



## Guidance Note of the Secretary-General on Democracy

### **I. Introduction**

At the World Summit in 2005, as in the Millennium declaration in 2000, Member States of the United Nations (UN) recommitted themselves to protecting and promoting human rights, the rule of law and democracy, recognizing that they are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations. This commitment was reiterated by Member States in 2007 in General Assembly resolution A/RES/62/7.

The majority of States in the world today describe themselves as democratic. However, democracy is a dynamic social and political system whose ideal functioning is never fully “achieved”. Democratization, furthermore, is neither linear nor irreversible and thus both state institutions and citizens must monitor and maintain oversight of this process. Accordingly, all countries, as well as the international community itself, could benefit from continued strengthening of, and support to, their democratic processes.

In the twenty-first century, we continue to be confronted with the triple challenge of building or restoring democracies, preserving democracies, as well as improving the quality of democracies. Key challenges for the UN in this context are: how to more effectively promote universally recognized democratic principles, institutions and practices; how to respond, in a consistent and predictable manner, to ruptures with democracy, as triggered by coups d’état or other unconstitutional transfers of power; and how to respond to, or even help to prevent, the slow and gradual erosion in the quality of democracy and the weakening of democratic freedoms, practices and institutions which sometimes occur.

In the face of such on-going challenges, and given the intensive debate surrounding democracy assistance, it is more important than ever to find an effective and acceptable universal framework for conducting such support. To address this issue, in November 2007, the Secretary-General requested the development of an “organization-wide strategy that further defines the UN approach to supporting democracy”, anchoring this in the three pillars of the UN’s work – peace and security, development and human rights.

This note sets out the United Nations framework for democracy based on universal principles, norms and standards, emphasizing the internationally agreed normative content, drawing on lessons learned from experience and outlining the areas of support in which the UN has comparative advantages. It commits the Organization to principled, coherent and consistent action in support of democracy.

## **II. Normative and Conceptual Foundations**

Democracy, based on the rule of law, is ultimately a means to achieve international peace and security, economic and social progress and development, and respect for human rights – the three pillars of the United Nations mission as set forth in the Charter of the UN. Democratic principles are woven throughout the normative fabric of the United Nations. Indeed, the first three words of the Charter itself are “We the peoples,” followed closely thereafter by important references to essential democratic underpinnings such as “human rights,” “fundamental freedoms,” “the equal rights of women and men”, “life in larger freedom,” “self-determination,” and the removal of distinctions on the basis of “race, sex, language or religion.” The General Assembly, in “The Universal Declaration of Human Rights” elaborated on the general human rights provisions of the Charter including the obligations of non-discrimination, equality before law, freedom of movement, thought, opinion, information, expression, assembly and association — recognized as rights necessary for democracy. The Declaration contains explicit provisions declaring that “[t]he will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures” and guaranteeing everyone “the right to take part in the government of his country, directly or through freely chosen representatives [and] the right of equal access to public service...” (article 21). It further requires that any limitations on human rights and freedoms must be “determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society” (article 29). The Declaration has been given legal effect in many subsequent UN treaties and instruments.

At the 2005 World Summit, all the world’s governments reaffirmed “that democracy is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives”, stressed “that democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing” and renewed their “commitment to support democracy by strengthening countries’ capacities to implement the principles and practices of democracy and resolve to strengthen the capacity of the United Nations to assist Member States”.

The UN has long advocated a concept of democracy that is holistic: encompassing the procedural and the substantive; formal institutions and informal processes; majorities and minorities; men and women; governments and civil society; the political and the economic; at the national and the local levels. It has been recognized as well that, while these norms and standards are both universal and essential to democracy, there is no one model: General Assembly resolution 62/7 posits that “while democracies share common features, there is no single model of democracy” and that “democracy does not belong to any country or region”. Indeed, the ideal of democracy is rooted in philosophies and traditions from many parts of the world. The Organization has never sought to export or promote any particular national or regional model of democracy.

The appeal of democracy stems in part from its association with the advancement of the quality of life for all human beings, and thus, with the work to reach the Millennium Development Goals. Development is more likely to take hold if people are given a genuine say in their own governance, and a chance to share in the fruits of progress.

### **III. Guiding Principles for Effective Assistance**

The United Nations has learned many lessons from decades of engagement in democracy support. Our knowledge base, however, requires constant input and revitalization.

A key lesson is that democracy is indeed inextricably linked with the three pillars of the United Nations, in that genuinely democratic institutions and practices are essential for fostering long-term security and stability by allowing peaceful political dialogue and contestation; creating a conducive and legitimate environment for good governance, development and meeting basic human needs; and promoting and protecting human rights.

