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# Unveiling the Unknown Face: The Role of the United Nations in Promoting Democracy

Bekim SEJDIU\* and Murat ÖNSOY\*\*

## Abstract

*The general tendency in academic writing about the UN is to highlight its contribution to the maintenance of international peace and security, as well as its role in boosting economic, social and other forms of cooperation among states. One aspect that has been left rather in the shadow is the UN's role in democracy promotion. This article explores the UN's engagement in promoting democracy around the world through theoretical, legal, historical and conceptual lenses. The major question it addresses is whether the UN is engaged in promoting democracy, and, if yes, how this role has manifested itself on normative and institutional grounds. This article identifies fundamental ways in which the UN contributes to the globalisation of the norm of democracy. The major argument underlined by the article is that the UN has a long history of involvement in democracy promotion, although it has done so more spontaneously than in pursuit of a clear objective and strategy.*

## Key Words

Democracy promotion, United Nations, post-Cold War era, transitional democracy, electoral assistance, democratic institutions, peace-building, norm-making, Arab Spring.

## Introduction

Democracy is not one of the first terms that would come to mind when we think of the United Nations (UN). Yet the UN has a long history of commitment to democracy promotion around the world. This aspect of UN activity remains largely understudied by both international relations scholars and those from other disciplines. As a result, the debates on the UN and democracy have been varied and do not comprise a comprehensive academic analysis. In essence, these debates usually pertain to the democratic credentials of the UN itself, particularly that of the Security Council. However, although the UN might look “undemocratic” from outside, it has consistently performed the function of a “silent” supporter of democracy.

This article explores the UN's engagement in promoting democracy

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around the world through theoretical, legal, historical and conceptual lenses. The major question it addresses is whether the UN is engaged in promoting democracy, and, if so, how this role has been justified on normative and institutional grounds. This paper argues that since its creation, the UN has been involved in promoting democracy, but that it has done so instinctively, and not in the pursuit of any clear objective and strategy.

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To lay the foundation for this argument, this paper's first section provides a brief overview of the contextual debate related to the UN's involvement in promoting democracy, with particular focus on its legal dimension. This section contends that, with the disappearance of intense Cold War rivalries, the UN has greatly expanded its engagement in democracy promotion. In the second section we examine the normative context, exploring the current legal status of the UN in democracy promotion. We argue that the pattern of UN involvement in such processes cannot be understood without understanding the normative context in which it occurs. The third part

investigates the UN's involvement in democracy promotion using a historical perspective, emphasising that the roots of this endeavour can be traced back to the decolonisation era. The fourth and fifth parts of the study analyse the UN's methods used in promoting democracy, focusing on two processes of consent: that of the target state and the collective consent of UN member states. The final section analyses the UN's administrative capacity to support democracy in light of more recent events, including the Arab Spring.

## A Brief Summary of the Conceptual Debate

The idea that the norm of democracy needs to be externalised across political and socio-cultural frontiers had drawn the attention of scholars and policy-makers before the UN was created. Yet it should be highlighted that the literature related directly to the UN and democracy promotion is scarce. The supporters of the UN as promoter of democracy have advanced three general arguments. First, democracy and human rights are deeply interrelated and therefore reinforce each other. Second, democracy helps to avoid the "scourges of war." Third, democracy stimulates economic and social development.<sup>1</sup>

The positive interaction of democracy with peace, human rights and socio-

economic development has been solidly established. This has permeated the UN vision since the end of the Cold War. Thus, in the “Vienna Declaration and Programme of Action” it was underlined that democracy, development and human rights and fundamental freedoms are interdependent and mutually reinforcing.<sup>2</sup> Sixteen years later, Secretary-General Ban Ki-moon underlined in his “Guidance Note of the Secretary-General on Democracy” that “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”.<sup>3</sup>

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If democracy leads to peace, and if it reinforces human rights and stimulates development, we may think of it as the “magic ingredient” that fulfils the major promises of the UN, namely peace, human rights and socio-economic development. Yet, the reality is more

complicated. Napoleon reportedly once said that simplification is an enemy of precision, and it is oversimplification to claim that democracy alone is a panacea for most important world diseases, namely war, underdevelopment and the violation of human rights. Democracy is born and takes its shape from the intersection of socio-cultural, political, economic and other factors. How democracy interacts with the issues of peace and war, and whether or not and to what degree it creates a supportive environment for human rights and development, depends on the interplay of more than one factor.

In practice, the relationship of democracy with human rights is much stronger than with the development. Authoritarian regimes are inimical to human rights, and therefore some of the most fundamental human rights and freedoms guaranteed by international conventions can be protected only within a democratic context. This includes, for example, the right to freedom of thought, freedom of expression, freedom of peaceful assembly and freedom of association with others, as well as the right to form and to join trade unions along with others. These rights are enshrined in some of the most fundamental human rights instruments, such as the Universal Declaration of Human Rights or the International Convention on Civil and Political Rights.

