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Donors' reorientation to democracy

Compared with the investment necessary to develop human rights infrastructure and protection, elections offered a fast-and-easy option. Donors' accomplishments are easily quantified by the number of countries which have been transformed into democracies, and their number increased accordingly. *Parkinson's Law* would classify such numbers as fiction, or perhaps as ideology, because they disguise rather than describe reality. Conditionality broadened from eligibility for aid to 'the right of other states and the international community at large to refuse to recognize clearly undemocratic regimes, and even to take various forms of countermeasures against them'.¹

Previous rules insisted on the capacity of a regime claiming statehood to govern the territorial entity it wanted to represent internationally. Effectiveness was *the* criterion, and internal legitimacy of regimes was rarely questioned. Post-cold-war rules shifted attention to legitimacy. The intended consequence was the right of the international (or donor) community to confer or deny legitimacy. An unintended consequence was a possibility for many different regimes to aspire to a right to statehood and launch war to attain it. The right to self-determination could be invoked as the collective right of peoples, while features distinguishing them from others, such as ethnicity, religion or language, could be used to define entitlements and boundaries. The previous criterion of effective territorial control was replaced by a subjective judgement relating to internal legitimacy of various regimes or aspirants. New criteria assessed whether a government came to power through 'free and fair' elections, and such judgements necessarily varied.

Punitive conditionality continued with aid cut-offs targetting undemocratic regimes, while electoral support facilitated their conversion to democracies. Elections provided the optimal model for aid because they are a technical, relatively inexpensive procedure, can be organized rapidly and quantified easily. Thus designed electoralism was described elsewhere.² At first human rights were mentioned alongside democracy, but later disappeared into oblivion. Moreover, human rights remained a minuscule item in aid budgets, with NGOs rather than governments as recipients. While aid is normally given to the recipient government, in human rights

that channel is the least used. Most aid is provided to NGOs, and is mostly used for documenting human rights violations or educating the population about their rights. From the viewpoint of recipient governments, such funding serves to gather evidence about their misdeeds and to increase demands of the population upon them. A corresponding support to strengthening governmental capacity to prevent violations and to satisfy popular aspirations is conspicuously missing. The DAC guidelines on participatory development and good governance do not even mention government-to-government aid in the section on human rights.³

Democracy became a panacea for the world's ills, as was summed up by Governor Bill Clinton (while on his way to becoming the next US President): 'The democratic countries do not go to war with one another, they do not sponsor terrorism or threaten each other with weapons of mass destruction.'⁴ The assumption that democracies do not wage wars against each other found academic backing in assertions such as that 'absence of war between democratic states comes as close as anything we have to an empirical law in international relations'.⁵ The waging of war by the USA as recently as 1983 against Grenada or against Panama in 1989 could not be classified as absence of war, but was seen as intended to convert undemocratic states to democracies so as to lead to absence of war. The US model of exporting democracy was revived and globalized.

The US model

International electoral support and monitoring was originally tied to the process of decolonization. Self-determination was recognized as a collective human right (right of peoples) and numerous international missions were dispatched to monitor elections whereby peoples in non-self-governing territories exercised their right to self-determination. With few exceptions electoral monitoring was associated with plebiscites, referenda or elections relating to the exercise of self-determination. The elections in Rhodesia (whereby it became Zimbabwe) were assessed differently by international observers and revealed how much observers' verdicts could differ. The 1979 elections in Rhodesia (which brought to power the Muzorewa government) had been assessed by Britain's observers as 'fairly conducted and above reproach by the strictest Western criteria', while another group of observers (also British, but non-governmental) called them 'a gigantic confidence trick'. The former verdict, although favoured by the United Kingdom, could not prevail, and subsequent elections were monitored by a Commonwealth team alongside British official observers.⁶ Problems inherent in varying observers' verdicts were compounded when electoralism was institutionalized by the USA in the 1980s.

Controversies emerged because of divergent observers' reports on the 1982 and 1984 elections in El Salvador. Those elections were praised by the US government but criticized by NGOs:

On election day, marauding bands took over many polling stations. It was less normal in central San Salvador – where the majority of OAS and other international observers set up shop – it was a different story in poor neighbourhoods and rural areas. The intimidating presence of the military was everywhere.

