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The use of "international electoral observation" to legitimize elections: the Cuban case

Elections have become the mechanism by excellence to determine authorities in much of the world. Except for regimes such as the Islamic absolutist monarchies (such as Qatar, which held the World Cup), the vast majority of countries carry out elections from which their authorities emerge.

However, the fact that authorities emerge from an election does not mean these are democratic processes. The popularity of the elections has led even totalitarian regimes such as Cuba and North Korea to hold them, but with different motivations than those held under democratic systems. Under the latter, the Rule of Law prevails and the vote is a vehicle through which citizens anoint their authorities with legitimacy, reward good rulers or punish with alternation those who have not been up to the task for which they were elected, all this in a context of equal conditions and with independent and professional Electoral Management Bodies that must be held accountable for their performance. In elections held in autocratic countries, the candidate or list of candidates of the ruling elite or the most powerful faction of that elite is merely endorsed, rather than elected. In this case, elections are held to carry out internal purges (an example of this is the expulsion of former Chinese president Hu Jintao at the last Congress of the Chinese Communist Party), and to seek legitimacy before external actors (governments, international organizations, etc.).

Thus, regardless of the type of regime, holding elections has become an obligation. One of the victories of democracy is that no ruler, authoritarian as he may be, feels comfortable being labeled a dictator. On the contrary, their teams of intellectuals create the most diverse qualifiers to elaborate conceptual stretches: to try to fit the actions of their leader into a broad and not very rigorous definition of democracy. The publishing of Xi Jinping's white paper "China: a democracy that works", or the services offered by Juan Carlos Monedero, Pablo Iglesias and other members of PODEMOS in Spain to the Chávez and Maduro governments to cover up their autocratic nature, are examples of manipulation of analytical categories to try to re-label authentic dictators as democrats.

And just as autocratic leaders turn to servile intellectuals to devise new concepts of democracy, they also turn to "election watchers" to legitimize their flawed electoral processes.

Although in the 20th century international electoral observation became a tool to promote the strengthening of democracy, since the beginning of the 21st century the manipulation of this figure has been identified as a part of a strategy to cover up everything from vulgar electoral fraud to more subtle maneuvers, but that distort in the same way the will of the People.

In the case of Latin America, systematic electoral observation exercises have been promoted by the Organization of American States (OAS) since 1962. Initially, it involved the presence of one or several international actors that were prestigious and legitimate in the eyes of the competing parties to deter possible fraudulent practices. Over time, this work became more professional, until the creation of the Department for Electoral Cooperation and Observation (DECO), which has developed different methodologies to systematically document the development of electoral processes and the performance of Electoral Management Bodies.

According to the Declaration of Principles for International Election Observation, this activity is about the *"systematic, complete and accurate collection of information about the laws, processes and institutions related to the holding of elections and other factors relevant to the general electoral environment; the impartial and professional analysis of said information, and the drawing of conclusions about the nature of the electoral processes based on the most demanding criteria in terms of accuracy of the information and impartiality of the analysis. International election observation should, wherever possible, provide recommendations to improve the integrity and effectiveness of the electoral process and related processes, while avoiding interfering with and causing disruption therein"*.

The document also states that *"international election observation expresses the interest of the international community in achieving democratic elections, as part of the development of democracy, which includes respect for human rights and the rule of law"*.



Nevertheless, autocratic governments have resorted to publicly recognized figures and have even promoted the creation of organizations to carry out electoral diplomacy. They invite people and groups with whom they share interests to their electoral processes, so that they put their reputation at the disposal of the ruling elite. These people may include former presidents or former electoral authorities, as well as academics and activists, who take part in an "electoral tour" specially

designed by the electoral authority as a simulation. The members of these delegations do not question the process, but exalt its "virtues", and finally deliver a brief report to the media, ensuring that the entire process has been carried out fully and without major problems.

This practice has been notably growing in popularity as a correlate of what some academics describe as a third wave of autocratization or democratic backsliding. In Latin America there are several emblematic cases: the Council of Electoral Experts of Latin America (CEELA), led by the former president of the Supreme Electoral Tribunal of Ecuador, Nicanor Moscoso, has participated in different elections in Venezuela with the aim of supporting the National Electoral Council (CNE) during the Chávez and Maduro administrations. CEELA reached the point of issuing a report following the 2017 National Constituent Assembly elections that concluded that *"the electoral process (...) complied with international standards and national legislation, and was carried out satisfactorily"*, days before the company in charge of providing the technology to the electoral process denounced that electoral participation was manipulated in at least one million votes. This is perhaps the process in which CEELA has been most exposed, but it has not prevented it from continuing to establish itself as an independent electoral observation organization in Venezuela and other countries.



There is also the case of the Election Observation Missions (EOMs) sent by the Russian Central Election Commission, a body controlled by Vladimir Putin, which are used strategically by the Ministry of Foreign Affairs to *"legitimize the actions of authoritarian governments in the context of the contested choices and, in this way, cutting the fabric of a society, fanning and amplifying existing divisions"*.

Finally, there are organizations that are not established in countries under autocratic regimes, but in those that seek to promote liberal democracy. From within open societies, they design and execute actions to allow for illiberal influence to cross their borders and deteriorate democratic institutions, while promoting vigorous and sophisticated international autocratic cooperation.



This is the case of the National Network on Cuba (NNC), a network that defines itself as "a coalition of US-based organizations fighting to end the United States War against Cuba".

A delegation visited Havana to "observe" the elections for municipal delegates that were held on November 27th. The NNC co-director Cala Walsh published an op-ed titled "Youth in the United States Watch Cuban Elections and Learn About Real Democracy". In her testimony we find all the characteristics of the use of electoral observation to legitimize autocratic regimes.

