

Chapter 4

Is Democracy the UN's Business? The United Nations and Sustaining Democracy

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The Democratic Way to Dictatorship: How Everything Was Lost

The quote attributed to Thomas Jefferson “The price of freedom is eternal vigilance” comes to mind immediately when discussing how the gains of democracy can be squandered and lost: as simply as by falling asleep on one’s watch. Where vigilance fails or falters, those less interested in what Democracy represents will take the opportunity of subverting it. The clearest example in history has been given by those who, not believing in democracy, have accepted it temporarily to better destroy it. This acceptance is hypocritical and pragmatic: in its extreme vision, democratic institutions are seen as the poison that will eventually kill democracy; the democratic shortcut to power allows then and from there, to rein in a society and deprive it from its freedom, from any restraint mechanisms that stand in the way of absolute dominion. Benito Mussolini entered Parliament in 1920 and was offered the Italian government after his threatening “Marcia su Roma” (March on Rome) in 1922—combining the terror of his squads of war veterans with a political party running for elections. Hitler was a minority leader in the 608-member strong German Reichstag and used the electoral route that never offered him a victory to access power through another combination of terror, intimidation and agitation. He did not wait one month after his appointment as Chancellor in January 1933, and set fire to the Reichstag on February 27 of the same year—a quite graphic indication of what he thought of parliamentary oversight. Most nations in the east of Europe held relatively free elections after World War II—only to see how the different communist parties, with the support of the Red Army, systematically trans-

formed the results of these elections into absolute rule: in the German Democratic Republic, for instance, the Communists forced the social democrats and others into a coalition first and a merger later, replacing a multiparty democracy by a one-party Stalinist regime. In Bulgaria, the opposition parties, supported by the UK and the US, were wiped off the political map in the constitution-drafting debate and finally banned—by a communist party that had come to power through competitive elections, which it had won. In Czechoslovakia, the landslide victory of the Communist Party in the 1946 elections was only the preface of the ban of all other political parties that would happen only two years thereafter. One can look through East and Central Europe's 1945-1950 politics and recognize the same pattern: elections leading to totalitarianism.

Are Rich Democracies Safe? Are Poor Democracies at Risk?

What is the lesson from these pages of recent history? One, that democracy is always fragile and never a given. Two, that democracy can be reversed, especially in times of social unrest and economic depression (the cases of Germany and Italy). Adam Przeworski¹ has developed mathematic formulae to show that democratic countries do not fall back into authoritarianism, no matter how tough the social situation, once they have reached the Gross Domestic Product line of US\$6,000: the recent social difficulties suffered by Argentina are often quoted as an example of how recession can cruelly hit a society with

¹ Przeworski, Adam, *Multilateral Strategies to Promote Democracy* (New York: Carnegie Council, 2003). The author has studied the facts and the statistical proportion of countries in which governments are selected through competitive elections, with their attendant freedoms. The first fact is that such a proportion is today higher than ever before, and it is not falling. Starting his statistical analysis in 1946, with a proportion of 45 percent, the post-war period has been one of decline, including the entrance of 47 new independent countries between 1957 and 1982, many of which were not democratic. 1982 is the starting point of the third wave of democratization in Latin America, Eastern Europe and Africa. Regarding the quality of these democracies, the author states that "they suffer from dissatisfaction and shallow political participation all around the world." This is certainly confirmed by both the United Nations Development Programme's Human Development Report 2002 and the more recent UNDP Democracy Development Report in Latin America. In studying democratization, it is important to analyze the emergence factors (why are democracies established) and the survival factors (and probabilities, depending on such factors, i.e. income). The survival probability has again increased since 1982, leading to a stabilization of emerging democracies. In very poor countries, about one in eight democracies die per year (12 percent probability of democratic collapse). When GDP per capita reaches US\$6,000 (Argentina 1976), all democracies survive: no democracy ever failed above this line, even if going through every possible crisis.

its damaging sequels of mass unemployment, evaporation of social services and aggravation of extreme poverty and still have its democratic system survive, albeit hurt and weakened. This thesis of an economic virtuous circle that maintains democracy afloat has also been expressed in geopolitical terms. The more democratic a society is, the less its public opinion, its published opinion and its legislature will tolerate double-standards, i.e. the eventual support, for geo-strategic or economic reasons, of foreign authoritarian regimes, and the more it will promote democracy abroad, especially amongst its neighbors. This generates a virtuous domino effect of democracies promoting democracy and helping democratic systems not to slide back.