Another valuable lesson learned is the need to ensure that the UN is actively and continually evaluating its efforts on how best to provide sustainable democracy assistance that builds local capacity and nurtures a democratic culture. This assistance, while technical in nature, cannot be separated from the political realities.

Bearing in mind this framework, and based on experience to date, the following principles should guide UN democracy efforts:

#### ***Adopt proactive approaches to threats to democracy***

The UN should develop a consistent, predictable and pragmatic framework for preventive diplomacy, including adopting a proactive approach, consistently reminding Member States of their obligations under internationally agreed norms and principles, and facilitating efforts to prevent or address such threats, through mediation and other support measures as appropriate. The UN framework should seek to address both immediate threats to democratic governance as well as the underlying or structural causes of such interruptions. Whilst some countries continue to face external threats to democracy, most threats are internal, such as bad governance, abuses of state power, endemic corruption and entrenched discrimination and inequality, lack of voice of the poor and the marginalized and their right to remedy and justice. Also of concern are unconstitutional transfers of power. The record in past years statistically demonstrates that coups tend to worsen a State's human rights situation, do not lead to improvements in the quality of democracy and lead to poorer governance.

#### ***Do no harm***

UN democracy assistance, while remaining proactive and innovative, must nevertheless 'do no harm.' For example, ill-timed, and in particular premature elections encouraged by the international community in fragile societies have sometimes entrenched undemocratic, nationalist or extremist groups in power, and radicalized political discourse. Ill-conceived and poorly conceptualized programmes, and the promotion of inappropriate foreign models, also have the potential to endanger democratic transitions and, in some cases, they have even contributed to enhanced societal violence and conflict.

#### ***Uphold local ownership***

UN democracy assistance should aim to support legitimate democratic forces, provide a platform for expression of diverse viewpoints and perspectives, connect these forces to global knowledge and expertise, including south-south collaboration, and nurture a national environment open to transparent and democratic political discourse, transition and change. Local norms and practices must be taken into consideration and weaved into emerging democratic institutions and processes

to the extent possible, while at the same time promoting internationally agreed norms and principles. UN assistance should also be explicitly requested by local actors and never imposed. The major responsibility for democratic transitions and consolidation lies with forces within the national society and no amount of external assistance will create democracy.

***Broaden domestic engagement and participation in democracy-building***

The UN should support a broad, inclusive approach that reaches out to all sectors of and movements in the national society to engage them in dialogue on democracy, including women, minorities, indigenous peoples, adolescents and young people, displaced persons, vulnerable and disadvantaged communities, and other poor, excluded or marginalized groups. Efforts should be made by the UN to actively engage with traditionally marginalized and excluded groups or those who are less amenable to democratic transition rather than focus on engaging a small group of likeminded national actors as is often the case.

***Explicitly address the effects of discrimination against women***

Empowering women and promoting women's rights must form an integral part of any United Nations democracy assistance, including through explicitly addressing gender discrimination that contributes to women's exclusion and the marginalization of their concerns. While fewer women today are denied political and civil rights by law, many women are far from enjoying these rights on an equal basis with men in practice. The benefits of democratic engagement remain out of reach for many women. Gender-based discrimination, which is perpetuated through biased legal, economic and social institutions and practices, and can be exacerbated by other forms of exclusion, prevents women from engaging effectively in democratic processes.

***Develop democracy support strategies with a long-term horizon***

UN democracy assistance needs to be premised on a long-term commitment to the society in transition, and involve realistic objectives and timeframes based on the particular context. It is also essential that capacity-building be part of the UN's activities in democracy assistance from the outset, in order to ensure long-term sustainability and local ownership. The international community has often been impatient with the pace of democratic transition in societies, expecting complex changes to unfold rapidly. It has expected fragmented and resource-starved countries, including those devastated by conflict, to achieve what has taken more developed countries many decades. High, unmet expectations can result in a crisis of confidence within the society about its capacity to move toward democracy and premature conclusions being drawn about the effectiveness of democracy assistance.

***Invest in a comprehensive approach to democratization***

UN democracy assistance should focus on building trust across various constituencies, developing the state institutions required to peacefully manage democratic transition and consolidation as well as nurturing a strong civil society and civic-engagement mechanisms. Fostering momentum for democratic change in environments where state institutions are too weak to effectively handle disagreements and conflicting demands can create negative outcomes. A heavy investment solely in state institutions, however, can be futile and even counter-productive in situations where these are inherently autocratic or deeply and irrevocably flawed. Similarly, support should avoid an excessive focus on election winners.

#### IV. **UN Democracy Assistance: Areas of UN Focus and Comparative Advantage**

All potential UN assistance should start with a thorough and participatory assessment of national and public needs, capacities and aspirations in the country concerned. Assessments and measurements of democracy should be driven by national actors and stakeholders to the extent possible. These processes can further democratic debate within the country, raise awareness about democratic values and standards, and encourage and support the development of domestic ownership. Building national capacity in this regard is critical.

