dismantling of the former USSR, the mobilization of outsiders from the Communism political circle, and the characteristics of Eastern Europe elites.

Conversely, in the structural aspect of the Latin American transition, former Communist countries dealt with political (authoritarian status quo toward democratic institutionalization) and economic transformation (a Communist form of economic management to capitalist market-based relationships) at the same time. The economic transformation has not happened without political mobilization, especially toward privatization policies and the continuous equilibrium between planning and market society. Indeed, the quick transformation from Communism-based economic planning to capitalism has not been seen in world politics since then (Beyme, 2000).

The collapse of socialism also resulted in a strong mass population dissatisfaction, mainly in a context of an inefficient economic system and a top-down concentration of power, both inserted into the Communist federative relationship between the USSR and its satellites. In contrast, in Latin America, the continuous process of mass mobilization not only pressure on the former Communist regimes but also legitimized pro-democratic elite groups to move forward with democratic transition, whether outside the Communist regime or inside it (*Ibid.*).

In this sense, a regular perspective about stages of democratization (such as liberalization, democratization, and consolidation) would not be the same in terms of time length and the political process. These stages in Eastern Europe happened quickly and did not contemplate all the timing requirements recognized by transitional literature (Morlino, 2011). For this matter, certain differentiation between Eastern Europe and Latin American elites requires thorough attention.

Most importantly for this thesis framework, an idiosyncratic aspect of the Eastern Europe transition lies in the formation and characteristics of its elite. In contrast to Latin America, the USSR dominated its communist satellites by organized cadres of professional revolutionaries forged by the Communist party. Those elites

were generally specialized in techniques of social agitation (mobilization), propaganda, and organizational work in connection with Communist centers. The *nomenklatura*, as it was called, referred to political positions appointed by the Communist party and turned itself into modern, professional skillful personnel, with highly educated people involved in public policy formation and implementation (Mach, 2000). Stalin became the Secretary-General of the Central Committee in 1922, in which 15,325 employees were part of this structure distributed among Moscow, regions, districts, and employees in big industrial enterprises (Voslensky, 1984). According to Ciobanu (2010), the power of the *nomenklatura* apparatus was associated with the prevalence in power by the main Soviet political core, and with the ritualistic exercise of power in a strong depoliticized society with a lack of political alternatives.

According to Voslensky (1984), the *nomenklatura* assumed separation between political and administrative work, where each *nomenklatura* list was given a specific area of power. In his argument, as a feudal system, this form of social management focused on power, obedience, and cohesion among the Central Committee and its subordinates. Sociologically, among *nomenklatura* lists, the relationship related to a huge commitment (for example, once named on a *nomenklatura* lists, there was a low chance of loss of status), ambition and goodwill in terms of survival and advancement in the organization.

In a general view, the Soviet elite failed to construct a rational-legal form of legitimacy; it obtained legitimacy from unequal privileges and opportunities among bureaucratic personnel. Yet, Ciobanu (2010) argued that the *nomenklatura* elite enjoyed privileges and access to goods and services differently from other social groups, including some with a Western consumerist lifestyle, a strong tendency for corruption and the misuse of state resources. In this sense, *nomenklatura* elites were capable of monopolizing the process of the redistribution of opportunities; they maintained resources and rewards for a long time through a coherent and strong associative bond with the Communist party. It held on to the monopoly of selecting important assets, which flowed from its capabilities and connections with the Central Committee of the Communist Party (Ogushi, 2008; Mach, 2000).

Indeed, the *nomenklatura* elite was a political class, united by a monolithic and monopolistic perspective that was constantly averse to other independent

organizations, held the capacity to select (segment) personnel by their ideology and maintained connections with well-positioned people in the Communist Party and in the domain of social structures at the societal level. In addition, the embodiment of the Communist party as the center of ideological command and coercion, and as the source of all power through state apparatuses, enhanced the control of the totalitarian machine over social life (Arnason, 1993). Kryshtanovskaya and White (1996) summed it up this way:

The structure of the Soviet elite can be derived from the composition of the membership of the CPSU Central Committee. The following groups were always represented: the national leadership (the Politburo and Secretariat of the CPSU Central Committee, which were in effect the political executive); the leading officials of the Central Committee apparatus (in effect the national administration); the most important regional party first secretaries; the prime minister and other leading members of the government; the most important members of the armed and security services; leading diplomats; and the leaders of youth, trade union and cultural organizations. (Op. cit., 1996:713–714)

Nevertheless, *nomenklatura* experienced variations among satellite countries and during different periods in the Soviet Union. Different redistributive strategies, and patterns of inequality and privilege, were points of division between patrimonial and developed bureaucracies. The cases of East Germany and Czechoslovakia represented a more structured and efficient bureaucracy, in contrast to Bulgaria and Romania. In the Soviet Union and its Communist satellites, these bureaucratic elites were reluctant to incorporate young intelligentsia in adequate jobs, which was not the case in Western countries. The underprivileged young elites and the limitation of cooptation by the former Communist elite helped the possibility of internal questioning and brought about chances for change in an unsatisfied segment of the Communist bureaucracy. In the face of the possibility of a regime being contested, part of the former Communist elite acted preemptively, co-opting young members by offering privileges and positions of power. The Communist elite was often concentrated in the main party leaders with a dogmatic perspective of politics and strong connections with Moscow. Later, this constant inability of rulers to produce proper connections with their immediate supporters (middle-level bureaucrats and low-ranking personnel) accelerated the regime's disintegration, and by consequence, it generated legitimacy crises at the societal level (Ciobanu, 2010).

On the other hand, counter-elites were completely underdeveloped in terms of organization and ideological coherence. In times of Communist power, only the *nomenklatura* and those who were involved in the policymaking and implementation had the right to decide. Suddenly, the process of transition granted genuine rights to millions of people. Surely, it was not easy for new elites to accommodate those new demands and the perspectives stemming from such a change. The new elite appeared and organized themselves “in the heat of the moment,” facing after an authoritarian context a new, pluralistic, ethnic context, as well as distribution problems and institutional-economic construction problems (Ciobanu, 2010; Mach, 2000).

Interestingly, a feature of post-Communism was huge mass mobilization. Bunce (2003) argued that mass mobilization reduced uncertainty about what political direction pro-democratic opposition should follow. By making a clear reading of the sentiments of this mass mobilization, opposition leaders strengthened their negotiation leverage and gained legitimacy in democratic (re)construction after roundtable periods. This context was unusual in Latin American transition, especially in the case of Central America, in which political elites established transitional pacts with a low mobilization of the masses.

In terms of comparisons between elites, the formation of the elites in Latin America was sharply different from the Eastern Europe context. In Latin America, these people were based in rural areas, and were highly impacted by the legacy from colonialism. In contrast, because of the *nomenklatura* structure, the formation of the elite in Latin America was not managed by a monolithic structure in terms of the concentration or distribution of power and privilege. Instead, the elites resulted from an unequal distribution of economic resources or were a legacy of an historical post-colonial period, in which economic elites exerted huge influence over a political context or social groups of European origin who were assumed as the national elite endowed with huge privileges, where they were at the top of the social pyramid (Wyckoff, 1960)

The elite in Latin American was practically composed of big landowners, and was exploited by foreign countries. This is a characteristic derived from the capitalist insertion of those countries (mainly dependent on single commodity exports). In this context as well, the overlapping between economic power and political power

suggests the reason any element of economic backsliding immediately suggests political instability, and vice-versa (Wyckoff, 1960).

Specifically in Central America, these political and economic elites adopted morally conservative and economically liberal positions, and later on, they were joined by the military in government. Although loosely defined, Mahoney (2001) argued that notables and professional people, whose preferences forged republican efforts and the removal of religion from the public sphere, represented the conservative side. Conservatives were privileged merchants and large landowners who fought for the preservation of key colonial institutions, including quasi-monarchical forms of governance. Liberals appeared in opposition to conservative elites advocating for political freedoms, economic individualism, and social anti-corporatism. Still, Mahoney (2001) demonstrated that from an historical background, the relationship between conservatives and liberals followed the tension with authoritarianism, mobilizing not only landowners but also professionals, bureaucrats, and university-educated people.

The real commitment to liberalism or conservatism was a far-reaching perspective, and it changed overtime. In particular, these relationships also responded to the third important group in elite formation in Central America, the military. Wyckoff (1960) detected that a certain variance about the role of the military in politics occurred in Latin America. In most Central American countries, such as the Dominican Republic, Guatemala, Honduras, Nicaragua, and Haiti, the military always played an important role in the political process. In those countries, military forces have some coherence in their military formation (generally the military is one of the best educational sources in their countries), as well as the provision of certain privileges and social prestige. Their participation in political action happens to ensure the status quo (against antimilitary groups), mainly by mobilizing key individuals or groups attracted by the possibility of quickly obtaining power and prestige. Their actions include the use of force, planning plots against democratic or former authoritarian forces and using *juntas*, members of the highly organized military class, to consolidate power, selecting loyal soldiers and attracting social support. In the case of Haiti, Laguerre (1993) argued that the instability of the Haitian political and governmental system is associated with army intervention in crucial moments of

the democratization process. Table 12 discusses these differences and convergences among Eastern Europe and Central America elites.

Table 11. Elites in comparative perspective

Elites comparison	Central America	Eastern Europe
Centralization/ideological Cohesion	Centralized in cases of military governments High cohesion	Centralized by <i>nomenklatura</i> apparatus High cohesion
Pluralism	Other political elites besides the military—economic and social forces but not the military corps	Monolithically based on Communism—economic and social forces concentrated in <i>nomenklatura</i>
Opposition	Weak	Weak
Role of the military	Strong	Weak

Source: Information compiled by the author

Besides the specific features and formation of the elites, another important aspect of transitional context differentiation between Eastern Europe and Latin America lies in **balancing or unbalancing** among elites during regime system changes. McFaul (2002) argued that contrary to expectations in Latin America, stable transitions in Communist countries happened when democratic forces were stronger than the authoritarian status quo (hegemonic democrats). In this sense, democratic transitions in Eastern Europe happened where democratic forces had a decisive advantage. In addition, countries where democratic forces transformed economic institutions rapidly also resulted in a stable democracy after the transitional period.

Moreover, in Eastern Europe, this communist dismantling varied notably. Beyme (1996) summarized some predominant models for system change in 1989 in which the fate of the regimes was associated with elites' behavior. It was plausible to analyze certain outcomes: (1) as a negotiated revolution between the authoritarian power center and the opposition; (2) as the implosion of the communist regime and the new elite taking the power, and (3) as a change in the old cadres, when it was replaced by a pro-democracy batch of actors.

Tables 12, 13, 14 and 15 draw attention to these differences among Eastern Europe countries regime transition, especially in the cases of Czechoslovakia and

Bulgaria. In Tables 14 and 15, reforms from below resulted in a profound change of elites, allowing for outsiders of the *nomenklatura* to rise. Conversely, the Communist transformation from above, precipitated by members of *nomenklatura*, favored democratic ideals. Thus, these different dynamics radically changed the new constitutional process after an authoritarian period whose pressures from below produced more democracy-oriented rules (due to ideological innovation by pro-democratic movements), and control from above required more rounds of negotiation and costly action toward democratic consolidation.

Table 12. -Relation between the fate of the regime and the permanence or withdrawal of the elite

	Elite continuity	Change of elites
The collapse of the old regime	Small changes at the top: Romania, Serbia, Bulgaria (1991), Albania	Internal change: Czechoslovakia
Erosion of the regime	Slovenia	Poland, Hungary

Source: Beyme(1996)

Table 13. Relation between the type of transition and democratic constitutional process

	Pragmatic democratic engineering	Ideological innovation
Control from above (Dominant group imposes ideas of a new constitution)	The opening of the Communist regime (Romania, Bulgaria) Revolution from above	The innovation of socialism (Perestroika under Gorbachev)
Pressure from below (Reform of the old constitutions)	Erosion of Socialism (Poland, Hungary) Munck, Leff: Reform through extrication Reform of the old constitution	Collapse of socialism and take over by the opposition (Czechoslovakia)—new constitution Munck and Leff's terms: Reform through rupture

Source: Beyme(1996)

Table 14. Balance of power and democratic fate

	Dictatorship	Partial democracies	Democracies
The balance of power for challengers		Armenia Bosnia-Herzegovina Georgia	Croatia Czech Republic Estonia Hungary Latvia Lithuania Poland Slovakia Slovenia
Balance of power even or uncertain	Tajikistan	Moldova Russia Ukraine Albania Azerbaijan Macedonia	Bulgaria Mongolia
Balance of power for former regime	Belarus Kazakhstan Kyrgyzstan Turkmenistan Uzbekistan	Yugoslavia/Serbia	Romania

Source: Beyme(1996)

Despite differences among the elites in Eastern Europe and in Latin America, along with their processes of the transitional pact, the thesis model focuses on their political preferences. It means that elite preferences toward democracy or authoritarianism relates to the enhancing or diminishing of costs and concerns of action by IGOs. Focusing solely on the preferences of the main actor produces a gain of comparison, even in different regional contexts. In this sense, this chapter thoroughly focuses on the historical narrative of the role of domestic actors. A careful analysis of the appearance and participation of international actors is found in Chapter 4.

3.2. Case studies: Historical narratives in democratic transition contexts

3.2.1. Czechoslovakia: The transition from below

The case of Czechoslovakia is clearly a process of transition based on a confrontational approach, with no elements of making pacts based on the equal distribution of power. From 1989 onwards, Czechoslovakia and its history of mass mobilization against the status quo⁴³ demonstrated that mass-based actors produced strong oppositional tactics, such as street demonstrations, strikes, and violent

⁴³An historical path of legitimacy crisis in 1956 and 1968 with harsh response from the *nomenklatura* status (McFaul,2002)

clashes with authoritarian forces. On the ancient regime's perception prior to 1989, the experience of non-formal oppositional organization offered an unrealistic and underestimated perspective over the real distribution and organizational power of mass-based groups (McFaul, 2002). Waller (1994) called attention to that point, although the communist party ruled for many years. Poland, Hungary, and Czechoslovakia had developed autonomous political activities on illicit grounds that later bred an embryonic mobilization that would give birth to a large number of the first post- Communist era presidents.

on November 17, 1989, the organizational capacity of oppositional forces grew exponentially when a massive popular mobilization occurred, followed by an open confrontation among revolutionary students and Communist forces (Bunce, 2003). This imbalance between mass-based mobilization and former communist elites was clear when, throughout this confrontational period, street leaders had the leverage of refusing to cooperate in negotiation, and resisted the escalation of force. According to Waller (1994), although the mass-based groups aggregated their political preferences in several forms, a common ground of convergence was constantly called upon to remove Communist leaders from power.

From the end of 1989 on, the so-called "velvet revolution" would trigger one of the quickest regime-changing processes in the post- Communist world. This rapid transformation did not happen without instability in former relations of power in the Communist world. Glenn (1999) argued that incentives toward democratization also relied on a clear structural change beginning in 1980. In that context, the Czechoslovakian Communist status quo found itself isolated with the loss of Moscow's support, as the Soviets fell in neighboring countries and the old regime continuously lost legitimacy, either for bureaucratic or for popular constituencies.

Balik et al. (2008) pointed out that in Czechoslovakia, the Communist status quo was staggering since there was the absence of pressure from Moscow. At the beginning of the 1980's , the Communist party was disorganized and divided into several factions but without a prevalence of any single one. The withdrawal of General Husak, who was replaced by General Milous Jakes, a traditional figure of the party, did not change the status quo. As a consequence, there was disquiet inside the Communist bloc. The lack of political and economic supply brought silent erosion to the Communist side.

Demonstrations occurred in Prague on October 22, 1989, with police repression, resulting from a continuous containment policy called a “normalization procedure” created earlier that year. The apex of a strong mobilization happened on November 17 when military forces strongly intervened in a student demonstration and killed a student. Radios denounced the killing of this student, and more mobilizations occurred, including a strike on November 27. In this context of mass mobilization, transitional pro-democratic elite gained some traction, mainly former bureaucrats outside of *nomenklatura* structure together with former dissenters of the regime, especially Václav Havel (Glenn, 1999).

According to Hardos (1992), during the normalization period in 1969, the pro-democratic Czechoslovakian elite was forged in clandestine environments, although before 1968, some human rights and free press mobilizations had already taken place. In a general overview, these elites could be divided into two main groups—dissidents of Communist regimes, and exiled technocrats, whose main leaders were Václav Havel and Václav Klaus; they were from different worlds and bore distinct perspectives about how to behave as an oppositional force. Havel proceeded as a dissident from the field of the humanities; he used to contest the Communist state power and its mechanisms of control. Klaus, on another hand, was a technocrat, though following an anti-Communist perspective, he focused on the economic part of the Soviet transformation. Hardos (1992) summarized the behavior of these leaders as follows: while Havel was a “politician of morals,” Klaus was “a technician of neoliberal rhetoric.” Slovaks had a lack of common understanding of how politics should be conducted; he generally focused on a nationalist discourse and state formation. Czech politicians embraced a symbolic condemnation of the former communist regime and the defense of a rapid transition to a market-democratic society (Hardos, 1992). During the transitional period, the figure of Václav Havel was in the spotlight, especially after his election as the first president of the democratic period in Czechoslovakia at the end of 1989.

In the evening of November 19, the Civic Forum was created in Prague and the Public Against Violence was established in Slovakia to publicly criticize the actions of the former regime. They reached a compromise on a position against the regime, in which the main leader was Havel, joined by other groups of civil society—students, artists, university movements, and workers’ representatives. In this sense, the Civic

Forum was more a political movement than a political party, though it served as an umbrella for all opposition groups ousted since 1968. Although members of socialist parties participated in the creative meeting of this political movement, they did not associate their respective parties with the movement. Others, such as the representatives of the People's Party, tried to guide the movement along a religious route, but they did not find enough support for this action (McFaul, 2002; Munck, 1997)

The Civic Forum movement had not only a convening power for different members of civil society;⁴⁴ it also denounced the condemnation of the brutality of the police. Since the beginning, it made a call for respecting human rights and restoring the democratic process (McRae, 1997). Once again the economic policy platform was consistent with right-of-center economists, especially in the figure of Klaus, who, after the transition, would be the principal architect of economic reform in Czechoslovakia (McRae, 1997). A rapid escalation of the conflict occurred when industrial sectors and strike committees mobilized against the communist regime. In this context, the movement of the Civic Forum (guided by Havel) gained leverage to push democracy ahead with the control of strike committees and all sorts of information media (computers, VCR players, cameras), financing student movements all over the country. Fifteen days later, various social organizations mobilized into democratic action, including the mass media (newspapers, television, and radio) (Tuma, 2007).

⁴⁴ The Civic Forum's founding proclamation sought to demonstrate the group's ability to represent society by identifying its participants as 11 independent organizations, members of two satellite countries parties, the church, artistic and other associations, some former and present members of the Communist party, and "other democratically inclined citizens" (Gleen, 1999)

Table 15 - Balance of power and democratic fate

DEMOCRATIC FORCES	AUTHORITARIAN STATUS QUO
<ul style="list-style-type: none"> • CIVIC FORUM. The only trade union in Czechoslovakia at the time, the Revolutionary Trade Union Movement, also played a role. • REVOLUTIONARY TRADE UNION MOVEMENT: After the events of November 17, they denounced police brutality and started supporting Civic Forum. • THE ASSOCIATION OF STRIKE COMMITTEES was immediately created and was responsible for organizing the November 27 general strike. After further changes in their internal organization, trade unions became highly supportive of the radical measures of economic reform being implemented. • COUNCIL OF ECONOMIC AND SOCIAL AGREEMENT was established in October 1990 and included the government, the labor unions, and entrepreneur organizations. • No substantive participation of CATHOLIC CHURCH 	<p style="text-align: center;">COMMUNIST PARTY</p> <p style="text-align: center;">Prime Minister Ladislav Adamec</p> <p style="text-align: center;">Miroslav Stepan</p> <p style="text-align: center;">General Karel Urbanek</p> <p style="text-align: center;">Minister of Defense Vaclavik</p> <p style="text-align: center;">Karel Urbánek</p> <p style="text-align: center;">Marian Calfa (the mediator between Adamec and Civic Forum)</p>

Source: Information compiled by the author

As the mobilization became more intense, the weak communist government ignored the possibility of negotiation. On November 21, 1989, the Prime Minister tried to arrange some negotiation with spokespersons from the student and civic circles in Prague, refusing to meet with Václav Havel. The government, however, continued a policy of spreading communist ideals, controlling the media and the distribution of newspapers, as well as sending spies to infiltrate strikes and opposition meetings. One great shock for the communist party happened when the Czechoslovakian Communist Party fell apart on November 24 with the resignation of Miroslav Stepan, who was responsible for the brutal repression against the population in 1988, and the opposition strikes of November 25–27 ended in success (McRae, 1997; Gleen, 1999; Tuma, 2007a; Tuma, 2007b).

In contrast with other experiences in Eastern Europe, the “Velvet Revolution” was considered a “swift, entirely non-violent, joyful and funny” (Ashin Kurtz, 2008:3). As Kurtz summarized, the Civic Forum and Public Against Violence movements used some strategic actions toward the communist regime:

Protest and persuasion

- Mass demonstrations, marches
- Rattling of keys to signal the end of the regime
- Underground presses publishing the writings of Václav Havel and other intellectuals
- Computers and mimeograph machines used to disseminate announcements, proclamations

Critiques of the regime

- Songs of banned and exiled musicians sung at public gatherings, published in flyers and bulletins
- Actors and drama students go to the countryside to speak with people and inform them of actions
- Cardinal Tomasek announces, during a Sunday Mass, that “the Catholic Church stands on the side of the nation”
- Negotiations with government officials
- A public appearance by Alexander Dubček, the legendary leader of the 1968 reforms crushed by the Warsaw Pact invasion
- Skillful use of the media, including the official press, to disseminate their grievances and broadcast demonstrations

Noncooperation

- Strikes and boycotts by students, artists, actors
- A two-hour general strike to demonstrate nationwide dissent that went beyond the more visible students

Nonviolent intervention

- Mass demonstrations occupying Wenceslaus Square, the symbolic center of the nation
- Demonstrators surrounding the parliament building
-

The consolidation of this strategic action during the mobilization of the opposition was based on Havel’s philosophy of non-violent action. Havel, accompanied by other leaders, stimulated a discussion around a pro-democratic system based on an open, dynamic, and respectful attitude toward self-organizing groups, in association with the principle of individual autonomy and in accordance with political liberalism. Havel’s philosophy influenced the actions of the Civic Forum, and its preferences were projected into Czech politics after the 1990’s (Agnew, 2004).

The Communist Party settled an extraordinary meeting on November 24, and many resignations occurred. The election of General Karel Urbánek proved to be the worst scenario for the *nomenklatura* structure, once he had no political identity and put himself at the periphery of events, playing no further substantive role in the

transition. Minister of Defense Vaclavik put the proposal of an escalation of the conflict on the table, through the employment of army, militia, and security forces to diminish the mass mobilization; however, the government did not have the courage to engage in open conflict. In the end, even the army had no control of their own people, and no movement was made (Balik et al., 2008).

McRae (1997) pointed out that, on November 24, the real change began inside the Communist Party, putting the process of rapid decay into play. The majority of political bureaucrats and *nomenklatura* resigned; in particular, General Secretary Jakes, leaving the Communist Party with no leverage or Gorbachev protégé. Even Karel Urbánek, a very conservative member of the party, could not deny the possibility of non-communists being part of the government.

The immobilization of the Communist Party transformed the Premier Ladislav Adamec into the main representative of the authoritarian status quo. Adamec attempted to dialogue with the Civic Forum, a situation that was not accepted at the beginning of the mass movement. This opening up of the Communist Party started the roundtable process toward a democratic transition. Interestingly enough, the Civic Forum denied being the leader of the process of democratic transition, especially because of the weak organizational aspect of opposition forces. However, in the absence of better organization, CF found itself as the main oppositional negotiator (Balik et al., 2008).

Although the former communists demanded the end of protests, the Civic Forum insisted on not suppressing the mass mobilization toward regime change. In the roundtable negotiations, the Civic Forum proposed free elections, a market economy, legal reform, and social policy programs, and it garnered a huge amount of mass support throughout the country (Mcrae, 1997). At the time, the government had just surrendered, and Adamec had become a partner of CF. From that moment on, the coordination of preferences for the transference of power was established. On the one hand, the Civic Forum was reluctant to assume government (the initial prospect was just to withdraw the authoritarian status quo); on the other, the Communist Party was attempting to retain privileges and certain rights (Balik et al., 2008).

The first meeting between Havel and Adamec resulted in no discussion, because there was no meeting. In the second round of negotiations, Havel brought a

Civic Forum delegation that resulted in a proposal of a new coalition government. This government would include non-communist parties, remove the doctrine of Marxism-Leninism from the school curriculum, and release all political prisoners. The checkmate moves by Civic Forum ended up threatening to oust Adamec from power if his promise was not accomplished (Mcrae, 1997).

The transitional process began with the 15+5 government proposed by Adamec, in which 15 communists would dialogue in the government with non-communists. The population denied this proposal, and the Civic Forum was forced to reject the proposition; nevertheless, it retained Adamec as an acceptable figure for the post of premier. The main episode for the Civic Forum occurred on December 5, when they discarded the 15+5 idea and conceived a candidate of their own. The names submitted for the position were those of Havel and Klaus, to control the executive branch and start the economic and political transition. On December 9, 1989, a national understanding was reached to allow free elections (Balik et al., 2008). Before that, the *nomenklatura* had not received the news well, especially when Urbánek asked for an active role in the political situation: Adamec suffered from an incapacity to compose a cabinet with former *nomenklatura* partners and Civic Forum members. The threatening of a general strike by the CF moved Adamec to accelerating things in Parliament. Adamec's speech on national TV demonstrated the weakness of the Communist Party in the face of the CF's pressure.

Adamec pleaded that he was "in favor of holding democratic elections, as soon as possible. But I cannot agree with talks under time pressure, under threats of strikes and demonstrations." Adamec presented his new government (the sequel) to the ruling national front coalition the next day, on Thursday, and then resigned. (MCRAE, 1997: 159)

The new government had already removed communist individuals, and, after December, the Civic Forum (Balik et al., 2008) took over the Vice-Premiership, the Ministry of Foreign Affairs, and the Ministry of Labor and Social Affairs. Still, in December, the Ministry of Interior would dialogue with the premier and vice-president. The Sacher's draft, Havel's favorite option, was a great victory for the Civic Forum. On December 8, the roundtable was settled with CF, the Czech Republic, Public Against Violence (VPN), the Communist Party of Czechoslovakia (CPCz), the Czechoslovak People's Party (ČSL), the Czech Social Democratic Party (ČSSD), the Party of Slovak Renewal, the Freedom Party, the Socialist Union of

Youth, and the National Front. The Civic Forum dominated most of the process, along with Marian Calfa, former deputy prime minister, as the main frontman of the regime transition. Afterward, Calfa cut political ties with Adamec and the communist group and allied with the Civic Forum. According to McRae (1997), Calfa was in charge of talks to establish a “national understanding,” calling attention to the balance between Slovaks and Czechs, even in the face of Calfa’s nationality, as he was a Slovak. Calfa, Havel, Dienstbier, and Finance Minister Klaus, who had swiftly prepared legislation for political parties, elections, and basic liberties, spearheaded the process. In the end, Havel was elected president with huge popularity and proved to be successful in this transition (Balik et al., 2008; Mcrae, 1997).

The new government quickly expressed its disagreement with former communist practices and delivered to the Federal Assembly that Czechoslovakia would become a liberal democracy, including a constitutional change and basic laws on freedom of assembly, press, speech, political party formation, and electoral system (Mcrae, 1997). Other violent measures were taken toward the purge, trial, and expropriation of members of the Communist Party (Filipa et al., 2011).

Even before the days of the election, Havel began visiting parts of Europe such as West and East Germany, Poland, and Hungary, as well as the United States and Canada. For symbolic reasons, Havel did not visit Moscow, assuming that Czechoslovakia was no longer a satellite of the USSR, and proposed a foreign policy dubbed “Return to Europe” (Mcrae, 1997). The new challenges ahead led Czechoslovakia and other countries of CEECs to establish close ties with Brussels, assuming that membership in NATO and the European Community would enhance and speed up the possibility of economic development and democratic stabilization (Marek and Baun, 2010).

As Chapter 4 discusses, the relationship between Czechoslovakia and the European Community began even before the democratic transformation. In August 1988, the Czech-EC economic agreement was the first step toward a broader negotiation with the European Commission, which was accomplished in December 1989 after the election of Havel and approved in 1990. Furthermore, with the support of the European Bank for Reconstruction and Development (EBRD), the European Community established the PHARE program and launched in 1989 a program focused on support for the private sector (Marek and Baun, 2010).

The transition from below, showcased by the Czechoslovakian experience, is shown in Table 17.

Table 16– Czechoslovakian transition to democracy timeline

TIMELINE– Czechoslovakia
EUROPEAN ECONOMIC AGREEMENT: DECEMBER 1988
October 22, 1989: Police repression of students under normalization procedures
November 17, 1989: Massive demonstrations follow a crackdown on a student demonstration. The regime collapses within 10 days.
November 19, 1989: Creation of the Civic Forum and other pro-democratic actors
November 21, 1989: Czechoslovakian prime minister attempts some negotiation of Civic Forum
November 24, 1989: Communist Party falls apart
November 24, 1989: Changes to Communist Party: Urbánek as the main leader
November 27, 1989: Popular strike with large mobilization against the <i>nomenklatura</i>
25 to 27 November: Oppositional strikes end in success
December 5, 1989: Roundtable toward democratic transition: proposition of 15+5 government
December 8, 1989: roundtable settled with CF, VPN, CPCz, ČSL, ČSS, the Party of Slovak Renewal, the Freedom Party, Socialist Union of Youth, and the National Front
December 9, 1989: national understanding of free elections
December 29, 1989: Vaclav Havel is elected president by Parliament, ending the “Velvet Revolution.”
NEGOTIATION WITH EUROPEAN COMMISSION – Political and Economic Change
January 23, 1990: The Federal Assembly passes the “small Act on political parties.” The Communist Party and four satellite parties are not prevented from participating in the new political regime and elections.
February 27, 1990: The New Election Act is passed; more than half of all MPs are replaced, and non-communists hold a majority.
PHARE PROGRAM
January–July 1990: Amnesty of political prisoners. Parliament works on civil and political rights, in particular, freedoms of assembly and association, the right of petition, and amendments to the Press Act and Civil Code.
SIGNED AGREEMENT WITH EUROPEAN COMMUNITY (MAY 7, 1990)
June 8–9, 1990: Democratic parliamentary elections are held. Broadly seen as a plebiscite on the end of communism, the Communist Party obtains 13% of the votes.

Source: Information compiled by the author

3.2.2. Bulgaria

The Bulgarian case appears as a completely different type of transition from the Czechoslovakian experience. As a general overview, the Bulgarian process of transition was a “transition from above,” in which part of the communist elite began and accomplished political change by the end of 1989. For 45 years, Bulgaria was governed by only one ruler, Todor Zhikov, President and First Secretary of the Communist Party. The reason Zhikov maintained power for so many years was because of his reliance on strict communication with Moscow (Ciobanu, 2010).

During the Cold War, Zhikov had a good relationship with Khrushchev and a long friendship with Brezhnev. As of 1954, Zhikov constructed an administrative structure that ensured, in a constitutional way, his own permanence in power. Through these means, Zhikov took over in the original leading role of the Bulgarian Communist Party in 1971. He used sources of nepotism, including his daughter, Lyudmila, who was a major figure in the BCP, and created a network of supporters, both in the military and in agricultural domains. The presence of the Bulgarian Agrarian National Movement (BANU) and Communist Youth League (which represented 87% of the working-age group, or half the population) showed the capacity for mobilization, legitimacy, and regime support for a long time. This prosperous time, sustained by paternalistic policies and no anti-Russian sentiment, helped popular consent even more around Zhikov’s political domain (Ciobanu, 2010).

However, after Brezhnev’s death, the relationship with his Moscow was unstable, first for Andropov and then for Chernenko. Indeed, the beginning of Gorbachev’s term was concomitant with Zhikov’s fall (DIMITROVA, 2001). In correspondence with Czechoslovakia’s former *intelligentsia* behavior, part of the *nomenklatura*’s power was entangled with Moscow’s success; consequently, everything apart from this success in the satellite regime began to fall. Along with economic troubles (especially impatience from the population in the face of European development), Bulgarian international prestige was wounded by the murder attempt of Pope John Paul in 1981. Four years later, the Bulgarian Security Service was accused of being the perpetrators of the act. Nevertheless, the first and decisive step toward a democratic transition had been taken in the domestic sphere (Dimitrova, 2001).

In part, Zhivkov's fidelity to Moscow made the flame of contestation burn inside the communist Party. The appropriation of Gorbachev's glasnost/perestroika formula resulted in different outcomes in comparison with other Eastern European countries. The result implied a narrower, more tyrannical, and corrupted government with no impact on the population's well-being. From that moment on, Zhivkov would begin to lose control of the situation, and the opposition would start the process of regime change (Dimitrova, 2001)

There are four important aspects to be considered in the Bulgarian transition to democracy. First, regional democratic transformation helped the process of transition in Bulgaria, especially an unsubordinated part of the Communist Party and some embryonic opposition at the beginning of the 1980's, composed of intellectuals and government dissidents. Second, the transition to democracy occurred under Moscow's watch and according to the terms of the law, which means that the process of transition was legitimized (Dimitrova, 2001). Third, similarly to Czechoslovakia, the transition was peaceful, although characterized by strikes, riots, and some mass movements. Fourth, as a transition from above, even in a peaceful atmosphere of transition, the liberalization movement was constantly mistrusted by international actors and pro-democratic supporters (Dimitrova, 2001; Rossi, 2012).

The transition to democracy was basically a *coup* accomplished by the Bulgarian Communist Party (BCP) elite against Todor Zhivkov (Rossi, 2012). Rossi (2012) stated that mass protest had no effect on the process of transition (with the exception of some conflicts with Turkish minorities near the border). The transition occurred to maintain certain privileges of the elites in face of Bulgarian economic backsliding. Historically, the democratic transition started after a year and a half after the perestroika/glasnost structural change in the USSR forced Zhivkov to create a new constitution.

The forced assimilation of the USSR plans in 1984–1989 and an anti-Zhivkov movement escalated by Turkish/Muslim minorities near the border of Turkey called attention to the BCP elite, in terms of Zhivkov's capacity to promote liberalization and quality of well-being for the population. Among several contestation acts, the *coup* was organized by Petûr Mladenov (at the Ministry of Foreign Affairs since 1971) and Dobri Dzhurov (at the Ministry of Defence), both anti-Stalinists inside the

nomenklatura status quo and part of a young generation of communists (Rossi,2012; Dimitrova,2001).

The leading role of the within-elite *nomenklatura* provides some explanations. The BCF was the most loyal to the Soviet Union among other satellites in Eastern Europe. This happened thanks to its patrimonial forces, which implied concentrated power in the hands of a small elite. As discussed, those of *nomenklatura* status had used repression (dissidents sent to labor camps and detention facilities by train and other extra-legal means) and clientelist cooptation to undermine any oppositional movement against the regime. As a consequence, the opposition remained weak, with low population support. Indeed, the opposition did not have coherent programs, although some of them had an environmental agenda: (Ekoglasnost) and the “Club in Support of Glasnost and Perestroika in Bulgaria”(SPIROVA, 2008). There was some pressure but with no significant effect on the regime, and consequently, substantive change would come from the top of the *nomenklatura* structure (Spirova, 2008; Rossi,2012; Welsh, 1994).

The *coup* was carried out on November 10, 1989, in the context of the Berlin Wall fall and the BCP meeting to accept Zhivkov’s resignation. Under Moscow’s watch, the pressure to overthrow Zhivkov came from a secretly coordinated action with the support of Gorbachev (Rossi, 2012; Bell, 1997). Three days later, Zhivkov’s allies were expelled from BCP and replaced by anti-establishment leaders. On December 8, the BCP had a completely different elite group—post- and anti-communist elites—for a moment when the roundtable for democratization in place managed the transition.

After the *coup* inside the Communist Party, it is plausible to say that democracy opposition actively emerged in 1989 (Dimitrova, 2001). The Union of Democratic Forces (UDF), an umbrella organization of small opposition groups, claimed responsibility for the roundtable of democratic transition. From January to May in 1990, Andrei Lukanov, a representative of BKP (now organized by anti-communists), and JelyoJeleu, leader of the UDF, led a negotiation toward constitutional amendments and basic rules for multiparty elections (RAIMUNDO et al., 2011). However, even in the face of Zhivkov’s withdrawal and Mladenov’s occupation, no guarantees were given concerning democratization. As this thesis demonstrates in Chapter 4, the European Community would respond to this with

mistrust and threats of economic sanctions or the withdrawal of investments provided by the EC-CEEC agreement in 1988 (Grabbe, 2006). This path toward democratization, along with effective protests and the pressure of pro-democratic elites on former BCF elites, resulted in the removal of article 1 of the Constitution defending the Communist Party as the leading force in society (Dimitrova, 2001).

With this overthrowing of the Communist Party as a political monopoly, some sort of pluralism was initiated in Bulgaria. Alexander Lilov, a young politician elected chairperson of the restructured Communist Party, assumed that Bulgaria began a transformation of discourse and practices aimed at reconnecting with the West and anti-communist practices. Initially, the dissidents from the Communist Party started other divisions within the “left-wing” ideological spectrum, giving birth to the Alternative Socialist Party, the Road to Europe party, the reformulation of BCF, the dissociation of BANU and trade unions, and, most importantly, the dissolution of *nomenklatura* cells and communist workplaces. Indeed, State Security focused on the domestic fight against communism and the depoliticizing of security organs to avoid military intervention in the democratic transition, which resulted in 6,000 political officers going out of service from 1990 to 1994 (Dimitrova, 2001).

Thus, in the roundtable negotiations, the main actors were the reformed Communist Party, UDF, and BANU as constructors of a future democratic order. Andrei Lukanov was in charge of the coordinated action. Immediately, the roundtable agreed on The Law on Political Parties and the Election Law, whose coordination would prepare a new constitution while functioning as a regular Parliament. Lukanov himself was elected leader after the start of the roundtable negotiations in 1990, which shows that, while Andrei could convince the population of the benefits of the transition, international mistrust continued in the face of BSP leadership and the political fate of Bulgaria (Dimitrova, 2001).

The suspicion about the BSP was not trivial. The power of influence of the former Communist Party in terms of state changing was stronger than any other force in Bulgaria, assuming that any authoritarian backsliding would come from BSP and no other force. As a general overview,

This influence can be attributed to: (a) the consolidated leadership, bound by personal ties, strong economic interests, and fear of losing power; (b) the strong organization of the Party and abundant financial resources from money laundering; and (c) its successful strategy presenting itself as

defender of the “socially weak” but “hard” electorate, specifically older people from villages and small towns, who identified their social welfare and past success with the Communist Party. While pretending to allow a range of opinions in compliance with the general spirit of democratization, the BSP never tolerated splits in such important moments as elections and “always managed to preserve its unity and keep its parliamentary group in strict obedience ... (Dimitrova, 2001:42)

Differently from BSP, during the transition, the UDF and Movement for Rights and Freedoms (MRF), the representatives of pro-democratic preferences, received no suspicion from the EC side. Even though in Bulgaria at the local level there was no organized structure but an ill-developed one, there was a main coalition toward a democratic spectrum. Initially, it was oversaturated with center-left figures, the usual dissidents of communism, but eventually the UDF gathered some center-right adherents, along with its institutionalization.

One of the important moments in UDF's trajectory occurred during the democratic election in 1994 when the party had to decide between being a single party or joining a coalition (a political front). The outcome in 1997 was a single center-right party. As an outcome of liberalization, Turks and Islamic minorities (once outcast from the system) had a voice in MRF and even participated in roundtable negotiations; however, politically, these minorities during the democratic period did not endure, resulting in a Bulgarian party system organized between UDF and BSP parties (Dimitrova, 2001)

Table 17– Bulgarian pro-democratic and authoritarian forces in democratic transition.

DEMOCRATIC FORCES	AUTHORITARIAN STATUS QUO
<p style="text-align: center;">Bulgarian Socialist Party (descent) Andrei Lukanov Petar Mladenov and Dobri Dzhurov Union of Democratic Forces Jelyo Jeleu</p> <p>UDF composed of: Federation of Clubs for the Support of Glasnost and Democracy; <i>Podkrepa</i> Independent Labour Confederation; the social-democratic party Bulgarian Agrarian National Union – Nikola Petkov; the Committee for Religious Rights, Freedom of Conscience and Spiritual Values; <i>Ekoglasnot</i>; the Independent Association for the Defence of Human Rights in Bulgaria; the Green Party; the Radical Democratic Party; and the Democratic Party.</p> <p style="text-align: center;">MRF (Movement for Rights and Freedoms)</p> <p style="text-align: center;">IRRELEVANT DURING THE <i>COUP</i> (Rossi)</p>	<p>Bulgarian Communist Party (Todor Zhivkov) –</p>

Source: Information compiled by the author

According to Rossi (2012), confirmation of the transition to democracy was the result of several roundtables. A new constitution was agreed upon, and the first free and open elections were called, in which the process was strictly elite-centered with no substantive participation of society. According to Welsh (1994), due to the infancy of oppositional groups, the support roundtables gained some status and public visibility. On March 12, 1990, the following was agreed to:

1. the call for elections for a new national assembly that would (within 18 months) elaborate a new constitution while functioning as the national parliament;
2. that the national elections would be held on two days, June 10th and 17th, using two different electoral rules, and;
3. that Mladenov would hold the presidency of the country during the whole period until the elaboration of the new constitution. Finally, and as a result of the violent transition in Romania, all the parties and organizations agreed that no extra-institutional means would be used in the transitional period. (Rossi, 2012:8)

Until May 15, 1990, the new constitution was elaborated based on pro-democratization, and the roundtable talks ended. At that moment, the political outcome was focused especially on a government of “national unity” and “national responsibility,” based on a coalitional method, in which former *nomenklatura*

members of BSP and non-communists shared power until April 1990, when the first national election occurred (Welsh, 1994; Rossi, 2012)

Table 18– Bulgarian transition to democracy timeline

TIMELINE– Bulgaria
August 1988: The country established diplomatic relations and the European Economic Community (EEC).
November 1989: An internal <i>coup</i> ends Zhivkov's leadership.
November 1989 – October 1991: An internal <i>coup</i> within the ruling Bulgarian Communist Party (BKP) from November 1989 to October 1991 when the main opposition party won the second elections held since 1989 December 8, 1989 – Complete change of Bulgarian elite
January 1990: Roundtable of transition
January 1990: First meeting of roundtable talks between the BKP and the opposition
May 8, 1990: Bulgaria and the EEC sign the Convention on Trade, Business and Economic Relations, which envisages gradual elimination of the quantitative limitations on Bulgarian imports to the European Community and mutual concessions in trade of agricultural goods. The PHARE Program was open to the country. May 15, 1990: A new constitution is elaborated, based on a pro-democratization attitude.
March 1990: New electoral rules are adopted.
April 1990: First free elections for a Grand (Constitutional)-National Assembly
June 1990 – First Election
July 1990: President Mladenov resigns; Parliament appoints Zhelyu Zhelev to replace him.
November 1990 – As of this date, a coalition government was formed. December 1990: The BSP government collapses amid mass demonstrations and a general strike. Parliament elects a coalition government led by a non-partisan prime minister, with vice premiers from the BSP, UDF, and Bulgarian Agrarian People's Union (BZNS).
Constitution 1991
July 1991: The new constitution is adopted.
August 1991: The Grand National Assembly decides to dissolve, under opposition pressure, days after the anti-Gorbachev <i>coup</i> in the Soviet Union fails.
Elections: October 1991
October 1991: UDF wins the parliamentary election for an ordinary national assembly.
March 8, 1993: Bulgaria and the EU sign the Europe Agreement and the Provisional Agreement on Trade and Related Matters. The Europe Agreement provides a framework for the development of profound political dialogue and establishment of a free trade zone covering trade between Bulgaria and the EU. The EU expresses its political commitment to supporting Bulgaria's democratic and market economy reforms necessary to fulfill the criteria for EU membership.

Source: Information compiled by the author

3.2.3. Haiti

The Haitian case, compared with the other transitional cases discussed in this thesis, presented the challenging path toward democratic transition. Historically, the process of decolonization and the political trajectory of Haiti is fulfilled through several *coups d'état*, low economic development, and institutional instability. The context of the transition from 1987 to 1991 does not escape the constant rule of political instability. On February 7, 1986, the dictatorship of Duvalier fell, which since 1957 had been considered one of Haiti's most persistent and bloodiest. Since then, a certain sentiment of rejection of dictatorships haunted the minds of Haitians, and a collective feeling of nation-building was in motion toward a democratic transition (Cajou, 2013).

In March 1987, Haiti established the possibility of a vote on the Constitutional Charter, a footstep for the democratic transition, at that time, and the first experience of its kind in the country. However, as discussed before in this chapter, Central American transitions cannot bypass the role of the military in political life. Since the possibility of democratic transition presented itself in 1986 in Haiti, the military has mounted a strong effort against political liberalization and the consolidation of democracy. In part, the transitional period after 1986 faced political forces of the ancient regime, the "neo-Duvalierists," forged during the dictatorship, as well as adepts of the *macoustime*, a "deterrence force" whose objective was to actively pursue real and imaginary enemies to maintain the authoritarian status quo. Indeed, all transitional periods were marked by doses of Duvalierism. The first year of the transition was marked by the empowerment of the Army and National Government Council, with General Henry Namphy as the president; Colonel Williams Regala, Max Valles, Prosper Avril, and other technical members (Engineer Alix Cinéas and Master Gerard Gourgue) represented the old-fashioned part of the ancient regime, responsible for conducting the transitional period. In fact, given those who were in charge of democratization, this process of transition would not happen without instability and even some skepticism (Cajou, 2013).

Even the Army was forced to embrace liberalization. After Duvalier's period, the military was weak and inconsistent in terms of its political position. In 1986, it had the responsibility to make political changes in association with a small group (*soft-liners*) of the ancient regime. This instability inside the regime called for an

ideological struggle, named “Duvalierism without Duvalier,” which consisted of a repaginated version of the military in politics and its survival without its great icon during authoritarianism (King, 2009).

Similar to the Eastern Europe experience, the democratic opposition force was weak and began its organization after the dictatorship period. The formation of a union, youth movements, socio-professional associations, and farmer groups led to some pressure on elections (CRS, 1995). This context encouraged the end of the middle class and the bourgeoisie’s alliance with Duvalier’s followers. The military formed alliances with the US government and the Catholic Church (especially after the Pope’s visit in 1983), assuming anti-communist policies (King, 2009). In 1985, youth movements in universities helped to foment important riots, manifestos within and outside of the Church and huge demonstrations at the National Government Council to express that Haiti was not controlled by the military (KING, 2009). In January 1987, a broad democratic coalition was created, the *Komité Nasyonal Kongrè Oganisasyon Démokratik* (KONAKOM), which would strengthen a coordinated political movement of 50 organizations (*Front National de Concertation* – its political platform) against neo-Duvalierists.

Nevertheless, on November 29, 1987, there was the first election in Haiti, and it was fraudulent and full of casualties. The violent movement by neo-Duvalierists made presidential candidates leave election tickets, reducing the competition to those who courageous enough to vote and compete for the position—in this case, the Christian Democrat, Leslie Manigat. The bloodshed during the election moved popular pressure to arrange new elections without the participation of the Duvalierist Provisional Council, and then, the first presidential and legislative elections were settled. New elections happened under the intervention of the OAS in December 1988, once the Provisional Council controlled the electoral apparatus and arguably manipulated the ballot box for the presidency. On January 17, 1988, the election was rescheduled, to take place under the watch of international actors and oppositional Haitian forces (Cajou, 2013; King, 2009).

At that time, Lesly Manigat, who was enjoying the support of several generals, was elected president of Haiti. After four months, General Namphy, one of the members of the Provisional Council, undermined his government and sent Manigat to the Dominican Republic on July 19. Namphy suffered a coup d’état (“a *coup* inside a

coup") by Prosper Avril, another member of the Provisional Council, who ruled thereafter for 21 months. After international pressure was brought to bear by the OAS and French and the United States governments, Avril resigned and handed over the government to General Herard Abrahams, who returned power to civilians 72 hours after Avril's departure (Cajou, 2013; King, 2009).

Effectively, on March 14, 1990, Pascal-Trouillot, president of the Supreme Court, assumed the role of interim president and organized the elections for December 16, 1990. For the first time, Haiti had conquered the right to hold free, fair, and democratic elections. It marked the election of Father Jean Bertrand Aristide, a charismatic representative of the anti-dictatorship struggle, who won the presidency with 66.7% of the votes in the first round. Aristide had a left-wing, anti-imperialist background; he was a strong critic of the Holy See and high clerics and, especially in the case of Haiti, the bourgeoisie, which was considered the main political class. In his discourse, he promoted any measures that would change the high officials of the Army (Cajou, 2013; CRS, 1995).

Table 19– Main actors during Haitian transition to democracy

DEMOCRATIC FORCES	AUTHORITARIAN <i>STATUS QUO</i>
<p>Domestic Forces: Father Jean Bertrand Aristide Civil Society Democratic actors Some soft-liners of the military division</p> <p>International forces: Organization of American States French government United States government</p>	<p>Military(National Government Council) General Henry Namphy as president; Coronel Williams Regala, Max Valles, Prosper Avril, and other technical members (Engineer Alix Cinéas and Master Gerard Gourgue) Neo-Duvalier supporters General Raul Cedras After 1991: some part of the Haitian bourgeoisie</p>

Source: Author's own elaboration

The relationship between Aristide and the main political forces of Haiti has not been the calmest since 1988. He was considered a martyr by the population for criticizing Duvalier's government. In September 1988, in a retaliatory move by the military, his congregational church was burned; 13 people were killed, and 70 were wounded. His candidacy to the presidency was a point of discussion. One could say he was an "ultra-communist" based on his constant anti-US rhetoric, while others saw him as an encourager of social riots. After the election, Aristide's commitment to

democracy was called into question, especially because he and most of his cabinet members (including the prime minister) did not belong to any political party,⁴⁵ and he appointed Supreme Court judges and ambassadors without the Senate approval required by the constitution. During his government, Aristide faced difficulty dealing with the two government branches: the legislative and the judiciary (CRS, 1995).

However, under Aristide's administration, the military supported the democratic consolidation path. First, an army of around 7,000 men helped to maintain order during the election period. Second, instead of undermining democratic advances, the Haitian Army division underwent certain changes. The fall of the Provisional Government forged some anti-authoritarian perspectives at several levels of the command chain in addition to the weakness of the political capital of hard-liners. It happened because a new generation of officials was interested in more professionalization of the armed forces, including its departure from the political scene of Haiti.

However, scholars recognized that the military also profited from contraband and drug trafficking, and even under Aristide's administration, they refused to execute legal orders and used violence to intimidate political opposition, organizations of civil society, and media enterprises without facing legal consequences (CRS, 1995). Meanwhile, in June 1990, Haiti participated in the OAS Santiago Commitment, a summit where the debate on democratic promotion within the IGO reached a new level of institutionalization. Especially, the OAS called attention to the Haitian political situation and canalized efforts to enhance the democratization process. Even with Aristide's participation in the OAS Summit, his return to Haiti would enhance the fast degrading process of Haitian democracy (Shamsie, 2004; King, 2004).

