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# ELECTIONS WITHOUT PEACE AND DEMOCRACY



# Elections without Peace and Democracy

*This policy brief is based on a webinar convened on 28 February 2024. The speakers were: Francesca Cardona from the European External Action Service; Yevhen Magda, director of the Institute of World Policy (Ukraine); the independent sociologist Philipp Bikanau; and Alexander Shlyk, special adviser on elections to Sviatlana Tsikhanouskaya. While this document is based on the webinar participants' comments, responsibility for the accuracy of the content rests with the author.*

## *Executive summary*

- Elections are the supreme form of legitimation in contemporary world politics and 2024 sees four billion people vote in elections round the world. Not all elections, however, are in any sense 'democratic' and in other locations war has disrupted the usual election cycles.
- **Ukraine**, under conditions of martial law, has postponed both parliamentary and presidential elections. It is unable to hold elections for both legal and practical reasons and the war creates challenges for future elections. Russia's inclusion of occupied Ukrainian territories in its March 2024 presidential election was a particularly concerning development.
- Preparations should be made now to help Ukrainians to prepare for future voting throughout the country. This will entail the rebuilding of voting lists, electoral infrastructure, and making revisions to voting district boundaries to account for population movements. These steps are about helping Ukraine to rebuild its electoral institutional capacity and should remain non-political. The ongoing war makes these tasks tricky but does not prevent efforts being made right away.
- **Belarus** held parliamentary and local elections in February 2024 that were neither free nor fair and are seen as a 'test run' for a presidential election due in 2025. The Belarusian authorities made little pretence that there was competition for a popular vote and the European Union (EU) does not recognise the legitimacy of anyone appointed during the process. The situation for democracy in Belarus is dire.
- Outside actors can take measures to assist the Belarusian opposition strengthen their capacities for bringing about democratisation in Belarus. This might involve helping the opposition to develop plans for holding free and fair election in Belarus in the future, advancing their 'know-how' and providing technical support. This should be done as far as possible in a manner that is not considered partisan as regards the future government of Belarus.
- Outside actors should also take measures to help to resist electoral disinformation and interference from Russia in both Belarus and Ukraine about elections and democracy.

## Table of Contents

<b><i>Elections without Peace and Democracy</i></b> .....	<b>2</b>
<b>Executive summary</b> .....	<b>2</b>
<b>1. Introduction</b> .....	<b>4</b>
<b>2. Elections without Peace</b> .....	<b>4</b>
<b>3. Elections without Democracy</b> .....	<b>5</b>
<b>4. Policy recommendations: Insisting on democratic norms</b> .....	<b>7</b>
<b>Acknowledgements</b> .....	<b>8</b>

## 1. Introduction

Elections are the fulcrum of democracy and widely seen as the supreme form of legitimation in contemporary politics. And 2024, as has been widely remarked, is a record year with elections in more than sixty states round the world giving four billion people a vote.<sup>1</sup> The year has already seen elections in more than twenty countries, including Russia, while elections to the European Parliament, in the United States, and in more than forty other states lie ahead.

One might think democracy was in its heyday. But many of these elections are in countries where voters have no real choice. The fact that autocracies like Belarus hold ‘sham elections’ is a nod to the norm that elections play a legitimating role in the contemporary world, while also serving as a reminder that many elections are mere theatre. That reiterates the importance of election observation missions which help to adjudicate whether votes are free and fair.

Even in countries where democratic norms are established, there are risks of backsliding. The war in Ukraine has meant that both parliamentary and presidential elections have been indefinitely postponed. It is far from clear when Ukrainians can next expect to vote and that has consequences for the standard of democracy in the country, as well. Thought needs to be given to Ukraine’s post-war democratic procedures.

## 2. Elections without Peace

For legal and practical reasons, Ukraine cannot vote while the war is ongoing. The country declared a state of martial law directly after Russian troops invaded in February 2022 and its legal framework does not allow for either presidential or parliamentary elections to be held. The relevant details are:

- (i) The constitution establishes that, where the parliament’s term expires during a state of martial law, it is automatically extended until such a time as martial law is lifted (Article 83).<sup>2</sup>
- (ii) A separate piece of legislation – ‘On the Legal Regime of Martial Law’ – establishes similar provisions for the presidency.<sup>3</sup>
- (iii) The Ukrainian constitution cannot be amended while a state of martial law is in place (Article 157).