Democracy needs strong, accountable and transparent institutions of governance, based on the rule of law, and including an accountable executive, an effective legislature and an independent and impartial judiciary, efficient and inclusive public administration, as well as an informed, empowered and politically active civil society and population. Where should the UN, with its universal legitimacy, focus its efforts in this wide range of needs, with a view to the implementation of the universal instruments and declarations adopted by its membership? The conceptual areas below identify the most useful dimensions for UN democracy assistance. These areas are interlinked and should be mutually reinforcing. Assistance in the areas below, beyond fostering democratic principles, practices and institutions, also help to strengthen peace and security, and build an environment conducive to development, and the fulfillment of human rights. It is important to bear in mind that even though UN democracy assistance is often technical in nature, democracy is ultimately a political process.

##### **1. Provide political facilitation**

The supportive role the international community plays to assist national democratization efforts, can be strategic and even pivotal. Political facilitation by the United Nations and others engaged in democracy assistance can unlock blocked transitions or foster a sense of stability and bolster confidence in fragile situations. Political facilitation can take many forms, including mediation and negotiation, convening forums for policy discussion, supporting inclusive processes and national dialogue based on democratic values and principles. This can help lower tensions and stabilize political discourse, thereby easing the way to democratic transition and consolidation. The UN, with its ability to provide support in an impartial manner, is particularly well placed to play this role. The 2006 Guidelines for UN Representatives on Certain Aspects of Negotiations for Conflict Resolution contain key provisions, including the need for upholding UN principles and purposes, special attention to institution and capacity-building, and the importance of issues of governance, legal, electoral, and socio-economic reform, pointing to the need for UN representatives to alert the parties about UN system resources in this regard and to engage UN system partners in the provision of support.

##### **2. Encourage popular participation and support free and fair elections**

Popular participation, collective deliberation and political equality are essential to democracy, and should be realized through a framework and structure of accessible, representative, transparent and accountable institutions subject to periodic change or renewal. Democracy is a reflection of self-determination, and must be based on the freely expressed will of the people, both women and men, facilitated through free access to information, opinion, expression,

association and assembly. Based on respect for all human rights, in a democracy, the rights, interests and “voice” of minorities, indigenous peoples, children, disempowered majorities, and vulnerable, disadvantaged and unpopular groups or individuals must be safeguarded.

One type of support entails providing assistance to electoral processes and the conduct of elections, including supporting independent institutions or mechanisms entrusted with managing elections, as well as national election observation and monitoring processes. Electoral assistance must enhance confidence and credibility in both the process and outcome of an election. Linked to the right to vote is the right to stand for election, and in this regard the UN advises on the use of special measures to ensure that the voice of people who have been excluded and/or marginalized is heard and represented as well as measures to “level the political playing field”.

But citizens’ participation does not end with periodic elections. It is important that citizens are included and actively engaged in all processes of governance, including deliberations over public decisions and the design, implementation, monitoring and evaluation of public policies and their outcomes, forms of engagement which the UN actively supports.

### **3. Foster the development of a culture of democracy**

Particularly in emerging democracies, the development of a culture of democracy is essential. The gradual embedding of democratic principles into the broader social fabric, while taking into account existing societal norms, practices and traditions, should be nurtured and strengthened. “Education for democracy” is a broad concept which can help to inculcate democratic values and principles in a society, encouraging citizens to be informed of their rights and the existing laws and policies designed to protect them, as well as training individuals to become democratic leaders in their societies. Education for democracy should begin with the young, to promote democratic values and principles at an early stage, and also focus on guiding youth to learn and exercise democratic leadership. Education is also critical for empowering citizens to hold accountable those institutions designed to put laws and policies into effect that will safeguard their rights. In this regard, the UN assists with an array of support activities, including civic and voter education, training, and technical and other support for media and political outreach initiatives, all of which are necessary to strengthen democratic citizenship and ensure effective popular participation.

### **4. Support political pluralism**

Political pluralism requires that more than one political party participate in elections and play a role in governance. Political parties play an essential role in democracy by aggregating interests and integrating citizens into the political process. Decisions are more likely to be accepted, even by those who oppose them, if citizens feel that their views have been represented. As an impartial and independent actor that stands for inclusiveness, pluralism and tolerance, the UN has a unique comparative advantage in supporting the development of strong, transparent and inclusive multi-party structures.

## **5. Advance transparency and accountability arrangements**

In a democracy, and in accordance with the rule of law, elected and appointed officials and the institutions within which they work are responsible for their actions and are accountable to the people. For this to work, the people must be aware of what is happening in their country's governance. Therefore transparency and access to information about public affairs must be guaranteed, and states should be encouraged to adopt and implement legislation ensuring broad access to information by the public. To be effective, these institutions must be free from government control, mandated with specific decision-making or investigative and reporting powers and adequately resourced. One means of accomplishing these goals is through e-governance whereby relevant information and public services can be provided to citizens instantaneously.