In January 1991, before the OAS Santiago Commitment, the police force began a series of severe arrests of politicians. First, Rene Theodore, the communist candidate running for prime minister, had his bodyguard killed and his house riddled with bullets. In the same month, Tonton Macoute seized the presidential palace and took President Trouillot hostage, while the social-democratic party, LAVALAS, mobilized the population and prevented the coup d'état. As previously discussed,

⁴⁵He was nominated by the *Front National pour le Changement et la démocratie*, a coalitional left-wing political party, but he had never been part of a political party before (KING, 2009).

Aristide tried to dismantle the structure of the Army, especially by separating the police guard from the military (Podur, 2012).

Later, on August 17, Clifford was injured by unidentified men. On August 19, supporters of Aristide were found dead in the city morgue. OAS monitored and negotiated the systematic abuse by the military in Haiti in terms of human rights. Approximately 2,000 Haitians had been murdered since the first *coup* attempt by Avril (Griffin, 1992). The attrition between Aristide and the political class escalated quickly after August. To begin with, Aristides had already bypassed the Senate and Judiciary instances before, especially in nomination and policy-making procedures. Aristide also helped escalate polarization by refusing to condemn violent acts of retribution and threatening those against him (CRS, 1993)

Aristide's threatening discourses escalated as well. On September 27, 1991, he threatened former Tonton Macoutes with "perelebrun,"⁴⁶ saying:

You are watching all Macouteactivities throughout the country. We are watching and praying (...) If we catch one, do not fail to give him what he deserves. What a nice tool! What a nice instrument! What a nice device! It is a pretty one. It is elegant, attractive, splendorous, graceful, and dazzling. It smells good. Wherever you go, you feel like smelling it. It is provided for by the Constitution, which bans Macoutesfrom the political scene (CRS, 1993:6.)

Aristide also threatened the bourgeoisie for not supporting his government. This explains why a great part of this political class financially supported the *coup d'état* against him. On September 30, 1991, General Raul Cedras, Chief of the General Staff, orchestrated a coup d'état and ousted Aristide, who remained in forced exile. Some neo-Duvalierists, who had returned from the Dominican Republic, also participated. According to Aristide, the return of the authoritarian forces was even harsher than before, with radio stations being occupied, force being used against Aristide's defenders, and people being killed (Griffin, 1992; King,2009; CRS,1993)

In October 1991, the political response to the Haitian *coup d'état* was intense. At the international level, the United States and OAS established an intense mobilization of international forces, including multilateral emergency meetings, international punishments (mainly economic sanctions), and diplomatic efforts. At the

⁴⁶Burning someone to death with a "necklace" consisting of a gasoline-soaked auto tire (CRS, 1993).

domestic level, masses of Haitians who were against the new authoritarian status quo took to the streets for Haitian democratic recovery (Griffin, 1992).

Table 20– Haitian transition to democracy timeline.

TIMELINE– Haiti
February 7, 1986 – Duvalier’s dictatorship falls.
March 1987 – Haiti establishes the vote on the Constitutional Charter.
November 29, 1987 – Fraud election in Haiti
September 1988 – Neo-Duvalier supporters start a retaliatory movement after the fraudulent election.
December 1988 – OAS response to election
January 17, 1989 – rescheduled national election A broad coalition (KONAKOM) was created.
March 14, 1989 – Provisional Government of Pascal-Traillot
National Election December 16, 1990 – Aristides election
February 7, 1991 – Aristides government
June 1990 – Meeting OAS – Santiago Commitment Support for the democratic process in Haiti
Problems with Aristides and the political class: August 17 –Tonton Macoute attacks – Politicians injured and some killed Aristide’s Speech in August against the political class Aristide’s Speech on September 27 against the political class
September 30, 1991 – Coup d’état orchestrated by General Raul Cedras
September 30 – OAS response to coup d’état Mid-October –OAS Secretary-General appoints former Colombian Foreign Minister Augusto Ramirez Ocampo to head a seven-member OEA-DEMOC delegation to negotiate Aristide’s restoration. After over three months of negotiations between Aristide and representatives of the National Assembly, facilitated by OEA-DEMOC and held in Cartagena, Columbia, and Caracas, Venezuela, Port-au-Prince, and Washington, D.C.at the OAS headquarters, an agreement was signed at the OAS.
October 8 –Economic sanctions
January 1992 – Compliance with economic sanctions (Special Committee of OAS)

Source: Information compiled by the author

3.2.4. Domestic mobilization in transitional moments: a summary.

A comparison of experiences in Czechoslovakia, Bulgaria, and Haiti elucidated some empirical aspects of this thesis modeling. First, as previously discussed, the democratic transition occurred as an outcome of the weakening of the authoritarian status quo. External and internal pressures characterized all cases in Latin America and in Eastern Europe over the authoritarian status quo. In Eastern Europe, the continuous unsteadiness of the Soviet Union and the failure of its system, as well as a severe contestation of *nomenklatura* elite, provoked a dismantling of the elite bonds and an opportunity for the opposition to move away from the communist past. In the case of Latin America, the ancient regime suffered from utter failure, especially in terms of keeping the dissatisfaction of the elites and masses out of the political scene. In both cases, the ancient regime could not maintain the well-being and elite incentives for maintaining the authoritarian status quo.

Second, in the above-mentioned cases of transition, a severe weakening of the Communist Party and a huge mobilization of opposition forces was required. In the face of a non-tradition of opposition, in a short time, the pro-democratic movements had to mobilize, institutionalize, and come up with a legitimate movement (aligned with the mass population) toward regime change. In fact, transitions from above have not required such severe weakening of the authoritarian side but a sufficient capacity for soft-line insiders to encourage change. Transitions from above also required a pro-democratic opposition to put pressure on soft-liners to maintain liberalization/democratization procedures.

As shown in this chapter, transitions from below depended largely on the new pro-democracy elite and their leverage in negotiation of a weakened authoritarian elite. In the case of Czechoslovakia, for instance, consistent pro-democratic behavior by the Civic Forum (and its ramifications) was sufficient to lead the political system transition into a context of a "clear path." Thus, pro-democratic behavior by the opposition and non-authoritarian capability to return to the former status quo led the pacific structural change toward democratization.

By contrast, transitions from above required more attention from the opposition to soft-liners' behavior. In the case of Bulgaria, without the pressure of the Union of democratic forces over the Bulgarian Socialist Party, or in the case of Haiti, where civil society organizations put pressure over the National Government Council, the

transition may suffer some setbacks. In particular, transitions from above resulted in the fate of national political change at the hands of former authoritarian status quo people. When former authoritarians were not satisfied with the “state of affairs” during authoritarian times in moments of uncertainty, mistrust of soft-liners always existed. Indeed, in such cases, the strong pressure by pro-democratic groups was important for establishing political guidelines of democracy.

Thus, during democratic transitions, historical narratives contemplate the causal condition claiming. As argued by this thesis model, low-cost actions would depend on on the transition context. Czechoslovakian transition, characterized by transition from below, resulted in a strong pro-democratic mobilization that overcame the authoritarian status quo. As such, the context left fewer disagreements over the democratic prospects of the transition. Conversely, as argued, transitions from above relied on transition at the hands of a part of a former authoritarian group; they followed constant disagreement about how democratic the country would attend as it was demonstrated by Bulgarian and Haitian cases.

Summarily, in these contexts:

Transitions from below: strong mobilization by pro-democratic actors (more or less institutionalized) + weakened authoritarian party = process of “transition through accommodation” toward democracy

Transitions from above: weak mobilization of pro-democratic actors (less institutionalized) + weakened authoritarian status quo + strong leverage by soft-liners = intransigent process of transition

Last, although it was not discussed thoroughly in Chapter 3, the IGOs have participated in the process in all cases. The European Community (EC) and Organization of American States (OAS) have had political involvement in those countries, observing the political context and somehow participating in the main historical moments of democratic constructions. In Eastern Europe, the new political elites resulted from mobilization during/after the fall of communism; the idea of a “Return to Europe” was found in speeches and political constructions of foreign policy in Czechoslovakia and Bulgaria. In addition, the European Community began technical and economic negotiations with these countries in 1986/1987 and, after the transition, triggered better prospects for EC-ECCE relations. The same happened in

the case of Haiti, in which as a member of the OAS, it received other international input to its domestic political affairs for many years, including an urgent OAS manifestation since the beginning of the liberalization process.

Table 22 summarizes the characteristics of transitions from above and from below and in terms of political elites' behavior, mass participation, and international sentiment over the democratization process.

Table 21– Transition type and case studies

	<u>Haiti / Bulgaria</u>	<u>Czechoslovakia</u>
<u>Transition from above</u>	<ul style="list-style-type: none"> • Strong authoritarian status with contestant elite (soft-liner) behavior inside the authoritarian party • Low mass movement and no oppositional structure • Dissidents assume democratic transition with the late substantive participation of other opponents • Pro-democratic institutional path in the face of outside pressure (pro-democratic elite) • International suspicion during the transition process 	No occurrence
<u>Transition from below</u>	No occurrence	<ul style="list-style-type: none"> • Weak authoritarian status quo due to structural and coalitional changes • Intense mass movement in the face of a past of non-opposition formation • Mass and oppositional elites assume pro-democratic practice and discourse • In the face of national elite behavior, the international community receives the transition with less suspicion.

Source: Author's own elaboration

The next subsection discusses the dismantling and breakdown of democracy by *coups* at extreme moments.

3.2.5 Democratic discontinuity and the breakdown of democracy

As stated, IGOs also participated in processes of democratic dismantling but it depended on the democratic protection regime historically constructed within the organization. *Preventive regime action* occurs when political elites start the process of democratic dismantling; by contrast, *curative regime action* occurs when the coup d'état is already in place. Based on a historical narrative, these subsections show that the European Union acted in a preventive way in the Hungarian and Romanian cases at crucial political moments to prevent democratic discontinuity, when real threats to multilaterally constructed democracy were in play. In a completely different context, OAS acted in a curative sense in the cases of Peru, Guatemala, Honduras, and Paraguay after the *coups d'état*. Specifically, in the case of Paraguay, this subsection demonstrates the limitation of OAS with respect to preventive action such as the usual work of the European Union, where, to avoid the completion of a coup d'état, the Organization assumed a coup d'état in order to act. In this sense, the limitations of the democratic protection regime resulted in a contradictory action by the Organization. Following the same analytical procedure of transitional contexts, this subsection uses a scale of less to more complex contexts based on legislative-executive relations during the democratic crisis, outcomes stemming from elites' behavior vis-à-vis the fate of democracy, and timely participation by IGOs in the political process.

3.2.6 Romania and Hungary: Threatened democracies

Romania and Hungary provide examples of democratic discontinuity in a European context. These cases elucidated the executive-legislative relationship crisis as a situation in which a certain elite behavior aims to overpower opponents through institutional change, especially by constitutional and juridical modifications, to obtain political leverage and maintain power. This exercise of power produced contradictions and a backward slide in relation to shared liberal democratic values.

Especially, this perspective of state capture decreased the virtues of constitutionalism such as checks and balances mechanisms, legislative deliberation, and judicial independence (Blokker, 2013). However, even in the context of the executive-legislative crisis, Romania and Hungary presented different results with respect to democratic backsliding and different consequences in terms of liberal democracy defense, especially in the case of the political mobilization of the European Union against this regional democratic backsliding.

In the Romanian case, the political crisis emerged from the economic crisis of 2008, characterized by the economic recession and multilateral interference in fiscal national matters (IMF and European Union) in 2009 and 2011. This context reached President Băsescu (from the Liberal Democratic Party, PDL) with popular protests and a window of opportunity for political opponents. As a semi-presidential system, the splitting of executive power between the president and prime minister was the main weakening factor of the political crisis in Romania (Iusmen, 2015; Perju, 2015).

In general, Romanian institutions provide a power balance between the prime minister and president. The president, the main executive power figure, coordinated the areas of defense and foreign affairs, while the prime minister (PM) commands the government and the cabinet. However, according to Article 103 of the constitution, the Parliament has the power to withdraw the president and bring down the government with a relatively low threshold for motions of censure, which explains the introduction of countless motions over the years of Romanian democracy, which, nonetheless, did not succeed thanks to majority blocs. President Băsescu and Prime Minister Tăriceanu, who came to power as part of a center-right coalition in the 2004 elections, were on the main scene of the Romanian political crisis. Differently from the ideological construction-experienced in the power project of Orbán in the Hungarian case, the origins of the political crisis in Romania in 2012 involved personal interest and fear of accountability in the face of politicians' acts of corruption (Perju, 2015).

The trigger-pulling during and after the Romanian political crisis and constitutional crisis began with conflict over who would represent Romania at the EU leaders' conference in Brussels on June 27, 2012. In the face of this coordination problem, the Constitutional Court made a decision that the president of Romania would represent in the European Council. After this constitutional loss, on the political

scene appeared the substantive role of Prime Minister Victor Ponta, leader of the opposition party, the Social Liberal Union (USL), who provided anti-PDL and anti-austerity measures to trigger the breakdown of the government (Perju, 2015; Blokker, 2013).

On July 3, 2012, the political scenario changed drastically with the realignment of the Parliament against President Băsescu. This political realignment gave agenda setting to Ponta's political group in order to change parliamentary subjects and committee assignments, including the possibility of intervening in the Constitutional Court, the Ombudsman, the only institutional instance that could prevent legislative ordinances against the Constitution. (Perju, 2015). The result of this political realignment was:

Given the Constitutional Court's longstanding practice of not reviewing the urgency of the ordinances, which it deems to be a political issue, changes in the Ombudsman's office effectively immunized emergency ordinances from judicial review and gave the government a free hand to bypass other political institutions and introduce far-reaching changes to the legal system (PERJU, 2015:258)

Once the executive ordinances and parliamentary resolutions did not pass judicial review, the plan to oust President Băsescu from office was in place. The constitution provides two possibilities of impeachment: one for treason⁴⁷ and the other by suspension from office.⁴⁸ In the Romanian case, the parliamentary majority could initiate the process of impeachment without a check from other institutions, but a referendum had to take place within 30 days of the parliamentary vote. On July 5, the rule changed, allowing a referendum after only a simple majority (Perju, 2015; Blokker, 2013)

On July 6, 2012, the Ponta political movement impeached President Băsescu, and it was confirmed by a referendum. However, between July 3 and 6, before succeeding in the Băsescu impeachment, Ponta's coalition violated key constitutional provisions and liberal democratic procedures.

First, USL dismissed the Ombudsman, the only institution that could challenge the emergency ordinances of the government before the Constitutional Court. The

⁴⁷ Article 96, after a two-thirds majority in Parliament (Perju, 2015:259)

⁴⁸ Article 95 on grave acts infringing upon constitutional provisions after an absolute majority vote of the MPs: "Grave acts (Perju, 2015: 259) include, among others, interference with the activities of the public authorities and acts that disturb the constitutional order or seek constitutional upheaval" (Perju, 2015: 259).

Ombudsman has standing to challenge emergency ordinances of the executive, focusing on the constitutional analysis of such executive acts. The political context stripped the Constitutional Court of its right to check the constitutionality of parliamentary decisions, which effectively “immunized emergency ordinances from judicial review and gave the government a free hand to bypass other political institutions and introduce far-reaching changes to the legal system (Perju, 2015: 258).

Second, Ponta’s coalition modified the referendum law by ditching the “participation quorum” required for the validity of referenda, thereby lowering the turnout threshold to a majority of votes cast (that is, an “approval quorum”). The organizers of the referendum, both ministers in the Ponta government opposed to President Băsescu, in the face of a great defeat in terms of the approval quorum, stated that in the referendum of July 29, this procedure was not applied, with the argument that it was an emergency ordinance by the executive. This political maneuver unleashed cabinet and parliamentary majority mobilization to oust the president (Blokker, 2013).

Surely, the constitutional crisis of 2012 was not the first in Romanian democratic history. Reiterative constitutional crises occurred in 1989, 1991, 2007, and 2012, and special consideration should be given to the 2007 and 2012 similarities. These represented a political battle between the presidency and the legislature, which led to the impeachment process (in 2007, confirmed by referendum), differently from the 2012 context, when the referendum of July 29 failed to reach 50% in electorate participation, as demanded by the Constitution (Blokker, 2013).

From the perspective of Lusmen (2015), Romanian history provided an easier political environment for state capture. In his words, “‘State capture’ is the process whereby economic agents influence the state and vested interests converge with those of state officials to capture key state institutions in order to extract personal advantages” (Lusmen, 2015, p. 596). This Romanian vulnerability relates to the easy access of clientelist elite networks and economic actors involved with key political institutions. In addition, the corruption scandals and sentencing of the former Prime Minister Adrian Năstase warned high-ranked politicians to reduce judiciary independence and supported the ousting of President Băsescu. It also helped USL to

bend democratic procedures and push back the process of democratic quality (Iusmen, 2015).

Blokker (2013) argued that Romania historically provided a conflicted process of constitution creation. In his view, the Romanian constitutional culture of politicians and members of the public sphere seems unable to create a common perspective concerning the role of the Constitutional Court as guardian and constitutional educator of society. Since the 1989 democratic transition, the constitutional process of Romania has changed in accordance with moments of constitutional politics. In the face of external pressure for democratic reforms or broad tendencies toward European Union *acquis communautaires*, Romanians absorbed nationalism from different perspectives with a conservative approach, resulting in several constitutional and political practical ambiguities toward liberal-procedural democracy. Historically, prior to this unsteady constitutional construction, the Romanian Constitutional Court played a secondary role in the democratization process, even in 2003, when some novelties were introduced to provide *a priori* and *posteriori* reviews as mechanisms of mediation of legal conflicts. (Blokker, 2013).

From July to August 2012, the Venice Commission and Cooperation and Verification Mechanism (CVM) began monitoring Romanian activities, after the successful impeachment through unconstitutional methods, in which they criticized the overpowering of the judiciary by influential politicians and other key independent institutions (Iusmen, 2015). On July 29, 2013, the Constitutional Court was at the center of the political battle. Through a mixture of prudence and jurisprudence, it attempted to recast the standards of the semi-presidential structure and constitutionalism, calling attention to unconstitutional actions of the Parliament, while retaining the capacity of the Court to review legislative actions of Parliament (Perju, 2015).

After the Constitutional Court delivered its decision on Article 95 and the political battle over the constitution, the European Commission and European Council, respectively represented by President José Manuel Barroso and Van Rompuy, publicly summoned Prime Minister Ponta to Brussels to establish compliance with the Romanian Court. Under the Mechanisms of Cooperation and Verification (MCV) with a strong technical evaluation, the dynamics of Article 95 in Romania qualified the actions taken by PMPonta's coalition as unconstitutional, and

some political sanctions were added to the agenda of the European Commission in the summer of 2012. According to Perju (2015), “[t]he availability of the MCV structure allowed the Commission to at least argue that real sanctions were politically more feasible in Romania’s case than they would have been in Hungary (op.cit. 2015: 272).”

As a response to the international pressure, Ponta made a call for “constitutional peace.” He stated,

It is the obligation of enlightened minds and sensible people to build a long-lasting peace; that is, to find those mechanisms that ensure that, for as long as possible, we will no longer have conflicts among state powers— political, constitutional conflicts likely to disrupt the smooth running of society. (Ponta in Blokker, 2013:11)

He further states,

I believe very strongly in the independence of the judicial authorities but always an independence which goes hand in hand with responsibility (...) in the case of the Constitutional Court, it is important to make clear that [...] we are not dealing with an institution of ordinary law [...]. [Rather], it is a political-judicial institution which intervenes only in some cases, which are wholly special and in which there is the need for mediation of or clarification by the Constitutional Court (Ponta in Blokker, 2013:11).

According to Blokker (2013), the main concern of European institutions was what was at stake in constitutional reform, which related to important parts of executive-legislative relations, judicial operations, and electoral rules. Thus, these reforms would present great dangers for an illiberal democratic path, similarly to the Hungarian reform. However, while the Hungarian case appeared as a challenger to the orientation of European liberal democracy, it similarly related to the constitutional change in Romania, with a stronger mobilization and idiosyncratic construction of facts that confronted European Union political mobilization and institutional tools.

This political crisis started in the electoral scenario in Hungary in 2006, when the two main political Hungarian political parties, Fidesz and the Socialists, used a certain social polarization as a tool to reach a dominant role in government. Although the Socialist-Liberal coalition won the election of 2006 by a small margin, the economic crisis of 2008 unfolded, and hard times for the political system followed (Polonen, 2012).

The reforms attempted by Minister Gyurcsány from the Socialist party were mistaken for “austerity,” as the general disillusionment about Socialist political mistakes reached voters’ minds, creating a crucial change in

oppositional discourse at the time. During this crisis period, the legislature endorsed the qualified majority consensus, which resulted in informal practices, from tax evasion to political party financing, directly affecting the political party competition. Consequently, the necessities of the economic context led voters to associate a strong state with strong political leadership, which served as a specific discourse in the 2010 election campaigns of far-right parties (Bozóki, 2012).

Thus, the election of 2010 represented a crucial turning point toward the radicalization of discourse and what was called the “revolution at the pools,” when Fidesz had a landslide victory. Fidesz’ political agenda had no coherent ideology but won with two great electoral strategies. First, the party assumed a campaign against the Socialist past. Second, to cover the space on the Hungarian right, the party established an ethnic nationalist discourse. The prominent Viktor Orbán’s government came to power in the spring of 2010 and started a significant change in both political interaction among the elites and public legal infrastructure (Bózoki, 2012).

Since the transition to democracy, the Hungarian “Founding Fathers” have had a tradition of “consensus-building” toward a democratic institutional system with qualified majority rules to maintain safeguards of freedom. Due to former rules, the government in power had certain negotiation methods with opposition parties regarding basic issues, which resulted in constitutionally granted stability for the incumbents’ position (nearly impossible to oust presidents by external means) and much power and limited political responsibility to the government (BOZÓKI, 2012). Since 2006, the political interaction among elites has resulted in an undermining of this “*consensus-building*” approach in favor of a majoritarian democracy method. In 2011, this practice consolidated with Orbán, who unilaterally voted for a new Constitution, which started the deconstruction of the considered liberal-procedural democracy, injuring the principle of power-sharing and, specifically, the balance of power and checks and balances institutions (Bonzóki, 2012).

This Constitutional change and the modification of opposition-establishment relations resulted in the main concern of the European Union with the democratic features of Hungary. This transformation attracted the attention of practitioners and scholars in the face of Hungarian democratic backsliding; the democracy, in only five years (2010 to 2015) was downgraded from the *status* of consolidated democracy to

that of threatened democracy, thanks to the inconstant process of de-anchoring/discontinuity of liberal democracy (Morlino, 2011). This discontinuity represented a novelty in the European case, especially because it was achieved by legal means, through which, by reason of a two-thirds majority in a unicameral parliament, Fidesz passed a constitutional transformation (BUGARIC, 2015).

Fidesz and his small coalition partner, the Christian Democratic People's Party (KDNP in Hungarian) conquered 67,88% or 262 seats in the Parliament. This supermajority shrank fundamental rights and freedoms and, in terms of the political elite, made enormous use of institutional tools to unbalance parties. As a consequence, on December 31, 2011, the Fundamental Law (a proposition for a New National Constitution) provoked some crucial modifications to democratic institutions in Hungary.

Using the "Cardinal laws,"⁴⁹ the New Fundamental Law took some anti-democratic actions. Indeed, it eroded checks and balances procedures with fewer control mechanisms and prerogatives over executive actions and deformed the relation between government and other oppositional entities such as media, NGOs, and oppositional parties and groups); allowed 600 laws against free speech and information, including oversight authority over media/newspaper enterprises; lastly, the law interfered in religion and belief, private and family and other minority issues. On electoral rule, the Fundamental Law changed voting districts, allowing the established party's "gerrymandering"⁵⁰ practices. In 2014, as an outcome, the FIDESZ-KDNP coalition won 45% of the popular vote with six additional seats, despite having 560,000 voters less than in 2010 (FIDH, 2016).

The first term of Orbán's government established the pillars of "national unification," which relied on a change in the political elite and the elimination of their competition. Fidesz radically replaced the top administrative, economic, and cultural leaders from the socialist period before 2010. Subsequently, by making these

⁴⁹ Cardinal laws are defined by Article T(4) of said Fundamental Law as "Acts, for the adoption or amendment of which the votes of two-thirds of the Members of the National Assembly present shall be required" (FIDH, 2016).

⁵⁰ According to Rush (1992), "gerrymandering is a means by which the redistricting process can be used by one group to diminish another's chances of fair legislative representation (op. cit. 1992:99). According to the literature, gerrymandering can occur by three procedures: first, "packing," when a party creates districts with supermajorities of the opposing party; second, "cracking," when it distributes members of the opposing party among several districts to ensure that a majority is not created; and, finally, "tacking," when it expands boundaries of a district to include desirable voters (Kennedy, 2017).

changes, Orbán did not have any problems arguing or assuming an “anti-communist” ideology as a form of clientelism and fostering national convergence. Fidesz enjoyed the ensuing flexibility and did not have to demonstrate a coherent ideology but instead relied on the opportunistic scenario of blaming outsiders. The government created a dialogue with groups that valued traditions, in particular, rural people, and Fidesz inserted terms such as “decent morality” into the constitution with no clarification on the meaning of such terms. This was mainly a political maneuver based on electoral roots (Bozóki, 2012).

Beyond interfering in the executive structure and weakening the political opposition legislatively, Orbán moved against the Constitutional Court (CC) in the autumn of 2010. After Orbán’s government introduced more than 800 laws against liberal values and several amendments to the 1989 constitution, the CC repealed the retroactive effects of these measures, ruling them as unconstitutional action. Overnight, Fidesz retaliated by using another Constitutional amendment that limited the jurisdiction of the CC. In addition to these legal acts, the chairperson of the CC was replaced by parliament, which was mostly made up of Fidesz’s supporters. The number of judges increased from eleven to fifteen, and these were mainly right-wing and former politicians of the Fidesz-KNDP coalition (Bozóki, 2012).

In terms of electoral competition, Fidesz interfered with the National Electoral Commission (NEC) even before the municipal elections took place in 2010. Previously, an establishment coalition party monitored the state organ responsible for monitoring the fairness of Hungary’s elections. Fidesz introduced electoral legislation that transformed the NEC and made it difficult for small parties to compete in the elections by introducing barrier clauses, counting different numbers of voters among some electoral districts (counting fewer voters in left-leaning districts in order to benefit right-leaning districts), and giving the winning parties additional parliamentary seats as compensation; this was very different from the 1989 Constitution (Bozóki, 2012).

Between July and December 2010, the Fidesz government adopted other controversial laws against the media. According to Lusmen:

“The new media legislation included a politicized appointment process for the Media Council, as evidenced by the direct appointment of its president by the Prime Minister and the nine-year tenure of its members, which can only be ended by a supermajority in parliament” (Lusmen, 2015:603).

On April 25, 2011 using its supermajority, the Fidesz-KNDP coalition ignored the democratic opposition parties, such as the MSZP and LMP (the Hungarian Socialist Party and Lehet Más a Politika, or “Politics Can Be Different,” respectively), the constitutional debate, and the “society-wide debate” flag, and implemented a biased popular consultation called the “national consultation.” They also unilaterally passed the constitutional amendment for the new Constitution, the New Fundamental Law (Bozóki, 2012; Salmi, 2017).

The spiraling of the crisis since 2008 and the confirmation of the new Constitution in January 2012 caused the democratic discontinuity in Hungary to take on a new direction along an authoritarian path. However, there was not a full coup d'état, and the institutional prerogatives of this “executive aggrandizement” differed from other democratic discontinuities by undermining democratic anchoring, balancing powers, and infringing on human rights.

For the EU, the breaking point was the fourth amendment to the Hungarian Constitution approved in March 2013. This amendment introduced various constitutional provisions that limited the independence of the judiciary, brought about harsher oversight over university activities under governmental control, caused political prosecution, privileged religious groups according to their connection to the government, and weakened human rights guarantees across the board (Bugaric, 2015).

Indeed, in his speeches, Viktor Orbán drew attention for his open criticism of liberal democracy that argued that liberal democracy does not provide for any important social objectives:

“We will see that in the past twenty years, the established Hungarian liberal democracy could not achieve a number of objectives (...) Liberal democracy was not capable of openly declaring, or even obliging, governments with constitutional power to declare that they should serve national interests (...) Liberal democracy, the liberal Hungarian state did not protect public wealth (...). So we can safely state that in Hungary, liberal democracy was incapable of protecting public property that is essential in sustaining a nation, even compared to other countries (...) Hungarian voters expect their leaders to figure out, forge, and work out a new form of state-organization that will make the community of Hungarians competitive once again after the era of the liberal state and liberal democracy, one that will of course still respect the values of Christianity, freedom, and human rights. Those duties

and values that I enumerated should be fulfilled and be respected.”⁵¹ (Orban, 2014).

More importantly, he openly entertains a government system contrary to the European Union’s multilateral perspective:

“Meaning, that the Hungarian nation is not a simple sum of individuals, but a community that needs to be organized, strengthened, and developed, and in this sense, the new state that we are building is an illiberal state, a non-liberal state. It does not deny the foundational values of liberalism, like freedom, etc. But it does not make this ideology a central element of the state organization, but applies a specific, national, particular approach in its stead.”⁵²(Orban, 2014).

In the face of the Hungarian political context, the European Union mobilized a decisive stand against the Hungarian political elite in order to avoid a complete democratic relapse (Salmi, 2017). Kelemen (2017) pointed out that the response of the European Union was delayed in the face of the degradation of democracy that had occurred since 2010. First, between July and December 2010, the Fidesz government adopted laws to regulate the media, and the European Commission (EC) negotiated with Orbán at that period in order to avoid curtailing the freedom of speech (Iusmen, 2015).

In January 2012, the Commission employed material leverage against the Hungarian Constitution with regard to acts that affected the independence of the judiciary, the central bank, and the Hungarian Data Protection Authority (Iusmen, 2015). In April 2012, the EC removed the first infringement against the Hungarian government for its actions toward the independence of its Central Bank in the face of an agreement that the government would change the law in line with the policies of the European Central Bank. In the context of a continuous “cat and mouse” chase between the EU and Viktor Orbán’s government, the EC launched a series of infringement proceedings against Hungary in the European Court of Justice (ECJ). In March 2014, the EC attempted to establish the Rule of Law Framework against

⁵¹ Speech by Viktor Orbán at the XXV. Bálványos Free Summer University and Youth Camp, 26th July, 2014, Băile Tuşnad (Tusnádfürdő). Accessed on June 18th 2018: <https://budapestbeacon.com/full-text-of-viktor-orbans-speech-at-baile-tusnad-tusnadfurdo-of-26-july-2014/>

⁵²Speech by Viktor Orbán at the XXV. Bálványos Free Summer University and Youth Camp, 26th July, 2014., Băile Tuşnad (Tusnádfürdő). Accessed on June 18th 2018: <https://budapestbeacon.com/full-text-of-viktor-orbans-speech-at-baile-tusnad-tusnadfurdo-of-26-july-2014/>

Hungary, and in June 2015 the European Parliament condemned Orbán's death penalty and migration policies (Iusmen, 2015; Kelemen, 2017).

Table 22 - Hungarian and Romanian main actors during democratic relapses.

DEMOCRATIC FORCES	AUTHORITARIAN STATUS QUO
<p style="text-align: center;"><u>Hungary</u></p> <p>European Commission</p> <p>European Parliament</p> <p>Hungarian Opposition</p> <p>MSZP and LMP (the Hungarian Socialist Party and Lehet Más a Politika)</p>	<p style="text-align: center;">Fidesz (Viktor Orbán)</p> <p>Christian Democratic People's Party</p>
<p style="text-align: center;"><u>Romania</u></p> <p>President Băseșcu - Liberal Democratic Party, PDL</p> <p>Romanian Supreme Court</p> <p>European Commission and European Council</p> <p>The Commission set up the Cooperation and Verification Mechanism (CVM)</p>	<p>Social Liberal Union (USL)</p> <p>Victor Ponta</p>

Source: Information compiled by the author

Table 23 - Hungarian and Romanian democratic backsliding timeline.

TIMELINE: Hungary
Spring of 2010: Viktor Orbán elected.
Entire 2010: Constitutional rules changed from consensus-based to majoritarian democracy.
April 25, 2011: Constitutional changes introduced the new Fundamental law.
1 January 2012: In less than a year, Parliament adopted a new constitution, which became valid in January.
17th January 2012: EU began legal proceedings.
March 11, 2013: EU began legal proceedings against Hungarian Central Bank and the Hungarian Parliament adopted the so-called “Fourth Amendment.”
BREAKING POINT: ACTION FROM THE EUROPEAN UNION BEGAN. Statements made by Barroso e Jagland.
25 April 2013: Commission insisted that the premature termination of the former Commissioner’s term represented a violation of EU law.
2014: Rule of Law Framework established by the EU.
TIMELINE: Romania
27 June 2012: In the summer of 2012, Romania experienced the deepest constitutional crisis in its post-communist history.
3 July 2012: Congressional realignment initiated against President Băsescu.
5 July 2012: Constitutional rule changed in order to allow an impeachment referendum.
6 July 2012: President Băsescu impeached.
July and August 2012: The Council of Europe’s (CoE) Venice Commission and European officials asked for help against the “virulent attacks” against its independence by the government of Romania.
CoE’s Commission for Democracy set up (the Venice Commission), and a 2013 rerun of the Constitutional Forum initiated (as in 2002). Romania pressured by the European Commission and European Council represented by President José Manuel Barroso and Van Rompuy, respectively.
March 2013: The Forum was set up.
27 May 2013: Final report delivered on the parliamentary commission for the constitutional review.

Source: Information compiled by the author

Comparably, recent Romanian and Hungarian political history present similarities and differences. In both cases, the European Union participated in the processes of protecting democracy before the escalation authoritarian regimes as the status quo. As discussed, Orbán and Ponta mobilized political assets to different degrees in order to obtain majorities in Parliament and using this operational majority, they transformed their respective constitutions using authoritarian measures. Although these governments advanced illiberal measures, and consequently they were against the multilateral perspective of liberal democracies, a traditional and assertive coup d'état was not within the range of scenarios for Romania or Hungary.

In this sense, the European Union acted before the escalation of authoritarian political advancement in the face of other oppositional forces and attempted to return the elite's behavior to liberal democratic political action. As discussed, this illiberal behavior grew stronger, and this ignited intense mobilization by the EU, which demonstrated some differences in its response to these authoritarian threats.

Although they shared the same authoritarian strategy for political domination (by constitutional reforms), the political dynamics in Hungary and Romania were not the same. First, the insertion of authoritarian elites in the executive was not the same. Ponta acquired his position through an impeachment process, while Orbán was elected into power using voter support. Second, the balance of power in parliament in the case of Romania was not dominant, while in Hungary, Orbán's process of consensus building for majoritarianism passed without obstacle. As a consequence, in Romania, the constitutional transformation, the response of the opposition, juridical changes, and civic responses to the illiberal procedures appeared more politicized and contested than in Orbán's context.

Third, Orbán's party based part of its government platform on contesting liberal democracy; this meant that illiberal practices were an ideological part of the Hungarian political context and on a large-scale, this was legitimized by Orbán's voters. Unlike in Romania where the process began with the impeachment of President Băsescu and led to the proposition of constitutional reforms, political reform in Hungary was based on the personal interests of a political elite involved in corruption schemes and who sought political monopoly. Last, as Chapter 4 discusses thoroughly, the European Union's response in both contexts resulted in different tools

and responses from the domestic level and institutional implementation of democratic protection regimes, which was effective in normalizing liberal democratic procedures in Romania, but not in Hungary.

The next section discusses Latin American coup d'états. Unlike in the European context, the OAS acted after the authoritarian status quo was in place. The historical narrative demonstrates that the IGO acted when there was confirmation that a traditional coup d'état had happened, in the case of both legislative coups and incumbent takeovers (self-coup), and whether there was assistance or not from the military.

3.3. Latin American and coup d'états: the cases of Guatemala, Paraguay, Honduras, and Peru.

3.3.1 Guatemala

On May 25, 1993, President Jorge Serrano Elias announced the dissolution of the Guatemalan Congress and the Supreme Court of Justice, a phenomenon called Serrano (similarly to Fujimori in Peru). The self-coup positioned all power in the executive branch, which allowed for parts of the 1986 Constitution to be suspended, especially those that guaranteed individual rights, a free media, and association rights, and subsequently, it became a typical authoritarian regime (Berger, 1993).

This self-coup was the outcome of a number of factors. First, the Serrano government suffered several popular protests and faced energetic pressure from elites in the face of an increase in electricity rates (increased 50 to 70%). On one side, the accusations were against the neoliberal policies that affected the Instituto Nacional de Electrificación (INDE) subsidies, and on the other side, they were against the corruption scandals related to Alfonso Ankder, a friend of Serrano, who diverted thousands of dollars from the institute.

In this context, Serrano faced a strong battle from his Party in Congress, the Movimiento de Acción Solidaria (MAS). His party was small and faced a fragile alliance from the other leading parties, the Christian Democratic Party (PDCG) and the right-of-center Union del Centro Nacional (UCN). The escalation of conflict occurred when Congress was scheduled to discuss the rate increases, and the leading political opposition parties encouraged citizens not to pay their new electricity rates (Berger, 1993).

In addition, Serrano began a political dialogue with the guerrilla movement, the Unidad Revolucionaria Nacional Guatemalteca (URNG), which moved a fractional part of the elite's support toward the dominant coalition. However, disagreements in matters of time, direction, speed, and content with the guerrilla movement prevented the dialogue from moving very far (Berger, 1993).

In addition, the government began a conflict with the students' association over the quality of education and free bus passes of the public transport policy. The students were suspicious of the government and saw the use of free pass registration as a source of political persecution and control. Relations with the students escalated when a congressional bodyguard killed a student in 1993 (Berger, 1993).

Serrano's ultimate political despair occurred when he had no direct connection to his government. In addition, when Hugo Roberto Contreras, a captain in the Guatemala Army, was arrested for killing an American citizen in Guatemala he escaped from prison, and this sparked a series of important events. According to the investigation, someone helped Contreras inside the prison, coincidentally or not, after the leader of the prison acknowledged that Contreras was innocent. Quickly a popular movement escalated, and a scenario was proposed that involved the disappearance of Contreras to that Serrano could remain in power (Berger, 1993).

Serrano's electoral campaign promised a great range of action that was never implemented, including solving the guerrilla problem (Unidad Revolucionaria Nacional Guatemalteca [URNG]) by integrating the Ejército Guerrillero de los pobres (EGP), Fuerzas Armadas Rebeldes (FAR), Organización del Pueblo en Armas (ORPA), and Partido Guatemalteco del Trabajo (PGT). He came to power with very little support (only 24.8% of voters and 3% of municipalities voted for him), and this allowed the state to become captured by strong economic actors who imposed their own rules (Camacho, 2004).

With low popularity and no political support in Congress, on May 25, 1993, Serrano announced his self-coup d'état on public television. Besides from closing Congress, he suspended 46 articles of the Constitution, declared a state of emergency in Guatemala, and called for new elections. From Serrano's perspective, he was attempting to follow the path of Fujimori in Peru. First, he offered a technical justification for the self-coup and then avoided the attempts to remove him from

power. To achieve this, he called for support from the military divisions and Centre of Intelligence; instead, he found several splits in these divisions and a contested fidelity among the security forces (Camacho, 2004).

In the executive branch, Serrano counted on the support of Gonzalo Menéndez (from the presidential office of Public Relations and Information), Arturo Alvarado and Roxana Baldetti (former Minister of Education) and Maria Beltranema (from the Ministry of Economy, Communication, and Energy). Lastly, the self-coup was possible because of the support of José Domingo Garcia Samayoa, the Minister of Defense. Before the coup d'état, Serrano demonstrated early signs of authoritarian behavior and was hostile to the press (including threatening freedom of speech), and he was critical of Congress and the business community. This resulted in the president becoming isolated, and he kept a low profile at the international level before the coup d'état. His ultimate decision to undertake a self-coup happened when Serrano had no political governance options, low popularity, no political support in Congress, and budgetary problems. In addition, Serrano faced a corruption scandal and an intense investigation that exceeded investigations into his predecessors (Bjune and Petersen, 2010; Villagran De León, 1993)

From Serrano's isolation, he devised his self-coup plan in a solitary way. According to Villagran de León (1993), "Serrano apparently confided his decision to initiate the coup only to his chief of staff, his minister of defense, and a handful of senior military commanders" (*op cit*, 1993:119). The political response to Serrano's self-coup was immediate, both domestically and internationally, and was against his political action. Domestically, 48 hours after the self-coup announcement, groups of Guatemalan civil society mobilized and in less than two weeks, the coup d'état was reversed (Villagran de León, 1993).

Serrano made two miscalculations about the domestic and international response to his actions. Domestically, he thought that he would have had popular support for the self-coup (similarly to Fujimori), but the opposite occurred (Villagran de León, 1993). The Human Rights Ombudsman, Ramiro De León Carpio, the President of the Congress, Jose Francisco Lobo Duboan, and the Supreme Court Justice, Juan Jose Rodil Peralta were arrested during the coup d'état, but Carpio had the opportunity to denounce the coup d'état at a press conference. In addition, The Supreme Election Tribunal refused to organize another election for the constitutional

changes and massive protests began in June, led by the Unidad de Accion Sindical y Popular (*UASP*) and the Comité de Asociaciones Agrícolas, Comerciales, Industriales y Financieras (*CACIF*) (Cameron, 1998).

Domestically, the most important defeat of Serrano's self-coup happened on May 31, 1993, when military forces and international actors (especially the OAS and the U.S.) agreed to a return to constitutional rule and isolation of Serrano's leadership. On June 1, 1993, the President of the Constitutional Court (CC) announced Serrano's resignation, and so Serrano's political life after the coup d'état lasted only six days (Cameron, 1998). Three important forces, the Supreme Electoral Tribunal, Court of Constitutionality and Human Rights Office, and part of the military (especially middle-level officers), domestically ended Serrano's political engagement (Villagran De León, 1993; Bjune and Petersen, 2010).

Internationally, Serrano's second miscalculation was the incorrect perspective over the regional democratic debate when he assumed that as authoritarianism had been historically accepted in Latin America, another coup d'état would be accepted. However, after the Cold War, the trend in Latin America was toward democratic protection policies mainly developed on the insistence of the OAS (Villagran De León, 1993; Shaw, 2004).

The OAS responded to Serrano's self-coup on the same day of his announcement. In accordance with Resolution 1080, the Permanent Council met on May 25 and convoked an ad hoc Meeting of the Ministers of Foreign Affairs, who condemned the coup and demanded constitutional restoration in Guatemala (Shaw, 2004). On May 29, Secretary-General João Baena Soares traveled to Guatemala in order to mobilize civil society and the military. Baena made the consequences of the self-coup very clear and stated that OAS would punish Guatemala economically if it did not restore democracy. The U.S., the European Union, and Mexico would also implement economic sanctions against Guatemala (Pevehouse, 2005; Shaw, 2004). Villagran de León's perspective was that "Baena's meeting with the military high command was probably crucial in spurring their decision to back a constitutional resolution of the crisis" (*op cit.*, 1993:122).

Table 24–The main actors in Guatemala during the coup d’état.

DEMOCRATIC FORCES	AUTHORITARIAN STATUS QUO
<p>Population</p> <p>Opposition forces</p> <p>The Human Rights Ombudsman, Ramiro De León Carpio, the President of the Congress, Jose Francisco Lobo Duboan, and Supreme Court Justice, Juan Jose Rodil Peralta</p> <p>Part of the military</p> <p>International actors</p> <p>The OAS</p> <p>The U.S.</p>	<p>Hardliner military officers</p> <p>General José Domingo Garcia Samayoa Serrano</p> <p>Movimiento de Acción Solidaria (MAS),</p> <p>Christian Democratic Party (PDCG) and the right-of-center Union del Centro Nacional (UCN)</p> <p>Gonzalo Menéndez (Public Relations and Information of the presidency), Arturo Alvarado and Roxana Baldetti (former Minister of Education), and Maria Beltranema (from the Ministry of Economy, Communication, and Energy)</p>

Source: Information compiled by the author

In this sense, from the historical narrative of the model states of this thesis, the OAS responded to the Guatemalan crisis after the confirmation of Serrano’s coup d’état, demonstrating curative behavior in their protection.

Table 25 – Guatemalan coup d’état timeline.

TIMELINE: Guatemala
7 January 1991: Serrano is elected.
25 May 1993: Jorge Serrano Elias decided to stage a self-coup.
25 May 1993: OAS MEETING FOR 1080 RESOLUTION held.
31 May 1993: International mobilization began toward the isolation of Guatemala.
1 June 1993: Intense action began by democratic forces (Constitutionality Court).
3 June 1993: Ad hoc meeting of internal ministers was initiated.
6 June 1993: With the legislature’s selection of a new head of state, the June 6 session of the OAS ad hoc meeting determined that constitutional rule had been reestablished, and the proceedings pursuant to Resolution 1080 were declared officially closed.
6 June 1993: International Summit held with national and international observers including SG Baena.

Source: Information compiled by the author

3.3.2. Paraguay

The 1994 Paraguay political crisis appears, in part, as a “contradictory” case of the political behavior of the OAS in the case of a coup d’état. This subsection demonstrates that the Paraguayan context can be considered as an “almost coup d’état,” however, unlike the expected model, the OAS acted substantively in order to restore the democratic status quo. However, in the absence of a preventive democratic protection regime, the OAS addressed the Paraguayan political crisis in order to act curatively. The historical narrative demonstrates that the OAS acted similarly to the EU in terms of timing (before the coup d’état) but acted differently in terms of international mobilization (Chapter 4 discusses IGO mobilization). This demonstrates that the OAS took contradictory action by assuming that there was a coup d’état in order to act preventively and avoid a coup d’état.

As an overview, the Paraguayan political crisis in 1994 was related to the relationship between President Wasmosy and General Oviedo. The consolidation of democracy in Paraguay has always been a challenge, especially in the context of continued economic and social crises and corrupt practices that involve narcotics and contraband (Valenzuela, 1997). In addition to the structural context, until 1992, the military was required to be members of the Colorado Party, and subsequently, politics in Paraguay involved the military, and this led to military coup d’états. The indispensable support of General Lino César Oviedo for President Wasmosy’s nomination as leader of the Colorado Party was an indication that the political weight of military figures in Paraguay, including on electoral outcomes, was not negligible (Valenzuela, 1997; Zagorski, 2003). According to Stromberg (1997), the 1994 election process was electoral fraud, and Wasmosy had to pay the price for Oviedo’s political maneuver for his nomination inside the Colorado Party.

Wasmosy won the presidential election on May 9, 1993, with 40% of the votes; an engineer whose fortune was related to construction contracts, Wasmosy was considered an outsider with no military history in the Colorado Party, which explains his dependency of Oviedo’s support in the preliminary competition. However, even after his victory, Wasmosy could only rely on a small amount of support in Congress (42 seats for the opposition and 38 for Colorado Party), and in the Senate, the

opposition parties won 25 seats compared to the Colorado Party which won 20 seats (Nickson, 1997)

Part of the authoritarian drive was led by General Oviedo, who historically had put pressure on the democratic governments and had supported previous coup d'état attempts. Oviedo was one of the most important leaders of the military coup in 1989, and in 1998, he had tried to become president. Previously, he had also declared himself as the most powerful man in Paraguay, and he had put pressure on president Wasmosy to give his military appointments positions in the government cabinet and the Supreme Court (Valenzuela, 1997).

General Oviedo continued to exert his influence on several matters and used the Colorado Party and Congress to overcome government initiatives of floating international bonds, construction of a second bridge across the Paraná River, and the internal election process inside the Colorado Party. The constant presence of Oviedo in Congress, within the Colorado Party, and in other parts of the public sector made Wasmosy realize that for his survival as president, he had to remove Oviedo from the command of the army (Valenzuela, 1997).

First, at the end of 1994, Wasmosy created political distance from Oviedo, which caused a military crisis on December 18, 1994. At that moment, Oviedo unilaterally transferred General Ayala in place of General Garrison without a presidential order. In response, Ayala disobeyed Oviedo and waited for Wasmosy's order. Wasmosy rescinded the order and assumed that this transfer had been a misunderstanding by Oviedo (Nickson, 1997). From 1995 to 1996, Wasmosy attempted many maneuvers toward the depoliticization of the Army division. In this context, according to Nickson (1997):

- a) Wasmosy signed a deal between himself and the opposition on May 15, 1995, which demonstrated his mistrust with Oviedo;
- b) In late August, Congress passed a motion calling for Oviedo's dismissal because he had transgressed the constitutional ban on party political involvement by serving members of the armed forces;
- c) The attorney-general summoned Oviedo in person to answer the improbity charges, but Oviedo failed to appear.

In the meantime, Wasmosy also looked for support from within the Army forces. To begin with, he found support from force commander General César Rafael Cramer, navy commander Vice-Admiral Carlos Guillermo López Moreira, Presidential Guard commander Colonel Domingo de Guzmán Gaona, and armed-forces commander General Silvio Rafael Noguera as all of these commanders were Oviedo's rivals and the army had lost ground since the 1989 coup attempt (Valenzuela, 1997). On April 22, 1996, Wasmosy decided to remove Oviedo from his post at the military division. As a response, Oviedo refused to obey Wasmosy, and the crisis became political when Oviedo went to the military headquarters and called for Wasmosy's resignation, "threatening to bomb the presidential residence if a 7 p.m. deadline was not adhered to" (Nickson, 1997:192).

The first official information available to the public about Oviedo's action came from an official statement released by the U.S. embassy; this was soon followed by statements from the Brazilian and Argentinean embassies. Subsequently, President Wasmosy made a statement on national television to confirm the action. The civil society response was quick as well and was followed by unions from the center-left alliances, journalists, students, NGO members, and intellectuals. On April 23, President Wasmosy spent the day at the U.S. embassy in a "kind of exile" (Stromberg, 1997).

On the same day, the air force, navy, national police, and judiciary states came out in defense of democratic institutions (Stromberg, 1997), and the international response increased. First, ambassadors from the U.S., Brazil and Argentina held a press conference, stating that "any interruption of the democratic process would be greeted by an overwhelmingly negative reaction on the part of the hemisphere, including the Organization of American States and the Mercosur countries, which would isolate Paraguay if necessary" (Vleuten and Hoffman, 2010: 748). The OAS Secretary-General, César Gaviria, went to Asunción on the same day of the coup announcement and supported Wasmosy's government.

The full international support led the OAS Council to hold a meeting in order to introduce Resolution 1080. According to Valenzuela (1997), this meeting was marked by confusion because some member-states were not aware of what was happening in Paraguay. At this meeting, Ambassador Carlos Victor Montanaro, the Paraguayan permanent OAS representative, and Lawrence Chewing, the Panamanian

ambassador, called for immediate action. His motion had the support of the U.S. deputy secretary of state, including the move to impose economic sanctions (Valenzuela, 1997).

Paraguay appears as a contradictory case in terms of the elite's behavior and the participation of IGOs. First, although General Oviedo mobilized military action to oust Wasmosy, the coup d'état did not happen (Valenzuela, 1998). In comparison with other Latin American countries, the 1996 Paraguayan crisis presented all of the features of a traditional coup, but it was not achieved entirely by Oviedo's forces. Instead of waiting for the escalation of the conflict, the OAS evoked preemptive action for the protection of democracy.

The main contradiction in the OAS's participation was that in the absence of a defensive tool to protect democracy, the only institutional and legitimate tool available to the OAS was confirming that the coup d'état took place when the Resolution 1080 was mobilized. This occurred even though politically no coup d'état had taken place. Chapter 4 of this thesis demonstrates thoroughly, using OAS documents, that this contradiction was a latent weakness of the preemptive action available to the OAS. Consequently, in order to act to protect democracy, the OAS contradictorily assumed that the coup d'état had taken place, and it returned to a curative form of defense in the face of an incomplete coup.

