

Responding to the Illiberal Toolkit: From Turkey to Central Europe¹

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After decades of democratic expansion, democracy—its consolidation, promotion, and global appeal—is entering a period of retrenchment. This “democratic sag” is global: authoritarian regimes in China and Russia are gaining confidence as nationalist populist parties are on the rise in the political West, weakening its cohesion. The emergence of self-styled illiberal states within NATO and the European Union presents a challenge to Western collective action in an era of great power competition. Hungary, Poland, and Turkey are driving the trend, but warning signs are flashing in the Czech Republic and Slovakia. Backsliding in Central and Eastern Europe is particularly surprising, because these nations were once the bright spots of liberal democratic transformation.

Many illiberal forces today are gaining power through democratic and electoral means. Once in government, they use the levers of democratic institutions to consolidate control, all while claiming popular support from the people to protect the nation from foreign or domestic threats. The rise of illiberal political parties and leaders within electoral democratic systems illustrates the schism between the foundational principles and institutions of liberal democracies. *Liberal principles*—political ideas that espouse the importance of individual liberties, minority rights, and the separation of power across levers of government—and *democratic institutions*—processes that translate popular will into public policy through legitimate elections—are being pulled apart. *More than a setback in democracy, we are witnessing a crisis of liberalism.*

In this context, this memo lays out the framework of the *illiberal toolkit*—a set of tools, tactics, and practices used by individuals and groups in power to roll back checks and balances, free media, and judicial independence, and undermine fair economic competition—as it emerged in Turkey, Hungary and Poland and is showing signs of diffusion to the Czech Republic and Slovakia. Political parties and leaders in Turkey, Hungary, and Poland have refined the techniques of authoritarian consolidation, though on different timelines and with varying degrees of success. In the Czech Republic and Slovakia, similarly oriented political forces seem to be taking note and considering how to adapt the toolkit to their own societies, signaling *authoritarian learning*.

¹ Memo based on forthcoming Brookings Institution report, *The Anatomy of Illiberal States*, by Alina Polyakova, Torrey Taussig, Ted Reinert, Kemal Kirişci, Amanda Sloat, James Kirchick, Melissa Hooper, Norman Eisen, and Andrew Kenealy. The full report includes case studies of Turkey, Hungary, Poland, the Czech Republic and Slovakia. Three case studies focus on the actions of the current governments since arriving in power: Turkey under Recep Tayyip Erdoğan and the Justice and Development Party (AKP) since 2002; Hungary under Viktor Orbán and Fidesz since 2010; and Poland under Jarosław Kaczyński’s Law and Justice Party (PiS) since 2015. The Czech Republic and Slovakia case studies examine illiberal and populist activities and trends in both countries over the past decade as warning signs of democratic decline.

After identifying the toolkit, the memo outlines at the steps that domestic actors (political opposition, the judiciary, civil society, and media) and international entities (civil society and media, the European Union, other multilateral institutions, and powerful third countries like the United States or Germany) might take to shore up democratic institutions.

