

**PROMOTING DEMOCRATIC GOVERNANCE AND PREVENTING THE  
RECURRENCE OF CONFLICT:**

**THE ROLE OF THE UNITED NATIONS DEVELOPMENT PROGRAMME IN  
POST CONFLICT PEACE-BUILDING**

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Forthcoming in the *Journal of Latin American Studies* 2002

**ABSTRACT**

Promoting democracy and strengthening good governance has become a core component of post-conflict peace-building initiatives of the United Nations (UN). Nevertheless, an often over-looked dimension of the analysis of UN peace support operations has been the crucial role played by the United Nations Development Programme (UNDP) at the critical juncture linking peacekeeping to sustainable development. UN peace operations in Central America over the last decade have pioneered the organisation's involvement in the uncharted territory of post-conflict peace building. UNDP's Central American experience was the first step in the organisations' evolution away from providing traditional development assistance, towards playing an active and openly political role in post-conflict democracy building and governance reform. The newfound role of the UNDP has had dramatic repercussions on its mandate, administrative structures, corporate policies and operational strategies. The current crisis of identity and subsequent institutional renewal of UNDP has its roots in its endorsement of democratic governance as essential dimensions of its mandate to promote sustainable human development. This article assesses the significance, promises and dilemmas of the governance agenda for UNDP and analyses the scope, promptings, and institutionalisation of democracy and governance programmes within UNDP, using Central America as a case study. It argues that the future of UNDP democracy assistance will largely depend on how successful it is at resolving the inherent tensions between democracy promotion and national sovereignty, while retaining its multilateral approach to peace and democracy.

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**INTRODUCTION**

Promoting democracy and strengthening good governance has become a core component of post-conflict peace-building initiatives of the United Nations (UN). In the course of the 1990s, the strengthening of democratic governance has emerged as a critical area of intervention by the international community, in particular to prevent the recurrence of conflict in crisis-ridden countries.<sup>1</sup> Nevertheless, an often over-looked dimension of the analysis of UN peace support operations has been the crucial role played by the United Nations Development Programme (UNDP), in particular at the critical juncture linking peacekeeping to sustainable development. Most analysis of UN involvement in peacekeeping and peace-building tend to focus too narrowly on the political dimensions of what could be termed 'first generation' UN engagement, including political mediation and up to electoral assistance and observation.<sup>2</sup> For instance, it is telling that the review of UN peace operations commissioned by the Secretary General in 2000 (the 'Brahimi Report') did not comprehensively address the role of UNDP in conflict prevention and post-conflict reconstruction.<sup>3</sup>

UN involvement in post-conflict peace-building and development assistance has been informed, in many respects, by its experience in Central America in the 1990s.<sup>4</sup> The UN has assisted Central American countries to restore peace and consolidate democracy in a number of innovative ways.<sup>5</sup> UN peace operations in Central America over the last decade have pioneered the organisation's involvement in the uncharted territory of post-conflict peace-building and in particular its engagement in democracy assistance and governance reform. The new breed of intra-state conflict in the post-Cold War era has obliged the UN to rethink its traditional modes of intervention and revisit their political rationale and legal foundations. In the 1990s, a new kind of peacekeeping operation evolved.<sup>6</sup> They were established to undertake an increasing variety of roles, including monitoring human rights, supervising elections and assisting the parties in the implementation of the comprehensive settlements they have negotiated.

The experience of the UN in Central America beyond the peace settlements illustrates the integration of development concerns in peace operations. Although Central America exemplifies quintessential Cold War conflicts, the UN experience in the isthmus nevertheless illustrates the shift in emphasis of UN engagement, from peace and security interventions to more traditional modes of development assistance, as war-torn societies move from conflict towards peace.<sup>7</sup> 'Post-conflict peace-building' encompasses actions 'to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict'<sup>8</sup> and to create the conditions necessary for sustaining peace in war-torn societies. The objective of peace-building is to rebuild 'failed states' in the hope of preventing the recurrence of conflict. By necessity, post-conflict reconstruction incorporates wider concerns beyond re-establishing peace and security. It requires a stronger development perspective linking political reconstruction, social reconciliation and economic development. Much of the debate on conceptualising the links between relief, rehabilitation and development occurred in the hope of placing these discrete stages in a continuum to be matched by a continuum of UN interventions.

However, there is no simple 'continuum.' Rather these spheres of activity significantly overlap requiring the coordination of UN agencies.<sup>9</sup>

The UN has been able to play a positive and decisive role in Central American peace processes because it took an integrated approach to peace and democracy from the outset in El Salvador and especially in Guatemala.<sup>10</sup> UN involvement was premised on the integration of three interrelated functions: peace-making through essentially political mediation and electoral observation; peacekeeping through monitoring and verification; and peace-building through the promotion of institutional reform and state modernization. UN engagement can be segmented – conceptually although hardly in practice - in two phases: the first one focusing on the *attainment* of peace and the second one on the *consolidation* of peace. The holding of democratic elections often marks the transition from 'first' to 'second generation' UN involvement. While 'first generation' UN involvement has centred on peacemaking and peacekeeping and primarily involved UN peace and security mechanisms and structures, 'second generation' engagement centres on peace-building and post-conflict reconstruction and requires the active involvement of UN development assistance institutions.

The role of UNDP becomes critical in that 'second generation' involvement beyond the restoration of peace and the holding of democratic elections. The UN is indeed an important pillar of multilateral development cooperation. As Dijkzeul argues, 'in principle, UNDP can in its function as a development organisation and a UN coordinating agency play a crucial role in peace-building and reconstruction'.<sup>11</sup> Its contribution to peace-building is aimed at assisting conflict-prone and war-torn societies to reform the state, install democratic governance and solidify the supremacy of the rule of law. UNDP's Central American experience was the first step in the organisations' evolution away from providing traditional development assistance, towards playing an active and openly political role in post-conflict democracy building and governance reform. It provides many insights, which have significantly influenced its policies and strategies towards building durable peace and sustainable democracy in post-conflict societies.

The newfound role of the UNDP has introduced important innovations in global governance. It has had dramatic repercussions on its mandate and policies, as well as its role in global governance. The recent crisis of identity of UNDP in the late 1990s and its consecutive institutional renewal have their roots in its endorsement of democracy assistance and governance reform as essential dimensions of its mandate to promote sustainable human development. At the same time, the introduction of the democratic governance agenda signals an increased willingness to take the political dimensions of development into account. As recent studies and evaluations point out, international assistance to democratisation can only have limited impact unless there is a genuine political will and commitment to democracy within the country's ruling elite and society at large. The international community realises that the political will to reform must exist within the governing elite and in state institutions if change is to occur, be genuine and sustainable. However, the underlying distribution of power tends to resist change and neutralise external interventions. This, in turn, implies that, to be meaningful, UN efforts at promoting democracy must confront the underlying interests and power relations and thus entail intruding in areas traditionally considered in the purview of national sovereignty. Paradoxically, UN involvement in Central America was both facilitated and hindered by the underlying power balances within countries, as the case of El Salvador shows.

