



EXECUTIVE TRAINING SEMINAR

Protecting Liberal Democracy in Illiberal Times: Policy Experiences from Europe, Latin America and Africa

Florence, 15th-17th November 2017

Scientific Coordinator: Carlos Closa Montero | European University Institute and Instituto de Políticas y Bienes Públicos (IPP)

Venue: Sala Europa, Villa Schifanoia, European University Institute

■ ABSTRACT

A significant number of regional, international and global organisations across the globe have equipped themselves with mechanisms for protecting democracy and the rule of law, assuming liberal-representative democracy as a standard condition for membership. Today, organisations such as the European Union, the Organization of American States, and the African Union are increasingly challenged by the rise of populist political discourses and the coexistence of a variety of authoritarianisms and defective democracies in their regions of influence. Participants in this Executive Training Seminar will acquire first-hand knowledge about the substantive content of the different mechanisms for the protection of democracy in regional organisations in Europe, America and Africa. They will also actively learn about the internal functioning of these organisations and the policy effects of their application by examining concrete case studies. Throughout the Executive Training Seminar, participants will have the opportunity to network with a set of top officials and experts from regional and international organisations, such as the African Union and Organization of American States, as well as with senior practitioners from NGOs and like-minded colleagues from all over the world.

■ PROGRAMME

15 November 2017

Chair	Carlos Closa Montero EUI and IPP
9.00 - 9.30	Institutional Greetings and Presentation of the Executive Training Seminar Renaud Dehousse President of the European University Institute Fabrizio Tassinari Executive Coordinator of the School of Transnational Governance Carlos Closa Montero EUI and IPP
9.30 - 11.00	Key Note Speech Suspending States from Regional Organisations for Breaches of Human Rights and Democracy: Is the Practice Legitimate? Alison Duxbury Melbourne Law School
11.00 - 11.30	<i>Coffee break (Sala Bandiere)</i>
11.30 - 13.00	The Role of the Organization of American States in Recent Democratic Crises in the Americas Jean Michel Arrighi OAS Secretary of Legal Affairs
13.00 - 14.00	<i>Lunch (Sala Bandiere)</i>
14.00 - 15.30	Regional Organisations and Democratic Clauses: the Challenges Facing Latin American Democracies in Crisis Jorge E. Taiana MERCOSUR and CIEP-UNSAM
15.30 – 16.00	<i>Coffee break (Sala Bandiere)</i>
16.00-17.30	Training Session: Is the Right to Democracy Enforceable? Focus on Hard Cases in the Interamerican System Stefano Palestini Freie Universität Berlin
17.30 - 19.00	Training Session: Shopping around for Democracy-Protection: the Overlap between OAS, UNASUR and MERCOSUR Stefano Palestini Freie Universität Berlin

20:00 *Welcome Dinner* at “Hotel Baglioni”
(Restaurant, top floor) Piazza dell’Unità Italiana, 6, Florence
Tel. +39 055 23580

16 November 2017

Chair **Carlos Closa Montero | EUI and IPP**

9.00 - 10.30 **Development, Democracy and Peace in Africa: Current Challenges and Opportunities**
Baso Sangqu | Southafrican Ambassador to the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Mission to the European Union

10.30 - 11.00 *Coffee break (Sala Bandiere)*

11.00 - 12.30 Training Session: **The African Union and Democratic Consolidation in Africa: Bridging the Gaps between Policy and Actions**
Samuel O. Oloruntoba | University of South Africa

12.30 - 13.30 *Lunch (Canteen Villa Schifanoia)*

13.30 - 15.00 **ECOWAS Democratic Governance Trends: Opportunities and Prospects**
Eyesan E. Okorodudu | Economic Community of West African States (ECOWAS)

15.00 - 16.30 Training Session: **Consolidating Democracy in West Africa: the ECOWAS Experience**
Babatunde T. Afolabi | Centre for Humanitarian Dialogue

