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To cite this article: Maria J. Debre & Lee Morgenbesser (2017) Out of the shadows: autocratic regimes, election observation and legitimization, Contemporary Politics, 23:3, 328-347, DOI: [10.1080/13569775.2017.1304318](https://doi.org/10.1080/13569775.2017.1304318)

To link to this article: <http://dx.doi.org/10.1080/13569775.2017.1304318>



Published online: 20 Mar 2017.



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Out of the shadows: autocratic regimes, election observation and legitimisation

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ABSTRACT

Autocratic regimes have developed a new strategy to overcome the high costs of either fully complying or not complying with the international norm of external election observation. This article explains how many dictators and dominant parties deploy ‘shadow’ election observation groups over professional observation groups as part of a mock compliance strategy. By supplanting the identity of the group judging elections and displacing the normative standard being applied, autocratic regimes have sought to gain democratic-procedural legitimisation via flawed elections. This argument is evidenced using case studies of parliamentary and presidential elections in Cambodia, Zimbabwe and Egypt, which show that legitimisation driven by shadow observation groups has become a globally applied strategy. The conclusion offers policy proscriptions for how to counteract the deployment of these groups and what the emergence of this phenomenon means for the study of autocratic legitimisation.

KEYWORDS

Autocratic regimes;
Cambodia; elections; election
observation; Egypt;
legitimisation; Zimbabwe

Introduction

The notion that any country holding an election should submit itself to external observation is an international norm.¹ Beginning in the late 1980s, the number of elections monitored by intergovernmental organisations, non-governmental organisations and sovereign states increased substantially. This brought increased criticism of the behaviour of autocratic regimes, which signalled their compliance to the norm in exchange for certain benefits, such as legitimisation (Hyde, 2011a; Kelley, 2008). Accordingly, dictators and dominant parties sought legitimisation by feigning conformity to normative standards about the most appropriate method for selecting political authority. This gave democracy promotion actors, which coordinated the majority of election monitoring missions, newfound leverage over the behaviour of autocratic regimes. In the last decade, however, dictators and dominant parties fought back.

The coloured revolutions in Georgia, Ukraine and Kyrgyzstan prompted several post-Soviet states to create an assortment of ‘shadow’ election observation groups (SOGs) to not only validate their flawed elections, but subvert the critical assessments of professional observation groups (POGs). This strategy has since been adopted by dictators and

dominant parties in the Middle East, Latin America, Southeast Asia and sub-Saharan Africa. Given their purpose and performance, the question that arises is how autocratic regimes actually use SOGs for legitimisation. Despite observation of these groups internationally, no theoretical explanation exists for how they underwrite legitimacy domestically. This article addresses this deficit.

The article offers a theory on the relationship between autocratic regimes, election observation and legitimisation. The argument advanced here is that dictators and dominant parties deploy SOGs as part of a 'mock' compliance strategy to the international norm of external election observation. To avoid the higher costs associated with both substantive compliance and noncompliance, autocratic regimes have instead supplanted the identity of the group judging elections and displaced the normative standard being applied. The resulting dividend of 'democratic-procedural' legitimisation occurs via a seven-step roadmap, which includes SOGs offering external, social recognition of the elections. The goal is to build a generalised perception amongst citizens about the integrity of the election and the right to rule held by autocratic regimes.

A few implications flow from this argument. For international relations norms, the adoption of a mock compliance strategy casts doubt on the socialisation process attached to the cascades stage of the norm life cycle (Finnemore & Sikkink, 1998). Indeed, the establishment of SOGs reveals that democracy promotion actors have hitherto failed to account for the agency of autocratic regimes. Ultimately, the supplanting and displacing of the norm of election observation invariably puts in jeopardy its eventual internalisation. For democratisation, competing electoral standards undermine the credibility of the observation process and the leverage it has traditionally provided. This means the costs of divergence from the norm of clean elections is now inversely related to how successfully SOGs are deployed. Such a development is invariably beneficial to the survival of autocratic regimes, which have previously had to choose between inviting observers when elections will not meet minimal standards or prohibiting them when manipulation and misconduct will be discovered. The creation and activation of SOGs instead offers a less risky and ostensibly more rewarding path. For the study of autocratic legitimisation, the very deployment of SOGs demonstrates just how seriously dictators and dominant parties take the need for legitimisation. Despite normative objections within the field of political science about the application of this concept to non-democratic contexts, the fact it has value to autocratic regimes means it should be studied by scholars. This makes the ensuing analysis of SOGs – an actor created to buttress a legitimisation claim – an important avenue of theoretical and empirical inquiry.

To make the above argument, the first section offers a theory of the relationship between the validation of flawed elections by SOGs and the democratic-procedural legitimisation of autocratic regimes.² This includes how the identity of the group judging compliance to the norm of election observation has been supplanted and how the normative standard being applied has been displaced. The result of this mock compliance strategy is a roadmap culminating in legitimisation. The remainder of the article analyses three original cases of this phenomenon – Cambodia's 2013 parliamentary election, Zimbabwe's 2013 general election and Egypt's 2014 presidential election. Despite variation in the types of election, all cases follow a similar script in terms of how autocratic regimes deploy SOGs for legitimisation. This means the theory advanced here is both capable of accounting for the complexity of regime legitimisation strategies and parsimonious enough to be

applicable to specific instances of them. The article concludes by offering policy proscriptions for counteracting the use of SOGs and what the emergence of this phenomenon means for the study of autocratic legitimization.

Shadow election observation and mock compliance

The international contest over flawed elections was on full display during Azerbaijan's 2013 presidential election, which the incumbent dictator Ilham Aliyev won in a landslide. The Organisation for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODHIR) (2013) declared that 'significant problems were observed throughout all stages of election day processes.' This assessment stood in contrast to the Cooperation Council of Turkic-Speaking States, Independent American Centre of Political Monitoring and Observation Mission of the Standing Conference of Political Parties of Latin American and the Caribbean. Together, these SOGs declared that 'no significant violations were revealed during the voting' and that the election was 'transparent and free' (in Walker & Cooley, 2013). This was evidently the only assessment that mattered, given that it was disseminated on Azerbaijan's media as evidence of external recognition for the poll.