Assessing democratic decline

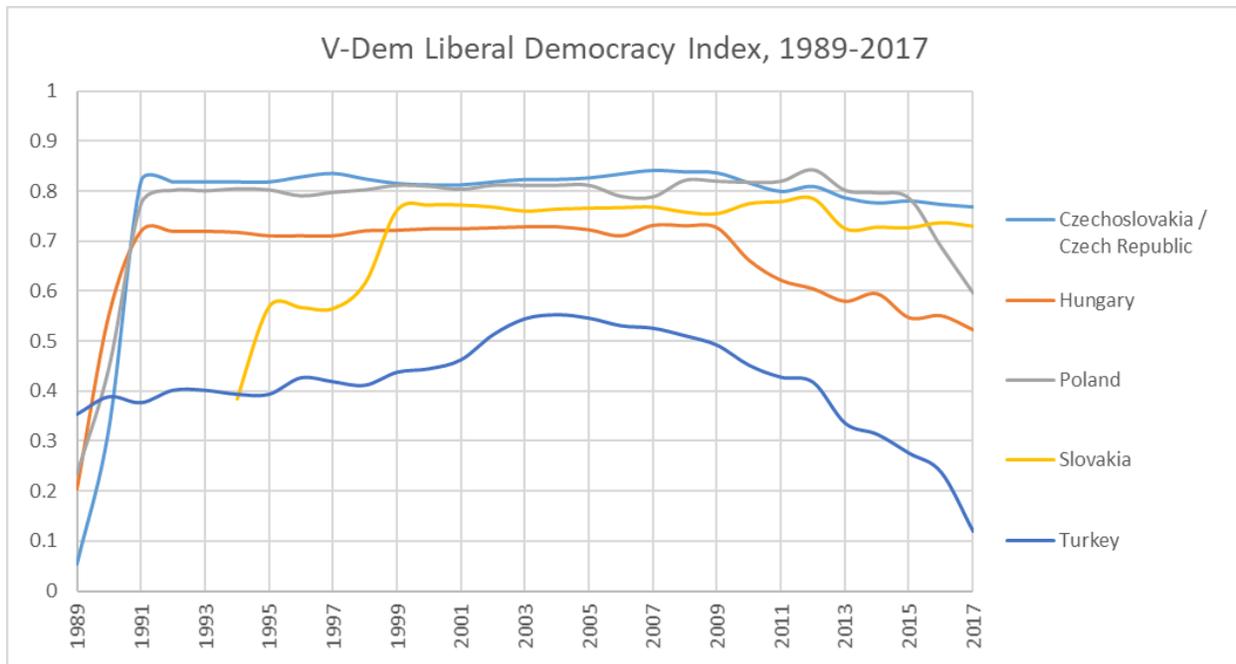
Conventional wisdom has long held that democratic consolidation is a one-way street² and that democratic states, once reaching a certain level of GDP per capita, are immune to democratic breakdown.³ This may no longer be the case, and trends over the last decade show that even wealthy and established democracies are not safe from retrenchment. In established democracies, this trend can be gradual; backsliding has not occurred through overt coups d'état or authoritarian takeovers. Rather, the primary challenge to democracies in the West is a weakening of their *liberal* character. On the more concerning end of the spectrum, each of the current governments in Turkey, Hungary, and Poland has moved its country away from liberal democratic ideals and toward authoritarian rule. The Czech Republic and Slovakia have seen slower but still clear declines (see Figure 1)

Figure 1: Democratic Decline in Turkey and the Visegrad Group⁴

² Roberto Stefan Foa and Yascha Mounk, "The End of the Consolidation Paradigm, A Response to Our Critics," *Journal of Democracy*, April 28, 2017, https://www.journalofdemocracy.org/sites/default/files/media/Journal%20of%20Democracy%20Web%20Exchange%20-%20Foa%20and%20Mounk%20reply--2_0.pdf.

³ Adam Przeworski et al., *Democracy and Development: Political Institutions and Well-Being in the World, 1950-1990* (New York: Cambridge University Press, 2000). Przeworski's research found that no consolidated democracy with a GDP per capita of over \$6000 in 1985 international prices has ever collapsed.

⁴ Varieties of Democracy or V-Dem is an expansive dataset project based at the University of Gothenburg in Sweden that tracks democracy across regions and time, "enabl[ing] new ways to study the nature, causes, and consequences of democracy embracing its multiple meanings." V-Dem measures liberal democracy "as the existence of electoral democracy in combination with three additional components: rule of law ensuring respect for civil liberties, and constraints on the executive by the judiciary, as well as by the legislature." "Democracy for All? V-Dem Annual Democracy Report 2018," (Gothenburg, Sweden: University of Gothenburg, 2018), 4, 16, https://www.v-dem.net/media/filer_public/3f/19/3f19efc9-e25f-4356-b159-b5c0ec894115/v-dem_democracy_report_2018.pdf.