While the relationship between democracy and human rights is not subject to heated debates, the same cannot be said for that to war and peace. Quite the contrary, democracy's relationship to war and peace is today one of the most debatable issues in the field of political science and international relations. Immanuel Kant, the renowned German philosopher, dreamed about attaining eternal peace among states, about two centuries before the UN was created. In his essay, "The Perpetual Peace" Kant suggested that states with the republican form of civil constitution are capable of forging a pacific union with each other. And Kant's republic was a prologue of today's democracy, for it embraces the principles of freedom and equality, representative governments and the separation of powers.<sup>4</sup>

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Kant's democratic peace theory is the most emblematic product of the liberal paradigm of international relations discipline. The liberal claim that

republics are not only the best form of governance but also a powerful source of peace, marked a sharp challenge to the propositions advocated by philosophers such as Thucydides and Machiavelli, for whom the republics were indeed zealous war-makers inclined towards imperialistic ambitions.<sup>5</sup>

Attempts to introduce the idea that democracy produces peace in the practical realm of international politics were first initiated by the eminent American President Woodrow Wilson. He believed that wars between states could be avoided through forging a new international order based on the principles of international law, public diplomacy, free trade and the self-determination of peoples. Some of these ideas were laid down in his famous "Fourteen Points" regarding the post-war order in Europe. Bruce Russett observes that Wilson wrote his Fourteen Points "almost as though Kant were guiding his writing hand".<sup>6</sup> Wilson argued that "a steadfast concert of peace can never be maintained except by a partnership of democratic states".<sup>7</sup> This "Wilsonian impulse" was not, however, present in the San Francisco Conference, nor could it be felt throughout the Cold War.

With the end of the Cold War, the UN assumed the role of supporting democracy through promoting not only peace but also human rights and socio-economic development, which today are seen as inextricably linked. For the UN, human

rights have emerged from a peripheral importance in the international arena to a position of primacy. Similarly, socio-economic development, a marginal issue when compared to security concerns during the Cold War, has become a key issue for the UN. Both of these are now widely addressed in UN documents as well as in declarations of the secretary-generals. The UN recognises that policies linking economic and social development can contribute to reducing inequalities among countries, as well as assist in promoting democracy. Moreover, many UN agencies recognise that democracy and development are mutually reinforcing, while development deficits can conversely undermine democratic practices. Aiming to support and promote the essential and mutually beneficial aspects of both processes, the UN General Assembly adopted the Declaration on the Right to Development<sup>8</sup> in 1986. The declaration presents underdevelopment as a violation of human rights and present as a serious obstacle to the development of democracy.

Perhaps the clearest example of a UN agency working under the causal belief that a link between democracy and development exists is the United Nations Development Programme (UNDP). The UNDP's annual *Human Development Report* portrays very clearly the link between democracy and development. The UN also has a central role in promoting international

cooperation for development in the context of economic interdependence. These two subjects have been included on the agenda of the Economic and Finance (Second) Committee of the General Assembly since 1999. Today, the UN extensively promotes human rights and socio-economic development as a result of paradigms newly developed in the post-Cold War era that integrate socio-economic development, respect for human rights and adherence to democratic forms of government.

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The historically oriented discussion above provides the background regarding the gradual emergence of the UN as a democracy promoter. With this established, the following section address the legal dimensions of the UN's role in democracy promotion.

## Reviewing the Normative Context

International law suffers from the lack of a legislative body entitled to legislate

binding legal norms, a world government to execute them or a court empowered to sanction violations. The legal scope of the UN mandate, therefore, is set by the vague language of international treaties and the political will of its member states, particularly the permanent five members of the Security Council. Ironically, these flexible legal confines within which the UN operates have proved to be an advantage rather than a hurdle, for they have made it possible for the UN to find manoeuvring space in a political milieu heavily underpinned by rigid national interests and the principle of state sovereignty. It was this resilient legal backdrop that enabled the UN to invent “chapter six-and-a half” as the procedural venue for launching peace-keeping operations during the Cold War.

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From a legal standpoint, the UN’s engagement in supporting democracy is uncontroversial if this is carried out with the explicit consent of the targeted state, or if democracy promotion is part of the peace-building mandates approved by the Security Council or the General Assembly.

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As to the spreading of democracy, a general overview of the legal context underlines the fact that the UN does not

need to be very inventive to find legal justification for such an enterprise. Some of the key legal instruments of the UN, such as the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966) and the Declaration on the Granting of Independence to Colonial Countries and Peoples (1960), leave no doubt that democracy is among the global aspirations that the UN must pursue. A non-*adlitteram* interpretation of the UN Charter would hint at the same conclusion: that democracy was a universal ambition. Although the UN is a club of nation-states, the Charter opens with the slogan “we the people.” This has been noted by many observers, including a former secretary-general, Boutros Boutros-Ghali. In *An Agenda for Democratization*, Boutros-Ghali argues that

The word “democracy” does not appear in the Charter. However, with the opening words of that document, “We the Peoples of the United Nations,” the founders invoke the most fundamental principle of democracy, rooting the sovereign authority of the Member States, and thus the legitimacy of the organization which they were to compose, in the will of their peoples.<sup>9</sup>

Unlike the Charter, whose support for democracy promotion should be deduced from its spirit, other key instruments of the UN mentioned above give an explicit approval for this. Article 21 of the Universal Declaration of Human Rights is emblematic. It stipulates that

“the will of the people shall be the basis of the authority of government; this will 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.” The Declaration is not a legally binding document, yet it has served as inspiration and a beacon for the establishment of an international human rights regime under the auspices of the UN. As such, in terms of its moral influence, it comes immediately after the Charter. The formula that “the will of the people constitutes the basis of the government” has been the crux of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

The increasing inclusion of democracy in various documents adopted by the UN and regional organisations has not been followed by any genuine debate in academia about the current legal status of the norm of democracy. In an article written in 1992, Thomas Franck observed that an individual right to democracy is emerging in the global stage. This “emerging right” has manifested itself in the most apparent way in Haiti in 1994, Sierra Leone in 1998 and the Ivory Coast in 2011.<sup>10</sup> In all cases, the Security Council, acting under Chapter VII, authorised the use of military force to bring elected regimes to power. In all these cases enforcement actions to defend democracy have been

undertaken in reaction to severe political or humanitarian crisis. On the other hand, the reference in Chapter VII shows that these actions have been justified on the legal rights of the UN to undertake enforcement actions in face of the threats to international peace.