The process of issuing voter registration cards had bogged down to the point where, a few days before the election, the government succumbed to popular pressure and said that people would be able to vote by presenting the receipt showing they had applied for a voting card. An estimated 10 percent of the people who went to vote, however, *with and without* voter registration cards, were unable to find their names on the voting lists, and therefore couldn't vote. In some cases, the posted lists differed from the lists at the voting booth itself; supposedly they were carbon copies.⁷

The United Nations Commission on Human Rights joined the many critics of such elections.⁸ US-based NGOs were active in exposing dark sides of 'export of democracy' and the first guidelines were published in 1984 by the International Human Rights Law Group. Electoral observation was defined as 'a species of fact-finding in which issues are determined based on evidence and observation, and evaluated on the basis of consistent standards in making findings and judgments'.⁹ The search for such consistent standards intensified because the Reagan Doctrine launched electoralism as *the* method to secure compliance with the statutory prohibition of aiding military dictatorships.

Many elections in Central and Latin America followed from the 1982 policy of the Reagan administration to export democracy. The Reagan Doctrine (as it was subsequently dubbed) promulgated 'democratic self-determination' as the objective of foreign policy. It conditioned US aid by multiparty elections, provided aid to facilitate compliance, and laid down 'a claim of the right to intervene by force in another state to preserve or impose democracy'.¹⁰ US military intervention in Panama in 1989 was justified by the need to restore democracy and restored it was. A cynical description of the thus restored democracy went like this:

The president is the biggest disappointment of all. Few take Guillermo Endara seriously. Below stairs in his palace, American officials make deals with security officers who once served General Noriega. Upstairs, the love-struck president and his young bride play video games, emerging for public functions blowing kisses at each other.¹¹

US policy was summed up by Diamond as insisting on a 'civilian, electoral form of democracy rather than the substance, [with too little concern] with actual behaviour of the regime after the transition'.¹² The seal of approval for elections in Guatemala or El Salvador during decades of institutionalized militocracy and armed conflicts reinforced the need to question an assumed link between elections and human rights protection because elected governments neither remedied nor tackled institutionalized human rights violations. Moreover, they did not – or could not – stop warfare.

Guatemala

Guatemala has illustrated in the past four decades how little compliance with electoral procedures means from the human rights perspective. The 1954 military coup introduced three decades of military rule during which elections were held, but systemic human rights violations prevailed with considerable US involvement.¹³ UN investigative and condemnatory actions were timid. Guatemala was placed on the human rights agenda in 1979, a Special Rapporteur on human rights violations followed in 1983–5, and in 1986 Guatemala was transferred from the violations agenda to assistance because the elections of 1985 reintroduced civilian governance. Neither the civilian government nor the UN assistance resulted in human rights protection, and an independent expert was appointed in 1990 to combine provision of assistance with reporting on violations. In 1996 a new government announced that it would continue receiving assistance but demanded that reporting on violations be stopped.

The international seal of approval of the 1985 elections was thus immediate but soon rescinded thereafter. Because the US Congress mandated that a civilian president be in place before aid is granted, elections were necessary. A Law Group/WOLA electoral observer mission explained that the military's corporate interests required it to relinquish formal executive power so to secure US aid, but there was much suspicion 'as to whether the elections would lead to civilian control over the military or even over the non-military aspects of government'.¹⁴

The Guatemalan government resulting from the 1985 elections benefited from extensive international assistance in human rights education and training; various bodies with 'human rights' in their title were set up as well. International assessments were divided: the United Nations supported the government, NGOs protested against abuses which continued with impunity and claimed that aid for military and police reform was therefore inappropriate and counter-productive.¹⁵ After reviewing developments during the first years of the Cerezo government, which emerged from the 1985 elections, Roger Plant found 'an alarming escalation in political violence and a continuation of a long-standing pattern of severe human rights violations'.¹⁶ Indeed, the toll of the Cerezo government (1986–90) was estimated at 4000 extrajudicial executions and 1300 disappearances.