Table 26—The main actors in Paraguay involved in the coup d'état.

DEMOCRATIC FORCES	AUTHORITARIAN STATUS QUO
Carlos Wasmosy The OAS The U.S. Brazil Argentina Paraguayan navy, police, and air force	General Lino Oviedo The army

Source: Information compiled by the author

Table 27 - Paraguayan timeline.

TIMELINE: Paraguay
9 May 1994: Wasmosygets elected.
7 October 1994: Problems in Congress began. 18 December 1994: Oviedo transferred General Ayala in place of General Garrison without a presidential order.
May 1994: Problems with General Oviedo began. End of 1994: Wasmosy distanced himself from General Oviedo. 15 May 1995: Wasmosy made a pact with the opposition.
22 April–25 April 1996: Problems with General Oviedo began. a) 15 May 1995, Wasmosy created a partnership with the opposition against Oviedo. b) 22 April, Wasmosy decided to remove Oviedo, and the crisis escalated. c) 23 April, coup d'état attempted by General Oviedo.
23 April 1996: U.S. mobilization began. 23 April 1996: Brazilian mobilization began.
23 April 1996: Argentinian, U.S., and Brazilian pressure applied.
23 April 1996: OAS General Secretary César Gaviria went to the capital of Paraguay. The Council called for a meeting of the hemisphere's foreign ministers to evaluate the situation according to Resolution 1080.

Source: Information compiled by the author

3.3.3. Honduras

An example from Honduras is a singular case in the context of political instabilities and coup d'états in Latin America. On the morning of June 28, 2009, the Honduran President Manuel Zelaya was taken out of his home at gunpoint, put on a plane, and flown abroad. This event threatened 20 years of democratic stability and awakened questions over what brought Honduras to this situation (Heine and Weiffen, 2015).

The Liberal Party of Honduras elected Zelaya president in November 2005.⁵³ The presidential campaign was marked by a huge polarization between Zelaya's Liberal Party of Honduras (PLH) and his adversary, Lobo's National Party of Honduras (PNH). Indeed, the outcome of this polarization was expressed in the final voting result: Zelaya got 49.9% of the vote, and Lobo got 46.2%. According to Filho et al. (2013), electoral campaigning was marked by three main issues. First, the problems of democratic legitimacy and the quality of democracy; for example, how to increase the participation of citizens. Second, the degree of state intervention in the economy, especially in the face of large economic crises, and last, public security issues. Particularly, on the last issue, discussions on how to act against *maras* (a group of criminals related to drug dealing, extortion, and deaths) increased the polarization because Lobo's supporters defended the death penalty and Zelaya's supporters called for life imprisonment.

Initially, Zelaya, as a member of the Honduran economic elite, brought to his government several business and social elites, including an agricultural businessman from a traditional landowning family. Zelaya was also a former board member of the powerful Honduran Council of Private Enterprise (COHEP) and former president of the National Association of Wood Transformation Enterprises (Anetrama; Filho et al., 2013; Lison, 2016).

From the beginning of the Zelaya government, incoherencies in his national plans were evident; from his association with the old elites of Honduras to alliances with radical leftist countries in Latin America, such as Venezuela and Nicaragua. In particular, the relationship between Honduras and Venezuela received more attention from the media and political actors. The conflict over fuel-provision in the Honduran economy contributed to Zelaya's switch to left politics,⁵⁴ including an announcement that Honduras would participate in the Petrocaribe Agreement that was considered a Venezuelan cooperation program created from a leftwing source of international financing. On March 13, 2008, the Congress, with the support of the

⁵³According to Filho et al. (2013), the Honduran political system is one of the most institutionalized party systems in Latin American. This system is dominated by a non-polarized two party system, made up of the Liberal Party of Honduras (PLH) and the National Party of Honduras (PNH). These two parties have rotated power and managed different parts of the socio-economic elites rather than aggregating interest among the population.

⁵⁴Policy switch is a political phenomenon based on voter's expectations during a campaign and the elected representatives' action once in government. This switch implies deviations from what was proposed during campaigning to the policies put in place after being sworn into office (FILHO et al., 2013).

PLH, the PINU, and the PUD, voted for the ratification of Honduras's participation (Filho et al., 2013).

From that moment, Zelaya's government began to fall. In addition to a constant disagreement between Zelaya's ideological mindset and the party's, he began to lose the support of his party and other patronage forces. Two factors enhanced Zelaya's relation with Congress. First, the PLH chose another candidate for Zelaya's succession in November and mobilized to change the electoral rules in selecting candidates for the presidential competition. Second, Roberto Micheletti, who openly criticized Zelaya's government (including his switch to leftwing politics), lost the primaries to Vice-President Elvin Santos, and with that any incentive to help Zelaya's agenda in Congress (Filho et al., 2013)

In the face of zero support from Congress, Zelaya attempted to change the constitution by other means. On March 23, 2009, he called for a broad public consultation in June of the same year for a Constituent Assembly by unofficial means (in the context of a non-legislative majority). In order to avoid a constitutional crisis, Zelaya changed his mind and opted for an "Opinion Pool" that was not accepted by Congress. The situation escalated when Zelaya ordered the military to provide logistics for the Opinion Pool, and General Vásquez Velásquez refused. The disobedience of Velásquez resulted in his demission, which triggered the joint resignations of the Defense Minister, Edmundo Orellana and the commanders of the three armed forces. The Supreme Court ordered Velásquez to be reinstated (with no constitutional grounds for this action), and Zelaya refused. On June 28, 2009, Zelaya was kidnapped from his house and sent to Costa Rica, completing the coup d'état (Filho et al., 2013; Policzer and Francechet, 2014).

On the same day, the international community, including the OAS, strongly opposed Zelaya's ousting. After the Permanent Council Meeting from June 25 to June 26, the OAS understood that the current situation in Honduras was an unconstitutional interruption, and therefore, a coup d'état confirmation came on June 29. In this sense, the OAS demanded the return of Zelaya as president and offered diplomatic reconciliation with the support of the Costa Rican President, Oscar Arias. In the face of a non-response from the coup d'état leaders, the OAS persisted with the unconstitutional violation of democratic norms based on Article 17 of the Democratic Charter and suspended Honduras (Policzer and Francechet, 2014; Heine

and Weiffen, 2015). The SG, Miguel Insulza, traveled to Managua on June 29 and then returned to Washington, and between 30 June and 4 July, he attended a special session of the OAS General Assembly. On July 1, the General Assembly issued Resolution 1 to reestablish Zelaya as president within 72 hours. With no answers from Tegucigalpa, on July 4, using article 2, the OAS suspended Honduras.

From the San José Accord, presented by Arias on July 22, the OAS attempted to reestablish the democratic status of Honduras. In accordance with the U.S. State Department and Brazilian Itamaraty on October 30, in Tegucigalpa Resolution 1 was officially signed, and democratic norms were reinstated in Honduras.

Table 28 - The main actors involved in the Honduran coup d'état.

DEMOCRATIC FORCES	AUTHORITARIAN STATUS QUO
Manuel Zelaya International Forces OAS The U.S. Brazil	Military General Vásquez Velásquez Legislative Branch

Source: Information compiled by the author

Table 29 - Honduran timeline.

TIMELINE: Honduras
November 2005: Manuel Zelaya elected president
13 March 2008: Congress voted for Honduras participation in the Petrocaribe Agreement.
23 March 2009: First legislative problems emerge. PHL chose another candidate for the presidential competition. Vice-President Elvin Santos lost the primaries, and then, Zelaya lost congressional support.
23 March 2009: Zelaya's proposed a popular consultation in June for the Constituent Assembly.
23 March–28 June 2009: The disobedience of General Velásquez and the Defense Minister, Edmundo Orellana and three other army officers resigned.
28 June 2009: Zelaya ousted from the Presidency.
28 June 2009: OAS opposed Zelaya's ousting.
29 June 2009: OAS confirmed the coup d'état. OAS SG, Miguel Insulza, traveled to Managua.
1–4 July: OAS issued Resolution 1 to reestablish Zelaya within 72 hours.
22 July–November 2009: San José Accord was established to restore democratic status in Honduras.

Source: Information compiled by the author

3.3.4 Peru

Alberto Fujimori's government in Peru is a good example of neopopulist leadership. In this political context, the government is as follows:

“Personalistic, plebiscitarian leader rules based on a quasi-direct, largely unmediated relationship to a heterogeneous, mostly unorganized mass of people. Neopopulism embodies a majoritarian conception of political rule: ‘the will of the people’—as interpreted by a predominant chief executive—reigns supreme, largely unconstrained by parliament and the courts. Checks and balances are weak and horizontal accountability is low, but the vertical relationship between a personalistic leader and ‘the masses’ sustains neopopulism.” (Weyland, 2006:13).

The emergence of Fujimori and his 1990 victory are an outcome of this political transformation in Peru. With a background of hyperinflation; economic crises going back to 1980; and the emergence of the violent insurrectionary group, “The

Shining Path” and their advances in the countryside with constant use of terrorism, much of the Peruvian population discredited the traditional political class. The civil population had minimal political expectations, and a window of opportunity was contemplated by “outsiders” of the political class as their chances of winning were enhanced in the face of the poor political party structure (Weyland, 2006).

The 1990 presidential elections represented a traditional political defeat. The incumbent party, the Alianza Popular Revolucionaria Americana (American Popular Revolutionary Alliance [APRA]), was defeated in the first round, in conjunction with other two center-right parties, which ruled from 1980 to 1985. That presidential contest was a competition between two outsiders, Alberto Fujimori, and Mario Vargas Llosa. Both candidates used vague campaign rhetoric, no prospect of a course of action when in government, and they were politically merchandised as the “savior” of the country. Between the two, Llosa showed more connection to the main characters of the political establishment, which provided Fujimori with the discourse that Llosa’s campaign did not represent novelty. Instead, Llosa was an extension of the political mainstream, and so he was not the solution to Peru’s problems (Weyland, 2006)

Interestingly, Fujimori’s and Serrano’s trajectories have some shared features. First, both received the support of evangelical groups, which enhanced their images of personal probity. Serrano frequented the El Shaddai church, as did his Vice-President, Carlos Garcia, while Fujimori created a network of evangelical churches. Second, both received majoritarian votes (25% and 23%, respectively) but no control over Congress (Serrano with 18 deputies in Guatemala and Fujimori with 14 of 60 in the Senate and 49 of 180 in Congress). Both were forged in the context of constant discredit from well-established parties and traditional leaders, which enhanced their leverage in terms of the capture and manipulation of the public (Cameron, 1998).

Fujimori was the most unpredictable candidate, and his simplistic slogans, vague government programs, and generalities in his actions suggested a complicated government. In July 1990, Fujimori overcame the absence of a coherent cabinet and lack of coalition support in Congress with his charisma and courage to attack adversaries and conquer new supporters. In the first months, Fujimori managed to end hyperinflation using neoliberal plans, resulting in austerity and the equilibrium of public accounts. In 1991, the hyperinflation problem was over, and

Fujimori had large popularity ratings in his first fifteen months as president (Weyland, 2006)

The other important aspect of the Peruvian context was the security issue of the terrorist group, the Shining Path. In order to put an end to this matter, a large part of the population supported anti-terrorism actions; however, congressional politicians called for constitutional objections to Fujimori's approach to this matter. From the view of public opinion, the congressional backing of anti-terrorism action appeared to be an intention to undermine government efficacy, and thus, any congressional action resulted in a rise in popularity for the Fujimori government and his neopopulist methods (Weyland, 2006).

His history of high popularity helped Fujimori to implement authoritarian measures. During his authoritarian attempt of implementing a self-coup and overcoming the obstacles posed by Congress, his self-coup was supported by 82% of the public in accordance with prominent business leaders who backed the political move. Unlike other leaders in Latin America, during the self-coup, Fujimori was supported by important sectors of the state (for example, military and private), and he was popular among international actors who initiated action toward re-democratization; thus, he was an unchallenged leader in Peru (Weyland, 2006).

According to Cameron (1998), over two and a half years, Fujimori based his stability in the presidency on changing legislative alliances (with The American Popular Revolutionary Alliance [APRA] and Frente Democrático [FREDEMO] in Peru). With this background of a non-coherent program and ideological commitment, instead of creating a legislative atmosphere of flexibility, Fujimori was confrontational and authoritarian, with no political alliances with political leaders and instead, he consistently create a dialogue with the intelligence services (Peruvian Servicio de Inteligencia Nacional [SIN] (Cameron, 1998).

Wood (2000) stated that the motives behind Fujimori's *autogolpe* on April 5, 1992, are uncertain; however, his relationship with the legislative sphere created certain harmful behavior. In May 1991, the Peruvian Congress provided Fujimori with the extraordinary legislative freedom to act independently on terrorist and economic matters, especially in countryside pacification and the promotion of private investment. In November 1991, the overpowering of the presidency caused another conflict, when Fujimori presented a package of 126 presidential decrees in order to

establish larger centralization of the economy and more power for the SIN. He enjoyed overpowering legislative action to expire and incapacitate Congress to reach an agreement before the summer recess. Fujimori attempted to pass this amendment with no obstacles; however, Congress rescheduled an extraordinary session to discuss these matters in January 1992.

The response of Fujimori to Congress's delay was ruthless. First, he rejected the budget agreed by Congress and refused to endorse nominations to the Supreme Court. Eventually, Fujimori took steps that would lead to his *autogolpe* on April 5, 1992. According to Wood (2000), Fujimori chose this moment as a response to his sharp drop in opinion polls, which fell from 71% in January to 55% in February, and the coordinated action from Congress in response to his overpowering actions. This timing culminated in preparation for the *autogolpe*, when on April 4, 1992, Fujimori canceled all of his agenda, talked to his cabinet leader, the Minister of Defense and the Minister of Energy, Jaime Yoshiyama, who after the coup d'état would be his right-hand (Wood, 2000)

On April 5, 1992, at 10:30 pm, all media sources (magazines and televisions) were visited by army units, and Fujimori announced his *autogolpe* to the nation in a 6-minute speech. From that moment, the constant presence of the Army in all presidential actions was a feature of Fujimori's government. Fujimori arrested journalists, media directors, and politicians in Congress, and after April 5, the image of tanks placed outside the Palace of Justice and Congress portrayed what was in place for Peru.

In a speech, Fujimori backed his action: "The present democratic formality is deceptive, false; its institutions too often serve the interests of all privileged groups [...]Without a doubt neither the Parliament, nor the Judicial Power is agents of change nowadays, but rather obstacles to transformation and progress" (Fujimori, 1992, no pages).

Fujimori's *autogolpe* was heavily condemned by international actors, including the U.S., the European Economic Community, and the OAS. In 1991, the OAS approved the Santiago Declaration, and a meeting in the Bahamas was called in order to review Peru's status in the organization, including the threatening of economic sanctions. In May 1992, Fujimori promised a return to democratic standards in an assembly meeting at the OAS but stated that inside pressures from

army commanders created excesses of power toward domestic subversions and economic recovery (Hunter, 1997). This action appeared to come from a government with little interest in re-establishing the democratic standards and supported Fujimori’s plebiscitary action, taking advantage of his opinion polls that recovered after the self-coup (Mauceri, 1997).

According to Pevehouse (2005), the OAS reaction was clear:

“Fujimori’s move was a blow to democracy, and he was called upon to restore democracy immediately. The OAS, under the obligations of the Santiago Declaration publicly condemned Fujimori’s actions and called an emergency assembly meeting in the Bahamas” (*op cit.*; 2005:130).

OAS’s reaction created a new prospect for Fujimori, who had not counted on this coordinated action toward the Peruvian crisis.

Table 30–The main Peruvian actors involved in coup d’état.

DEMOCRATIC FORCES	AUTHORITARIAN STATUS QUO
Peruvian Opposition Media Organizations OAS	Fujimori Military Peruvian Servicio de Inteligencia Nacional or SIN

Source: Information compiled by the author

Table 31 - Peruvian timeline.

TIMELINE: Peru
November 1991: Conflicts reached a head in November 1991 when Fujimori presented a package of 126 presidential decrees before Congress prepared under his extraordinary legislative powers, aimed primarily at the greater centralization of the economy and greater powers for the military and the Servicio Nacional de Inteligencia (SIN, the intelligence service).
January 1992: The package of decrees was presented only two days before Fujimori's extraordinary legislative powers were due to expire, and one month before the summer recess. Congress was unable to reach agreement on the decrees before the recess and called an extraordinary parliamentary session in January 1992 to resolve the matter.
5 April 1992: President Alberto Fujimori suspended the constitution, closed Congress, and fired the top judges of the nation in the evening.
In 1991: The OAS approved the Santiago Declaration.
5 April 1992: OAS condemned Fujimori's action.
May 1992: In an assembly meeting at OAS, Fujimori promised a return to democratic standards.

Source: Information compiled by the author

3.4. Concluding remarks

Following the process-tracing test presented by Collier (2011), this thesis summarizes his tests using a “smoking-gun” approach. This kind of test assumes that causal conditions provide a sufficient but not necessary criterion for the causal inference; this means that if the causal condition passes, it weakens the rival causal conditions. Table 33 summarizes these tests observing the causal conditions stated in this chapter, the empirical clues demonstrated by the historical narratives, and the possible inference from this relation between the causal conditions and empirical data.

Table 32 - Process-tracing Smoking-gun Test.

SMOKING-GUN TESTS FOR TRANSITION
<p>Causal conditions:</p> <p><i>IGOs have more incentives to participate in the protection of democracy when authoritarian regimes opt for reformist behavior, and the opposition (democratizing force) attends to democratization or reformist behavior. This combination of the behavior of the elite produces a political scenario resulting in a low cost of action for the IGOs, and apart from this, the cost of action increases.</i></p>
<p>Clues:</p> <p><i>C1. The Czechoslovakian transition happened according to the democratic opposition taking charge of a political transition and in the face of a weak authoritarian status quo, allowed international bodies to be confident of the pro-democratic outcome. The Bulgarian and Haitian cases represented the leading transitional processes at the hands of former authoritarian regime soft-liners, projecting to international bodies a constant mistrust over the final fate of the regime.</i></p> <p><i>C.2 Since its inception, the OAS accommodated fraudulent elections, and pro-authoritarian behavior by elites.</i></p> <p><i>C.3 The EU refused to send more investment and political support to Bulgaria in the face of constant, unsteady action from soft-liners in democratic transition.</i></p>
<p>Inference:</p> <p><i>Pro-democratic elites leading the process and weakened pro-authoritarian elites with no other choice but reform produced a low level of mistrust among IGOs and subsequently, a lower cost for the action.</i></p>
<p>Summary: <i>The clues yield a smoking-gun test that confirms the causal conditions.</i></p>
SMOKING-GUN TESTS FOR DEMOCRACY DISCONTINUITY AND BREAKDOWN OF DEMOCRACY
<p>Causal conditions:</p> <p><i>In preventive democracy protection regimes, once threatening behavior toward democracy stability was detected by the domestic elites, the IGOs began a stronger mobilization as long as the authoritarian action undermined democratic values and institutions. In curative democracy protection regimes, the cases demonstrated that the IGOs acted after the confirmation of a successful coup d'état.</i></p>
<p>Clues:</p> <p><i>In Orbán and Ponta's administration, the EU acted before the escalation of authoritarian practice in order to avoid a complete coup d'état. In the case of Victor Ponta, the EU acted during the unconstitutional referendum and before Constitutional reforms were implemented in 2012 towards executive-legislative relations, the role of Supreme Court in cases of Article 95, and electoral rules. In the case of Hungary, the European Union criticized the New Fundamental Law changes and acted against Fourth Amendment consolidation.</i></p> <p><i>In the Latin American cases, the OAS acted after the confirmation of the coup d'état. The OAS acted after Fujimori's suspension of the constitution and Congress, Zelaya was ousted from his home, Serrano suspended Congress and changed the Constitutional rules, and during the escalation of a conflict that would oust Wasmosy from the Paraguayan presidency.</i></p>
<p>Inference: <i>The curative democratic regime will act after a coup d'état, and the preventive democratic regime will act before a coup d'état consolidation.</i></p>
<p>Summary: <i>The clues yield a smoking-gun test that confirms the causal conditions.</i></p>

Source: Based on Collier (2011)

The next chapter will discuss the role of intergovernmental organizations in this process, and then complete the relations among the causal conditions of this thesis model. First, Chapter 4 historically demonstrates how democratic protection regimes develop. It demonstrates that, in cases of transitions to democracy, these regimes were weak in terms of political leverage, unstable, and underdeveloped. Second, for each case of transitional and democratic discontinuity, the chapter demonstrates the role of international agencies and the primary arena of decision-making, mostly by state members. Thus, this chapter closes the last part of the process-tracing procedure regarding the participation of IGOs in contexts of democratic transition and breakdowns of democracy.

CHAPTER 4 - COORDINATION FROM ABOVE: THE LAST PIECE OF THE DEMOCRACY PROTECTION PUZZLE

4.1. Introduction

This chapter analyzes international mobilization by IGOs. As aforementioned in Chapter 3, although mobilization in the domestic context was mainly the position of domestic elites during the transition and democratic backsliding processes are necessary given the costs of the action, this was not sufficient for the participation of IGOs in democratic protection policies. For international mobilization, this thesis states that coordinated action between the bureaucracy and decision-making arena are required as a causal mechanism.

As a combination of parts, when IGO's participate in democratic protection, this thesis posits that:

Bureaucracies have a coherent will toward democracy protection policies. This means that the bureaucratic agents of IGOs formulate an autonomous and reasoned preference toward the defense of a democratic standard in the domestic context.

The last part of the causal mechanism relies on the decision-making arena by the states:

The member-states converge toward the implementation of democracy protection policies in order to maintain the democratic status quo and to not produce principal slippage action. In terms of causal conditions, the number of states in favor of democracy protection policies (drivers) must be higher than the number of states against (breakmen) these policies.

The objective of this chapter is to produce an empirical mobilization of the relationship between agency and decision-making as intended causal mechanisms. It demonstrates the construction of preference by IGO bureaucracies (their behavior as an agency) and the behavior of the state as the main voters of the process (acting as principals). As this chapter demonstrates, this coordinated action in the democratic transition context worked as a mechanism of participation for the European Union and the OAS. Nevertheless, after the 1990's, these organizations took different paths in terms of the principal-agency approach over action to protect democracy. The

explanation for these paths relies on the democratic protection regime transformation at different times. During the 1990's, the evolution of states to delegate to the EC in matters of democracy protection allowed the Commission to act (rewarding or punishing) without member-state convergence. Otherwise, the OAS represented a continuation of its participation as a combination between agency and principals, demonstrating that the EU could produce participation only by mobilizing its agencies. Thus, changes in democratic protection regimes worked as an intervenient variable, in which, its transformation changed both the PA relationship and timing of the action.

This chapter is divided into three main sections. The first section discusses the evolution of democratic protection policies as an intervenient variable. It uses the historical background in the first subsection that inserted the selected cases into the context of democratic protection regimes. The evolution of democratic protection regimes inside these organizations demonstrates the transformation of a non-institutionalized approach to a more complex and sophisticated method to deal with democratic dilemmas inside and outside the organization.

After introducing this institutional context, the second subsection discusses the construction of bureaucracies as an agency. As stated, these international bureaucracies were "catapulted" into the process in the face of the state's incapacity to converge. The OAS Secretariat and the EC "took the pledge" in the process and established directives, practices, and points of convergence during this period. After the 1990's, the EC gained more tools for democratic protection in comparison with the OAS Secretariat.

Lastly, the chapter presents state-members as the principals of democratic protection procedures. This section examines the states for and against democratic protection policies (drivers and breakmen) and the consensual dynamics over the application of these policies. As stated by this thesis, in cases with lower costs for action or undoubted crises of democracy, the member-states could easily provide a consensus over their preferences.

4.2. The evolution of the intervenient variable: the democratic protection regime in the EU and the OAS.

4.2.1 The European Union

The international literature commonly treats the EU and the OAS as the protagonists of democracy promotion in the world. However, this status was not built over a short time; instead, the extensive construction of political behavior explains their democratic accomplishments. As this subsection discusses, these organizations began the process of democratic protection with important similarities, but after the 1990's, they chose different approaches to democratic dilemmas.

The OAS was a precursor to the institutionalization of democracy as a multilateral endeavor. In 1948, the original charter of the OAS called for "the effective exercise of representative democracy" as a guiding rule for regional cooperation. According to Martinez (2013), this multilateral adoption by the OAS responded to a common ideological denominator at the time, which focused on coordination against any authoritarian endeavor, especially communism. Therefore, the OAS countries, in a multilateral way, strengthened democracy. From the 1980's onward, the EU responded multilaterally to the promotion and conservation of democracy, as the majority of their members shared democratic institutions, which was strengthened by the Mediterranean countries transitioning to democracy. In this sense, the EU and the OAS have both distinguishable and shared features in terms of their democratic protection. In terms of convergence, the EU and the OAS had shared features at the beginning of their democratic protection behavior as a rhetorical exercise (Grimm, 2015).

According to Buşcaneanu (2016), the objective of the protection of democracy was formally introduced in 1986 in the European Community through the Declaration of Human Rights.⁵⁵ Following the Cold War, the EU became more proactive towards third countries. In this sense, for the European Union, democracy protection policies began as foreign policy issues.⁵⁶ According to Schimmelfenning (2008) and Montero

⁵⁵From the Text of the Treaty of Single European Act (1987): "DETERMINED to work together to promote democracy on the basis of the fundamental rights recognized in the constitutions and laws of the Member States, in the Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter, notably freedom, equality and social justice" (*ops cit*, 1987:1009).

⁵⁶According to Neuman (2019), three critical junctures helped the EU's democracy protection policies: a) the end of the Cold War, b) the 2004 Enlargement, and c) the Arab Spring and the European economic crisis. In his perspective, the EU considers democracy promotion outside of the Union as an

et al. (2016), the EU adopted democratic practices and institutions toward third countries using political conditionality, in which they contributed to the formulation of regulations for democratic protection, human rights, and fundamental freedoms under the discourse aegis of the “New Europe.”

EU conditionality differs from the OAS approach that historically constructed positive or strictly rewards-based policies, in which countries that failed to follow certain criteria were denied assistance, association, or membership, with no extra punishment on non-compliant countries. Generally, this is the reason why the EU project is unique in democracy protection policies (Schimmelfenning and Scholtz, 2008; Schimmelfenning, 2007). This historical construction of a reward-based policy was not trivial, and on the contrary, followed a systematic change in regional integrations assumed by the European Community, and consequently, on democracy protection policies.

Historically, unlike in the 1970s, with its extremely dynamic integration, the later 1970s and early 1980’s were recognized as the “Eurosclerosis.” The various explanations for the weakening of integration include the increase in the oil price between 1973 and 1979, nurtured protective policies by nation-states, the incapacity of the EC to strengthen integration initiatives as it acted more like a bureaucracy than an executive organ, and the incapacity of principals (member-states) to convince their domestic (business) elites to consider the EC solutions (Swann, 1992).

According to Swann (1992), the resurgence of the European project came from an economic disturbance in the international political economy. The 1980’s saw Japan’s rapid economic rise and the political changes of the U.S. in relation to Western Europe and the Soviet Union. The European countries were worried about the growing U.S. budget and trade deficits, and the possibility of the U.S. fulfilling their technological needs from Japan, which would impact European interests.

In the face of these main economic changes, after the 1980’s, European solutions overcame national solutions. From that moment, European integration would change its course. In the 1980’s, the EC achieved several projects such as the European Strategic Programme for Research and Development in Information Technology (ESPRIT), The Research for Advanced Communications Technologies (RACE) Programme, and the preliminary construction of the Treaty of European

important goal for its relationship with third countries. The author assumes that the EU’s pursuit for these policies relates to an association between democracy and political stability.

Union (TEU), linking the EPC and the European Community. Security matters related to EPC would receive a huge setback in 1983 when it was recognized that this subject would receive larger attention in the constitution of the Single European Act (SEA). Still, the failure of national responses to the U.S.A-Japan dynamic in the international political economy led the Council to prioritize and reinforce the rules of the internal market, putting the EC in charge of these procedures (Swann,1992).

The Single European Act (SEA) approved in 1986 represented the links between the liberalization of the European market and procedural reform. For Moravcsik (1991), European leaders had to address issues never successfully solved before, such as the comprehensive liberalization of trade in services and removal of domestic regulations (article 100a). Consequently, the SEA represented a change in decision-making procedures, affecting the European Council's relations with the European Commission, the rules of voting, and the institutionalized construction of foreign policy cooperation.

After the SEA was implemented, East European elites became aware of the European Union as an economic actor and the asymmetric nature of bargaining. Jacques Delors understood this in 1989:

“As many European leaders have already stressed, it is our Community, a Community based on the rule of law, a democratic entity, and a buoyant economy, that has served as the model and the catalyst for these developments. The West is not drifting eastward; it is the East that is being drawn toward the West.”(Vachudova, 2005:84).

Subsequently, the EU would take the main stage of the continental debate, and introduce the construction of a new European architecture. In 1990, the EU policy gave the European Commission the authority to build political and economic bridges with East European states, coordinate aid to Eastern Europe on behalf of the G-24, and embrace a new foreign policy project in accordance with the integration process (Vachudova, 2005).

Schimmelfenning (2007) stated that in these political conditions the interaction between the EU and third countries resulted in a credible commitment from the EU for the rewards for exceeding incursions for third countries that moved toward democratization, and the low domestic political cost of meeting international conditions by interested countries. Socialization through material reinforcement and

rewards was the main instrument used by the EU to increase Eastern Europe cooperation. According to Schimmelfenning (2005):

“More concretely, it has sought to induce European non-member countries to comply with international norms of human rights and democracy by setting the fulfillment of these norms as conditions for membership and other material rewards. The EU offers two kinds of rewards to non-member states: assistance and institutional ties. The most important programs of external assistance for European non-members in the post-Cold War era are *Tacis* (for the thirteen-member countries of the Community of Independent States including Mongolia) and *Phare* (for the other CEECs – Central and Eastern European Countries). They offer technical and financial assistance in the transition of these countries to market economies. Institutional ties range from trade and co-operation agreements via association agreements to full membership. In addition to assistance, they provide increasing inclusion in the EU market with the prospect of gains from trade and investment and increasing participation in EU decision-making.” (*op cit.*, 2005:113).

In the post-communist experience, Grabbe (2002) asserted that the EU played two types of roles in Eastern Europe transformation. First, as an aid donor, imposing economic and social conditions, and consequently, operating as a transformative asset for the new governments. Second, the EU became a guide for post-communist countries toward membership. Valchudova (2005) reinforced this argument stating that the EU emerged as a national interest matter for governing elites in Poland, Hungary, Czechoslovakia, Bulgarian, and Romania during the first five years of transition because of its geopolitical, cultural, and economic benefits.

In addition to economic privileges, Valchudova (2005) argued that other benefits were related to the political reasons for joining the EU. First, the importance of being protected by EU rules during the consolidation of democracy, the importance of security issues, and for the reduction of uncertainty through cooperation. Second, having a voice in EU policymaking, which for recent transitional Eastern Europe would be an opportunity to participate in forging the future of their continent. In summary, “joining the EU would regulate relations with powerful neighbors by way of a desirable set of clear and well-established rules” (*op cit.*, 2005:66).

In this context, the EU gained traction on domestic politics with a stark asymmetrical relation between possible candidates and the EU. In Valchudova's perspective, the EU revealed to Eastern Europe the benefits and costs of joining, which are summarized in Table 34.

Table 34 – Summarized benefits of joining the European Union

Political benefits

Protected by EU rules

Voice in EU decision-making

Economic benefits

Access to the EU market

Transfers from EU budget

Increased investment and growth

Increased entrepreneurship and skills

*Benefits are shaped by:*Costs of exclusion when neighboring states are joining the EU and treatment of nonmembers

*Additional benefit:*EU membership conditionality as a catalyst for domestic reform

Source: VACHUDOVA, 2005:65

Respecting the 1957 EU Treaty of Rome that stipulates that the EU must be open to all European countries, after 1989, the new context called for the EU to consider liberal democracy and capitalism (Vachudova, 2005).

However, specifically for Eastern Europe, according to O'Brennan (2006) and Schimmelfenning and Scholtz (2008), prior to the era of glasnost and perestroika, there was no relationship between the EU and CEECs, and subsequently, there were no tangible incentives for EU membership. Before 1988, membership activities were confined to trade and the protection of key sectors against Eastern Europe competition. According to Grabbe (2006), the first phase of the EU-Eastern Europe moved from traditional third-country relations to the prospect of membership. Post-1988, after long negotiations, Kennedy and Webb (1990) established several agreements between Eastern Europe countries, such as Hungary, Poland, Bulgaria, and Czechoslovakia. At the time, these countries were part of the European Community. The agreements within this body were strictly economic and for the elimination of quantitative restrictions on products and trade negotiation frameworks. The EU behaved with caution and offered practical, technical, and financial assistance and was reluctant to ensure specific commitments, particularly in the context of the absence of a specific relationship between the CEECs and Brussels (Gower, 1999)

In the face of rapid changes in the political status of countries in Eastern Europe, President François Mitterrand called for a meeting between the leading industries in order to permit the EC to take the lead in Eastern Europe, and the EC was put in charge of the Assistance for Economic Restructuring (PHARE) program (Kennedy and Webb, 1990). The PHARE program had a different approach to the other economic agreements before 1989, especially because these agreements relied on a wait-and-see approach. This program was set up to establish economic restructuring programs with help from the International Monetary Fund (IMF) to “undergo successfully the transition to the government selected through multi-party elections” (Kennedy and Webb, 1990: 649). In this sense, the PHARE Program worked as a credible concession to trade and investment, while there remained a fixed technocratic and unified political process in Brussels (Kennedy and Webb, 1990).

The PHARE program was extended to Czechoslovakia, Bulgaria, and Yugoslavia in 1990 and a different aid program, TACIS, was extended to Russia (Gower, 1999). According to Grabbe (2006), from 1992 to 1997, as the PHARE Program was a singular budget program in favor of democracy, this resulted in the institutionalization of democracy protection policies toward third countries. Following good governance policies, PHARE reinforced the neo-liberal agenda and generally, the representative model of democracy.

In association with the PHARE Program, the EU established more effective political and economic institutional frameworks. The Europe Agreements described as “second-generation agreements” were signed with Poland, Hungary, and Czechoslovakia by the end of 1991 and went into operation on 1st March 1992. However, there were five conditions for cooperation: the rule of law, human rights, a multi-party system, free and fair elections, and a market economy. As discussed by Schimmelfenning (2007), using the reward approach, upon the non-accomplishing of these conditions, the Europe Agreements would be suspended, but no suspensions have occurred (Grabbe, 2006).

According to Schimmelfenning (2005), this political conditionality is a reinforcement by rewards technique. In his words, “because countries that fail to meet the criteria are simply denied assistance, association, or membership and left

behind in the competition for EU funds and the ‘regatta’ for accession” (*op cit* , 2005:115).

Nevertheless, although these agreements reflected a new behavior of the EU in terms of geographic proximity and the upgrading of the relations between the EU and CEECs, they failed to satisfy the expectations of the Eastern European governments and the credible commitments were insufficient to induce a deeper interaction (Gower, 1999; Schimmelfenning and Scholtz, 2008).

From this historical opportunity, democratic protection policies in the European context gained a new perspective. First, democratic status would become an official EU value. Second, after the Report of the Commission in June 1992, the integration of new Eastern Europe democracies would be an opportunity to commit associated countries economic and political conditions, and one of these was the commitment to democratic institutions. Consequently, although no timescale was determined, from that moment, the EU discussed when the CEECs countries would become members, and in particular, the necessary conditions for this to occur (Gower, 1999).

These specific measures for deepening the relationship on the enlargement strategy and the conditions for EU membership were defined by the European Council in the Copenhagen Criteria in 1993. On this matter, the criteria state that:

“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 candidates ability to take on the obligations of membership, including adherence to the aims of the political, economic, and monetary union.” (European Council, 1993).

According to Grabbe (2002), these conditions were designed to minimize the risks of unstable and onerous countries and to ensure that prospective countries were ready to comply with all of the EU rules with minimal exceptions. As discussed before, the concept of democracy and the market economy was never explicitly defined, and as a source of bureaucratic maneuver and inclusion, was highly debatable (Grabbe, 2002; Kurki, 2015).

Thus, the EU was concerned with an *acquis communitarie* construction of the structure of EU rules, political principles, and judicial decisions (GABBRE, 2002). In this manner, as stated in Article 1 Treaty of the European Union (TEU), the Union

has competences accorded by the Member States in order to attain the objectives they have in common, assuming a relation of interdependence between international bureaucracy and states (European Parliamentary Research Service, 2016).

Interestingly, as Janse (2017) argued, the conditions listed in the values of Article 2 TEU (now in Article 49 TEU), such as respecting democracy, the rule of law, and human rights were introduced in the 1997 Treaty of Amsterdam. Before that, the European Communities only mentioned geographical factors among the political accession criteria in the Preamble of the Treaty of Rome (1957), which discussed a “closer union among the peoples of Europe” in order to “preserve and strengthen peace and liberty.” In the author’s conclusion, the abstract identity of the Community gradually became more concrete in association with the former countries in the 1960’s. Although implicit, it culminated in the Copenhagen political criteria in response to the prospect of the accession of the Central and Eastern European countries (Janse, 2017).

After 1993, the prerequisites for new countries were part of the main political platform. Only after the CEECs fulfilled their political and economic prerequisites did the EU allow for accession negotiations. Indeed, the Eastern Europe countries responded well to the requests for democratic stabilization, and this was a successful democratic protection strategy at the time. In this sense, the enlargement forced the EU to consider upgrading its approach to its relations with regional neighbors (Buscaneanu, 2016).

The most institutionalized EU instrument for democracy protection outside the EU was launched in 2004, through the European Neighborhood Policy (ENP). Before this massive endeavor, in June 2003, the EU launched a “Neighborhood Instrument,” which improved the former aid coordination instruments: PHARE, TACIS, and MEDA. The second phase occurred with the introduction of the European Neighborhood and Partnership Instrument (ENPI) in 2007 (Buscaneanu, 2016). Lloyd (2010) argued that these new foreign policy instruments placed an emphasis on democracy and human rights as central to the action. Europe Aid under the leadership of the Commission President, Manuel Barroso, became one of the largest financiers of good governance approaches in the world. The mission of EuropeAid was as follows:

“This includes democratic institution building, such as capacity building of parliaments and local governments, electoral support and observation, reform and training of the judiciary, and anti-corruption measures. It also covers civil society programs, including projects supporting non-state actors in their advocacy, information and education activities in the areas of human rights and democracy, as well as lobbying to secure political change or to monitor the actions of public institutions. EU assistance focuses on four main areas: improving election processes, strengthening parliaments, supporting independent media, and promoting pluralistic political systems. The EU has taken a leading role in organizing election observation missions in recent years, averaging eight national elections annually.” (Lloyd, 2010:558)

Since 2004, the EU has provided foreign policy programs as sources of regional stability, prosperity, and security, founded on the commitments shared by the EU, especially, those related to Article 2 TEU. In this matter, the EU assumed a role as a powerful democratic protector, combined with the opportunity to increase democratic commitment and institutional practices (Bascaneanu, 2016).

However, in the past few years, beyond the development of democratic protection policies toward third countries, the EU has faced political changes against Article 2 of the EU Treaty (TEU). As discussed in Chapter 2, Hungary and Romania are good examples of this turning point in EU behavior toward its members (Closa et al., 2014). These new challenges regarding the compliance of EU values established a normative foundation for monitoring, enforcing, and enhancing these foundational values, and the legal basis by which the EU can identify, scrutinize, and act against a reduction in these values (Closa et al., 2014).

The phenomena of “threatened democracies” in European countries followed by dubious procedures against liberal democracy drew attention to how to proceed and on what basis to act against constitutional capture, unconstitutional constitutionalism, abuse of the law, press persecution, and the withdrawal of fundamental rights. According to Closa et al. (2014), a clear involvement system emerged from EU conversations related to three types of arguments: 1. The all-affected principle, 2. the supranational federal vision, and 3. the principle of congruence. The first relates to the political effect of the democratic relapse in a single member on other EU members. The second relates to the supranational understanding of intervention in the face of rebellious behavior against the shared norms. The third relates to the congruent behavior by the EU toward third countries, and the EU requires democratic behavior for cooperation and the domestic principles of the protection of fundamental rights, the rule of law, and representative democracy.

This deepening commitment to democratic protection policies led to the European Commission becoming the main organizational actor that comprehended democratic dilemma, including the possibility of independent action in terms of punishment. First, in terms of democracy and the rule of law, the European Commission:

- 1) “Specifies that it is the executive branch of government that shall be prohibited from demonstrating arbitrariness, whereas the Venice Commission makes no such restriction;
- 2) Refers to fundamental rights while the Venice Commission refers to human rights; and
- 3) Leaves out non-discrimination as a component of the rule of law. However, it can be interpreted that equality before the law encompasses non-discrimination. (European Parliament,2016:29).

In order to implement the EU Law (Article 51 (1) CFR), the European Commission⁵⁷ can punish using infringement actions for violations of fundamental rights by the Member States when they can be said to be implementing EU law. In 2014, the Commission referred to the Charter of Fundamental Rights in 11 infringement cases. Five of the 11 cases related to asylum and migration.” (European Parliament,2016:29).

The European Commission can use Article 7 (1) TEU for preventive or sanctioning mechanisms in cases of democratic relapses. Table 35 analyses these two perspectives comparatively.

⁵⁷“Other European organizations also participate of the democratic protection policies but with different competences. **CJEU**: Under Article 51(1) of the Charter, CJEU competence is also limited to cases in which EU law is being or has been implemented. Therefore, human rights-based claims can be brought only on violations concerning the implementation of EU law¹¹⁸. The notion of “implementation” has however been broadly understood in the *Fransson* case, as discussed below. **FRA**: The mandate of the Agency for Fundamental Rights is also limited. The FRA was set up to ‘provide the relevant institutions, bodies, offices and agencies of the Community and its Member States *when implementing Community law* with assistance and expertise relating to fundamental rights in order to support them when they take measures or formulate courses of action *within their respective spheres of competence* to fully respect fundamental rights’ ¹¹⁹. The FRA provides its services to EU institutions and national stakeholders either at the request of these or on its own initiative.” (EUROPEAN PARLIAMENT, 2016: 29).

Table 35 - Comparison between preventive and sanctioning mechanisms

Article 7(1) TEU benchmarks (a preventive mechanism)	Article 7(2) TEU benchmarks (a sanctioning mechanism)
(1) Clear risk of a serious breach;	(1) Serious and persistent breach;
(2) A proposal by one-third of the Member States, by the Parliament, or by the Commission;	(2) A proposal by one-third of the Member States or by the Commission;
(3) The assent of the Parliament (i.e., a two-thirds majority of the votes cast, representing a majority of its members);	(3) Assent of the Parliament (i.e., a two-thirds majority of the votes cast, representing a majority of its members);
(4) Hear the concerned Member State; and	(4) Observations of the concerned Member State; and
(5) A majority of four-fifths of the Council's members.	(5) European Council acting by unanimity.
Result: <i>The Council may address the recommendations to the concerned member state.</i>	Result: <i>The Council, acting from a qualified the majority, may decide to suspend certain rights deriving from the application of the Treaties to the Member State in question, including the voting rights of the representative of the government of that Member State in the Council (Article 7(3) TEU).</i>

Source: European Parliament, 2016:39

In this scenario, the Treaty of Europe established the legal procedures to attain this incongruent scenario between the values and practices in a European context, and Article 2 of the Treaty on European Union (TEU) explicitly lists these as the “respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities” (EUROPEAN COMMISSION, 2012). With the enforcement of the Lisbon Treaty, the EU has become legally bound with its own form of Fundamental Rights and values that differ from the past. In this sense, together with the Copenhagen Criteria, the EU does not allow the entrance of non-democratic countries, does not accept democratic relapses, and exports these values through the EU’s foreign policy (Article 21, 3(5) and 8 TEU). However, the EU does not have strong instruments for monitoring these criteria. According to Berda et al. (2016), as a matter of law, Member States must promote and assist the values related to Article 2, and the existence of Article 7 TEU represents the special enforcement in case of the disruption of European values.

According to Müller (2015), Article 7 allows for the suspension of the voting rights of a Member State in the EU. However, this mechanism does not intervene with the Member State but instead insulates it from the rest of the community, and by doing so, constrains rebel behavior. In his words, Article 7 is a moral quarantine in the form of normative isolationism in order to “get the message and mend its ways” (*op cit* , 2015:144).

Closa et al. (2014) described the possible procedures deployed by the responsible bodies toward institutional action. In their perspective, this would happen through a combination of applications, as follows:

- a. Use Article 2 TEU in combination with Article 3(1), 4(3), and 13(1).TEU produces a sense of obligation on the Member States to maintain and enforce democracy.
- b. Deploying Article 2 TEU in combination with 19 TEU.
- c. Deploying Article 2 TEU in combination with 258 TEU and 260 TEU.

In reading Article 2 TEU and Article 3(1), 4(3), and 13(1) TEU, they seem forcible enough to main the EU’s institutional values. The existence of article 7 TEU with this combination called attention to the non-declaratory approach of the EU, but it opens up the door for an enforcement perspective. The combination of Article 2 TEU with 19 TEU was used against Hungary, as discussed in this chapter. According to 19 TEU, national courts are important in the application of EU law, and any dismantling or threats against these courts are an infringement of the Treaty. Although the EU in the Hungarian case did not apply this, a very important line was traced between the application of democratic values at the national level and the application of article 2 TEU (Closa et al., 2014)

The potential application of enforcement can be found in the connection between Article 2 TEU and Article 258-260 TFEU, and therefore, this requires a proper discussion. Similar to the combination of Article 2 TEU with Article 3(1), 4(3), and 13(1) TEU, it is assumed that Article 2 TEU is not a declaration but can present action against an infringement, in which article 258 TFEU works as a definitional procedure in case of infringements of EU law. Articles 258-260 TFEU are the possibilities of independent action by the European Commission toward democratic

protection policies. In terms of its use, if the Commission considers that the Member States do not fulfill an obligation, it delivers a reasoned opinion about the situation, followed by the possibilities of a change in the Member state's behavior, and in the case of rebellion, the use of the Court of Justice for litigation (De Schutter, 2017; Closa et al., 2014).

The three main types of infringements of the EU can be distinguished: "a) failure to notify the Commission in time of its measures to transpose a directive; b) lack of compliance of national legislation with EU law requirements; and c) when EU law is not applied correctly or not applied at all by national authorities (European Parliament, 2016: 43)".⁵⁸ In all of these cases, the European Commission can detect these infringements through its own investigations.

In March 2014, the European Commission adopted "The rule of Law Framework" in the face of the non-effectiveness of the former democratic protection policies.⁵⁹ In this new Framework, the main objective is to "resolve future threats to the rule of law in the Member States before the conditions for activating the mechanisms foreseen in Article 7 TEU would be met" (EUROPEAN PARLIAMENT, 2016:57). In this sense, the European Commission enhances its power to act by gathering political persuasion, communicating with the Member State concerned and using the infringement actions and Article 7 as its main sanction forces. This new Framework, after 2014, allows discretion to the EC to decide if an issue raised with regard to a certain Member State by the European Parliament, the other Member States, civil society groups, or EU citizens, amounts to a systemic threat to the rule of law (European Parliament, 2016:57).

In a pre-litigation stage, although the Commission is allowed to receive complaints,⁶⁰ the Commission can monitor and be alerted to potential violations of EU law. Independently from the sources, the Commission prepares a systematic collection of information and initially establishes informal contexts with national

⁵⁸European Commission, Report "Monitoring the application of Union law 2014 Annual Report," 2015:6.

⁵⁹European Commission, Communication "A new EU Framework to strengthen the Rule of Law" of 19 March 2014, 2014:6–7.

⁶⁰It is possible that individuals, organizations, and other European Organizations (such as Petitions to the Committee of the European Parliament, complaints filed with the European Ombudsman, and cases referred to the CJEU through the referral procedure of Article 267 TFEU) can alert the EU of potential violations as well.

authorities of the state under examination or requires a “Letter of Formal Notice” (De Schutter, 2017).⁶¹

When the concerned state provides a non-satisfactory answer, the Commission may begin a formal infringement procedure. From this moment, the decisions relating to the technical-political level, in which, members of the cabinets of different Commissioners reach consensus,⁶² but in the case of more serious issues, it reaches the “A points” on the agenda of the College of Commissioners. The Letter of Formal Notice has generally been used to delimit the subject-matter of the dispute and gives a two-month timeline for answering, but in some cases, it can be one or two weeks (De Schutter, 2017).

In order to continue to the litigation stage, the Commission has full discretion in the matter filed but not the proceedings. The action under Article 258 TFEU works as a source of a judgment finding that the state has failed to comply with EU law obligations, which goes before the CJEU (De Schutter, 2017).

As pointed out by Scheppele (2016), this procedure avoids the immediate use of the “nuclear option,” in other words, the use of Article 7 TEU, which allows the EU to remove a Member State’s vote in European institutions.⁶³ In this sense, the combination of Article 2 and Article 258 TFEU in March 2014, reduced the cost as a simple mechanism for the compliance of the Copenhagen Criteria. However, Scheppele (2016) also criticized these infringement actions under Article 258 TFEU for assuming that a specific but not a structural problem was created by democratic relapses:

“If a Member State threatens the basic values of the Treaties or casts doubt on the legal guarantees presumed by EU law, it is probably violating more than one precise part of EU law. Under present practice, the Commission picks its battles, so it currently fails to bring many actions that it might otherwise be justified in launching.” (Scheppele, 2016:110).

Indeed, as democratic protection policies for EU membership, Sedelmeier (2014) summarized:

⁶¹The letter is prepared by the Directorate-General (DG) and then checked by the Legal Service.

⁶²When no consensus is reached, the initial dossier is closed, and then, no further action is taken.

⁶³Especially because Article 7 enhances the cost of practical sanctions (necessity of supermajorities in the Council and Parliament) and works as a quarantine mechanism.

- a) Use of article 7, especially by social pressure (shaming) and expelling the Member from voting in EU institutions.
- b) General infringements procedure of Articles 258 and 260 with values covered by Article 2 and Article 7 TEU.
- c) Possibilities for post-ascension monitoring through the cooperation verification mechanism (CVM) as a form of containing corruption, organized crime, and judicial reform against liberal values.

In terms of democratic protection policies outside the EU, the first part summarized:

- a) European Agreements (1990)
- b) PHARE programs (1988)
- c) European Neighbourhood Policy (2004)
- d) Article 7 TEU
- e) Article 258-260 TFEU

For this present thesis on empirical mobilizing, in the case of the transition to democracy, the analysis of the participation of the EU contemplates the European Agreements and PHARE programs between 1988 and 1990, and for democratic relapses, the threat of using Article 7 TEU and use (or threat of using) Article 2 TEU with Articles 258 and 260 TFEU.

As this section discussed, the EU offered predominantly material rewards, mainly in financial and technical assistance (either through partnership, association, or membership). Unlike the OAS, the EU constructed a reward-based approach using its specific capabilities. After the SEA and the integration awakening in the 1980's, economic power was the EU's main asset for co-opting third countries to follow their interests (Schimmelfenning, 2005). In Schimmelfenning's perspective (2005), the predominance of a reward-based policy is explained by the EU's low vulnerability in comparison to the CEECs countries, especially in matters of strategic resources, in managing the size of the rewards, from the partnerships agreements to EU membership. This unique feature of the EU explains why the OAS has not used a reward-based policy, and instead uses a punishment-based policy

4.3. Organization of American States

In comparison with the EU, the Organization of American States had ideologically represented the democratic common denominator since its creation. The Member States called for the collective defense of democracy in the region to differentiate between non-democratic countries (especially those with a communist ideology; MARTINEZ, 2013). As Heine and Weiffen (2015) demonstrated, during the Conference of Bogota in 1948, the OAS made an explicit claim for democracy in its Preamble:

“True significance of American solidarity and good neighborliness can only mean the consolidation on this continent, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the essential rights of man”(op cit, 2015:32).

