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**Hearing on Democracy and the NATO Alliance: Upholding Our Shared Democratic Values**

Chairman Keating, Ranking Member Kinzinger, distinguished members of the subcommittee, thank you for the invitation to discuss the subject of democracy and the NATO alliance, and the importance of upholding our shared democratic values.

Founded in 1949 under the post-war leadership of the United States, NATO has been and continues to be the most successful military alliance in history. With the recent accession of North Macedonia, the alliance will soon have 30 member states. Article 5 of the North Atlantic Treaty – which states that an attack against one member of NATO is an attack on all of its members – remains the cornerstone principle of the post-war transatlantic security architecture. Indeed, article 5 has only had to be invoked once, right after the 9/11 terrorist attacks on the United States, during which our Canadian and European allies and friends stood shoulder-to-shoulder in defense of our shared values of freedom, the rule of law, and democracy.

The principles of democracy, individual liberty, and the rule of law are central to the founding documents of both NATO and the European Union. It is therefore ironic that a few days after the 30<sup>th</sup> anniversary of the fall of the Berlin Wall – when the world celebrated the successful transition to liberal democracy and market capitalism in most countries of Central and Eastern Europe – we need to have this hearing at all. Also, shortly after the 9/11 attacks in 2001, in a climate of heightened fear and public awareness of the threat posed by radical Islamist terrorism, another NATO member country, Turkey, was hailed by many in the US foreign policy establishment as a model democracy for the rest of the Muslim world to follow. Indeed, only ten years ago, U.S. President Barack Obama spoke of establishing a ‘model partnership’ with then Prime Minister of Turkey Recep Tayyip Erdogan.

Over the last decade, we have seen significant and troubling “democratic backsliding” among certain NATO members. Indeed, some member states of NATO can no longer be described as “liberal democracies” today,

but would instead fall under the broad rubric of what some label “illiberal democracies,” but what are often better understood as “competitive authoritarian” regimes. According to the scholars who introduced the concept of competitive authoritarianism, Steven Levitsky of Harvard University and Lucan Way of the University of Toronto, this is a “hybrid” regime between full-scale, brutal authoritarianism on the one hand and real democracy on the other. These regimes maintain formal democratic institutions but tilt the playing field so much in favor of the governing party that they fail to meet the minimal standards of what we associate with “liberal” democracy. In such a regime, while there are “free” national elections, they are not “fair.” The outcome is all but guaranteed. Most checks and balances on executive power are gone. The judiciary is no longer independent, as judges are directly appointed by the executive. Laws are mostly rubber stamped by the legislature. Media freedoms are weakened often through the buying up of existing media outlets by regime-friendly businesses or outright closures. Journalists are intimidated and can be thrown in jail on dubious or trumped up charges. Civil society organizations are stifled and academic freedoms are seriously limited.

The most worrisome erosion of democratic values and principles has manifested itself, to varying degrees, in Erdogan’s Turkey, Orbán’s Hungary, and Kaczyński’s Poland. Turkey and Hungary today already fit in the category of competitive authoritarian regimes, while Poland has been gradually moving in that direction. But before I address those three cases in turn, I first want to make two points of context. I will then address the role the EU and NATO have played in inadvertently enabling or amplifying some of this backsliding towards autocracy among some of its member states. Finally, I will end with some suggestions as to what both the United States and the European Union can do to stop and reverse this trend.

## **Global and Regional Context**

Political developments over the last decade have been particularly bad for democracy around the world. The global trend has been to move away from liberal democratic principles and towards more authoritarian types of regimes. This is especially striking when you compare the past decade to the two previous ones, i.e. the 1990s and the 2000s. From 1989 to 2007, the world seemed to be living Francis Fukuyama’s “End of History” thesis, in which there was no realistic or attractive ideological alternative to Western-style liberal democracy and market capitalism. The whole world seemed to be experimenting with market reforms and establishing democratic institutions. The end of the Cold War went hand in hand with a dramatic intensification of what the late Samuel Huntington called the “Third Wave” of democratization.

However, since 2007, Freedom House, the US government-funded NGO that conducts research and advocacy on democracy, has systematically marked down more countries when it comes to democratic performance than it has improved scores. We have seen a wave of popular resentment starting with the global financial crisis of 2008, in which political parties of the center-left and the center-right have systematically lost voting share to the more radical parties of extreme-left and extreme-right. Almost everywhere you look, elected governments are struggling for legitimacy. They are either mired in gridlock, hamstrung by international commitments, threatened by anti-establishment or even anti-system insurgencies, or unable to cope effectively with the adverse consequences of globalization. Many political scientists, including myself, speak of a ‘democratic malaise,’ while Larry Diamond of Stanford University speaks of a full-blown ‘democratic recession.’