The existence of SOGs has itself been the focus of observation. Beginning with Kupchinsky (2005) and Fawn (2006), the consequences of having competitors with opposing political values undertaking international election monitoring was immediately apparent. This nascent field of research made significant strides through the work of Kelley (2009b, 2012) and Hyde (2011b), both of whom provided compelling explanations to account for divergences from the international norm of election observation. Indeed, they were acutely aware of how autocratic regimes actively employed shadow or friendly observation groups to validate flawed elections. Despite such insights, the question of where to draw the line between POGs and SOGs is contentious. A simple illustration is the way Russia frequently accuses the OSCE/ODHIR of being biased against Eurasian elections, while the United States makes the same claim about the Commonwealth of Independent States Election Monitoring Organisation. To distinguish between the two actors, this article defines a shadow election observation group as an intergovernmental organisation or international non-governmental organisation that

- (1) Has a majority of autocratic member states (i.e. a low democratic density);
- (2) Is not a signatory to the *Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers* (2005);
- (3) Validates elections judged by independent experts to have low or very low integrity.

The last feature will be substantiated using data published annually by the Electoral Integrity Project, which uses a 100-point index to rank elections as very low (<40), low (40–49), moderate (50–59), high (60–69) and very high (70>). An equally valid substitute measurement of electoral integrity is published by the Varieties for Democracy project. Besides the African Union, which has a notoriously checkered history of monitoring elections, all SOGs identified in the following pages meet this definition.

Moving forward, this article draws appreciatively but critically from existing research on this phenomenon. The first problem is that our current state of knowledge is based almost

exclusively on a set of idiosyncratic cases from Eurasia, especially Azerbaijan, Belarus and Russia. This demands some caution about the extent of generalisation possible, but also the degree of variation unaccounted for in other regions of the world. The second and more pertinent problem is the lack of theory building on the link between SOGs and the legitimisation of autocratic regimes. Given how important legitimacy is to dictators and dominant parties (Dukalskis, 2017; Gerschewski, 2013; Morgenbesser, 2016), the external sources of their stability requires a fuller explanation.

Shadow election observation: a new identity

The norm of external election observation was once inseparable from its enforcement by a collective of POGs acting directly on behalf of democratic states or exhibiting a strong democratic identity. The integrity of elections in these consolidated democracies, especially those in Western Europe and North America, made these POGs a jury for judging compliance and noncompliance to the norm. 'They primarily serve an information role,' Hyde (2011b, p. 35) explains, 'their reports matter to the extent that other actors rely on them to evaluate the quality of elections.' This influence came into full view during the run-off of Ukraine's 2004 presidential election, which was monitored by the OSCE/ODHIR, the International Republican Institute (IRI) and the National Democratic Institute (NDI). The collective denouncement of the poll offered by these POGs helped trigger the Orange Revolution that ousted Viktor Yanukovich (Bunce & Sharon, 2011, pp. 141–146). The sole SOG in attendance was the CIS/EMO, which deemed the poll to be 'legitimate and of a nature that reflected democratic standards' (in Kuzio, 2004). While this endorsement was unproductive, it represented one of the last times a SOG was rendered ineffective by the established collective of POGs. Instead, the coloured revolutions proved to be the catalyst for dictators and dominant parties to take a more methodical approach to securing external recognition of their elections.

A core component of the subterfuge undertaken by autocratic regimes has been to supplant the identity of the group judging elections. A few common tactics are identified. The first ploy involves sending late invitations to POGs as a way of feigning compliance to the expectation that they should be in attendance. The Carter Centre, for example, had to turn down an invitation to observe Ethiopia's 2010 parliamentary election after the government postponed the establishment of its exploratory team, which meant the group would have arrived too late to do their job properly (see Tekle, 2010). The second ploy involves the creation of hostile working conditions for POGs. During the Republic of the Congo's 2016 presidential election, for instance, the government of Denis Sassou Nguesso imposed a nationwide two day communication blackout and motor vehicle ban (Ross, 2016). This no doubt made the job of the few POGs in attendance extremely difficult.

The final ploy is to invite a disproportionate mix of observation groups. This enables autocratic regimes to underscore the assessment of a SOG majority as evidence of external, social recognition. During Uganda's 2016 general election, for instance, the critical assessments of the Commonwealth Secretariat and European Union (EU) groups were made subordinate to the positive assessments of missions from the African Union (AU), East African Community (EAC), Common Market for Eastern and Southern Africa (COMESA) and Intergovernmental Authority on Development (IGAD). The deliberate

creation of this lop-sided playing field subsequently allowed Yoweri Museveni to swiftly claim that 'I don't need lectures from anybody on how to organise elections ... those Europeans are not serious' (in Biryabarema & Makori, 2016). Overall, the application of the above tactics is representative of a more confrontational strategy adopted by dictators and dominant parties for determining 'who' judges elections.

The attempt to supplant the identity of the group judging elections is indicative of the mock compliance strategy adopted by autocratic regimes. This denotes the outward appearance of compliance, but combined with relatively disguised behavioural divergence from established standards (see Walter, 2008). It is an approach adopted when the costs of compliance to a global (often 'Western') normative standard fall disproportionality on influential domestic interests. In this instance, the contradictory pressures of holding clean elections and needing to maintain power has led dictators and dominant parties to utilise an approach that falls between formal noncompliance (i.e. forbidding all election observation) and substantive compliance (i.e. authorising unfettered election observation) with the international norm. The aforementioned tactics give autocratic regimes the space required to signal compliance to the norm by permitting and disregarding criticism from POGs, while subtly facilitating and welcoming praise from SOGs. By supplanting the very identity of the group enforcing the norm of external observation, they can procure democratic-procedural legitimation from flawed elections.