Recent trends of democratic backsliding may have confounded assumptions from policymakers, political scientists, and citizens alike, but warning signs of discontent with democratic political institutions have been gradually building over the last three decades. Trust in institutions such as mainstream political parties, elected officials, policy experts, and the media has steadily waned in several established democracies.⁵

Declining trust has occurred alongside globalization and rapid technological changes, which have led to economic uncertainty among many segments of society. Anxieties around the world but particularly in wider Europe have been compounded in recent years by the 2008 global financial crisis, the subsequent eurozone debt crisis, and significant migration flows into and across Europe. Centrist political parties continue to struggle to address the economic and cultural angst brought about by these shifts, providing a political opening for insurgent populist forces to exploit.⁶

In this context of economic uncertainty, demographic changes, and the growing salience of identity politics, “antidemocratic parties are moving in from the margins because they are prioritizing the questions of basic material security that used to be the preserve of the postwar

⁵ Roberto Stefan Foa and Yascha Mounk, “The Danger of Deconsolidation,” *Journal of Democracy* 27, no. 3 (July 2016): 5-17, <https://www.journalofdemocracy.org/article/danger-deconsolidation-democratic-disconnect>; “2018 Edelman Trust Barometer Reveals Record-Breaking Drop in Trust in the U.S.,” *Edelman*, February 12, 2018, <https://www.edelman.com/news-awards/2018-edelman-trust-barometer-reveals-record-breaking-drop-trust-in-the-us>; Bruce Stokes, Richard Wike, and Dorothy Manevich, “Few political parties in Europe have widespread appeal,” *Pew Research Center*, June 15, 2017, <http://www.pewglobal.org/2017/06/15/few-political-parties-in-europe-have-widespread-appeal/>.

⁶ See Alina Polyakova, *The Dark Side of European Integration: Social Foundations and Cultural Determinants of the Rise of Radical Right Movements in Contemporary Europe*, (Ibidem and Columbia University Press, 2015).

mainstream.”⁷ In Hungary and Poland, Fidesz and PiS purport to stand for “the people,” defending their states’ Christian identities from Muslim refugees, despite the low numbers of Muslims in either country.⁸ They also speak of taking back control from unelected bureaucrats in Brussels, despite being recipients of significant EU funds. Similar to Erdoğan in Turkey, they maintain strong support in rural areas, appealing to strands of society that feel left behind economically and culturally by elites in the prosperous capitals.

Defining illiberal toolkit

Once in power, illiberal leaders and political parties employ a distinct toolkit to exploit discontent in their societies to their own advantage. The toolkit involves consistent efforts to weaken several democratic institutions, including three in particular:

1. Judicial oversight
2. A pluralistic and fair political system
3. Independent media and open civil society

To *restrain judicial oversight*, illiberal actors use constitutional referendums and amendments to control nominations to high courts. To *minimize viable political opposition*, they use state resources to slant the playing field toward incumbents, harass opposition figures, and abuse anti-corruption measures as a façade to remove political challengers. They also install loyalists in positions of power to ensure that their flanks are covered. To *weaken independent press*, illiberal actors consolidate the media landscape by purchasing communications platforms outright, abusing the tax system, or by legislating censorship laws in the name of national security. Using affiliated or friendly media outlets, they *demonize civil society groups* including NGOs as foreign actors. These tactics are rarely used in isolation, and illiberal leaders also empower loyal oligarchic classes and business elites through financial incentives and cronyism.

The insidious nature of the challenge is that no single move in isolation appears to be an existential threat to democracy; it is only when these actions are viewed in their entirety that the full anatomy of the illiberal state begins to appear.

Co-optation of “the people” and liberalism

Illiberal and autocratic-leaning leaders subvert key tenets of liberalism including an expansive vision of national identity that encompasses all citizens, regardless of ethnic, religious, or political identity. Such leaders are also co-opting the very notion of “liberalism,” by linking liberal policies to so-called out-of-touch elites, globalists, or bureaucrats.