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The widespread belief that democracy should emerge entirely from within and hence the outside factors are irrelevant is too simplistic.

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In essence, the cardinal legal question is not whether the UN is mandated to work for promoting and strengthening democracy around the world. The legal contradictions may arise when it comes to determine under which conditions the UN can undertake such tasks. From a legal standpoint, the UN’s engagement in supporting democracy is uncontroversial if this is carried out with the explicit consent of the targeted state, or if democracy promotion is part of the peace-building mandates approved by the Security Council or the General Assembly.

Boutros-Ghali<sup>11</sup> clearly expressed such an approach in the following terms: “The United Nations possesses a foundation and a responsibility to serve its Member States in democratization, yet it must receive a formal request before it can assist Member States in



their democratization process.” Tom Farer observes that the capacity of the UN to promote democracy when it has the consent of the affected state seems to be beyond reasonable dispute.<sup>12</sup> The voices that see the norm of sovereignty as a firm prohibition against any form of interference in domestic affairs of sovereign states are exceptional today. The best example of this is the human rights regime. If the UN has the right to ask member states to observe human rights norms, one might legitimately ask why cannot it do the same with regards to democracy?

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The UN had its first, albeit very indirect, experience in promoting democracy during the decolonisation era and in the pursuit of the principle of self-determination.

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The analysis presented above highlights the fact that even if the UN lacks an explicit legal basis for engaging actively and constantly in globalising the norm of democracy, no one can claim that it is prohibited from doing so. In other words, everything ultimately depends on the UN’s “creativity” in finding legal venues for supporting democracy, provided that there is the political will among its key member states.

## UN and Democracy Promotion in Retrospective: From Decolonisation to An Agenda for Democracy

Every debate about the importance of internal versus external factors in democratisation underlines the corollary that domestic factors are determinant in fostering democracy. However, the widespread belief that democracy should emerge entirely from within and hence the outside factors are irrelevant is too simplistic. How could we otherwise explain the fact that democracy’s anchor in the former communist countries of Eastern Europe was much stronger than, for example, their counterparts in Central Asia? Surely, a conjunction of many factors of political, economic and socio-cultural nature is to be accounted for the democratic flourish in Eastern Europe. Yet, the pressure for democratisation generated from the process of integration into the Euro-Atlantic structures, namely the EU and NATO, played an important role in this direction. The EU, in particular, made the adoption of democratic standards a key criterion for measuring the progress of any country of Eastern Europe wishing to join its ranks. Schraeder claims that “roughly two thirds of the sixty one democracies that existed at the beginning of the 90’s owed their origin, at least in part, to deliberate

acts of imposition or intervention from outside".<sup>13</sup>

While not as demanding as the EU regarding the democratic credentials of its new members, the UN has also supported the distribution of power and authority along the lines of democratic principles. The UN had its first, albeit very indirect, experience in promoting democracy during the decolonisation era and in the pursuit of the principle of self-determination. This basically meant arranging the transition of political power from colonial to indigenous institutions. The Declaration on the Granting of Independence to Colonial Countries and Peoples, which was adopted by the General Assembly on 14 December 1960, served as the legal basis for decolonisation. The Declaration embraced the principle proclaimed by the Universal Declaration of Human Rights that "the will of the people constitutes the basis of the government." Accordingly, it affirmed that, by the virtue of the right to self-determination, "all peoples freely determine their political status and freely pursue their economic, social and cultural development."<sup>14</sup>

Obviously, the Declaration's language had been tailored so as to serve the decolonisation process, namely the termination of the rule of one nation by another. This means that in this endeavour the UN was not inspired by the ideological ambition of spreading democracy to the nations ruled

by the colonial powers, but by the political objective of facilitating their independence. However, the above paragraph of the Declaration makes clear reference to the "free will of the people as the basis for determining the political status."

On the ground, the UN's role was more than that of a babysitter in a process agreed between the coloniser(s) and the colonised. Farer shows that the UN went as far as "to decide for itself which indigenous political parties should be deemed legitimate representatives of the subjugated people and whether the conditions existed for the exercise for an authentic popular choice of post-colonial political status."<sup>15</sup> This does not sound a democratic way of promoting democracy. Nor does it mean that the UN was successful in inculcating the seeds of democracy in the colonial countries. Nonetheless, this topic goes beyond the scope of this analysis.