17 November 2017

Chair **Carlos Closa Montero | EUI and IPP**

9.00 - 10.30 **A Focus on the European Union**
Danuta Hübner | European Parliament

10.30 - 11.00 *Coffee break (Sala Bandiere)*

11.00 - 12.30 Training Session: **Learning from Past and Present Failures to Prevent Illiberal Regimes from Consolidating within the EU**
Laurent Pech | MiddleSex University London

12.30 - 13.30 Lunch (Sala Bandiere)

13.30 - 15.30 Round Table:
Protecting Liberal Democracy in Illiberal Times: Policy Experiences from Europe, Latin America and Africa

15.30 - 16.00 **Final Remarks and Award of Certificates**

16.00 - 17.00 *Farewell Cocktail (Sala Bandiere)*

■ FACULTY

Babatunde T. Afolabi	Centre for Humanitarian Dialogue, Switzerland
Jean Michel Arrighi	Organization of American States, United States of America
Carlos Closa Montero	European University Institute and Instituto de Políticas y Bienes Públicos, Italy and Spain
Alison Duxbury	Melbourne Law School, Australia
Danuta Hübner	European Parliament (Poland), Belgium
Miguel Poiaras Maduro	European University Institute, Italy
Eyesan E. Okorodudu	Economic Community of West African States, Nigeria
Samuel O. Oloruntoba	University of South Africa, South Africa
Stefano Palestini	Freie Universität Berlin, Germany
Laurent Pech	MiddleSex University London, United Kingdom
Baso Sangqu	South African Ambassador to the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Mission to the European Union, Belgium and Luxembourg
Jorge E. Taiana	MERCOSUR and Centro Internacional de Estudios Políticos (CIEP) and Universidad Nacional de San Martín (UNSAM), Argentina

■ PARTICIPANTS

Ece Arda	Università degli Studi di Milano, Italy
Hannah Bagdasar	University of Berkley, United States of America
Ahmed Ben Aessa	STG Fellow, European University Institute, Italy
Tom Gerald Daly	Melbourne Law School, Australia
Cassandra Emmons	University of Princeton, United States of America
Théo Fournier	European University Institute, Italy
Alfonsina Gomez Martin	Universidad Nacional de Rosario, Argentina
Gaye Gungor	Migration Systems, Germany
Carolina Parada Hernández	Vote Watch Europe, Belgium
Nyadera Nyaburi Israel	African Foundation, Turkey
Diana Kawenda	Tendai Biti Law Hmb Chambers, Zimbabwe
Jesse Kornbluth	Brookings Institutions, United States of America

Bruno Theodoro Luciano	University of Birmingham, United Kingdom
Augustine Magolowondo	Netherlands Institute for Multiparty Democracy (NIMD)'s Africa Regional Representative, Malawi
Soumano Moumouni	Executive Director of the Centre for Multi-Party Democracy, Mali
Mwende Mutua	Community Aid International (CAI), Kenya
Michael Otieno Kisaka	Hacettepe University, Turkey
Josie Rodrigues de Paula	Complutense University, Spain
Heleen Schrooyen	Senior Programme Manager for Latin America, Netherlands Institute for Multiparty Democracy (NIMD), The Netherlands
Arjan Van der Waal	Programme Manager for Africa, Netherlands Institute for Multiparty Democracy (NIMD), The Netherlands
Micha Wiebusch	United Nations University Institute on Comparative Regional Integration Studies, Belgium

■ SESSIONS ABSTRACTS AND RECOMMENDED READINGS

a) **Regional Organisations and Democratic Clauses: the Challenges Facing Latin American Democracies in Crisis**

Democratic clauses and suspension mechanisms established in OAS, MERCOSUR and UNASUR instruments were shaped to respond to historic threats to constitutional enforcement and the Rule of Law in the Americas. Are these instruments equipped to channel regional responses to new challenges facing democracy.

b) **Is the Right to Democracy Enforceable? Focus on Hard Cases in the Inter-American System**

The session will discuss the capacity of international organizations to enforce instruments for the protection of democracy such as suspension clauses, crisis-management interventions, and economic sanctions. Using emblematic cases in the Inter-American System, we will analyse how the institutional design, the decision-making process, and the asymmetry of power among member states condition “enforceability”.