This article will assess the scope and significance of the new development agenda endorsed by UNDP and will attempt to gauge the promises and dilemmas of its efforts to consolidate peace by promoting democracy and strengthening good governance, focusing on the experiences of Nicaragua, El Salvador and Guatemala. Although peace agreements were reached and substantial progress towards democracy has been obtained, Central America's unstable democracies remain in the midst of uncertain and unpredictable transitions. The similarities between the three cases are as

interesting as the differences: while peace agreements marked the end of prolonged civil wars in El Salvador and Guatemala, democratic elections saw a peaceful alternation in power in Nicaragua.

This article is divided in four parts. It first scrutinises the emergence of democracy and good governance in the agenda of the UN in post-conflict situations. It then proceeds to examine the transition from 'first' to 'second generation' involvement in Central America during the 1990s. It subsequently focuses on the contribution of UNDP and delineates the core elements of UNDP strategy in democracy and governance assistance. It finally concludes with some remarks on the inherent tensions between aid effectiveness and national sovereignty.

## THE UNITED NATIONS AND DEMOCRATIC GOVERNANCE

Support to democratic governance and institution building in post-conflict countries has become a central component of UN's efforts at building sustainable peace, grounded in the conviction that peace, development and democracy are inextricably linked. Building sustainable peace in a post-conflict society is a long and fragile process. Until a viable and sustainable political and institutional solution is found, the risk is high that the process can be undermined, peace imperilled and democracy eroded. The new challenges of the post-Cold War have forced the UN to renew itself, question its basic assumptions and engage in what UN Secretary General Kofi Annan has called a 'quiet revolution' of good governance<sup>12</sup> and has captured in his 1999 Report: 'As the 'age of democratisation' has entered into a new phase, the Organisation has shifted its electoral assistance strategy to encompass a broader understanding of post-conflict peace-building. Elections that have in the past served predominantly as an exit strategy are now seen as providing an opportunity for institution building and the introduction of programmes of good governance.'<sup>13</sup>

Sustaining democratic peace requires in particular strengthening good governance and accelerating institutional reform. It calls for a radical reform of the state and profound changes in the styles of government. Post-conflict peace-building entails integrating the intertwined agendas of peace, democracy and development outlined by former UN Secretary General Boutros Ghali.<sup>14</sup> As peace processes go through different stages, UN interventions gradually shift from 'first' to 'second generation' involvement aimed at promoting an environment of 'democratic structural stability,' characterised by 'dynamic and representative political institutions capable of managing change and resolving disputes without resorting to violent conflict.'<sup>15</sup> The 1996 *Agenda for Democratization* already underlined the importance of effective democratic institutions to channel conflict in a peaceful manner, thereby preventing violent conflict and its recurrence.

Societal reconciliation, democratisation and economic reconstruction are seen as three mutually reinforcing dimensions of sustainable peace, development and democracy. Therefore, UN involvement in post-conflict reconstruction calls for greater coordination not only within the UN system but also within the entire aid community.<sup>16</sup> In particular, it requires tying together economic aid and political assistance, and therefore a more coherent and integrated approach by the UN organisations and the Bretton Woods institutions. The Carnegie Commission report on *Preventing Deadly Conflict* recognises the inherent tensions between economic conditionality and the peace imperative, and more specifically between the neo-liberal economic reforms advocated by the international financial institutions and the contingencies of post-conflict countries.<sup>17</sup> It thus calls on the Bretton Woods institutions 'to establish better cooperation with UN's political bodies so that economic inducements can play a more central role in early prevention and in post conflict reconstruction.'<sup>18</sup> In El Salvador, the peace agenda has been undermined by the competing neo-liberal economic agenda and the prospect for peace in Guatemala continue to depend, to a large extent, on the adaptation of the neo-liberal economic prescriptions.

Regional organisations and international development financial institutions have begun to take a greater responsibility for assisting recovery from violent conflict. The Organisation of American States (OAS), the World Bank and, in the Latin American context, the Inter-American Development Bank (IDB), have become important actors in supporting post-conflict recovery and preventing the re-emergence of violent conflict.<sup>19</sup> In recent years, they have adopted an increasingly assertive engagement in political rehabilitation and good governance by developing programmes to strengthen governing institutions and modernise the state.<sup>20</sup> The appointment in July 1999 of March Malloch Brown, former senior official of the World Bank and active proponent of the governance agenda, has brought new impetus and momentum to the rejuvenation of the UNDP faced with ‘a new crisis that challenges its capacity to remain relevant.’<sup>21</sup> Clearer division of responsibilities and a more efficient ‘division of labour’ are urgently required, both within the international community (bilateral agencies and multilateral institutions) as well as within the UN system itself. A sharper focus on the promotion of democratic governance and institutional development, especially in crisis countries, is believed to provide UNDP with a core mission and distinctive mandate.<sup>22</sup>

Within the UN system, UNDP has taken a lead role within the UN system in supporting recovery from conflict and sustaining democratic peace.<sup>23</sup> The peace agreements in El Salvador in 1992 and in Guatemala in 1996 and the transitional elections in Nicaragua in 1990 were unique in the sense that they linked peace to development, thereby creating a key role for UNDP. In assessing its experience in supporting governance and reconciliation programmes in post-conflict countries, UNDP notes that ‘The peace processes of Central America were the first instances of UNDP involvement in overtly political and diplomatic, as well as development, activities. These experiences had a profound impact on the development philosophy of UNDP and the stage at which the organisation becomes involved in countries in special circumstances.’<sup>24</sup> At the 1996 Ibero-American Summit, which adopted a resolution on ‘Democratic Governance and Development,’ UNDP advocated for a more assertive *Political Cooperation for Democratic Governance*, which was later refined in the policies and strategies of UNDP regional bureau for Latin America and the Caribbean.<sup>25</sup> However, as Weiss Fagen notes in the case of El Salvador, UNDP involvement in post-conflict peace-building also proved a double-edged sword, as UNDP found itself at times under fire by government and guerrilla forces alike, and at times in difficult collaborative relationships with other UN agencies or international organisations.<sup>26</sup>

## **FROM FIRST TO SECOND GENERATION ENGAGEMENT**

UN involvement in Central America can be described by distinguishing a ‘first generation’ engagement, centring on political mediation, peacemaking and democratic transition, from a ‘second generation’ engagement focusing on peace maintenance, democratic consolidation and sustainable development. Our conceptual distinction is consistent with that of Ball and Halevy who have identified the different stages of peace-building as broadly comprising the negotiation, transition and consolidation phases. The negotiation phase concludes with the cessation of hostilities and the signing of a peace agreement while the transition phase is believed to end with the holding of democratic elections, which at the same time mark the beginning of the consolidation phase.<sup>27</sup> Although this conceptual does hardly capture the intricacies of Central American peace processes, it nevertheless is useful to investigate the involvement of UNDP in UN peace operations.

El Salvador and Guatemala achieved peace settlements and Nicaragua initiated democratic transitions in the course of the 1990s. They have produced positive experiences in the peaceful resolution of internal conflicts, through successful international initiatives generated from within the region with the support of the UN. The peace settlements were the result of negotiations and compromises between the authoritarian governments and the guerrilla movements, leading to ‘pacted transitions’ and resulting fragile or uncertain democracies. Furthermore, the three countries share, in varying

degrees, the decisive role played by the UN in the resolution of their internal conflicts and their transitions towards inclusive democracy. The UN strategy also entailed increasing degrees of intrusion in domains traditionally considered in the purview of national sovereignty.