Obviously, the ideological severity of the iron curtain would have rendered impossible any attempt of making democracy promotion an explicit part of the decolonisation paradigm, or of any other UN action for that matter. With the end of the Cold War the situation fundamentally changed. More than anything, the victory of the western bloc was seen by many as a firm indication of the uncontested superiority of liberal democracy *vis-à-vis* totalitarian ideologies.<sup>16</sup> Consequently, the spreading

of liberal democratic norms and institutions started to be perceived as a natural outcome of this “ideological Darwinism.” The UN was not spared from the liberal fervour unleashed by the collapse of Soviet-Communism. In its search for a soul in the new environment, the UN has steadily abandoned its ideological neutrality that was prevalent during the Cold War era. While responding to the challenges of the new security environment remained the central concern for the UN, issues related to democracy, human rights and other concepts

of liberal ideology began to gradually creep into its agenda. Many significant documents adopted by the UN pertaining to the role of this organisation in the new environment have embraced

concepts stemming from the democratic ideals. Typically, the democratic concepts have been mentioned in conjunction with issues of human rights and good governance. This conjunction is perceived to be an essential condition, under which human dignity can be attained and peace can be boosted. On the other hand, the post-Cold War speeches of the secretary-generals have sometimes resembled the philosophical thoughts of the classical liberal writers, rather than the

traditional documents produced by the high-ranking UN civil servants. As early as 1992, Boutros-Ghali underscored in his *An Agenda for Peace* that the spread of democracy was becoming a “global phenomenon”<sup>17</sup> as authoritarian regimes were “giving way to more democratic forces and responsive Governments”<sup>18</sup> Furthermore, the former secretary-general went further by pointing out that the “respect for democratic principles at all levels of social existence is crucial in communities, within states and within the community of states.” The subsequent

documents adopted by the UN clearly confirm the penetration of democratic concepts into the UN’s vision. Accordingly, *An Agenda for Development* identified five

fundamental dimensions of development respectively as follows: “peace as a foundation of development, the economy as engine of progress, the environment as a basis for sustainability, justice as a pillar of society and democracy as good governance.”<sup>19</sup> The same language characterises *An Agenda for Democratization*, which goes further by heralding that “the basic idea of democracy is today gaining adherents across cultural, social and

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economic lines.”<sup>20</sup> In the *Millennium Declaration*, the General Assembly confidently proclaims that the UN will spare “no effort to promote democracy.”<sup>21</sup> In his landmark report *In Larger Freedom*, Kofi Annan argues that a “larger freedom implies that men and women everywhere have the right to be governed by their own consent, under law, in a society where all individuals can without discrimination or retribution, speak, worship and associate freely.”<sup>22</sup> Lastly, in a message for the International Day of Democracy, 15 September, Ban Ki-moon declared that the dramatic events that swept throughout North Africa and the Middle East in 2011 confirm that “democracy is a universal model yearned for by the people and alien to no culture.”<sup>23</sup>

In parallel with the concepts of democracy becoming clearer in UN resolutions and various documents, the UN increased its activities on the ground in supporting democratisation. The following two sections aim to identify four basic ways in which the UN promotes democracy in the world. The activities that UN undertakes in this direction can be divided into two broad categories: first, activities undertaken with the explicit consent of a targeted state, and second, the promotion of democracy with the collective approval of member states.

## Promotion of Democracy with the Explicit Consent of a State

The UN has been very active in supporting democracy upon the explicit request of a particular member state. As already indicated, this approach has been confirmed by Boutros-Ghali, who emphasises the necessity of having a “formal request”<sup>24</sup> for democratic assistance from the beneficiary state. When the UN is invited by a state to support its democratic transition, its role is that of an assistant and its services are mainly of a technical nature. There are two basic forms through which the UN provides democratic assistance to the countries, upon their explicit request or consent: (i) electoral assistance and (ii) support for democratic institutions and infrastructure.

### *Electoral assistance*

The most typical form of the UN support for democracy is electoral assistance. The new wave of democratisation unleashed with the ending of the Cold War brought the UN to the forefront of international support for countries undergoing a democratic transition. Electoral assistance became a focus of the UN activities. That was conducted in two ways, either upon the invitation by individual member states, or as a part of peace operations.

Since 1989, the UN has rapidly increased its involvement in organising elections in many countries in Africa, Asia and Latin America. Some of the most prominent cases where the UN organised, monitored or validated elections in the immediate aftermath of the Cold War include Namibia (1989), Nicaragua (1989), Haiti (1990), South Africa (1990), Cambodia (1991), Eritrea (1992) and Mozambique (1992). In the meantime, regional organisations, such as the Organisation for the Security and Cooperation in Europe (OSCE), the EU, the African Union and the Organisation of American States (OAS), have also become heavily involved in electoral assistance, usually through monitoring.<sup>25</sup> Between 1989 and 2005, the UN received 363 official requests for electoral assistance from the member states, and it has provided this service in 96 countries.<sup>26</sup> The types of electoral assistance provided by the UN include supervision, organisation and conduct, verification, co-ordination and support, technical support and domestic observation.

Initially, the UN's involvement in electoral assistance raised certain controversies. Some member states were concerned that the organisation might stretch its authority well beyond the traditional limits of non-interference in domestic affairs, through dictating the model and validity of elections.<sup>27</sup> These concerns have been eased, at least to

some extent, by the fact that the UN involvement always follows the formal request of the member state concerned.

The growing demand for electoral assistance forced the UN to establish certain rules and guidelines to this end. From 1988 to 1994, the General Assembly adopted annual resolutions entitled: "Enhancing the effectiveness of the principle of periodic and genuine elections." Since 1994 the title has changed to: "Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies."

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Since the beginning of the 1990s, assistance to democratic governance has been a key priority. According to the UNDP, each year 34 % of its budget is dedicated to democratic governance programs and projects.