Looking at the current state of democracy and commitment to democratic values among EU and NATO members, one has to first of all note the positive role both international organizations have played in the transition towards democracy for many of their newest member states. The prospect of EU and/or NATO membership for many countries in Central and Eastern Europe provided the main impetus and incentive to enact democratic reforms and build Western-style political institutions in the 1990s. This included checks and balances between the legislature and executive, free and fair elections, an independent judiciary, rule of law, a free media, and academic freedom. While there are certain cases of democratic backsliding in NATO that should worry us deeply – including the current path both Hungary and Poland are on – it needs to be emphasized that Central and Eastern Europe is a diverse and complicated place. The same trend is by no

means visible in every country. For every Poland and Hungary, there is an Estonia and a Slovenia. Indeed, the latter two countries achieved higher democracy scores in 2019 from Freedom House than the United States, the United Kingdom, or France.

## **Democratic Backsliding in Turkey, Hungary, and Poland**

So, how has ‘democratic backsliding’ manifested itself in Turkey, Hungary, and Poland? When discussing the state of democracy in those three countries, one immediately observes that they have quite different levels of civil and political liberties today. While Turkey was rated ‘not free’ by Freedom House in 2019, Hungary was rated ‘partly free,’ and Poland was still rated ‘free,’ even though it was on a downward trend. All three countries seem to be borrowing multiple pages from the “autocrats’ playbook,” to follow the logic in the book *How Democracies Die* by Harvard political scientists Steven Levitsky and Daniel Ziblatt. All three regimes moved to consolidate control over the judiciary and the media (some gradually, others quite quickly), tried to eliminate effective checks on its executive power, rigged (or tried to rig) the electoral system to guarantee victory at the next ballot box, repressed independent civil society organizations and democracy activists, and finally, put serious limits on academic freedom.

**Turkey** today is a clear case of a ‘competitive authoritarian’ regime; indeed, it has become a very coercive one that jails many regime critics including journalists and opposition politicians. We can trace the ‘authoritarian turn’ in Turkey back to the May 2013 Gezi Park protests, a mostly peaceful protest against an urban development plan for an Istanbul park. The response by the police was to use excessive force, and broader concerns about the government’s role in limiting freedom of the press and of assembly among observers started to increase. Since 2013, Erdogan has consolidated his power by responding to a military coup in July 2016 through a government crackdown on dissent, and eventually by abolishing the position of Prime Minister and establishing a presidential regime in 2017. With a weak opposition, elections in which the electoral playing field was heavily tilted in the government’s favor, and a steady erosion of the rule of law, it is hard to see any remaining tenets of liberal democracy left in Turkey today.

According to Levitsky and Way, the scholars who introduced the concept of competitive authoritarianism, Viktor Orban’s **Hungary** today “is a prime example of a competitive autocracy with an uneven playing field.” Orban’s Fidesz party, either with or without political allies, has held a two thirds supermajority in the Hungarian parliament since 2010, which has enabled him to rewrite the Constitution and push through institutional reforms that have further consolidated his grip on power. This two thirds majority has allowed Orban to eliminate constitutional checks and balances and assert control over previously independent public bodies, like the National Election Commission and the National Media Board. Orban has openly hailed Putin’s Russia and Erdogan’s Turkey as examples of ‘illiberal democracy’ from which he draws inspiration.

Already in 2010, Orban moved to weaken the independence of the judiciary by changing the procedure for appointing judges to allow the governing majority to make appointments without consultation of the opposition. He expanded the constitutional court from 11 to 15 judges, which made it easier to ‘pack the court’ with judges who are Fidesz loyalists. He also amended the Constitution in 2013 to limit the court’s power, after which the Fidesz government centralized the control of the judiciary in the hands of the National Judicial Office, which is politically appointed. Doing so allowed them to grant constitutional status to a number of laws that the court had declared unconstitutional.

Finally, democratic backsliding in **Poland** started more recently, and has not – as yet – proceeded as far. Poland remains a democracy for the time being, but the governing party is pushing it down the path toward competitive authoritarianism. This backsliding began with the October 2015 parliamentary elections that were won by the nationalist-populist PiS (or *Law and Justice*) party, led by Jaroslaw Kaczynski, with just under 38 percent of the vote. Today, one would put Poland in the category of illiberal democratic regimes. Of course, Kaczynski had expressed deep admiration for Orban’s regime, stating already in 2011 that Orban’s

Fidesz had given PiS an example of how to win, and that one day they would have Budapest in Warsaw. It is ironic that both Orbán and Kaczyński – ferocious former anti-Communist fighters – have used techniques once deployed by Communist regimes to consolidate and wield power, not least with party control of the media and the judiciary.