1. Arceneaux, Craig L., and David. Pion-Berlin. 2007. “Issues, Threats, and Institutions: Explaining OAS Responses to Democratic Dilemmas in Latin America.” *Latin American Politics & Society* 49(2): 1–31
2. Donno, Daniela. 2010. “Who Is Punished? Regional Intergovernmental Organizations and the Enforcement of Democratic Norms.” *International Organization* 64(4): 593–625.
3. Closa, Carlos and Stefano Palestini. 2016. Defensa de la Democracia o autodefensa: Las organizaciones regionales y la protección de la Democracia en América Latina y el Caribe. *Pensamiento Propio* 44: 145-176

c) **Shopping around for Democracy-Protection: the Overlap between OAS, UNASUR and MERCOSUR**

What happens when a state affected by a democracy-related crisis is member of more than one organization with competences for democracy-protection? In the session we will analyse the consequences of institutional overlap on the effectiveness of crisis-management. We will also discuss policy recommendations to deal with miss-coordination, forum-shopping, and rivalry between regional organizations.

1. Nolte, Detlef. 2014. Latin America's New Regional Architecture: A Cooperative or Segmented Regional Governance Complex? EUI Working Papers, RSCAS 2014/89
2. Closa, Carlos, and Stefano Palestini. 2015. Between Democratic Protection and Self-Defense: The Case of UNASUR and Venezuela. EUI Working Papers, RSCAS 2015/93

d) The African Union and Democratic Consolidation in Africa: Bridging the Gaps between Policy and Actions

The African Union was established by the Constitutive Act of 2000, as a replacement to the Organisation of African Unity. Article 3 (g) of the Act was aimed at promoting democratic principles and institutions, popular participation and good governance in Africa. This session examines the gaps between the policy and the real actions of the AU in promoting democracy on the continent, especially in the light of the challenges with resource mobilisation and moral capital of many of the leaders.

1. André Mbata Mangu (2014) The African Union and the promotion of democracy and good political governance under the African Peer-Review Mechanism: 10 years on, *Africa Review*, 6:1, 59-72
2. Francis Fukuyama, Democracy and the Quality of the State, *Journal of Democracy*, 2014
3. Fareed Zakaria, The Rise of Illiberal Democracy, *Foreign Affairs*; Nov/Dec 1997; 76, 6; ABI/INFORM Global pg. 22

e) ECOWAS Democratic Governance Trends: Opportunities and Prospects

The session will focus on a general reflection of ECOWAS's democracy and good governance architecture objectives as it will relate to the areas of participatory democracy and the key role ECOWAS has played in the strengthening and deepening good democratic culture and values across its fifteen Member States. To attain this goal, the session will be structured to cover these specific but interrelated areas: ECOWAS governance programme architecture, context of governance in the ECOWAS region and proposals for transforming governance in West Africa and the Continent at Large. The session will then focus on the following key topics: the operationalization of Inter-Party Advisory Committee as a mechanism to foster national unity and inclusive development; citizen driven decentralization policy to enhance participatory democracy, accountability, transparency and inclusiveness especially at local governance level; the necessity of inclusive governance to enhance youth and women involvement in governance processes.

