

**PRESENTATION TO THE GLOBAL ELECTORAL OFFICIALS NETWORK
CONFERENCE:**

**NEW CHALLENGES IN DEMOCRACY—
THE UNITED NATIONS EXPERIENCE**

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The topic I have been asked to speak on is the UN's perspective on new challenges to democracy. While preparing this presentation, I could not help but ponder instead the challenge of saying something new about democracy.

We are living, after all, in a moment in which, across the globe, the basic premises of democracy are accepted—at least rhetorically. A number of countries that have in the past allowed few democratic openings are now holding elections of some sort.

The United Nations has been involved in many of these exercises. We are currently providing assistance to over 50 countries, and over the past decade have worked with over a hundred. Given this breadth of experience, it struck me that we should be able to meet the challenge of saying something new about democracy.

But this challenge is harder than it seems. The study of politics is so old that Machiavelli can plausibly be argued to be one of the first moderns. But the study of elections in popular democracies is something quite new, dating back less than a century, and yet it seems that everything that can be said has been said.

During the last decade the UN has been particularly involved in trying to solve a new democratic problem: that is, trying to build democracy not only where there was not much of a history of liberalism or elections, but doing so in countries destroyed by war. While previous analyses of democratization contained a number of useful concepts that could be applied to post-conflict situations, those situations demanded a new analytical framework. We are still trying to build this framework, and I suspect that it will take several electoral cycles in places like Afghanistan and Liberia before we know if it's any good. But it is interesting how much we find ourselves returning to many of the old insights: that elections do not make democracy, that liberal institutions must be built alongside electoral institutions, and that it is not the electoral event that counts as much as the electoral process.

What can we say that is new? What have we learned?

I think one thing we have learned about electoral processes is that, often, too much is expected of them. In stable countries, electoral stakes are high because governments have a huge amount of power. In post-conflict situations, electoral stakes are high in part because the international community sees them as a sort of conflict-resolution mechanism—a sort of silver bullet to establish political legitimacy and mark a return to normalcy. But there are no silver bullets and certainly no silver ballots.

There is also a deep paradox in expecting elections to fundamentally alter societies. When we ask people to vote, we ask them to voice their political preferences. This might lead to a rejection of certain leaders or policies, but it will also lead to an expression, and perhaps amplification, of the prejudices, rival senses of identity, and historical traumas of that same society.

On the other hand, there is an essential truth behind the expectations that are placed on post-conflict elections. One of the roles of these processes is to create proxies for the sorts of institutions that liberal democracies require. The electoral law is often one of the first laws to be implemented. Its implementation, furthermore, must be of a sufficiently high standard—applied in a way that, perhaps, is not expected of contract law or copyright law in the immediate aftermath of a conflict. The independent electoral commission is one of the first bodies to be created after a conflict that must be neutral and demonstrate effectiveness. Former armed factions and other political groups are forced to act, or at least pretend to act, like political parties by adhering to codes of conduct and refrain from violence.

But there is one important way in which elections, in whatever situation they are held, have a transformational effect that goes beyond simply deciding the character of the government elected. And that is that elections confer or reconfirm on people a political identity—civil and political citizenship. The very high turnouts that we saw recently in Afghanistan in Iraq were in no small part a manifestation of this newly conferred political identity; in a sense, people voted because they could. The extent to which people fulfill their sense of citizenship, which is the object of democracy, is greatly affected by the quality of the election and the electoral system.

How do we determine the quality of an election? In the UN, we try to avoid the classical characterization of an election as “free and fair”, and instead focus on its *credibility*. In part this is because UN political rights instruments use the term, and in part it is because a focus on the ideal, objective conditions of freedom and fairness distract from the real political function of elections. The issue is placed in some relief, again, when we look at post-conflict and transitional elections. Simply due to the time pressures and conditions under which these elections are held, many could only with difficulty be considered “free and fair”, at least on a scale that we would accept for established democracies. The real question is whether or not their results were acceptable to the population.

From a practitioner’s perspective, an emphasis on credibility guides us in the organization of elections, by making us focus on creating credible institutions and transparent processes.

But the concept of credibility also has limits. There are cases where, due to a recent civil war or other political trauma, voters and political actors are willing to accept the results of an obviously fraudulent election simply to avoid a challenge that could reignite a civil conflict. In these cases, the concept of observation, and especially international observation, becomes very important.

The increasing acceptance of observation missions as a tool to improve electoral processes, rather than being seen as a stigma of political underdevelopment, is positive on the whole. At the same time, there are many different organizations providing observation under a number of different protocols. The usefulness of observation will be severely diminished if countries can go “observer shopping”. In recognition of this, a number of observer organizations will gather in New York under UN auspices at the end of October to sign on to jointly-agreed observation principles that have been negotiated over the past year.

The flip side of the recognition that there is no perfectly free and fair election and no perfect electoral system, is that all democracies have things to teach and learn from each other. In general, new democracies of course learn from older ones. Nonetheless, in some cases the newer democracies are teaching the older ones. Specialists in post-conflict economic development have remarked on the opportunity that societies destroyed by war have to “skip a step” in their development. They need not lay down telephone cables, for example, but can move straight to cell-phone technology. Similarly, post-conflict societies undergoing electoral processes can begin to adopt a number of modern features in their brand new electoral systems. These features may later be adapted by older democracies.

Let me conclude by saying a few things about the new challenges to democracy. I don’t believe that there is anything necessarily ephemeral about the hopeful moment that we are in. But we have to be honest about the real potential of democracy. When we look at mature democracies we see electorates who largely take their political freedoms for granted and often decline to vote. As the bulletin prepared by the ACEEEO points out, reversing the trend of declining voter turnout and encouraging youth to vote will be a significant challenge.

Another key challenge, and one that will be discussed later in this conference, will be to keep up with the technological opportunities afforded to the electoral system itself, and this includes, I believe, having the courage to reject certain innovations. In the end, I would suggest four problems with technological innovation that need to be confronted: (i) the digital divide, which penalizes those who are not familiar with, or who are distrustful of, technology; (ii) new possibilities of fraud that are created by technology; (iii) the need for legislation to keep up with technological advances (for example, rules of evidence that admit electronic information); and (iv) the capacity of electoral institutions to keep up with technological advances, as well as to provide credible guarantees against their abuse.

And the final challenge I’ll mention will be to better link elections to good governance. When democratic governments are perceived to fail their constituencies, other forms of government often become more attractive. In many countries, democratic governments are not delivering, and voters are increasingly willing to mortgage their political rights in the hopes that non-democratic systems will lead to more effective leadership. Democracy has been described as the only self-correcting form of government. This is true, but it

doesn't necessarily mean that all democracies correct themselves. How to link elections and good governance raises a number of very old questions—for example the eternal debate on the trade-offs between political inclusiveness and governmental effectiveness. It should also cause us to look at the nature of political parties, how to ensure that they do not become “political firms”, which essentially sell their allegiance to the highest bidding candidates irrespective of ideology. It might also lead to an increased focus on local elections and local government. And finally, it might push us to look at whether or not the safeguards we have developed to ensure credible elections can somehow be adapted to prevent government corruption.

In the end, we who work in elections have a significant stake in seeing that those who contest them fairly also govern fairly and competently once they are elected. And that is, perhaps, both the oldest and the newest challenge of democracy.

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