Shortly after PiS took office with an absolute majority in the Polish parliament (the *Sejm*), the PiS government launched attacks on the independence of Poland's Constitutional Tribunal and its public media, mimicking the tactics employed by Orbán in Hungary. Just a month ago, PiS won a second term in office. While PiS got an absolute majority again in the lower house of the Polish parliament, the party failed to get a majority in the senate. But still, PiS are very much in a position to further consolidate their power, and move Poland further in the direction of a competitive authoritarian regime. That being said, Poland is not quite as bad as Hungary, let alone Turkey. Civil society in Poland remains vibrant and important for the country's political culture, and there are many critical voices in the news media. The PiS government has not been able to secure the sizeable supermajority necessary to revise Poland's constitution. And while PiS seized control of the Constitutional Tribunal, it has not yet managed to take control of the judiciary as a whole. For most people in the country, the country does not feel 'less free' than it was four years ago. The danger, of course, is that this could change over the next four years as PiS is likely to continue on its illiberal governing path.

## **Role of the EU and NATO**

The erosion of democratic principles in Poland and Hungary have not gone unnoticed in the European Union. In both cases, the EU has instigated Article 7 of the Treaty on European Union (TEU). This is a procedure in the treaties of the EU to suspend certain rights from a member state that is persistently breaching the EU's founding values, including respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. But since the article requires unanimity among all EU member states, excluding the violating country, it has not been acted upon since both Hungary and Poland have promised to veto any sanctions in each other's cases.

In the case of Turkey, the EU has played an indirect role. As the erosion of democracy in Ankara accelerated, the EU has responded by slowing down and then freezing most accession negotiations – even though Turkey formally remains an applicant for EU membership. However, the prospect of membership has never been more distant since Turkey first formally applied for EEC membership in 1987. Furthermore, the “cash-for-refugees” deal Angela Merkel's Germany concluded on behalf of the EU with the Erdoğan regime to keep most Syrian refugees on Turkish soil with substantial EU financial support also forces the EU to tread carefully when it comes to criticizing the regime for what Ankara will mostly see as internal political affairs.

According to my colleague R. Daniel Kelemen at Rutgers University, the EU has contributed indirectly to the consolidation of both Orbán's Fidesz and Kaczyński's PiS regimes, by three factors, de facto creating what he calls a stable “authoritarian equilibrium” in the EU:

1. **The EU's “Half-Baked” System of Party Politics.** One of the ironies of constant complaints within the EU about the existence of a ‘democratic deficit’ is that it induced the EU to have more ‘politics’ at the EU level. Pan-European political party families – including the European People's Party (EPP) which brings together the continent's conservatives and Christian democrats, and the Socialists and Democrats (S&D) which is the home of most European labor parties and social democrats – now play an increasingly central role in EU politics. Since Orbán's Fidesz was a member party of the EPP supported by Germany's Angela Merkel and European Commission President Jean-Claude Juncker, they have proved relatively reluctant to criticize Orbán as they needed his party's votes to push through legislation in the European Parliament or make political appointments. This has only enabled Orbán by giving him the veneer of respectability of being the member of a center-right bloc with the

likes of Merkel. Once his regime was fully consolidated, he could then veto any EU procedures that would invoke article 7 against like-minded regimes like Poland.

2. **EU Funds.** There is a very rich literature in political science on how ‘rents’ – from oil or gas or even from development aid – can act as a kind of ‘resource curse’ that ends up fueling corruption and clientelism, thereby supporting autocratic regimes. Ironically, the EU’s well intentioned funding programs, such as the European Structural and Investment Funds (ESIFs), seem to be playing a similar role in funding the drift towards authoritarianism and kleptocracy in some of its member states. The total budget for ESIFs for the 2014–2020 financial cycle was 450 billion euro (close to \$500 billion), of which Poland (with 38 million people) is the largest recipient with 86 billion euro, while Hungary (with 9.7 million people) is the largest recipient per capita as it will have received close to 25 billion euro during that cycle. While those funds used to be allocated for democracy promotion and institution building, they can now be used by both Fidesz and PiS regimes as a source of leverage to pay off party insiders and consolidate their regimes. Likewise, recently a major New York Times investigative report found that EU agricultural funds were being channeled by backsliding regimes into the hands of oligarchs closely connected to the ruling party or to leaders themselves.
3. **Emigration and the Single Market.** The four freedoms that are at the heart of the European single market – free movement of goods, services, capital, and labor – have made emigration a lot easier and attractive. While most of the millions of citizens who have emigrated from East European EU member states to West European states did so for economic reasons, this emigration may help aspiring autocratic rulers gain and retain power. In general, the emigrants are more urban, younger and higher skilled and tend to be voting for the opposition or would be working in the independent media. In other words, emigration of dissatisfied young people depletes the ranks of the democratic opposition. Emigrants also often end up sending large remittances to their elderly family members, supporting the economy back home. The data are notoriously unreliable: anywhere between 250,000 to 500,000 Hungarians are reported to have emigrated (mostly to other EU member states) since Orban came to power in 2010. There is also preliminary evidence of that in Poland, even though, it is less obvious there, as a lot of people are also moving back to Poland from the UK since Brexit.