However, this does not mean that this defense was always linear and effective. In contrast, between 1948 (the date of its creation) and the 1970s, Latin America experienced several coups d'état and democratic relapses. According to Heine and Weiffen (2015), during this period, the national states ignored references to democracy as a duty to the detriment of their sovereign prerogatives, especially for non-intervention claims. In their words, this period represented one of the darkest moments of the OAS in terms of its democratic protection policy. The revitalization of the democracy defense would reappear in the 1980's , characterized by re-democratization in South America and the Peace Operations in Central America, and the by-product of the OAS intervention related to the defense of democracy and human rights (Martinez, 2013).

The democratic instability in Latin America from 1948 to 1980, demonstrated that the OAS presented the concept of representative democracy as an institutional goal in only a declaratory way. The fall of Somoza in Nicaragua at the end of the 1970s enhanced the harsh critics of human rights violations, especially after the IACHR report. In addition, because of the transition to democracy period of the 1980's, democratic governance was once again the focal point of OAS interest (Heine and Weiffen, 2015).

The first institutional advance in terms of democracy protection policies was the Protocol of Cartagena das Indias in 1985, which included representative

democracy as a non-intervention practice. Similar to the EU's institutional development, this rule-based advance gave the OAS Secretariat new duties when Article 110 of the OAS Charter gave the Secretary-General instruments to involve the Permanent Council over democratic trouble issues. In this sense, The Protocol of Cartagena das Indias marked the beginning of OAS's history of the institutionalization of democratic protection policies, it symbolically posed representative democracy as the *raison d'être* of the organization, and related it to stability, peace, and development in the region (Martinez,2013; Thérien et al., 1996)

Three years after the Protocol of Cartagena, the Secretary-General was given the duty of conducting regular Electoral Observation Missions at the request of countries through resolution 991, "Human Rights and Democracy – Electoral Observation." The process of the institutionalization of representative democracy as the core of the organization helped to create a nuanced reinterpretation of the non-intervention principle, in which the Secretary-General was involved and monitored state behavior (Martinez, 2013; Weiffen and Heine, 2015)

The development of democracy protection policies increased at the beginning of the 1990's , with the end of the Cold War and the participation of Canada as a member of the OAS. In 1991, the most important advance occurred when the OAS General Assembly adopted the Santiago Commitment and Resolution 1080, changing the OAS democracy protection policies. After 1991, beyond the promotion of transitions to democracy, the OAS increased its power to intervene in democratic relapses through a declaratory feature of the Organization that allowed automatic action through sanctions in cases of abrupt or irregular interruption of the democratic order (Thérien et al., 1996; Martinez, 2013; Muñoz, 1998).

The power of the sanctions from the 1992 Protocol of Washington, allowed collective action to oust countries in the case of a traditional coup d'état. The combination of Resolution 1080 and the Protocol of Washington cleared the way for two findings: first, now democracy could be protected collectively both for consolidation and restoration, and second, the principle of non-intervention in these cases could be put aside in order to protect democracy. In the cases of this present thesis, the OAS acted substantively under these legally binding commitments in Haiti (1991), Peru (1992), Guatemala (1993), and Paraguay (1996), and in all of these cases, Resolution 1080 was mobilized and applied (Martinez, 2013).

This period of higher mobilization did not put aside the OAS bureaucratic practice of democratic protection. Following the process of institutionalization since the 1980's, the Secretary-General could act more intensively and thoroughly as a defender of democracy. Under the obligations of the SG, there was a mandate to call an emergency meeting of the Permanent Council, and after the Council examined and made a decision over the circumstances, an ad hoc meeting among foreign affairs ministers or a Special Session of the General Assembly within 10 days of the interruption of the constitutional order inside the state. The SGs would manage all of this process, including visiting and supervising the national situation of the concerned country (Heine and Weiffen, 2015).

Undoubtedly, the combination of Resolution 1080 and the Protocol of Washington changed the democracy protection policies inside the OAS. According to Heine and Weiffen (2015), for the first time in OAS history, a multilateral automatic and rapid mechanism against democratic breakdown were in place, leading to the OAS becoming one of the main multilateral protectors of democracy. As this chapter demonstrates, during the 1990's, the use of Resolution 1080 was effective and rapid resolutions were adopted condemning the democratic collapse in the concerned countries.

The next improvement in democratic protection policies would occur at the beginning of 2000. Similarly, Latin America faced a new phenomenon in terms of democratic consolidation, the cases of democratic relapses without coup d'états, and dilemmas over the compliance of representative democracy. The trigger for the creation of the Inter-American Democratic Charter (IADC) was the denouement of the Peruvian presidential elections in 2000, especially the irregularities in the second round of the elections (Heine and Weiffen, 2015). Although the domestic policies were different from the European experience, Latin America realized that Resolution 1080 was not enough to manage the new democratic problems on the continent.

The IADC was adopted at a special session of the General Assembly on September 11, 2001, in Peru. Martinez (2013) pointed out that the IADC systematically compiles the OAS instruments for action in democratic protection, the conceptual baseline for representative democracy, the explicit relations between democracy and human rights, and as an innovation, new specific measures and decisions to protect democracies (Martinez, 2013). Although these measures were

modest, they meant an enhancement of the incentives, sanctions, and preventive methods that could be applied to democratic relapses. According to Article 17, member states may proactively call for assistance from the Secretariat and the Permanent Council, including, formal authorization for the Secretary-General to visit member countries, albeit consent is required (Article 18). In terms of monitoring and enforcement, Article 20 modifies and clarifies the diplomatic procedures in Resolution 1080, in which actions may be started by the Secretary-General or a Member State (Levitt, 2006)

Table 36 – IADC Articles

Article	Situation	Initiative	Action
17	Democratic institutional process or government's legitimate exercise of power is at risk.	The government of the affected member state.	The assistance of the Secretary-General or Permanent Council.
18	Situations that may affect the democratic institutional process or the legitimate exercise of power.	Secretary-General or Permanent Council, with the prior consent of the government concerned.	
19	Unconstitutional interruption of the democratic order or an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order.	Defined as insurmountable obstacles for the participation of a member state in the OAS Organs.	
20	Unconstitutional alteration of the constitutional regime that seriously impairs the democratic order.	Step 1: any other member state or Secretary-General. Step 2: Permanent Council.	Convocation of Permanent Council to undertake collective assessment and diplomatic initiatives. A special session of General Assembly, a continuation of diplomatic initiatives.
21	Unconstitutional interruption of the democratic order.	A special session of General Assembly.	Suspension of a member state with a two-thirds vote, a continuation of diplomatic initiatives.
22	The situation that led to suspension has been resolved.	Any member state or the Secretary-General.	A special session of General Assembly lifts suspension with a two-thirds vote.

Source: Heine And Weiffen, 2015:59.

As presented by Sundstrom (2003), the OAS procedures in terms of “sticks” (punishments) call attention to the states and Secretary General/Permanent Council action. This means that there is no identifiable procedure in the IADC that allows NGOs or any other members of civil society to request OAS intervention in a democratic relapse, which includes nonparticipation in terms of votes or membership suspension. The result of the sticks procedure at the OAS completely lies in the hands of the ruling governments of the OAS and retains the more complicated boomerang patterns of transnational advocacy in the OAS structure.

In terms of the “carrot or stick” principle, the diagnosis called for not truly attractive procedures, in other words, rewards for good behavior. According to Sundstrom (2003): “The Charter will act as a framework for the criteria under which states will be considered suitable for participation in the Summit of the Americas process and hence the future Free Trade Agreement of the Americas (FTAA) (*op cit*, 2003:49).” In this sense, the OAS resembles a system similar to the EU in terms of a system of rewards. However, this is a very small scale of economic and political rewards.

Moreover, similarly to the EU, Article 21 follows Article 7 TEU in terms of enforcement. According to this article, in face of an interruption of the breaches of democracy, a special session of the General Assembly in conjunction with consent from the Permanent Council “shall take the decision to suspend said member state from the exercise of its right to participate in the OAS” (Levitt, 2006:96).

This new enforcement procedure contemplates a new perspective on suspension. In addition to the formal and traditional “coup d’état” the OAS can oust countries in face of “unconstitutional interruption of the democratic order” (Article 19) or “or an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order in a member state”(IADC, Article 20). More explicitly than the EU, the OAS introduced authoritarian concerns about the institutional interpretation of democratic crises.

Pérez-Liñan (2017) pointed out that another political phenomenon in Latin America has produced instability. In addition to coup d’états and their spillovers, he argued that the impeachment process, although it is legitimated under the rule of law in presidential countries, has become a regional trend. Unlike in previous decades, elected governments continue to fall, but democratic regimes do not breakdown. In

his findings, although the impeachment process is difficult to initiate, Pérez-Liñan (2017) demonstrated that the sufficient and necessary conditions for this procedure relate to political scandals, a Congress controlled by smaller parties, and popular mobilization against the government.

During presidential crises, impeachment serves as a source of democratic instability once the political actors can use this constitutional mechanism constitutionally (PÉREZ-LIÑAN, 2017). In these cases, the OAS does not have the institutional prerogative to intervene, once it is not a typical case of a coup d'état as described in the IADC Article.

However, similar to Article 258 TFEU of the EU, the OAS makes a determination on a case-by-case basis, with specific aspects in terms of democratic backsliding and not a systematic comprehension of the threat (Levitt, 2006).

Table 37– Key aspects of The IADC Charter

	Reaffirmation	Innovation
Conceptual	Anti-coup norm (“unconstitutional interruption of the democratic order”). Democracy as a membership requirement. Membership suspension.	Anti-authoritarian backsliding norm (“unconstitutional alteration of the constitutional regime that seriously impairs the democratic order”). Right to democracy. Definition of representative democracy.
Procedural	Electoral (in) validation. Executive sovereignty (“by invitation only”).	Graduated, proportionate response.

Source: Heine and Weiffen, 2015:56.

However, this particular system of democratic defense presented some similar dilemmas like the ones faced by the EU, and the interpretation of democratic standards was a source of conflict. Countries like Venezuela have continuously argued about the representative adjective in democracies. Here, even during a procedural consensus over democratic practices, the defense of democracy suffers a fuzzy development of the authoritative interpretations of democratic standards.⁶⁴ In addition, similar to the EU, the backsliding of democracy does not begin with pointed

⁶⁴As Cameron (2012) discusses, the IADC recognizes the multidimensionality of democracy. Generally, the elements include “free and fair elections,” “pluralistic system of political parties,” “separation of powers and the independence of the branches of government,” and the “right and responsibility of all citizens to participate in decisions relating to their own development.”

changes but an accumulation of action in which “fire alarms” and authoritarian detection suffers because of the absence of information, clarity, and expectations over domestic agents. In this sense, the focal points of conflict appear over who might consider the definition of a legitimate representative of democracy (Levitt, 2006).

In the convergence of a fuzzy perspective of democracy, Levitt (2006) stated that another complicating factor for democratic protection relies on collective decision-making. The informal consensus weakens the political procedures because it rests on a lower common denominator. As a multitasked organization, the issue-linkage effect affects the incentives to antagonize other member states, providing a defense to democracy as a second-order preference in terms of enforcement. Additionally, Cameron (2012) stated that this institutional culture produces a political document that depends on the will of the states, and generally, they do not criticize each other.

Cooper and Legler argued (2006), specifically about the interaction between member states that the OAS has always been a subject of internal tension between mini-lateral approaches (club-style) and a new-networked form of multilateralism. The first approach represents the maintenance of sovereign based relationships and focuses on equality among states, self-determination, and territorial inviolability. This relationship between a solidarity approach over the democratic defense with some form of relativity over the sovereign defense, including intervention and a traditional appeal for sovereignty produced, in practice, is an unbalanced application of the democratic protection policy. In this context, Cooper and Legler (2006) also blamed an institutional culture based on consensual decision-making with minilateral perspectives, which leads the organization toward a fuzzy, late, and ineffective protection of democracy.

Notwithstanding, the democratic protection policy, the OAS carries specific features that differ from the European experience. According to Heine and Weiffen (2015), democracy protection historically depended on good U.S.-Latin American relations. Thus, it is not trivial that in all cases studied in this present thesis, the United States appears as an important mediator for both transition and breakdowns of democracy. In the 1990's and 2000s, the democratic push forward on the

continent was in part due to the serious commitment of the U.S. in Latin America (Heine and Weiffen, 2015).

The most important factor in the argument in the present thesis is that the OAS protection policies have reactive measures (curative approaches) when confronted with democratic backsliding. Since Resolution 1080, the OAS has methods for a clear-cut detection of democratic crises, mainly through a military coup d'état, with no tools to prevent democratic decline. The compensation of the IADC in terms of the conceptual and procedural enhancement for preventive action was insufficient to change this reactive culture; in other words, even in the context of preventive prerogatives, the OAS continues to adopt reactive propositions (Heine and Weiffen, 2015).

Historically, the OAS has privileged a state-centric perspective of democratic protection policies. Heine and Weiffen (2015) also argued that political interaction in the decision-making arena always favors the political status quo. Faced with democratic relapses introduced by governments, the OAS will not denounce itself, and the other states will not invoke an infringement without the certainty of democratic crises. However, if a government suffers an insurrection or a constant threat to civil society over democratic issues, the government is heard. Although the latter favors democratic protection behavior, the absence of full protection means that the institutional endeavor is half-prepared.

Lastly, unlike the EU, the OAS Secretariat needs the consent of the Member States to act. As discussed before, the European Commission has instruments to adjust rebel behavior, but at the OAS the main issues and the use of instruments follow decisions made by the Permanent Council, although the Secretariat has the prerogatives to begin democratic protection processes. In this sense, for preventive actions, Article 17 and 18 of the IADC have difficulties in establishing a time frame for action, a time for compliance visits, and the crucial consent among the members. In addition to the response time, states do not evaluate a threat to democracy in the process, but wait for the confirmation of the democratic breakdown; thus, they use a curative approach.

In summary, the democratic protection policies have historically led to two different approaches by the EU and the OAS. First, regarding the bureaucracy capacity, the EU Commission acquired the institutional tools to punish pro-

authoritarian behavior inside the organization without the consent of Member-States. In contrast, the OAS Secretariat continues to be ruled by the preferences of the Member-states especially because the new IADC is not a treaty, but a political accord, which leads to a lack of precision and not legally binding interaction between the principal and agency.

Second, the EU developed its democracy protection policies toward a preventive approach instead of a curative approach. The institutionalization of Article 2 TEU as the core values of the EU led the organization to another approach toward its democracy protection policies. The OAS also faced the problem of the reduction in democracy; however, in the context of dependency from the will of the Member-States, although the OAS has the tools and prerogatives to act preventively, the States continue to use the approach curatively. As Heine and Weiffen (2015) and Arceneaux and Pion-Berlin (2007) have argued, the OAS has not hesitated to act in the face of unambiguous threats because it constitutes a clear and present danger, and in addition, ambiguous situations have led to costly actions in the international decision-making arena.

Table 38 - Democratic crises and the OAS's responses

Democratic Crises		OAS responses		
		Declaration	Facilitation	Sanctions
Unambiguous exogenous	Venezuela 2002	Yes	Art.20	No
	Haiti 2004	Yes	Ad hoc	No
	Honduras 2009	No	Art 17/Art 20	Art. 21
	Ecuador 2010	Yes	Ad hoc	No
Ambiguous exogenous	Argentina 2001	No	No	No
	Bolivia 2003	Yes	No	No
	Bolivia 2005	Yes	No	No
Ambiguous endogenous	Ecuador 2005	No	Art 18	No
	Nicaragua 2005	No	Art 18	No
	Bolivia 2008	No	Ad hoc	No
	Paraguay 2012	No	Ad hoc	No

Source: Heine and Weiffen, 2015

4.4 Institutional action by the OAS and the EU: coordination as a causal mechanism.

This subsection aims to mobilize empirical narratives and data over the substantive participation of IGOs in the contexts discussed in this present thesis. Their participation represents a specific development between political instances and institutional frameworks, assuming that the coordination policy between the agency and principals does not occur in a political vacuum. In transitional periods, the OAS and the EU (European Community at the time) bureaucracies were “catapulted,” in terms of Pelkmans and Murphy (1991) for dealing with new democratic transitions, in a context of selective action and non-institutionalized maneuvers for complex contexts. In democratic relapses and breakdowns, IGOs now use complex arrangements and democratic advances in institutional instruments following certain patterns discussed in the previous subsection. This subsection begins by examining the transitional periods; it demonstrates the causal mechanisms that resulted from the coordination between international bureaucracy and principals from member-states for each democratization context.

4.4.1 Transitional periods: Catapulted bureaucracies and the instabilities of democratic protection policies.

The new context of democratization in Eastern Europe was not foreseen by Western countries, and the rapid changes created a security and political vacuum that left the regional powers without plans on how to deal with the political, economic, and social relations with the former communist countries (Pelkmans and Murphy, 1991).

According to Pelkmans and Murphy (1991), the European Community was the main response to the debacle of the Western countries, and it assumed both a passive and active role in the process. In this argument, the EC projected a passive role as the first pole of attraction for the Eastern European countries to “return to Europe,” and did not have many difficulties or competition in appealing to these recently democratic countries. Hence, the EC projected an active role as a form of “leadership” through its political and economic influence in both the East and the West. However, according to these authors, the EC was the first option in the

demand for a leader during this dramatic and rapid change. A phenomenon called “catapulted bureaucracy” created the supply for Western demand.

Interestingly, the European Community had not been recognized as an international player in early 1989. This underrepresentation was related to a highly complex process of decision-making, as the EC was not a nation-state. In addition, the EC focused a great part of its efforts and strategic initiatives on internal issues, such as common markets, competition policies, and political policies toward the cohesion of member-states in the European context. This meant that the EC was not prepared for the burdens of acting as a union in foreign policy; thus, it was not acting as a leader in the international arena (Pelkmans and Murphy, 1991).

The absence of coherent and substantive budgetary support was augmented by the composition of recognized member-states as medium-sized countries in comparison to the Cold War great powers. In addition, due to its complex form of decision-making, the EC member states presented different interests regarding Eastern Europe countries, and in this sense, developed predictable uncoordinated behavior in matters of how to affiliate or deal with former communist countries. Bureaucratically, although there were some previous commercial relationships, EC staff had very little experience with Eastern Europe, with no operative policy officials in these countries (Pelkmans and Murphy, 1991).

It was only in 1988 that the USSR and former communist countries recognized the Community, and in 1989, the history of the EC would change after a G-7 meeting in Paris in July 1989. First, the EC was recognized as an anchor of stability and a model for Eastern Europe countries in terms of economic development and democracy. Second, the demand for leadership was sudden, and for G-7 countries, the EC Commission was the obvious choice in comparison with the U.S. and Japan and other multilateral organizations, such as the OECD and EFTA. The EC Commission was the better choice, especially because of its normative forces and institutional capacity in terms of decision-making procedures (Pelkmans and Murphy, 1991).

The following political changes between 1988 and 1990 in Poland, Hungary, Czechoslovakia, Bulgaria, and Romania cannot be ignored by the EC Commission and, according to these authors, without the EC, the reform movement would be doomed. The EC’s response to these events happened quickly. Mostly, the main

instruments of cooperation were related to trade, financial aid, and economic cooperation. However, the speed and scope of the cooperation were related to the human resources of an unprepared organization and most important for this present thesis, the political scenario toward the third country. According to Pelkmans and Murphy (1991), the EC did not respond equally, but observed the domestic context, for example, the democratic advances and human rights abuses during the process. This explained why Bulgaria and Romania were suspended in the negotiations with the EC at the beginning of the 1990's.

Although it was unprepared for the burden of being a bridge between the East and West, the EC Commission established a quick response and an administrative coherence toward Eastern Europe, first with Poland and Hungary. In the G-24 and OECD meeting, the EC Commission presented an Action Plan. According to Pelkmans and Murphy (1991):

“It identified the following five areas as priorities for cooperation:

- a) the development and modernization of agriculture and food aid for Poland;
- b) improvement of conditions for investment;
- c) provision of professional training;
- d) protection of the environment; and
- e) improvement of access to the EC market

The Commission insisted upon the political and economic conditionality of this assistance. It was to be linked to the promotion of political and economic reform based upon the principles of democracy, pluralism, and the rule of law. This was underlined by the ministers of the G-24 countries when they agreed to extend the program to Czechoslovakia, Bulgaria, Yugoslavia, and East Germany.” (*op cit*, 1991:132).

In terms of the budget, the EC Council approved the contribution in October 1989 with 300 million ECU and in 1990, 500 million ECU. This prompt response was possible because of the high degree of consensus amongst the EC Commission and the member states. At this moment of the democratic protection regime, the Commission required the approval of the Council, which had happened constantly since 1989. Although the EC had formal jurisdiction over trade policies since 1969, the new context after 1989 offered a huge opportunity for a substantive relationship with non-EU countries, especially with Europe Agreements in 1990 (Brian,1998).

The politicized response of the European Community in terms of speed, intensity, and effectiveness demonstrates the argument in this thesis of the

conditional status of the domestic sphere. According to Friis and Murphy (1999), in mid-1989, “the EC offered trade agreements to the front-runners of the democratic movement, Poland, and Hungary (*op cit* , 1999:218).” After the changes in Eastern Europe, the EC had difficulties in developing a coherent policy toward its new neighbors. Generally, in a multilateral sense, the EC operated with an economic and political defense emulated by European Countries, which was market-driven capitalism and democratic institutions. In Kennedy and Webb (1990), the non-uniformity of the EC approach to each Eastern Europe country produced a “wait-and-see” perspective, which required each country to undergo economic restructuring and a successful transition to democratic multi-partisan elections.

Since 1989, the development of the EC’s European Agreements approaches of the PHARE program resulted in a focus on the current leaders in Poland, Hungary, and Czechoslovakia, and then, the capacity to emulate European institutional arrays (Kennedy and Webb, 1990).

In this sense, according to Smith (2004), European foreign policy mixed with external economic relations, focuses on how the Community can handle economic relations with Eastern Europe given their national preferences. This is the main point of the connection between the domestic and international sphere claimed in this thesis. In 1989, the European Community observed the position of national elites to project cooperation and democracy in the post-communist world, especially in their transitional and consolidation processes.

As Smith (2004) stated, “By mid-1989, the main objective of the policy had basically been agreed encouraging and supporting the reform process (*op cit* , 2004:43).” The success of the reforms would affect the long-term geopolitical stability and plans for regional integration in Europe. As discussed, the EC managed to create a coherent plan for Eastern Europe, but it did not result in an immediate positive response from the principals. In the beginning, the U.K. and France were reluctant to set EC procedures followed by a domino effect of distrust in supporting Belgium and the Commission.

Smith (2004) admitted that by mid-1989, the domestic pace of the Eastern Europe transition helped converge the principals toward the EC Common Policy. Openly, the Council reaffirmed that the agreements would be differentiated according to the specific features of the state. It was clear that the EC suspended negotiations

with Romania because of the complicated political repression of the transition and established a rapid conclusion with Poland to quickly advance toward democratization. Thus, for the following countries, the internal transformation would be important for their negotiation with the EC.

In this sense, the EC and the principals reached a convergence, especially after the principals recognized that collective action would be better than national responses to events in Eastern Europe, and this prevented the principals from reducing their democratic protection policies. The majority of the principals reached a consensus when Germany and France called for a multilateral response to the Eastern Europe situation (Smith, 2004; Vachudova, 2005).

Smith (2004) stated that:

“The *EC Bulletin* noted that the twelve leaders ‘were struck by the convergence of views and the shared concern that there should be a joint reaction from the Twelve 36. The summit represented an important step in the Community/EPC’s development: political cooperation and Community activities were integrated, and guidelines for Community action were drawn upon the basis of a common analysis.” (*op cit* , 2004:51).

From 1988, the EC negotiated and concluded agreements with Hungary, Poland, Czechoslovakia, Bulgaria, the German Democratic Republic (GDR), and Romania, according to their state’s features and advances in their internal reforms. According to Valchudova (2005), only the liberal governments of Poland, Hungary, and Czechoslovakia satisfied or anticipated the EU requirements domestically. In her argument, the power of the EC in terms of leverage or “traction” relied on how credible the member was for the future of the EU. These liberal governments were treated as the most likely candidates for EU membership. For Romania and Bulgaria, participation in the EC was more complicated, especially because of their illiberal transitions to democracy, which was historically marked by a distrust of their soft-liners in power and human rights non-compliance during the first periods of liberalization.

In Valchudova’s words, from the EC perspective “the new democratic politicians of Poland, Czechoslovakia, and Hungary embraced membership in the EU as a culmination of their democratic revolutions” (*op cit* , 2005:85). The presence of the EC’s moral and historical obligations towards democracy offered incentives for

the political elites to maintain the democratic process in the hope that their membership would be accepted by the European Community (VACHUDOVA, 2005).

Regarding the cases in this thesis, the EC approached Czechoslovakia and Bulgaria differently. In the Czechoslovakian transitional context, its relationship with the EC developed without trouble. Since the beginning of the EC in 1988, Czechoslovakia had been a target of the EC's aid extension. In mid-1988, the negotiations suffered a delay due to Czechoslovakia asking to adopt the EC quantitative restrictions over a larger period (similar to Hungary in 1988). This short deadline led to mistrust over the Czechoslovakian capacity to deliver the reforms on time (SMITH, 2004).

The evolution of the negotiation advanced in December 1989, in the middle of the transitional process, when the new Czechoslovakian government asked the European Commission to establish negotiations on trade and cooperation. Informal talks were in place, and the European Commission President, Andriessen, visited the country in January 1990. Confirmations of the democratic and economic restructure led to the EC approving a mandate for negotiation on March 5, with an agreement signed on May 7, 1990. Yet, in March 1990, "Foreign Minister Jiri Dienstbier stated that Czechoslovakia wanted to conclude an association agreement and eventually, join the EC" (Smith, 2004:60).

The other important movement for Czechoslovakia was the EC's decision to include them in the PHARE (which Poland and Hungary already received).⁶⁵ This cooperation was the result of efforts by Czechoslovakian diplomats and the confirmation of other IGOs in terms of the quality of the political and economic modification at the time. In February 1990, Prague sent a memorandum to the OECD and IMF recognizing these changes and asked for confirmation from these organizations: "Following a detailed analysis of the political and economic reforms underway, OECD finance ministers approved Czechoslovakia's entry into the program in July 1990" (European Commission, 1990a).

In August 1990, the Commission presented specific proposals for the "Europe Agreements" for countries without protection from EC membership. The development of democratic protection policies in the EC led to the insertion of several clauses including political dialogue, free trade, freedom of movement, economic cooperation,

⁶⁵Appendix

cultural cooperation, financial cooperation, institutions for consultation, and joint decision-making at different levels.

During the transitional period, according to Czechoslovakia's minister of economics, Vladimír Dlouhý, Western Europe supported many of the reforms. After 1991, Dlouhý contextualized the relationship between the European Community (EC) and Czechoslovakia: "But now, when we are coming to the terms of that support, only cool-blooded economic facts are put on the table" (Marek and Baun, 2010:13).

The Bulgarian case followed a different path in its relationship with the EC. As Vachudova (2005) claimed, Bulgaria and Romania assumed an illiberal pattern of government—the domestic cost due to the transitional outcome was highly incompatible with the EU requirement of liberal democracy and economic reform. Thus, the relationship between Bulgaria and the EC was characterized by mistrust due to the behavior of former communists in power and the human rights of minorities in Bulgaria.

The EC vigorously debated the conditions for inclusion of the recent post-communist states. First, the EC sanctioned Romania for political behavior against protest movements and proposed to do the same for Bulgaria. The debate focused on proving that the Bulgarian elite had become truly democratic, not isolating them, or incorporating them without democratic zeal. At the beginning of 1990, the Trade and Cooperation Agreements (before, the European Agreements) stated that "even Bulgaria, thought the Bulgarian government was still composed entirely of communists" (Vachudova, 2005:100).

Indeed, the Bulgarian political composition after the transition bothered and provoked mistrust in the European Commission. Foreseeing this, President Petur Mladenov presented reforms that favored his position with Moscow and the West. This double-game was ambivalent toward the EC, being a rhetorical and not a real commitment to Western states (Vachudova, 2005; Clyatt Jr, 1993).

According to Clyatt Jr (1993), the outcome of a from-above transition appeared in foreign policy mixing allies and traditional partners of the communist world with the "Return to Europe" discourse. In contrast to Czechoslovakia, Bulgaria had to de-emphasize relations with the East to appeal to the West. First, Bulgaria had long needed the security apparatus of the USSR as changing its allegiance to NATO was problematic. Second, much government legitimacy was related to the old

regime, and the *Nomenklatura* decline happened quickly as with Czechoslovakia. Finally, ethnic domestic dilemmas made it prudent to not immediately abandon the Warsaw Pact.

The confusion in Bulgarian foreign policy initiatives is apparent in the debate between General Andreev and soft-liners over the democratic transition. Andreev argued for a more conservative Return to Europe ideology instead of the radical change proposed by UDF members. Even with the Warsaw Pact's "dead body" and the collapse of the Soviet Union, Vice-president and former Chief of the General Staff, Colonel-General Atanas Semerdzhiev, assumed a general desire for t for Western orientation, based on a bilateral foundation without abdicating Soviet ties. Only in 1990, 12 days before Gorbachev's letter to the Pact leaders, the Warsaw Pact was obsolete, and Bulgaria progressed in a new direction. In this sense, the mistrust of Bulgaria's ambivalence by the EC was not trivial (Clyatt Jr, 1993).

The European Union's leverage increased when it promised to punish Romania. In 1990, The Trade and Cooperation Agreement was prorogued for Romania due to attacks on protestors in Bucharest. The evolution of the democratic protection policy with the PHARE program enhanced this concern by EC when it was stated that additional aid would be given only once the recipient states met five conditions: commitment to the rule of law, respect for human rights, the establishment of multiparty democracy, free elections, and economic liberalization. In the notice on July 4, 1990, it was confirmed that Romania would not be qualified for aid from the Trade and Cooperation Agreements, and the aid it was delayed for 30 January 1991⁶⁶. This critical debate opened a clash in the European Council, especially between France and Italy, assuming that any sanction would jeopardize the process of democratization or delay the transitional period. The United Kingdom and the Netherlands supported a more committed behavior toward integration. Thus, the European Council realized that in the face of future integration enlargement, it needed to turn a blind eye to undemocratic behavior (Vachudova, 2005).

The Bulgarian case followed the same principles as the Romanian one, and the consequences were a postponed and complicated process of receiving European aid. As discussed, the Europe Agreements called for liberal institutions and

⁶⁶Special Report No 3/97 concerning the decentralized system for the implementation of the PHARE program (period 1990–1995) together with the Commission's replies (submitted pursuant to Article 188C, paragraph 4, indent 2, of the EC Treaty) *Official Journal C 175, 09/06/1997 P. 0004 – 0047*.

democratic practices as a political condition. In the confirmation of democratic transition and democratization, Bulgaria and Romania failed. From 1990 to 1992, Bulgaria did not fully meet the criteria for the Europe Agreement, signing the compromise with the EC on March 8, 1993 (Vachudova, 2005).

However, Clyatt Jr (1993) described that, even with the delay over the European Agreement, Bulgaria obtained other forms of European socialization beyond economic aid. In July 1990, Bulgaria obtained guest status in the European Parliament and other forms of aid. In the same year, the French government and private banks, alongside the EC, helped the Bulgarian government, producing a principal slippage instead of collective political behavior by principals. Additionally, the International Monetary Fund (IMF) advanced measures for the balance of payment relief with the World Bank with other membership and development projects. Indeed, these sideline projects diminished the EC's leverage over Bulgaria in the non-monopolization of the process.

From the end of 1990 to the beginning of 1991, Bulgaria searched for international prestige while being an observer at the Council of Europe (COE), with Poland and Czechoslovakia. This status helped the regime toward international recognition of their democratic reforms and allowed for technical advice and assistance on democratic issues.

The second complicated aspect related to a severe internal ethnic minority crisis. From 1989 to May 1990, the reinforced democratic commitment by the EC forced the new ruling Bulgarian class to deal with discrimination against the Turkish minority⁶⁷ (Clyatt Jr, 1993; Smith, 2004). In addition to the mistrust of the political elite, the Turkish issue gained a voice in the EC-Bulgaria negotiation. Bulgaria intensified the assimilation of 800,000 ethnic Turks under the observation of Brussels. In June 1989, the EC invoked the CSCE mechanism on human rights. In October, France, which was the EC Council president, requested more information over Turkish dissidents that resulted in a postponed negotiation between the

⁶⁷The Turkish presence in Bulgaria dated from the Ottoman conquest during the fourteenth century. After World War II, soviet authorities reduced the number of Turks in Bulgaria by assimilation. However, this became brutal in 1984–1985 when the Bulgarian government forced the Turkish minority to replace their Muslims names and began to deny Turkish ethnicity in Bulgaria politically. Resistance to this event was brutal and, in 1989, many Turks reclaimed their identity. The government response resulted in deportation (including intellectual and communitarian leaders) and a mass exodus involving more than 350,000 Turks. As members of the community and part of the economy, these dislocations produced social and economic crises contributing to the parliamentary *coup* that led to change (EMINOV, 1999).

Commission and Bulgarian officials (Smith, 2004). According to Smith (2004), “no official reason was given, although later it was acknowledged that the political situation, particularly the treatment of minorities, in Bulgaria had occasioned the rupture” (*op cit*, 2004:60).

Indeed, the EC approach over Bulgaria and Czechoslovakia differed. Generally, the prospects of the ruling elite and its formation during and after the democratic transition made the condition of trust and mistrust between a third country outside the organization and the EC clear. Notwithstanding, the EC assumed a leadership role toward the East, and the prospects of domestic elites and dilemmas occurred in cost differentiation over their political approaches toward elite behavior. In the case of Czechoslovakia, the new elite that was predisposed to democratic values, responded quickly to demands, so negotiations occurred promptly. Whereas Bulgaria required more debate, analysis of costs, and mismatches in approach, the relation between EC and Bulgaria resulted in three intense years until the last normalization of the conditions.

The troubled democratic transition in Haiti led to similar difficulties in its interaction with the OAS. Similar to the Bulgaria-EC relationship, the OAS-Haiti relationship suffered from mistrust and high cost to help the democratization process. However, in the case of the OAS, there was some interest in the Haitian democratization process in February 1986 (Câmara, 1998). The political panacea over Haiti's transition to democracy began with the electoral process scheduled for November 1987. On election day, while voters waited in line for ballot voting, they were attacked by soldiers and *tontons-macoutes* groups. This resulted in more than 20 fatalities and several injured people. The OAS responded quickly in December 1988, and they considered postponing the elections (Wilson, 1993).

This anteroom discussion of the Haitian transition served three issues. First, the OAS required an update in its democratic protection policy, which occurred in 1993. Second, the Haitian transition would not be an easy task by international standards. Third, and importantly, the US would take the lead in the OAS for consensus-building and substantive action from the organization (Wilson, 1993).

Richard McCormak, the US Ambassador at the OAS, warned Colonel Abraham (the Haitian Foreign Minister) that there would be a prompt American response if the new elections were not fair, and power not transferred by February 7,

1989. The OAS resolution emphasized elections without intervention. However, the rescheduled election for January 17, 1989, did not produce the response expected by the OAS. The elections lacked legitimacy and were led by the military, which jeopardized their fairness. The OAS, the US, Canada, and France (the last two cited due to their colonial shared history) threatened action, including economic sanctions. Although Leslie Manigat was elected president on February 7, 1989, he was ousted four months later by General Namphy.

As discussed in Chapter 2, Haiti would normalize its path toward democratization during the Pascal-Trouillot administration, after Namphy's ousting. Despite the domestic political dilemma, Haiti organized national elections in December 1990. The OAS participated in this election (sending 200 observers) with other IGOs (UN and Caricom) and the national administration (Washington Office in Haiti). In March 1990, Pascal-Trouillot asked for the OAS's assistance, which occurred immediately. The first mission was in the same month, and, in June 1990, the OAS approved a resolution toward election assistance (Câmara, 1998).

After Aristide's election, the OAS was important in legitimating the Haitian government and inaugurating a new commitment to democracy, especially in democratic tools against *coup d'états*, the Santiago Commitment to Democracy. In this sense, the OAS would experiment with two of these important steps toward protecting democracy in Haiti. First, the resolution "Strengthening of the OAS in the Area of Human Rights," whose main argument assumed representative democracy as the best guarantee for human rights, called for "emergency meetings" for the Haitian government in partnership with other international agencies (CARICOM, the Rio Group, and the Inter-American Bank) and the UN. Second, the creation of Santiago commitment would occur three and a half months after the Santiago Commitment following Aristides ousting by the military. In other words, this was the primary test before a real *coup d'état* (Câmara, 1998).

The institutional test against *coup d'état* was quickly responded to the OAS. On the day of Aristidies ousting, the OAS mobilized against the *coup d'état*, under the affirmation of the Santiago Commitment—Resolution 1080. At that time, Venezuela called for the Permanent Council to meet on the Organ of Consultation to observe Aristide's ousting on September 30. The Secretary-General, Baena Soares, called for a session and reaffirmed the Santiago Commitment. On October 2, after a

bureaucratic convergence, the resolution passed for foreign ministers to decide what course of action OAS would do (Câmara, 1998). On October 3, the OAS unanimously passed (or by consensus⁶⁸) a resolution seeking the “democratic restoration of Haiti,”⁶⁹ which requested that SGs arrive in Haiti and inform the military government of their illegitimacy. The OAS resolution recognized:

- a) confirmation of Aristides as the “only legitimate” president;
- b) contribution to the diplomatic isolation of Haiti in case of rebellious behavior;
- c) suspension of economic, financial and commercial ties;
- d) prevention of the delivery of arms, munitions, or equipment (OAS, 1993).

Following the resolution, international bureaucracy and principals cooperated for the restoration of democracy in Haiti. First, the OAS SG and seven foreign ministers (along with the U.S assistant of the Secretary of State for Inter-American Affairs) visited Haiti seven times in October. Based on the SG report, the OAS agreed “to freeze the assets of the Haitian State and to impose a trade embargo ... except for humanitarian [aid].” The OAS was also to create a civilian mission “to reestablish and strengthen constitutional democracy in Haiti” (Wilson, 1993:28).

In theory, the sanctions would serve as an effective bargaining tool with Aristide’s return and the effectiveness of its resolution would send a regional message to every attempt against democracy in the OAS arena. However, the OAS offered a problem over cooperative/coordination resolution enforcement (WILSON, 1993). According to Camara (1998), this coordinative resolution enforcement did not happen for political reasons alone, but to limit the length of the OAS Charter. First, the OAS was not authorized to apply mandatory coercive measures. Instead, only the UN Security Council could do so. Second, the main limitation relied on the constant dilemma of non-interference and peace management inside the OAS. The only solution provided by the bureaucracy were ad hoc meetings with

⁶⁸The governments of Canada, Venezuela, and the US were, of the member states, the most avid against the Haitian *coup d’état*. Brazil, Colombia, Mexico, Peru and Uruguay were more conservative in intervention, seeking the application of international law. According to Camara (1998), the Santiago Commitment was composed of two groups of discussion: first, the activists, such as Argentina, Canada, Chile, US, Venezuela and the Caribbean; and the legalists, Brazil, Colombia, México, Peru, and Uruguay, always using precautionary discourse.

⁶⁹Appendix.

recommendatory powers only for a robust consensus-based legitimacy, which allowed the action of the OAS mission toward Haiti.

The second meeting of the OAS in October 1991 assumed that an economic embargo was the main tool for Haitian democratic restoration. The economic embargo required the participation of all members (and many states participated, starting with the US, Mexico, and Venezuela) in the creation of the OAS-DEMOC, a mission handed by OAS SG to create a special fund for the embargo. However, other states declined to comply. Given many violations, Joao Baena Soares, the OAS Secretary-General, assumed that the embargo could not be implemented. This situation offered the Haitian military leadership leverage in defying the international community without punishment, extending their survival. In January 1992, the OAS created a special committee to monitor compliance. This was an intense pressure against slippage (Wilson, 1993; Jakobsen, 1998). In June 1992, the General Assembly reaffirmed the continuation of the sanctions.

During the failed sanctions, between November 10 and 14, 1991, the OAS served as mediator. This moment was critical in identifying possible interlocutors for democratization—members of the government elite that could begin a democratic process. The Cartagena Meeting adopted this possibility when the OAS multilaterally reached some common ground between democratic forces and authoritarian ones: a) the regress of Aristides; b) a police force under the Ministry of Justice under the Haitian constitution and humanitarian assistance. However, Aristides's position and the military were irreducible, and both sides declined these terms. In January 1992, Baena, as a mediator, called Haitian militaries and Aristidies in the headquarters of the OAS without both parts, especially because of the mistrust between them.

The gap between rhetoric and application was a significant problem for democratic restoration. On November 10, 1992, after many attempts by the OAS, the Permanent Council approved the resolution 594⁷⁰ and formally asked for UN cooperation, turning the Haitian problem into a global issue (Recueil Des Cours, 1999).

According to Recueil des Cours of The Hague Academy of International Law (1999), the Resolution requested:

⁷⁰OEA/Ser.G/CP/RES.594 (923/92), of November 1992.

That the United Nations participate in the OAS Civilian Mission whose objective is to facilitate a peaceful resolution of the current crisis, through its subsidiary organizations, with a view to contributing to a significant overall strengthening of democracy in Haiti, and that it further support the ongoing effort of the OAS in the resolution of problems associated with the dislocation of persons and with the economy in Haiti, addressing objectives outlined in MRE/RES.2/91 II-1 and MRE/RES.3/92 5-g and 5-h, and especially the defense of human rights, administration of justice, and adequate functioning of all Haitian institutions (*op cit*, 1999:156).

Initially, the US proposed the OAS's position of putting Haiti in the UN Security Council agenda. This possibility caused a vast division between principals (EUA, CARICOM, Panama, Venezuela, and Canada in favor and Brazil, Bolivia, Colombia, Chile, Costa Rica, Ecuador, Guatemala, México, Nicaragua, Peru, and the Dominican Republic against) (CAMARA,1998). Unilaterally, the game changed when the US, under Clinton's Administration, sent a deadline for the Haitian authoritarian side. The OAS legitimated an overnight operation on September 19, 1992, to restore democracy. According to Jakobsen (1998), the non-intervention clause on the OAS Charter "and various subsequent declarations adopted by the organization in favor of democracy lent legitimacy to the American claim that the overthrow of democracy constituted a valid *casus belli*" (Jakobsen, 1998:126). This action enabled some criticism against the US action due to historical interventions by Americans. Indeed, subsequent action provided the return of Aristides as Haitian president on October 15, 1992.

Table 39 – Summary of the IGOs’ action regarding Principals’–Agents’ perspective with dates, in transitions to democracy.

Agency	European Union (<u>European Community</u>)	Organization of American States
Czechoslovakia (1988)	<p>July 1989 – European Community as leader of Eastern Europe <i>approach</i>.</p> <p>Mid-1989 – EC Common Policy.</p> <p>October 1989 - Action Plan by EC Commission = coherent bureaucratic action.</p> <p>Beginning of 1990 – Introduction of European Agreements for non-EU countries.</p> <p>January 1990 – Informal negotiations between EC–Czechoslovakia.</p> <p>February 1990 – Extension of PHARE program for Czechoslovakia.</p> <p>5 March–7 May 1990: Time between negotiation and signing of the agreement.</p> <p>August 1990: Advances in European Agreement clauses (including democratic institutions).</p>	
Bulgaria (1988)	<p>July 1989 – European Community as leader of Eastern Europe <i>approach</i>.</p> <p>October 1989– Action Plan by EC Commission = coherent bureaucratic action.</p> <p>October 1989 – Due to minority rights issues, negotiations between Commission and Bulgaria postponed.</p> <p>Beginning of 1990 – Introduction of European Agreements for non-EU countries.</p> <p>Beginning of 1990 – Testing of Trade and Cooperation Agreement.</p> <p>Beginning of 1990 – Mistrust over Trade and Cooperation Agreement in Bulgaria over the former communist status quo.</p> <p>Mid-1990: Promises of punishment for Romania and certain spillover for Bulgaria.</p> <p>4 July 1990–30 January 1991– Delayed aid for Romania due to undemocratic actions.</p> <p>Mid-1990: EC claims that Bulgaria has not fulfilled the criteria for Europe Agreement.</p> <p>8 March 1993 – Compromise of Bulgaria with EC in terms of democratic normalization.</p>	
Haiti (1989)		<p>December 1988 – Quick response regarding the unfair election in Haiti.</p> <p>January 1989 – OAS quickly responds in an unexpected procedure over the election in Haiti.</p> <p>March 1990 – Pascal-Trouillor asked for OAS assistance.</p>

		<p>December 1990 – OAS observed elections, sending 200 observers.</p> <p>October 2, 1991: OAS SG, Baena Soares, calls for an emergency meeting.</p> <p>10-14 November 1991: OAS served as a mediator between Aristides and the military.</p> <p>End of 1991: OAS SG assumes that the economic embargo is not possible.</p> <p>January 1992: special committee for enforcement compliance.</p> <p>January 1992: Baena tried to reach some consensus with both parties, but none appeared for negotiations.</p> <p>September 1992: OAS legitimized US unilateral action.</p>
<u>Principals</u>		
Czechoslovakia (1988)	<p>Mid-1988: Isolated negotiations with no EC-Czechoslovakia commitment.</p> <p>Mid-1989: State convergence over the Common Policy</p>	
Bulgaria (1988)	<p>Mid-1989: Convergence over the EC Common Policy.</p> <p>June 1989 – the EC evoked the CSCE mechanisms on human rights toward Bulgaria.</p> <p>October 1989 – France, as EC Council President, requested more information over Turkish dissidents.</p> <p>Mid-1990– Clash between France and Italy/United Kingdom and the Netherlands over aid punishments in Non-EC country cooperation with democratic rules.</p> <p>July 1990– Bulgaria obtained other forms of economic aid (France); FMI.</p> <p>July 1990– Principal slippage by France.</p> <p>December 1990–January 1991– Bulgaria received observer status at Council of Europe (COE).</p>	
Haiti (1990)		<p>February 7, 1989 – OAS, US, Canada, and France exerted pressure in Haiti <i>coup d'état</i>.</p> <p>June 1990 – OAS approved a resolution by consensus for helping Haiti elections.</p> <p>Santiago Commitment</p> <p>September 30 – Venezuela called for Permanent Council <i>incoupd'état</i> in Haiti ousting Aristides.</p> <p>The resolution“Strengthening of the OAS in the Area of Human rights” was made.</p> <p>3 October 1991: OAS passed a resolution unanimously—“Democratic restoration of</p>

		<p>Haiti”—which requested that SGs arrive in Haiti and inform the military government of their illegitimacy.</p> <p>October 1991: Possibility of an economic embargo. The clash between principals—the division between activists and legalists.</p> <p>Failed economic embargo—principal slippage.</p> <p>19 September 1992– Unilateral action by the US.</p> <p>15 October 1992– Aristide returned as president of Haiti.</p> <p>10 November 1992– OAS Permanent Council approved Resolution 594 and formally asked for UN cooperation.</p> <p>November 1992– US asked to put Haiti on the UN Security Council agenda.</p> <p>November 1992– Huge division between Principals: EUA, CARICOM, Panama, Venezuela and Canada in favor and Brazil, Bolivia, Colombia, Chile, Costa Rica, Ecuador, Guatemala, Mexico, Nicaragua, Peru, Dominican Republic against.</p>
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Source: Information compiled by the author

4.4.2 Breakdown of democracy: The Latin American cases

After the 1990's, the OAS developed important institutional mechanisms towards protecting democratic policies, especially the Santiago Declaration and Resolution 1080 in 1991. Additionally, the unsuccessful democratic transition of Haiti and the subsequent *coup d'état* in 1991, placed Peru, Guatemala, and Paraguay under this institutional mechanism (and Honduras under IADC in 2009). The following cases demonstrate some dilemmas of the OAS democratic protection policies in the context of the breakdown of democracy. First, the OAS institutional structure demonstrated a constant dependency on their bureaucracy over the principal's decision. In other words, it was incapable of acting independently because of its bureaucratic *apparatus*. Second, certain key member states felt that their sovereignty constantly was threatened by democratic protection prerogatives such as intervention and the need for regional multilateral norms. Last, the incapacity of the OAS to establish a preventive action, even when the IADC normative structure allows it, was problematic.

The Peruvian case was another challenge for the new democratic protection policy after the 1990's. As discussed in Chapter 2, Fujimori's political plan in Peru led to an *autogolpe* in 1992. The evolution of Democratic Protection Regime gave the OAS bureaucracy (as agents) an autonomic multilateral response to confirmed interruptions of democracy among its members (Legler, 2003). The OAS Secretary General, João Clemente Baena Soares, one day after the *coup d'état*, arranged a meeting of the Permanent Council⁷¹. This meeting denounced the Fujimori's *coup d'état* and invoked Resolution 1080 on April 13, 1992, reassuring that the international agency confirmed that the *coup d'état* was in place and there was a necessity to act⁷². However, the Declaration did not require an immediate imposition of a sanction, but the calling for a meeting established the parameters for any decision regarding punishments, pressures, or rewards against a rebellious state (Shaw, 2004; Pevehouse, 2005).

In a promptly arranged convention, the OAS Permanent Council passed Resolution 579⁷³, which confirmed that there was an interruption of the democratic order, for the international agency or the member states. In other words, Resolution 1080 as an international pressure mechanism was confirmed (COOPER, 2006). As Shaw (2004) presented, the coherent position by the international bureaucracy called for the restoration of democratic institutions in Peru urging members to suspend financial assistance to Peru and a special commission to negotiate with the Fujimori government. This call for action resulted in three high-level OAS missions to Peru, involving the OAS Secretary General and the Foreign Minister of Uruguay to confirm the *coup d'état* and to exert pressure on Fujimori. Six weeks after the *coup*, another meeting was held in Nassau on May 18, which revealed Fujimori's will to hold an election in November 1992 for a Democratic Constituent Congress⁷⁴. The last

⁷¹In Soares (1994): "If this was not an abrupt or irregular interruption of the exercise of power by a democratically elected government, we were faced with an interruption of democratic institutionality, and in this regard there was agreement in the Permanent Council first, and at the Ad Hoc Meeting later, with the opinion which I was able to express in accordance with Resolution 1080.2" (*translated by the author, op cit* , 1994:40-41). **Original:** "Se não se tratava de uma interrupção abrupta ou irregular do exercício de poder por um governo democraticamente eleito, estávamos diante de uma interrupção da institucionalidade democrática e com relação a isso houve concordância no Conselho Permanente primeiro, e na Reunião Ad Hoc depois, com a opinião que me coube expressar de acordo com a Resolução 1080.2."

⁷²Appendix.

⁷³*The Situation in Peru*. CP/RES. 579 (897/92), April 6, 1992.

⁷⁴MRE/RES. 2/92, May 18, 1992. Hugo de Zela, "The OAS and Electoral Observation," International Analysis (Lima: Peruvian Center for International Studies, December 1993) (PERINA, 2015).

meeting occurred to send an observation mission to the Constituent Congress election (Legler, 2003).