From a practical perspective, there are a range of challenges that would be tricky to overcome. Yevhen Magda summarised some of the main issues: approximately one-fifth of the country is under Russian occupation, meaning that the Ukrainian authorities do not have any ability to organise a vote in large parts of Ukrainian territory; many lists of registered voters have been destroyed in the war; there are difficulties associated with organising votes for soldiers on the front lines and in the

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<sup>1</sup> Astha Rajvanshi and Yasmeen Serhan (4 January 2024), ‘A Make-or-Break Year for Democracy Worldwide,’ *Time* (<https://time.com/6551743/2024-elections-democracy-trump-putin/>, accessed 2 April 2024).

<sup>2</sup> Constitution of Ukraine (amended) (<https://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=254%EA%2F96%2D%E2%F0#Text>, accessed 2 April 2024).

<sup>3</sup> Verkhovna rada Ukrainii (<https://zakon.rada.gov.ua/laws/show/389-19#Text>, accessed 3 April 2024).

enlarged diaspora; and the risks to foreign election observers of travelling to a war-torn country may limit the willingness of election monitors to be involved.

In fact, as Magda pointed out, Ukraine has held several votes since Russia began the war in the Donbas in 2014. The country was not under martial law, however, at the time of the parliamentary and presidential votes (both 2014 and 2019 were double election years). At heart, democracy in Ukraine cannot resume until the war has ended.

At the same time, preparations should be undertaken to ensure smooth elections when the period of martial law ends. Many of the challenges mentioned will not disappear when the war ends – voter lists will need to be compiled afresh and many people will be displaced internally or remain located abroad. Addressing how Ukraine responds to these issues does not require waiting for the war to end. The administrative apparatus can be put in place and voter lists updated, electoral districts can be revised to account for areas of depopulation and increased population, and a schedule for post-war elections can be established.

Worryingly, Russia conducted its own recent presidential ‘election’ on those Ukrainian territories it claims to have annexed and unless Russia has been decisively defeated it will prove a confounding factor in future elections.

Countering Russian disinformation is likely to be a significant challenge in Ukraine and external stakeholders in the country have a role to play in helping Ukraine to deal with prospective Russian election interference. This involves strengthening cyber- and informational strategies, for example by working with local actors – including media companies and political organisations – to advance digital literacy, critical thinking and the spread of accurate information among the population. Much of this is already happening, but efforts could be intensified.

### *3. Elections without Democracy*

Belarus held parliamentary and local elections on 25 February. As Francesca Cardona explained, the EU viewed the electoral processes as clearly failing to conform to agreed democratic standards with the consequence that the individuals elected lack democratic legitimacy in EU eyes. The EU’s High Representative Josep Borrell said in a statement: ‘The continuously increasing and unprecedented level of repression, human rights violations, restrictions to political participation and access to independent media by the Lukashenka regime have severely undermined the legitimacy of the democratic process.’<sup>4</sup>

The vote, widely seen as a ‘test run’ for the country’s 2025 presidential election, took place without any opposition candidates. There was no pretence of contestation. Alexander Shlyk pointed out that in 20 of 110 parliamentary districts the voters were given a ‘choice’ between two candidates from the same political party.

Shlyk said that, as far as he knew, the Belarusian pro-democracy movement did not currently have solid plans for how to deal with next year’s election. Yet he raised the prospect that the Belarusian

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<sup>4</sup> Statement by the High Representative on parliamentary and local elections ([https://www.eeas.europa.eu/eeas/belarus-statement-high-representative-parliamentary-and-local-elections\\_en#:~:text=The%20continuously%20increasing%20and%20unprecedented,legitimacy%20of%20the%20electoral%20process.,](https://www.eeas.europa.eu/eeas/belarus-statement-high-representative-parliamentary-and-local-elections_en#:~:text=The%20continuously%20increasing%20and%20unprecedented,legitimacy%20of%20the%20electoral%20process.,) accessed 3 April 2024).

authorities would adopt some of Russia's know-how into their own model and this means the 2025 election in Belarus will be a formidable challenge for the large Belarusian (and overwhelmingly pro-democracy) diaspora.