Nevertheless, the three Central American countries under investigation exhibit many differences.<sup>28</sup> While El Salvador has reached a peaceful settlement of its internal conflict and initiated a transition to democracy simultaneously, Guatemala has expanded the reach and scope of 'restricted democracy' by concluding a peace agreement with the guerrilla movement. Nicaragua, by contrast, has experienced a peaceful alternation of power by holding democratic elections. Furthermore, in the case of El Salvador, the peace agreement was cemented through relatively free and fair democratic elections while in Guatemala the referendum on constitutional reforms in May 1999 was supposed to provide broader legitimacy to the negotiated peace agreement of 1996. However, Guatemalan voters rejected a package of 47 constitutional reforms by a margin of 55/45 percent. Parliamentary and presidential elections were held only in late 1999. In Nicaragua, the transition to democracy was the result of a *qui pro quo* between the Sandinistas and the opposition and the 1990 elections. There was not an explicit governance pact or peace settlement *per se*, which resulted in recurring crisis of governance throughout the 1990s.

#### *Mediating Conflict and Brokering Peace*

The 'first generation' of UN involvement in restoring peace has centred on traditional diplomatic initiatives and security interventions, namely political mediation, human rights monitoring, electoral supervision and the verification of the implementation of peace agreements. At the request of all parties involved, the UN gradually expanded its activities, frequently in co-operation with the OAS. Throughout the peace processes, the UN played a critical role in actively monitoring the implementation of the peace agreements and diffusing the many crises that erupted during the negotiation process.

The UN became actively involved in the Central American processes first at the regional level by establishing mechanisms to restore trust and build confidence. As a result of the 'Contadora process,' the Esquipulas II Accord of 1987 set the framework for resolving conflict and marked the first step towards the restoration of peace and democracy in the isthmus. It included provisions for national dialogue and democratisation in each country and requested the UN to support a region-wide effort at restoring peace. It resulted in the establishment, in late 1988, of the *United Nations Observer Group in Central America* (ONUCA) with the mandate to verify compliance with the security provisions of the Esquipulas II accord, later extended to include overseeing the voluntary demobilization of the Contras. Through ONUCA between 1989 and 1992, the UN engaged in what is usually described as a small peacekeeping operation to prevent the cross-border movement of irregular forces. As Caminos and Vavalle observe, the UN Secretary General, Pérez de Cuellar, accepted these roles on his own authority on the basis of the powers delegated to the Secretary General by the UN Charter (Chapter XV, Article 99).<sup>29</sup>

The resulting new regional environment facilitated the opening of peace talks at the national level. With the 1988 Sapoá Agreement, Nicaragua was the first to engage in the road to peace. The parties to the conflict agreed to a cease-fire and, later on, to hold elections, provided that these were to be monitored by the UN and the OAS. In 1989, The *United Nations Verification Mission for the Nicaraguan Elections* (ONUVEN) was dispatched to ensure the fairness of the national elections while a joint UN-OAS *International Verification and Support Commission* (CIAV) was established to assist the implementation in the repatriation of Nicaraguan refugees. An important aspect of UN involvement in Nicaragua was its 'task sharing' with the OAS. The 1990 elections resulted in a peaceful alternation of power with the defeat of incumbent Daniel Ortega and the *Frente Sandinista para la Liberación Nacional* (FSLN). The UN clearly helped to validate the legitimacy and fairness of the elections. This

was the first time in the history of the UN that it supervised elections within a state widely recognised as sovereign by the international community and that the organisation was responsible for the collection of weapons from a rebel side in an internal armed conflict. As a consequence, the UN largely improvised its support to conflict management and democracy building, as it constituted its first test case.<sup>30</sup> It nevertheless provided the organisation with valuable lessons, subsequently integrated in its strategies towards conflict resolution and democracy assistance in El Salvador and Guatemala.

In El Salvador institutional strengthening and democracy building were part of the agenda from the outset, well before elections, thus somehow blurring the distinction between 'first' and 'second generation' involvement. The UN facilitated low-profile talks between the government and the *Frente Farabundo Martí de Liberación Nacional* (FMLN) led to the 1990 Geneva Agreement, which defined the framework for future peace talks and UN mediation. The subsequent negotiations affirmed the central role of the UN in the verification of the peace accords. The parties asked the UN to deploy a mission to verify compliance with the 1990 human rights accord. From the outset, it was agreed that the *United Nations Observer Mission in El Salvador* (ONUSAL), established in May 1991, would facilitate the peace talks and subsequently expand its mandate to oversee overall compliance with the full range of future agreements.<sup>31</sup> Soon thereafter, a broader political agreement was attained by the end of 1991, including provisions for a cease-fire, demobilization, reform of the security forces and land transfers. The Chapultepec agreements of January 1992 concluded the peace negotiations and opened the transition phase leading to the March 1994 elections. ONUSAL began a more comprehensive and political verification process in early 1992, with a shift in focus from human rights monitoring to supervision of the cease-fire and the implementation of the peace accords. A particularly innovative strategy used by ONUSAL has been to assist the FMLN to transform itself into a legitimate political party. FMLN leaders were allowed to participate in politics under the new Constitution, revised in April 1991.

ONUSAL went beyond traditional peacekeeping. The UN became actively engaged not only in traditional diplomatic mediation and elections supervision but also in overseeing the implementation of the peace agreements reached between the parties. With its human rights verification mandate and its emphasis on police and judicial reform as well as socio-economic transformation, ONUSAL took a role unprecedented in UN history and moved peacekeeping further into the areas of peace-building and democratisation, including the establishment of a national civilian police force or the assistance provided to the registration of voters for the 1994 elections. As Forsythe notes, "This was a deep intrusion by an international organisation into what governments traditionally regard as their domestic affairs. It marked a new era in UN efforts at building peace."<sup>32</sup> Baranyi and North have argued that that peacekeeping must be combined with effective peace-building if conflicts are to be resolved, not just managed temporarily.<sup>33</sup> While the UN intermediary role as an agent of trust-building was made possible by the military stalemate within the country, the pro-active stance adopted by the UN Secretary General and his representatives was decisive in engaging the UN in the largely uncharted territory of post-conflict peace and democracy building. UN involvement in El Salvador was fundamentally different from its involvement in Nicaragua as the UN pressed for a leading, almost monopolistic role in peace-making, verification and peace-building.<sup>34</sup> Nevertheless, the relative success of ONUSAL (and its successor MINUSAL) was largely due to conducive international and national contexts.