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Resolution 46/137 adopted by the General Assembly in 1991 was of great significance, as it made important proposals for establishing rules and institutional structures for the conduct of the UN electoral assistance. This resolution "endorses the view of the Secretary-General to designate a senior official in the Office of the Secretary-General to act as a focal point for

electoral assistance.”<sup>28</sup> It also “requests the Secretary-General to allocate staff and financial resources to support the official who will be appointed as a focal point, in carrying out his or her functions.” The Under-Secretary-General of the Department of Political Affairs and the Electoral Assistance Division has the primary responsibility of providing electoral assistance to the countries requesting it. Member states asking for electoral assistance must submit a written request at least 12 weeks before the elections.<sup>29</sup> This request can be submitted to the Electoral Assistance Division (Under-Secretary of the Department of Political Affairs) or to the office of the Secretary-General. After receiving the request, the first step is the building and deployment of a “needs-assessment mission” (NAM). As a general rule, the Assistance Division (i.e., “the focal point”) dispatches a NAM to the country within a few days (routinely ten days) after receiving the request for assistance. The NAMs are composed of one member of the Electoral Assistance Division and one specialised consultant. The NAM team consults with all key stakeholders in the country, including the election commission, government, political parties, civil society, media, etc. The Resident Coordinator of the UNDP plays a central role in the conduct of the NAM and other forms of the UN’s electoral assistance.<sup>30</sup> The basic aim of the NAM is to determine whether the

UN should approve the request for electoral assistance, and if yes, what type of support it should provide.

The need for legitimising electoral results, or to receive financial or other types of support, are the major drive for countries to submit requests for electoral assistance. The NAM’s opinion including the recommendations is presented in a written report.<sup>31</sup>

### *Supporting democratic institutions and mechanisms in transitional democracies*

Another dimension of the UN engagement in promoting democracy is the technical support provided to the democratic institutions and mechanisms in transitional democracies. As in the case of electoral assistance, UN activities in this direction are based on the consent of the targeted country.

The UNDP plays the leading role in delivering long-term democratisation support for institutions in the democracies in transition. Since the beginning of the 1990s, assistance to democratic governance has been a key priority. According to the UNDP, each year 34 % of its budget is dedicated to democratic governance programs and projects. Thus 166 countries benefited from this support in 2009.<sup>32</sup> Some of the programmes and projects are designed in response to the instant needs of countries,

while the others aim at reaching long-term human development objectives, including reaching the Millennium Development Goals. The UNDP's approach to democracy promotion is labelled as "developmental," and focuses primarily on building up indigenous governing capacity.<sup>33</sup>

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Peace-building operations thrive on the assumption that the fundamental causes of conflict are of political, economic and social nature, and they can be uprooted through far-reaching societal transformations.

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UNDP activities aiming at supporting the democratic governance are spread across a wide spectrum of state and non-state actors. This includes support for parliaments, electoral management bodies, legislative institutions and processes, constitutional reform and empowerment of civil society.<sup>34</sup> According to the UNDP's official documents, the activities undertaken in this direction are concentrated in four principal areas: (i) Expanding people's opportunities to participate in political decision-making; (ii) Making democratic institutions more accountable and responsive to citizens; (iii) Promoting the principles of democratic governance; and (iv) Supporting country-led democratic governance assessments.<sup>35</sup>

It is worth mentioning that the UNDP places a particular emphasis on supporting national legislative bodies. In 2010, for example, the UNDP worked intensively with 46 parliaments, including regional parliamentary groups, on issues such as strengthening parliaments, oversight of executive action, increasing transparency of legislative and executive bodies, improving the investigative capabilities of committees and other issues. In general, the most common forms of the UNDP support for parliaments include training and research programmes (also for political parties and civil society), institutional development, constituency relations or technical support for constitutional reform.

### Promotion of Democracy with the Collective Consent of Member States

The UN does not always need a formal request from a particular member state in order to engage in supporting democracy. In some instances, the mandate to do so derives from a collective decision generated either within the framework of the Security Council or the General Assembly. This takes place in three instances, namely within the peace operations missions, through norm-creating activities and through cooperation with other international organisations.



### *Promotion of democracy through peace-building operations*

The term peace-building was first defined by Boutros-Ghali as an “action to identify and support structures, which will tend to strengthen and solidify peace in order to avoid a relapse into the conflict.” Peace-building operations thrive on the assumption that the fundamental causes of conflict are of political, economic and social nature, and they can be uprooted through far-reaching societal transformations. For some authors, such as Amitai Etzioni, such processes of profound and multifaceted transformations amount to social engineering, whereas the social changes it produces do not follow the spontaneous or ordinary path but they are stimulated, if not imposed, from outside.<sup>36</sup>

The liberal democratic model serves as a point of reference for engineering these transformations. Peace-building adopts an integrated approach by establishing an inherent association between sustainable peace, economic development, democracy and good governance. Writing a year after his remarkable *An Agenda for Peace*, Boutros-Ghali underlined that the democratic process is an essential ingredient of peace building.<sup>37</sup> Roland Paris is more concrete in revealing the ideological facets of peace building. He observes that all the peace-building operations have endorsed

free and fair elections, the construction of democratic political institutions, respect for civil liberties and market-oriented economic reforms or the basic elements of the Western-style liberal market democracy.<sup>38</sup>

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The institutional set up created by the UN embraced the core democratic concepts of separation of powers, checks and balances, an independent judiciary and, of course, multiparty elections.