However, the principal-agent conflict did not appear in the OAS convergence over confirming the *coup d'état* but in the tools and procedures to restore the former democratic status quo. First, regarding the confirmation of the *coup d'état*, several countries were unilaterally positioned over the Peruvian situation. The US condemned the *coup d'état* and immediately suspended all military and non-humanitarian economic assistance. Peru's neighbors in Latin America sent pointed messages and denounced the *autogolpe*. Venezuela and Panama suspended diplomatic relations with Peru, Argentina recalled its ambassador, Chile ceased conversations over Peruvian access to the Arica port, and Ecuador canceled all visits.

However, once the *coup d'état* was recognized, the main disturbance between principals and agents happened when the US proposed a strong response to the Peruvian crisis, including harsh economic sanctions. Bolivia, Mexico, and Brazil appeared more unilaterally or multilaterally tolerant with Fujimori's action and advised that tools that favored restraint or defended sovereign rights over non-intervention should instead be used (Cooper, 2006). This blockage in consensus over institutional tools to restore democracy gave the US room to act unilaterally and multilaterally. Some argued that the US in association with other aid organizations (including the IMG) and North countries (Spain, Japan, and Germany) threatened to withhold two billion dollars in assistance to Peru, increasing the possibility of Fujimori changing Peru's behavior. Also, according to Pevehouse (2005), the role of OAS cannot be ignored in US plans. During the 1990's, the US was focused on the OAS as a multilateral arena for Peru and Haiti, since the reluctance of Latin American countries to follow US directives.

According to Pevehouse, the US and the OAS mutually reinforced their perspectives on the crisis. In this argument, the coordination of principal-agent in the OAS case worked as a unified front against Fujimori, which forced him to take another path toward democracy. Furthermore, after Nassau, the OAS meeting in mid-May, and several coordinated visits from the OAS ambassador, Fujimori attended the Bahamas Conference. The Ecuadorian Foreign Minister, Hugo Gross, was in favor of Fujimori's presence in the Bahamas.

According to Legler (2003), this demonstrated that the collective effort to defend democracy in 1992 was a qualified success, but the procedure for achieving it was not, especially after the OAS considered sanctions. Although a certain degree of convergence occurred in the Peruvian case, according to Cooper (2005), the restoration of Peruvian democracy was from the combined weight of international pressure rather than solely the OAS. According to Pevehouse (2005), the swift and clear reaction of the OAS and its members surprised Fujimori and his diplomatic group, which helped efforts to restore democracy.

Fujimori's initial offer was to ratify the self-*coup* by referendum, using his high popularity during his presidential term, was immediately rejected by the OAS. He then proposed a Democratic Constituent Congress (CCD), which could draft a new constitution to be ratified by referendum. This proposal achieved OAS consensus; however, this enabled Fujimori and his allies to manipulate the process for their privilege. This manipulation faced resistance from the US, the OAS, and other parties in Peru, and the sending of election observers by the OAS gave their seal of approval. This forged a fair and transparent design in Peru. In May 2000, this "backfire" result was compensated for when Fujimori returned to power under a fraudulent electoral process, offering an opportunity for the OAS to contest the entire procedure (Cooper, 2006).

The Peruvian experience facilitated the conditions for the OAS treatment over the similar "self-*coup*" of President Jorge Serrano of Guatemala. Although similar, Serrano miscalculated the *coup d'état's* planning, and the management of this crisis was more straightforward than in Peru. The OAS responded quickly to Serrano's *coup d'état* on May 24, 1993. The Permanent Council of the OAS met during the afternoon of the same day, the final decision resulted in a consensus over the confirmation of Resolution 1090 and officially deplored the events in Guatemala. An ad hoc Meeting of ministers of foreign affairs condemned Serrano's actions and called for an application of institutional tools for restoring democracy (Shaw, 2004).

The Guatemalan case recognizes the coordination between the principal and agents. After the ad hoc decision, Secretary-General João Baena Soares met with Serrano and threatened to impose economic sanctions if the Guatemalan president

did not resign. Additionally, the US and the EC suspended all aid to Guatemala⁷⁵(Shaw,2004).

The similarities between Serrano's and Fujimori's actions helped the OAS to avoid repeat mistakes. Serrano offered a the restoration of a Constituent Assembly, which was rejected by the OAS and the Supreme Court of Guatemala. The sanctions undermined Serrano's support, and rapid international action and strong domestic opposition helped coordination between international and domestic forces, which gave the OAS foreign ministers some leverage.

In this sense, Guatemala resulted in a typical case of democratic protection policies by the OAS. According to Shaw (2004), in Guatemala, the principal-agent acted in concert when:

The Foreign Ministers were determined to see democracy restored and acted in a united fashion to achieve that end. The United States fully supported the OAS called for imposing sanctions against Guatemala and did not need to take further unilateral actions for the successful restoration of democracy (Shaw, 2004:166).

The Peruvian and Guatemalan cases demonstrated a disjunction between Principals (member state) and agents (international bureaucracy). In the case of Peru, given a coherent perspective by the international bureaucracy, the member-states had difficulties achieving a consensus over the institutional tool for Fujimori. The OAS experience overcame this disjunction in the Guatemalan case, resulting in a typical coordination mechanism between the PA.

The Paraguayan context of the conflict between Wasmosy and Oviedo provided a disjunction of international bureaucracy (agent) instead of principals. As discussed, the escalation of conflict between Wasmosy and Oviedo led to a deep political crisis with open threats by the military (headed by Oviedo himself) to disobey a direct order by Wasmosy. However, this escalation did not result in a typical *coup d'état* defined by Resolution 1080, demonstrating a considerable gap in preventive action in OAS democratic protection policy.

According to Levitt (2006), this was why the OAS response was relatively mild. On April 23, 1996, when the crisis reached its apogee, a meeting of the Permanent

⁷⁵https://www.washingtonpost.com/archive/politics/1993/06/02/military-civilian-leaders-oust-guatemalan-president/775849a4-9287-47f6-b87c-d12f5e0ad9a5/?noredirect=on&utm_term=.bea04355b001

Council was held. The Council condemned Oviedo's refusal to submit to Wasmosy's command and his use of military contestation over an elected but not entirely agreed with the application of Resolution 1080. In this sense, Regarding international bureaucracy, a coherent statement occurred with César Gaviria, SGs of the OAS at the time.

Gaviria's statement on the Paraguay Crisis of April 22 to 24, 1996 elucidated the OAS response to the institutional crisis. According to Gaviria, Resolution 1080 had been a useful instrument for democratic stabilization; thus, the Paraguayan case would have "no disagreements on the desirability of using resolution 1080." However, his argumentation related to preemptive action instead of solving an ongoing *coup d'état*. First, Gaviria urged the OAS to act promptly:

I believe the best indication of the speed with which our Organization acted is the fact that we were present in Paraguay almost as soon as the crisis got underway and could make a contribution to a favorable outcome (...)In the academic world, there is much discussion of "early warning"--trying to anticipate crises. This is difficult in any crisis. It is generally very hard to get in ahead of the powers that take the initiative to generate this kind of situation. What is possible is to react promptly. The OAS reacted promptly (...) (Gaviria, 1996:12).

However, the Paraguayan case demonstrates an absence of any preventive action by the OAS at that time. Ironically, Gaviria's only instrument of preventive action was assuming that the *coup d'état* happened, even if, according to Valenzuela (1997), it did not. The uncertainty over the *coup d'état* reached the member-states. Within the Permanent Council, some members were unsure about whether democracy had been interrupted once the president, his cabinet, the Congress, and the judiciary remained in office (Levitt, 2006). The lack of information over the Paraguayan political panorama created doubt regarding the delayed information provided by the own Paraguayan government.

On April 23, 1996, Gaviria telephoned Wasmosy to offer support and traveled to Asunción. Even regarding a doubtful action by the international agency, the OAS interpreted the Paraguayan crisis from a broader perspective. Resolution 1080 was enacted, and a mandate for César Gaviria was finally accepted (Fox and Roth, 2000; Santiso, 2002). According to Santiso, the abstention of some countries weakened the institutional mechanism, which forced the OAS to establish another resolution(681),

on April 23, 1996, which activated Resolution 1080⁷⁶. However, according to Valenzuela (1997), this was quite late in comparison with other OAS cases actors.

Generally, other essential countries supported Wasmosy—mainly the US—which suspended all military aid to Paraguay and support to other members of the navy and air force that supported Wasmosy. Representatives of MERCOSUR, Argentina, Brazil, and Uruguay, also traveled to Paraguay (FOX and ROTH, 2000). According to Halperin and Galic (2005), Oviedo received a request from the head of the Brazilian army to provide information about the *coup d'état* and the ambassadors of Brazil, Oliveira Dias, the US, Robert Service (together with Assistant Secretary of State for Latin America, Jeffrey Davidow) and Gaviria managed to keep President Wasmosy on the president's chair.

Heine and Weiffen (2015) argued that the OAS participated in the process of democracy restoration when the OAS Permanent Council in Washington condemned and mobilized the international bureaucracy for Gaviria's assistance in Wasmosy's defense. However, for Heine and Weiffen, further actions were not necessary once a wide range of other international actors, including Brazil, Argentina, MERCOSUR, the European Union, and US President Bill Clinton helped to reinforce the political status of Wasmony. According to Heine and Weiffen's:

Resolution 1080 is also said to have had a deterrent effect, in that the prospect of its invocation stopped looming threats to democratic rule (...) The cases of Haiti, Guatemala, Peru, and Paraguay proved the need for international action to protect democracy. The OAS's almost immediate reactions to those crises sent a strong signal in favor of democracy. It reinforced the established precedent that the interruption of the democratic process was not a matter of domestic jurisdiction, but that international organizations had a right and responsibility to address internal political issues (*op cit*, 2015: 43).

The possibility of a preventive clause on IADC democratic protection policy did not change the praxis of the OAS in waiting for democratic rupture before acting. In this sense, as Legler (2010) argued, Zelaya's ousting represented "*déjà vu*" regarding the OAS's repeated failure at preventive diplomacy" (*op cit*, 2010:602). For the first time, Zelaya invoked the new Article 17 of the Inter-American Democratic Charter, the "self-help clause," that triggered an emergency meeting of the OAS

⁷⁶OAS Permanent Council Resolution 681 (1971/96), 23 April 1996.

Permanent Council days before the *coup d'état* on 28 June 2009⁷⁷. From that moment on, a high consensus achieved over the new democratic protection policy demonstrated a set of punitive measures adopted against a *coup d'état*.

However, despite these tools, the dilemma over the fragile balance between appropriate measure for specific crises and support of sovereignty among principals did not vanish. This remaining prerogative of states prevented the OAS international bureaucracy from acquiring more independent action, such as from the European Union. Additionally, Legler (2010) argued that any preventive diplomacy was “impeded by the fact that only the regional heads of state or government enjoyed exclusive, sovereign recourse to the inter-American democratic charter” (*op cit* , 2010:605). Therefore, although upgraded, IADC presented the same dynamic in PA interaction in IGO participation in democratic protection policies.

Oddly, the *coup d'état* that ousted President Zelaya occurred a few weeks after the OAS General Assembly in San Pedro Sula, Honduras, in June 2009. Zelaya then complained over the escalation of political tension and polarization in the country. Thus, the presence *in loco* of OAS Secretariat and member-states did not avoid the evolution of a *coup d'état* project. This odd situation appeared as a symptomatic practice in preventive action. Institutionally, the OAS answered when Zelaya himself asked for OAS Permanent Council assistance when he suffered the *coup d'état*, in a context of the updated tools of Article 17 of the IADC (Heine and Weiffen, 2015).

A Permanent Council meeting happened on June 25 and 26. At this moment, the Permanent Council adopted Resolution 952 and established a special commission, which traveled to Honduras on June 29⁷⁸. Although Article 17 was invoked, the OAS action occurred in an ex-post and not in a preventive way, as the IADC normative apparatus was adapted for. Later, then, the OAS unanimously condemned the *coup d'état* in Honduras. Consequently, OAS settled a special section at General Assembly and, consequently, the Permanent Council was sent to Honduras, headed by José Miguel Insulza, Secretary-General per Article 20 of the IADC (Heine and Weiffen, 2015).

⁷⁷https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-214/09

⁷⁸Appendix.

Responding to the Honduras *coup d'état* was urgent for the OAS. Insulza traveled to Honduras on June 29 and returned to Washington to attend the OAS General Assembly between July 30 and July 4⁷⁹. The proposed sanctions were clear:

“The General Assembly issued Resolution 1 on July 1, demanding the reinstatement of Zelaya within 72 hours. If within that period Zelaya was not reinstated, the organization would apply Article 21 of the IADC to suspend Honduras’ membership. Given a non-retreat of the authoritarian forces notified by the SG personally, the OAS General Assembly, on July 4, 2009, approved the resolution 2, which suspended Honduras from the organization, the highest and the first case of suspension during IADC period”(Heine and Weiffen, 2015).

Support for Zelaya’s return was considerable, on bilateral and multilateral fronts, including continental and multiform organizations. In Heine and Weiffen (2015), the consensus broke political spectrums, hemispherically, and across the Atlantic. According to these authors, the harsh, quick response by the OAS turned the organization into a victim of its success. The political scenario seemed to work well from the prompt consensus and convergence toward sanctions(including US support) with OAS multilateral action creating enormous expectations for the effectiveness of Honduran democratic restoration. However, the punishment also affected Micheletti and his authoritarian supporters. Senator Jim DeMint(a member of Republican Party), in “parallel diplomacy,” convinced Micheletti to stay in power and forbid Zelaya’s return.

According to Heine and Weiffen (2015), the overzealousness of the OAS, especially in the early suspension and the SGs refusal to meet Micheletti during the first inspection visit, sidelined the OAS in the process. Indeed, other critics of preventive action, as stipulated by the IADC Charter, appeared. The preventive weakness relates to the incapacity of the international bureaucracy to act by itself, which differed from the EU advances in democratic protection policies. Heine and Weiffen argued that “executive sovereignty, a key building block within the OAS architecture, makes it impossible for the organization to intervene in any given country’s affairs unless it is formally asked to do so by the government” (*op cit* , 2015:123).

⁷⁹<https://www.nytimes.com/2009/07/05/world/americas/05honduras.html>
<http://edition.cnn.com/2009/WORLD/americas/07/04/honduras.coup.OAS/>.

This affirmation relates to the absence of the intervenient variables in this thesis. The OAS construction of democratic protection policy relates directly to its relationship between the principals and not to its capacity to act and to punish alone. In Legler's (2010) perspective, several other political mistakes led the OAS to suffer side effects of its democratic protection policy. The quick suspension of Honduras called attention to doubts over adequate and accurate information regarding the Honduran political crisis and the possible advantages in negotiation with the *coup* attempters. Honduran suspension was based on an SG Report after less than twenty-four hours spent in the country, and the harsher action isolated the OAS to deal with domestic forces and restore Zelaya to office. Accordingly, the narrow interpretation of events and ignoring long-term factors of the crisis made the OAS situation more complicated.

After the Haitian suspension, the OAS and the broader international community negotiated between Micheletti and Zelaya, including Oscar Arias, Nobel Peace Prize recipient and President of Costa Rica, to help the transition. The dialogue surrounding sanctions made SG Insulza a *persona non grata* in Honduras. An additional problem came from the OAS in how to deal with sanctions and recognize November 29's elections of Micheletti as the new president of Honduras⁸⁰. In autumn of 2009, the international coalition, including the OAS, threatened not to recognize the election without cooperation with their demands.

By the end of 2009, the US perspective on the recognition of Honduras's new election reinvigorated the supporters of Micheletti. The US dissolved international consensus on the Honduran *coup d'état* and the possibility of Zelaya's restitution. The OAS split in two main groups: one that maintained the former position to not accept the election (Argentina, Bolivia, Brazil, Ecuador, and Venezuela) and the other assuming the US perspective (along with Colombia, Costa Rica, Guatemala, Panama, and Peru) that the election would be the first step for Honduran democracy. This split allowed Micheletti's ally, Porfirio Lobo, to assume presidential office without Zelaya's return (Legler, 2010).

The Honduran case demonstrated some crucial aspects of democratic protection policy. First, multilateral-bilateral coordination in crisis episodes worked. The coordinated policy mechanism was in place for coherent action by international

⁸⁰<https://www.theguardian.com/world/2017/dec/22/us-recognizes-re-election-of-honduras-president-despite-calls-for-a-new-vote>.

bureaucracy and the convergence of principals' preferences. The changing in principal's preferences after Micheletti's selection presented the dismantling of this coordinated policy mechanism and the necessity of the OAS Secretariat for member-states to fulfill the IADC objectives.

Second, although the IADC allows preventive actions, the diplomatic and sovereign oriented perspective inside the OAS led to an ex-post action by the Organization. According to Legler (2012), a preventive action:

Requires enhancing the freedom of the Secretary-General, the Secretariat General, and the Secretariat of Political Affairs to travel to member countries for the purposes of information-gathering and to promote dialogue and conflict resolution without the prior need for the consent of host governments, the Permanent Council, or the General Assembly (*op cit* , 2010:84).

Then, from Legler's perspective, preventive action would be possible under the intervenient variable discussed in here and used by the European Union. Third, effective convergence toward IGO participation is not the same as effective action. The Honduran case initially represented one of the most successful coordination between principals-agents in the history of the OAS, accompanied by a harsh coordinated practice of democratic protection policy—the suspension of a rebel member-state. However, the circumstances provoked a backfire that produced an effective result and disunity in PA relationships, reassuring the politically entangled IGOs of the OAS Secretariat's and member states willingness to protect democracy.

Legler (2003) argued that these state-oriented practices in the OAS decision-making reassured the necessity for coordination among state members and, therefore, accompanied specific problems attached to this institutional culture. Therefore, the OAS tradition relies on consensual decision-making, but only works well in situations that involve little or no controversy. As discussed, the democratic breakdowns involved high consensus on the affirmation of *coup d'état* existence, but Haiti, Peru, and Guatemala led to considerable contradictions over how to deal with individual breakdowns of democracy.

According to Legler (2003), part of the convergence among the member states happened due to the solidarity doctrine over democracy that emerged at the beginning of the 1990's . For Shaw (2003), the consensus method reinforced this solidarity in a way that agreement and compromise in a particular case resulted from

debate and discussion of their different preferences. Thus, the consensus would enhance the legitimacy of OAS resolutions and rapid responses to a crisis instead of time-consuming debates. It would also help for the recognition of substantial disruptions to democracy. Thus, both the international bureaucracy and member states observed and advocated for democratic restoration given an undoubted *coup d'état*, but the toolkit for collective action is still an issue for effective democratic protection.

Another critical aspect discussed by Legler (2003) and Shaw (2004) regarded the US's participation in democratic protection policy. For Legler (2003), the new context of the post-Cold War and ambiguity on US policy toward Latin America opened up political space for other regional actors, such as Canada, Argentina, Chile, Brazil, and Mexico for democratic advocacy. This also happened because, after the 1990's, the US focused on multilateral actions to achieve democracy and on other hemispheric goals. This high level of commitment to multilateralism enabled a coordinated construction of democratic protection policy after the 1990's. The temporal distance of the communist threat led other concerns in Latin America, including a poor democratic performance with economic spillovers and regional instability. As the final table presents, the relationship between the US and the other member states over *coup d'états* enabled a high consensus on what a *coup d'état* consisted of and the application of democratic protection⁸¹.

4.5. Democratic backsliding: European cases.

In contrast to the OAS, as discussed, the democratic protection policy of the EU allows the international bureaucracy to act preventively in cases involving threats to democracy. Romania and Hungary provided a different way for the EU to approach democratic dilemmas but not the timing of actions before the typical *coup d'état* approach from political elites. As this section demonstrates, Romania involved

⁸¹This high consensus of what a *coup d'état* consisted of and the application of democratic protection regime did not avoid strong critics from other Latin American IGOs. On January 31, 2019, the Heads of Government of the Caribbean Community (CARICOM) held a Special Meeting in which all member-states expressed disapproval and deep concern about the OAS Secretariat's recognition of Juan Guaido as interim President of Venezuela. This positioning from the CARICOM member-states calls attention to disturbances between agency and principals. Once the main imperative of the statement is clarified in the context of the OAS Secretariat not speak on behalf of all OAS members, a departure from normal practice in international relations results (CARICOM, 2019).

a fast response from the EU due to the nature of the democratic dilemma and the timing of the escalation of the conflict, which differed from Hungary during Orbán's regime.

According to Sedelmeier (2014), after the impeachment of President Basescu and his ousting, Ponta's government limited the powers of constitutional courts and tried to change the rules for confirming the impeachment process. From the European Commission's perspective, especially as led by President Barroso, these measures were official attempts to modify the rule of law and democratic checks and balances. On July 12, 2012, Barroso and the Council President, Van Rompuy, arranged a meeting with Ponta. This resulted in preliminary compliance from Ponta toward balancing between democratic powers regarding eleven measures demanded by the EU (Sedelmeier, 2014).

The European Commission addressed three crucial issues for the restoration of the rule of law. First, the measures concerned the independence of the judiciary, including the reinstatement of the courts and measures against the intimidation of judges and publishing selective judicial decisions. Second, concerning the impeachment procedure, the EC urged to respect the 50 percent turnout to validate the impeachment referendum. The third issue was not necessarily related to impeachment; the measures of corruption control, which included the independence of the ombudsman and anti-corruption agencies and the resignation of ministers, evolved into corruption scandals and the non-use of presidential pardons (Sedelmeier, 2014).

According to Sedelmeier (2016), the Romanian context enhanced the capacity of the European Union to protect democracy without the use of material leverage, but by moral sanction from international bureaucracy. First, the Romanian case coincided with the scheduled publication of the CVM Report on July 18. The European Commission gave this report over the functioning of democracy and the rule of law. Second, Romanian aspirations to Schengen membership was compromised by democratic issues. Although the Commission agreed that Romania and Bulgaria met the condition for membership, some threats from the Dutch and Finnish governments indicated that the agreement would likely be blocked by the German and French governments (Sedelmeier, 2014).

Third, the Romanian context was characterized by heavy social mobilization. For Ponta's, any action besides compliance would result in high costs in material pressure and foreseen elections. Regarding material pressure, it would be possible to achieve less oppositional positions in mobilizing Article 7 than in Hungary. Additionally, the EU enjoyed substantial legitimacy among the Romanians and the main political parties, including Ponta's SDL. This combination of their social and international legitimacy offered significant leverage (Sedelmeier, 2014; Sedelmeier, 2016).

Romania's case offers some useful lessons. First, it was possible to protect democracy without a high cost in actions. The mobilization of international bureaucracy under significant prospects of material sanctions was enough to limit Ponta's behavior. The sanctions would have enabled Article 7 and, at that time, exclusion from the Schengen Agreement. Second, it demonstrated that significant social mobilization toward the EU's legitimacy does not create domestic backlash to international pressure and, in some ways, it is enough to change anti-democratic behavior in leaders. Sedelmeier (2016) stated that the efficiency of the European Union related to:

In brief, the influence of international demands and criticism depends on their legitimacy, which in turn is determined by specific conditions (Checkel 2001; Frank 1990; Johnston 2001; Schimmelfenning and Sedelmeier 2005a:18–20). These conditions include that social influence has to be applied consistently as well as impartially; moreover, social pressure requires publicity and transparency, while a depoliticized setting and a deliberative quality of interactions with the target government are necessary for persuasion (*op cit*, 2016:8-9).

The Romanian experience resulted in increased protection of democratic regimes by the European Union, especially in the interaction between the Commission and Council regarding systematic threats. Similarly, to the IADC in the OAS in matters of democratic protection regimes evolution, the Commission designed procedures for solving situations that were more formal in interactions with member states. As discussed, these new approaches resulted in assessments of "systematic threat" and recommendations on the "rule of law." The Commission proposed concrete measures to restore democratic rules, the monitoring of the Commission and, last, the possible use of sanctions (especially Article 7). Once

informally implemented, such as when Commission President Barroso gave Ponta with the list of eleven points, from 2014, these measures were formalized.

The Romanian case represented the intervenient variable in action. The restoration of the democratic standard did not require the role of the European Council or member-states' coordination, although some isolated threats were made toward Ponta's actions. It means that, the use of independent instruments by the European Union was deemed sufficient by the EU in cases of democratic backsliding. According to Sedelmeier (2016), these instruments was also enough for the effective restoration of democracy in the Romanian case; however, this was only possible through other domestic and international conditions.

The EU had more considerable difficulties in dealing with Orban. Although the EU faced anti-democratic measures and actions antagonizing the EU institutions, Kelemen (2017) argued that the limited toolkit of enforcement measures made an effective response more difficult. In the Hungarian case, in January 2012, the European Commission used a series of infringement proceedings under Article 258 TFEU before the European Court of Justice. Using its prerogative, they pressured Orban's government to revise some controversial measures⁸². The Commission established procedures against Hungary in three issues areas separated in EU Law.

- 1) The lowering of the retirement age of judges from 70 to 62 (used to replace a generation of judges with new party-loyal judges) infringed Directive 2000/78/EC on equal treatment in employment.
- 2) Measures to restrict the independence of the national data protection supervisory authority and of the Hungarian central bank, respectively, breached Article 16 TFEU, Directive 95/46/EC on data protection, and Article 130 TFEU. Moreover, concerning the independence of the central bank, the EU used the infringement procedures—with the threat of financial penalties by the ECJ—but also used issue linkage. In December 2011, the EU and the IMF both negotiated over €15–20 billion in financial assistance dependent on restoring the independence of the central bank. (SEDELMEIER 2014)
- 3) The second case involved the Freedom of Information Act, which abolished the Parliamentary Commissioner for Data Protection and established a new

⁸²<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017DC0370&from=EN>.

government agency, the National Agency for Data Protection, lacking a degree of independence as required by the EU Data Protection Directive (Directive 95/46 EC).

In these procedures, the Commission identified several infringements by Hungary of EU primary and secondary law (BUGARIC, 2014). A few months later, after the following EU procedures, the Hungarian Parliament attended to the recommendations of the Commission on the Data Protection Directive, but the Commission insisted on referring Hungary to the Court of Justice on this on April 25.

Kelemen (2017) criticized the absence of a systemic form of punishment, given that the EU can only establish a case-by-case approach in infringement proceedings. As discussed, this prerogative does not depend on the principals but can be established by international bureaucracy. From Kelemen's (2017) perspective, this case-by-case approach allowed Orban to play a game of "cat and mouse" with Brussels, adopting non-substantive changes while consolidating his power⁸³. This meant, in Kelemen's perspective, victory in battle but not in the war against authoritarian measures.

In contrast, to Romania, whose moral pressuring was enough to prevent anti-democratic escalation, Kelemen (2017) explained that the EU's inefficiency resulted from other reasons beyond procedure. First, among the principals, the EU leaders refused to invoke Article 7 (which requires a majority of four-fifths of the Council and assent of the European Parliament) or the Rule of Law Framework⁸⁴. In the European Parliament, most of the EPP (European People's Party), the center-right Europarty which Orban belonged to, maintained their majority and tolerated Orban's violations. In March 2014, the EPP endorsed Fidesz's campaign rally in Budapest and placed Fidesz's politicians in key positions of the Parliament. In June 2015, when the European Parliament passed a resolution condemning Orban's statements about the death penalty and migration and called for the application of the Rule of Law

⁸³For instance, when Orbán's government lowered the retirement age of judges in a thinly veiled effort to purge the judiciary and allow for the appointment of Fidesz's party loyalists. The Commission had no legal basis to challenge this attack on judicial independence, so had to settle with the only legal tool it had available—bringing an infringement case claiming that the new retirement age policy violated EU rules on age discrimination (Kelemen, 2017).

⁸⁴In June 2015, when the European Parliament passed a resolution condemning Orbán's statements on the death penalty and migration and calling on the Commission to launch the Rule of Law Framework procedure against Hungary,²¹ only left-leaning parties voted in favor and the EPP leadership publicly defended Orbán's government.

Framework, only left-leaning parties voted in favor, and the EPP leadership defended Orbán's government. The result was a refusal by the Junker Commission to take action against Orbán. Jean-Claude Juncker, Commission President, was part of the EPP group. Even on December 16, 2015, when the resolution passed on the European Parliament, the European Commission continued to refuse to launch the Rule of Law procedure.

According to Bugarić (2014), the Commission was quite successful and imaginative in its arguments, vigorously participating in democratic protection policy by its independent prerogative in a skillfully legal argument, even on less secure legal grounds. However, all three infringements failed to establish a real commitment by Orbán to EU law. From Bugarić's perspective, the real change occurred when Article 7 was invoked.

Schlipphak and Treib (2016) discussed demonstrations in favor of Orbán's government. In contrast to the Romanian case, Orbán called for a nationalist discourse against the European Union with significant popular coverage, when domestically, Orbán accused political opponents of being "traitors and servers of Western Masters." Furthermore, unlike Ponta's strategy, Orbán was able to block international criticism when he was backed by the EPP on the European Parliament and gained increased domestic support.

Both the Romanian and Hungarian cases are explicit in two main aspects. First, for the participation of the EU in democratic protection policies, the European Commission can act independently using its particular prerogatives, without the European Council (Principals). Second, the conditions for democratic protection participation are not the same as those for effective protection. As demonstrated by the Romanian and Hungarian cases, the conditions for effectiveness occur with the huge domestic support to the European Union by popular segments, followed by member-states' convergence in applying the punishments, specifically Article 7.

Table 40 - Summary of IGOs' action from Principals' – Agents' perspective with dates in cases of transitions to democracy.

<u>Agency</u>	European Union (EU)	Organization of American States (OAS)
Hungary (2012-2013)	<p>In the Hungarian case, In January 2012, the European Commission used a series of infringement proceedings pursuant to Article 258 TFEU before the European Court of Justice</p> <p>After following the procedures, a few months later, the Hungarian Parliament acknowledged the recommendations of the Commission on the matter of Data Protection Directive, but the Commission insisted on referring Hungary to the Court of Justice in this matter on April 25</p> <p>In March 2014, not only did EPP endorse Fidesz' campaign rally in Budapest but also placed Fidesz' politicians in key position of the Parliament. Even on December 16, 2015, when the resolution was passed by the European Parliament, the European Commission continued to refuse to launch the Rule of Law procedure.</p>	
Romania (2012-2013)	<p>On July 12, 2012, Barroso and the Council President, Van Rompuy, arranged a meeting with Ponta.</p> <p>This meeting resulted in preliminary compliance from Ponta toward the balancing between democratic powers taking 11 measures as demanded by the EU</p> <p>First, the Romania case coincided with the scheduled publication of the CVM Report on July 18.</p>	
Peru (1992)		<p>5 April 1992 – Fujimori self-coup d'état.</p> <p>13 April 1992 - The OAS Secretary General, João Clemente Baena Soares, arranged a meeting of the Permanent Council a day after the <i>coup d'état</i>. This meeting was held to denounce and invoke Resolution 1080.</p> <p>In the quickly arranged convention, the OAS Permanent Council passed Resolution 579</p> <p>May 18, 1992 - the meeting was held in Nassau, which revealed Fujimori's</p>

		will to hold an election in November 1992 for a Democratic Constituent Congress.
Guatemala (1993)		<p>24 May 1993- The Permanent Council of the OAS met on the afternoon of the same day; the final decision resulted in a consensus over the confirmation of Resolution 1090, and the events in Guatemala were officially deplored.</p> <p>After the ad hoc decision, Secretary General João Baena Soares was sent to meet with Serrano, and he threatened to impose economic sanctions in the face of the non-resignation of the Guatemalan President</p>
Paraguay (1996)		<p>The statement of Gaviria in terms of the Paraguay Crisis of April 22 to 24, 1996, elucidates the OAS response to the institutional crisis.</p> <p>On April 23, 1996, Gaviria telephoned Wasmosy to offer support and went to Asunción.</p>
Honduras (2009)		Insulza traveled to Honduras on June 29, returned to Washington to attend the OAS General Assembly between 30 June and 4 July.
<u>Principals</u>	European Union (EU)	Organization of American States (OAS)
Hungary (2012-2013)	Nonparticipation	
Romania (2012-2013)	Nonparticipation	
Peru (1992)		<p>Reached by high consensus on Foreign Ministers Meeting between United States – Latin American, and Latin American-Latin American states. (SHAW,2004)</p> <p>Disturbance occurred between the Principal and Agents when the United States proposed a strong response to the Peruvian crisis, including harsh economic sanctions. Bolivia, Mexico, and Brazil, unilaterally or multilaterally, appeared more tolerant about Fujimori's action</p>
Guatemala (1993)		<p>OAS responded quickly to Serrano's <i>coup d'état</i> on May 24, 1993.</p> <p>Reached by high consensus on Foreign Ministers' Meeting between United States – Latin American, and</p>

		Latin American-Latin American states.
Paraguay (1996)		<p>The OAS response was relatively mild. On April 23, 1996, the day the crisis reached its apogee, a meeting of the Permanent Council was held.</p> <p>The abstention position by some countries weakened the institutional mechanism, which forced the OAS to establish another Resolution, 681, on April 23, 1996, which activated Resolution 1080.</p> <p>Reached by high consensus on Foreign Ministers' Meeting between United States – Latin American, and Latin American-Latin American states. (SHAW,2004)</p>
Honduras (2009)		<p>For the first time, Zelaya invoked the new Article 17 of the Inter-American Democratic Charter, the “self-help clause,” triggering an emergency meeting of the OAS Permanent Council days before the <i>coup d'état</i> on June 28, 2009.</p> <p>A Permanent Council meeting was held on June 25 and 26, during which the Permanent Council adopted Resolution 952 and established a special commission that traveled to Honduras on June 29.</p> <p>Although later, the OAS condemned unanimously what qualified as <i>coup d'état</i> in Honduras.</p> <p>The OAS General Assembly, on July 4, 2009, approved Resolution 2.</p>

Source: Information compiled by the author

4.6. Concluding remarks

This chapter analyzed the international mobilization of the European Union and the Organization of American States in times of transition, discontinuity, and breakdown of democracy. The main causal mechanisms relating to international mobilization, as this thesis argues, is that in terms of organizing mobilization, the combination of a coherent bureaucratic will toward democracy protection policies and

the convergence of member-states would produce the participation of the IGOs. In this context, some of the results are as mentioned below.

First, comparatively, although the EU and the OAS constructed similar democratic protection regimes on democratic transitions, their evolution over time took different paths in matters of democratic breakdowns or discontinuity. As discussed in this chapter, both the IGOs experienced catapulted bureaucracy in dealing with transitional matters, relying on the coordination of the European Commission and the OAS General Secretariat to “take the pledge” of the process and to establish directives, practices in moments of democratic transition. In this matter, both intergovernmental organizations helped pro-democratic forces and treated with reluctance former authoritarian forces, both offering incentives such as economic and development programs, prospects for regional integration, international legitimacy, or punishments for anti-democratic forces, mistrust over negotiations, and mobilization toward de-legitimation. Mainly, the EU produced positive or rewards-based policies in favor of democratic transitions whereas the OAS produced threatening and intervening ones.

In face of the rapidly changing scenario in Eastern Europe, the European Commission proceeded with several aid programs, such as PHARE and European Agreements. Initially, these programs followed economic changes as the main course of action; however, the second generation of agreements followed other requirements, such as a representative democracy and the human rights law.

The cases of Czechoslovakia and Bulgaria demonstrated this set of events. Following this thesis model, the European Community received the Czechoslovakian transition featured as a transition from below with less reservation than the Bulgarian one, featured as a top-down transition. In both cases, the European Community used its pole of attraction (passive leverage). However, due to the unstable pact in the Bulgarian case, which is featured by a huge part of the political elite connected with a former authoritarian regime, this relationship was reluctant and full of setbacks in comparison with the Czechoslovakian connection with Brussels. On the other hand, in the Haitian case, the OAS followed strong action in the matter of transition.

After 1993, the European Union constructed a new political platform. The EU searched for democratic cohesion within the integration bloc and a regional foreign policy toward a procedural/representative democracy. The outcome of this procedure

was a legal apparatus against democratic setbacks, especially among member states. As demonstrated, Article 2 TEU, assumed as a powerful democratic protector, combined the opportunities objecting not only neighbor countries in terms of democratic commitment, but also what was within their institutional practices (BASCANEANU, 2016). In so doing, differently from the OAS, the EU constructed a preventive democratic protection policy instead of a curative one.

The phenomena of “threatened democracies” in European communities, especially in the Hungarian and Romanian cases, demonstrated this preventive action against democratic setbacks. The European Commission, endowed with institutional prerogatives, acted by meting out direct punishment against democratic rebel governments, such as in Ponta’s and Orban’s cases. In this sense, the European Union acted before the *coup d’état* took place.

Nevertheless, the OAS did not follow the same steps as the European Union. The construction of the democratic protection policy followed a “sovereinism” lacking supranational institutional capacities that could intervene in cases of democratic setbacks. First, the OAS democratic protection regime detected only the democratic threatening in *coup d’états*, when the democratic status quo was no longer maintained. Second, for punishments or rewards, the bureaucracy required the convergence of member states and lacked institutional capacities on its own. In Peru, Guatemala, Paraguay, and Honduras, the OAS acted after the democratic breakdown, behaving differently from the EU.

As this chapter demonstrated, the causal mechanism appeared in cases of transitions to democracy. As discussed, the combination of bureaucratic will and member states’ convergence appeared in the EU and the OAS cases. The causal mechanism appeared in OAS cases when there was breakdown of democracy. As a curative democratic protection policy, the coordination between the Principal and the Agency was a prerequisite for the IGOs’ action. The same did not happen with the EU in terms of democratic discontinuity because of the democratic protection policy working as an intervening condition for its action. As discussed earlier, the EU democratic protection regime allowed the European Commission to act with some prerogatives without the member states’ approval.

This implies that the thesis model claims the IGOs’ participation in the OAS cases, both for transition and breakdowns of democracy, and for the European

Community in cases of transition. The institutional path taken by the EU in case of democratic discontinuity changed the mechanism for participation when it allowed the European Community to act in the face of democratic threatening. Based on the historical narratives, it was possible to follow the political mobilization and challenges in the face of these two extremes moments of the democratization process in which all cases responded to domestic changes and then mobilized international instances for democratic protection.

GENERAL CONCLUSIONS

In Political Science, both discussions over the reasons for democracy's golden age argument or discontentment have mobilized very little information about the role of international actors in these contexts of democratization. Generally, the literature has focused on privileged domestic conditions as proximate factors for explaining the main political courses of democratization processes and paths. Post-1970s, even after the academic awakening about international forces' interference in domestic motivations, the literature constructed fuzzy concepts and provided little room for a theorization endeavor.

In this regard, this study reviewed the literature, both in Political Science and International Relations, and reached some conclusions. First, the studies focused on individual actors (national states and transnational groups) and fuzzy effects, such as spillover effects and linkage policies, for explaining the relationship between the democratization process and international factors. Second, studies by Drezner (2003), Milner and Keohane (2002), Mansfield and Pevehouse (2006), Thiel (2010), and Martin (1999) made theoretical attempts to understand the domestic-international nexus over international actors in democratization contexts, but theoretical consistency and testing were far from complete. Third, the work of Pevehouse (2005) exorted the interference of international actors in the democratization stages, not following the skeptical vision or the diminishing role of the international in these stages but encouraging the analysis of international actors in these contexts.

Following this theoretical shortcoming, this thesis selected the Intergovernmental Organizations (IGOs)⁸⁵, more specifically, Regional Intergovernmental Organizations (RIOs), as the main object of analysis for connecting international level and democracy studies. Interestingly, reviewing the literature studies connecting IGOs and the democratization process, especially in

⁸⁵IGOs were considered international institutions, which had "explicit arrangements, negotiated among international actors that prescribe, denounce and/or authorize behavior. Explicit arrangements are public, at least among the parties themselves (Koremenos et al, 2001:762). In addition to a set of formal rules, IGOs detain agency capacity, resulting from rational-legal bureaucracy (dwell on physical spaces – buildings, offices, headquarters) capable of establishing specific political autonomy to gather information and mold preferences (Ruggie, 1993; Barnett and Finnemore, 1999).

transition and consolidation processes, this thesis argued that the main studies focused on where and how these Organizations act in these democratization contexts, but IR literature has remained silent focusing on when IGOs would participate in the democratization stages.

This silence of the literature on this point offered an opportunity for providing some theoretical novelty, combining domestic and international causal conditions, to understand the role of IGOs in the democratization study. As a research objective, this study selected causal conditions that might trigger the participation of the IGOs in democracy protection in a region, providing sufficient causal conditions and the respective mechanisms of causality for IGOs' participation in the democratization stages. In so discussing, it asks: What are the causal conditions that explain the participation of IGOs in democratic protection processes in moments of transitions and discontinuity or during breakdowns of democracy?

At the domestic level, the causal claim is that, during transitional periods, the participation of IGOs would involve a high cost of action depending on authoritarian and reformist behavior by the domestic elite. It meant that "transitions from below" would result in lower cost of actions than top-down actions. This implies that the cost would be low if pro-democratic forces engage in the process of political transformation but not when former authoritarian forces are at the helm of the (re)democratization process. Otherwise, in the process of discontinuity or breakdown, the elite-based argument claims that low costs would depend on the fate of democracy on domestic instances and the international regime for democratic protection produced by the IGOs. In other words, in curative-type democratic protection regimes, cost incurred would be low when the *coup d'état* is already in place, while in preventive-type protection regimes the cost would remain low only before the escalation of the *coup d'état*.

Nevertheless, as per the thesis model, the domestic level was not sufficient for the IGOs' participation in the democratization process, but the role of the IGOs must appear in the model. The idiosyncratic features of the IGOs called for a different approach to account for their behavior. According to the literature, multilateral actors have two distinct characteristics: they are both decisional areas for national states (arenas) and political international bureaucracy in the own implementation of policies decided on an intergovernmental/supranational basis. This argument led to observing

the coordination between Principals (Member States) and Agents (Bureaucracy) for the intended outcome. For both cases of transition and of discontinuity/breakdown of democracy, the member states had to converge in terms of participation policy in conjunction with the international bureaucracy, considered an entity capable of constructing an autonomous will and translating these preferences into action.

The use of Qualitative Comparative Analysis (QCA) demonstrated that, for the participation of IGOs in these specific moments, these three causal conditions are required. The absence of one of these does not produce the intended outcome. Along with the Process-Tracing approach, two mechanisms appear as conducting forces for the intended outcome. Mechanism 1 is a combination of two parts: one resulting from bureaucratic cohesion and the other from member-states' voting convergence. These two result in a single mechanism whose causal forces are produced by the coordinated policy of the IOs. Mechanism 2 is originally within the state and is a result of the political behavior of the elite, whose causal force results in decreased costs of acting policy of the IOs in the political context. This thesis argues that these two combined mechanisms offer a sufficient determinant for the intended outcome, forged through three sufficient conditions. The empirical verification reached some consistency and coverage with the model proposed. Domestically, the political elite had to assume a specific behavior, and internationally, there had to be coordination between a coherent international agency and the convergence of member-state preferences.

This new theoretical modeling required a precise combination of concepts and approaches from the subject areas of both Political Science and International Relations to obtain internal and external consistency for middle-range theory building. First, a definition of democracy helped to lay the foundations for institutional processes of change, specifically in the separate stages of what characterizes democracy. In this sense, the thesis followed the mainstream, relating democracy to

the set of formal rules and procedures regarding universal suffrage; free, fair, competitive and recurrent elections; a decision-making and governing body elected with the above-mentioned norms, usually corresponding to a parliamentary assembly; (...) a government that are answerable to parliament or are the result of direct election by the electorate; a set of intermediary structures represented by political parties and interest groups (...). These institutions and norms presuppose, albeit to different degrees, a genuine guarantee of political rights and liberty, such as freedom of expression, union, and association and alternative sources of information and therefore also the existence of other norms and of a bureaucratic apparatus that guarantees such rights. (Morlino, 2011:29-30)

Second, democratization tends to occur in sequential stages. In this sense, this thesis followed the traditional approach in terms of recurring democratization stages. The transitional moment is “the interval between one political regime and another, (O’Donnell and Schmitter, 1986:6),” which means that they are delimited by the dissolution of the authoritarian regime and the opening to some form of democracy. The consolidation step is made possible through a continuity process toward the implementation of a democratic system of rules, which means a complete expansion in the recognition of civil and political rights and the emergence of “intermediary bodies” of representation, such as political parties, unions, and collective interest groups. However, consolidated democracy can pursue the path of discontinuity. Morlino (2011) argued that discontinuity is a transformation process, conducted by the change of actors in the direction of a rupture of the system of rules of democratic political institutions. As a part of the process, the political regime in a mid-term situation between democracy and the turning point of breakdown is called a *threatened democracy*. Threatened democracies are those political regimes in the process of continuous democratic institutional discontinuity. Their political regimes are characterized, on the one hand, by a strong undermining of competitiveness among political actors toward instances of power and, on the other, by the representative institutions that anchor society and state. Assuming democratic discontinuity as a process, an aggravation of this degradation results in an abuse of incumbent power that might lead to decreased accountability, unfair and not free elections, and the perpetuation of an unbalance between the opposition forces and the regime, which leads to the breakdown of representative democracy by legislative *coups* and *self-coups d’état*. The breakdown of a democracy is the critical discontinuity process when democratic competitive regimes become dictatorships.

In addition, the model demands a concept of participation, which is related to the perspective of substantive action. In the literature, these instruments were associated with leverage models of analysis, observing connections between international and domestic actors, especially in relation to the behavior of political elites; in other words, it directly interferes in the domestic political status, either by conditionality or by impositions (Thiel, 2010; Freyburg et al, 2015; Morlino, 2011). Consequently, the participation of International Organizations in transition and breakdown of democracy should demonstrate a substantive effect when it is related to a direct and strong pressure over national states (Thiel, 2010; Magen et al, 2009). This type of participation targets two types of actors in the domestic context: the political and social forces outside the government and the forces inside the government (*establishment*). In general, a strong pressure for participation provides challenges for the authoritarian *status quo* or the mobilization of groups and support for pro-democracy groups by using negative instruments or positive instruments. The negative instruments are costly and represent serious impositions to achieve particular demands for democratic reforms over the authoritarian government. On the other hand, in specific circumstances, positive instruments overtly support the opposition or the authoritarian regime when the *status quo* demonstrates reliable acceptance of democratic transition or declines *coup d'état* attempts.

Second, the mobilization of the domestic and international level, considered as democracy protection policies, is a matter of governance. In this sense, although not a multilevel one, the discussion of democratic protection policy is a matter of governance because it involves different actors and different institutions in a complex array of interactions. Although they are matters of governance, they are still related to a two-level approach and not to a multilevel one.

Due to the geographical expansion of the waves of democratization, the research required a selection of clusters of comparable cases in this context. In Latin America, the most prominent region with issues of democratic transition is Central America. Similarly, some features of the Central American case appeared in Eastern Europe during the fourth wave of democratization in the early 1990's. Concerning the breakdown of democracy, this thesis purposefully selects the most pursuant responses of the EU and the OAS in cases of breakdown of democracy. In Latin America (in chronological order): Peru (1992), Guatemala (1993), representing a

breakdown of democracy by *self-coup*, and Paraguay (1996) and Honduras (2009), a breakdown by a legislative *coup*. Additionally, as discussed before, even regarding breakdowns of democracy attempts, these countries present similar features in terms of political systems, economic underdevelopment, and social legacies from the decolonization process (Mahoney, 2001; Boniface, 2002). In Latin America, the analysis of two types of breakdowns of democracy, Peru (1992) and Guatemala (1993) as *self-coups*, Paraguay (1996) and Honduras (2009) as *legislative coup d'état plots*, both represent aggressions to the OAS Charter and its democratic protection regime. In the European Union, in the absence of typical breakdowns, the analysis of the process of democracy discontinuity dubbed *threatened democracy* in Romania (2012) and Hungary (2012), both democracies in minimalist terms, were jeopardized by processes of unbalance among powers and the succeeding risks of civil liberty violations.

In this sense, a careful comparative observation was focused on the IGOs as well. The literature agrees that the European Union (EU) and the Organization of American States (OAS) are the best regional examples in this field (Pace, 2012; Herz, 2012; Hawkins, 2008; Heine and Weiffen, 2015). In this regard, these IGOs are comparable in two main aspects; they directly influence our thesis's explanatory model. First, they are comparable in terms of the relationship between their decision-making arena (principal) and the specialized bureaucracy (agent). In the European case, the European Council appeared as the main and final decisional arena and the European Commission as an information gatherer, evaluator, and policy advisor (authors). In this regard, the Charter of the European Union establishes a principal-agent model of democracy protection.

Second, the European Commission acts as a monitor at the institutional and advisory instances in matters related to the state's compliance with democratic procedures, demonstrating normative prerogatives to act during episodes of non-compliance. Second, the European Council acts as the highest instance of judgment; it exercises its prerogative as the principal. Similarly, the interaction between the principal and the agent occurs in the Organization of American States, where the General Assembly (*Principal*) is the final decisional arena and the General Secretariat is the specialized bureaucracy in charge of evaluation and advisory activities about such matters, all institutionally supported by Resolution 1080, dated

1993, and the 2001 Inter-American Democratic Charter. In this sense, the institutional contract of delegation between principal and agency was comparable in both the European Union and the Organization of American States, especially because their institutional levels present the same features – one as a final decisional stage and the other as the specialized bureaucracy for democracy protection matters, wherein the highly technical bureaucracies are endowed with administrative cohesion to produce coherent democratic protection policies.

Empirically, this thesis reached an outcome compatible with the theoretical model proposed. In cases of transition, such as the Czechoslovakian case, it resulted in a low cost of action by the European Community. From 1989 onward, Czechoslovakia and its history of mass mobilization against the *status quo* demonstrated that mass-based actors produced strong oppositional tactics, such as street demonstrations, strikes, and violent clashes with authoritarian forces. This unbalance between mass-based mobilization and former communist elites was clear when, during the entire confrontational period, street leaders had the leverage to never cooperate in negotiation and resisted the escalation of force. From the end of 1989, the so-called “velvet revolution” would trigger one of the quickest regime-changing processes in the post-communist world.

In this context, the Czechoslovak communist *status quo* found itself isolated with loss of support from Moscow, as the Soviet Union fell in neighboring countries and with the continuous loss of legitimacy of the old regime, either for bureaucratic or for popular constituencies. In this context of mass mobilization, the transitional pro-democratic elite gained some traction, mainly former bureaucrats outside of the *Nomenklatura* structure and former dissenters of the regime, especially Václav Havel (Glenn, 1999). On the evening of November 19, the Civic Forum (CF) was created in Prague and the Public against Violence (PAV) in Slovakia to protest publicly criticizing the actions of the former regime. In this sense, the Civic Forum was more a political movement than a political party, in which it served as an umbrella for all opposition groups ousted since 1968.

The Communist Party settled an extraordinary meeting on November 24 with many resignations seen. The election of General Karel Urbanek proved to be the worst scenario for the *Nomenklatura* structure, once he had no political identity and put himself at the periphery of events, taking no further substantive action in the

transition. The immobilization of the communist party transformed Premier Ladislav Adamec into the main force of the authoritarian *status quo*. Adamec tried to hold a dialogue with the Civic Forum, a situation not accepted at the beginning of the mass movement. This opening up from the communist party started the roundtable process toward a democratic transition. At the roundtable negotiation, the Civic Forum proposed free elections, a market economy, legal reforms, social policy programs, and a huge amount of mass support throughout the country (Mcrae, 1997). At that time, the government had just surrendered, and Adamec became a partner of CF. On December 8, the roundtable was settled among CF, Czech Republic and the Public Against Violence (VPN), Communist Party of Czechoslovakia (CPCz), Czechoslovak People's Party (ČSL), The Czech Social Democratic Party (ČSSD), the Party of Slovak Renewal, the Freedom Party, the Socialist Union of Youth, and the National Front. The Civic Forum dominated the process, with Marian Calfa, former deputy prime minister, as the main front-man of the regime transition. Indeed, the historical narrative demonstrated the transition from below in the Czechoslovakian case, with comprehensive support from the European Community, which followed, without mistrust, the constant process of negotiation and cooperation with Czechoslovakia.

