The UN Role
In Promoting Democracy

Between Ideals and Reality

shall be the basis of the
authority of government;
this will will
expressed in periodic
and genuine elections
universal and equal
suffrage and shall be
by equivalent free

Edited by Edward Newman and Roland Rich

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Introduction: Approaching democratization policy

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Democracy, in both theory and practice, is the subject of a huge field of literature.[1] Within this literature, the international dimensions of democracy are increasingly understood and explored. Democracy has even come to be seen by some practitioners as something of a political panacea.[2] It is widely accepted as a universal value.[3] Yet the role of the United Nations – the embodiment of international society – in the promotion of democracy remains understudied, even though the organization has adopted democracy promotion as an important objective:

The phenomenon of democratization has had a marked impact on the United Nations. Just as newly-independent States turned to the United Nations for support during the era of decolonization, so today, following another wave of accessions to Statehood and political independence, Member States are turning to the United Nations for support in democratization. While this has been most visible in the requests for electoral assistance received since 1989 from more than 60 States – nearly one-third of the Organization's Membership – virtually no area of United Nations activity has been left untouched. The peace-keeping mandates entrusted to the United Nations now often include both the restoration of democracy and the protection of human rights. United Nations departments, agencies and programmes have been called on to help States draft constitutions, create independent systems for the administration of justice, provide police forces that respect and enforce the rule of law, de-politicize military establishments, and establish national institutions for the promotion and protection of human rights. They also have been asked by many States engaged in democratization to help

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encourage and facilitate the active participation of citizens in political processes, and to foster the emergence of a productive civil society, including responsible and independent communications media.[4]

This volume explores and questions the modalities, effectiveness, and controversies of the UN's work in promoting and assisting democracy. It considers if the United Nations can help to build the foundations of democracy and whether, as an "external actor", it can have a substantive positive impact upon the development of democratic governance inside countries. The issues involved are approached from various angles. Thematic studies examine how the United Nations operates from the viewpoint of international law and within the theory and practice of democracy promotion. Focused chapters look specifically at techniques such as the operating mandates under which the United Nations works, the transitional authorities through which it operates, and the electoral design choices open to it. The volume also examines experience in this field through a series of case studies. "The pathway to any democracy is idiosyncratic, beset by a host of domestic political and cultural concerns particular to the nation in question."[5] And thus five case studies are selected to span time and space. The case studies are from three continents and begin with the UN's first efforts in this field, in Namibia, then pass through Cambodia, Kosovo, and East Timor, and end with what was thought, when this research project was first mapped out, to be the latest case, Afghanistan. Even as the eventual outcome of the democratization process in Afghanistan remains in the balance, the world's attention has shifted dramatically to the new challenge of 2003 – Iraq. While it is impossible for this volume to await the outcome of the post-war state-building process in Iraq, that situation is already casting its shadow over the UN system and indeed the international system as a whole. Clearly many of the issues raised in this volume will come under severe test in Iraq.

There is a natural tendency for high-profile cases to monopolize attention. These are the cases that demand attention from decision-makers, the media, and the public alike. But they do not tell the whole story of the democratization process and the UN's role therein. There are therefore also chapters on the work of the United Nations Development Programme and of the Electoral Assistance Unit of the Political Affairs Division of the UN Secretariat, explaining how the UN's work in democratization is a daily chore with long-term horizons. These chapters provide a useful counterweight to the balance of the book that mainly describes and analyses the dramatic and large operations.

The thrust of this project is therefore to ask, and hopefully to respond

constructively, to the where, when, what, and how questions of the UN's involvement with democratization. The aim is to provide insights and provoke debate through critical analysis. But before launching into the analytical issues and attempting to draw conclusions, there is a preliminary question that should be addressed.

Why should the United Nations be involved in democratization?

The word "democracy" does not appear in the UN Charter. It is not one of the stated purposes of the United Nations to foster democracy, to initiate the process of democratization, or to legitimize other actors' efforts in this field. Democracy is not a precondition for UN membership; candidate members need only be "peace-loving states which accept the obligations in the present Charter and ... are able and willing to carry out these obligations".[6] Many members of the United Nations are not multiparty democracies in their domestic political structures, and many more could not be said to be liberal democracies. The United Nations is silent on other features of domestic political organization. It is agnostic as between republics and constitutional monarchies. It does not choose between presidential or parliamentary systems. It is ambivalent on the issue of bicameral as opposed to unicameral parliaments. Yet it propagates electoral democracy as the basic governance template for all nations to follow and the members appear to accept this view, or at least the UN's espousal of this view.

To understand the UN's penchant for democracy it might be worthwhile to look at the basic purposes of the United Nations as set out in the Preamble to the Charter and ask whether the UN's work in favour of democracy flows from these purposes.