Shadow election observation: a new standard

The deception of autocratic regimes continues with the standard of elections SOGs enforce. Officially, they subscribe to the notion that free and fair elections are the benchmark for assessment. This position is premised on the normative status of liberal democracy as the most acceptable form of government today (Rich, 2001; Sen, 1999). In October 2002, for example, several autocratic regimes signalled their compliance to the international norm of clean elections by adopting the *Convention on the Standards of Democratic Elections, Election Rights, and Freedoms in the Member States of the Commonwealth of Independent States* (CIS). In addition to being a timeless articulation of the idea of human liberty, this 7,500 word document gives primacy to elections as the 'highest direct expression of the people's power and will and the basis of elective bodies of governmental power' (CIS, 2002, p. 3). Similar declarations have been ratified by SOGs operating in Latin America and sub-Saharan Africa. The problem, of course, is that such lofty sentiments have little meaning on election day.

The more lenient standard enforced by SOGs is expressed in the parallel language they employ to assess elections. Until very recently, the norm of election observation was reliably underpinned by the norm of free and fair elections (Donno, 2013). The minimum standard required that all parties and candidates be subject to the same procedures for registering and appearing on the ballot; all campaign and compete on a level playing field; all have equal access to the media; voters be free to vote for their preferred candidates; and official results accurately reflect the votes that were cast (see Elklit & Reynolds, 2005; Elklit & Svensson, 1997). This benchmark formed the basis of assessment for the POGs that traditionally had a monopoly on election monitoring.

The response of SOGs has been to enforce a piecemeal standard of elections, rather than a wholesale standard. This means they isolate and prioritise the more reinforcing

aspects of the electoral process, while overlooking the more damning aspects. Following Egypt's 2014 presidential election, for example, the Global Network for Rights and Development (2014) declared that the 'Egyptian people have experienced a unique process toward democratic transition, and despite the fact that minor errors and inaccuracies occurred, these do not shed a negative light on the overall results of the electoral process.' Similarly, the Union of South American Nations concluded that 'Venezuela continues to be a strong democracy and that has been proven by the highly efficient, accurate and most transparent the way the [2015 parliamentary] elections were carried out' (in Telesur, 2015). Such uniform examples reveal the different terminology and criteria SOGs invoke. They typically emphasise the broader conditions of elections, including the importance of integrity, peace, stability and transparency, rather than any consequential specifics about the election itself.

The attempt to displace the standard of elections is another component of the mock compliance strategy adopted by autocratic regimes. Since dictators and dominant parties perceive the costs of substantive compliance to be too high, they instead signal their formal adoption of specific standards regarding the integrity of elections, while behaving inconsistently towards this norm. This is made possible by the prior establishment of SOGs as a collective identity, all of whom provide external validation of the new diminished standard.

Shadow election observation and legitimization

The compliance states offer to the norms that comprise the international system is due to the threat of coercion, pursuit of self-interest and/or perception of legitimacy. The last of these reasons denotes a subjective disposition that arises when an actor has an internal sense of moral obligation – a normative belief that a rule or institution ought to be obeyed (see Beetham, 1991). An international norm thus becomes legitimate – and offers legitimization – when states reconceive their interests according to its prescriptions. In the view of Hurd (1999, p. 388):

The operative process in legitimization is the internalization by the actor of an external standard. Internalization takes place when the actor's sense of its own interests is partly constituted by a force outside itself, that is, by the standards, laws, rules, and norms present in the community, existing at the intersubjective level.

This captures how autocratic regimes were conditioned throughout the 1980s and 1990s by a community standard, which delimited acceptable conduct surrounding elections and election observation. Beginning in the early 2000s, however, a small group of autocratic regimes – led by Russia – began to reconceive their interests in relation to such norms. The revisionist impulses of this group led to the adoption of a strategy that instead sought legitimization through nothing more than mock compliance to the norm of external election observation.

The subsequent diffusion of this strategy to autocratic regimes all around the world is the sum of both an underlying conviction and an overarching cost. The least surprising element is that dictators and dominant parties detest outside (i.e. 'Western') interference in their domestic affairs, especially when such an intrusion is predicated on the value of free and fair elections to democratisation. This has led them to supplant the identity

of the group traditionally endowed with the moral authority to confer legitimacy. 'A normative conviction about legitimacy,' Hurd (1999, p. 381) fortuitously warned, 'might lead to noncompliance with laws when those laws are considered in conflict with the conviction.' An equally important element has been to displace the standard of elections being enforced as a way of avoiding a repeat of the 'electoral revolutions' that toppled successive dictators and dominant parties in the first place. Instead of POGs *offering* legitimation in accordance with a high benchmark, autocratic regimes now have SOGs *providing* legitimation using a comparatively lower benchmark. The target of this mock compliance strategy is the citizen's dictators and dominant parties rule over.

An essential feature of legitimacy is the necessity of social recognition. This means any claim made becomes inextricably linked to a broader endorsement of its rightfulness; which itself speaks to the distinction between legitimacy and legitimation (Dukalskis & Gerschewski, this issue). Such an understanding is in keeping with the definition of legitimacy as 'a generalized perception or assumption that the actions of an entity are desirable, proper, appropriate within some socially constructed system of norms, values, beliefs, and definitions' (Suchman, 1995, p. 574). Autocratic regimes therefore seek external recognition of their elections because it will positively contribute to perceptions of domestic legitimacy held by citizens. This is indicative of what von Haldenwang (this issue) referred to as the 'supply cycle' of legitimation, whereby rulers issue a claim based on the fact they hold political power by virtue of the democratic-procedural mechanism of elections. The cycle grants a crucial role for SOGs as the identity responsible for providing autocratic regimes with a social endorsement of their right to rule. To execute this legitimation strategy, adept coordination and communication is required. A deductive synthesis of the empirical evidence from the existing universe of cases reveals a seven-step process:

- (1) Prior establishment of a regional organisation with a formal name and led by an eminent individual to connote credibility.
- (2) National election administrative body determines the POG/SOG balance and issues invitations. This amounts to compliance to the international norm of external election observation.
- (3) After accepting an invitation, the SOG team issues an arrival statement outlining its mission and expectations. Besides stating it will provide an independent and impartial assessment, it declares the need for the vagaries of integrity, stability or transparency.
- (4) During the campaign, the SOG normalises its behaviour by gathering – or pretending to gather – information on the integrity of the election and judging it – or pretending to judge it – against existing international standards.
- (5) Once the voting is finished, the SOG releases a statement declaring that the election not only met its expectations, but international standards regarding freedom and fairness. This amounts to social recognition of compliance to the norm of clean elections.
- (6) The positive assessment of the SOG is widely disseminated via the internet, newspapers, radio and especially television. The goal for autocratic regimes is to build a generalised perception amongst citizens about the integrity of the election.
- (7) The SOG assessment is used – on a de facto basis – to undermine the validity of the POG assessments.

This is the blueprint that has been followed by autocratic regimes to secure democratic-procedural legitimisation. The next section proceeds by providing empirical support for the argument using the cases of Cambodia, Zimbabwe and Egypt.³ The rationale for their selection is that they avoid the aforementioned problem of the scholarship generalising from a set of idiosyncratic Eurasian cases. In contrast, Cambodia's 2013 parliamentary election, Zimbabwe's 2013 general election and Egypt's 2014 presidential election all represent more recent and original examples of SOGs being deployed in Southeast Asia, Southern Africa and the Middle East, respectively.

Cambodia's 2013 election

Since the 1993 election, which was administered by the United Nations Transition Authority in Cambodia, four highly flawed parliamentary elections have returned Hun Sen's Cambodian People's Party (CPP) to power. This is despite consistently negative assessments from the attending POGs, including the Asian Network for Free Elections, EU, International Republican Institute and the National Democratic Institute. Ahead of the 2013 election, however, most of these groups decided not to send observers on the grounds that their prior recommendations for improving electoral integrity had been repeatedly ignored by the government. This was a fortuitous turn of events. The withdrawal of these groups further enabled two opposing organisations, the International Conference of Asian Political Parties (ICAPP) and the Centrist Asia Pacific Democrats International (CAPDI), to validate the process from beginning to end. This marked the first time an autocratic regime in Southeast Asia had deployed SOGs to procure democratic-procedural legitimisation. The following case study details how this transpired.

The introduction of shadow election observation to the region demands a brief account of its main protagonists. ICAPP was founded in September 2000 by the former speaker of the House of Representatives of the Philippines, Jose de Venecia. Officially, its mission is to 'promote exchanges and cooperation between political parties with various ideologies from different Asian countries; to enhance mutual understanding and trust among Asian countries; to promote Asia's regional cooperation through the unique role and channel of political parties' (ICAPP, 2016). An apparent marker of its success is the incorporation of 350 political parties from 52 countries. This includes members of the Council of African Political Parties and the Permanent Conference of Political Parties in Latin America and the Caribbean. The former is expected to enter the market of shadow election observation soon and the latter has already been implicated in it.

The other protagonist is CAPDI, which was founded in January 2006 and once again at the directive of Jose de Venecia. Officially, it aims to 'help resolve conflicts and tensions between and among states, promote good governance, fight corruption, poverty and extremism, empower youth, women and minority groups, protect human rights, strengthen democracy and the rule of law, fight climate change and environmental degradation' (CAPDI, 2016). Despite curious similarities, the key difference between these groups is that ICAPP is restricted to political parties, while CAPDI attempts to bring together political parties and civil society organisations. The question that arises is how these organisations, which had no election monitoring experience, came to observe Cambodia's 2013 poll.

The CPP has had a long and amicable association with ICAPP/CAPDI. Not only was the ruling party a founding member of both organisations, but it continues to reliably host various meetings of them. Indeed, Hun Sen was appointed Emeritus Chairman of CAPDI in December 2010, allegedly on account of his 'great leadership' since the end of the Khmer Rouge (Agence Kampuchia Presse, 2010). He was reliably supported by his deputy prime minister, Sok An, who is both the Vice President of CAPDI and a member of the ICAPP standing committee. This influence proved to be beneficial in the context of Cambodia's July 2013 election and the legitimisation process prescribed to it. After all, it was Sok An who invited these SOGs at the *express invitation of the CPP*, rather than the National Election Commission as the ruling party claimed (Crothers, 2014). This occurred during an ICAPP meeting in the Chinese city of Xi'an two months earlier; thereby precluding substantive compliance to the normative standard of long term observation.

The joint mission eventually comprised around 60 individuals and was led by Jose De Venecia (Chairman of ICAPP) and Jusuf Kalla (Chairman of CAPDI), who is the Vice President of Indonesia. The fact that both leaders hailed from democratic countries only strengthened the legitimisation claim of the CPP; while also raising profound questions about the strategic rationale of endorsing fraudulent elections. Amongst the delegates of the mission were representatives from Azerbaijan, China, Malaysia, Russia and Vietnam, but also many family members of them. In exchange for their participation, the CPP paid for their travel, accommodation and incidental costs (Henderson, 2013). This led to accusations that these SOGs lacked impartiality.

The ICAPP-CAPDI observation team did not issue an arrival statement upon entering Cambodia, but instead normalised its behaviour in other ways. An internal email stated that the entire mission was to last a *maximum* of five days, but members and alternate members were free to arrive and depart at will (Eui-Yong, 2013). The delegation from Hungary, for example, arrived the day before the polls opened. This extremely short duration ran counter to the principle that international election observation groups should stay long enough to determine the character of the process during the pre-election, election-day and post-election periods.