The two other examples, Bulgaria and Haiti, followed a different path. In Bulgaria, it resulted in an empirical observation of constant mistrust between the organization and the domestic ambiance. In a general overview, the Bulgarian process of transition is a "transition from above," which was started in part by the communist elite, and it accomplished political change at the end of 1989. For 45 years, Bulgaria has been under only one ruler, Todor Zhikov, the President and First Secretary of the Communist Party. The reason for Zhikov retaining power for so many years is that he relied on strict communication with Moscow (Ciobanu, 2010). Since 1954, Zhikov has constructed an administrative structure in a constitutional way for his own permanence in power. By these means, Zhikov took over as the original leader of the Bulgarian Communist Party in 1971 in the presence of the Bulgarian Agrarian National Movement (BANU) and Communist Youth League (which represented 87% of the working-age group – half of the population), showing his capacity for mobilization, legitimacy, and regime support for a long period (Ciobanu, 2010).

However, after Brezhnev's death, Bulgaria's relationship with Moscow was unstable, first with Andropov and then with Chernenko. The context demonstrated that part of *Nomenklatura* was tangled up its powers with Moscow's success; consequently, the fall of Moscow was the collapse of the satellites regime as well. (Dimitrova, 2001). There were four important aspects to be considered in the Bulgarian transition to democracy. First, regional democratic transformation helped the process of transition in Bulgaria; in particular, an unsubordinated part of the communist party and some embryonic opposition at the beginning of the 1980's, composed by intellectuals and government dissidents, played a significant role. Second, the transition to democracy occurred under Moscow's watch and in a legal manner, which means that the process of transition was legitimized (Dimitrova, 2001). Third, in a manner similar to Czechoslovakia, the transition was peaceful, although characterized by strikes, riots, and some mass movements. Fourth, for this "transition from above," even in a peaceful atmosphere of transition, the liberalization movement was constantly being mistrusted by international actors and pro-democratic supporters (Dimitrova, 2001; Rossi, 2012).

In general, the transition to democracy was a *coup* accomplished by the elite members of the Bulgarian Communist Party (BCP) against Todor Zhivkov (Rossi, 2012). Rossi (2012) stated that the mass protest had no effect on the transition process (with the exception of some conflicts with Turkish minorities near the border). The transitions occurred in order to maintain certain privileges that the elites enjoyed in the face of the Bulgarian economic backslide. The *coup* was carried out on November 10, 1989, in the backdrop of the fall of the Berlin Wall and the BCP meeting to accept Zhivkov's resignation. Under Moscow's watch, the pressure to overthrow Zhivkov came from a secretly coordinated action that was supported by Gorbachev (Rossi, 2012; Bell, 1997). By December 8, the BCP had a completely different set of elites, features as an anti-communist elites, capable to manage the roundtable for democratization during transition. The Union of Democratic Forces (UDF), an umbrella organization with small opposition groups, claimed responsibility for the roundtable for democratic transition. From January to May in 1990, Andrei Lukanov, a representative of BCP (now organized by anti-communist members), and Jelyo Jeleu, leader of the UDF, led this negotiation toward constitutional amendments and basic rules for multiparty elections (Raimundo et al, 2011).

However, even in the face of Zhivkov's withdrawal and Mladenov's occupation, there were no guarantees for democratization. As this thesis demonstrated in Chapter 4, the European Community would respond to this with mistrust and threats of economic sanctions or the withdrawal of investments provided by the EC-CEEC agreement in 1988 (Grabbe, 2006). This path toward democratization resulted in effective protests, and the pro-democratic elites pressured the former BCP elites, resulting in the removal of article 1 of the Constitution, which defended the communist party as the leading force in society (Dimitrova, 2001).

Similarly, Haiti was also treated with mistrust by the OAS and, consequently, there was a massive effort to restore a democratic standard. On 7 February 1986, Duvalier's dictatorship, which since 1957 had been considered to be one of the most persistent and bloodiest regimes in Haiti, came to an end. Military rule has been playing a strong role against political liberalization and the consolidation of democracy. In part, the transitional period after 1986 faced the political forces of the ancient regime: the "neo-duvalierist," forged during the dictatorship and adepts of the *macoustime*, a "deterrence force" whose objective was to actively pursue real and imaginary enemies in order to maintain the authoritarian *status quo*. Indeed, the entire transitional period was marked by doses of duvalierism. The first year of transition was marked by the empowerment of the army and the National Government Council, which was presided by General Henry Namphy and included Colonel Williams Regala, Max Valles, and Prosper Avril as well as other technical members such as Engineer Alix Cinéas and Master Gerard Gourgue; this council represented the orthodoxy of the ancient regime.

Similar to the Eastern Europe experience, the democratic opposition force was weak and started organizing themselves after the dictatorship ended. The formation of a union, youth movements, socio-professional associations, and farmer groups added some pressure regarding elections (CRS, 1995). This backdrop encouraged the middle class and the bourgeoisie to end their alliance with Duvalier's followers. The militaries formed alliances with the US government and the church (especially after the Pope's visit in 1983), assuming anti-communist policies (King, 2009). Nevertheless, November 29, 1987, marked the first election in Haiti; however, it was fraudulent and full of casualties. The violence caused by the neo-duvalierists made presidential candidates leave their election tickets, reducing the competition for those

courageous enough to vote and compete for the position – in this case, the Christian Democrat, Leslie Manigat. New elections were organized under the intervention of the OAS in December 1988, once the Provisional Council controlled the electoral apparatus and arguably manipulated the ballot box for the presidency. On January 17, 1988, the election was rescheduled so that it would take place under the watch of international actors and oppositional Haitian forces (Cajou, 2013; King, 2009). Effectively, on March 14, 1990, Pascal-Trouillot, the president of the Supreme Court, assumed the role of interim President and settled the elections for December 16, 1990. For the first time, Haiti celebrated the right to hold free, fair, and democratic elections. This marked the election of Father Jean Bertrand Aristide, a charismatic representative of the anti-dictatorship struggle; he won the presidency with 66.7% of the votes in the first round. Aristide was a left-wing candidate, and was anti-imperialist. He was also a strong critic of the Holy See and high clerics and, especially in the case of Haiti, was against the bourgeoisie, who were considered the main political class. In his discourses, he would undertake all measures possible to change the high official of the army (Cajou, 2013; CRS, 1995).

However, scholars recognized that the military also profited from contraband and drug trafficking; moreover, even under Aristide's administration, they refused to execute legal orders and used violence to intimidate political opposition, organizations of civil society, and media enterprises without facing legal consequences (CRS, 1995). Meanwhile, in June 1990, Haiti participated in the OAS Santiago Commitment, a summit wherein the debate regarding democratic promotion inside the IGO reached a new level of institutionalization. In particular, the OAS called attention to the Haitian political situation and channelized efforts to enhance the democratization process. Even with Aristide's participation in the OAS Summit, his return to Haiti would enhance the increasing degradation of Haitian democracy (SHAMSIE, 2004; KING, 2004). In January 1991, before the OAS Santiago Commitment, the police forces started arresting politicians. First, Rene Theodore, the communist candidate running for prime minister, had his bodyguard killed and his house riddled with bullets. In the same month, Tonton Macoute seized the presidential palace and took President Trouillot hostage. Aristide also threatened the bourgeoisie for not supporting his government, which explains why a great section of this political class financially supported the *coup d'état* against him. On September

30, 1991, General Raul Cedras, Chief of the General Staff, orchestrated a *coup d'état* and ousted Aristide, who remained in forced exile. A part of the neo-duvalierist group that had returned from the Dominican Republic participated in this as well. According to Aristide, the return of the authoritarian force was even harsher than before, resulting in the occupation of radio stations, the use of force against Aristide's defenders, and people being killed (Griffin, 1992; King, 2009; CRS, 1993). In October 1991, the political response to the Haitian *coup d'état* was intense. On an international level, the United States and the OAS initiated an intense mobilization of international forces, establishing multilateral emergency meetings, international punishments (mainly economic sanctions), and diplomatic efforts.

In terms of the interaction between internal consistency and external results in the case of transitions to democracy, both the OAS and the European Community behaved as the theoretical model predicted. In the Czechoslovakian, Bulgarian, and Haitian cases, every causal condition was in place. However, as discussed by these historical narratives, the IGOs suffered different costs for action depending on the behavior of the national elite. Both the Bulgarian and Haitian cases had negative prospects in terms of the path toward democratization. Consequently, the behavior of the former elite in charge of the democratization process as well as severe conducts against democratic procedures and human rights called for precautionary actions by IGOs, which consistently acted with mistrust and imposed punishments. However, the Czechoslovakian case resulted in low-cost actions by the IGOs, with some pro-democratic guarantees by the ruling elite in place, resulting in a more manageable relation between the European Community and the Czechoslovakian partnership.

Similarly, in the cases of democratic breakdowns/backslides, the model demonstrated the role of the intervenient variable in the relation between the causal conditions and the intended outcome. In this sense, the model not only demonstrated the conditions that are necessary, but also in what moment the IGOs would participate, taking into consideration the role of the international protection regime.

Latin America demonstrated a pattern of curative action, whereas the European Union demonstrated a preventive one. The construction of the democratic protection regime resulted in more independent action by the international bureaucracy in the European Union and not in the OAS. The OAS reserved a club-mindset in all cases of democratic breakdown (Peru, Guatemala, Paraguay, and

Honduras) around member-state action, dictating that any substantive action would require a convergence among Latin American states, even with the presence of an international bureaucracy with independent preferences. The result demonstrated a standard of action in terms of the democracy protection policy that the OAS actioned after the *coup d'état*, and that the EU established before the degradation of democratic procedure in favor of authoritarianism.

A few empirical cases followed these results. On May 25, 1993, in Guatemala, President Jorge Serrano Elias announced the dissolution of the Guatemalan Congress and the Supreme Court of Justice, a phenomenon known as Serrano (similarly to Fujimori in Peru). The *self-coup* affected all power in the executive branch, which allowed for suspending a part of the 1986 Constitution, especially those sections that include guarantees of individual rights, free media, and association rights; in other words, a typical authoritarian regime was formed (Berger, 1993). With low popularity and no political support in Congress, on May 25, 1993, Serrano announced his *self-coup d'état* on public television. Apart from dissolving the Congress, he suspended 46 articles of the Constitution, declared a state of emergency in Guatemala, and called for new elections. The OAS responded to Serrano's *self-coup* on the same day of his announcement. In accordance with Resolution 1080, the Permanent Council met on May 25 and convoked an ad hoc Meeting of the Ministers of Foreign Affairs, who condemned the *coup* and demanded a constitutional restoration in Guatemala (Shaw, 2004). On May 29, Secretary General João Baena Soares traveled to Guatemala in order to mobilize civil society and the military sectors. Baena clarified the consequences of the *self-coup*, in which the OAS would punish Guatemala economically if it could not restore its democratic *status*.

Fujimori's *self-coup d'état* followed the same line of action. His authoritarian attempt at a *self-coup*, in order to overcome the obstacles posed by the Congress, was supported by 82% of the public based on opinion polls, and his political move was backed by some prominent business leaders. Fujimori acted in a different manner from the other leaders in Latin America; during this *self-coup*, he supported the important sectors of the state (the military and businessmen); received a huge popularity support, and faced low interference by international actors toward Peru redemocratization, so being, he has become an unchallenged leader in Peru

(Weyland, 2006). According to Cameron (1998), over two and a half years, Fujimori based his presidential stability on changing legislative alliances with the American Popular Revolutionary Alliance (APRA) and Frente Democrático (*FREDEMO*) in Peru. Instead of creating a legislative atmosphere of flexibility, Fujimori was confrontational and authoritarian and backed by a non-coherent program and ideological commitment, with no political commitment to political leaders but a constant dialogue with intelligence services (Peruvian Servicio de Inteligencia Nacional or SIN) (Cameron, 1998)

A day after the *coup d'état*, the OAS Secretary General, João Clemente Baena Soares, arranged a meeting of the Permanent Council. This meeting was arranged in order to denounce Fujimori and invoke Resolution 1080 on April 13, 1992, with the assurance that the international agency recognized the *coup d'état* and the necessity to act. Although the Declaration does not require an immediate imposition of a sanction, the call for a meeting establishes the parameters for any decision regarding punishments, pressures, or rewards against rebellion states (Shaw, 2004; Pevehouse, 2005). In a quickly arranged convention, the OAS Permanent Council passed Resolution 579, which confirmed the interruption of the democratic order, both for the international agency and the member states; in other words, this confirmed Resolution 1080 as an international pressure mechanism (Cooper, 2006).

The Paraguayan political crisis of 1994 can be traced back to the relationship between President Wasmosy and General Oviedo. General Oviedo was partially responsible for the authoritarian attempt, which historically related to constantly pressuring democratic governments and *coup d'état* attempts. Oviedo aspired for the presidency in 1998, and was one of the most important forebearers of the military *coup* in 1989. On April 22, 1996, Wasmosy decided to remove Oviedo from his post at the military division. In response, Oviedo refused Wasmosy's order, resulting in political crisis. Oviedo marched to the military headquarter and called for Wasmosy's resignation, "threatening to bomb the presidential residence if a 7 p.m. deadline was not adhered to" (Nickson, 1997:192). The first official information regarding Oviedo's action was issued to the public when the US embassy released an official statement, followed by the Brazilian and Argentinian embassies. The OAS Secretary-General, César Gaviria, went to Asunción on the same day the *coup* was announced, and

supported Wasmosy's government. Consequently, The OAS received full international support to settle a meeting in order to invoke Resolution 1080.

The Honduran case, Zelaya's government policy switch, would be considered the start of the downfall. In addition to a constant disagreement between Zelaya's ideological mindset and that of the Party, he started to lose the support of his party and other patronage forces. In the face of no support from the Congress, Zelaya tried to implement some constitutional changes by other means. On March 23, 2009, he called for an unofficial consultation in June for a Constituent Assembly (in a context of nonlegislative majority). In order to avoid a constitutional crisis, Zelaya changed his mind and opted for an "Opinion Poll," which was not accepted by the Congress. The situation escalated when Zelaya ordered the military to provide logistics for the Opinion Poll and General Vásquez Velásquez refused. The disobedience of Velásquez resulted in his demission, which triggered joint resignations of the Defense Minister, Edmundo Orellana and the commanders of the three armed forces. The Supreme Court ordered Velásquez to be reinstated (with no constitutional ground for this action) but Zelaya refused. On June 28, 2009, Zelaya was kidnapped from his house and sent to Costa Rica, completing the *coup d'état* (Filho et al, 2013; Policzer and Francechet, 2014). On the same day, the international community, including the OAS, strongly protested against Zelaya's ousting. After the Permanent Council Meeting from June 25–26, the OAS understood that the current situation in Honduras was an unconstitutional interruption, and therefore, a *coup d'état* confirmation came on June 29. In this sense, the OAS demanded the return of Zelaya as president and offered diplomatic reconciliation with the support of Costa Rican President, Oscar Arias. In the face of non-response of *coup d'état* attempters, the OAS condemned the unconstitutional violation of democratic norms citing Article 17 of the Democratic Charter and suspended the membership of Honduras. (Policzer and Francechet, 2014; Heine and Weiffen, 2015).

In the cases of Romania and Hungary, the European Union developed institutional tools that the international agency could act without the participation of European states. In general, Romanian institutions provide a power balance between the Prime Minister and the President. The President, who is the main figure in the executive power, coordinates the areas of defense and foreign affairs, while the Prime Minister (PM) commands the government and the cabinet. However, according

to Article 103 of the constitution, the Parliament has the power to withdraw the president and dissolve the government with a relatively low threshold for motions of censure. This explains the introduction of countless motions over the years in the Romanian democracy, although, without succeeding over majority blocs. President Bănescu and Prime Minister Tăriceanu, who came to power as part of a center-right coalition during the 2004 elections, were at the center stage of the Romanian political crisis (Perju, 2015).

After the constitutional crisis, the conflict over who will represent Romania at the EU leaders conference in Brussels on June 27, 2012 triggered the Romanian political crisis. In the face of this coordination problem, the Constitutional Court decided that the President will represent Romania in the European Council. Following this constitutional loss, the political scene saw the emergence of the substantive role of Prime Minister Victor Ponta, leader of the opposition party Social Liberal Union (USL), who provided anti-PDL and anti-austerity measures to trigger the breakdown of the government (Perju, 2015; Blokker, 2013). On July 3, 2012, the political scenario changed drastically with the realignment of the Parliament against President Bănescu. This political realignment set the agenda for Ponta's political group of changes in parliamentary subjects and committee assignments, including the possibility to intervene in the Constitutional Court, the Ombudsman—the only institutional office that can prevent legislative ordinances against the Constitution. (PERJU, 2015).

In the Romanian case, the parliamentary majority can initiate a process of impeachment without a check from other institutions, but a *referendum* must be done within 30 days of the parliamentary vote. Ponta's coalition modified the *referendum* law by discarding the "participation quorum" required for the validity of referenda, and thereby lowering the turnout threshold to a majority of votes cast (that is, an "approval quorum"). The organizers of the *referendum*, both ministers in the Ponta government opposed to President Bănescu, in the face of the great defeat in terms of approval quorum, stated that in the *referendum* of July 29, this procedure was not applied, arguing that it was an emergency ordinance by the executive.

From July to August 2012, the Venice Commission and the CVM (Cooperation and Verification Mechanism) started monitoring Romanian activities after the successful but unconstitutional impeachment, in which they criticized influential

politicians and other key independent institutions of overpowering the judiciary (Iusmen, 2015). After the Constitutional Court delivered its decision about Article 95 and the political battle over the constitution, the European Commission and European Council, represented by President José Manuel Barroso and Van Rompuy, respectively, publicly summoned Prime Minister Ponta to Brussels in order to ensure compliance with the Romanian Court. Under the Mechanisms of Cooperation and Verification (MCV) with a strong technical evaluation, the dynamics of Article 95 in Romania qualified the actions taken by PM Ponta's coalition as unconstitutional.

The Hungarian case appeared as a challenge against the European orientation toward liberal democracy; it was similarly related to the constitutional changes of Romania, with a stronger mobilization and idiosyncratic construction of facts that confronted the political mobilization and institutional tools of the European Union. This political crisis started in the 2006 electoral scenario of Hungary, when the two main Hungarian political parties, Fidesz and the Socialists, used social polarization as a tool to acquire a dominant role in the government. Although the Socialist-Liberal coalition won the 2006 election by a small margin, the economic crisis of 2008 unfolded, bringing in a political crisis (POLONEN, 2012).

Since 2006, the political interaction among elites has resulted in an undermining of this "consensus-building" approach and moving toward a majoritarian democratic method. In 2011, this practice was consolidated by Orbán, who unilaterally voted for a new Constitution. This started the deconstruction of a supposed liberal-procedural democracy, injuring the principle of power-sharing, specifically, the balance of power in the checks and balances institutions (Bonzóki, 2012).

Fidesz and their small coalition partner, Christian Democratic People's Party (KDNP in Hungarian) won 67.88% or 262 seats in the Parliament. This supermajority shrank fundamental rights and freedoms and, regarding political elite, they use of institutional tools for unbalancing the party competition. Consequently, on December 31, 2011, the Fundamental Law (a proposition for a New National Constitution) provoked some crucial modifications in democratic institutions in Hungary.

The spiraling crisis since 2008 and the confirmation of the new Constitution in January 2012 led the Hungarian democratic discontinuity to a new level: an authoritarian path. However, there was not a full *coup d'état*. The "executive

aggrandizement” differed from other democratic discontinuities by institutional prerogatives, in which it undermined democratic anchoring, disrupted the balance among powers, and strongly infringed human rights. In January 2012, the Commission employed material leverage against the Hungarian Constitution with regard to some aspects: those that affected the independence of the judiciary, the central bank, and the Data Protection Authority (Iusmen, 2015). In April 2012, the European Commission dropped the first infringement against the Hungarian government actions toward Central Bank independence based on an agreement that the government would change the law in line with the European Central Bank policies.

The different cases of breakdown or discontinuity produced some analytical results. This thesis demonstrates that Latin America had no incentive for preventive action, and when it happened, it continued with a culture of sovereignty, while the European Union organized preventive actions in democracy protection policies. However, regarding both preventive and curative actions, effectiveness of these policies is an issue, either for organizational or for political reasons.

The given cases of Latin America and Europe elucidated different perspectives on dealing with democracy backsliding. The curative perspective provided by the OAS resulted in two main aspects. First, the OAS, in terms of democratic backsliding, works as a “fire alarm” and not as IGOs for substantive action at this moment of the political process. Second, the OAS demonstrated several shortcomings, not in recognizing the *coup d'état* but in deciding which mechanisms to use and how. Extremely dependent on the Principals, the OAS is politically attacked by the member states for attaching huge importance to the United States as the main coordinator of punishments and engagement. Although organizationally, the OAS can provide a very precise concept of what has been threatening democracy, it has practical difficulties in managing and using mechanisms at hand without the endorsement of the Member States. Third, in comparison with other Latin American cases, the 1996 Paraguayan crisis presented all the features of a traditional *coup*, but it was not achieved entirely by Oviedo's forces. Instead of waiting for the escalation of the conflict, the OAS acted immediately, evoking some preempted action toward democracy protection.

The main challenge in OAS participation is that in absence of a defensive democracy protection regime, the only institutional and legitimate tool for the OAS is to confirm a *coup d'état* when Resolution 1080 is mobilized. Although in the real political scenario, the *coup d'état* was not in place yet. Chapter 4 of this thesis, by means of OAS documents and mobilization, thoroughly demonstrates this contradiction and a latent weakness in preemptive actions by an organization. Consequently, the OAS, in order to act preventively in terms of democracy protection, contradictorily assumed the *coup d'état*, and returned to a curative form of defense, even in the face of an unsuccessful *coup* in place.

The European Union demonstrated a huge capacity for preventive actions, either as a “fire alarm” or as a protector of democracy. However, the organizational capacity of the international agency culminated to ineffective methods (though severe and costly, such as the threatening of Article 7), and was not enough to overcome authoritarian trends in Europe. In this sense, the EU presented problems in how the bureaucracy can change the rebellious behavior without the Member States playing a role, especially because the mechanisms of punishments are organizationally uncoordinated and present less legal and punitive strength than they do with coordination among the Principals.

In this sense, democratic protection policies demonstrated different challenges for different approaches, in terms of curative and preventive actions, but both toward the same objective: the conservation of democratic standards, in terms of either institutional or normative values.

Generally, the theoretical model constructed in this thesis made some contributions to the literature. First, the research problem searched for an analysis that has not been analyzed before. While most of the literature enhanced diagnosis related to how and where IGOs act, this thesis produced a standard analysis of when and what causes the participation of IGOs in the democratization process. So far, this theoretical and empirical endeavor is new in the literature.

Second, the results produced a real diagnosis of different approaches in world politics related to IGO practices toward democracy protection policies. Normatively, the theoretical model demonstrated that IGO participation in different stages of the democratization process requires improvement. In transition contexts, cases in which IGOs were required the most were those that IGOs has less incentive to act in. In

breakdowns or discontinuity of democracy, both curative or preventive actions demonstrate several dilemmas in terms of solving democratic backslidings. Normatively, some would endorse the preventive action as the best in face of democratic dilemmas; however, the EU demonstrate several deadlocks in cooperation relating to Principal-Agent relations. In other words, the EU faces a necessary discussion regarding the promotion of more empowerment of international agencies (more supranationalism) or intensive participation from the major member-states inside the EU (more intergovernmentalism).

Third, methodologically, the model used a recent combination between QCA and Process-tracing. Combining these qualitative techniques offers two main contributions. First, QCA produced a capacity to create typical cases for an intended outcome with several cases of analysis. Second, Process-tracing offered an approach to search causal mechanisms in typical cases. For this thesis, especially, process-tracing provided a possibility of generally enhancing the number of comparable cases without abdicating a qualitative approach over the main cases. Thus, the method also helped to forge a theory with the parsimonious mission along with conducting an in-depth analysis of the cases.

Certainly, new research should focus on observing the following: the effectiveness of the institutional toolbox for the restoration of democracy, timing in terms of taking actions, political and social mechanisms for keeping democracies routinized or consolidated, and the avoidance of backslides. Another important aspect that should be focused on is multilevel governance, which allows the substantive participation of nongovernmental actors by boomerang-effect mechanisms and mechanisms of predicting democratic threats.

Thus, the model also added some significant value and novel concepts to the literature. The use of Process-Tracing provided the opportunity for connecting the dots between domestic and international levels with a specific diagnosis regarding the actions of the EU and the OAS to protect democracy. Furthermore, by dialoguing with Pevehouse (2005), the empirical mobilization method proposed an analytical approach for a domestic-international nexus, which is not well-developed in the literature as yet.

As discussed during this study, several limitations appear in the analysis. First, the model continues to concentrate its focus on an elite-centered analysis, ignoring

boomerang-effects as well as the role of the masses, internet, media, and other transnational actors in present-day democracy. Second, in terms of the methodological approach, the focus on a dichotomous intended outcome (present/absent) does not capture the greater nuances of the process. In addition, the thesis does not provide multiple narrative sources for capturing greater nuances and information through the historical analysis. Third, the several assumptions made and the empirical testing conducted, which mainly focus on the OAS and the EU, make it difficult for the model to “travel” to another context in world politics. This means that, as discussed, the model fulfills its mid-range theoretical approach with a focus on the interaction between context- and actor-centered approaches. In the absence of the features of the EU/OAS and different concepts of democracy, there are some difficulties for the theoretical model to follow the intended outcomes, and it would require several adaptations.

Indeed, these limitations encourage a future research path. First, it is important to capture more nuanced results. This means that, instead of a crisp-set approach, certain fuzzy-set approaches need to be provided. Primarily, it is important to understand the conditions for different forms of participation that lead IGOs to use certain mechanisms and not others.

Second, following Thiel (2010), better construction of a game-theoretical approach is required. In terms of the formality of the model, the search for equilibrium in cases of breakdown/discontinuity of democracy would provide some predictions in terms of actions and diagnoses.

Third, the model does not deal with a substantive perspective on democracy. With its focus on procedural democracy, the model does not capture other concepts and practices of democracy, nor how IGOs mobilize their bureaucracies and mechanisms in the face of different democratic concepts.

Fourth, a statistical study needs to be conducted to determine the effect calculus of IGOs during the democratization process. This endeavor will require the construction of a solid database with linear data as well as the construction of indicators for each variable, sophisticated statistical calculus, and software.

Fifth, an in-depth study of the main role of IGOs in the consolidation of democracy is required; this is important for two reasons. First, the context of the consolidation of democracies requires multilevel governance approaches, which

have not yet been properly discussed in the literature. Second, in terms of the normative approach, the main dilemmas of democracy discontinuity reside in the difficulties of consolidating democracies. This means that for the process of the consolidation of democracies, international aspects, as well as domestic aspects, need to be incorporated into the model. Although IGOs have been working toward democratic consolidation, no study seriously considered the relationship between these two instances.

Finally, this study model needs to be expanded. Indeed, it represents a constant adaptation of assumptions, method, and variables with a focus on achieving a better comprehension of democratic dilemmas in complex governance. This study provides a glimpse of the importance of IGOs in this context whenever they are required to participate, how they function, and where to find them; however, it does not completely fulfill the discussion between IGOs and democracy/autocracy, either politically or normatively.

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APENDIX

1- IADC Charter

Lima, September 11, 2001

INTER-AMERICAN DEMOCRATIC CHARTER

THE GENERAL ASSEMBLY,

CONSIDERING that the Charter of the Organization of American States recognizes that representative democracy is indispensable for the stability, peace, and development of the region, and that one of the purposes of the OAS is to promote and consolidate representative democracy, with due respect for the principle of nonintervention;

RECOGNIZING the contributions of the OAS and other regional and sub-regional mechanisms to the promotion and consolidation of democracy in the Americas;

RECALLING that the Heads of State and Government of the Americas, gathered at the Third Summit of the Americas, held from April 20 to 22, 2001 in Quebec City, adopted a democracy clause which establishes 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 Summits of the Americas process;

BEARING IN MIND that existing democratic provisions in regional and subregional mechanisms express the same objectives as the democracy clause adopted by the Heads of State and Government in Quebec City;

REAFFIRMING that the participatory nature of democracy in our countries in different aspects of public life contributes to the consolidation of democratic values and to freedom and solidarity in the Hemisphere;

CONSIDERING that solidarity among and cooperation between American states require the political organization of those states based on the effective exercise of representative democracy, and that economic growth and social development based on justice and equity, and democracy are interdependent and mutually reinforcing;

REAFFIRMING that the fight against poverty, and especially the elimination of extreme poverty, is essential to the promotion and consolidation of democracy and constitutes a common and shared responsibility of the American states;

BEARING IN MIND that the American Declaration on the Rights and Duties of Man and the American Convention on Human Rights contain the values and principles of liberty, equality, and social justice that are intrinsic to democracy;

REAFFIRMING that the promotion and protection of human rights is a basic prerequisite for the existence of a democratic society, and recognizing the importance of the continuous development and strengthening of the inter-American human rights system for the consolidation of democracy;

CONSIDERING that education is an effective way to promote citizens' awareness concerning their own countries and thereby achieve meaningful participation in the decision-making process, and reaffirming the importance of human resource development for a sound democratic system;

RECOGNIZING that a safe environment is essential to the integral development of the human being, which contributes to democracy and political stability;

BEARING IN MIND that the Protocol of San Salvador on Economic, Social, and Cultural Rights emphasizes the great importance of the reaffirmation, development, improvement, and protection of those rights in order to consolidate the system of representative democratic government;

RECOGNIZING that the right of workers to associate themselves freely for the defense and promotion of their interests is fundamental to the fulfillment of democratic ideals;

TAKING INTO ACCOUNT that, in the Santiago Commitment to Democracy and the Renewal of the Inter-American System, the ministers of foreign affairs expressed their determination to adopt a series of effective, timely, and expeditious procedures to ensure the promotion and defense of representative democracy, with due respect for the principle of nonintervention; and that resolution AG/RES. 1080 (XXI-O/91) therefore established a mechanism for collective action in the case of a 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, thereby fulfilling a long-standing aspiration of the Hemisphere to be able to respond rapidly and collectively in defense of democracy;

RECALLING that, in the Declaration of Nassau [AG/DEC. 1 (XXII-O/92)], it was agreed to develop mechanisms to provide assistance, when requested by a member state, to promote, preserve, and strengthen representative democracy, in order to complement and give effect to the provisions of resolution AG/RES. 1080 (XXI-O/91);

BEARING IN MIND that, in the Declaration of Managua for the Promotion of Democracy and Development [AG/DEC. 4 (XXIII-O/93)], the member states expressed their firm belief that democracy, peace, and development are inseparable and indivisible parts of a renewed and integral vision of solidarity in the Americas; and that the ability of the Organization to help preserve and strengthen democratic structures in the region will depend on the implementation of a strategy based on the interdependence and complementarity of those values;

CONSIDERING that, in the Declaration of Managua for the Promotion of Democracy and Development, the member states expressed their conviction that the Organization's mission is not limited to the defense of democracy wherever its fundamental values and principles have collapsed, but also calls for ongoing and creative work to consolidate democracy as well as a continuing effort to prevent and anticipate the very causes of the problems that affect the democratic system of government;

BEARING IN MIND that the Ministers of Foreign Affairs of the Americas, at the thirty-first regular session of the General Assembly, held in San Jose, Costa Rica, in keeping with express instructions from the Heads of State and Government gathered at the Third Summit of the Americas, in Quebec City, accepted the base document of the Inter-American Democratic Charter and entrusted the Permanent Council of the Organization with strengthening and expanding the document, in accordance with the OAS Charter, for final adoption at a special session of the General Assembly in Lima, Peru;

RECOGNIZING that all the rights and obligations of member states under the OAS Charter represent the foundation on which democratic principles in the Hemisphere are built; and

BEARING IN MIND the progressive development of international law and the advisability of clarifying the provisions set forth in the OAS Charter and related basic instruments on the preservation and defense of democratic institutions, according to established practice,

RESOLVES:

To adopt the following:

INTER-AMERICAN DEMOCRATIC CHARTER

I

Democracy and the Inter-American System

Article 1

The peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it.

Democracy is essential for the social, political, and economic development of the peoples of the Americas.

Article 2

The effective exercise of representative democracy is the basis for the rule of law and of the constitutional regimes of the member states of the Organization of American States. Representative democracy is strengthened and deepened by permanent, ethical, and responsible participation of the citizenry within a legal framework conforming to the respective constitutional order.

Article 3

Essential elements of representative democracy include, *inter alia*, respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government.

Article 4

Transparency in government activities, probity, responsible public administration on the part of governments, respect for social rights, and freedom of expression and of the press are essential components of the exercise of democracy.

The constitutional subordination of all state institutions to the legally constituted civilian authority and respect for the rule of law on the part of all institutions and sectors of society are equally essential to democracy.

Article 5

The strengthening of political parties and other political organizations is a priority for democracy.

Special attention will be paid to the problems associated with the high cost of election campaigns and the establishment of a balanced and transparent system for their financing.

Article 6

It is the right and responsibility of all citizens to participate in decisions relating to their own development. This is also a necessary condition for the full and effective exercise of democracy. Promoting and fostering diverse forms of participation strengthens democracy.

II

Democracy and Human Rights

Article 7

Democracy is indispensable for the effective exercise of fundamental freedoms and human rights in their universality, indivisibility and interdependence, embodied in the respective constitutions of states and in inter-American and international human rights instruments.

Article 8

Any person or group of persons who consider that their human rights have been violated may present claims or petitions to the inter-American system for the promotion and protection of human rights in accordance with its established procedures.

Member states reaffirm their intention to strengthen the inter-American system for the protection of human rights for the consolidation of democracy in the Hemisphere.

Article 9

The elimination of all forms of discrimination, especially gender, ethnic and race discrimination, as well as diverse forms of intolerance, the promotion and protection of human rights of indigenous peoples and migrants, and respect for ethnic, cultural and religious diversity in the Americas contribute to strengthening democracy and citizen participation.

Article 10

The promotion and strengthening of democracy requires the full and effective exercise of workers' rights and the application of core labor standards, as recognized in the International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work, and its Follow-up, adopted in 1998, as well as other related fundamental ILO conventions. Democracy is strengthened by improving standards in the workplace and enhancing the quality of life for workers in the Hemisphere.

III

Democracy, Integral Development, and Combating Poverty

Article 11

Democracy and social and economic development are interdependent and are mutually reinforcing.

Article 12

Poverty, illiteracy, and low levels of human development are factors that adversely affect the consolidation of democracy. The OAS member states are committed to adopting and implementing all those actions required to generate productive employment, reduce poverty, and eradicate extreme poverty, taking into account the different economic realities and conditions of the countries of the Hemisphere. This shared commitment regarding the problems associated with development and poverty also underscores the importance of maintaining macroeconomic equilibria and the obligation to strengthen social cohesion and democracy.

Article 13

The promotion and observance of economic, social, and cultural rights are inherently linked to integral development, equitable economic growth, and to the consolidation of democracy in the states of the Hemisphere.

Article 14

Member states agree to review periodically the actions adopted and carried out by the Organization to promote dialogue, cooperation for integral development, and the fight against poverty in the Hemisphere, and to take the appropriate measures to further these objectives.

Article 15

The exercise of democracy promotes the preservation and good stewardship of the environment. It is essential that the states of the Hemisphere implement policies and strategies to protect the environment, including application of various treaties and conventions, to achieve sustainable development for the benefit of future generations.

Article 16

Education is key to strengthening democratic institutions, promoting the development of human potential, and alleviating poverty and fostering greater understanding among our peoples. To achieve these ends, it is essential that a quality education be available to all, including girls and women, rural inhabitants, and minorities.

IV

Strengthening and Preservation of Democratic Institutions

Article 17

When the government of a member state considers that its democratic political institutional process or its legitimate exercise of power is at risk, it may request assistance from the Secretary General or the Permanent Council for the strengthening and preservation of its democratic system.

Article 18

When situations arise in a member state that may affect the development of its democratic political institutional process or the legitimate exercise of power, the Secretary General or the Permanent Council may, with prior consent of the government concerned, arrange for visits or other actions in order to analyze the situation. The Secretary General will submit a report to the Permanent Council, which will undertake a collective assessment of the situation and, where necessary, may adopt decisions for the preservation of the democratic system and its strengthening.

Article 19

Based on the principles of the Charter of the OAS and subject to its norms, and in accordance with the democracy clause contained in the Declaration of Quebec City, an unconstitutional interruption of the democratic order or an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order in a member state, constitutes, while it persists, an insurmountable obstacle to its government's participation in sessions of the General Assembly, the Meeting of Consultation, the Councils of the Organization, the specialized conferences, the commissions, working groups, and other bodies of the Organization.

Article 20

In the event of an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order in a member state, any member state or the Secretary General may request the immediate convocation of the Permanent Council to undertake a collective assessment of the situation and to take such decisions as it deems appropriate.

The Permanent Council, depending on the situation, may undertake the necessary diplomatic initiatives, including good offices, to foster the restoration of democracy.

If such diplomatic initiatives prove unsuccessful, or if the urgency of the situation so warrants, the Permanent Council shall immediately convene a special session of the General Assembly. The General Assembly will adopt the decisions it deems appropriate, including the undertaking of diplomatic initiatives, in accordance with the Charter of the Organization, international law, and the provisions of this Democratic Charter.

The necessary diplomatic initiatives, including good offices, to foster the restoration of democracy, will continue during the process.

Article 21

When the special session of the General Assembly determines that there has been an unconstitutional interruption of the democratic order of a member state, and that diplomatic initiatives have failed, the special session shall take the decision to suspend said member state from the exercise of its right to participate in the OAS by an affirmative vote of two thirds of the member states in accordance with the Charter of the OAS. The suspension shall take effect immediately.

The suspended member state shall continue to fulfill its obligations to the Organization, in particular its human rights obligations.

Notwithstanding the suspension of the member state, the Organization will maintain diplomatic initiatives to restore democracy in that state.

Article 22

Once the situation that led to suspension has been resolved, any member state or the Secretary General may propose to the General Assembly that suspension be lifted. This decision shall require the vote of two thirds of the member states in accordance with the OAS Charter.

V

Democracy and Electoral Observation Missions

Article 23

Member states are responsible for organizing, conducting, and ensuring free and fair electoral processes.

Member states, in the exercise of their sovereignty, may request that the Organization of American States provide advisory services or assistance for strengthening and developing their electoral institutions and processes, including sending preliminary missions for that purpose.

Article 24

The electoral observation missions shall be carried out at the request of the member state concerned. To that end, the government of that state and the Secretary General shall enter into an agreement

establishing the scope and coverage of the electoral observation mission in question. The member state shall guarantee conditions of security, free access to information, and full cooperation with the electoral observation mission.

Electoral observation missions shall be carried out in accordance with the principles and norms of the OAS. The Organization shall ensure that these missions are effective and independent and shall provide them with the necessary resources for that purpose. They shall be conducted in an objective, impartial, and transparent manner and with the appropriate technical expertise.

Electoral observation missions shall present a report on their activities in a timely manner to the Permanent Council, through the General Secretariat.

Article 25

The electoral observation missions shall advise the Permanent Council, through the General Secretariat, if the necessary conditions for free and fair elections do not exist.

The Organization may, with the consent of the state concerned, send special missions with a view to creating or improving said conditions.

VI

Promotion of a Democratic Culture

Article 26

The OAS will continue to carry out programs and activities designed to promote democratic principles and practices and strengthen a democratic culture in the Hemisphere, bearing in mind that democracy is a way of life based on liberty and enhancement of economic, social, and cultural conditions for the peoples of the Americas. The OAS will consult and cooperate on an ongoing basis with member states and take into account the contributions of civil society organizations working in those fields.

Article 27

The objectives of the programs and activities will be to promote good governance, sound administration, democratic values, and the strengthening of political institutions and civil society organizations. Special attention shall be given to the development of programs and activities for the education of children and youth as a means of ensuring the continuance of democratic values, including liberty and social justice.

Article 28

States shall promote the full and equal participation of women in the political structures of their countries as a fundamental element in the promotion and exercise of a democratic culture

3) Resolution 1080 – OAS

AG/RES. 1080 (XXI-O/91)

REPRESENTATIVE DEMOCRACY

(Resolution adopted at the fifth plenary session, held on June 5, 1991)

WHEREAS:

The Preamble of the Charter of the OAS establishes that representative democracy is an indispensable condition for the stability, peace, and development of the region;

Under the provisions of the Charter, one of the basic purposes of the OAS is to promote and consolidate representative democracy, with due respect for the principle of non-intervention;

Due respect must be accorded to the policies of each member country in regard to the recognition of states and governments;

In view of the widespread existence of democratic governments in the Hemisphere, the principle, enshrined in the Charter, that the solidarity of the American states and the high aims which it pursues require the political organization of those states to be based on effective exercise of representative democracy must be made operative; and

The region still faces serious political, social, and economic problems that may threaten the stability of democratic governments,

THE GENERAL ASSEMBLY

RESOLVES:

1. To instruct 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, in order, within the framework of the Charter, to examine the situation, decide on and convene an ad hoc meeting of the Ministers of Foreign Affairs, or a special session of the General Assembly, all of which must take place within a ten-day period.
2. To state that the purpose of the ad hoc meeting of Ministers of Foreign Affairs or the special session of the General Assembly shall be to look into the events collectively and adopt any decisions deemed appropriate, in accordance with the Charter and international law.
3. To instruct the Permanent Council to devise a set of proposals that will serve as incentives to preserve and strengthen democratic systems, based on international solidarity and cooperation, and to apprise the General Assembly thereof at its twenty-second regular session.

4) CONSOLIDATED VERSION OF TREATY OF EUROPEAN UNION (TEU)

- **ARTICLE 2 TEU**

CONSOLIDATED VERSION OF THE TREATY ON EUROPEAN UNION

TITLE I

COMMON PROVISIONS

Article 2

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.

- **ARTICLE 7 TEU**

TITLE I
COMMON PROVISIONS

Article 7

(ex Article 7 TEU)

1. On a reasoned proposal by one third of the Member States, by the European Parliament or by the European Commission, the Council, acting by a majority of four fifths of its members after obtaining the consent of the European Parliament, may determine that there is a clear risk of a serious breach by a Member State of the values referred to in Article 2. Before making such a determination, the Council shall hear the Member State in question and may address recommendations to it, acting in accordance with the same procedure.

The Council shall regularly verify that the grounds on which such a determination was made continue to apply.

2. The European Council, acting by unanimity on a proposal by one third of the Member States or by the Commission and after obtaining the consent of the European Parliament, may determine the existence of a serious and persistent breach by a Member State of the values referred to in Article 2, after inviting the Member State in question to submit its observations.

3. Where a determination under paragraph 2 has been made, the Council, acting by a qualified majority, may decide to suspend certain of the rights deriving from the application of the Treaties to the Member State in question, including the voting rights of the representative of the government of that Member State in the Council. In doing so, the Council shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons.

The obligations of the Member State in question under the Treaties shall in any case continue to be binding on that State.

4. The Council, acting by a qualified majority, may decide subsequently to vary or revoke measures taken under paragraph 3 in response to changes in the situation which led to their being imposed.

5. The voting arrangements applying to the European Parliament, the European Council and the Council for the purposes of this Article are laid down in Article 354 of the Treaty on the Functioning of the European Union.

- **CONPENHAGEN CRITERIA (1993)**
Accession criteria (Copenhagen criteria)

The Treaty on European Union sets out the conditions (Article 49) and principles (Article 6(1)) to which any country wishing to become an EU member must conform.

Certain criteria must be met for admission. These criteria (known as the Copenhagen criteria) were established by the Copenhagen European Council in 1993 and strengthened by the Madrid European Council in 1995.

They are:

1. stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
2. a functioning market economy and the ability to cope with competitive pressure and market forces within the EU;
3. ability to take on the obligations of membership, including the capacity to effectively implement the rules, standards and policies that make up the body of EU law (the 'acquis'), and adherence to the aims of political, economic and monetary union.

For EU accession negotiations to be launched, a country must satisfy the first criterion.

- **ARTICLE 258 TFEU**

Article 258 of the Treaty on the Functioning of the European Union (TFEU) (ex Article 226 of the Treaty establishing the European Community - TEC) If the Commission considers that a Member State has failed to fulfil an obligation under the Treaties, it shall deliver a reasoned opinion on the matter after giving the State concerned the opportunity to submit its observations. If the State concerned does not comply with the opinion within the period laid down by the Commission, the latter may bring the matter before the Court of Justice of the European Union.

- **ARTICLE 260 TFEU**

Article 260 of the Treaty on the Functioning of the European Union (TFEU) (ex Article 228 of the Treaty establishing the European Community - TEC) 1. If the Court of Justice of the European Union finds that a Member State has failed to fulfil an obligation under the Treaties, the State shall be required to take the necessary measures to comply with the judgment of the Court. 2. If the Commission considers that the Member State concerned has not taken the necessary measures to comply with the judgment of the Court, it may bring the case before the Court after giving that State the opportunity to submit its observations. It shall specify the amount of the lump sum or penalty payment to be paid by the Member State concerned which it considers appropriate in the circumstances. If the Court finds that the Member State concerned has not complied with its judgment it may impose a lump sum or penalty

payment on it. This procedure shall be without prejudice to Article 259. 3. When the Commission brings a case before the Court pursuant to Article 258 on the grounds that the Member State concerned has failed to fulfil its obligation to notify measures transposing a directive adopted under a legislative procedure, it may, when it deems appropriate, specify the amount of the lump sum or penalty payment to be paid by the Member State concerned which it considers appropriate in the circumstances. If the Court finds that there is an infringement it may impose a lump sum or penalty payment on the Member State concerned not exceeding the amount specified by the Commission. The payment obligation shall take effect on the date set by the Court in its judgment.

- **PHARE PROGRAMME : COUNCIL REGULATION (EEC) No 3906/89 of 18 December 1989 on economic aid to certain countries of Central and Eastern Europe .**

COUNCIL REGULATION (EEC) No 3906/89 of 18 December 1989 on economic aid to certain countries of Central and Eastern Europe

THE COUNCIL OF THE EUROPEAN COMMUNITIES, Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof, Having regard to the proposal from the Commission, Having regard to the opinion of the European Parliament⁸⁶, Whereas the Community and its Member States have decided to make a concerted effort together with certain third countries, in order to implement measures intended to support the process of economic and social reform under way in Hungary and Poland; Whereas the Community has concluded Agreements on trade and commercial and economic cooperation with the Republic of Hungary and the Polish People's Republic; Whereas the Community must have the necessary means at its disposal to be able to implement such measures; Whereas the fields in which measures are to be undertaken should be determined; Whereas it is necessary to estimate the amount of Community financial resources needed to carry out these measures in 1990; Whereas the implementation of such measures will help to achieve the Community's aims and whereas the Treaty does not provide, for the measures in question, powers other than those of Article 235,

HAS ADOPTED THIS REGULATION:

⁸⁶ Opinion delivered on 14 December 1989 (not yet published in the Official Journal).

Article 1 The Community shall make economic aid available to the countries of Central and Eastern Europe listed in the Annex in accordance with the criteria laid down in this Regulation.

Article 3 1. The aid shall be used primarily to support the process of reform ►M1 in the countries referred to in Article 1 ◀, in particular by financing or participating in the financing of projects aimed at economic restructuring. Such projects or cooperation measures should be undertaken in particular in the areas of agriculture, industry, investment, energy, training, environmental protection, trade and services; they should be aimed in particular at the private sector ►M1 of the countries referred to in Article 1

◀. The aid may also be used to provide humanitarian assistance.

2. Account shall be taken, inter alia, of the preferences and wishes expressed by the recipient countries concerned in the choice of measures to be financed pursuant to this Regulation.

4. For applicant countries with accession partnerships with the European Union, funding under the PHARE programme shall focus on the main priorities for the adoption of the *acquis communautaire*, i.e. building up the administrative and institutional capacities of the applicant States and investment, except for the type of investments financed in accordance with Regulations (EC) No 1267/1999⁸⁷ and (EC) No 1268/1999⁸⁸. PHARE funding may also be used to finance the measures in the fields of environment, transport and agricultural and rural development which form an incidental but indispensable part of integrated industrial reconstruction or regional development programmes.

Article 4 The aid shall be granted by the Community, either independently or in the form of cofinancing with the Member States, the European Investment Bank, third countries or multilateral bodies or the recipient countries themselves.

Article 5 Community aid shall in general be in the form of grants. They may generate funds that can be used for financing cooperation projects or measures.

⁸⁷ OJ L 160, 26.6.1999, p. 73

⁸⁸ OJ L 160, 26.6.1999, p. 87.

Article 6 1. The aid may cover expenditure on imports and local expenditure needed to carry out the projects and programmes. Taxes, duties and charges and the purchase of property shall be excluded from Community financing. 2. Maintenance and operating costs may be covered for training and research programmes and for other projects; however, for the latter such costs may be covered only in the start-up stage and shall be degressive. 3. However, in the case of cofinancing, account shall be taken in each case of the procedures applied by the other providers of capital.

Article 7 1. In the case of assistance exceeding ECU 50 000 for which the Community is the sole source of external aid, participation in invitations to tender and contracts shall be open on equal terms to all natural and legal persons of the Member States and ► M1 of the countries referred to in Article 1 ◀ ► M10 and Turkey, Cyprus and Malta ◀. 2. Paragraph 1 shall apply also to cofinancing. 3. In the case of cofinancing, however, the participation of third countries in invitations to tender and contracts may be authorized by the Commission, but only on a case-by-case basis, after examination of the case.

Article 8 The Commission shall administer the aid taking into account the procedure laid down in Article 9. The general guidelines applicable to the aid and to sector-based programmes shall be adopted in accordance with that procedure.

Article 9 1. A committee on aid for economic restructuring ► M1 in the countries referred to in Article 1 ◀ is hereby set up at the Commission, consisting of representatives of the Member States and chaired by the Commission representative. An observer from the European Investment Bank shall take part in the Committee's proceedings with regard to questions concerning the Bank. 2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote. 3. The Commission shall adopt decisions which shall apply immediately. However, if these decisions are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event the Commission shall defer application of the measures which it has decided for a period of six weeks. The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the first subparagraph.

Article 10 From 1990 the Commission shall draw up each year a report on the implementation of co-operation operations. The report shall be sent to the European Parliament, the Council and the Economic and Social Committee.

Article 11 This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Communities. This Regulation shall be binding in its entirety and directly applicable in all Member States.

• **RESTORATION OF DEMOCRACY IN HAITI: 1991-1995 :**

AD HOC MEETING OF MINISTERS OF
FOREIGN AFFAIRS (HAITI)
October 2, 1991
Washington, D.C.