"The scourge of war"

The UN's first purpose is to save succeeding generations from the scourge of war. Does democratization help avoid war? This is the question addressed by the debate on democratic peace theory. The basic thesis draws on concepts first advanced in the eighteenth century by Immanuel Kant on perpetual peace and on recent empirical work analysing international wars since 1817.[7] The conclusion from the study of wars over the past two centuries is that while democratic states often go to war against non-democratic states, they generally remain at peace with each other. The length of the period under study and the apparent consistency and

strength of the observation of this "democratic peace" have led some scholars to draw the conclusion that democratization will have a substantial peace dividend.[8]

An acceptance of democratic peace theory would fully justify the UN's efforts in this area. The proposed link between peace and democracy would mean the UN's democratization work could be seen as a proactive means of ending the threat of the scourge of war. It clearly addresses the very purpose for which the United Nations was established. There are two ways of judging the theory: examining how widely it is accepted in the academic community, and gauging the extent to which policy-makers know, accept, and rely on it.

Samuel Huntington summarizes the importance of the issue when he says, "the democratic peace thesis is one of the most significant propositions to come out of social science in recent decades. If true, it has crucially important implications for both theory and policy."[9] The strength of the thesis comes from the robustness of the statistical evidence in support, largely provided by R. J. Rummel.[10] One way of reading Rummel's findings is to conclude that between 1816 and 1991, of the 353 pairings of nations fighting in major international wars, none occurred between two democracies. Such a startling statistical correlation is rare in the social sciences and provides a powerful foundation for democratic peace theory.

Debate continues, however, about the possible reason why consolidated democracies do not go to war against each other. Argumentation revolves around a number of hypotheses.[11] One theory claims that the checks and balances inherent in democratic decision-making act as a brake on decisions to go to war which is doubly effective when both sides of an argument are applying the brakes. Or perhaps there is a greater identification amongst the citizens of consolidated democracies, leading the peoples to a more sympathetic disposition towards each other through shared beliefs, making each less like "the other" and more like "us". Rational choice theorists also posit explanations based on democracies' greater competence in reaching non-zero-sum outcomes of not going to war. These debates are in the hands of social theorists and are unlikely to lead to any settled conclusions for a while.

There has been significant academic criticism of the democratic peace theory. Some of it inevitably focuses on the underlying definitions employed by Rummel and others to allow them to come to their conclusion.[12] More disturbing is the argument that while there may be some truth in the proposition in so far as consolidated democracies are concerned, transitional democracies have shown themselves to be particularly war-like.[13] For the United Nations, this poses an acute dilemma. If democratization is based on the purpose of securing world peace, one of

the short-term consequences may be an upsurge of war. Another problem with democratic peace theory is that it deals solely with interstate conflict and has little to say about internal national conflicts. Because many of the current trouble spots the United Nations must deal with are within the context of a single nation-state, democratic peace theory has little to offer in this regard.

The next question is the extent to which democratic peace theory has entered the policy domain. An important signal in this regard was President Clinton's 1994 State of the Union address, in which he based a key plank of his foreign policy on this theory when he said: "Ultimately, the best strategy to ensure our security and to build a durable peace is to support the advance of democracy elsewhere." Democracy-building worldwide became a key plank of the Clinton years, culminating in the launching of the Community of Democracies, which had as one of its underlying premises "the interdependence between peace, development, human rights and democracy".[14]

The Bush administration maintained an interest in democracy as an organizing principle in its foreign policy and has continued to support the Community of Democracies initiative, but, distracted by issues of terrorism, Afghanistan, and Iraq, the enthusiasm waned. Democracy promotion nevertheless continues to be a significant plank of the foreign policy and international development programmes of most Western democracies, and democratic peace theory is a key motivation.[15] Support can also be discerned among developing countries, given that 60 of the 115 participants and observers at the 2002 Seoul Ministerial Conference of the Community of Democracies were developing countries.[16]

One can conclude that there is solid backing, both academic and in practice, for the proposition that democratization will help avoid the scourge of war. But in neither field is the support complete, nor can it be said that a consensus has formed around this proposition. The United Nations is on solid ground in its democratization rationale based on this theory, but perhaps further justification is required in the other purposes of the United Nations.

"Faith in fundamental human rights"

The UN's second purpose revolves around respect for human rights. The question thus becomes whether it is established and accepted that there is a linkage between democracy and human rights. There is now a considerable body of literature on this subject[17] and an authoritative pronouncement by UN members in the 1993 Vienna Declaration and Plan of Action,[18] which established the clear link between human rights and democracy when it declared in paragraph 8:

Democracy, development and respect for human rights and fundamental free-
doms are interdependent and mutually reinforcing. Democracy is based on the
freely expressed will of the people to determine their own political, economic,
social and cultural systems and their full participation in all aspects of their lives.
In the context of the above, the promotion and protection of human rights and
fundamental freedoms at the national and international levels should be universal
and conducted without conditions attached. The international community should
support the strengthening and promoting of democracy, development and respect
for human rights and fundamental freedoms in the entire world.