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In many cases peace building involve crafting state structures almost from the scratch. Afghanistan, Bosnia, East Timor and Kosovo are some of the typical examples. The democratic model, with multi-party competition and market economy, has been used in all these cases. There is no other alternative model available to the UN anyway. Drafting electoral laws, supporting election institutions, training election officials and political parties, supporting media and civil society are some of the constant tasks performed by the UN in all peace-building operations. These tasks are given to the UN, either by the Security Council resolutions (as in Kosovo and East Timor), or by the political settlements brokered by international community (as in the “Paris Agreement”



for Cambodia, or the “Bonn Agreement” for Afghanistan). Beyond this, in cases when peace-building involves elements of interim territorial administrations, the UN has been in charge of basically establishing the overall democratic political systems for governing the country. In these cases, the UN and other regional organisations working under its umbrella, pushed to far the limits of liberal internationalism. The United Nations Interim Administration Mission in Kosovo (UNMIK, 1999-2008) and the United Nations Transitional Administration in East Timor (UNTAET, 1999-2000) are good examples.<sup>39</sup>

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Transparency, accountability or coherence cannot be found in the decision-making process; nor is there a system of checks and balances.

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These UN missions were empowered with very sweeping and multidimensional responsibilities and objectives, ranging from constitution-making and legislative functions, managing return of refugees, verification and/or maintaining ceasefire, human rights protection and promotion, electoral functions and exercising other classical executive functions.<sup>40</sup> In these and similar instances, the institutional set up created by the UN embraced the

core democratic concepts of separation of powers, checks and balances, an independent judiciary and, of course, multiparty elections. In case of Kosovo, UN mission even involved a separate pillar called “democratization and institution building”.<sup>41</sup>

The overall record of peace-building operations is mixed, and so is their success in planting the seeds of liberal-democracy. What else could be expected, when, for example, *Magna Carta Libertatum* is drafted by diplomats and politicians of various countries in peace conferences, or when the special representatives of the Secretary-General play the role of Thomas Paine and Thomas Jefferson. The “democratic nation” evolved in the West over the course of many centuries.

### *Democracy promotion through UN norm-making activities*

The general impression might be that the UN’s greatest contribution to promoting democracy is through election assistance, technical support or peace-building operations. However, the UN is playing a crucial role in giving a universal formal character to the norm of democracy and this is its most fundamental contribution in this regard. It is worth mentioning, however, that most of the UN resolutions which refer to democracy have been adopted by the General Assembly, not the Security

Council. This means that they are not legally binding. The same can be said for the Secretary General's reports. Nevertheless, it is very indicative that no member state has ever opposed the implicit or explicit references to democracy in landmark UN documents, such as the Millennium Development Goals, *An Agenda for Peace* or *In Larger Freedom*. This can be considered as a positive indication, as the UN's engagement in democracy promotion disturbs the elusive boundaries of the legal norm of state sovereignty and non-intervention in the domestic affairs of states. This backlash might appear later, as the norm of democracy continues to be globalised with the help of the UN.

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If democracy in essence means empowering people politically, making the UN more democratic through abolishing the veto system does not lead necessarily to the increasing of the leverage of citizens over the political decision-making in their own countries.

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Two explanations should be underlined at this point. First, how democracy is perceived and absorbed by different states and cultures varies significantly. In its *Human Development Report* on "Deepening democracy in a fragmented

world",<sup>42</sup> the UNDP observes that, inevitably, countries will be "differently democratic," as the form of democracy a nation chooses to develop depends on its history and circumstances. Hyland captures this "deeply problematic paradox of the unquestionable value and unique legitimacy of democracy." He observes that "everyone purports to be in favor of democracy, but there is little agreement of what democracy is".<sup>43</sup>

Second, the UN's ability to promote democracy to its member states is not linked to its own democratic credentials as the UN organs lack democracy. For instance, one of the UN organs through which democracy is promoted, the Security Council, has its own decision-making structure that is undemocratic, unrepresentative and unfair to developing nations and small states. Moreover, transparency, accountability or coherence cannot be found in the decision-making process; nor is there a system of checks and balances. These shortcomings arguably have an impact on its ability to promote democracy. A more just, equitable decision-making structure would contribute positively to the UN's image as an emerging actor in this field. Therefore, the UN's decision-making processes should be reformed to achieve a more transparent, accountable, coherent and inclusive system.

In parallel with trying to support democracy beyond national frontiers, the UN should constantly work to improve

its own democratic image. An obsession with the veto power of the permanent five is not the best way to move the democratisation process forward. The UN does not have an entirely independent personality. Having said this, it follows that the UN's political position rests on the equilibrium between the parameters of *realpolitik vis-à-vis* the aspirations of *idealpolitik*. Furthermore, if democracy in essence means empowering people politically, making the UN more democratic through abolishing the veto system does not lead necessarily to the increasing of the leverage of citizens over the political decision-making in their own countries. Rather, this would make states more equal in international arena, but not more democratic domestically.

### *Promotion of democracy through cooperation with other international organisations*

The UN cooperates with other core international organisations, particularly the EU, NATO and the African Union. While the UN has formalised relations with these organisations on many aspects, this is only partly true with regard to the promotion of democracy. This is perhaps due to the absence of a consistent and harmonised democracy-promotion agenda within these organisations. UN-EU cooperation, which is built upon the concept of “effective multilateralism,” could lead to mutually productive and

reinforcing cooperation. While “effective multilateralism” does not yet include cooperation on democracy promotion, it could be as freedom, democracy, respect for human rights and the rule of law are fundamental for the legitimacy of both of the organisations. The key aims of the EU-UN “effective multilateralism” are to reform the Security Council and to cooperate on peace-keeping, peace-enforcing and peace-building missions. Both of these goals are directly linked to the UN's democracy promotion. A reformed Security Council would mean the democratisation of the UN itself; in essence, an internal democratic restructuring of one of the UN's most powerful bodies would help the UN in promoting democracy externally. Secondly, democracy promotion is part of the peace-building mandates approved by the Security Council or the General Assembly. Cooperation between the UN and the EU in peace building would therefore also lead to a more effective democracy promotion strategy.