OEA/Ser.F/V.1
MRE/RES. 7/95
5 June 1995
Original: Spanish

MRE/RES. 7/95

RESTORATION OF DEMOCRACY IN HAITI

THE AD HOC MEETING OF MINISTERS OF FOREIGN AFFAIRS,

BEARING IN MIND that, in exercise of the powers conferred on it in General Assembly resolution AG/RES. 1080 (XXI-O/91), the Permanent Council convened the Ad Hoc Meeting of Ministers of Foreign Affairs on September 30, 1991, the very day on which the coup d'état took place in Haiti, to assess the seriousness of the events that had occurred and which had caused the sudden and violent interruption of the democratic process in that country;

HAVING SEEN resolutions MRE/RES. 1/91, MRE/RES. 2/91, MRE/RES. 3/92 corr. 1, MRE/RES. 4/92, MRE/RES. 5/93 corr. 1, and MRE/RES. 6/94, adopted by the Ministers of Foreign Affairs of the member states with respect to the restoration of democracy in Haiti; resolutions CP/RES. 567 (870/91), CP/RES. 575 (885/92), CP/RES. 594 (923/92), CP/RES. 610 (968/93), CP/RES. 630 (987/94) and CP/RES. 633 (995/94); and declarations CP/DEC. 2 (896/92), CP/DEC. 8 (927/93), CP/DEC. 9 (931/93), CP/DEC. 10 (934/93), CP/DEC. 14 (960/93) CP/DEC. 15 (967/93), CP/DEC. 18 (986/94), and CP/DEC. 21 (1006/94), adopted by the Permanent Council of the Organization of American States;

TAKING NOTE of the resolutions adopted by the United Nations, particularly Security Council resolutions 841 (1993), 861 (1993), 862 (1993), 867 (1993), 873 (1993), 875 (1993), 905 (1994), 917 (1994), 933 (1994), 940 (1994), 944 (1994), 948 (1994), 964 (1994), 975 (1995), and General Assembly resolutions 46/7 (1991), 46/138 (1991) 47/20A (1992), 47/20B (1993), 48/27A (1993), 48/27B (1994), 49/27 (1994), 49/201 (1995) concerning the Haitian crisis;

BEARING IN MIND that the September 30, 1991 coup d'état in Haiti constituted a violation of the sovereign will and human rights of the Haitian people;

RECALLING that the said coup d'état spawned a reign of terror causing thousands of deaths, summary executions, acts of torture, disappearances of persons, a massive exodus of people, and immeasurable physical and psychological harm, in flagrant violation of the human rights of the Haitian people;

REAFFIRMING that one of the basic purposes of the Organization of American States is to promote and consolidate representative democracy with due respect for the principle of nonintervention;

- 2 -

CONSIDERING:

That based on resolution AG/RES. 1080 (XXI-O/91), the member states immediately and forcefully responded to this challenge by assuming responsibility for actively supporting the Haitian people's heroic resistance to the dictatorship and their unflagging efforts to restore the democratic system in Haiti;

That the international community, particularly through the Organization of American States and the United Nations, responded to the appeal of the Haitian Government by taking the necessary steps to reinstate the constitutional government of the people of Haiti, in accordance with their sovereign will, as expressed overwhelmingly in the December 16, 1990, elections; and

That the rule of law was restored to that country with the return of President Jean-Bertrand Aristide to Haiti on October 15, 1994, the installation of the officials legitimately elected by the Haitian people in December 1990, and launching of the electoral process to form a new parliament,

TAKING INTO ACCOUNT:

That the efforts of President Jean-Bertrand Aristide and the Government and people of Haiti to consolidate democracy and ensure full respect for human rights and the socio-economic development of Haiti should be firmly supported by the international community and, in particular, by the member states of the Organization of American States, pursuant to the aforementioned resolution AG/RES. 1080 referred to above;

That the Haitian people have set January 1, 2004, the bicentennial of their independence, as the target date for achieving a higher standard of living, and considering furthermore that this objective coincides with the commitments undertaken by the heads of state and government at the Summit of the Americas;

RECOGNIZING the interrelationship that exists between the consolidation of a country's democratic government and the quality of life of its people;

OBSERVING that the Government of Haiti, with the support of the Organization of American States, in coordination with the United Nations, has launched programs aimed at consolidating democratic institutions in Haiti and to that end, continues to coordinate efforts thereby strengthening national efforts under way to reactivate that country's economy;

HAVING HEARD President Jean-Bertrand Aristide, and

HAVING HEARD the reports presented by the President of the ad hoc Meeting of Ministers of Foreign Affairs, the Secretary General of the Organization of American States on the current situation in Haiti, and by the Chairman of the Inter-American Commission on Human Rights,

- 3 -

RESOLVES:

1. To express its deepest satisfaction at the restoration of the democratic government in Haiti, headed by the President of the Republic, Jean-Bertrand Aristide.
2. To congratulate the people and Government of Haiti on their efforts to bring about national reconciliation and embark on a process of strict observance of human rights.
3. To reaffirm the member states' firm resolve to continue providing active cooperation towards consolidation of the democratic system, the promotion of socio-economic development, and absolute respect for human rights in Haiti, within the purview of the Organization of American States.
4. To join in the appreciation expressed by the Government of Haiti to former OAS Secretary General, Ambassador João Clemente Baena Soares, for the dedication and resolve the Ambassador had displayed in that capacity in his defense of freedom and respect for the sovereign will of the Haitian people.
5. To acknowledge the work performed, under difficult and dangerous conditions, by the Inter-American Commission on Human Rights in reporting human rights abuses and violations during the darkest days of the military regime in Haiti.
6. To congratulate the members of the International Civilian Mission for their valiant efforts in Haiti over the last three years in defense of human rights, under the constant threat of the military dictatorship, and to recommend at the same time that they remain active in this effort and in any electoral observation tasks entrusted to them by the Government of that country.
7. To request that the OAS Secretary General report periodically to the Permanent Council on the activities of the International Civilian Mission.
8. To congratulate the heads of state and government of the member states and permanent observers to the OAS, Secretaries General of the OAS and the UN, their special envoys, the countries comprising the Group of the Friends of the United Nations Secretary-General, the Caribbean community, and the various notable members of the international community for their valuable contribution to the restoration of the rule of law in Haiti.

- 4 -

9. To call upon the various financial institutions, particularly the Inter-American Development Bank, the World Bank, and the International Monetary Fund, to cooperate with the Haitian authorities in designing and implementing an economic development plan for 1995-2004, given the pressing need to revitalize the Haitian economy.

10. To support the initiatives of the member states and Permanent Observers in the Organization of American States to reinforce their partnership with the Government and people of Haiti.

11. To urge the international community to continue to render assistance and support for the consolidation of democracy and the economic recovery of Haiti.

12. To commend the Secretary General of the OAS, Dr. César Gaviria Trujillo, on the many efforts he has made to assist in consolidating democratic institutions and defending, promoting and protecting human rights, and in promoting the process of economic and social development in that country.

13. To ratify the terms of communiqués CP/INF.3683/94 which nullify the sanctions recommended in previous resolutions.

14. To recommend to the Permanent Council that it closes the Special Committee to Monitor Compliance with the Trade Embargo on Haiti, created through resolution CP/RES. 575 (885/92) on January 22, 1992.

15. To express well-deserved appreciation to the Government of Bolivia and, in particular, to the President of the ad hoc Meeting for their excellent work.

16. To close the ad hoc Meeting of Ministers of Foreign Affairs on Haiti.

- Document of draft/approval of the ad hoc meeting of the minister of foreign relations in support for the re-establishment of democracy in Peru.

IMMEDIATE

CONFIDENTIAL

OUTGOING

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DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 01 OF 02 STATE 112605 092340Z 024923 S011577 STATE 112605 092340Z 024923 S011577
ORIGIN: OAS (01)

INFO: TDGY (01) NSNA (01) DRRQ (01) HAFW (03) JMBF (01) BGGJ (02)
DCAR (01) DEP (01) CU (02) BR (05) MX (03) BL (02) DAND (01)
EC (02) CO (02) VE (02) DCEN (03) REG (02) PM (03) ES (02)
BH (02) PE (02) GT (01) CS (02) HO (01) NU (03) AR (01)
CI (01) UYPA (01) DSC (01) DDSC (01) RSC (01) SPA (01)
PMC (01) RJ (01) RSG (01) ARA (01) PPC (01) PPA (01)

THAT ONE OF THE FUNDAMENTAL PURPOSES OF THE ORGANIZATION OF AMERICAN STATES IS TO PROMOTE AND CONSOLIDATE REPRESENTATIVE DEMOCRACY WITH DUE RESPECT FOR THE PRINCIPLE OF NON-INTERVENTION; AND

THAT THE SOLIDARITY OF THE AMERICAN STATES AND THE HIGH AIMS WHICH ARE SOUGHT THROUGH IT REQUIRE THE POLITICAL ORGANIZATION OF THESE STATES ON THE BASIS OF THE EFFECTIVE EXERCISE OF REPRESENTATIVE DEMOCRACY; AND

CONSIDERING:

THAT THE EVENTS WHICH OCCURRED IN PERU SERIOUSLY AFFECT THE INSTITUTIONAL ORDER AND ALTER THE EXERCISE OF REPRESENTATIVE DEMOCRACY IN A MEMBER STATE OF THE ORGANIZATION,

RESOLVES:

(1) TO RATIFY IN ALL ITS TERMS THE RESOLUTION ADOPTED BY THE PERMANENT COUNCIL IN THE SESSION OF APRIL 6, 1992 (CP/RES. 579 (079/92)).

(2) TO ISSUE A CALL FOR THE REESTABLISHMENT OF THE DEMOCRATIC INSTITUTIONAL ORDER IN PERU AND FOR AN END TO ALL ACTION THAT AFFECTS THE EXERCISE OF HUMAN RIGHTS, AVOIDING THE ADOPTION OF NEW MEASURES THAT COULD AGGRAVATE THE SITUATION.

(3) TO URGE THE PERUVIAN AUTHORITIES TO CARRY OUT THE EARLY RELEASE OF THE LEGISLATORS AND POLITICAL AND LABOR

LEADERS WHO WERE DEPRIVED OF THEIR LIBERTY IN THESE CIRCUMSTANCES, ENSURING THEM THE EXERCISE OF THEIR RIGHT TO MOVE ABOUT WITHOUT ANY RESTRICTIONS ON THEIR PERSONAL LIBERTY.

(4) TO EXPRESS ITS PROFOUND CONCERN OVER THE CURRENT SITUATION OF NON-ADHERENCE TO CIVIL RIGHTS AND PUBLIC FREEDOMS IN PERU AND TO REQUEST THE AUTHORITIES TO GUARANTEE FULL RESPECT AND EXERCISE OF THE HUMAN RIGHTS TO MEET AND TO ASSOCIATE, FREEDOM OF EXPRESSION OF THOUGHT, AND FREEDOM OF THE PRESS.

(5) TO REQUEST THE SECRETARY GENERAL, TOGETHER WITH THE CHAIRMAN OF THE AD HOC MEETING OF FOREIGN MINISTERS, TO PROMOTE EFFORTS (WITH THE PERUVIAN AUTHORITIES) FOR THE PURPOSE OF BEGINNING A DIALOGUE WITH THE PARTICIPATION OF THE POLITICAL FORCES REPRESENTED IN THE LEGISLATIVE POWER (REPRESENTED IN THE LEGISLATIVE BRANCH) DESIGNED TO CREATE A CLIMATE OF ACCORD AND TO ESTABLISH THE CONDITIONS AND THE COMMITMENT AMONG THE PARTIES FOR THE REESTABLISHMENT OF REPRESENTATIVE DEMOCRACY IN PERU, WITH FULL RESPECT FOR THE PRINCIPLE OF THE SEPARATION OF POWERS AND FOR HUMAN RIGHTS UNDER THE RULE OF LAW.

(6) TO KEEP OPEN THE AD HOC MEETING OF MINISTERS OF FOREIGN RELATIONS AND TO RECEIVE IN IT THE REPORT OF THE SECRETARY GENERAL REGARDING THE EFFORTS REFERRED TO IN THE FIFTH PARAGRAPH OF THIS RESOLUTION.

(7) TO ENTRUST TO THE SECRETARY GENERAL THE TASK OF KEEPING THE MINISTERS OF FOREIGN RELATIONS INFORMED, THROUGH THE PERMANENT COUNCIL, ABOUT EFFORTS UNDERTAKEN.

END TEXT.

ORIGIN ARA-00

INFO LOG-00 AMAD-01 CIAE-00 C-01
H-01 INRE-00 INR-01 L-00
NSCE-00 OIG-00 OMB-01 PA-01
SNP-00 SP-00 SSO-00 SS-00
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DRAFTED BY: ARA/USOAS: RHINES
APPROVED BY: ARA/USOAS: LREINAUDI
ARA/USOAS: JFMAISTO

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TO ALL AMERICAN REPUBLIC DIPLOMATIC POSTS IMMEDIATE
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AMEMBASSY PORT AU PRINCE IMMEDIATE
XMT USINT HAVANA

C O N F I D E N T I A L STATE 112605

E.O. 12356: DECL: OADR

TAGS: PREL PE OAS

SUBJECT: DRAFT RESOLUTION ON PERU FOR OAS
MINISTERS APRIL 13

FROM USOAS

1. A "FIRST DRAFT" OF A RESOLUTION ON PERU FOR ADOPTION.

AT THE APRIL 13 OAS MEETING OF FOREIGN MINISTERS (TEXT IN PARA 2 BELOW) WAS CIRCULATED AT THE OAS APRIL 9 BY ARGENTINE AMBASSADOR PATINO MEYER IN THE NAME OF "A GROUP OF SOUTH AMERICAN COUNTRIES." PATINO MADE CLEAR HE HAD NOT WRITTEN THE DRAFT HIMSELF AND THAT IT WAS OFFERED AS A CONSTRUCTIVE OPENING MOVE, DEFINITELY MORE PALATABLE TO MOST MEMBERS THAN A HARSH AND PUNITIVE DRAFT CIRCULATED YESTERDAY BY COSTA RICA. THIS MISSION AGREES THAT IT IS A POTENTIALLY USEFUL STARTING POINT.

2. BEGIN TEXT

SUPPORT FOR THE RE-ESTABLISHMENT OF DEMOCRACY IN PERU

THE AD HOC MEETING OF MINISTERS OF FOREIGN RELATIONS

HAVING SEEN:

THE RESOLUTION OF THE PERMANENT COUNCIL OF APRIL 6, 1992, BY WHICH AN AD HOC MEETING OF MINISTERS OF FOREIGN RELATIONS WAS CONVOKED PURSUANT TO RESOLUTION AG/RES. 1080 (XXI-0/91);

HAVING HEARD:

THE STATEMENT OF THE MINISTER OF FOREIGN RELATIONS OF PERU ON THE GRAVE SITUATION EXISTING IN HIS COUNTRY, AND EVENTS THAT HAVE OCCURRED THERE;

REAFFIRMING:

CLASSIFIED BY: 750
DATE: 11/19/92
BY: [illegible]
REASON: [illegible]
EXEMPTION: [illegible]
AUTHORITY: [illegible]

4/8

CONFIDENTIAL

- **SITUATION IN HONDURAS, 26 JUNE 2009**

CP/RES. 952 (1699/09)

SITUATION IN HONDURAS

(Adopted at the meeting of June 26, 2009)

- THE PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES

HAVING RECEIVED a request for assistance from the Government of the Republic of Honduras pursuant to Article 17 of the Inter-American Democratic Charter;

HAVING HEARD the presentation by the Permanent Representative of Honduras on the current situation in his country;

CONCERNED that recent events in the Republic of Honduras may jeopardize the democratic political institutional process and the legitimate exercise of power; and

AWARE of the commitment to constantly safeguard the stability of the democratic system of the member states within the framework of the Charter of the Organization of American States and the Inter-American Democratic Charter,

RESOLVES:

1. To accept the request of the constitutional and democratic Government of Honduras to provide support to preserve and strengthen the democratic institutions of the country, within the framework of the rule of law.
2. To call upon all political and social actors involved to ensure that their actions respect the rule of law, in order to avoid a disruption of the constitutional order and of social peace that might impair peaceful coexistence among Hondurans.
3. To instruct the OAS Secretary General to establish a Special Commission to visit Honduras as a matter of urgency, with a view to analyzing the facts and contributing to broad national dialogue aimed at finding democratic solutions to the current situation, and to report back to the Permanent Council.

- DOCUMENTS ABOUT HONDURIAN CRISIS

CONSEJO PERMANENTE



OEA/Ser.G
CP/doc. 4418/09
rev. 1
26 junio 2009
Original: español

PROYECTO DE RESOLUCIÓN
SITUACIÓN EN HONDURAS

EL CONSEJO PERMANENTE DE LA ORGANIZACIÓN DE LOS ESTADOS AMERICANOS,

HABIENDO RECIBIDO la solicitud de asistencia del Gobierno de la República de Honduras en los términos del artículo 17 de la Carta Democrática Interamericana;

HABIENDO ESCUCHADO la presentación del Representante Permanente de Honduras sobre la situación imperante en su país;

PREOCUPADO porque los recientes acontecimientos en la República de Honduras pueden poner en riesgo su proceso político institucional democrático y el ejercicio legítimo del poder; y

CONSCIENTE del compromiso de velar permanentemente por la estabilidad del sistema democrático de los Estados Miembros dentro del marco de la Carta de la Organización de los Estados Americanos y de la Carta Democrática Interamericana,

RESUELVE:

1. Acoger el pedido del Gobierno constitucional y democrático de Honduras en el sentido de prestar apoyo para preservar y fortalecer la institucionalidad democrática del país, dentro del marco del estado de derecho.

2. Realizar un llamado a todos los actores políticos y sociales para que sus acciones se enmarquen en el respeto al Estado de Derecho a fin de evitar la ruptura del orden constitucional y de la paz social que pueda afectar la convivencia entre los hondureños.

2. Instruir al Secretario General de la OEA para que constituya, con carácter de urgencia, una Comisión Especial que visite Honduras con la finalidad de hacer un análisis de los hechos y contribuir a un diálogo nacional amplio, a fin de encontrar soluciones democráticas a la situación existente e informar de sus gestiones al Consejo Permanente.

CONSEJO PERMANENTE



OEA/Ser.G
CP/doc. 4419/09
28 junio 2009
Original: español

PROYECTO DE RESOLUCIÓN
SITUACIÓN ACTUAL EN HONDURAS

EL CONSEJO PERMANENTE DE LA ORGANIZACIÓN DE LOS ESTADOS AMERICANOS,

CONSIDERANDO la grave situación que vive la República de Honduras como resultado del golpe de estado contra el Gobierno del Presidente José Manuel Zelaya Rosales que produjo una alteración inconstitucional del orden democrático que el Consejo Permanente rechaza y repudia;

PREOCUPADO por la ruptura del orden constitucional en la República de Honduras;

REAFIRMANDO la importancia del respeto irrestricto a los derechos humanos y las libertades fundamentales y el principio de la no intervención en los asuntos internos de otros Estados;

REITERANDO los principios establecidos en la Carta de la Organización de los Estados Americanos y la Carta Democrática Interamericana sobre el fortalecimiento y la preservación de la institucionalidad democrática en los Estados Miembros; y

RECORDANDO la resolución CP/RES. 952 (1699/09) del 26 de junio de 2009, relativa a la situación en Honduras,

RESUELVE:

1. Condenar enérgicamente el golpe de estado llevado a cabo en la mañana de hoy en contra del Gobierno constitucional de Honduras y la detención arbitraria y expulsión del país del Presidente Constitucional José Manuel Zelaya Rosales que produjo una alteración inconstitucional del orden democrático.

2. Exigir el inmediato, seguro e incondicional retorno del Presidente José Manuel Zelaya Rosales a sus funciones constitucionales.

3. Declarar que no se reconocerá ningún gobierno que surja de esta ruptura inconstitucional.

4. Encomendar al Secretario General que de manera urgente se haga presente en la reunión del Sistema de la Integración Centroamericana (SICA) que se realizará en Managua, Nicaragua, y que, de conformidad con el artículo 20 de la Carta Democrática

Interamericana, lleve adelante todas las consultas que sean necesarias con los Estados Miembros de la Organización.

5. Condenar enérgicamente todo acto de violencia y en especial la detención arbitraria denunciada de la Secretaria de Estado de Relaciones Exteriores, Patricia Rodas, otros miembros del Gabinete de Ministros, así como del Alcalde de San Pedro Sula y otras personas afectadas, y exigir que se respete su integridad física y que sean puestos en libertad de inmediato.

6. Convocar un período extraordinario de sesiones de la Asamblea General de la OEA, a celebrarse en la sede de la Organización el martes, 30 de junio de 2009, para que éste adopte las decisiones que estime apropiadas, conforme a la Carta de la Organización de los Estados Americanos, el derecho internacional y las disposiciones de la Carta Democrática Interamericana.

7. Encomendar al Secretario General que remita esta resolución al Secretario General de las Naciones Unidas.

CONSEJO PERMANENTE



OEA/Ser.G
CP/SA.1709/09
19 agosto 2009
Original:inglés

Registro de la sesión privada celebrada el 5 de agosto de 2009⁸⁹

El Consejo Permanente se reunió en sesión privada para considerar la situación de Honduras. El Embajador Pedro Oyarce Yuraszeck, Representante Permanente de Chile, presidió la sesión.

OEA/Ser.G
CP/SA.1712/09
26 agosto 2009
Original: español

Registro de la sesión ordinaria celebrada el 26 de agosto de 2009
CP/ACTA 1712/09^{90/}

1. Informe verbal del Secretario General sobre su reciente misión a Honduras

El señor José Miguel Insulza, Secretario General de la OEA, se refirió a la declaración emitida por la comisión de cancilleres al final de la misión e informó de las sendas reuniones celebradas con las personas, instituciones y entidades en Honduras durante la misión encomendada, manifestando que toda reunión se realizó en el marco de un franco diálogo y con el propósito de promover el Acuerdo de San José como base para la reconciliación nacional.

Por último, el señor Secretario General agradeció la cooperación del gobierno estadounidense que facilitara un avión para el traslado de la comisión de Miami a Tegucigalpa y de regreso.

Sobre el tema se refirieron las delegaciones de los Estados Unidos, Bolivia, Brasil, Costa Rica, Canadá, Chile, México, Jamaica, El Salvador, Nicaragua, Perú y Venezuela.

2. Aprobación de actas de las sesiones del Consejo Permanente

Se aprobaron las actas de las sesiones realizadas por el Consejo Permanente, a saber:

- CP/ACTA 1630/08 (sesión ordinaria del 20 de febrero de 2008)
- CP/ACTA 1633/08 (sesión extraordinaria del 4 de marzo de 2008)

OEA/Ser.G
CP/doc.4432/09 rev. 1
21 septiembre
2009
Original: español

PROYECTO DE DECLARACIÓN
DEL CONSEJO PERMANENTE DE LA OEA

⁹⁰. Las declaraciones constan en el Acta de la sesión CP/ACTA.1712/09.

EL CONSEJO PERMANENTE DE LA ORGANIZACIÓN DE LOS ESTADOS AMERICANOS,

El Consejo Permanente ha tomado conocimiento que el Presidente constitucional de Honduras, señor José Manuel Zelaya Rosales, se encuentra en la ciudad de Tegucigalpa.

El Consejo exige a las autoridades de facto plenas garantías para asegurar la vida y la integridad física del Presidente Zelaya y un trato consecuente con su alta investidura, así como el retorno a la Presidencia de la República de conformidad con la resolución de la Asamblea General AG/RES.1 (XXXVII-E/09).

El Consejo Permanente exhorta, igualmente, la firma inmediata del Acuerdo de San José.

El Consejo Permanente demanda a todos los sectores de la sociedad hondureña a actuar con responsabilidad y prudencia evitando actos que puedan generar violencia e impidan la reconciliación nacional que tanto anhela el pueblo de Honduras y todo el continente.

El Consejo reitera su respaldo a las gestiones del Secretario General en el marco de los mandatos del trigésimo séptimo período extraordinario de sesiones de la Asamblea General para facilitar el diálogo y el reestablecimiento del orden constitucional.

PROYECTO DE DECLARACIÓN

RECHAZO A LA SUSPENSIÓN DE LAS GARANTÍAS CONSTITUCIONALES EN
HONDURAS Y AGRAVAMIENTO DE LA CRISIS POLÍTICA

1. El Consejo Permanente rechaza la suspensión de la garantías constitucionales en Honduras, y expresa que el mencionado estado de excepción, además de afectar de manera grave e injustificada los derechos constitucionales y las libertades fundamentales de los hondureños, profundiza la crisis política retardando la restitución del Presidente José Manuel Zelaya Rosales en sus funciones y la restauración de la democracia en Honduras.

2. El Consejo Permanente exige a las autoridades *de facto* garantizar la vida y la integridad física del Presidente José Manuel Zelaya Rosales y permitir el retorno al ejercicio de sus funciones constitucionales, de conformidad con la resolución de la Asamblea General (AG/RES.1/XXXVII-E/09) y el Acuerdo de San José.

3. El Consejo Permanente condena la violación de los derechos humanos y libertades de los hondureños y pide a la comunidad internacional mantenerse vigilante para evitar que estos derechos se sigan conculcando.

4. El Consejo Permanente demanda, de manera urgente, como se ha hecho en otras instancias internacionales, el respeto de la inviolabilidad de la Embajada de Brasil y de las inmunidades y privilegios de sus funcionarios, de acuerdo con el derecho internacional.

5. El Consejo Permanente demanda, asimismo, el respeto del estatus diplomático de las representaciones y de los privilegios e inmunidades de los funcionarios de las Embajadas de Argentina, México, Venezuela y España.

6. El Consejo Permanente estima esencial la restitución del Presidente José Manuel Zelaya Rosales a sus altas funciones, con carácter previo a todo proceso electoral y que el mismo debe llevarse a cabo con la plena vigencia de las garantías constitucionales. De lo contrario, se mantendrá la suspensión prevista en la resolución AG/RES. 2 (XXXVII-E/09) de la Asamblea General.

7. El Consejo Permanente deplora, asimismo, la decisión de las autoridades *de facto* de impedir el ingreso a Honduras, después de haberlo aceptado, de la delegación de altos funcionarios de la Organización de los Estados Americanos (OEA) que iba a preparar la visita a ese país de una Misión del Secretario General y de los Ministros de Relaciones Exteriores. El Consejo Permanente lamenta el tratamiento que recibieron estos funcionarios internacionales.

8. El Consejo Permanente reafirma su respaldo a las gestiones que el Secretario General está llevando a cabo para que la Organización continúe contribuyendo a la búsqueda de una solución pacífica a la crisis hondureña y reitera la importancia que la citada misión de la OEA pueda llevarse a cabo para facilitar la reinstalación del Presidente José Manuel Zelaya Rosales, la reconciliación nacional y el reestablecimiento del orden democrático.

9. El Consejo Permanente continuará analizando la evolución de la crisis en Honduras.

CONSEJO PERMANENTE



OEA/Ser.G
CP/doc.4433/09 rev.3
28 septiembre
2009
Original: español

PROYECTO DE DECLARACIÓN

RECHAZO A LA SUSPENSIÓN DE LAS GARANTIAS CONSTITUCIONALES EN
HONDURAS Y AGRAVAMIENTO DE LA CRISIS POLITICA

1. El Consejo Permanente rechaza la suspensión de la garantías constitucionales en Honduras, y expresa que el mencionado estado de excepción, además de afectar de manera grave e injustificada los derechos constitucionales y las libertades fundamentales de los hondureños, profundiza la crisis política retardando la restitución del Presidente José Manuel Zelaya Rosales en sus funciones y la restauración de la democracia en Honduras.

2. El Consejo Permanente exige a las autoridades *de facto* garantizar la vida y la integridad física del Presidente José Manuel Zelaya Rosales y permitir el retorno al ejercicio de sus funciones constitucionales, de conformidad con la resolución de la Asamblea General (AG/RES.1/XXXVII-E/09) y el Acuerdo de San José.

3. El Consejo Permanente condena la violación de los derechos humanos y libertades de los hondureños y pide a la comunidad internacional mantenerse vigilante para evitar que estos derechos se sigan conculcando.

4. El Consejo Permanente demanda, de manera urgente, como lo ha hecho el Consejo de Seguridad de la Organización de las Naciones Unidas, el respeto de la inviolabilidad de la Embajada de Brasil y de las inmunidades y privilegios de sus funcionarios, de acuerdo con el derecho internacional.

5. El Consejo Permanente demanda, asimismo, el respeto del estatus diplomático de las representaciones y de los privilegios e inmunidades de los funcionarios de las Embajadas de Argentina, México, Venezuela y España, cualquier violación a estos principios afecta seriamente la convivencia hemisférica

6. El Consejo Permanente exige la restitución del Presidente José Manuel Zelaya Rosales a sus altas funciones, con carácter previo a todo proceso electoral y que el mismo debe llevarse a cabo con la plena vigencia de las garantías constitucionales. De lo contrario, se mantendrá la suspensión prevista en la resolución AG/RES. 2 (XXXVII-E/09) de la Asamblea General.

7. El Consejo Permanente deplora, asimismo, la decisión de las autoridades *de facto* de impedir el ingreso a Honduras, después de haberlo aceptado, de la delegación de altos funcionarios de la Organización de los Estados Americanos (OEA) que iba a preparar

la visita a ese país de una Misión del Secretario General y de los Ministros de Relaciones Exteriores. El Consejo Permanente lamenta el tratamiento que recibieron estos funcionarios internacionales.

8. El Consejo Permanente reafirma su respaldo a las gestiones que el Secretario General está llevando a cabo para que la Organización continúe contribuyendo a la búsqueda de una solución pacífica a la crisis hondureña y reitera la importancia que la citada misión de la OEA pueda llevarse a cabo para facilitar la reinstalación del Presidente José Manuel Zelaya Rosales, la reconciliación nacional y el reestablecimiento del orden democrático.

9. El Consejo Permanente continuará analizando la evolución de la crisis en Honduras.

CONSEJO PERMANENTE



OEA/Ser.G
 CP/SA.1716/09
 2 octubre 2009
 Original: español

Registro de la sesión extraordinaria celebrada el 21 de septiembre de 2009
 CP/ACTA 1716/09^{91/}

El Consejo Permanente realizó una sesión extraordinaria el 21 de septiembre de 2009, bajo la Presidencia del Embajador Pedro Oyarce, Representante Permanente de Chile, para considerar la situación en Honduras al tomar conocimiento de que el Presidente José Manuel Zelaya Rosales había retornada a la ciudad de Tegucigalpa.

El Secretario General de la OEA, señor José Miguel Insulza, compartió con los miembros del Consejo Permanente la información más reciente obtenida sobre el desarrollo de la situación en Honduras.

Los representantes de Brasil, México, Guatemala, Chile, Canadá, Guyana, Estados Unidos, Bolivia, Venezuela, Argentina, Costa Rica, Nicaragua y Perú se refirieron a la situación que se estaba desarrollando en Honduras y a posibles acciones para acompañarla.

El Consejo Permanente consideró una propuesta de declaración, documento CP/doc.4432/09 rev.1, y antes de la aprobación de la misma, el Representante Permanente de Venezuela, Embajador Roy Chaderton, solicitó que la posición de su Gobierno quedara reflejada en el acta de sesión, de la siguiente manera⁹²:

“El Representante Permanente de Venezuela expresó que su delegación no podía acompañar el párrafo propuesto que insta a la inmediata firma del llamado Acuerdo de San José por estar en desacuerdo, desde su principio, con esa propuesta de solución que, en su criterio, sustituyó las resoluciones aprobadas por la Asamblea General en su período extraordinario de sesiones de los días 2 y 4 de julio de 2009, por una parte, y por la otra porque había un cambio radical en la situación por el regreso del Presidente Zelaya a Honduras, lo cual exigía de la OEA un pronunciamiento claro sobre la base de las nuevas realidades”.

Después de que varias delegaciones se pronunciaran sobre el proyecto propuesto, el Consejo Permanente adoptó la Declaración por aclamación. Luego de la aprobación de la Declaración CP/DEC.42 (1716/09), la Delegación de Guatemala cedió su lugar para que el Embajador Carlos Sosa Coelho, de Honduras, hiciera unos breves comentarios. Antes de concluir la sesión, el Representante Permanente de Nicaragua, Embajador Denis Moncada, compartió con el Consejo Permanente algunos comentarios vertidos por el Presidente Daniel Ortega sobre la situación que se estaba desarrollando en Honduras.

La sesión concluyó a las 7:05 p.m.

CP23015501

Las declaraciones constan en el Acta de la sesión CP/ACTA 1716 /09.

⁹² . La Delegación de la República Bolivariana de Venezuela solicitó expresamente la inclusión de esta información en el registro y acta de la sesión.

CONSEJO PERMANENTE



OEA/Ser.G
 CP/SA.1725/09^{93/}
 10 noviembre 2009
 Original: español

Registro de la sesión extraordinaria celebrada el 30 de octubre de 2009
 CP/ACTA 1725/09^{94/}

El Consejo Permanente realizó una sesión extraordinaria, bajo la Presidencia del Embajador Luis Alfonso Hoyos Aristizábal, Representante Permanente de Colombia para considerar la situación en Honduras al conocer el acuerdo alcanzado entre el Presidente José Manuel Zelaya Rosales y las autoridades *de facto*. La sesión inició a las 3:00 p.m.

El Secretario General de la Organización de los Estados Americanos (OEA), señor José Miguel Insulza, informó al Consejo Permanente sobre el acuerdo alcanzado en Honduras y destacó la voluntad de las partes para retomar el Diálogo de Guaymuras y acercar posiciones que han sido recogidas en el “Acuerdo Tegucigalpa/San José para la reconciliación nacional y el fortalecimiento de la democracia en Honduras”, firmado el 30 de octubre de 2009. El Secretario General anunció también la integración de dos misiones de la OEA a Honduras; una para la verificación del acuerdo y la otra, para acompañar las elecciones que se realizarán el 29 de noviembre de 2009.

Los representantes de Estados Unidos, Bolivia, México, Canadá, Guatemala, Chile, Paraguay, República Dominicana, San Kitts y Nevis, Colombia, Costa Rica, Perú, Panamá, El Salvador, Ecuador, Uruguay, Argentina, Bolivia y los Observadores Permanentes de España y de Francia, expresaron su satisfacción por el acuerdo alcanzado en Honduras y felicitaron y agradecieron la tarea desempeñada por los Ministros de Relaciones Exteriores que acompañaron las negociaciones, así como las del Secretario General de la OEA, señor José Miguel Insulza y a los señores Víctor Rico y John Biehl, funcionarios de la OEA. Fueron reconocidas y apreciadas también las gestiones del Gobierno de los Estados Unidos y la de los diplomáticos del Brasil en Honduras.

Los miembros del Consejo Permanente hicieron una mención especial al liderazgo del Presidente Oscar Arias de Costa Rica y el Embajador José Enrique Castillo, Representante Permanente de este país, agradeció la confianza depositada en el Presidente Arias al designarlo como mediador al inicio de las negociaciones.

El Representante Permanente de Bolivia, Embajador José Pinelo, propuso que se considerara la posibilidad de celebrar una sesión extraordinaria de la Asamblea General, en Tegucigalpa, antes de que se realicen las elecciones presidenciales, para levantar la sanción impuesta al Estado de Honduras.

⁹³ Inadvertidamente este documento fue publicado con la clasificación CP/SA.1720/09

⁹⁴ Las declaraciones constan en el Acta de la sesión CP/ACTA 1725 /09.

El Representante Permanente de Nicaragua, Embajador Denis Moncada, al manifestar su reconocimiento a la resistencia del Presidente Zelaya Rosales y el pueblo hondureño, señaló que el proceso de reconciliación no estará concluido hasta tanto el Congreso de Honduras apruebe la restitución del Presidente Zelaya Rosales en el poder. Se refirió asimismo, a algunas declaraciones del Embajador de los Estados Unidos en Managua así como a la preocupación expresada por el Gobierno del Canadá sobre la resolución de la Sala Constitucional de la Corte Suprema de Nicaragua. El Representante de los Estados Unidos se refirió a las manifestaciones que habían ocurrido el 29 de octubre de 2009, frente a la Embajada de los Estados Unidos en Managua.

El Representante Permanente de Canadá, Embajador Graeme Clark, dio lectura al comunicado de prensa emitido por el Gobierno de su país con relación a la situación en Nicaragua e invitó al Secretario General a presentar sus comentarios sobre la misma en el momento en que lo considerare apropiado.

Tomando en cuenta que la sesión extraordinaria fue convocada para tratar únicamente la situación en Honduras, el Presidente del Consejo solicitó que las presentaciones se circunscribieran al tema de la reunión

El Embajador de Brasil, Ruy Casaes e Silva, expresó un especial agradecimiento al Ministro Consejero Lineu Pupo de Paula, quien asumió la jefatura de la Embajada de Brasil en Honduras durante los últimos meses de la crisis. Reconoció, además, el apoyo que la Embajada de su país recibió de la Embajada de los Estados Unidos en Honduras durante la crisis y prosiguió dando lectura a un comunicado emitido por el Ministerio de Relaciones Exteriores de su país con relación al acuerdo alcanzado en Honduras.

El Representante Permanente de Venezuela, Embajador Roy Chaderton, al reconocer la flexibilidad demostrada por el Presidente Zelaya y el coraje y la hidalguía de los diplomáticos brasileños en Honduras, expresó que el acuerdo logrado en ese país merecía cuidadosa reserva hasta tanto el Presidente Zelaya Rosales fuera restituido en el poder. Recordó también al pueblo hondureño que resistió la crisis en su país.

El Representante Permanente de Bolivia, Embajador José Pinelo, propuso un texto para una declaración y a solicitud del Presidente del Consejo, acordó que lo presentará por escrito para ser distribuida a los Estados Miembros y para la consideración del Consejo en una sesión posterior.

El Secretario General manifestó su deseo de que la visión optimista predomine en las acciones futuras con relación a la situación de Honduras y luego respondió a la invitación del Representante Permanente de Canadá.

La sesión concluyó a las 5:09 p.m.

CONSEJO PERMANENTE



OEA/Ser.G
CP/SA.1727/09
12 noviembre 2009
Original: español

Registro de la sesión extraordinaria celebrada el 10 de noviembre de 2009

CP/ACTA 1727/09^{95/}

La situación en Honduras

El Secretario General de la Organización de los Estados Americanos (OEA), señor José Miguel Insulza, informó al Consejo Permanente sobre las labores desarrolladas por la Comisión de Verificación de la implementación del “Acuerdo Tegucigalpa/San José para la reconciliación nacional y el fortalecimiento de la democracia en Honduras”, los días 3 y 4 de noviembre y que, a la fecha de la reunión, se había retirado de Honduras. El Secretario General informó que había designado a los señores José Octavio Bordón, de Argentina, y Enrique Correa, de Chile, para que, en capacidad de Asesores, continuaran observando la implementación del Acuerdo en Tegucigalpa.

El Secretario General prosiguió informando sobre el estado de la situación, la dificultad que encontraba para que se pudiera reanudar un diálogo entre las partes y la necesidad de que el Congreso de Honduras se pronuncie sobre la restitución del Presidente José Manuel Zelaya Rosales a sus funciones constitucionales. Concluyó indicando que no existían condiciones para enviar una misión de observación electoral a los comicios previstos para el 29 de noviembre, hasta tanto la Asamblea General no se pronuncie sobre el levantamiento de la sanción al Estado de Honduras.

Los representantes de Brasil, Venezuela, Canadá, Argentina, Nicaragua, Ecuador, Estados Unidos, Paraguay, Guatemala, Guyana, Bolivia, Chile, República Dominicana, Panamá, Uruguay, Perú y el Salvador manifestaron su preocupación por el retroceso de la situación en Honduras y por la falta de voluntad demostrada por una de las partes para alcanzar la reconciliación. Expresaron que la necesidad de lograr un acuerdo era urgente. Recordaron también que el Acuerdo Tegucigalpa/San José era una solución hondureña para un problema hondureño y que debe ser implementado.

El Representante Permanente de México, Embajador Gustavo Albin, dio lectura a la Declaración Especial sobre la situación en Honduras, emitida por el Grupo de Río durante su reunión ministerial celebrada en Montego Bay, Jamaica, el 5 de noviembre de 2009, y formuló un enérgico llamado al régimen *de facto* y al Congreso de Honduras para la adopción de decisiones que permitan superar la crisis.

Luego que la Delegación de El Salvador agradeciera las expresiones de solidaridad manifestadas al pueblo y Gobierno de su país ante la emergencia por la que estaba atravesando, concluyó la sesión a las 12:08 p.m.

CP23273S01

⁹⁵. Las declaraciones constan en el Acta de la sesión CP/ACTA 1727 /09.

- **EUROPEAN COMMISSION Monitoring the application of European Union law 2016 Annual Report – HUNGARIAN CASE.**



EUROPEAN COMMISSION

Brussels, 6.7.2017
COM(2017) 370 final

REPORT FROM THE COMMISSION
Monitoring the application of European Union law
2016 Annual Report
{SWD(2017) 259 final}
{SWD(2017) 260 final}

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I. Introduction

The effective application of EU law is essential to delivering the benefits of European Union policies to the public and to businesses. Often, when issues come to the fore — car emissions testing, illegal landfills or transport safety and security — it is not the lack of EU legislation that is the problem but rather that EU law is not applied effectively.

The Member States are responsible for transposing directives into their national law on time and accurately, as well as for correctly applying and implementing the entire body of EU legislation (the *acquis*). ¹ The Commission, as guardian of the Treaties, monitors the Member States' measures and ensures that their legislation complies with EU law. ² Should a Member State fail to comply with Union law, the Commission may open an infringement procedure and, if necessary, bring the case before the Court of Justice. Financial penalties may be proposed when a Member State fails to implement a Court judgment or to communicate to the Commission its measures transposing a legislative Directive. ³

Better application of EU law is a priority of the Juncker Commission and a key part of the Better Regulation Agenda. The Commission restated its commitment to improving the application of EU law in a Communication of December 2016 which sets out a more strategic approach to its infringement policy. ⁴ It announced that it would give priority to pursuing the most serious breaches of EU law affecting the interests of citizens and businesses.

This annual report highlights the main developments in enforcement policy in 2016. The structure of the report reflects the focus on enforcement in the political priority areas of the Commission. For example, the Commission pursued enforcement actions in the area of the internal market, where it specifically targeted Member States' failure to establish or apply penalties systems to deter car manufacturers from violating car emissions legislation. Another example is the transposition of EU rules on public procurement and concessions; here, full transposition and implementation of EU law is essential to make it easier and cheaper for small and medium-sized enterprises to bid for public contracts, in full respect of the EU's principles of transparency and competition. In addition to the priority areas, the documents accompanying the report ⁵ examine how well EU law was applied, and the challenges faced, in each Member State and policy area.

II. Enforcement in priority policy areas

Ensuring that the EU's legal instruments are applied and implemented better is a prerequisite for delivering on the EU's policies in general and on the political priorities of the Juncker Commission in particular. The Commission uses a wide array of tools, including infringement procedures, to achieve the objectives of EU policies. The 2016 Annual Report provides an overview of the Commission's action in this respect.

New enforcement policy — Communication on EU law: Better results through better application

In December 2016, the Commission adopted a new Communication on enforcement policy: EU law: Better results through better application. ⁶ The Communication sets out how the Commission as guardian of the Treaties will increase its efforts to ensure compliance with EU law. Being 'bigger and more ambitious on big things, and smaller and more modest on small things' should be translated into a more strategic and effective approach to enforcement in terms of infringement handling. In implementing this approach, the Commission should focus on problems where the Commission's

enforcement action can make a real difference, and on policy priorities. Consequently, the Commission will distinguish between cases on the basis of the added value an infringement procedure can achieve. It will close cases when it considers this appropriate from a policy point of view.

The Commission will focus on cases where Member States:

- fail to communicate transposition measures or where those measures incorrectly transpose directives;
- fail to comply with a judgment of the Court of Justice (as referred to in Article 260(2) TFEU); or
- cause serious damage to EU financial interests or violate EU exclusive powers.

The Commission will rigorously pursue cases which reveal systemic weakness in a Member State's legal system. These would include cases of national rules or general practices which impede the procedure for preliminary rulings by the Court of Justice. The Commission will also rigorously pursue cases where national law prevents the national courts from acknowledging the primacy of EU law. It will also pursue as a matter of priority cases in which national law provides no effective redress procedures for a breach of EU law or where national law otherwise prevents national judicial systems from ensuring that EU law is applied effectively. The Commission will proceed expeditiously in investigating such breaches. It will launch infringement procedures without relying on the EU Pilot mechanism, unless recourse to EU Pilot is seen as useful in a given case.

In implementing its new approach, the Commission will continue to value the essential role played by individual complainants in identifying wider problems with the enforcement of EU law affecting the interests of citizens and businesses. However, it is essential that citizens understand the nature of the infringement process and set their expectations accordingly. Many submit complaints in the expectation that they may obtain financial or other redress for a breach of EU law. This is not the purpose of the infringement procedure. Therefore, certain individual cases of incorrect application which do not raise issues of wider principle can often be satisfactorily dealt with by other, more appropriate mechanisms at EU and national level. In such cases, if there is effective legal protection available, the Commission will, as a general rule, direct complainants to the national level.

While the Commission will continue to support Member States in their efforts to transpose, apply and implement EU law, it is essential that Member States live up to their responsibility to respect and enforce the rules they themselves have jointly put in place. In this respect, the Commission will reinforce its approach to sanctions for non-communication of national transposition measures: in cases brought to the Court of Justice under Articles 258 in conjunction with 260(3) TFEU, the Commission will now systematically ask the Court to impose a lump sum as well as a periodic penalty payment.

1.A new boost for jobs, growth and investment

The Juncker Commission's first priority is to strengthen Europe's competitiveness and stimulate investment that creates jobs. However, efforts to create the right regulatory environment to support businesses and job creation are undermined if the EU acquis is not implemented correctly and on time. Enforcing the application and implementation of EU law thus also contributes substantially to creating jobs, growth and investment.

The Commission's enforcement activities in 2016 focused on the following areas:

Enforcing the acquis on free movement of workers and health and safety at work

The Commission continued its efforts to ensure a level playing field in the EU's labour market by checking the complete and correct transposition by the Member States of Directives in the areas of free movement of workers and health and safety at work.

The deadline for transposing two important Directives expired in 2016: one concerns the enforcement of free movement of workers' rights, [7](#) the other the enforcement of posted workers' rights. [8](#) As several Member States failed to notify their transposition measures within the deadline, the Commission launched a number of infringement procedures in September 2016.

In the area of health and safety at work, the deadline for the transposition of the Directive on health and safety requirements in case of exposure to electromagnetic fields [9](#) expired on 1 July 2016. The Directive constitutes an important contribution to protecting workers' health. The Commission is checking Member States' national transposition measures and launched a number of infringement procedures in 2016.

The Commission continued the transposition check for the directive on classification, labelling and packaging of substances and mixtures [10](#) and sent inquiries to eight Member States to verify the correct implementation of the Directive protecting workers from sharp injuries in the hospital and healthcare sector. [11](#)

Enforcing the environmental acquis

The Commission targeted its enforcement of EU environmental rules towards contributing to a healthier environment and a stronger, more 'circular' economy which uses resources in a more sustainable way. It also sought to ensure a level playing field for all Member States and economic operators that need to meet environmental requirements. Strict enforcement also stimulates the market to find innovative ways to increase resource efficiency and reduce import dependency, which in turn give EU companies a competitive edge and create jobs.

Significant shortcomings in the implementation and enforcement of EU environmental legislation persist in some Member States, particularly in waste management, waste water treatment infrastructure and compliance with air quality limit values.

The Commission continued to address these deficiencies through legal means, in particular infringement procedures, but also by working closely with the national authorities and other stakeholders to support compliance. In this context, in 2016 the Commission launched the Environmental Implementation Review. [12](#) This process aims to improve common knowledge about the gaps in implementing EU environmental legislation and policy in each Member State, and to address the root causes of these gaps. It also seeks to provide solutions that are complementary to legal enforcement and to stimulate exchanges of good practice. The review is based on country-specific reports drafted every 2 years which will focus on essential topics in the area of environmental legislation and policy in each Member State. The reports will prepare the ground for dialogues with and within each Member State.

Enforcing the agricultural acquis

The Commission's enforcement strategy focused on ensuring the implementation of agricultural measures with the highest potential to support jobs and growth. These also contribute to a deeper and fairer internal market.

The common agricultural policy (CAP) and the enforcement of related EU rules helps to foster both the competitiveness and the market orientation of the primary sector,

while protecting farmers from sudden and severe market disturbances. The overriding goal is to sustain farming in Europe.

In 2016, the Commission gave particular attention to the implementation by all Member States of the provisions on direct payments, a major element of the 2014 CAP reform. After examining the compatibility of national legislation with the EU provisions, Commission initiated EU Pilot dialogues with several Member States.

The Commission also focused on actively monitoring the correct, clear and timely transposition by all Member States of the EU Directives on agriculture. The aim was to create legal certainty and allow citizens and businesses to benefit from the opportunities of the single market. The Commission provided assistance to the Member States to help them implement the Caseins and Caseinates Directive [13](#) on time (by 22 December 2016).

Enforcing the *acquis* on maritime affairs and fisheries

The Commission's enforcement strategy in 2016 concentrated on areas of fisheries conservation and control which are essential to build a 'circular' economy where fish resources are used in a sustainable manner, ensuring jobs and growth in the fisheries sector in the long term. Particular attention was given to systemic deficiencies in the national fisheries monitoring systems that cause illegal fishing activities to go undetected, to the detriment of the sector's sustainability. Moreover, non-respect of the EU's exclusive external competence was addressed in several cases in order to support the EU's objective of becoming a stronger global actor on fisheries. Furthermore, after the expiration on 18 September 2016 of the transposition period for some provisions of the Maritime Spatial Planning Directive, [14](#) the Commission launched infringement procedures against five Member States for failing to communicate any national transposition measures. Three other cases were initiated for partial transposition.

2.A connected 'digital single market'

The Commission's enforcement strategy in the area of communication networks, content and technology in 2016 targeted priorities in several sectors. These include, for instance, structural elements of legislation in electronic communications, such as the independence of national regulatory authorities, respect for consultation procedures in the market review process, spectrum management and freedom of establishment. Enforcement efforts also addressed provisions which are crucial for the preservation of the internal market in audiovisual services, such as the country of origin and freedom of reception principles.

The Commission opened infringement procedures against most Member States for failing to fully transpose the Broadband Cost Reduction Directive [15](#) and the Collective Management Rights Directive. [16](#) It took further steps in the infringement procedures already open over non-transposition of the Directive on the re-use of public sector information (the 'PSI Directive'). [17](#) The Commission also held dialogues with Member States to address compliance issues. These concerned, for example, practical arrangements for correctly implementing the e-IDAS Regulation and correctly transposing the Collective Management Rights Directive.

3.A resilient energy union with a forward-looking climate change policy

The Commission's Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy¹⁸ provides that 'full implementation and strict enforcement of existing energy and related legislation is the first priority to establish the Energy Union.'

The Commission closely monitored the application of the acquis on climate and energy policy. It undertook systematic checks on Member States' transposition of, and conformity with, several directives. It also further pursued the infringement procedures it had already opened regarding:

- the Third Energy Package Directives; [19](#)
- the Energy Performance of Buildings Directive; [20](#)
- the Directive for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption; [21](#)
- the Radioactive Waste Directive; [22](#)
- the Energy Efficiency Directive; [23](#)
- the Offshore Safety Directive; [24](#)
- the Renewable Energy Directive; [25](#)
- the Oil Stocks Directive; [26](#)
- the Security of Gas Supply Regulation; [27](#)
- the EU Emissions Trading System Directives; [28](#)
- the Fuel Quality Directive; [29](#) and
- the Geological Storage of Carbon Dioxide Directive. [30](#)

Following the compliance checks, the Commission initiated EU Pilot dialogues in 2016 with several Member States. It also launched 31 infringement procedures following systematic conformity checks and lack of reporting on energy efficiency and in the nuclear field.

4.A deeper and fairer internal market with a strengthened industrial base

The single market provides enormous opportunities for European businesses as well as greater choice and lower prices for consumers. It enables people to travel, live, work and study wherever they wish. But these benefits do not materialise when single market rules are not applied or implemented, or if they are undermined by other barriers.

Enforcing the competition acquis

The Commission's enforcement efforts in the area of competition focused on ensuring compliance with EU rules on antitrust and State aids. In 2016, the Commission continued an infringement procedure aimed at tackling the potential strengthening of the incumbent's dominant position on the electricity market in one Member State. This resulted from measures taken by that Member State granting to the incumbent most of the hydropower concessions for a very long duration without carrying out a tender procedure.