The interdependence of human rights and democracy manifests itself in
several ways. There is a strong argument that individuals have a right to
participate in "genuine periodic elections" as required under Article 25
of the International Covenant on Civil and Political Rights. The meaning
of "genuine periodic elections" is also becoming clearer with the recent
decisions of the Human Rights Committee and the Commission on
Human Rights spelling out that these must be free and fair multi-party
elections.[19]

Another linkage is emerging in the suggested right to democratic gov-
ernance forcefully posited by Thomas Franck.[20] The argument in favour
of this thesis flows not only from the perspective of individual entitlement
but also from the perspective of international legitimacy being conferred
on governments coming to office by democratic means.[21] Yet until the
right to democratic governance is enshrined in a widely adopted legal
instrument, it is difficult to dispense with the term "emerging" in de-
scribing its place in the panoply of human rights.

A further linkage is the understanding in human rights law, as articu-
lated in the Universal Declaration of Human Rights, that democratic
practice can mediate any limitations on the exercise of human rights.[22]
Article 29 sets out the means of limiting the exercise of human rights,
authorizing only "such limitations as are determined by law solely for the
purpose of securing due recognition and respect for the rights and free-
doms of others and of meeting the just requirements of morality, public
order and the general welfare of a democratic society".

A final linkage may exist through the operation of the right of self-
determination. Common Article 1 of the two major human rights cove-
nants enshrines the right of self-determination for "all peoples" and asserts
that "by virtue of that right they freely determine their political status".
There have been suggestions that a form of internal self-determination is
developing, providing the people of a state with a continuing right to self-
determination in the choice of political systems and leaders.[23] This could
well become yet another foundation for democracy in human rights law.
But at present the more common interpretation of this right makes it

more analogous to a right of decolonization than to a continuing right to democratic choice.[24]

The linkage between human rights and democracy is certainly sufficiently strong to be yet another rationale for the UN's involvement in democratization. The practice of the United Nations is increasingly to link the two issues in its work and to design interventions and supporting programmes with the effect of reinforcing respect for human rights with the building of democratic governance processes.

"To promote social progress and better standards of life"

Having found strong support for the propositions that democracy promotes peace and human rights, perhaps the most difficult question arises at this point when considering the third fundamental purpose of the United Nations: does democracy promote development? Initial thinking was that democracy depends on development, and that a certain level of income enjoyed by a large urban middle class was required before democracy could take hold.[25] This rather élitist concept of the flowering of democracy was a fundamental influence on the early shape of the international community's development assistance strategy, placing emphasis on economic growth, creation of export industries, and trickle-down models of social uplift. Jagdish Bhagwati wrote an influential book in 1966 in which he argued that developing countries faced a "cruel dilemma" because they had to choose between democracy and development.[26]

That early thinking has been replaced by a more sophisticated analysis. Bhagwati himself has had a change of heart and now believes that "the quality of democracy greatly affects the quality of development".[27] Other commentators stopped using the concept of development as a precondition for democracy and instead speak of certain factors, such as literacy rates, limited income inequality, and substantial economic activity independent of the state, as facilitating the development of democracy.[28] Amartya Sen points out the error of seeing democracy as an end product of a largely economic process. He argues that it was wrong to ask if a country is "fit for democracy"; the correct way to look at the issue of economic and social development is to understand that a country becomes "fit through democracy".[29]

The relationship between democracy and development will remain a subject of continuing research by theorists. The link between governance and development is now well established, and it is being complemented by a growing acceptance of the link between democracy and good governance. There is certainly a sufficient acceptance of the link to be another justification of why the United Nations is involved in democratization work.

There may remain continuing questions about the extent of the relevance of democracy to each of the three purposes of the United Nations discussed above. But when the link between democracy and these three major purposes of the United Nations is seen together, it constitutes a powerful case. All the more so when one considers the reinforcing nature of peace, human rights, and development to each other and the role that democracy plays in achieving each of these goals.

Outline of the volume

The first section of the volume raises a comprehensive range of issues, challenges, and controversies related to democracy promotion and assistance. These thematic papers deal with the genealogy, normative context, and justification of democracy promotion, the legal and political framework, and some of the difficulties of this activity. They highlight the strengths and weaknesses of the UN's democracy promotion, and set the scene for the case studies that follow.

Tom J. Farer's chapter, "The promotion of democracy: International law and norms", considers if the normative framework of the United Nations permits it to influence the institutions and structures of governance within member states, if it has the legal authority to promote or defend "democratic" forms of government, and, if so, by what means. Farer demonstrates that the United Nations has indeed acted to influence the allocation of authority and power within states. The organization was a major facilitator for self-determination, and its capacity to promote democratic forms of government when it has the consent of the affected state has been demonstrated. Only where democracy promotion does not enjoy the consent of the target state can there be any reasonable doubt about the legal authority of the United Nations or its agents, in line with the domestic jurisdiction clause of the UN Charter. Even then, state sovereignty has never been inviolable; it has never been absolute in the sense of precluding one state from taking any legitimate interest in what was going on in another, including issues relating to governance and human rights.

In concrete terms, the 1948 Universal Declaration on Human Rights states that "the will of the people shall be the basis of the authority of government ... [and] shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage". Regional and global norms, institutions, and legal instruments have furthered this democratic entitlement. The United Nations has taken a role in the coercive promotion of human rights as well as in more functional technical assistance. In terms of coercive action, this chapter examines the cases of Somalia,