⁷ Abby Innes, “Hungary’s Illiberal Democracy,” *Current History* 114, no. 770 (March 2015): 95-100. Innes argues that in Poland and Hungary, the social democratic left became “the most Blairite, pro-market center-left parties in the region ... appear[ing], programmatically, to vacate the leftist socioeconomic space entirely,” before seeing their electoral support shattered and being replaced in the polls by the authoritarian conservative nationalists of PiS and Fidesz.

⁸ Hungary admittedly saw major flows of refugees through the country in the summer of 2015 as it was on the land transit route from Turkey and the Levant to the biggest European magnet country, Germany.

First, leaders including Erdoğan, Orbán, and Kaczyński have narrowed the definition of “the people” down to those who support the government and its actions, while ostracizing foreigners and stoking nationalism. Their anti-pluralism instrumentalizes the powerful force of nationalism as an exclusive sentiment based on ethnic, cultural, and religious identity (“ethnic nationalism”) rather than a concept based on citizenship rights (“civic nationalism”). Meanwhile, those who oppose the leader or ruling party are increasingly identified as enemies of the state, and their diversity of opinion portrayed as illegitimate.

Second, illiberal actors are co-opting the concept of liberal democracy. As Ivan Krastev notes, “[populist parties] attract those who view the separation of powers (the institution perhaps most beloved by liberals) not as a way to keep those in power accountable but as a way for elites to evade their electoral promises.”⁹ In other words, the populist challenge is an “illiberal democratic response to undemocratic liberalism.”¹⁰ But the concept of “illiberal democracy” may be a foil. Some leaders, including Orbán, celebrate the term illiberal democracy; it allows them to argue that they are protecting democracy and the peoples’ interests from liberal and out-of-touch elites. Orbán’s anti-EU platform and illiberal policies on contentious issues such as immigration are conflated with his government’s efforts to minimize checks and balances and dilute judicial independence, making it easier for him to get away with the latter.

Illiberal sequencing and authoritarian learning

To what extent is there an identifiable sequence to this illiberal toolkit? And what does the timing of certain actions tell us about external triggers and authoritarian learning between states? Illiberal leaders often first go after the constitutional, political, and judicial constraints that are most capable of holding them accountable or potentially removing them from power. This was critical to the current governments in Hungary and Poland, as being voted out of power was still a recent memory for both. In Hungary, Fidesz returned to power in 2010 after losing its parliamentary majority in 2002, and Poland’s PiS was voted out of office in 2007 before regaining its majority in 2015. Turkey’s AKP, first elected in 2002, was checked in its early terms by the threat of losing power at the hands of the country’s Kemalist military and judiciary, given a history of coups. Over time, Prime Minister and later President Erdoğan and his party used their popular and parliamentarian support to implement several laws that undercut media freedoms and judicial autonomy. Following the failed coup of July 2016, Erdoğan purged tens of thousands of civil servants and members of the military to weed out coup sympathizers, extending the purges to those critical of the government’s actions. Erdoğan strengthened presidential powers through a constitutional reform in April 2017 that was narrowly approved in a referendum held under unfair conditions.

There is also the possibility that like-minded illiberal governments are assessing each other’s moves to consolidate control. Poland’s PiS party is not far behind Orbán’s illiberal turn, and in fact may be learning from his ability to remove constraints. In 2011, Kaczyński reportedly said

⁹ Ivan Krastev, *After Europe*, (Philadelphia: University of Pennsylvania Press, 2017), 75.

¹⁰ Cas Mudde, “The Problem with Populism,” *The Guardian*, February 17, 2015, <https://www.theguardian.com/commentisfree/2015/feb/17/problem-populism-syriza-podemos-dark-side-europe>.

that “the day will come when ... we will have Budapest in Warsaw.”¹¹ Since coming to power in 2015, Kaczyński and PiS have charted a similar path to Fidesz in Hungary by removing the autonomy of the constitutional court and turning independent media into government propaganda. Fidesz passed a series of constitutional amendments in 2013 limiting the power of the constitutional court and weakening judicial independence.¹² Similarly, Poland’s PiS after coming to power in 2015 passed laws to limit the power and autonomy of the nation’s highest court, the Constitutional Tribunal.