Despite his impeccable empirical series, there is no guarantee however that Professor Przeworski will always be proven right in the future. On the other hand, we have the assurance that when the poverty needle attains the red zone, very poor democracies that do not improve their citizens' livelihoods will remain extremely exposed to takeovers, *pronunciamentos*, populist saviors dressed in technocratic suits or in fatigues—all subspecies of the authoritarian family and none comfortable with the checks and balances democracy implies. Deprived of popular support, palace coups and unconstitutional transmissions of power will happen frequently amidst the indifference of the homeless, hungry and unemployed citizenry. One of the most pernicious (and fallacious) discourses has been the myth, beloved and propagated by dictators, that democracy implies a degree of indiscipline that is somehow the enemy of development rather than an essential ally of welfare. From there, we have seen some political platforms expressing, in a democratic contest, the “need for an authoritarian smack,” not openly questioning the democratic values, but ‘just’ appealing to a “better” *sequencing* between what is again presented as “a period of order” (during which to build infrastructures and rein in deficits, produced inevitably by the earlier prodigality needed to feed democratic consensus), and time that will come later for elections, political pluralism, parliamentarianism, local governance, free press and other such expensive and messy processes that allegedly slow down growth. This thesis is a fairy tale without factual basis—worse: an attempt to negate reality by mystifying it. Authoritarianism has historically been equal to disorderly economics, individual prodigality of office-holders, left to handle public finances without any oversight, and privileges for the few without the slightest accountability. Demo-

cratic decision-making is seldom a hurried process, never the result of an error due to lack of time. Much as the parsimony of democratic procedures has been criticized, they lead to more reliable results, guarantee a fair amount of local input, constituency buy-in, national ownership and prevent the effects of bad decision and bad government: there is always a limit on how bad things can get, inasmuch there is always an election day around the corner. Every democratic decision matures the development process and every step ahead in development ripens the democratic system. In the words of Amartya Sen,² “a country does not have to be deemed fit *for* democracy; rather, it has to become fit *through* democracy.”

The Commercial State

If, as put by Prof. Guillermo O’Donnell,³ the actor of democracy is not so much the voter, asked to opine once every four years, but more the citizen, who exercises his or her rights every day, at every step, in all aspects of life, we are in a more realistic position to analyze what the gains of democracy are and where they can be seriously put in danger. Another way of a democracy losing foot, weakening its participation menu, its processes of consultation and decision-making is the transformation of the State into a regulator or a provider—and the citizen into a client, denying that the relationship between them is mainly political, rights-based, and replacing it through a basically commercial or contractual linkage. The new currency is now satisfaction (and tax money) for service, a currency that is easy to sell precisely because the State has often been a poor provider, hiding behind its faceless monopolistic control of entire sectors of human activity, and nobody tolerates bad public service, if given a choice! The new currency substitutes legitimacy, accountability and democratic oversight. Democracy, once again, is weakened.

Factors of Erosion

Erosion of democracy seems to be invariably the result of less democratic forces gaining power and bringing back their agenda—one of

² Sen, Amartya, “Democracy as a Universal Value,” *Journal of Democracy* 10.3, National Endowment for Democracy and the Johns Hopkins University Press, (1999) p. 3.

³ O’Donnell, Guillermo, Remarks during a presentation of the panel on “Strategies to Promote Democracy,” held at UN Headquarters in New York, on July 18, 2006.

“people’s power” usually without the people, one of “strong man rule” with no intermediaries, an agenda where other values are set as absolute priorities—security, economic recovery, reconstruction after a natural disaster. We all know how we are ready to trade off part of our liberties against more security, more jobs or the regrouping of forces and discipline necessary to make an extraordinary effort in special circumstances. The problem is that those who taste exceptional powers as rulers usually get accustomed to them and quickly enjoy the absence of checks and balances, the discretion and what is often presented as efficacy at the service of an unimpeded executive force. It takes a society with strong democratic values and very solid institutions to bring the process back on (democratic) track.