First, more than an electoral observation, what the group did was visit a voting center. There is no systematic documentation, interviews with various actors, not even with the National Electoral Council (CEN) controlled by the Cuban Communist Party (CCP).

The delegation visited a voting booth (La Corbata) in a "technological cultural center" that houses art programs and even a computer lab. These are foreign facilities for the vast majority of Cubans, who vote in schools and private homes that are practically in ruins, like almost all of the country's infrastructure.

In his column, Walsh notes positively that there were no long lines to vote, unlike in the United States, where people must stand in line for hours to cast their ballot. The author neglected to point out that in the face of a system in which only servile people to the CCP can be elected, Cuban activism promoted a campaign to promote abstention that managed to demobilize, according to official figures, 31% of eligible voters, a record number since the arrival of the Castro family to Power.

It also points out that the candidates for delegates (who are nominated in the "nomination assemblies") are nominated by "local community groups", a decent way of referring to the mass organizations subordinated to the CCP, in charge of ensuring that no person who is not affected by the regime manages to be a candidate. In this year's municipal elections, together with State Security, they prevented José Antonio Cabrera, an independent who had managed to be nominated in his area (district 55 of Palma Soriano, Santiago de Cuba), from finally being a candidate.

Later, the article moves on to celebrate that the CEN has used "*the power granted by the Constitution*" to extend voting hours so "*that a greater number of citizens can exercise their right to vote*", without taking into consideration that the Electoral Law (Art. 97.1) establishes that only in cases of force majeure can the hours of election day be modified, and ignoring that the hours were extended so that the mass organizations could go and look for the voters at their houses due to the historical abstention being registered.

Walsh, with her one-day experience in a recently inaugurated cultural and scientific center in Cuba (as improbable as all of the above is), assures that the elections are competitive because there is more than one candidate for each position (something that does not happen in the elections for deputies to the National Assembly of People's Power, where there is one candidate per seat). However, what she cannot prove is that the two or more candidates are able to represent different visions and opinions, much less antagonistic, since whoever gets elected will ultimately have vote along with the CCP.

As for the vote count, the co-director of NNC assures that any citizen can be an observer. She seems not to have been informed that during election day different activists who monitored the election, such as Marthadela Tamayo, Osvaldo Navarro, or Juan Antonio Madrazo, were detained at their homes to prevent their presence at the voting centers. It is true that in the Referendum on the Family Code and in the Municipal Elections, both in 2022, there was more openness to witness the counting of votes, but it was neither generalized nor sufficient to account for the integrity of the process.

She compares the speed in the publication of the electoral results in Cuba and the United States, assuring that the latter, despite being one of the richest countries in the world, takes weeks and even months, while in Cuba the results are known the same day. Once again, Walsh does not abide by methodological observation and makes a tendentious statement that ignores the total lack of control instances for the CEN.

While in the United States, counties oversee the organization of elections, with more than 3,000 at the national level, which can be understood as 3,000 simultaneous elections when national categories are elected, in Cuba the electoral administration is centralized in the CEN, which has representations in all provinces, municipalities and constituencies. In theory, the information is sent from each constituency to the national level. It is important to make emphasis on the term "in theory", since there is no way to verify the data issued by the CEN.

Another thing to take into account, and that Walsh deliberately does not mention, is that there are 230 million voters registered to vote in the United States, which is 28 times the number of registered voters in Cuba (8 million).

But even after having exposed the differences between the two electoral systems, we must say that Walsh is openly lying when she says that the results are known the same day. In the case of the municipal elections, the definitive results of participation at the national level were known ten days after the election, but not disaggregated by constituency, municipality or province. In fact, the CEN called for a second round in 925 constituencies without specifying which ones or publishing the results that led to the need of holding said second round.

Finally, the author defends the prohibition of electoral campaigns established by Cuban law, as well as the mechanism for the publication of candidate biographies as a fairer form of electoral competition.

We must first clarify there is no campaign because there is only one party and all the candidates must have its endorsement. For there to be a genuine electoral campaign there must be different programs, different political approaches that are discussed in the public sphere to convince the electorate.

On the other hand, the mentioned candidate biographies are written by the "Commissions of Candidacies" (made up of the mass organizations subordinated to the CCP) and basically clarify that the people have the approval of the party. In very few cases, some independent candidates managed to be nominated in their constituencies, and in their biographies they were described as "counterrevolutionaries."

The case of the "international observation of the Cuban elections" makes clear the manipulation that different political actors are making of a tool that aims to strengthen democracy and defend human rights, but which is



in fact being used to support a regime that has systematically prevented the free and genuine participation of citizens and their organization as independent political subjects since its arrival to Power.

International autocratic cooperation has abundant resources to form and send delegations of officials, former presidents, academics and organizations to the most distant countries to deteriorate their institutional fabric and promote authoritarian leaderships that reproduce the illiberal model. For their part, democratic countries subject to the Rule of Law must be accountable for how they use their resources and justify their use, having to convince different independent actors of the importance of programs and initiatives that seek to strengthen institutions and democratic values.

Between November 6th and 8th of 2022, the XV Annual Meeting for the implementation of the Declaration of Principles of International Electoral Observation was held, in which the High Representative of the European Union for Foreign Affairs and Security Policy, Josep Borrell, and who until then was one of the vice-presidents of the European Parliament, Eva Kaili. Kaili was arrested days later after being found red-handed with bags of money apparently received to launder Qatar's image in Europe ("Qatargate").

This is a clear example of how autocratic cooperation can penetrate the highest levels of the democratic order and pervert the mechanisms of accountability and defense of human rights, such as electoral observation.



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