While Turkey, Hungary, and Poland each serve as a model of democratic backsliding in the West, these trends are not unique to them. For example, actions by Romanian Prime Minister Victor Ponta from 2012 to 2015, and particularly his attempts to remove the country’s president, drew EU intervention, and rule of law in Romania remains a concern.¹³ Ukraine’s democracy eroded under the 2010-14 presidency of Viktor Yanukovich, culminating in the “Revolution of Dignity.” Serbia has suffered steep liberal democratic declines under the Serbian Progressive Party government since 2012, according to V-Dem.¹⁴ Illiberal and populist actions and statements from Czech President Miloš Zeman, Czech Prime Minister Andrej Babiš, longtime Slovak Prime Minister Robert Fico, and others in both nations have also raised concerns domestically and internationally. Though illiberal trends in the Czech Republic and Slovakia are less severe than in their Visegrád Group counterparts Hungary and Poland, they serve as a useful comparison given the endurance of that political and cultural bloc.

In sum, illiberal political parties and leaders across the West are implementing institutional reforms that curtail the protection of minority and human rights, freedom of the press, judicial independence, and open civil society. They are defining national identities that stand in opposition to “dangerous outgroups,” most notably immigrants. And they are reasserting national sovereignty rights counter to multilateral institutions, such as the European Union. To enhance their own legitimacy, illiberal leaders rely on narratives that emphasize historical grievances and paint their nations and citizens as victims of injustices carried out by foreign powers and subversive, Western-inspired domestic actors. The rise of these forces through democratic institutions illustrates that such institutions can be wielded to delink liberalism from democracy at the service of populist sentiments. The “democratizing edge” of their illiberal actions also makes it difficult to ascertain how to respond effectively.¹⁵

For this reason, policy responses should be rooted in clarity of strategic vision embedded in trans-Atlantic principles and values. That vision must prioritize open societies while re-energizing the core building blocks of a free Europe: freedom of expression, independent civil

¹¹ Neil Buckley and Henry Foy, “Poland’s new government finds a model in Orban’s Hungary,” *Financial Times*, January 6, 2016, <https://www.ft.com/content/0a3c7d44-b48e-11e5-8358-9a82b43f6b2f>.

¹² Keno Versek, “Hungary Steps Away from European Democracy,” *Der Spiegel*, March 11, 2013, <http://www.spiegel.de/international/europe/hungary-constitutional-reforms-signal-drift-away-from-democracy-a-888064.html>.

¹³ “Romania’s government assaults the rule of law,” *Financial Times*, November 19, 2018, <https://www.ft.com/content/7352ec7a-e981-11e8-a34c-663b3f553b35>.

¹⁴ V-Dem indices over time can be charted at “Country Graph,” V-Dem Institute, <https://www.v-dem.net/en/analysis/CountryGraph/>.

¹⁵ Nancy Bermeo, “On Democratic Backsliding,” *Journal of Democracy* 27, no. 1 (January 2016): 5-19.

society, commitment to basic human rights, free and fair elections, and a system of checks and balances. As NATO prepares to celebrate its 70th anniversary in 2019, members should recall that “democracy, individual liberty and the rule of law” are the founding principles of the alliance.¹⁶ To join the EU, countries must meet the Copenhagen Criteria of “stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.”¹⁷ At a time when democratic norms and values face internal and external threats, the United States and Europe—particularly by leveraging EU institutions and mechanisms,¹⁸ but also by using other tools—must fully engage in reversing democratic decline where it is taking place and shoring up democratic institutions elsewhere. A lack of commitment to liberal democratic principles must have consequences.

¹⁶ “North Atlantic Treaty,” NATO, April 4, 1949, https://www.nato.int/cps/ie/natohq/official_texts_17120.htm.

¹⁷ “Accession criteria,” European Commission, https://ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/accession-criteria_en.