Erosion happens to democracy for a number of reasons: because it is unable to deliver on the social agenda and loses its support base; because the elite in power has an agenda that precisely consists in subverting democracy; because the rulers of the day who were once preferred by the people have decided to continue without its permission and are obsessed with remaining in power—we have seen how many constitutional provisions of mandate limitation have been amended to allow the incumbents to remain in their high offices; or because unexpected emergencies seem to call for extraordinary powers, and these are extended, beyond the lifetime of the event that seemed to justify their concession.

A further factor of erosion has to do with the maladministration of the mandate received democratically. Dishonest behavior of elected officials, widespread corruption and kleptocracies rob the citizens their most valuable good—trust—in addition to the monies of the treasury. While rigged elections—or even worse, no elections at all—are the preface of an announced misrule, period of generalized embezzlement and disregard for citizens’ concerns, free and fair elections that reflect the will of the people hold the promise—regardless of whether it is actually fulfilled—of honest and accountable government, hard-working and exemplar public office-holders, transparent and integer decision-making in state affairs. This is why, perhaps, the erosion of trust caused by corruption has such a cruel impact on democracy: it leaves scars that take a long time to fade and generates disbelief in the different political programs. Instead, there seems to be only one: to arrive in public office to generate private gain.

The last erosion we need to measure in terms of impact and propagation is the diminishing human rights protection shield under the impact of national security legislation. No matter how we look at the issue, human rights are commitments of the international community, norms of *ius cogens* that do not admit immunities, fiscal paradises or temporary exemptions. They apply *urbi et orbe* and no derogation from them is permitted. One of the tough tests to define a democracy's quality and depth is the way in which it treats its foes, those who put it at risk. The impact of tolerating lower human rights standards invoking the Raison d'État is that others will use the same lower standards and apply them to any situation they describe as contrary to their security—this time, with barely any control. Such a situation is especially grave when we refer to standard-bearing nations: the import-export of repressive laws that combat terror to use them elsewhere against political dissidence labeled with misleading names has already been documented. The response to those who try to destroy our rights and deter us from living in freedom is more, not fewer rights, more, not less freedom.

The Achilles Heel

Erosion is of course not as brutal today as was the fire in the Reichstag. But we can still see smoke at times, and detect the fire underneath. Erosion attacks the Achilles Heel of democracy, its checks and balances. These are put under pressure and decaffeinated. The basic democratic arrangements, political practices and institutions that define a democracy are put at risk or emptied of their functions. Independent journalists are harassed, editors intimidated, while the state-owned or private media ancillary to the rulers receive unlimited leeway to transit from information to defamation, propaganda and personality cult. The legislature is weakened, ridiculed and transformed in a ritual chamber, often closed down, convened *ad calendas graecas*, ripped of its prestige, depleted of budgetary means and the Members left hanging without a function or a real possibility of maintaining a serious relationship with their constituents. Government acts as if it had no obligation to remain accountable to the representative bodies, and prefers “direct dialogue” with the people, TV addresses to the nation and “plebiscites” or referenda, rather than parliamentary control, Accountant Generals and Inquiry Committees. The Judiciary

is subjected to obedience and politicized; promotions and demotions are made to depend on political loyalty. Soon, the entire judicial zenith is beholden to the ruling elite because it has risen to that position thanks to political influence, not professional proficiency and/or seniority. While Montesquieu's death is celebrated, the separation of powers is buried and the only survivor is always the Executive branch of government.