This officially mandated period instead offered ICAPP-CAPDI a convenient 'snapshot' of the election that could subsequently be used to make a broader assessment of its integrity. During their visit, the two SOGs used their time to gather information on the quality of the election; but a more plausible interpretation suggests this was rather a matter of pretence. Their itinerary involved two dinners hosted by the National Election Committee (NEC), a tour of the royal palace or national museum, a meeting with the leaders of the major parties, three visits to polling stations and an inspection of the vote count. The contrary evidence shows, however, that the ICAPP-CAPDI team did not travel outside of Phnom Penh and the polling stations they monitored were pre-selected by the NEC (ICAPP, 2013b). In fact, it seems that they spent twice as much time eating food and drinking coffee as they did actually observing the election. The lack of independence between the NEC and ICAPP-CAPDI was further evidenced by the fact that they conducted a joint press conference on the day of vote, which was attended by most of the mainstream media. This was not standard practice for past elections and defied the principle that international election observation teams should independently and impartially evaluate

information. Having now ‘observed’ the election, the remaining task for these SOGs was to confer legitimacy on the CPP’s presumptive victory.

After the polls closed and preliminary results were released to confirm that the CPP had won, the SOGs scheduled a press conference for the next morning. In front of the assembled national media, Jose De Venecia and Jusuf Kalla began by detailing the name, occupation and expertise of key individuals on their team. This was followed by its overall assessment of the process:

The ICAPP-CAPDI considers the elections in Cambodia as a triumph of popular will and a victory of the Cambodian people in their quest to build a better future based on the supremacy and sanctity of the ballot. That the elections were free, fair and transparent, and, above all, peaceful, non-violent and smooth bear testimony to the fact that Cambodian democracy has not only matured, but come of age politically (ICAPP, 2013a).

This article argues that such validation amounts to legitimization. The self-declared credibility of ICAPP-CAPDI means its endorsement meets the need for legitimacy to be derived from social recognition. In accordance with the logic of mock compliance, Hun Sen’s CPP supplanted the collective identity of POGs that had traditionally monitored Cambodia’s elections and displaced the normative standard they applied. The result was external endorsement for their right to rule.

The next task was to use this social endorsement in a way that would positively ‘supply’ perceptions of legitimacy held by citizens. The ICAPP-CAPDI assessment was quickly published by the NEC on its website and by ruling party officials on their social media accounts. The Office of the Council of Ministers (Press and Quick Reaction Unit) went even further by sending a mass email about the endorsement to journalists and reporters. The immediate effect was that key television networks in Cambodia, which as a medium reaches 97 percent of citizens (Holman, 2015), were quickly saturated with the ICAPP-CAPDI statement. This included the *Cambodia News Channel*, *Cambodian Television Network*, *National Television of Cambodia* and *Hang Meas HDTV*. All of these networks are either state-controlled or privately controlled by individuals known to be affiliated to the CPP (see Blomberg, 2016). The *Bayon TV* network, for example, which is owned by Hun Sen’s daughter, read the ICAPP-CAPDI statement verbatim on its television and radio stations (see Bayon TV, 2013).

Over the next few days, newspapers aligned with the ruling party also published the statement. This included *Agence Kampuchia Presse*, *Cambodia Crosscurrent News*, *Cambodia Express News*, *Preah Vehear Memorial* and *Tmey Tmey*. A sympathetic story published by the *Global Herald* was also shared on Hun Sen’s own Facebook page within days of the election. The post gave primacy to the aforementioned quote from ICAPP-CAPDI, but conveniently failed to mention any consequential specifics about the election itself. The acknowledgement and declaration of external recognition for Hun Sen’s CPP marked the end of ICAPP-CAPDI’s involvement in the legitimization process.

Zimbabwe’s 2013 election

Zimbabwe is firmly embedded in a number of regional organisations that have built institutions to manage election observation. In the wake of the *Declaration on the Principles Governing Democratic Elections in Africa* (2002), AU member states implemented regional

norms overseeing election observation. This was similarly followed by the South African Development Community's (SADC) adoption of *Principles and Guidelines Governing Democratic Elections* (2004). However, many other affiliated observation groups related to these regional organisations have already been operating in Southern Africa since the 1990s, the most prominent including the SADC Parliamentary Forum Election Observation Missions (SADC-PF), SADC Election Support Network (SADC-ESN) and SADC Electoral Commission Forum (ECF-SADC). Despite the fact that the founding charters of these regional organisations include norms of compliance to democracy and clean elections, dictators and dominant parties continue to hang on to power throughout southern Africa (see Marshall, Gurr, & Jagers, 2015). In fact, the AU and other sub-regional organisations continue to be dominated by autocratic regimes and are amongst the most uncritical international election observers globally (Kelley, 2009a, p. 778).

The 2013 Zimbabwean general election represented a critical moment in the long reign of Robert Mugabe and his ZANU-PF party. After it had been forced to enter a power-sharing agreement with the opposition Movement for Democratic Change (MDC) in the wake of the 2008 election crisis, a new constitution was approved in March 2013. Amongst other changes, it required Mugabe to hold immediate parliamentary and presidential elections in accordance with the Electoral Amendment Act. This provided a newfound window of opportunity for democratic-procedural legitimisation. Since the 2002 elections, when allegations of manipulation and misconduct led to sanctions by the EU and United States, POGs had been banned from monitoring elections in Zimbabwe. To fill this void, ZANU-PF stressed the importance of finding 'African solutions to African problems' and, by extension, acquiring external recognition from African organisations. Using a continuous discourse aimed at delegitimising foreign and domestic criticism as post-colonial power politics, Mugabe ordained the recognition by African observers as the only relevant level of judgement. The SOGs complied by offering a final positive assessment of elections, even while raising a number of nonconsequential shortcomings and offering a list of recommendations. In the context of Zimbabwe's 2013 presidential election, the SOGs that were accredited to undertake this task included the AU, COMESA as well as SADC and its affiliate organisations.