The UN provides support to ombuds institutions, electoral commissions, anti-corruption commissions, gender equality observatories or commissions, human rights commissions, inspectors general, auditor services and other such bodies, in their tasks of monitoring human rights observance, supervising the conduct of elections, auditing government expenditures, inspecting government services, investigating allegations of corruption and abuse of power, and recommending ways to reform and improve governance. The UN also plays a role in encouraging states to adopt and implement legislation informing efforts in this regard, and also on ensuring broad access to information by the public. Where required and appropriate, the UN also deploys monitoring, fact-finding, investigatory and good offices missions, with particular attention to respect for human rights, to free and fair elections, and to other essential elements of the democratic process.

## **6. Promote the rule of law**

For the United Nations, the rule of law is a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires as well measures to ensure adherence to the principles of supremacy of the law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency. The UN provides key expertise and support to the development of legislation and the strengthening of, in particular, legislative, executive and judicial institutions under such principles to ensure that they have the capacity, resources and necessary independence to play their respective roles. The Guidance Note of the Secretary-General on the United Nations Approach to Rule of Law Assistance (2008) provides overarching guiding principles and a policy framework to guide UN rule of law activities at the national level. In addition, the Guidance Note of the Secretary-General on United Nations Assistance to Constitution-making Processes (2009) also provides the principles which should underlie UN engagement in constitution-making, and outlines the components of a constitution-making process, recognizing the centrality of constitution-making to democratic transitions.

## **7. Encourage responsive and inclusive governance**

Progressing towards higher levels of human development – meaning enhanced availability and accessibility of opportunities and capacities for people to make informed choices – requires state interventions that are, to a large extent, conducted by the public administration at the national and sub-national levels. The way in which the public administration operates, provides or restricts information, delivers services in an equitable or discriminatory manner and provides or prevents opportunities for people’s voice in the policy making debate has a direct impact on the way citizens perceive the degree of legitimacy of the democratic system. Strong and effective local democratic institutions are an underlying basis for a healthy democracy. When state institutions and government are closer to the people, they are more likely to be responsive and held accountable. Local levels of democracy are more accessible for citizens to question local officials, monitor what they do, present their interests and concerns and resolve their disputes in a fair, just and impartial manner, and can be an arena for attracting new political actors, including women and young people.

The UN therefore considers effective and responsive public administration, national and local, as vital, not only from the perspective of its role in managing resources and in steering economic and social development, but also as a key instrument for shaping democratic state-society relationships and good governance. UN assistance to building and supporting public administration spans a variety of efforts from early recovery to longer-term development and includes both the national and local levels.

## **8. Support a strong and vibrant civil society**

A freely functioning, well-organized, vibrant and responsible civil society is essential for a democracy. This presumes an active role for non-governmental organizations and democratic reform groups, human rights groups, women’s groups, youth groups, social movements, trade unions, minority representatives, professional societies and community groups, watchdog associations and others. Such groups have historically made important contributions to the formulation, advocacy and defence of democratic rights. To ensure the freedom of the media to perform their essential role and the right of the public to have access to information is also critical to the democratic process. The UN actively assists and supports these vital elements of society.

### **V. Conclusion: Enhancing Coherence and Coordination**

The UN must ensure principled, coherent and consistent messages and actions in support of democracy that complement the initiatives of the many other actors that work in this field. In reflecting the aspirations of its membership, the United Nations is well placed to bring together critical partners at the global, regional and country levels to deepen support for democracy and rule of law, and to promote consensus on ways to achieve sustainable outcomes. The Organization should also improve its ability to take advantage of the wealth of analysis on democracy work being carried out outside the United Nations system.

Many parts of the United Nations system are engaged in one or more aspects of democracy assistance. It is therefore critical that coherence among UN initiatives in this area be improved, including interactions with stakeholders, partners and the wider international community. Better

coherence requires an approach that ensures that democracy assistance is more effectively integrated into the three main pillars of the Organization's work: peace and security; development; and human rights.

The present note should provide a platform for working together on the basis of shared principles, joint analyses and demand-driven strategies to help ensure that our work is not only coherent and synergetic but also effective and responsive. The forthcoming Democracy Portal of the UN Website will be an essential tool in this regard. The present note should be disseminated through the Portal and by the various UN system partners as a useful tool for fostering coherence and a shared understanding of the principles and areas of UN democracy assistance. This would be supported by continuing inter-agency discussions through the ECPS Working Group on Democracy as a forum for feedback and reflection on the present note.