The enforcement of State aid decisions is essential to the credibility of the Commission's control of State aids. In 2016, the Commission decided to launch an action before the Court of Justice against Greece under Article 260(2) TFEU for failing to implement the Commission's recovery decision of 2008 in the Hellenic Shipyards case and to comply with the Court's judgment of 2013 [31](#) .

The Commission has been assisting Member States with implementing the Directive on Antitrust Damages Actions [32](#) and will continue to devote significant efforts to ensuring its timely and proper implementation.

Enforcing the acquis on the single market, industry, entrepreneurship and SMEs

The Commission's single market strategy [33](#) envisages the development of a culture of compliance and smart enforcement. This involves following a holistic approach to enforcing the internal market rules. This approach covers all stages of policymaking — from policy design to the transposition, implementation and smart enforcement of single market rules — in line with the Better Regulation approach. It includes better integrating evaluation and enforcement into policy design and providing better assistance and guidance to Member States and economic operators on how to implement internal market rules. The overall aim is to improve compliance with single market rules specifically and EU law in general.

In line with this approach the Commission offers guidance to the Member States. It did so in 2016 by providing legal clarity on, for example, the applicable EU rules in the innovative areas of the collaborative economy and e-commerce. [34](#) The Commission also offers guidance to EU citizens and businesses to ensure they can benefit from their rights under single market rules. It does so by directing them to appropriate redress mechanisms, such as SOLVIT. At the same time, the evidence gathered through cases in SOLVIT can help the Commission identify potential breaches of EU law, thus making SOLVIT a smart enforcement tool.

In 2016 the Commission applied its smart enforcement approach in two specific areas, among others. In the services sector, the Commission requested that nine Member States remove excessive and unjustified obstacles to the provision of services across the internal market. It considered that the requirements imposed on certain service providers in these Member States run counter to the Services Directive. [35](#) In the automobile sector, the Commission is very closely following national authorities' enforcement of the current EU rules. In 2016 it opened infringement procedures against seven Member States for failing to fulfil their obligations under EU vehicle type approval legislation. [36](#) These actions specifically targeted their failure to establish or apply penalties systems to deter car manufacturers from violating car emissions legislation.

In addition, the Commission opened infringement procedures against most Member States for lack of full transposition of the Directives on public procurement, [37](#) legal metrology, [38](#) advanced engineering and manufacturing systems, [39](#) explosives for civil use and defence-related products, [40](#) and the Internal Market Information System. [41](#)

Enforcing the capital markets union and financial services acquis

The capital markets union aims to make it easier for innovative companies, start-ups and small and medium-sized enterprises to access finance. It seeks to make EU capital markets more attractive for retail and institutional investors and to further expand cross-border investment. The capital markets union also intends to help restore stability and confidence in the financial sector following the crisis.

The Commission's 2015 Action Plan on Building a Capital Market Union [42](#) was complemented in September 2016 by the Communication on Capital Markets Union — Accelerating Reform. [43](#) The Commission's enforcement action underpins this initiative by removing national cross-border investment barriers (e.g. golden shares cases, investment restrictions) and by ensuring full implementation of the capital markets union Directives relating to capital markets. For example, the Commission launched infringement cases against 21 Member States over their transposition of

the Transparency Directive, [44](#) which aims to ensure that securities issuers disclose certain key information about their operations.

In the aftermath of the financial crisis, several Directives were adopted to further open up the EU financial services market and strengthen the resilience and stability of the financial sector. Key measures include the Accounting and Audit Directives, [45](#) the Undertakings for Collective Investment in Transferable Securities Directive [46](#) and the Mortgage Credit Directive. [47](#) In 2016 the Commission focused its enforcement action on ensuring these Directives are fully implemented by verifying their complete and correct transposition. It launched for example infringement procedures against 20, 16 and 18 Member States for late transposition of the Mortgage Credit Directive, the Undertakings for Collective Investment in Transferable Securities Directive and the Audit Directive, respectively.

Enforcing the *acquis* on taxation and customs

Following judgments of the Court relating to the interpretation of the VAT Directive and the Excise Duty Directives, the Commission put emphasis on ensuring that these judgments were applied across all Member States. In addition, the Commission investigated several car taxation cases as it found that the neutrality of car registration tax had been infringed.

In the area of direct taxation, the Commission continued to check the EU-wide equal tax treatment of cross-border inheritances, cross-border workers (who live in one Member State but work in another) and so-called mobile persons (who actually move from one EU Member State to another). Under the Action Plan on Building a Capital Markets Union, the Commission launched a new study on discriminatory tax obstacles to cross-border investment results by pension funds and life insurance companies.

Following a Court judgment, [48](#) the Commission also launched horizontal compliance checks to examine the proportionality of fines set by Member States for bringing undeclared cash into the EU.

Enforcing the *acquis* on consumer protection

In early 2016 the Commission set up a European online dispute resolution platform. [49](#) This facilitates the out-of-court resolution of disputes arising from sales or service contracts that EU consumers have concluded online. A precondition for the platform to work is that the Directive on alternative dispute resolution for consumer disputes in the Member States is implemented and applied properly. This is thus a priority for the Commission's enforcement work. [50](#)

In 2016, the Commission continued its assessment of the completeness and correctness of the national measures transposing the Consumer Rights Directive. [51](#) Thirteen infringement proceedings over the transposition of the Unfair Commercial Practices Directive were still pending at the end of 2016. [52](#) Many Member States initiated legislative changes to bring their legislation into compliance with the Directive. Furthermore, in May 2016 the Commission published a revised guidance document on the application of the Directive. This guidance aims at improving compliance with the Directive, in particular concerning new business models and market operators in the digital economy.

The Commission also launched infringement procedures for non-communication of measures transposing the Directive on payment accounts. [53](#) The Directive requires all EU Member States to ensure that consumers have access to a basic payment account and makes it easier for them to compare the fees charged by banks for such accounts. It also establishes a rapid and simple procedure for consumers who change their payment accounts to a different bank or payment service provider.

The enforcement work carried out by the Commission on implementation of the Package Travel Directive [54](#) led to legislative changes in five Member States. In 2016, the Commission also assisted Member States in their efforts to transpose the Directive by organising three transposition workshops for national experts. [55](#) One infringement case on the correct transposition of the Timeshare Directive [56](#) is still pending, while the Commission closed other cases in 2016 following legislative changes in the Member States concerned.

Enforcing the *acquis* on health and food safety

The Commission's 2016 enforcement strategy in the health sector focused on checking the compliance of national legislations with the Directives on human tissues and cells [57](#) and on cross-border healthcare, [58](#) and pursuing infringement procedures where necessary.

In the animal welfare sector, compliance with the requirements of the Directives for laying hens and group housing of sows has been achieved and most of the infringement procedures have been closed. [59](#)

Enforcing the *acquis* on mobility and transport

In this area the Commission initiated and pursued infringement cases on issues which have a direct impact on the completion of the internal market, in particular:

- discriminatory user charges for passenger cars;
- restrictions on access to the profession of road transport operators;
- obstacles to the freedom of establishment caused by the monopolistic conditions for recruiting dockers; and
- limitations on the provision of transport services and free movement of goods deriving from national minimum wage laws.

In 2016 Member States stepped up their efforts to comply with the provisions of the Directive on the interoperability of electronic road toll systems. [60](#) The Commission was therefore able to close infringement procedures against several Member States. However, most Member States were not able to transpose the Directive on the deployment of alternative fuel infrastructure [61](#) by the deadline.

The Commission also focused its efforts on safety issues, in particular in the maritime sector. It has intensified monitoring of the application of EU law in this area and in 2016 initiated or pursued several infringement procedures over the application of EU law on accident investigations, [62](#) port State control [63](#) and flag state issues. [64](#) The Commission continued to pursue conformity checks on the implementation of the Directive on driving licences [65](#) and three railway Directives. [66](#)

5.A deeper and fairer economic and monetary union

The EU banking union rules seek to ensure that banks are stronger and better supervised and, if necessary, that problems can be resolved more easily without using taxpayers' money. In the aftermath of the financial crisis, the EU enacted a large number of measures to further open up the EU single market in financial services for consumers and businesses, improve supervision of financial institutions and strengthen the resilience and stability of the financial sector. This new framework is founded on measures such as the Capital Requirements Directive IV, [67](#) the Deposit Guarantee Schemes Directive [68](#) and the Bank Recovery and Resolution Directive. [69](#) The Commission's enforcement action in 2016 focused on checking the complete and correct transposition of these Directives. For example, the Commission addressed reasoned opinions to several Member States over the incompleteness of

their transposition of the Capital Requirements Directive IV and the Bank Recovery and Resolution Directive.

6. An area of justice and fundamental rights based on mutual trust

The Commission gives high priority to addressing infringements that reveal systemic weaknesses which undermine the functioning of the EU's institutional framework. This goes in particular for those which affect the capacity of national judicial systems to contribute to the effective enforcement of EU law. One of the areas where the action of the Commission plays an essential role is when the 'national rule of law safeguards' no longer seems capable of addressing a systemic threat to the rule of law. This reflects the fact that upholding the rule of law is a pre-requisite for upholding all rights and obligations deriving from the Treaties.

In this context, the Commission has taken steps under the Rule of Law Framework [70](#) to address significant changes in the Polish legal system which undermine the proper functioning and the effectiveness of the Constitutional Tribunal. After adopting an opinion on the situation in Poland on 1 June 2016, the Commission adopted a first Recommendation on 27 July and a second one on 21 December. The Commission was concerned about a systemic threat to the rule of law in Poland. This is due to the Constitutional Tribunal being prevented from fully ensuring an effective constitutional review after the reforms introduced in 2015 and 2016. This situation adversely affects the integrity, stability and proper functioning of the Tribunal, which is one of the essential safeguards of the rule of law in Poland.

In the area of freedom of movement of persons, the Commission carried out comprehensive assessments of the compliance of the new national legislation enacted in the Czech Republic, Ireland and Slovakia with the EU rules on free movement and residence rights of EU citizens.

In the area of criminal and procedural law, the Procedural Rights Roadmap was completed by the adoption of three new Directives. These concern the strengthening of certain aspects of the presumption of innocence and the right to be present at one's trial, [71](#) the procedural safeguards for children, [72](#) and legal aid. [73](#) At the same time, the transposition of the Victims' Rights Directive [74](#) remains incomplete in nine Member States. In 2016 the Commission also assessed for correctness the Member States' transposition of Directives on the right to translation and interpretation [75](#) and the right to information in criminal proceedings. [76](#)

Almost all Member States have finished transposing the Directive on the European protection order. [77](#) The practical application of this instrument depends of the awareness of the users (victims and legal practitioners). To date, only a few protection measures have been recognised across borders. The Commission committed to publish a report on its application when more data on the number of orders issued or recognised is available.

In September 2016 the Commission launched infringement procedures against 18 Member States for not communicating their national measures transposing the Directive on criminal sanctions for market abuse. [78](#)

In the field of data protection, the new General Data Protection Regulation [79](#) adopted in 2016 will repeal and replace the existing legislation as from 25 May 2018. [80](#) The Commission will assess its enforcement work in the light of the new acquis. Moreover, the Commission started preparatory work to help Member States and stakeholders implement and apply the new Police and Criminal Justice Authorities Directive [81](#) , which will replace the current Framework Decision. [82](#)

In 2016 enforcement work was conducted in the context of the European Agenda on Security [83](#) and the development of a fledging security union. Since September 2016, the Commission has created a special portfolio and entrusted a Commissioner with the responsibility for implementing the security union.

The enforcement work contributed to the Commission's response to the tragic terrorist attacks of 2016. Infringement procedures were initiated over the incorrect implementation of the Regulation on the marketing and use of explosives precursors. [84](#) The Commission also launched the first infringement procedures over instruments belonging to the former 'third pillar'. These procedures were for non-communication of national measures to implement the 'Swedish initiative' [85](#) on simplifying the exchange of information and intelligence between EU law enforcement authorities, and for failure to comply with the Prüm Decisions [86](#) on information-sharing to combat terrorism and serious crime.

The Commission completed the transposition checks for the Directives against trafficking in human beings [87](#) and sexual exploitation of children. [88](#) It closed almost all infringement procedures for non-communication of national measures implementing these Directives. However, the Commission pursued infringement procedures for non-communication of national measures implementing the Directive on attacks against information systems. [89](#) It also launched infringement procedures for failure to notify national measures implementing the Directive on the freezing and confiscation of instrumentalities and proceeds of crime. [90](#)

The Commission regularly reports to the European Parliament, the European Council and the Council on progress towards creating an effective and genuine security union. This includes the use of its enforcement work in contributing to consolidating the security union.

7. Towards a new policy on migration

The Commission's response to the developing migration and security situations includes its work to enforce the European Agenda on Migration [91](#) as well as the regular implementation packages it has presented.

In this regard, in 2016 the Commission followed up on the infringement procedures it launched in 2015 over the non-communication or incorrect implementation of instruments under the Common European Asylum System. It addressed reasoned opinions to Member States which had still not notified national measures transposing the Asylum Procedures [92](#) and Reception Conditions Directives. [93](#) It did likewise for Member States which had not notified measures to fully transpose the Directive extending the scope of application of the long-term residence scheme to beneficiaries of international protection. [94](#) The Commission decided to close three of the infringement procedures opened in 2015 on the incorrect implementation of the Eurodac Regulation. [95](#)

Correct implementation of the Return Directive [96](#) remains key in achieving the Agenda's objectives of combating and preventing irregular migration. The Commission addressed a reasoned opinion to one Member State for incorrect implementation of this Directive. The Commission is regularly reporting on the implementation of the European Agenda on Migration.

The Commission also launched infringement procedures for failure to notify national measures implementing the Directive on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers. [97](#)

8. Working with Member States to ensure proper implementation of EU law

Implementation plans: state of play

In the Better Regulation Package, the Commission committed to actively help Member States transpose and implement legislation by preparing implementation plans for certain directives and regulations. While the responsibility for applying EU law lies with the Member States, the implementation plans aim to help them do so effectively and on time. The plans identify challenges which the Member States will face and which need to be taken into account when they prepare to transpose and implement the law. The plans also provide for a wide range of tools to help Member States implement EU laws, such as guidance documents, expert groups and dedicated websites.

In 2016 the Commission prepared an implementation plan to ensure the effective transposition and implementation of three proposals it issued for Directives on passenger ship safety. [98](#) The plan lists the actions needed to implement simplification measures and identifies the main technical, legal and time-related implementation challenges.

Regarding support action at EU level, the Commission envisages making extensive use of the existing Passenger Ship Safety Expert Group to develop the implementation measures and facilitate the transposition process. It will also use the expert groups on port State control inspections and the implementation of the National Single Window. A number of specific workshops and correspondence groups will be organised with the assistance of the European Maritime Safety Agency (EMSA) to further develop issues of a more technical nature and provide technical assistance during the transposition period. At Member States' request, EMSA could make visits to identify any transposition difficulties and provide technical assistance where needed.

At national level, Member States will be responsible for coordination between the relevant competent authorities, economic actors such as shipyards, ship-owners and operators, and passenger associations.

The Commission will monitor the use Member States make of the implementation plan.

Explanatory documents: state of play

The EU institutions and the Member States agreed in 2011 that Member States, when notifying national transposition measures to the Commission, may also have to provide documents explaining how they have transposed directives into their law. [99](#) The Commission can ask Member States to submit these 'explanatory documents' in justified cases. [100](#)

Explanatory documents play an essential role in promoting good understanding of national transposition measures. They help to make compliance monitoring easier: without the documents, the Commission would need considerable resources and numerous contacts with national authorities to track the methods of transposition in all Member States. As transposing measures must be merged with a complex existing legal framework, the resulting transposition exercise produces hundreds of measures to be examined.

In 2016, the Commission requested explanatory documents in 20 out of 40 proposals for directives submitted to the European Parliament and the Council. The 37 Directives that the Parliament and the Council adopted during the year included eight for which the Commission had requested explanatory documents. In all eight, the agreed recital on the need for such documents was maintained in the final text.

During the year Member States had to transpose 70 Directives. [101](#) They had undertaken to submit explanatory documents for 20 of these. The process of assessing the national measures for these Directives is under way.

Five of the 20 Directives for which the Member States had undertaken to provide explanatory documents in 2016 concern financial markets. Member States notified to the Commission the following numbers of explanatory documents:

- 26 for the Mortgage Credit Directive [102](#) (including 7 correlation tables);
- 13 for the Directive on deposit guarantee schemes [103](#) (including 9 correlation tables);
- 12 for the Audit Directive [104](#) (including 8 correlation tables);
- 19 for the Directive on undertakings for collective investment in transferable securities [105](#) (including 14 correlation tables); and
- 16 for the Directive on payment accounts [106](#) (including 5 correlation tables).

In general, Member States send explanatory documents relating to financial markets together with the last document they dispatch when they declare complete transposition, though sometimes they send the explanatory documents later. In most cases the explanatory documents provided are correlation tables, which in general include information on the transposition of the provisions of the Directive and the related national provisions. The quality of the documents submitted varies. In many cases, the correlation table is very schematic and includes only cross-references between the EU legal act (e.g. the Directive on undertakings for collective investment in transferable securities) and the national text. In other cases, the explanatory document also includes the text of the transposition measures and remarks or explanatory notes to further facilitate the transposition check. In three cases, the explanatory documents included both the text of the measures transposing the Audit Directive and the translation into English, as well as some explanation on the interaction between the different transposition measures.

Five of the 20 Directives for which the Member States had undertaken to provide explanatory documents concern the internal market. Member States notified to the Commission the following numbers of explanatory documents:

- 37 for the Directive on the recognition of professional qualifications [107](#) (including 11 correlation tables);
- 14 for the Directive on the award of concession contracts [108](#) (including 7 correlation tables);
- 32 for the two Public Procurement Directives [109](#) (including 14 correlation tables); and
- 12 for the Directive on the list of defence-related products [110](#) (including 2 correlation tables).

Three of the 20 Directives are in the field of employment. The Commission received 25 explanatory documents for the Directive on health and safety requirements in case of exposure to electromagnetic fields [111](#) (including 15 correlation tables), 25 for the Directive on free movement of workers' rights [112](#) (including 9 correlation tables), and 7 for the Directive on working time in inland waterway transport [113](#) (including 2 correlation tables). The quality of the documents received varies substantially. In some rare cases the quality is unsatisfactory, for example in referring only to the law transposing a provision of the Directive and failing to indicate

which precise provision of national law transposes a specific provision of the Directive. The process of assessing the national measures for these Directives is under way, so the Commission cannot yet draw definitive conclusions on the quality of the explanatory documents received.

Two of the 20 Directives are in the field of migration and home affairs. The Commission received 10 explanatory documents for the Directive on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers [114](#) (including 2 correlation tables). It received 11 for the Directive on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer [115](#) (including 2 correlation tables).

One of the 20 Directives concerns communication networks. The Commission received 7 explanatory documents for the Directive on collective management of copyright [116](#) (including 4 correlation tables). This cross-cutting Directive is complex and is often implemented by more than one act and/or by introducing changes to existing legal documents. Consequently, transposition is also complex and the explanatory documents greatly facilitate the Commission's assessment of the national transposition measures.

One of the 20 Directives is in the field of competition. The Commission received 7 explanatory documents (including 1 correlation table) for the Damages Directive. [117](#)

One of the 20 Directives concerns the environment sector. The Commission received 9 explanatory documents for the Directive on the assessment of ambient air quality [118](#) (including 2 correlation tables).

One of the 20 Directives is in the field of justice and consumers. The Commission received 10 explanatory documents for the Directive on the right of access to a lawyer in criminal proceedings [119](#) (including 1 correlation table).

One of the 20 Directives concerns health and food safety. The Commission received 16 explanatory documents for the Tobacco Directive [120](#) (including 10 correlation tables). These take a variety of forms, such as correlation tables, summary reports and explanatory notes.

Overall, in 2016 Member States did not deliver in all cases on their commitment to provide explanatory documents together with the national measures transposing the Directives into their legal order. An initial assessment of the explanatory documents that were submitted indicates that their quality is uneven.

The Commission will continue to report to the Parliament and the Council on explanatory documents in its annual reports on the application of EU law.

III. Infringement procedures

There are four main types of infringements of EU law:

- a) failure to notify: a Member State does not notify the Commission on time of its measures to transpose a directive;
- b) non-conformity/non-compliance: the Commission considers that a Member State's legislation is not in line with the requirements of EU directives;
- c) infringement of the Treaties, regulations and decisions: the Commission considers that a Member State's legislation is not in line with the requirements of the Treaties, EU regulations and decisions;
- d) incorrect/bad application: EU law is not applied correctly, or not applied at all, by national authorities.

Infringements may be detected by the Commission's own investigations or brought to its attention by complaints or petitions from members of the public, businesses, NGOs or other organisations or by other means. The Commission actively informs complainants of the decisions taken throughout all stages of the procedure. [121](#)

The infringement procedure under Article 258 TFEU is divided into a pre-litigation phase and a litigation phase.

In the pre-litigation phase, the Commission first sends a letter of formal notice to the Member State requesting an explanation within a given time limit. If the Member State's reply is unsatisfactory or it does not reply at all, the Commission sends a reasoned opinion asking the Member State to comply within a given time limit.

Should the Member State not comply with the reasoned opinion, the Commission may open the litigation procedure by bringing the case to the Court of Justice under Article 258 TFEU.

When it brings a case before the Court against a Member State for failing to fulfil its obligations to notify measures transposing a directive adopted under a legislative procedure, the Commission may propose financial penalties under Article 260(3) TFEU.

The Court may agree with the Commission and rule that the Member State has breached its obligations under EU law. If the Court does so but the Member State still does not take the steps needed to comply, the Commission may continue the infringement procedure under Article 260(2) TFEU. This involves referring the Member State to the Court again after sending it a letter of formal notice under Article 260(2) TFEU. In such cases the Commission can propose, and the Court can impose, financial sanctions in the form of a lump sum and/or penalties per day or another specified period.

The Commission regularly publishes information on its decisions on infringement procedures on the Europa portal. [122](#)

At the request of national courts, the Court of Justice may also issue preliminary rulings under Article 267 TFEU addressing issues of conformity of national laws with EU legislation. Whilst preliminary rulings are distinct from infringement judgments, they give the Commission an additional opportunity to ensure that violations of EU law deriving from national legislation or its application are remedied. The Commission systematically follows up on preliminary rulings in which the Court identifies non-conformities in national legislation.

IV. Before an infringement procedure is started

1. Detecting problems

Own-initiative cases

When examining the implementation of EU law, the Commission opens cases on its own initiative. In 2016 it launched 520 such investigations using the EU Pilot mechanism (EU Pilot is explained in point 2 below), against 578 in 2015.

Complaints and petitions

The number of new complaints in 2016 is the highest since 2011. In 2015 the number had fallen for the first time since 2011 (by around 9 % against 2014).

The chart below shows further key data on complaints from members of the public: [123](#)

Public complaints open at year-end

3 098	>	Complaints open at end-2015
3 783	>	New complaints registered in 2016
3 458	>	Complaints handled in 2016
= 3 423	>	Complaints open at end-2016

The Commission registered 3 783 new complaints in 2016. The three Member States against which it filed the most complaints were Italy, Spain and France.

- Italy: 753 complaints, most of them related to: employment, social affairs and inclusion (322 complaints); internal market, industry, entrepreneurship and SMEs (129 complaints); and environment (76 complaints);
- Spain: 424 complaints, especially in connection with: justice and consumers (149 complaints); employment, social affairs and inclusion (57 complaints); and taxation and customs union (44 complaints); and
- France: 325 complaints, mainly related to: mobility and transport (79 complaints); employment, social affairs and inclusion (60 complaints); and justice and consumers (58 complaints).

The following chart shows the five policy areas with the highest number of new complaints. Together they account for 75 % of all complaints made against all Member States in 2016.

The Commission handled 3 458 complaints in 2016. Once it has assessed complaints, the Commission may launch an investigation using the EU Pilot mechanism to clarify whether EU rules have been breached. Not all complaints in 2016 led to such investigations, for the following reasons: no EU laws were breached (2 253), the Commission had no power to act (86) or the correspondence did not qualify as a complaint (667). The Commission did not pursue 20 cases as the complainants withdrew their complaint. These 3 026 complaints have therefore been closed.

Complaints leading to investigations using the EU Pilot mechanism were most frequently related to taxation and customs (68 files opened under EU Pilot), internal market, industry, entrepreneurship and SMEs (48 files opened) and justice and consumers (26 files opened).

These complaints also mainly concerned Spain, France and Italy.

- Spain: 34 new EU Pilot files, most of them related to complaints about taxation and customs (7); employment (6); internal market, industry, entrepreneurship and SMEs (5); and mobility and transport (4);
- France: 33 new EU Pilot files, especially in connection with complaints about taxation and customs (6); employment (4); internal market, industry, entrepreneurship and SMEs (4); and justice and consumers (4);
- Italy: 23 new EU Pilot files, most of them related to complaints about taxation and customs (7); internal market, industry, entrepreneurship and SMEs (6); and employment (5).

Through petitions and questions, the European Parliament alerted the Commission to shortcomings in the way some Member States were implementing and applying certain EU laws in 2016. These include the following:

- Environment: The Commission issued a reasoned opinion against one Member State over its non-compliant transposition of the Directive on public access to environmental information. [124](#) In another case about waste management, the Commission began a bilateral dialogue with the Member States concerned.

- Justice and consumers: The Commission launched a bilateral dialogue with a Member State on recognition of married names.
- Taxation: In the area of direct taxation, the Commission followed up on a petition on immovable property taxes. It launched bilateral discussions with the Member State concerned on potential discrimination against EU pensioners. In the customs sector, the Commission launched bilateral discussions with some Member States over the duty relief for products for handicapped persons.
- Internal market: The Commission launched bilateral discussions with a Member State in a case about compliance with the rules on public procurement.

2. EU Pilot

The EU Pilot dialogue between the Commission and Member States was set up to quickly resolve potential breaches of EU law at an early stage in appropriate cases. It should be avoided that the recourse to EU Pilot adds a lengthy step to the infringement process, which in itself is a means to enter into a problem-solving dialogue with a Member State. In line with the Communication EU law: Better results through better application, [125](#) the Commission will henceforth launch infringement procedures without relying on the EU Pilot mechanism unless recourse to EU Pilot is seen as useful in a given case.

In 2016, the number of new EU Pilot files reached the lowest level since 2011 (see the chart below).

The following chart shows the main EU Pilot figures for 2016: [126](#)

EU Pilot files open at year-end

1 260	>	EU Pilot files open at end-2015
790	>	New EU Pilot files registered in 2016
875	>	EU Pilot files handled in 2016
= 1 175	>	EU Pilot files open at end-2016

790 new EU Pilot files were opened in 2016. Of these, 270 were triggered by complaints and inquiries and 520 were opened by the Commission on its own initiative.

The following pie chart shows the policy areas in which most new EU Pilot files were opened in 2016:

The Commission handled 875 EU Pilot files in 2016. It closed 630 of these after receiving satisfactory answers from the Member States concerned. This gives a resolution rate of 72 %, which is below the 2015 and 2014 levels.

Altogether, 245 EU Pilot files were closed because the Commission rejected the responses provided by Member States. Of these, 233 were followed up by launching formal infringement procedures (there were 201 such files in 2015). While 65 of these procedures were based on complaints and inquiries, the Commission launched the remaining 168 at its own initiative.

Most EU Pilot files which led to formal infringement procedures concerned the following policy areas: environment (53 cases), internal market, industry, entrepreneurship and SMEs (38), energy (29), and taxation and customs (25). Hungary and Germany had the highest number of files in EU Pilot which were pursued through infringement procedures (at 18 and 14 files each respectively), followed by Spain and Poland (13 files each).

At the end of 2016, 1 175 EU Pilot files were open. The main Member States concerned were Italy (98), Spain (75) and France (73). The environment remained

the main policy area affected (295 open files), followed by justice (161) and internal market, industry, entrepreneurship and SMEs (143).

The following chart shows the EU Pilot resolution rate. This is the percentage of files the Commission handled in 2016 that it was able to close without opening an infringement case.

Member States have a standard ten week timeframe (70 days) to respond to the Commission's requests for information on EU Pilot files. The next chart shows how long it took each Member State on average to respond to the Commission's requests in 2016. If the response is not clear or not satisfactory, the Commission may ask for further clarification or may open formal infringement proceedings.

V. Stages in infringement procedures

1. Pre-litigation phase

In 2016, the Commission launched 986 new procedures by sending a letter of formal notice. The following chart gives the breakdown by Member State.

The following chart shows the main policy areas in which new procedures were opened.

The Commission also sent 292 reasoned opinions to Member States in 2016. The main policy areas concerned were internal market (92), mobility and transport (42), financial services (37) and environment (33).

The following chart gives the breakdown by Member State.

At the end of 2016, 1 657 infringement cases remained open. This is a considerable increase from the previous year and higher than all previous years, as the following chart shows.

The following chart shows the number of open infringement cases by Member State at the end of 2016:

The following chart shows the breakdown of the infringement cases open at the end of 2016, by policy area:

Even after it has launched an infringement procedure, the Commission continues its dialogue with the Member State in order to seek compliance. Statistics confirm that Member States make serious efforts to settle their infringements before the Court hands down its ruling. [127](#)

In 2016, the Commission closed:

- 520 infringements after sending letters of formal notice;
- 126 cases after sending reasoned opinions; and
- 18 cases after deciding to refer the case to the Court but before submitting the application. In addition, the Commission withdrew 9 cases from the Court before the latter handed down its ruling.

2. Judgments of the Court of Justice under Articles 258 and 260(2) TFEU

In 2016 the Court gave 28 judgments under Article 258 TFEU, of which 23 were in the Commission's favour. The Court delivered the most judgments against:

- Portugal (4, all in the Commission's favour);
- Greece (3, all in the Commission's favour);
- Spain (3, all in the Commission's favour);
- United Kingdom (2, one of them in the United Kingdom's favour);
- The Netherlands (2, one of them in the Netherlands' favour);
- Poland (2, both in the Commission's favour);

- Austria (1, in Austria's favour);
- Belgium (1, in the Commission's favour);
- Bulgaria (1, in the Commission's favour);
- Cyprus (1, in the Commission's favour);
- Czech Republic (1, in the Commission's favour);
- Germany (1, in the Commission's favour);
- France (1, in the Commission's favour);
- Hungary (1, in the Commission's favour);
- Italy (1, in the Commission's favour);
- Luxembourg (1, in the Commission's favour);
- Malta (1, in Malta's favour); and
- Romania (1, in the Commission's favour).

Portugal (4), Greece (3) and Spain (3) were the subject of the most Court judgments under Article 258 TFEU in 2016.

Member States frequently take the measures needed to comply with a Court judgment promptly. However, at the end of the year 95 infringement procedures were still open after a Court ruling because the Commission considered that the Member States concerned had not yet complied with judgments under Article 258 TFEU. The main Member States concerned were Greece (14), Spain (8), Germany and Italy (both 7). The cases mainly related to the environment (37), transport and mobility (13), taxation and customs (9), and the internal market (8).

Of these 95 cases, 3 had already been referred to the Court for the second time. When the Court imposes financial penalties under Article 260(2) TFEU, the defaulting Member State must pay the lump sum immediately and continue to pay the periodic penalty until it complies fully with the first and second Court judgments. In 2016, the Court delivered 2 judgments under Article 260(2) TFEU. It imposed penalty payments on Greece [128](#) and Portugal. [129](#) At the end of 2016, 10 infringement procedures were still open after a Court ruling under Article 260(2) TFEU.

VI. Transposition of directives

1. Late transposition

Combating late transposition is a long-established priority for the Commission. The Commission therefore proposes financial sanctions whenever it refers a Member State to the Court of Justice under Articles 258 and 260(3) TFEU for not having communicated on time its measures to transpose a directive adopted under a legislative procedure (see details in subsection VI.2).

There were 70 directives to transpose in 2016, up from 56 in 2015. New late transposition infringements increased sharply, to 847 from 543.

At the end of 2016, 868 late transposition infringement cases were still open, a 67.5 % increase from the 518 cases open at the end of 2015.

Late transposition infringement cases open at year-end

518	>	Late transposition cases open at end-2015
847	>	New late transposition cases registered in 2016
498	>	Late transposition cases closed in 2016
= 868	>	Late transposition cases open at end-2016

The following chart shows the number of late transposition infringement cases open at the end of 2016 by Member State, irrespective of the year in which the case was opened.

The next chart shows new late transposition infringement cases (847 in total) opened in 2016, by Member State.

The policy areas in which the new cases were launched in 2016 are shown in the following chart:

New cases were launched against 27 Member States for late transposition of the Directive on measures to reduce the cost of deploying high-speed electronic communications networks. [130](#) In addition, 26 Member States were involved in cases of late transposition of the Directives on human tissues and cells. [131](#) The Commission launched 23 procedures over late transposition of the Directive on collective management of copyright and related rights. [132](#)

2. Referrals to the Court of Justice under Article 258/260(3) TFEU

Under Article 260(3) TFEU, the Commission may propose financial penalties even when referring a case for the first time to the Court of Justice under Article 258 TFEU for failure to fully transpose a legislative Directive. This innovation, introduced in the Treaty of Lisbon, aims to give Member States a greater incentive to transpose directives on time. The Commission decides on the level of financial penalties to propose in line with the policy laid down in its Communication on the implementation of Article 260(3) TFEU. [133](#) In its Communication on enforcement policy: EU law: Better results through better application, [134](#) the Commission announced that for infringement cases launched after its publication, it would systematically ask the Court to impose a lump sum as well as a periodic penalty payment.

In 2016, the Commission continued to bring late transposition infringement cases to the Court of Justice with a request for daily penalties under Article 260(3) TFEU. It referred 2 Member States to the Court in 2016: Luxembourg (2 cases) [135](#) and Romania (1 case). [136](#) In another 4 cases the Commission took a decision for referral but the Member States adopted the transposition measures before the application was sent to Court and thus avoided the Court procedure. These cases concerned late transposition of the Single European Railway Area Directive (Greece), [137](#) the Banking Recovery and Resolution Directive [138](#) (Romania and Czech Republic) and the Over-Reliance on Credit Ratings Directive [139](#) (Luxembourg).

In 2016, Member States increased their efforts to complete transposition before the Court of Justice delivered its judgments. However, 5 cases with a proposal for daily penalties remained open: 1 case each against Belgium, the Netherlands, Poland, Romania and Sweden.

VII. Conclusions

The high number of infringement procedures, which in 2016 rose to a five-year peak, remains a serious concern. Failure to ensure timely and correct transposition of EU legislation ultimately deprives citizens and businesses of their benefits under EU law. The Commission therefore attaches great importance to ensuring the effective application of the law.

The task of applying, implementing and enforcing EU legislation is shared by the EU and the Member States. The Commission will continue to provide the Member States

with the support and assistance they need during the implementation phase. In line with the Communication EU law: Better results through better application, the Commission will focus its efforts on problems where enforcement action can make a real difference. At the same time, it will strengthen its response when pursuing breaches of EU law through infringement procedures. To ensure swifter compliance and to be able to deliver on its policy priorities, the Commission will henceforth launch infringement procedures without relying on the EU Pilot mechanism, unless recourse to EU Pilot is seen as useful in a given case. The Commission has also reinforced the sanctions regime under Article 260(3) TFEU for when Member States fail to communicate on time their measures transposing a directive adopted under a legislative procedure.

This more strategic approach to enforcement, combined with timely and effective Commission action, aims at ensuring better application of EU law for the benefit of all.

METHODOLOGY AND EXPLANATIONS

I. Annual report

1. Detecting problems

First chart: Number of complaints (2012-2016)

This shows the total number of complaints the Commission registered for the years 2012-2016.

Second chart: Public complaints open at year-end

This starts with the number of open complaints carried over from 2015 (first column). The second column shows the number of new complaints registered in 2016. The third column shows the number of complaints on which the Commission took a decision in 2016. The fourth column shows the number of complaints open at the end of 2016 (calculated by taking the first figure, adding the second and subtracting the third).

Third chart: New complaints registered in 2016: main policy areas [140](#)

This shows the main policy areas in which the new complaints were registered in 2016.

2. EU Pilot

First chart: Number of EU Pilot files (2012-2016)

This shows the total number of EU Pilot files the Commission opened in the years 2012-2016.

Second chart: EU Pilot files open at year-end

This starts with the number of open EU Pilot files carried over from 2015 (first column). The second column shows the number of new EU Pilot files opened in 2016. The third column shows the number of files on which the Commission took a decision in 2016. The fourth column shows the number of EU Pilot files open at the end of 2016 (calculated by taking the first figure, adding the second and subtracting the third).

Third chart: EU Pilot files opened in 2016: main policy areas

This shows the policy areas in which the new EU Pilot files were opened in 2016.

Fourth chart: EU Pilot files: EU average resolution rate (2012-2016)

This shows the total number of EU Pilot files the Commission closed in the past 4 years without opening an infringement case.

Fifth chart: EU Pilot files: Resolution rate versus number of files handled in 2016

This shows the EU Pilot resolution rate, i.e. the percentage of files the Commission handled in 2016 that it was able to close without opening an infringement case.

Sixth chart: EU Pilot files: Member States' response times in 2016 (in days)

This shows each Member State's average response time in EU Pilot in 2016.

3. Infringement procedures

First chart: New infringement cases at 31 December 2016

This shows the number of new infringement cases opened in 2016, by Member State.

Second chart: New infringement cases opened in 2016: main policy areas

This shows the main policy areas in which the new infringement cases were opened in 2016.

Third chart: Reasoned opinions sent to Member States in 2016

This shows the number of reasoned opinions sent to Member States in 2016.

Fourth chart: Infringement cases open at year-end (2012-2016)

This shows the number of infringements that remained open on 31 December of each year from 2012 to 2016.

Fifth chart: Infringement cases open on 31 December 2016

These figures show all procedures that the Commission has started against each Member State by sending a letter of formal notice under Article 258 TFEU. It covers letters sent in 2016 or before, irrespective of the stages the cases have reached. Only cases which have not yet been closed by a formal decision are shown. For each Member State, the chart distinguishes between infringements for incorrect transposition and/or bad application of EU law, on the one hand, and late transposition infringements, on the other.

Accordingly, the numbers include all cases that, on 31 December 2016:

were in the pre-litigation phase (letter of formal notice, reasoned opinion or decision on referral to the Court under Article 258 TFEU);

were pending before the Court under Article 258 TFEU or Article 260(3) TFEU;

the Court had ruled on but where the Commission could not yet confirm that the Member State had implemented the judgment correctly;

were in the second pre-litigation procedure (letter of formal notice or referral decision under Article 260(2) TFEU);

were pending before the Court due to a second referral; or

the Court had ruled on for the second time but where the Commission could not yet confirm that the Member State had implemented the second judgment correctly.

This figure does not include, for example, open EU Pilot files. It also does not include EU Pilot files for which the Commission rejected the Member State's response but had not yet sent a letter of formal notice under Article 258 TFEU.

Sixth chart: Infringement cases open at end-2016: policy areas

This shows the breakdown, by policy area, of the infringement cases open on 31 December 2016.

4. Transposition of directives

First chart: Directives and late transposition infringement cases

This shows how many directives had to be transposed in the years 2012-2016 and how many new infringement cases for late transposition were opened in that period.

Second chart: Late transposition infringement cases open at year-end

This starts with the number of late transposition infringements carried over from 2015 (first column). The second column shows the number of new late transposition infringements registered in 2016. The third column shows the number of complaints on which the Commission took a decision in 2016. The fourth column shows the number of late transposition infringements open at the end of 2016 (calculated by taking the first figure, adding the second and subtracting the third).

Third chart: Late transposition infringement cases open on 31 December 2016

This shows the number of late transposition infringements open on 31 December 2016 by Member State, irrespective of the year in which the infringement was opened.

Fourth chart: New late transposition infringement cases

This figure shows the number of letters of formal notice addressed to each Member State under Article 258 TFEU for missing or partial notifications of national transposition measures in 2016. This figure is already included in the total number of new infringement cases initiated against the Member State in 2016, so it should not be added to the figure shown in the first chart of the general statistics section.

Please note that not all of these new infringement cases for late transposition were necessarily still open on 31 December 2016. For example, if the Commission opened a late transposition infringement procedure in March 2016 by sending a letter of formal notice, this would be added to the new infringement cases even if the Commission closed the case in October 2016 as a result of the Member State notifying complete transposition.

Fifth chart: New late transposition infringement cases opened in 2016: main policy areas

This shows the main policy areas in which the procedures for late transposition were launched in 2016.

[\(1\)](#) Article 291(1) of the Treaty on the Functioning of the European Union (TFEU).

[\(2\)](#) Article 17 TEU '[the Commission] shall ensure the application of the Treaties and of the measures adopted by the institutions pursuant to them. It shall oversee the application of Union law [...]'].

[\(3\)](#) Articles 260(2) and (3) of the Treaty on the Functioning of the European Union (TFEU).

[\(4\)](#) Communication 'EU law: Better results through better application', [C\(2016\) 8600_](#), OJ C 18, 19 January 2017.

[\(5\)](#) SWD (2017)259 and SWD(2017) 260.

[\(6\)](#) [C\(2016\) 8600_](#), OJ C 18, 19 January 2017.

[\(7\)](#) Directive [2014/54/EU_](#).

[\(8\)](#) Directive [2014/67/EU_](#).

[\(9\)](#) Directive [2013/35/EU_](#).

[\(10\)](#) Directive [2014/27/EU](#).

[\(11\)](#) Directive [2010/32/EU_](#).

[\(12\)](#) [COM\(2016\) 316 final_](#).

[\(13\)](#) Directive (EU) [2015/2203_](#).

[\(14\)](#) Directive [2014/89/EU_](#).

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- (15) Directive 2014/61/EU_.
- (16) Directive 2014/26/EU_.
- (17) Directive 2013/37/EU.
- (18) COM(2015) 80_.
- (19) 2009/72/EC_2009/73/EC_Directives and .
- (20) 2010/31/EU_Directive .
- (21) Directive 2013/51/Euratom_.
- (22) Directive 2011/70/Euratom_.
- (23) 2012/27/EU_Directive .
- (24) 2013/30/EU_Directive .
- (25) 2009/28/EC_Directive .
- (26) 2009/119/EC_Directive .
- (27) Regulation (EU) No 994/2010_.
- (28) Directives 2008/101/EC_and 2009/29/EC_.
- (29) Directive 2009/30/EC_.
- (30) Directive 2009/31/EC_.
- (31) Case C-246/12P_; Ellinika Nafpigeia v Commission.
- (32) Directive 2014/104/EU_.
- (33) COM(2015) 550_final_.
- (34) COM(2016) 356_final.
- (35) Directive 2006/123/EC_.
- (36) Directive 2007/46/EC_and Regulation (EC) No 715/2007_.
- (37) Directive 2014/23/EU_, Directive 2014/24/EU_, Directive 2014/25/EU_.
- (38) Directives 2014/31/EU_, 2014/32/EU_and 2015/13/EU_.
- (39) Directives 2013/53/EU_, 2014/29/EU_, 2014/30/EU_, 2014/33/EU_, 2014/34/EU_, 2014/35/EU_, 2014/53/EU_and 2014/68/EU_.
- (40) Directives 2014/28/EU_and 2016/970/EU_.
- (41) Directive 2013/55/EU_.
- (42) COM(2015) 468_final.
- (43) COM(2016) 601_final.

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- (44) Directive 2013/50/EU_.
- (45) Directives 2013/34/EU_ and 2014/56/EU_.
- (46) Directive 2014/91/EU_.
- (47) Directive 2014/17/EU_.
- (48) Chmielewski, C-255/14_.
- (49) Regulation (EU) No 524/2013_.
- (50) Directive 2013/11/EU_.
- (51) Directive 2011/83/EU_.
- (52) Directive 2005/29/EC_.
- (53) Directive 2014/92/EU_.
- (54) Directive 90/314/EEC_.
- (55) Directive 2015/2302/EU_, for which the transposition deadline elapses on 1 January 2018.
- (56) Directive 2008/122/EC_.
- (57) Directive 2004/23/EC_.
- (58) Directive 2011/24/EU_.
- (59) Directives 1999/74/EC_ and 2008/120/EC_.
- (60) Directive 2004/52/EC_.
- (61) Directive 2014/94/EU_.
- (62) Directive 2009/18/EC_.
- (63) Directive 2009/16/EC_.
- (64) Directive 2009/15/EC_.
- (65) Directive 2006/126/EC_.
- (66) Directives 2012/34/EU_, 2008/57/EC_ and 2004/49/EC_.
- (67) Directive 2013/36/EU_.
- (68) Directive 2014/49/EU_.
- (69) Directive 2014/59/EU_.
- (70) COM(2014) 158 final/2_.
- (71) Directive 2016/343_.
- (72) Directive 2016/800_.

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- (73) Directive 2016/1919_.
- (74) Directive 2012/29/EU_.
- (75) Directive 2010/64/EU.
- (76) Directive 2012/13/EU_.
- (77) Directive 2011/99/EU_.
- (78) Directive 2014/57/EU_.
- (79) Regulation No (EU) 2016/679_.
- (80) Directive 95/46/EC_.
- (81) Directive (EU) 2016/680.
- (82) Council Framework Decision 2008/977/JHA_.
- (83) COM(2015) 185_final.
- (84) Regulation (EU) No 98/2013_.
- (85) Council Framework Decision 2006/960/JHA_.
- (86) Decisions 2008/615/JHA_and 2008/616/JHA_.
- (87) Directive 2011/36/EU_.
- (88) Directive 2011/93/EU_.
- (89) Directive 2013/40/EU_.
- (90) Directive 2014/42/EU_.
- (91) COM(2015) 240 final_.
- (92) Directive 2013/32/EU_.
- (93) Directive 2013/33/EU_.
- (94) Directive 2011/51/EU_.
- (95) Regulation (EU) No 603/2013_.
- (96) Directive 2008/115/EC_.
- (97) Directive 2014/36/EU_.
- (98) Proposal for a Directive on a system of inspections for the safe operation of ro-ro ferry and high-speed passenger craft in regular service COM(2016) 371_; Proposal for a Directive amending Directive 2009/45/EC_on safety rules and standards for passenger ships COM(2016)369and Proposal for a Directive amending Council Directive 98/41/EC_on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community COM(2016) 370_.

[\(99\)](#) The policy is contained in a (1) Joint Political Declaration of 28 September 2011 between the Commission and the Member States ([OJ 2011/C 369/02](#)) and (2) a Joint Political Declaration of 27 October 2011 between the European Parliament, the Council and the Commission ([OJ 2011/C 369/03](#)).

[\(100\)](#) The standard recital in such directives reads as follows: Member States 'undertake to accompany the notification of transposition measures with one or more explanatory documents, which can take the form of correlation tables or other documents serving the same purpose'. The Commission will have 'to justify on a case by case basis, when submitting the relevant proposals, the need for, and the proportionality of, providing such documents'.

[\(101\)](#) For some of these 70 directives, some Member States have a transitional period and some other Member States are not concerned.

[\(102\)](#) Directive [2014/17/EU](#) .

[\(103\)](#) Directive [2014/49/EU](#) .

[\(104\)](#) Directive [2014/56/EU](#) .

[\(105\)](#) Directive [2014/91/EU](#) .

[\(106\)](#) Directive [2014/92/EU](#) .

[\(107\)](#) Directive [2013/55/EU](#) .

[\(108\)](#) Directive [2014/23/EU](#) .

[\(109\)](#) Directives [2014/24/EU](#) and [2014/25/EU](#) .

[\(110\)](#) Directive [2016/970/EU](#) .

[\(111\)](#) Directive [2013/35/EU](#) .

[\(112\)](#) Directive [2014/54/EU](#) .

[\(113\)](#) Directive [2014/112/EU](#) .

[\(114\)](#) Directive [2014/36/EU](#) .

[\(115\)](#) Directive [2014/66/EU](#) .

[\(116\)](#) Directive [2014/26/EU](#) .

[\(117\)](#) Directive [2014/104/EU](#) .

[\(118\)](#) Directive [2015/1480/EU](#) .

[\(119\)](#) Directive [2013/48/EU](#) .

[\(120\)](#) Directive [2014/40/EU](#) .

[\(121\)](#) Annex to Communication "EU law: Better results through better application" [C\(2016\) 8600](#) , OJ C 18, 19 January 2017.

[\(122\)](#) Commission [decisions on infringements](#) .

[\(123\)](#) The number of complaints open at end-2016 (d) is calculated by adding together the number of complaint files open at end-2015 (a) and of new complaints opened in 2016 (b), then subtracting the number of complaints handled during 2016 (c) ($a+b-c=d$).

[\(124\)](#) Directive [2003/4/EC](#) .

[\(125\)](#) [C\(2016\) 8600](#) , OJ C 18, 19 January 2017.

[\(126\)](#) The number of EU Pilot files open at end-2016 (d) is calculated by adding together the numbers of files open at end-2015 (a) and of new files opened in 2016 (b), then subtracting the number of files handled during 2016 (c) ($a+b-c=d$).

[\(127\)](#) The figures that follow were calculated for all infringement cases irrespective of origin (i.e. complaint, own initiative by the Commission or late transposition of directives by Member States).

[\(128\)](#) Commission v Greece, [C-584/14](#) (lump sum payment of EUR 10 million; penalty: EUR 30 000 for each day of delay adopting the measures necessary to comply with the judgment under Article 258 TFEU).

[\(129\)](#) Commission v Portugal, [C-557/14](#) (lump sum payment of EUR 3 million; penalty: EUR 8 000 for each day of delay in implementing the measures necessary to comply with the judgment under Article 258 TFEU).

[\(130\)](#) Directive [2014/61/EU](#) .

[\(131\)](#) Directives [2015/565/EU](#) and [2015/566/EU](#) .

[\(132\)](#) Directive [2014/26/EU](#) .

[\(133\)](#) [OJ C 12](#) , 15.1.2011, p. 1-5.

[\(134\)](#) [C\(2016\) 8600](#) , [OJ C 18](#) , 19 January 2017.

[\(135\)](#) Commission v Luxembourg, [C-489/16](#) . The Commission referred Luxembourg to the Court for failing to fully implement the Single European Railway Area Directive. It proposed a daily penalty of EUR 8 710; Commission v Luxembourg, [C-511/16](#) . The Commission referred Luxembourg to the Court for failing to fully implement the Directive [2014/27/EU](#) in order to align it to Regulation (EC) No 1272/2008 on the classification, labelling and packaging of substances and mixtures. It proposed a daily penalty of EUR 8 710.

[\(136\)](#) Commission v Romania, [C-62/156](#) . The Commission referred Romania to the Court for failing to fully implement the Directive on sulphur content of marine fuels. It proposed a daily penalty of EUR 38 042.60. Romania subsequently adopted the necessary legislative measures and the Commission therefore withdrew this case from the Court.

[\(137\)](#) Directive [2012/34/EU](#).

[\(138\)](#) Directive [2014/59/EU](#).

[\(139\)](#) Directive [2013/14/EU](#).

[\(140\)](#) The data on policy areas referred to in the main report and in the sections on the Member States is based on information available in the European Commission's infringements central database. The policy areas are referred to as follows: agriculture and rural development; budget; climate action; communication networks, content and technology; competition; education and culture; economic and financial affairs; financial stability and capital markets union; neighbourhood and enlargement negotiations; employment; energy; environment; migration and home affairs; justice and consumers; maritime affairs and fisheries; internal market, industry, entrepreneurship and SMEs; mobility and transport; regional policy; health and food safety; taxation and customs; trade.