It is not immediately obvious what kind of role NATO has played in the consolidation of autocratic tendencies in Turkey and Hungary, and the gradual slide towards autocracy in Poland. Although NATO’s founding charter mentions “the principles of democracy, individual liberty, and the rule of law,” it has really no mechanism (like the EU’s Article 7) for responding to or sanctioning behavior that is not in line with those values. That being said, the ‘democratic backsliding’ among some of its members is something that should worry the United States and other NATO members as it will drive a wedge between its members, weaken solidarity, and could eventually further undermine the commitment to Article 5, fatally weakening the transatlantic alliance.

It should also be noted that these autocratic tendencies play in the hands of Vladimir Putin’s Russia. Indeed, one could say that Russia has been actively encouraging those anti-democratic tendencies, from spreading misinformation in support of those regimes to the coordination of foreign policies. Over the longer term, other international strategic competitors of the US – such as China – can be expected to exploit any divisions over democratic values within NATO as well. Our adversaries will see increasingly authoritarian regimes within NATO as potential Trojan Horses; they will seek to cultivate closer ties with and greater leverage over such regimes so that they can divide the alliance from within. Indeed, there are already signs this is happening.

### **What can the United States and the European Union Do?**

Both the United States through NATO and our European allies through the EU should do more to encourage common values like the rule of law and democracy in Turkey, Hungary and Poland. While it may be hard to

achieve concrete results in the very short term, both organizations should be aware that they are playing a long game, and that none of the three current leaders in Ankara, Budapest, and Warsaw will be in power indefinitely. While lecturing allies and friends on democratic principles may easily backfire and be quickly condemned as hypocrisy, the US especially should stand by its enduring commitment to democratic freedoms and the rule of law in all its official (and unofficial) foreign policy statements.

Going forward, the **European Union** can:

- make its funding more conditional on abiding by democratic principles and rule of law and withhold funding if necessary. The EU is currently debating instituting tougher ‘rule of law’ conditions on its funding in the next budget cycle.
- condemn anti-democratic countries directly, rather than focusing on economics, the EU could also rank countries based on political freedoms, by naming and shaming the worst performers.
- encourage its mainstream pan-European political parties – especially the center-right EPP and the center-left D&S – to not allow parties with autocratic or illiberal tendencies within their political groupings.

Going forward, the **United States** should:

- continue to support civil society groups and free media in countries experiencing democratic backsliding. For instance, recent reports that Radio Free Europe would be recommencing operations in Hungary are a step in the right direction.
- emphasize that NATO membership means rights as well as responsibilities beyond spending 2% of GDP on defense. NATO must be an alliance based on basic common democratic values. The transatlantic alliance has proven so strong and enduring not simply because of Realpolitik, but also because it has been an alliance based on a shared commitment to freedom and democratic values. If those values are no longer seen as common to the alliance, it will inevitably erode.
- encourage overseas investment through OPIC in countries that show a strong commitment to the rule of law and democracy while showing a higher level of reluctance to support investment in regimes that are dismantling those institutions.

## Final Thought

In the end, as my Johns Hopkins University colleague Erik Jones and I have written, “you can have the best political institutions in the world, but if the people who live within them do not want to use them the way they were designed to function, then those institutions will not work.” Despite what some scholars have argued, the popular appeal of liberal democracy remains undiminished around the world. Voters’ attitudes – young or old – have not changed in fundamental ways. What has changed is many politicians’ willingness to tap into their voters’ fears by offering simple solutions to complex problems. Populists across the political spectrum will be quick to exploit a crisis and question the legitimacy of the existing political system. The key challenge politicians face is to use common institutions properly and agree on what constitutes proper use in the first place.

This is hardly a new insight. It is the difficulty that Jean-Jacques Rousseau addressed back in 1772 when he was writing his ‘considerations on the government of Poland and on its proposed reformation.’ For Rousseau, better institutions or structural reforms were not the answer. “What is impossible is to make laws that the passions of men will not corrupt – just as they had corrupted the laws previously in effect; and to foresee and evaluate all the forms this corruption will take is, perhaps, beyond the powers of even the most consummate statesman.” This concept of “democratic dysfunction” is more about governing elites and their use or abuse of existing institutions than it is about great leaders or apathetic masses. The great beauty of democracy is that everyone and anyone can aspire to this “elite” status. But if democracy is what we make of it, we are also the only ones to blame if we make a mess of it.