UN engagement in Guatemala displayed characteristics similar to its involvement in El Salvador, partly because these interventions were managed largely by the same personnel.<sup>35</sup> The *Accord for a Firm and Lasting Peace* signed on 29 December 1996 by the government and the *Unidad Revolucionaria Nacional Guatemalteca* (URNG) concluded a war, which lasted nearly three decades and a seven-year peace negotiation process sequenced by 13 partial agreements that spanned three Guatemalan governments.<sup>36</sup> Reflecting the regional pressures in support of peace and democracy, timid talks

opened in 1990 between the government and the rebels, with the active involvement of the UN. The conclusion of the 1990 Oslo Accord led to direct negotiation between the government and the URNG, beginning in 1991. These negotiations resulted in the signing of the Mexico and Queretaro Accords in 1991, which included an 11-point agenda for future talks and effectively linked the attainment of peace to political democratisation. However, the peace process had completely stalled by May 1993 when President Serrano Elías attempted a ‘self coup,’ suspending the Constitution and illegally dissolving Congress and the Supreme Court. Ultimately, strong popular resistance and uniform international condemnation against these authoritarian moves helped to restore ‘limited democracy’ and provided decisive momentum to reinvigorate the peace process. The situation in Guatemala shows the limits of UN observation and mediation when the overall political context is not supportive of difficult changes necessary for an end to internal conflict.

By 1994, continued UN mediation between the government and the URNG led to renewed peace talks. The *Framework Agreement for the Renewal of the Peace Talks* of January 1994 gave a new impulse to the negotiations and the UN was asked to officially mediate between the parties. The *Comprehensive Agreement on Human Rights* of March 1994 requested immediate international verification and led to the establishment of the *United Nations Verification in Guatemala* (MINUGUA) in July 1994. MINUGUA’s mandate and structure was subsequently broadened to include the verification of additional accords once a final peace agreement had been signed. Thereafter, a series of further partial agreements were reached, paving the way to the final peace agreement in December 1996.<sup>37</sup> In March 1998 MINUGUA’s mandate was expanded to include the monitoring of all the dimensions of the peace agreement. UN involvement in Guatemala was particularly profound, as it sought to reinvent the state and reconfigure society via the commitments contained in the successive agreements and the final peace accord.

#### *Sustaining Peace and Consolidating Democracy*

With the transition to democracy in Nicaragua and the conclusion of the peace agreements in El Salvador and Guatemala, the challenge shifted from attaining peace and achieving democracy to sustaining peace and consolidating democracy *simultaneously*. The promotion of democracy and good governance has thus been conceived as a tool for the recognition, prevention, and management of conflicts, especially in ethnically divided countries such as Guatemala. The peace agreements ending internal conflict in El Salvador and Guatemala have been accompanied by ambitious reconstruction schemes addressing multiple and sometimes conflicting political, social and economic objectives. Once understood to require limited electoral observation and treaty verification, it was increasingly recognised that rooting sustainable peace and democracy would require substantial engagement, which extends well beyond the immediate post-conflict period.<sup>38</sup>

Central America’s ‘third wave’ democracies remain incomplete, susceptible to reversals. The ample literature on Latin American democratisation has underlined the shortcomings and challenges to democratic consolidation in the region, which is hampered by the intrinsic fragility of democratic institutions and the imperfect nature of new democracies.<sup>39</sup> Central American emerging democracies portray ‘an uneven acquisition of the procedural requisites of democracy.’<sup>40</sup> The institutions and procedures that characterise a full-fledged democracy have not accompanied gains in the electoral arena. Political behaviour remains marked by weak governance institutions, increasing political polarisation, uncertain civilian control of the armed forces, widespread distrust and a weak culture of consensus and compromise. Progress in cementing civil rights and broadening political liberties has been disappointing. Despite the achievements of democracy, many governing institutions still show the legacy of military rule. The rise to power of elected civilian political executives has not been accompanied by the institutionalisation of government by the rule of law or effective checks and balances. In particular, the Armed Forces remain a central political force while public security and the rule of law remain fragile.

For example, after the 1990 elections Nicaragua progressively became virtually ungovernable with the recurrence of sporadic conflict. By mid-1993 it seemed once again that the country was on the verge of full-fledged civil war, leading to legislative paralysis, a fragmented and polarised political system, repeated outbreaks of violence, and an economic crisis. Although tensions were ultimately appeased, the result was political polarization, institutional incoherence and fragile governance by *ad hoc* policy-making, the President increasingly governing by executive decree. This ultimately led to the constitutional crisis and the subsequent paralysis of government in 1995, which the 1996 elections only partly resolved. In Guatemala, the introduction of procedural democracy has not been accompanied by an anchoring of democratic culture and 'civilian elected officials have failed to take responsibility for governing the country. Democratic structures and procedures have not filled the political space created by diminishing military prerogatives.'<sup>41</sup> In the May 1999 referendum, the constitutional amendments required to comply with the peace agreements, were rejected, although they had been previously approved by Congress in October 1998. The rebirth of populism under the shadow of the authoritarian past with the election of Alfonso Portillo and the influence of general Ríos Montt in 1999 are worrying phenomena.

The 'delegative' nature of most Central American democracies hampers democratic consolidation in several ways.<sup>42</sup> Although they possess the formal structures of democracy, they tend to delegate public policy formulation and decision-making to a largely unaccountable authority, usually the presidency, enjoying broad discretionary powers. Political party systems are weakly institutionalised and highly volatile. Because they are institutionally fragile and democratically incomplete, 'delegative democracies' are more vulnerable to alteration and erosion. These regimes are characterised by a fragile separation of powers and the relative absence of 'horizontal accountability' preventing the abuse of power and the misuse of authority.<sup>43</sup> Power is highly concentrated in the executive and, for various reasons, including their own deficiencies, the legislature and the judiciary provide little control or oversight. In November 1999, for instance, President Alemán of Nicaragua simply fired the country's Controller General who was investigating corruption allegations, which might have compromised the presidency. In other words, the mechanisms of 'vertical accountability' established by periodic elections have not been matched by effective procedures of 'horizontal accountability.'

Observers of Central American contemporary politics recognise that, 'with very few exceptions, Latin America's formal democracies fail in significant measure to deliver a high level of protection of civil liberties, to guarantee the rule of law and to provide all sectors of the society reasonable opportunity to participate in the formulation and implementation of public policy.'<sup>44</sup> In particular, the independence of the judiciary remains largely ineffective, discredited by corruption allegations and political bias. The resulting consequence is a further deterioration in the population's confidence in democratic institutions and its disillusion with democratic politics and sterile factionalism. To sustain peace and make democracy endure, it has become painfully clear that Central American countries must strengthen the institutional foundations of democratic governance in order to guarantee the effective functioning of the state and the prevalence of the rule of law. As Kofi Annan underlines, 'Without good governance, without the rule of law, predictable administration, legitimate power and responsive regulation – no amount of funding, no short-term economic miracle will set the developing world on the path to prosperity. Without good governance, the foundation of society – both national and international – are built on sand.'<sup>45</sup>

More fundamentally, the Central American democratic transition appears to be losing momentum. The pace of democratic change has slowed, making it difficult to distinguish democratic stagnation from cautious gradualism. The restoration of democracy not produced a clear-cut division between democratic and non-democratic countries, but rather a wide variety of semi-democratic, semi-authoritarian regimes. Countries in the isthmus have ended up, 'in a grey middle zone of so many transitions of that period, having neither moved rapidly and painlessly to democracy nor fallen back

into outright authoritarianism.<sup>46</sup> The challenge thus resides in assessing whether the restricted nature of democracy in Central America is a stable condition, a temporary stage in a gradual process or a different trajectory to democracy. The promotion of democratic governance in such contexts becomes a daunting task.