1. Regional Organizations and Democratization in Africa: The ECOWAS Experience https://link.springer.com/chapter/10.1057/9781137484345_8
2. Development Cooperation and Electoral Integrity in West Africa: Issues and Prospect. <https://www.idea.int/publications/catalogue/development-cooperation-and-electoral-integrity-west-africa-issues-and>
3. ECOWAS Protocol on Democracy and Democracy 2001

f) Consolidating Democracy in West Africa: the ECOWAS Experience

1. Afolabi Babatunde T., Peacemaking in the ECOWAS Region: Challenges and Prospects', in one of the attachments (titled ACCORD Full Text 2009_2), which is from page 24-30
2. Afolabi Babatunde T., Conflict Mediation in West Africa' in Engels Ulf (Ed.) 2012, New Mediation Practice in Africa, Leipzig University Press, Germany
3. Odigie B. (2017) 'In Defence of Democracy: Lessons from ECOWAS' Management of the Gambia's 2016 Post-election Impasse', published by ACCORD

g) EU's Answers to Rule of Law Backsliding at Member State Level

How should the EU cope with Member States that no longer respect the basic values of the Union? This session will focus on the cases of Hungary and Poland, showing the responses of the major EU institutions to those two Member States as their governments removed checks on their power, eliminated the independence of judiciaries and failed to honour their European commitments. The session will also explore the various proposals that have been made to do better, including the European Parliament's proposal for a new EU mechanism on Democracy, the Rule of Law and Fundamental Rights

1. European Parliament resolution of 17 May 2017 on the situation in Hungary (2017/2656(RSP)) <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2017-0216+0+DOC+XML+V0//EN&language=EN>
2. [Commission Recommendation regarding the rule of law in Poland of 26 July 2017](#)

■ FACULTY BIOGRAPHIES

Babatunde T. Afolabi is the Senior Programme Manager (Anglophone West Africa) for the Centre for Humanitarian Dialogue (HD), a private Swiss mediation foundation. His book titled 'Politics of Peacemaking in Africa: Non-State Actors' Role in the Liberian Civil War', James Currey Oxford publishers, UK, was released this summer. Babatunde holds a Doctor of Philosophy (PhD) Degree in International Relations from the University of St. Andrews, Scotland, UK.

Jean Michel Arrighi is vice president of the Latin-American Society of International Law, member of the "Instituto Hispano-Luso Americano de Derecho Internacional". He is former Director of Consumer Defense and former National Director of Commerce and Suppliers in Uruguay (1985 - 1990), legal adviser to the International Organization of Consumers Unions (de 1990 - 1993) and legal adviser (through competition) to the General Secretariat of the OAS (1993 - 1996). From 1996 to 2005, he was the Director of the Department of International Law of the General Secretariat of the OAS. Since 2005, he was then Director of the Department of International Legal Affairs until his appointment as Secretary for Legal Affairs.

Danuta Hübner was Poland's first European Commissioner, is one of her country's foremost economists and policymakers and has played a key role in the enlargement of the EU. Since July 2009 Ms. Hübner is a Member of the European Parliament. Currently she is the Chair of the Committee on Constitutional Affairs as well as member of the Committee on Economic and

Monetary Affairs and the Delegation for relations with the United States. During the past decade, her roles in Poland's Government have included Minister for European Affairs, Head of Office of the Committee for European Integration and Secretary of State for Poland's Ministry of Foreign Affairs, Deputy Minister for Industry and Trade and Minister Head of the Chancellery of the President of the Republic of Poland. In 2000-2001 Professor Hübner was Under-Secretary-General of the UN.

Carlos Closa Montero is Part Time Professor at the School of Transnational Governance He has been Deputy Director at the Centre for Political and Constitutional Studies (CEPC) in Madrid and member of the Venice Commission for Democracy through Law of the Council of Europe. He has collaborated with the European Commission (DG Justice, Freedom and Security), the *UN Programme for Development (UNDP)* in Iraq (UNAMI). He has also collaborated with the Spanish Cooperation Agency (AECID) in the formation and training on regional integration in Latin America and in the decentralization processes in the Andean area and formation of parliamentarians. He is collaborating with the *Foundation Notre Europe*, the *EU Committee of Regions* and with the Bureau of Policy Advisers (BEPA) of the President of the European Commission.