¹⁸ Article 7 of the Treaty on European Union, long considered a “nuclear option,” is the EU’s strongest tool for dealing with a threat to liberal democratic values. It can be triggered by various EU institutions when there is a “clear risk of a serious breach” by a member state of the EU’s “founding values” of “respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.” If the Council of the EU “determine[s] the existence of a serious and persistent breach,” a member state can be sanctioned or lose its voting rights in the Council; however, this determination can be blocked by any other member state. See “Consolidated version of the Treaty on European Union,” EUR-Lex, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012M%2FTXT>. The European Commission triggered Article 7 against Poland in December 2017 and the European Parliament triggered Article 7 against Hungary in September 2018. The outcome of these procedures remains uncertain, a reality that has informed alternative tactics.

Responding to the illiberal toolkit

How can the United States, European Union institutions and member states, NATO, civil society, and private sector entities support democracy and rule of law in the EU and NATO where they are under threat? The following recommendations are targeted at European and American policymakers in national executives and legislatures as well as in multilateral organizations, and at other concerned actors within trans-Atlantic societies. They are based on the authors' research and conversations with policy experts, researchers, civil society groups, and former and current government officials in the United States and Europe, including at two workshops in Washington and one in Prague.

Strategic vision

First and foremost, concrete policy solutions should stem from a broader strategic vision to secure and re-energize liberal democratic institutions and norms in the trans-Atlantic space.

- The trans-Atlantic community is rooted in shared liberal democratic values, institutions, and principles. This values-based foundation is being challenged from within by antidemocratic forces and from without by new authoritarians. Today's central political conflict is between advocates of open, free societies versus closed, illiberal ones.¹⁹ As we enter the era of renewed geopolitical competition, supporters of open societies on both sides of the Atlantic must collectively articulate a compelling open society narrative for the 21st century and actively advocate for its ongoing implementation.
- Freedom of expression, independent civil society, commitment to basic human rights, free and fair elections, and a system of check and balances—the core building blocks of a free world—did not emerge spontaneously. A new generation of leaders must take up the reins of democratic renewal at a time when institutions underpinning the free world are under increasing pressure from strong geopolitical competitors and illiberal actors within the West.
- The democratic regression unfolding across NATO is unprecedented in its history. As such, this trend has profound consequences for the foundational principles of the alliance. NATO must make adherence to democratic principles a core strategic priority as it marks its 70th anniversary in 2019.
- Authoritarian political forces are actively weaponizing the digital domain. Authoritarian states outside the West—China and Russia, most notably—are developing and deploying tools of digital authoritarianism to undermine liberal democracies and control domestic populations. The digital space is the battleground where the war for the 21st century will

¹⁹ This description of a strategic vision draws on the following: Thomas Wright, "The Return to Great-Power Rivalry Was Inevitable," *The Atlantic*, September 18, 2018, <https://www.theatlantic.com/international/archive/2018/09/liberal-international-order-free-world-trump-authoritarianism/569881/>; Daniel Fried, "The Free World: What it achieved, what went wrong, and how to make it right," (Washington, DC: Atlantic Council, June 5, 2017), https://www.atlanticcouncil.org/images/publications/The_Free_World_web_0605.pdf; "The Prague Appeal for Democratic Renewal," Forum 2000, May 26, 2017, <https://www.forum2000.cz/en/coalition-for-democratic-renewal-2017-event-coalition-for-democratic-renewal>.

be fought. Trans-Atlantic partners must work to ensure that this space is not co-opted by authoritarians and remains an integral part of open societies.