#### *Renewed Commitment to Democratic Governance*

The peace processes in Central America have been accompanied, however, by a renewed commitment to democratic governance in the region. There has been increasing international and domestic pressure to open up political systems and governance structures. Progressively, 'democracy clauses' have been introduced or reinforced in regional organisation, and especially the OAS. These democracy clauses have articulated democratic standards of state behaviour not only in their relations with one another but also, and more importantly, *within* their borders, thereby modifying the traditional sources of international legitimacy of states. They constitute an innovative external restraint on governments' behaviour and a significant departure from the principle of non-interference in domestic affairs.

In the course of the 1990s, the OAS adopted a pro-active stance in support of democracy by progressively strengthening its commitment to upholding representative democracy. In June 1991 the member states of the OAS endorsed a 'Commitment to Democracy and the Renewal of the Inter-American System'. They reaffirmed their 'firm political commitment to the promotion and protection of human rights and representative democracy, as indispensable conditions for the stability, peace, and development of the region.' The commitment to democracy was further strengthened by the adoption of Resolution 1080 on Representative Democracy, which sets up procedures to react to threats to democracy in the hemisphere. Through the Protocol of Washington of 1992 (which came into force in 1997) the OAS charter was modified, allowing for the suspension of delinquent states.

The Santiago Commitment was soon put to the test and Resolution 1080 was invoked four times in Haiti (1991), Peru (1992), Guatemala (1993), and Paraguay (1996 and 1999). These mechanisms were instrumental in preventing President Serrano's attempt at 'self coup' in Guatemala in May 1993. In 1995, the Unit for the Promotion of Democracy (UPD), established in 1990, was reorganised and refocused to address democratic governance more comprehensively. It conducts missions to monitor human rights, observe elections and strengthen democratic institutions in crisis countries.<sup>47</sup>

This renewed commitment to democracy has enabled the UN to adopt a more assertive stance to the promotion of democratisation in the region. This shared commitment to democracy and the commonality of purpose has also greatly enhanced the efficiency of the cooperation between the UN and regional institutions and the effectiveness of their coordinated efforts.<sup>48</sup>

#### **THE CONTRIBUTION OF THE UNITED NATIONS DEVELOPMENT PROGRAMME**

UNDP has assisted Central America in a number of ways at different junctures of the peace processes. Before the peace agreements were reached, UNDP facilitated national reconciliation by providing support to the demobilization and reintegration of former combatants and the resettlement. The *International Conference on Central American Refugees* launched in the late 1980s and PRODERE (*Programme for the Development of Displaced, Repatriated and Refugee Populations*) supported by UNDP facilitated the reintegration of uprooted populations. During the negotiation process, UNDP provided technical assistance to the negotiating teams. For example, the 1992-1996 UNDP country cooperation framework in Guatemala focused on the consolidation of the peace process and national reconciliation.

Following the conclusion of the peace accords, UNDP has played a valuable role in initiating reconciliation and building consensus. In close consultation with the UN Electoral Assistance Division (EAD), UNDP provided technical assistance to post-conflict elections, acting as an agent of trust-building to guarantee the legitimacy of elections in volatile contexts. It subsequently helped to mitigate crisis which could have derailed the peace processes. For instance, in the aftermath of the 1993 Nicaraguan crisis, which effectively paralysed the country, it promoted dialogue between the antagonistic sectors of Nicaraguan political and civil society.

UNDP has been particularly instrumental at mobilizing and coordinating external assistance to the peace processes. It became a major channel for international funding of the peace process, a critical coordinator of donor efforts and an implementing agency. In particular, it is responsible for initiating and managing the Expanded Consolidated Inter-Agency Appeals (ECAPs) that include rehabilitation. ECAPs are designed to mobilise resources for urgent activities like the reintegration of demobilised soldiers or the organisation of post-conflict elections, but at a much faster pace than conventional pledging conferences. In El Salvador, for example, while peace negotiations were still in progress, the Secretary-General requested UNDP to mobilise funds and deal with the technical aspects of the agreements. This new responsibility required UNDP to work with both parties as well as a wide range of other actors (non governmental and governmental, within and outside the UN system). As such, as Weiss Fagen points out, it represented ‘a departure from its traditional role as adviser of the government on national development.’<sup>49</sup> Such activities were altogether new for UNDP and, by its own account, tested its capacity for flexible response.<sup>50</sup> However, relations between ONUSAL and UNDP initially suffered from ‘mutual misunderstanding’<sup>51</sup> and blurred spheres of responsibility.

Drawing from its experiences in Nicaragua, El Salvador and Guatemala, UNDP has progressively attempted to articulate a coherent strategy to promote democratic governance in post conflict situations and mainstream it in its corporate policies and operational strategies. As a 1998 evaluation implied, democracy assistance and governance support initiatives were conceived as encompassing projects aimed at forging consensus, protecting human rights, increasing political participation and broadening inclusion, reforming the judiciary, enhancing public security, reforming electoral systems, modernizing public administration, and decentralizing the state.<sup>52</sup> However, UNDP still lacks a rigorous policy framework and its democratic assistance strategies remain, to a large extent, *ex post* constructs rationalizing *de facto* operational developments, rather than they anticipated and guided operational strategies.<sup>53</sup> Furthermore, the disjuncture between policy and operational departments inhibits the translation of policy guidelines into operational strategies.

As the UNDP itself recognises, ‘In the earlier years, UNDP country offices found themselves unprepared when pushed towards post-conflict situations by donors and pulled towards reintegration activities by the organisation’s broadening understanding of its mandate ... Many of their activities were being driven by donors’ timelines and requests and not by the organisation’s own framework for responses and policies or by national priorities neither of which was clear if it existed at all.’<sup>54</sup> As a result, UNDP internal constraints (bureaucratic inefficiency and slowness, unclear divisions of labour within the UN system, and the underlying principle of non-interference in the internal affairs of member states) were magnified by external factors (lack of coordination amongst bi and multilateral donors, unrealistic demands and conflicting interests).

### *Policy Guidelines*

At the policy level, strengthening democratic governance in transitional and crisis countries has become a fundamental dimension of UNDP’s mandate. In 1994, the Executive Board of UNDP decided that the organisation’s future activities should take place within the framework of the sustainable human development concept. While the alleviation of poverty remains the organisation’s main mission, the landmark legislation passed by UNDP’s governing board in 1994 and 1995

identified democracy and governance assistance as a core mission of the organisation.<sup>55</sup> In January 1997, UNDP adopted a governance policy, *Governance for Sustainable Human Development*<sup>56</sup> in which it embraced a broad and openly political definition of good governance, which included the nature of the political regime.

