

UNITED NATIONS



NATIONS UNIES

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

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

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

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

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 haog th0007 Tc fee7polit, as.08c t lead -1

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 to respect them. The UN also provides technical assistance to help countries build the capacity of their institutions to ensure that they have the capacity to respect them.

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