General recommendations for Europe

- The European Union should increase funding for pro-democratic civil society organizations and for independent, investigative media organizations. More funding should be allocated to countries where checks and balances are under attack, and particularly to civil society and media organizations operating outside national capitals.
- The European Union should adopt rule of law conditionality for member states to receive structural funds. The European Commission's proposal to do so was backed by the European Parliament in January 2019 and now goes to the Council of the EU for decision by member state governments.²⁰ Conditionality should be imposed fairly across the EU, including in long-tenured member states as well as those that joined in the 2004 and subsequent enlargements. An alternative way to structure such measures to protect rule of law via the EU budget would be to link overall levels of EU funds provided to a member state to a rule of law index, whereby states that score higher on the index have greater access to funds. This would employ an incentive process rather than a punitive approach. The definitions and measurements of such a rule of law index could be established according to rulings of the European Court of Human Rights and with reference to the opinions of the Council of Europe's Venice Commission, which has already conducted reviews of a number of problematic policies in Hungary and Poland.
- National courts of states within the EU should refrain from honoring the decisions of courts that are not independent (such as the Constitutional Tribunal of Poland and the Constitutional Court of Hungary).²¹ The EU should formally define this as a consequence for states that do not retain judicial independence.

²⁰ "Proposal for a Regulation of the European Parliament and of the Council on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States," (Brussels: European Commission, May 2, 2018), https://ec.europa.eu/commission/sites/beta-political/files/protection-union-budget-rule-law-may2018_en.pdf; Lili Bayer, "European Parliament backs plan to link EU funds to rule of law," *Politico*, January 17, 2019, <https://www.politico.eu/article/budget-hungary-poland-rule-of-law-european-parliament-backs-plan-to-link-eu-funds/>.

²¹ This issue came to the fore in 2018 with the case of Artur Celmer, a Polish national arrested in Ireland in May 2017 on a European arrest warrant for Polish charges including drug trafficking. Celmer's lawyers argued that changes to Poland's judiciary jeopardized their client's right to a fair trial. In March 2018, Irish High Court Judge Aileen Donnelly concluded that rule of law in Poland had been "systematically damaged" and referred the case to the European Court of Justice (ECJ). In July, the ECJ concluded that Judge Donnelly may evaluate the overall rule of law deterioration in Poland as part of the case but that there must be "serious and proven" reasons to believe Celmer's rights in particular would be at risk. If the Irish Supreme Court were to issue an opinion stating that Celmer could not receive a fair trial in Poland, this would set a precedent within the EU. See the ECJ opinion here: "Judgment of the Court (Grand Chamber) Reference for a Preliminary Ruling in Case C-216/18 PPU," European Court of Justice, July 25, 2018, <http://curia.europa.eu/juris/document/document.jsf?text=&docid=204384&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=221148>. For more information on the Celmer case, see Adriani Dori, "Hic Rhodus, hic salta: The ECJ Hearing of the Landmark 'Celmer' Case," *Verfassungsblog*, July 6, 2018, <https://verfassungsblog.de/hic-rhodus-hic-salta-the-ecj-hearing-of-the-landmark-celmer-case/>. Celmer's extradition remains to be decided by the Irish Supreme Court. Ruaidhri Giblin, "Supreme Court to decide on extradition of

- The European Parliament and European Commission should push for stronger and more uniform voting rights within the EU. Freedom of movement has allowed millions of Europeans to live and work across the EU in large numbers. When leaders can choose their electorates, for example by making it more difficult for citizens living abroad to vote, elections are less fair.

General recommendations for NATO

- “Democracy, individual liberty and the rule of law” are founding principles of NATO.²² Democratic backsliding and corruption within member states pose threats to shared security and alliance cohesion. For the alliance’s 70th anniversary this year, NATO members should issue a high-profile statement that allies must endeavor to retain and strengthen democratic institutions as a condition of NATO membership in good standing.²³ Allies should also create a commission or special ombudsman’s office that is responsible for identifying violations of those principles. At a minimum, NATO should continue to bolster its communiqué language regarding the importance of democracy to the strength of the alliance and should not hold summits or meetings in countries that have seen significant regression on rule of law.
- NATO should develop a new strategic concept, given changes in the security environment since the approval of the last one in 2010.²⁴ The document should reassess the elevated challenge that Russia presents to the alliance, address the challenges of democratic backsliding within the alliance, and give NATO International Staff guidance on how to respond.
- NATO should revise its consensus voting rule in favor of a procedure that requires a qualified majority of states to agree in order for a proposal to pass (the most widely used voting method in the Council of the EU).²⁵ This would prevent a bloc of illiberal states within NATO from shielding one another from attempts by other member states to use NATO mechanisms to apply pressure for anti-democratic practices.