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The so-called Arab Spring, a series of revolts and revolutions against dictatorships that swept the Arab world beginning in December 2010, has repeatedly raised questions regarding the UN's capacity to influence pivotal developments and profound transformations with global ramifications.

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Overall, it is too early to claim that a binding norm of democracy exists. However, democracy has been established as a global aspiration, and the UN has been serving as a mechanism or milieu for forging global political consensus on this issue. Similar to the development of the human rights regime, it is only natural to expect the UN to be at the forefront of the global struggle for a democratic one.

## The UN and the Arab Spring: Limits of Ideological Multilateralism

The so-called Arab Spring, a series of revolts and revolutions against dictatorships that swept the Arab world beginning in December 2010, has repeatedly raised questions regarding the UN's capacity to influence pivotal developments and profound transformations with global ramifications. This episode presents a key source of momentum for the UN to confirm its political will and administrative capacity to support democracy.

It has been commonly observed that the world was caught off guard by the Arab Spring. However, between 2001 and 2005 the UNDP produced a series of reports analysing the social, economic and demographic features and developments in the Arab world. These reports, titled "Arab Human

Development Reports," warned that unless economic and social reform was accelerated, there could be political upheavals in the Arab world.<sup>44</sup>

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### Judging the UN's reaction to the Arab Spring solely from the perspective of the Security Council provides an incomplete account of the UN's reaction towards the Arab Spring.

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A general assumption is that the image of the UN's attitude towards the Arab Spring was mirrored in the (in)actions of the Security Council. This might be understandable as the Security Council essentially functions as the muscle of the UN; it imposes sanctions and authorises military interventions. However, judging the UN's reaction to the Arab Spring solely from the perspective of the Security Council provides an incomplete account of the UN's reaction towards the Arab Spring. The UN has a dual identity when it comes to confronting such international crisis involving grave humanitarian dimensions. First, the UN is comprised as a club of nation-states, in which the entrenched instincts of *realpolitik* are juxtaposed with universalist aspirations for peace and justice. Second, the UN is also as a complex web of bodies, bureaucrats and instruments, each with its own

operational and functional logics. While this division is not as clear-cut as one might hope, it is clear that over the decades the UN system has evolved to something more than merely a nation-states clique. This aspect manifests itself in responses towards the Arab Spring.

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The UN faltered when the Muslim Brotherhood was ousted by the military and its leader, democratically-elected Egyptian President Mohamed Morsi, was put in jail.

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As a demonstration of this, the first line of the UN's response to the Arab Spring developments came from the Security Council and the General Assembly. Robust global political action can be articulated only at this level. The second line of response consists is the other bodies, with the Secretary General, the Human Rights Council and the Office of High Commissioner for Human Rights playing a prominent role. The actions of these UN bodies have meaningful moral weight and produce political implications. However, the UN can influence the course of events in the Arab world only from the first line of action. The Security Council's swift and effective action in Libya and its embarrassing paralysis on Syria are clear confirmation of this division.

Along these general lines, the UN has assumed an active and important role in articulating a global response to the popular uprisings in the Middle East. By doing this, the UN has been positioned as a global agent of democracy; this dimension of the UN's involvement in the Arab Spring is, however, almost totally absent from analysis on this issue. In nearly all of the revolutions, the UN took the people's side without hesitation, and provided valuable political and technical support for transition. The particular circumstances of each case, however, permitted different levels of UN involvement.

In Tunisia, the UN entered into arrangements with the interim government, and, in July 2011, the Office of the High Commissioner for Human Rights (OHCHR) in Tunisia was opened, becoming the first such office in North Africa. In addition to work on protecting human rights, the UN provided active assistance to promote a democratic transition in Tunisia, particularly through electoral assistance and capacity building. In a rare show of unity, in Libya the UN first suspended Libya from the Human Rights Council,<sup>45</sup> and later adopted two resolutions under Chapter VII. The final one, Resolution 1973 (Russia, China, Brazil, Germany and India abstained from voting), set the ground for outside military intervention in Libya. Encouraged by the Arab League's calls for a no-fly zone in Libya, this Resolution authorised Member States

“acting nationally or through regional Organizations or arrangements... to take all necessary measures to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi...”<sup>46</sup> The NATO-led military action against Ghaddafi’s forces ultimately shaped the outcome of the Libyan conflict. The UN launched the United Nations Support Mission in Libya (UNSMIL), whose mandate is to assist Libyan authorities in promoting the rule of law, strengthening human rights and helping restore public order and security.<sup>47</sup>

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**The UN’s efforts, particularly in ameliorating the humanitarian catastrophe, have been overshadowed by the impotence of the Security Council to take political action to end the civil war.**

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UN Secretary-General Ban Ki-moon sided with the anti-Mubarak protesters within weeks after the Egyptian episode of the Arab Spring began. He urged the Egyptian government to react positively to the demands of the people and called on world leaders to view the protests in Egypt as a chance to address “the legitimate concerns of their people.”