Orchestrated libel is frequently used as a political weapon against discrepant leaders. The mechanisms of decision-making often suffer another tweak: they are re-centralized where there was a decentralized structure, or strengthened elsewhere. Local government is left to starve, deprived of any fiscal revenue and totally written off in terms of authority; it is often replaced by delegates of the center, Governors who have the sole direct line to the only real power, the center. Everything has to be dealt with in the capital, and soon the elected authorities will simply be replaced by others, more to the liking of the rulers —through rigging local elections, heavily weighing in with less than legitimate means or simply making the investments depend on the result. Civil society receives a very special treatment and is either co-opted if docile or demonized if attempting to remain independent. Civil Society Organizations (CSOs) with foreign partners are portrayed as lacking any real roots in the community, agents of external powers or intellectualized minorities with no real concern for the people's problems. Sometimes non-governmental organizations have actually been the front for other countries' less-than-respectful interventions in sovereign nations and ways to 'continue diplomacy by other means.' This reality has paved the way for such criticism. Civil society organizations that do not have sufficient backing in society, grass roots organizations with almost no roots and consultancy firms that adopt the external shape of a Non-Governmental Organization to access funding sources damage the entire CSO movement's credibility and reduce the terrain for their operations. Illiberal rulers tend to make strong nationalistic arguments and rally support through picturing civil society as alien, foreign and not connected to genuine values —and sometimes, arguments are served to them on a silver tray.

Very important work has been produced to date by numerous institutions to develop governance indicators or democracy indexes, to try to classify countries in clusters of democratic, less democratic and

non-democratic, and analyze their respective evolution. A good overview of the main indicators (and their shortcomings) is provided by Munck and Verkuilen in their essay “Conceptualizing and Measuring Democracy.”⁴ We would prefer however, rather than trying to reach an agreement on attributes and thereby a universal definition, embrace Dahl’s suggestion that a democracy is a country “where the government is generally referred to as democratic by most of the people in that country, by many persons in other countries, and by scholars, journalists and the like. In other words, in ordinary speech and scholarly discussion, the country is called a democracy.”⁵

More Democracy Than Ever

Against this grim backdrop, it has to be stated that we are analyzing the quality of democratic consolidation, and deepening our knowledge and analysis of the “democratic retreat” because we now can! Only 15 years ago, we were so busy in supporting those who were bringing about democratic values and institutions in their countries that the issue of quality remained a distant bridge that we would cross when we would get there. First came first: lifting the ban on political parties, a free press, elections, legislatures, local governments, and independent judges. We can now afford this more sophisticated debate because we have arrived at an almost universal acceptance of democracy as the best form of government and a quite generalized adoption of democracy’s most salient institutions. We are now discussing how to reenergize social support and legitimacy of democratic systems because the world has achieved, in a very short period of time, spectacular results in terms of democratization. Yesterday, news of a military coup was part of the daily brief. Today, we feel shocked when we see men in uniform, as we have recently in Bangkok, intervening to curb the course of constitutional representation.

Often, even in this paper, democratic values, processes and institutions are amalgamated and dealt with as a continuum or parts of the same reality. In some ways, they are: institutions without underlying values are fragile and soon can fall in ritualism and lack of support.

⁴ Munck, Gerardo L. and Jay Verkuilen, *Comparative Political Studies*, Vol. 35 No. 1, February 2002, pp. 5-34.

⁵ Dahl, Robert A., “What Political Institutions Does Large-Scale Democracy Require,” *Political Science Quarterly*, Volume 120, Number 2, 2005, p. 188.

Values without institutions generate a positive culture and social ambiance that society enjoys in its more informal groupings—the family, work, the village or neighborhood—but does not permeate upwards to the national level policy decision-making boards. Values or institutions without a well-oiled process result in badly functioning mechanisms that do not translate truly the opinions of the citizens, can be captured easily through procedural tricks and deprive the values from a landing strip and the institutions from their engine belt. The trilogy is therefore needed to make democracy meaningful to everyone's life on a daily basis, from the most strategic decisions of a nation to the way individuals relate to each other in the polis. But even admitting that the three legs are needed to give stability to the democratic stool, the principles and values are still more important than the trimmings and trappings of democracy. It is a long endeavor to build the former, while the latter can be set up in a reasonably short time if there is sufficient political will to promulgate norms and build governance edifices.