For UNDP, governance for sustainable human development is defined by UNDP as ‘the exercise of political, economic and administrative authority to manage a nation’s affairs at all levels. It comprises the mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences.’<sup>57</sup> Based on the World Bank’s standard definition, UNDP characterises governance by (i) the form of political authority that exists in a country (parliamentary or presidential, civilian or military, and autocratic or democratic); (ii) the means through which authority is exercised in the management of economic and social resources; and (iii) the ability of governments to discharge government functions effectively, efficiently, and equitably through the design, formulation, and implementation of sound policies. For UNDP, governance has several dimensions: ‘*economic governance* includes decision-making processes that affect a country’s economic activities and its relationships with other countries; *political governance* is the process of decision-making to formulate policy; and *administrative governance* is the process of policy implementation.’<sup>58</sup>

The mainstreaming of democracy and governance assistance constitutes a response to reiterated criticism waged at UNDP for spreading too thin and achieving limited impact. UNDP, and the UN system in general, has been under constant pressure to renew and reinvent itself, generating a ‘reform fatigue’, which significantly affects its ability to be innovative and pro-active. As Klingebiel points out, UNDP is in the midst of yet another identity and financial crisis, which compels it to further reform itself.<sup>59</sup> The incorporation of democratic governance in UNDP policies, under increasing pressure by the G7 and other donor countries dissatisfied with UNDP lack of efficiency and effectiveness, has provoked negative reactions amongst the G77 countries, fearing exposure to new forms of political conditionality. However, since both G7 and G77 countries are stakeholders of UNDP, these conflicting demands generated a quasi-schizophrenic situation for UNDP senior management.

Risking losing relevance and fearing to become marginalised with the increasingly assertive role of other international development institutions, UNDP is attempting to renew itself. The UN Secretary General’s reform program enshrined in the report *Renewing the United Nations* of July 1997 elevated post-conflict peace-building as an overarching element of the UN’s agenda and initiated internal reforms. The 1997 reform reorganised the management of the UN to enhance coherence, complementarity and coordination focused its work on five core missions: peace and security; economic and social affairs; development cooperation; humanitarian affairs; and human rights.<sup>60</sup> In post-conflict societies, however, these five dimensions tend to overlap. The Administrator of UNDP now chairs the newly established UN Development Group responsible for the overall coordination of UN development cooperation. The Department of Political Affairs (DPA) has been designated as the focal point for peace and security interventions and will chair the Executive Committee on Peace and Security.

### *Operational Strategies*

At the operational level, the establishment of specialised administrative units accompanied the introduction of the democratic governance in UNDP’s core mission. In 1994, the Emergency Response Division (ERD) was created to serve as a focal point for the accumulation and sharing of knowledge in post-conflict reconstruction within UNDP. ERD monitors countries in ‘special development circumstances’ and supports the UN Resident Coordinators in crisis countries. Besides administering trust funds and cost-sharing arrangements to which bilateral donors may contribute,

UNDP employs fast disbursing resources to develop strategic approaches and initiate special programs. However, these funds remain modest (US\$50 million in 1998). These resources are to be used in a catalytic manner to mobilise complementary financial and in-kind resources to those of other development partners. Building on the activities of the Management Development Programme, started in 1989, the Management Development and Governance Division was established in 1995 within the Bureau for Development Policy (BDP) to respond to increasing demands on UNDP for technical assistance in governance and management development. In 2001-02, UNDP plans to establish a new resource facility on democratic governance in Oslo, Norway.

At the country level, the UN Resident Coordinator has become responsible for ensuring that the UN system provides a harmonised and coherent response to the development challenges of a country. As part of the UN Secretary General's reform package, the UN Development Group proposed in 1997 to establish UN Development Assistance Frameworks (UNDAF), with a view to bringing 'greater coherence to the UN programmes of assistance at the country level ...with common objectives and time frames in close consultation with governments.' Based on the Common Country Assessment (CCA), the UNDAF intends to generate a common understanding of the causes of development problems as well as the needs and priorities of the country. Democracy and good governance have become central elements of the UNDAFs and CCAs.

From 1994 until 1997 resources totalling nearly US\$1.3 billion were allocated for democracy and governance and public resources management programmes, representing over one-half of the total programming resources for this period. In regional terms, approximately 70% of the funds are allocated to national-level activities, 20% to regional endeavours and 10% to global work. Latin America and the Caribbean received nearly 50% of UNDP funding for democracy and governance, 90% of which was provided through cost-sharing arrangements. International donors have indeed channelled most of their assistance to key democratic institutions through UNDP.

## **THE CORE ELEMENTS OF UNDP DEMOCRACY AND GOVERNANCE ASSISTANCE**

UNDP democracy and governance assistance can be depicted as constituted of four main types of interventions targeting electoral processes, governing institutions, the rule of law and civil society. As it was previously noted, although this elegant classification is largely an *ex post* exercise, it nevertheless permits a better understanding of UNDP operations.

### *Consolidating Democratic Governance Beyond Elections*

The first pillar of democracy aid focuses on political parties and elections.<sup>61</sup> The instability, volatility and polarization of political parties systems in Central America constitute a major impediment to lasting democratic consolidation. However, political parties remain among the weakest components of the democratisation process and the least assisted from abroad. In that regard, UN assistance provided to the transformation of rebel groups into political parties in El Salvador and Guatemala has been particularly innovative, if not daring. Nevertheless, international assistance to democratic political parties remains inhibited by the highly politically intrusive and sensitive nature of such an endeavour.

Initially, UN post-conflict democracy assistance focused on electoral assistance and observation, coordinated by the UN Electoral Assistance Division, which established within the Secretariat in 1991. Throughout the 1990s, the UN assisted, in varying degrees, in the reform of the electoral system as well as the administration and observation of elections in Central America. The 1994 elections in post-conflict El Salvador were largely regarded as a means 'to establish a government with the sufficient domestic and international legitimacy to operate effectively and to assist the

parties to comply with the terms of the peace accords.<sup>62</sup> They symbolised the re-establishment of national authority in a new multi-party system of government. Jonas has emphasised the role of elections and the peace process in opening up Guatemala's exclusionary political system.<sup>63</sup> However, UN electoral assistance is conditioned by the formal request of the government of the beneficiary country.

The significant financial and technical assistance provided for holding the first democratic elections in the early and mid 1990s did not always produce the intended results in terms of building democratic institutions, which could sustain a pattern of periodic elections. Too often, post-conflict elections have been conceived as a 'quick fix' and an exit strategy for the international community. Much of the failure of democracy-promotion in recent years has been due to an over-concentration on elections and on the election-day itself, and a consequent lack of attention to broader aspects of democracy-building in the post-election period. Elections do not equal democracy. Indeed, the 'fallacy of electoralism' has increasingly been recognised. Pastor notes that of a total of 387 elections that were reported during the 1990s, 81 can be considered as 'flawed'.<sup>64</sup> It was originally assumed that the holding of relatively free and fair elections would naturally lead to the gradual emergence of democratic institutions and the progressive consolidation of a democratic culture. As Elklit rightfully noted, 'You Can Lead a Horse to Water, but You Can't Make it Drink'.<sup>65</sup>

However, although elections are crucial to cement the legitimacy of new democratic power structures, they are not sufficient to make democracy viable and sustainable. Consolidating peace requires reconstructing the foundations of democratic governance, restoring law and order, reviving the legitimacy and credibility of government, strengthening judicial and legislative powers, reforming the public sector and enhancing the inclusion of ethnic minorities and civil society. In other words, it requires a radical reform of the state and of the modes of governance.