A mere three days after Hun Sen was returned to power in Cambodia, Robert Mugabe achieved the same success in Zimbabwe. Accused of widespread manipulation and misconduct, ZANU-PF managed to claim 61 percent of the vote, while the MDC was awarded 34 percent (see Raftopoulos, 2013). This result was reliably recognised by the AU and SADC, both of which quickly held press conferences and issued preliminary reports on the poll. The head of the AU mission, former Nigerian President Olusegun Obasanjo, not only called the election free and fair, but stated that observed irregularities did not impinge on the overall outcome (BBC News, 2013). The SADC team echoed this conclusion by stating that the election was 'characterized by an atmosphere of peace and political tolerance' in which 'political parties and candidates were able to freely undertake their political activities unhindered' (2013, p. 17). The COMESA team went even further by declaring that the election 'will go a long way in contributing to the consolidation of democracy' in Zimbabwe (2013, p. 6). Equally glowing reports were issued by the other SOGs monitoring the election, namely ECF-SADC (2013, p. 8), SADC-ESN (2013, p. 3) and SADC-PF (2013, p. 10). In a summary statement, SADC reiterated these assessments by

declaring that the election was 'free, peaceful and generally credible' and 'an expression of the will of the people' (SADC, 2013, p. 4). Despite a distinct lack of attending POGs, many denounced the outcome from afar.

The primary goal of the SOGs that endorsed Zimbabwe's election seems to have been to displace the very normative standard of elections against which autocratic regimes have traditionally been judged. Despite offering formal compliance to the international norm of free and fair elections, as evidenced by their various arrival statements and mission reports, the SOGs tended to refer mainly to the notion of peace, stability and effectiveness. Such technical assessments essentially lowered the bar for acceptable electoral conduct to the most basic procedural requirements, especially a process without violent incidents. In an independent statement, however, democratic SADC member Botswana complained that the election 'cannot be considered as an acceptable standard for free and fair elections in SADC' (Mmegi Online, 2013). Botswana's president declared that validating the outcome would constitute a serious precedent of circumventing SADC electoral principles. Unsurprisingly, ZANU-PF immediately dismissed this criticism on the grounds that the integrity and legitimacy of the electoral process had been verified by a majority of regional observation groups. The incident illustrates how an autocratic regime can use an SOG assessment as a means to de-legitimize external criticism.

Having secured external recognition from sympathetic SOGs, the task for ZANU-PF was to 'supply' a generalised perception amongst citizens about the integrity of the election. The overarching legitimisation strategy involved emphasising the social endorsement bestowed by attending SOGs, while simultaneously discrediting or suppressing any critical POG assessments. In his victory speech, for instance, Mugabe affirmed that the elections were 'hailed as peaceful, free, fair and credible' by regional observers. International criticism of the election was summarily dismissed as vile, immoral and a continuation of anti-African colonial attitudes: 'We belong to Africa. We follow African values here,' he declared, 'We abide by the judgement of Africa ... Today it is these Anglo-Saxons who dare contradict Africa's verdict over an election in Zimbabwe, an African country' (Zimbabwe Situation, 2013).

The state-run newspaper, *The Herald*, also published several articles reporting on the positive SOG assessments and cited statements from mission leaders urging the MDC to accept the election result. This was in keeping with the numerous other articles it published during the pre-election phase, which hailed Zimbabwe's full compliance to the international norm regarding the governing of free and fair elections. On the day after the election, in fact, the head of the AU observer mission, Olusegun Obasanjo, and SADC's executive secretary, Tomaz Salamao, were already quoted in the newspaper offering their endorsement of the election as peaceful, orderly, free and fair (Machivenyika & Kuvirimirwa, 2013). The state-run media took further aim at the critical assessments offered by the Zimbabwe Election Support Network, which was the only local non-government organisation accredited to monitor the election. During August 2013, several articles in *The Herald* claimed that the internationally-funded group acted as a puppet of 'Western' interests by propagating a discourse of instability and regime change (see Garande, 2013; Machivenyika, 2013; Shiri, 2013). Similar accusations of undue 'Western' influence were levelled against the MDC and outspoken regional critics, such as Botswana's president Ian Khama (see

Chigubhu, 2013; Maodza & Murwira, 2013). Such actions were designed to dominate the political discourse and shape citizens' perceptions about the integrity of the election and, subsequently, the legitimacy of ZANU-PF rule under Mugabe.

Egypt's 2014 election

After its dictator, Hosni Mubarak, was ousted during the massive protests that swept through the Middle East and North Africa in 2011, Egypt held its first democratic election in 2012. Despite winning a clear mandate, President Mohammed Morsi was deposed in a coup led by General Abdel Fattah al-Sisi after only one year in office. This was followed by a constitutional referendum in January 2014 and the implementation of a 'roadmap toward democracy' apparently designed to return Egypt to civilian rule. The culmination of this strategy, which followed the 'roadmap to democracy' actioned by Myanmar's ruling junta, was the May 2014 presidential election. Given the highly flawed nature of the two-candidate contest, al-Sisi achieved 96.9% of the popular vote. The only other viable opposition group, the Muslim Brotherhood, had previously been outlawed as a terrorist organisation and banned from participation. The outcome was a sign that Egypt had once again succumb to military-led autocratic rule.

The 2014 presidential election was the first in Egypt to be heavily monitored by international observers. A mix of POGs and SOGs received accreditation by the Presidential Election Commission (PEC). This included the EU, La Francophonie and Democracy International on one side and the AU, Arab League (LAS), COMESA and Community of Sahel-Saharan States (CEN-SAD) on the other side. In addition, three conspicuously similar SOGs undertook a joint mission: the Global Network for Rights and Development, International Institute for Peace, Justice and Human Rights and the MAAT Foundation for Peace, Development and Human Rights. Egypt's relationship with one of the prominent regional observers, the AU, had been heavily strained since the 2013 military coup, which forced the organisation to invoke its automated suspension clause for cases of unconstitutional change of government (African Union, 2013). The ruling junta was nevertheless able to mend its relationship and be fully reinstated as a member state by implementing its 'roadmap towards democracy,' which assigned primacy to new elections (Aman, 2014).