Philipp Bikanau did not see any prospects for the 2025 election bringing change to the country. He argued that Alyaksandr Lukashenka had benefitted from a 'clear anti-war consensus' in society. His polling shows how polarised Belarusian society has become since 2020 – people exist in hidebound camps concerning their beliefs about the result of the 2020 election, state symbols and military alignment with Russia – and that year and the protests 'still shape the social fabric of Belarus.'

The level of repression and imprisonment of all opposition, or their exile, means that the electoral situation in 2025 will more likely resemble 2015 than 2020, suggested Bikanau, when there were no protests against the result. He consequently expects 2025 to be 'uneventful' and says that polling shows many Belarusians are content with the status quo.

This is a depressing situation. Shlyk shared an adage from the community of electoral experts: the electoral system had moved from one that, in the past, included oppositional candidates without any prospects to one that, in the present, is without any opposition candidates; in the future, he jibed, the system will be one without any voters. While this is only an anecdote, it is nonetheless a reminder of that the trend in Belarus is towards totalitarianism and that there is need to keep pressure on the incumbent regime. Pressure is currently applied through sanctions: as proposed in the previous WUB Hub policy brief, the sanctions on Belarus and Russia should be aligned to increase their effectiveness and to help to shut down loopholes.

As with Ukraine, further efforts can be made to counter Russian disinformation in Belarus. As in the case of Ukraine, this involves working with local actors if possible – but in the Belarusian case it likely means exiled actors – to advance digital literacy, critical thinking, and the spread of accurate information among the population both inside and outside the country.

Belarusians are not insensitive to the dubious nature of much of the information they receive from their state or from Russia. Indeed, on a more optimistic note, Shlyk and Bikanau both noted that polling always finds a large 'neutral' segment of society which neither identifies with the pro-democracy movement nor the Lukashenka regime. Shlyk emphasised that this showed many people in Belarus were far from convinced by the incumbent regime. One might think, therefore, that this section of Belarusian society is available to be persuaded by the opposition if they have access to the audience, are able to convey accurate information about politics, and have sound proposals for the country's future.

Shlyk further suggested that Sviatlana Tsikhanouskaya, the opposition leader whose supporters believe won the 2020 election, had yet to begin her mandate.

#### *4. Policy recommendations: Insisting on democratic norms*

##### **1. Provide technical support to the Ukrainian authorities in preparations for holding post-war elections**

The war is creating considerable challenges for future elections, with mass population movements and the destruction of voting lists. Outside actors can provide support to the Ukrainian authorities in rebuilding the infrastructure necessary to organise parliamentary and presidential elections after the war, which includes redrawing electoral district boundaries to account for population movements and compiling new electoral lists to account for internally displaced people and expatriates.

##### **2. Provide technical support to the Belarusian opposition in preparations for holding free and fair elections**

The parlous situation in Belarus limits expectations of a free and fair vote any time soon. Nonetheless outside actors can engage with the democratic opposition, providing technical support and know-how, to help build capacity for the holding of elections in the future. This might include training people for future involvement in administering elections, vote counting, and election observation.

##### **3. Keep up pressure on the incumbent Belarus regime**

While Belarus has long fallen short of agreed electoral standards, the trend is to move ever further away from any semblance of democracy. For this reason, and to show that outside actors are not indifferent to the political trajectory of Belarus, the pressure on the incumbent regime must be retained and where possible strengthened. At present, pressure is applied through sanctions and efforts can be made to close loopholes.

##### **4. Cooperate with local actors to counter Russian disinformation in both Ukraine and Belarus**

Russian disinformation and espionage activities will continue to threaten the prospects for democracy in both countries. Outside actors should work with Ukrainian and Belarusian partners to advance digital literacy and critical thinking and promote the spread of accurate information about politics.



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