The UN's Role in the Promotion of Democracy

Regardless of the language—backlash, erosion, and frailty—democracy is a precious but relatively fragile system where it has not enjoyed decades of consolidation, and it presents permanent challenges, threats, and opportunities. The United Nations has the responsibility of addressing them. Professor Michael Doyle⁶ has indicated that “democratic values are deeply and ambivalently embedded in the UN system. Democracy and human rights are embedded in the Charter itself, in the Universal Declaration of Human Rights but constrained by views on sovereignty and non-intervention. The UN espouses no single model of democracy.” He believes that the UN performs its role in the promotion of democracy both directly and indirectly: “Indirectly through the promotion of economic growth and maintaining peace; directly via technical assistance, election monitoring and diplomatic negotiations.” The vast majority of UN efforts are deployed as voluntary assistance based on the host-country's invitation or conventional commitment; very few are coercive enforcement actions, under Chapter VII of the Charter.

⁶ Doyle, Michael, Remarks during a presentation of the panel on “Strategies to Promote Democracy,” held at UN Headquarters in New York, on July 18, 2006.

UN democratization is not democratic coercion—it is overwhelmingly a form of technical and strategic consensus. This already explains the limitations but also the virtues of this tool—the UN persuasion and peer pressure—when the subject of the democracy backsliding does not want to agree on the diagnosis or on the solution and is rather part of the problem. However, sanctions and impositions have such a bleak record in this regard that diplomatic efforts and persuasion are still what the international community has best to offer. Capacity development and strengthening of self-correcting mechanisms of democracy are the pillars of a strategy that basically consists in providing support before the ship hits the iceberg. So how can it work, and why?

The basic answer is that for want of a better solution, democracy persuasion has worked—slowly, gradually, but with the advantage of not leaving deep wounds and generating national ownership over the process. We have also seen how, increasingly, democracy matters to the UN, and the UN matters to democracy. The UN has done more than any other organization to promote democracy through quiet diplomacy and hands-on cooperation with its Member States at the country level. The Universal Declaration of Human Rights adopted by the General Assembly in 1948 has inspired constitution-making in every corner of the world, and contributed greatly to the eventual global acceptance of democracy as a universal value. The development of human rights standards, the implementation of the right of all peoples to self-determination, and assistance to good governance and electoral assistance have been among the key tools that the UN has used to promote democracy. The UN has also served as a forum for the development of specific initiatives such as the movement of New and Restored Democracies, initiated by the Philippines, following the country's democratic transformation in the late 1980s. More recently, a group of states established itself as Community of Democracies and started to organize consultations within the framework of some of the UN bodies.

In addition, with the assistance of the UN system, major progress has been achieved in terms of fair and regular elections, representative legislatures, accountable government—national and local—predictable justice, honest civil service, transparent public management, a free press, civil society organizations as numerous as needed and a system that protects all rights for all. The debate on development and

democracy has also evolved. Freedom and democracy are not seen anymore as luxury items: all societies in the world can afford them and know it. The position on the development index is no reason anymore for lowering the bar of fundamental freedoms—if anything, it has become a motive to increase that level and unleash the capacity of people to move a society ahead with the engine of their freedom. Even in political contexts that do not observe the principles of pluralism, one can observe that effectiveness and success stems from areas of activity such as economic sectors where there is wider choice, ampler freedom and a stronger creative impulse. Sen points again to the “overwhelming evidence to show that what is needed for generating faster economic growth is a friendlier economic climate rather than a harsher political system.”⁷ The challenges to democracy are not exclusive to developing countries: numerous challenges affect rich nations, from the disenchantment of their younger generations with regards to politics and politicians, to very serious doubts about the level at which citizens’ decisions and governments’ influence really matter, overruled as they seem to be by multinational corporations of the globalized economy, including the media giants, regional super-structures, world financial institutions and other powers that are not accountable before any democratically elected institution. As a result, in advanced countries too the State faces a crisis of legitimacy, and the level of trust in political parties and in institutions such as the legislature or the courts is at a record low. As indicated by Dahl, “every actual democracy has always fallen short of democratic criteria. (...) we should be aware that in ordinary language, we use the word democracy to refer both to a goal or ideal and to an actuality that is only a partial attainment of the goal.”⁸ Consequently, just as we need strategies to bring about a transition to democracy in non-democratic countries and for consolidating democracy in newly democratized nations, so in the older democratic countries we need to consider whether and how to move beyond our existing level of democracy.”⁹

These are some of the reasons why democracy is an essential part of the Secretary-General’s Reform plan: a sustained effort to help build where necessary and strengthen everywhere else the democratic

⁷ Sen, *ibidem*, p. 5.