The LAS also offered its full support to Egypt's transitional plan and validated the ruling junta's decision to exclude the Muslim Brotherhood from the political process. This policy was incidentally aided by the fact its Secretary General was also the former Egyptian foreign minister, Nabil Elaraby. In any case, the LAS had limited experience with election observation. Despite monitoring its first election in 1995, it has subsequently only deployed missions to member states sporadically. Lacking a clear legal mandate, it can only send observers upon the express invitation of the member state. Indeed, the principles of national sovereignty and non-interference play a crucial role within the organisation (Barnett & Solingen, 2007), whereby both the *Tunis Declaration* (2004) and the *Arab Charter on Human Rights* (2008) refrain from offering more than non-committal language on the need for reform and consolidation of democratic practice in the Arab World. This has led the LAS to endorse some of the most patently flawed elections in the region, including in Algeria, Djibouti, Sudan and Tunisia (for an overview, see Boubakri, 2012).

In contrast to Cambodia and Zimbabwe, then, Egypt's election was subject to on-the-ground assessments by both 'Western' and regional election observation groups.

Egypt's second presidential election in two years was scheduled to take place on 26–27 May 2014. Due to a low ongoing voter turnout, however, the PEC made the extraordinary decision to extend the vote another day in order to 'allow the greatest number possible to vote' (Fick & Kalin, 2014). This led Democracy International to criticise this decision, along with the electoral environment in general, because it made 'a genuinely democratic presidential election impossible' (Kirkpatrick, 2014). The observation team from the EU was less harsh in their criticism. In addition to highlighting how the lack of regulations with regard to campaign finances heavily benefited al-Sisi, the EU mission noted that the elections 'were democratic, peaceful and free ... but not necessarily always fair' (Ortiz, 2014).

Following the logic of mock compliance, the attending SOGs praised the quality of the election. In a preliminary statement, LAS mission chief, Haifa Abu Ghazaleh, reported that a few negative features of the election did not impinge on the process in its entirety or the integrity of the outcome (LAS, 2014b). The final report focused on some of the more procedural aspects of the election, including how organised and peaceful it was overall, but also how inclusive it was of the disabled, elderly and women (LAS, 2014a). This effectively became the de facto assessment of its approximately 100 observers from 17 different Arab countries. Similar praise was offered by the AU, which was led by the former Prime Minister of Mauritania, Mohamed Lemine Ould Guig. The organisation concluded that the election was held 'in an environment which allowed willing voters to effectively participate in the process ... and conducted in a stable, peaceful and orderly environment' (African Union, 2014, p. 9). This is starkly illustrative of how SOGs assign importance to vagaries of peace, stability or effectiveness when judging elections in autocratic regimes, rather than following the international norm of assessing their freedom and fairness.

The positive SOG assessments of the election were an important part of not just a legitimisation strategy, but the regime's overall foreign policy. In order to unfreeze billions of dollars of financial and military assistance from the EU and especially the United States, Egypt had to demonstrate that a veneer of civilian rule was being reinstated (see Obama, 2013). The ruling junta seemed to correctly anticipate that the mere mix of POGs and SOGs would prove sufficient for garnering an endorsement of the election and, thus, legitimisation of its de facto rule. Both 'independent' and state-run media initially proved to be adept at emphasising the high number of international observers that would be present for the poll, while also making sure positive pre-assessment reports were widely broadcast (al-Hawari, 2014; Gulhane, 2014; Shorouk News, 2014). During the election campaign, the State Information Service also used its website to report on the arrival and then every meeting held by POGs throughout the country. A press statement by PEC spokesperson, Abdel-Aziz Salman, underscored this effort: 'The number of local and foreign monitors observing the presidential polls far exceeds the number registered in the 2012 election when 13 people ran for office' (in Al-Ahram Weekly, 2014).

The main task was to turn such external social recognition into an internal perception amongst citizens that al-Sisi had a right to rule on the basis of the election. In the same way as was the case in Cambodia and Zimbabwe, doing so necessitated substantial use and manipulation of the media. Unsurprisingly, the state-run television stations, *Egyptian Satellite Television* and *Nile News* as well as state-run *Radio Masr*, chose to publish the far more positive SOG assessments over the more critical POG assessments. In addition, many

'privately owned' television stations tended to only publish favourable international coverage about the election. 'Acting in a markedly selective manner,' a prominent Egyptian human rights and media monitoring group reported, 'each media outlet cited foreign sources that supported its own biases and favourite candidate' (Cairo Institute for Human Rights Studies, 2014, p. 26). Given that approximately 94 percent of Egyptian citizens use television as their main source of information (Broadcasting Board of Governors, 2014), this medium represented a critical stimuli for democratic-procedural legitimization.

The junta seems to have followed a similar strategy with regard to newspaper coverage. Here the main tactic of leading state-led outlets such as *al-Gomhouriya* and *Al-Ahram* involved either excluding the POG assessments entirely or distorting their findings. Despite some critical assessments being aired, *Al-Ahram* for instance only reported that the head of the EU observation team, Mario David, believed it to be 'free of violations, professionally managed and in accordance with the law' (Kamal, 2014). These types of distortions reveal the mock compliance strategy in play. The entire exercise was premised on allowing POGs into Egypt, while behaving inconsistently towards the norm they sought to enforce by subtly facilitating endorsements from SOGs. This was an illuminating example of how even newly constituted autocratic regimes – like established autocratic regimes – can use SOGs to garner legitimization for flawed elections.