A short-lived *autogolpe* by President Serrano in 1993 further illustrated the fragility of the subsequent civilian government. The military reportedly supported the self-coup but rescinded because 'an overt grab for power would meet American objections and bring economic sanctions'.¹⁷ The Clinton administration took much credit for upholding the statutory prohibition of providing aid to a regime that came to power through a coup. US aid was suspended, negative votes for loans to Guatemala and loss of GSP benefits threatened. Thus 'U.S. diplomats helped persuade

the military not to assume power directly'.¹⁸ The key word was 'directly', and signalled a reversal from the US heritage of 1954:

The Cold War began, in this hemisphere, in Guatemala in 1954, when the United States helped topple an elected leftist government that was beginning to take up the very questions returning to the national agenda only now [in 1993]. Except this time the United States is supporting, not subverting, the Guatemalan popular will.¹⁹

The underlying reasoning for linking US aid to human rights, namely to halt donor's complicity in previous human rights violations, came to light in the 1990s. The US intervention of 1954 had set up 'an institutional structure of domination built to violate human rights'.²⁰ US complicity emerged with open acknowledgements of previous support to military regimes. If the USA could not have been brought before the Inter-American Court of Human Rights in the precedent *Velasquez* case, its complicity was discussed in the media: 'The Hondurans got millions of dollars of aid (much of which went straight to the army), and America's blessing on the human-rights record of the police and the army.'²¹ Assertions of US complicity went further for Guatemala. General Hector Gramajo, a former defence minister of Guatemala, was found responsible for violations in nine cases of torture and summary executions, and victims' families were granted \$47.5 million punitive damages by US courts.²² Due to their persistence, the US government initiated an investigation into its complicity, which could ultimately encompass six former US presidents who may, or should have known, about abuses in Guatemala, including covert US operations.²³ The linkage between human rights and aid may have opened the way for holding donors accountable for supporting and/or tolerating institutionalized human rights violations. Donors' orientation is still towards accountability of recipients alone, and in March 1995 'the US government cut off its remaining military aid to Guatemala, a scholarship programme for officers, in protest at the lack of progress in human rights cases'.²⁴

El Salvador

El Salvador was governed from 1956 to 1979 by a succession of military leaders (some unelected, many elected), and civil war followed (1980–92). Following a military coup in 1979 and the ensuing increase in repression, the FMLN (Frente Farabundo Martí para la Liberación Nacional) was formed in October 1980 and warfare started. The US government supported the government throughout that period. The FMLN was seen as a replica of the Sandinistas in neighbouring Nicaragua, who came to power 1979. Containment of communism reinforced previous

anti-insurgency support. From 1980 to 1991, US economic aid exceeded \$3 billion and military aid \$1 billion²⁵ for a country with five million population altogether.

During that period human rights violations and warfare continued, as did elections. By one count, 1989 'was the first time the country has seen power pass relatively smoothly from one civilian government to another',²⁶ by another it was 'the country's fifth successive reasonably fair election'.²⁷ Yet another round of elections was held in 1991, in which 'El Salvador's army frightened the voters, its ruling party fixed the results, and its electoral commission delayed announcing them'.²⁸ Two different views of the US-supported elections illustrate how much perceptions differed:

- 'American aid has given El Salvador a couple of reasonably free elections'²⁹
- 'with the exception of the 1960-61 coup, the military respected the electoral timetable ... [with] the formula of a party under military control, with a cohort of civilians clearly at its service'.³⁰

US complicity in denials and violations of human rights was seen as an inevitable consequence of the uninterrupted political, financial and military support for the government(s) of El Salvador. Senator Brock Adams, in his introduction to *Forgiving the Killings: Ten Years of Massacres in El Salvador*, wrote what such close alliance meant: 'when one government is killing, its ally is forgiving (mientras un gobierno asesina, su aliado perdona)'.³¹ The extent of US involvement in El Salvador, as in Honduras or Guatemala, has been revealed in the 1990s, after massacres stopped and when opposition to forgiveness mounted. Archives with documents held by the US government from the 1980s revealed in 1993 how much information the USA had possessed at the time of the massacres. In December 1981 the Salvadorean army killed between 500 and 750 peasants at El Mozote because their village was situated in a rebel-held area and they were assumed to have been supporters of the FMLN. Knowledge about El Mozote was disclaimed by the US government although it was described in US newspapers on 27 January 1992. The very next day President Reagan certified to Congress that the government of El Salvador was making a significant effort to comply with international human rights guarantees.³²