As these assumptions collided with reality, the UN has gradually shifted its emphasis from international observation towards domestic observation and devised new forms of assistance, such as technical assistance to the revision of electoral laws, the design of electoral system and the administration of elections. Electoral management bodies were increasingly recognised critical to guarantee the credibility and legitimacy of elections. Consequently, as López Pintor argues, there has been movement towards establishing independent electoral commissions conceived as permanent and independent governance institutions, especially in transitional democracies characterised by political polarization and distrust.<sup>66</sup> Indeed, the independent electoral commissions of Nicaragua, El Salvador, and Guatemala have significantly contributed to making elections meaningful by restoring their legitimacy and credibility. The technical assistance to El Salvador's Supreme Electoral Tribunal in the context of the 1994 elections has pioneered UNDP's involvement in this area.

Permanent electoral management bodies have also contributed to the increase the efficiency and cost-effectiveness of periodic elections by rationalizing the logistics of electoral administration. While donors generously finance post-conflict or founding elections, funds become scarcer for subsequent elections. For instance, the first elections of 1990 in Nicaragua received considerable foreign assistance, the 1996 elections failed to attract such external support. Consequently, the technical quality of the contest suffered and the results were contested. Foreign funding of elections, which are a fundamental dimension of sovereignty, has also critical effects on the exercise of national sovereignty, since it tends to limit the capacity of states to call early elections to resolve a political crisis or stalemate.

#### *Strengthening the Institutions of Democratic Governance*

The second and largest pillar of democracy assistance aims at reforming the state and strengthening democratic institutions, and in particular the judiciary and the legislature. As such, as Bertram

suggests, these efforts aim at ‘reinventing government’ and include constitutional engineering, parliamentary assistance, judicial reform and local government strengthening as well as the reform of security forces and the training of civilian police.<sup>67</sup> The war-torn societies of Central America are characterised by a dangerous delinquency of state institutions, and in particular the police and judiciary, with resulting deterioration of the rule of law and paralysis of governance.

The overall framework for post-conflict reconstruction often presumes the existence of a viable state. However, decades of conflict have led to a dramatic process of degeneration of the fundamental structures of the state, paving the way to a ‘failed state’ in which institutions have lost the legitimacy, authority, effectiveness and efficiency they may once have had. A fundamental prerequisite for peace and democracy are a state that works: ‘Weak states, says Kofi Annan, are one of the main impediments to effective governance today, at national and international levels alike.’<sup>68</sup> Governing institutions are the first institutions that must be restored to prevent the relapse into conflict and guarantee the rule of law and public security. In the Guatemala case, the 1996 peace accord recognised the need to strengthen the state and increase tax collection and even the World Bank recommends more state spending, in areas such as health and education. Crafting appropriate democratic institutions and governance systems that can prevent the recurrence of conflict is thus critical.

UNDP has thus focused its interventions on the rehabilitation of governance institutions, and in particular public security institutions. In post-conflict Central America, UNDP contributed to institutional strengthening by providing technical assistance to the peace institutions responsible for implementing and monitoring the peace agreements, such as Commission for the Consolidation of Peace (COPAZ) in El Salvador established in 1992 or the Peace Secretariat (SEPAZ) and the Planning Commission (SEGEPLAN) of the Presidency established in Guatemala in 1997, as well as the Accompanying Commission (*Comisión de Acompañamiento para el Cumplimiento de los Acuerdos de Paz*) and the various technical sectoral commissions. Through its support to SEGEPLAN, UNDP assisted Guatemala in enhancing its capacity to manage the international assistance provided to it by a multitude of donors with sometimes conflicting demands.

A second set of governance institutions supported by UNDP includes human rights institutions. As early as 1992, UNDP provided technical and logistical assistance to the Human Rights ombudsman in El Salvador envisioned by the Chapultepec Agreement. In 1994, it implemented project aimed at strengthening the monitoring capacities of the ombudsman, subsequently deepened in 1995 with the co-financing of Norway, Sweden, the Netherlands and Denmark. Furthermore, UNDP assisted the truth commissions of El Salvador and Guatemala, which were established to shed light on unresolved crimes and end impunity.

A third set of governance institutions supported by UNDP includes state institutions and in particular public administration. In this particular area, the cooperation with the Breton Woods institutions become critical, given their longstanding involvement in public administration reform. For example in Guatemala in 1998, UNDP developed a multi-year program framework funded by several bilateral donors, ‘Reforming and Strengthening the Guatemalan State within the Framework of the Peace Accords.’ The program was aimed at reforming and strengthening the democratic state in the context of the peace accords covering the period 1998-2000. UNDP assisted the executive branch of government in establishing a modern public administration that redefines the role of the state, promotes greater efficiency and effectiveness in public sector activities and improves the coverage and quality of basic services. Within this context, UNDP is supporting the modernization of the state, and in particular key ministries such as the ministries of Agriculture and Education and Health as well as the General Tax and Customs Office and of the Registry of Land Property.

A related area encompasses the planning and policy capabilities of governments. As soon as 1991, UNDP provided technical assistance to the government of El Salvador to articulate a coherent strategy towards state reform and, in 1992, adopted a project to strengthen the capacities of the Ministry of Planning. The project, however, has been affected by the peace process and was completed in 1998, instead of in 1994 as originally planned. With the World Bank, UNDP participated in the establishment of the Presidential Commission for the Reform of the State. In 1996, UNDP also initiated a project to assist the institutional strengthening of the Salvadorian Institute for Municipal Development. In recent years, increasing attention has been paid to the decentralisation of the state to promote good governance and economic development.

However, UNDP interventions in the area of state reform have tended to focus on improving the effectiveness of public agencies, rather than enhancing political accountability. They have resisted targeting areas beyond traditional public sector reform to include the depoliticisation of public administration, the effective separation of powers and the decentralization of authority.

### *Enhancing the Rule of Law*

Seeking to reinforce the effective separation of powers, UNDP has increasingly focused its assistance on enhancing the rule of law and guaranteeing public security.<sup>69</sup> The consolidation of democracy and the sustainability of peace are hampered by judicial uncertainty and impunity. Judicial reform and guaranteeing the prevalence of the rule of law are core elements of any strategy to sustain democracy and peace in the isthmus.<sup>70</sup> Institutionalising checks and balances, it is believed, will create a democratic polity and, as a natural consequence, will contribute to the emergence of what Schedler *et al.* refer to as a 'self-restraining state.'<sup>71</sup> 'Horizontal accountability' requires the prevalence of the rule of law and entails the existence of agencies of restraint, that is autonomous institutions established to prevent and redress the abuse of power, thereby restricting further the powers of the executive. Restraining agencies include countervailing institutions such as the judiciary, parliamentary committees, oversight agencies, auditor-generals, or ombudsmen. In particular, restoring the rule of law is necessary in order to prevent and contain the corrosive effects of endemic corruption.

The weakness of the justice system is impeding the transition to a new democratic state in which civilian authority prevails. Judicial reform is critical to ensure public security in situations where security forces have too often undermined rather than upheld the rule of law and fundamental human rights. Although the end of the internal armed conflict meant a substantial reduction in political violence, the upsurge of violent crime and the resulting public insecurity represent significant hurdles to the consolidation of peace and democracy. UNDP has been instrumental in reforming the security forces and establishing civilian police forces in El Salvador and Guatemala.<sup>72</sup> Indeed, as Jonas has stressed in the case of Guatemala, the demilitarisation of politics and the 'de-centaurization' of the state constitute preconditions for democratic governance.<sup>73</sup> In 1995 the government of Spain established a US\$13 million trust fund to support UNDP's programmes in the areas of rule of law assistance, judicial reform and public security. Between 1996 and 1998, 19 projects and 2 preparatory assistance projects were implemented, including projects to strengthen public penal defence and support the National Academy of Public Security and the National Civilian Police in El Salvador, initiatives to enhance public defence in Guatemala or a project to modernise the Supreme Court of Justice and support the national police in Nicaragua.