Alison Duxbury is a Professor at Melbourne Law School, University of Melbourne. Her teaching and research interests are in the fields of international institutional law, human rights law and international humanitarian law. Her publications include *The Participation of States in International Organisations: The Role of Human Rights and Democracy* (Cambridge, 2011) and a co-edited book, *Military Justice in the Modern Age* (Cambridge, 2016).

Miguel Poiães Maduro is the Director of the School of Transnational Governance (EUI). From April 2013 to October 2015 Professor Maduro was Portugal's Minister for State and Regional Development and Minister Adjunct to the Prime Minister. From October 2009 to April 2013 he has held the Joint Chair in European Law with the Robert Schuman Centre for Advanced Studies and the Department of Law at the EUI. In this capacity he was the founding director of the Global Governance Programme (GGP). From 2003 to 2009 Maduro was Advocate General at the European Court of Justice. In 2010 he was awarded the prestigious Gulkbenkian Science Prize for his outstanding work in the field of law.

Eyesan E. Okorodudu is the Head of Democracy and Good Governance at the ECOWAS Commission in Abuja in Nigeria. Before joining ECOWAS, he worked as a Private practicing Solicitor and Attorney in Lagos State, after his call to the Nigerian Bar Association in 1988 for several year. Throughout his professional career he facilitated the establishment of a number of notable regional networks and platforms such as: ECOWAS Civil Society Organization Platform on Transparency and Accountability in Governance (ECSOPTAG), Forum of West African Political Parties (FOWAPP), Network of National Human Rights Institution in West Africa (NNHRI), Network of Anti-Corruption Institutions in West Africa.

Samuel O. Oloruntoba is a Senior Lecturer and the Coordinator of the Research cluster on Innovation and Developmental Regionalism at the Thabo Mbeki African Leadership Institute, University of South Africa, Pretoria, South Africa. He obtained PhD in Political Science from University of Lagos, Nigeria. Oloruntoba is the author of *Regionalism and Integration in Africa: EU-ACP Economic Partnership Agreements and Euro-Nigeria Relations* (2016), and co-editor of *Palgrave Handbook on African Politics, Governance and Development*, Palgrave Macmillan, New York, USA 2017. Oloruntoba was the recipient of Wangari Maathai Award for Innovative Research Leadership at the University of Texas, Austin, Texas, USA, in March 2016.

Stefano Palestini is a Postdoctoral Fellow at the Department of Political and Social Sciences at the Freie Universität Berlin. He holds a Ph.D from the European University Institute, Florence, Italy. He has been consultant at the United Nations Development Programme (UNDP), visiting

researcher and lecturer at universities in Brazil, Chile, Ecuador, Italy, and the United States. He collaborates with the International Peace Institute, the Inter-American Dialogue, and Open Democracy.

Laurent Pech is Professor of European Law, *Jean Monnet* Chair of European Public Law (2014-17) and Head of the Law and Politics Department at Middlesex University London. Laurent Pech specialises in EU Public Law and one of his key areas of expertise is compliance with rule of law principles within the European legal space. Laurent Pech is a member of the editorial board of *Hague Journal on the Rule of Law* and was the lead author of a research report commissioned by the European Parliament on the establishment of an EU mechanism on Democracy, the Rule of Law and Fundamental Rights (PE 579.328, April 2016).

Baso Sangqu before being appointed as South-African Ambassador to the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Mission to the European Union was Permanent Representative of South Africa to the United Nations. Till 2007 Baso Sangqu was Deputy Permanent Representative, having previously been South Africa's Ambassador to the African Union in Addis Ababa, Ethiopia, between November 2002 and 2006. While working as Acting Chief Director for Economic Development, Multilateral Development and Cooperation in the Department of Foreign Affairs between October 2001 and 2002; Baso Sangqu also served as Head of the Substance Unit for the (Johannesburg) World Summit on Sustainable Development from February 2001 to 2002.