⁸ Dahl, *ibidem*, p. 187.

⁹ *Ibid*, p. 197.

fabric of a nation, a fabric that can be very different in texture, color and size but that does result in listening to the voice of the people and respecting their preferences. This strong democracy bid has a concrete expression in today's United Nations, it is called the UN Democracy Fund; a new and dynamic platform that we hope is the foundation of something more important yet to come. It has all the ingredients: an independent experts' team that harnesses what the UN has best to offer, from political analysts to peacekeepers, from development practitioners to gender specialists, from anti-corruption professionals to human rights experts. It also has a Board on which 11 Member States serve, from the North and the South, the East and the West, developing and high income, landlocked and insular; stellar academics and leaders of global civil society complete the trustees who steer the Democracy Fund at the UN. Institutionally housed in the UN Office for Partnerships, is an important platform to build alliances and an example of how indispensable the cooperation between civil society, governments and the UN has become to successfully address the challenges of democracy-building.

There are good reasons why the persuasive approach works: because the bearer of support is believed to be equidistant, non-partisan, with no lesser agenda than the admittedly ambitious one of the Universal Declaration of Human Rights and the Charter. Even where the support of the UN appears as uncomfortable, the cost of blocking it may be assessed as higher. The result is that oversight mechanisms, processes and institutions are gradually strengthened and increase their usefulness and moral authority. The one exception is perhaps that of the most hostile environments, where the UN has not found an effective way of engaging a dialogue to open up a process of democratization. But then nobody else has found the "Open Sesame" words, and all efforts seem to go in the direction of identifying democracy champions and providing discrete and quiet support, while not putting those activists who have to face complex and repressive political systems at even greater risk. When the Secretary-General of the UN approved the first round of 125 Democracy Fund projects, out of 1,300 concepts that had been submitted by civil society and other organizations in 110 countries, he was actually contributing to strengthen, in all these Member States, the self-correcting mechanisms that every democracy has availed itself of. The Fund has essentially invested 60 percent of its resources in strengthening local civil

society—to keep less attentive governments on their toes and to help more sensible governments benefit from the inputs of civil society. Many governments are ready to play the democratic game with CSOs, indicating that they will let them operate and participate in the definition, implementation and evaluation of public policies. Providing breathing space through the UN's endorsement to human rights activists who may feel suffocated has been another important line of work over the past six months.

Where the electoral process is far too closely monitored by law enforcement agencies, Human Rights Commissions will dedicate efforts to monitor the behavior of the police and other security forces during election time. Where there is undue pressure on media, the Fund will support networks of lawyers who protect journalists and uphold their freedom of expression, while the news people in turn support the jurists in their bid for independent justice. Where transparency is a major factor, civil society is using digital means to create dynamic portals that provide citizens access to information on interests of candidates running for public office, a measure that is usually very well received by many candidates themselves, especially those who would benefit from a level playing field. Where political turmoil needs to be reabsorbed and translated into future legislative frameworks, such as Bolivia and Zambia, the Fund is helping facilitate the constitutional reform deliberations leading to new *magna cartae*; in countries where free and fair elections are still an issue upon which depends the respect of the people's will, the Fund supports independent monitoring of the polls by international and domestic observers. Everywhere in the world, it sponsors civic education and voters' awareness, as well as capacity development of political parties in a non-partisan way. The rights of ethnic minorities, once respected but progressively neglected as the limelight dims, have been especially targeted by the Fund.

Democracy is a process of permanent discovery rather than a finish line at which some have arrived and many are still running towards. We are all in the same race, and have tried here to discuss why some might be seen as running backwards, are slowing down their pace or have stopped on the sidelines. The challenge is of course to see how we can hit the road again and catch up with the lead group.