UNDP rule of law assistance has, however, often avoided focusing on securing the independence of the judiciary and instead has prioritised the efficiency of the administration of justice. In general, judicial reform projects were aimed at enhancing the competence and effectiveness of the justice system. Some attempts were made to improve access to justice. In 1996, it adopted two projects to enhance legal protection and penal defence in El Salvador and Guatemala.

### *Supporting Civil Society*

The fourth and most rapidly expanding pillar of democracy aid concerns civil society assistance, with particular attention to advocacy-oriented non-governmental organisations, civic education groups, policy think tanks, independent media, and trade unions. The growing emphasis on civil society is primarily aimed at turning democratic forms into democratic substance. In the wake of the ‘third wave’ of democratisation, non-governmental organisations were seen as ‘agents of democratisation,’ providing a voice to the voiceless and channelling demands and discontent. For example, significant support was provided to domestic non-governmental organisations observing and overseeing elections, such as *Ética y Transparencia* in Nicaragua. These organisations then shifted their attention to the observation of democratisation between elections.

However, the initial enthusiasm towards civil society organisation appears to be receding: not all organisations of society are as civil as they appear and not all ‘non governmental organisations’ are as non-governmental as they claim. Their representativity, accountability and sustainability are often weak and in many instances NGOs are highly politicised. In some instances, civil society organisations have tended to replace opposition political parties as channels of dissent and discontent. More fundamentally, a consensual definition of the very concept of ‘civil society’ has still to emerge.

### **TENTATIVE CONCLUSIONS**

Undoubtedly, the experience of the UN and UNDP in Central America has transformed both organisations. Although it is not yet clear whether these organisations have succeeded, failed or only begun to consolidate democratic governance in post-conflict Central America, they provided a critical (albeit not decisive) contribution to the resolution of internal conflict and the emergence of democracy in the isthmus. The linkage between the consolidation of democratic governance and post-conflict peace building was reinforced after the devastation caused by Hurricane Mitch in 1998. The Stockholm Declaration of 28 May 1999 adopted during the Second Consultative Group Meeting for the Reconstruction and Transformation of Central America reaffirmed the commitment to ‘Reconstruct and transform Central America on the basis of an integrated approach of transparency and good governance,’ thus linking post disaster relief and reconstruction to economic and political transformation.<sup>74</sup>

Concerns over democracy and support to good governance introduce, however, particular tensions within the UN system. As this article has attempted to demonstrate, UN engagement in post-conflict peace-building challenges the traditional Westphalian paradigm of national sovereignty underpinning the UN system and the principle of non-intervention in internal state affairs. As Tesón notes, the UN’s involvement in conflict and post-conflict countries has implied changing perceptions of domestic jurisdiction and intervention.<sup>75</sup> It influences the nature of the political regime, the structure of the state, the choice of democratic institutions and the boundaries of political behaviour.

Nevertheless, in theory, before the UN can assist a member state in democratisation, it must receive a formal request from that government. The fact that UNDP country programmes are defined in cooperation with the recipient country satisfies to the underlying principles of the UN (universality, neutrality and multilateralism) and is a reflection of the principle of state sovereignty. These are negotiated with and endorsed by the recipient government, without whose consent they cannot be implemented. Thus, efforts deployed by the UN at promoting democracy, enhancing the rule of law

and strengthening governance institutions are not, *prima facie*, a disavowal of respect for state sovereignty.<sup>76</sup>

UNDP interventions are both facilitated and conditioned by the host country's agreement: while this critical dimension can at times hamper the assertiveness of UNDP democracy assistance projects, it also enhances its effectiveness by securing the host country ownership of, or at least commitment to the programmes. In Central America, UNDP (and the UN system as a whole) officially adopted the peace agreements as the legitimate basis for its assistance. UNDP, which is also the Resident Coordinator of the UN system, implements a project portfolio in selected key areas of the peace accords. For example, the 1992-1996 UNDP Country Cooperation Framework with El Salvador was based on the 1992 Chapultepec agreement. In Guatemala, the government established an *Agenda for Peace* in 1996 and requested UNDP's assistance for its implementation. The 1998-2000 US\$40 million UNDP Country Cooperation Framework for Guatemala was conditioned by the strategy approved by the government in January 1997.<sup>77</sup>

The lessons learned of a decade of democracy and governance assistance, in particular in war-torn Central America, has led the international community to revisit its initial assumptions and re-assess its traditional strategies aimed to foster durable peace and sustainable democracy in post-conflict countries. While making an assessment of the impact and effectiveness of UNDP efforts at promoting democratic governance is beyond the scope of this article and probably premature, recent studies and evaluations of democracy assistance have stressed the need to address the underlying interests and power relations in which institutions are embedded.<sup>78</sup> As Riddell argues, 'if donors wish to make a real difference, they will need to focus more explicitly and more rigorously on issues of power, politics and interest groups, as they have tried to do in the past – messy and difficult though these things often are.'<sup>79</sup>

Nevertheless, and despite its broad understanding of democratic governance, UNDP has shied away from a direct involvement in the reform of the political system of recipient countries. Traditionally, UN democracy assistance has tended to ignore the realities of power and the intricacies of politics, mainly relying on technical solutions to address political problems. This has been particularly the case concerning justice and state reform. UNDP assistance in the areas of the rule of law and public administration reform has privileged, to a large extent, concerns over the efficiency of the judiciary and the state rather than the political independence of judicial authorities or the depoliticisation and political accountability of state bureaucracies. However, without addressing the underlying distribution of power, judiciaries will likely remain emasculated. Technical assistance or training for leaders, judges, parliamentarians and civil servants is, at best, a hopeless illusion unless the separation of powers, the independence of the judiciary, the autonomy of the parliament and the depoliticisation of public administration are effective.

These considerations, in turn, require revisiting the principles underpinning (and limiting) UN intervention, and in particular boundaries of national sovereignty. It will require the UN to further rethink its traditional modes of intervention and further erode the paradigm of state sovereignty. The *Carnegie Commission on Preventing Deadly Conflict* has indeed argued that, 'with the increasing number of conflicts within states, the international community must develop a new concept of the relationship between national sovereignty and international responsibility.'<sup>80</sup> The uncomfortable paradox for the UNDP is that, while its engagement is based on consent, the impact of its efforts at promoting democracy are conditioned on its intrusion of essential elements of national sovereignty. At the same time the effectiveness of its interventions, which cannot in any case overcome inauspicious domestic conditions, is linked to the trust and confidence the host countries – which are also amongst UNDP's stakeholders - place in it. The future of UNDP democracy assistance will largely depend on how successful it is at resolving these inherent tensions while retaining its multilateral approach to peace and democracy.



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