Conclusion

This article explained how autocratic regimes deploy shadow election observation groups as part of a mock compliance strategy to gain democratic-procedural legitimization via flawed elections. To avoid the high costs of both compliance and noncompliance with international standards, the article argued that dictators and dominant parties supplant the identity of the group judging elections and displace the normative standard traditionally applied. In this vain, POGs are replaced or counterbalanced by SOGs, who offer nearly unconditional social recognition of the electoral process and outcome. Original case studies of Cambodia, Zimbabwe and Egypt showed how freely and quickly this dividend is used by autocratic regimes to legitimate their 'supply cycle' claim to rule. Given the global diffusion of this legitimization strategy, how should POGs and sovereign states respond?

This article recommends POGs should start by imposing far more conditionality on their participation in flawed elections. Given the reluctance of autocratic regimes to *only* deploy SOGs (at least so far), groups such as The Carter Centre and the OSCE/ODHIR can do a much better job leveraging the credibility they maintain. The most obvious course of action would be to not send monitoring missions if SOGs will also be monitoring a poll. This would deny autocratic regimes the opportunity to exploit the mere attendance of POGs as evidence of legitimization. Many organisations already decline invitations to observe elections when they expect autocratic regimes will undermine their capacity to do so. This recommendation would simply be a further extension of that practice.

A similar response is required from the loose assembly of democratic states who have long promoted and defended the international norm of external election observation. The immediate problem is the way China, Russia and other regional autocratic powers have funded and deployed SOGs to diminish the threat democracy promotion poses to their survival or geostrategic interests (Risse & Babayan, 2015). The first recommendation

would be for democratic states to discredit the formation of any additional regional inter-governmental agreements that might impinge on the normative standard of free and fair elections. An obvious example is the Council of African Political Parties, which was founded by Sudanese President Omar Hassan al-Bashir. Modelled on CAPDI and ICAPP, it is a relatively new regional organisation that is in the process of formulating principles and procedures to govern the observation of elections amongst its members. By questioning the authenticity of such agreements and leveraging their influence, democratic states may be able to subvert or slow the implementation of this shadow agenda.

Another course of action would be for democratic states to tie the provision of foreign aid and military assistance to the need for elections to be exclusively monitored by POGs. In addition to denying dictators and dominant parties a valuable source of revenue, controlling the terms of engagement would deny them the SOGs they require for legitimisation. The success of this strategy would hinge on how dependent certain authoritarian regimes are on outside financial support, such as Egypt in relation to the United States. The implementation of this policy, of course, would require democratic states to place their preferences for security and electoral integrity on a more equal footing, at least temporarily. This would help fortify the international norm of external election observation against further assault from autocratic regimes.

The sudden emergence and bold deployment of SOGs underscores many of the key themes of this special issue on autocratic legitimisation. In their introductory article, Dukalskis and Gerschewski identified four pathways of inquiry for further research – all of them applicable to the phenomenon analysed here. An immediate question concerns the precise contribution SOGs make to the ‘supply cycle’ of turning a legitimisation claim from autocratic regimes into a legitimacy belief amongst citizens. Based on what was found here, it is clear an additional empirical research is required on the causal relationship between an SOG endorsement, media manipulation and the views of citizens. An open question, for instance, is whether the first two parts of this strategy are necessary or just sufficient for last part.

A closely related avenue of inquiry is the relationship between this strategy of legitimisation and censorship. By marginalising the views of POGs, autocratic regimes effectively prevent citizens from being able to freely choose between competing interpretations of electoral quality. This renders the question of belief in legitimisation problematic and demands the employment of research designs capable of accommodating how information is censored by autocratic regimes.

Another pathway of inquiry Dukalskis and Gerschewski identified concerned the different sources of legitimacy; namely, how autocratic regimes use multidimensional formulae to create smaller-scale ideational frames to gain this dividend. The cases of Zimbabwe (nationalist sentiments) and Egypt (enemies at the gates) revealed how particular narratives can be used to justify to citizens the reception of SOGs and rejection of POGs. The outstanding questions here are what other eclectic legitimacy methods are being used and by which autocratic regimes.

The final pathway of inquiry concerns measurement. The observability of SOGs within the ‘supply cycle’ of legitimacy means researchers have at their disposal a range of methodological approaches to determine the failure or success of this strategy within and across different autocratic regimes. The emergent nature of phenomenon also means there is ample opportunity for not only further theory building, but empirical testing. This article sought to spur such a research agenda.

Notes

1. A norm is a 'standard of appropriate behaviour for actors with a given identity' (Finnemore & Sikkink, 1998, p. 891).
2. In this paper 'autocratic regimes' is a pseudonym for 'electoral authoritarian regimes.' According to Schedler (2006, p. 3), the latter 'play the game of multiparty elections by holding regular elections for the chief executive and a national assembly. Yet they violate the liberal-democratic principles of freedom and fairness so profoundly and systematically as to render elections instruments of authoritarian rule rather than instruments of democracy.'
3. Norris, Frank, and Martinez i Coma (2014, 2015) ranked the Cambodia and Zimbabwe elections the fifth and sixth worst of the 73 parliamentary and presidential elections held that year (i.e. very low integrity); while Egypt's election was ranked the thirteenth worst of the 127 carried out the next year (i.e. low integrity).

Acknowledgements

In addition to the anonymous referees and editor, the authors would like to thank Robert Carmichael and Catherine Morris for their helpful support on this article as well as Alexander Dukalskis and Johannes Gerschewski for their comments on earlier versions. Some parts of this article were made possible by the research stipend of the German Research Foundation, which was granted in the framework of a doctoral fellowship at the Research College 'The Transformative Power of Europe' at Freie Universität Berlin.

Disclosure statement

No potential conflict of interest was reported by the authors.

Funding

This work was supported by Deutsche Forschungsgemeinschaft.

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