General recommendations for the U.S. government

wanted Polish man,” *Irish Times*, December 10, 2018, <https://www.irishtimes.com/news/crime-and-law/courts/supreme-court-to-decide-on-extradition-of-wanted-polish-man-1.3726503>.

²² “North Atlantic Treaty,” NATO.

²³ Given the likely lack of leadership forthcoming on this issue from the United States at this time, NATO states more likely to be in a “values-first camp” such as the Nordic countries, Canada, Germany, France, and the United Kingdom, should lead efforts in this area. See Jonathan Katz and Torrey Taussig, “An Inconvenient Truth: Addressing Democratic Backsliding in NATO,” *Brookings Institution*, July 10, 2018, <https://www.brookings.edu/blog/order-from-chaos/2018/07/10/an-inconvenient-truth-addressing-democratic-backsliding-within-nato/>.

²⁴ “Strategic Concept For the Defence and Security of The Members of the North Atlantic Treaty Organisation: Active Engagement, Modern Defence,” NATO, 2010, <https://www.nato.int/lisbon2010/strategic-concept-2010-eng.pdf>.

²⁵ See Norman Eisen and James Kirchick, “Yes, Russia is a threat to NATO. So are the alliance’s anti-democratic member states,” *The Washington Post*, July 11, 2018, https://www.washingtonpost.com/news/posteverything/wp/2018/07/11/yes-russia-is-a-threat-to-nato-so-are-the-alliances-anti-democratic-members/?utm_term=.dae74638fea7.

- Congress, especially the Senate Foreign Relations Committee and the House Foreign Affairs Committee, should hold regular hearings on the state of democracy in Central and Eastern Europe and Turkey. The purpose of such hearings should be to raise awareness of the economic, political, and defense concerns posed by illiberal regimes to U.S. national security interests in Europe, and to press the executive branch on its policies for countering democratic decline in these countries and their efficacy.
- The State Department and USAID should increase support for independent civil society and investigative independent media in Central Europe, with Hungary and Poland as priorities. This funding program should prioritize projects that will demonstrate to communities outside of national capitals (by providing services, education, etc.) the benefits of democratic institutions and improve government accountability and transparency through in-depth investigative reporting on, for example, misuse of public resources.
- The U.S. government should link future financial support to allied governments to a rule of law index, such that more funding will be provided if all aspects of rule of law are clearly met. The benchmarks could be established with reference to American Bar Association Rule of Law Initiative models.²⁶
- The U.S. government should use sanctions under the Global Magnitsky Act against specific corrupt actors in Turkey, Hungary, and possibly Poland to communicate that corruption is a transgression that Washington takes seriously. The sanctions should not be removed based on political grounds.
- The State Department and U.S. Agency for Global Media should reopen Radio Free Europe/Radio Liberty operations in Poland and Hungary.
- The Trump administration should act immediately to fill with qualified individuals key vacant positions at the State Department, including assistant secretary of state for democracy, human rights, and labor; special envoy to monitor and combat anti-Semitism; and the recently vacated position of assistant secretary of state for European and Eurasian affairs. Congress should pressure the administration to submit nominees and work to quickly confirm those who are qualified and fit to serve.
- The State Department's Bureau of European and Eurasian Affairs and the U.S. embassies in countries of concern should engage in ongoing dialogue with ruling political forces. This engagement, however, should have a clear purpose: to send a message that the United States will not tolerate democratic rollbacks and is willing to impose consequences for specific government actions that infringe on human rights, censor independent media, target universities and NGOs, and reduce the independence and efficacy of the judiciary.

²⁶ "Rule of Law Initiative," American Bar Association, https://www.americanbar.org/advocacy/rule_of_law/.