<sup>48</sup> Yet the UN’s involvement in Egypt’s rocky transition has been incoherent. The UN (through its Electoral Assistance Division and the UNDP) provided

electoral assistance services to Egypt in the 2012 elections and constitution-writing process.<sup>49</sup> However, when the Egyptian transition deviated from a democratic path, the UN returned to its traditional humanitarian discourse as a way to react to the crisis. Initially, the UN ignored the conflicting course that Egyptian transition embarked upon with the Muslim Brotherhood coming into power. Later, the UN faltered when the Muslim Brotherhood was ousted by the military and its leader, democratically-elected Egyptian President Mohamed Morsi, was put in jail. Egypt has attracted scant attention at the UN ever since, generally only in reaction to violence with the street confrontation between the Brotherhood’s supporters and the police.<sup>50</sup>

Although it goes largely unnoticed, the UN played an important role in setting the path of the political transition in Yemen. UN played a key mediating role for the agreement of November 2011, which paved the way for the transition of power. It also provided its assistance in organising the presidential elections of February 2012.<sup>51</sup>

It will be Syria, however, that will put the final stamp on the UN’s response to the Arab Spring. So far, the UN’s efforts, particularly in ameliorating the humanitarian catastrophe, have been overshadowed by the impotence of the Security Council to take political action to end the civil war. The United Nations was responsible for a “collective

failure” to halt more than two years of atrocious violence in Syria, lamented Ban Ki-moon.<sup>52</sup> Russia and China have three times vetoed a Security Council resolution that might set the ground for coercive measures against the Assad regime.<sup>53</sup> The Syrian episode shows that the UN’s autonomy of action can be stretched to the point where it scratches the walls of *realpolitik*, which lie at the political basis of the Security Council. At this point, politics is largely devoid of moral considerations. The irony is that Russia and China have not opposed the statements of the Security Council, such as that of 3 August 2011, which, *inter alia*, condemned the Syrian regime’s widespread and systematic violations of human rights and use of force against civilians.<sup>54</sup> As Syria was dragged into a full-fledged civil war and the sufferings of civilians increased to dramatic proportions, the other UN bodies- primarily the OHCHR and HRC, but also the General Assembly and the Secretary-General- issued reports, statements and resolutions strongly condemning the actions against civilians and expressing concern at the grave humanitarian situation. UN Human Rights Commissioner Navi Pillay has been very vocal in arguing that the deadlock at the Security Council has emboldened the regime towards more violence. She has urged that the

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**As an emerging democracy promotion actor, the UN should reform internally to produce a more democratic decision-making structure.**

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Assad regime’s crimes be referred to the International Court of Justice.<sup>55</sup> The UN has launched a fact-finding mission, a commission of inquiry, the Supervision Mission in Syria (UNSMIS) and has appointed two top international figures, Kofi Annan and Lakdar Brahimi, as joint UN-Arab League of States envoys to Syria. Almost every UN body that deals with human rights and humanitarian issues has engaged with Syrian crisis. Regrettably, in addition to discrediting the Assad’s regime, and perhaps blurring the image of its supporters in the eyes of Arab societies, these efforts

produced nothing of substantive impact on the situation. As the UN Deputy Secretary-General Jan Eliasson put it succinctly, the lack of a Security Council

consensus has weakened UN efforts to find a peace formula.<sup>56</sup>

## Conclusion

In an increasingly globalised world the political value of the UN does not come exclusively from its commitment to protect sovereign states, but also from its ability to empower people. And giving political power to the people constitutes the core of democracy. This brief political and legal analysis has indicated that while the theme of democracy promotion from outside continues to



stir controversies at the academic level, in practice a permissive political and legal context for the UN's engagement in such enterprise is emerging. As laid out in the historical analysis, the UN encountered its first vague experience with democracy during decolonisation. Then, its role in promoting democracy has gained a new dimension in the aftermath of the Cold War. With the disintegration of the Soviet Union, the biggest ideological contender of the Western democratic model, based on political pluralism and a market economy has disappeared. The UN was not spared from the "liberal-democratic fervour" that was unleashed from the rubbles of the Berlin Wall. The best illustrations of this are the speeches and reports of the subsequent secretary-generals and various UN documents. Yet the references to democracy as a global aspiration has been an explicit or implicit part of many key reports, resolutions or other documents produced by the UN, particularly by the secretary-generals. Major documents that try to identify the UN's aspirations and translate them into the guidelines for actions, such as *An Agenda for Peace*, *In Larger Freedom*, *An Agenda for Democratization*, or the Millennium Development Goals, are heavily imprinted with the ideological colours of democracy. The analysis of the four types of activities that promote democracy carried out by the UN highlight the fact that in the practical life, this organisation has been actively engaged in assisting states to move towards democracy.

The UN has a legal commitment to democracy promotion and has been actively involved in supporting democracy. However, its democracy-promotion policies are fragmented, and there is an absence of a consistent and harmonised democracy promotion agenda within the organisation itself. In this respect, the UN needs a clearly defined and comprehensive strategic vision. More importantly, as an emerging democracy promotion actor, the UN should reform internally to produce a more democratic decision-making structure.

Some of the key legal instruments of the UN, such as the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), and the Declaration on the Granting of Independence to Colonial Countries and Peoples (1960), leave no doubt that democracy is among the global aspirations that the UN must pursue. In recent years there has been an increasing inclusion of democracy in various documents adopted by the UN and regional organisations. However, the UN still lacks an explicit legal basis for actively and consistently engaging in globalising the norm of democracy. It neither has a transparent definition of democracy nor a catalogue of what constitutes democracy promotion; however, no one can claim that it has been prohibited from introducing them. In other words, everything depends on the UN's "creativity" in finding legal venues for supporting democracy in the world, provided that there is political will among its key member states.



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