In September 1991 nine members of the armed forces were tried for the murder of six Jesuit priests, who were professors at the Central American University, their housekeeper and her daughter in November 1990. Two officers were convicted and sentenced to 30 years' imprisonment, but seven soldiers were acquitted because they had followed orders from their superiors. The trial revealed links with US military aid:

trial were products of the US military training. [That] explains why, a decade after the United States became heavily involved in El Salvador, the Salvadorean Army still does not understand why all those North Americans got so upset about the killing of a few priests.³³

That trial was part of peace-making. An Agreement on Human Rights was signed by the government and the FMLN in July 1990, and monitored by ONUSAL – the United Nations Observer Mission to El Salvador. Presidents of neighbouring Central American countries had supported peace talks, while the United Nations had produced a blueprint for human rights monitoring, which gained acceptance by both sides, and proceeded to put it into practice. That was a precedent for the United Nations because ONUSAL had started before the cease-fire was negotiated, it was a field mission and reported to the Security Council.

The previous USAID's programme aimed at reforming the Salvadorean judiciary came under the scathing criticism of US-based NGOs,³⁴ and was implicitly criticized by the Truth Commission which found that the Salvadorean judiciary bore tremendous responsibility for allowing abuses to continue with impunity; the finding of ONUSAL was identical, but explicit.³⁵ In January 1992 the Salvadorean parliament had adopted an amnesty law to encompass political crimes and crimes committed in connection with the armed conflict of 1980-91.³⁶ A later response to the findings of the Truth and Ad Hoc Commissions was to follow their reports. It did, and five days after the first report was released, parliament adopted another amnesty law. The USA promptly responded to the report of the Truth Commission and to the rapid adoption of amnesty law by the Salvadorean parliament by suspending military aid until the military officers identified to be responsible for gross abuses were dismissed from active service.³⁷ The US Secretary of State, Warren Christopher, ordered an inquiry into alleged concealment of abuses in El Salvador by the Reagan and Bush administrations (but not the Carter administration although the Salvadorean civil war began in 1980). That decision followed months of revelations of US complicity in the mass media. The background was the report of the Truth Commission, which identified those who had carried out abuses and also those who gave orders.

Western market democracy and Eastern Europe

The US model could not be applied to Eastern Europe before 1989, but a wave of elections followed the end of the cold war. Electoralism took place fast, without an *ex ante* analysis of countries in which it was being implanted or a clear description of what was to be accomplished. Twenty-seven new democracies emerged in three years from what used to be Eastern Europe, as described elsewhere³⁸ so only a short summary is included here.

Multiparty elections were seen as *the* method of dismantling one-party states, typical of Eastern Europe during the cold war. Vladimir Mau, a former political adviser to the former Russian prime minister Yegor Gaidar, dubbed that model 'western market democracy'.³⁹ The conversion of 'democracy' into political conditionality can be traced through the Conference on Security and Co-operation in Europe (CSCE, now OSCE) documents. The 1990 Charter of Paris for a New Europe stipulated that legitimacy of governments should derive from periodic and genuine elections, which should enable people to express their will freely and fairly.⁴⁰ Terms 'free', 'fair' and 'genuine' necessitate interpretation, which is necessarily subjective. The vagueness of criteria for assessment was compensated by provisions on external monitoring: 'the presence of observers during the electoral process constituted the first readily available means for some kind of political compliance'.⁴¹ Thomas Buergenthal, former president of the Inter-American Court on Human Rights and a member of the US delegation to that historic CSCE, commented that donors gave themselves a right 'to condition their bilateral and multilateral relations in general upon progress in the human dimension sphere'.⁴²

The first post-communist parliamentary and presidential elections were held in Poland in 1989, and in Albania in 1991 and 1992. All others took place in 1990: in February in Lithuania, in March in Estonia and the former East Germany, in March/April in Hungary and Latvia, in April in Slovenia, in May in Croatia and Romania, in June in Bulgaria and Czechoslovakia (as it was then), and in November/December in Bosnia and Herzegovina, Macedonia, and Serbia and Montenegro. They were all endorsed by international and foreign observers as free and fair (nobody referred to 'genuine'), except elections in Serbia and Montenegro. Occasional misgivings were articulated, however. The 1990 *US Country Reports on Human Rights Practices* noted that international observers had pronounced the elections in Bulgaria free, 'but many agreed with opposition claims that intimidation by Socialists was a factor in their victory', while elections in Romania had been marred by 'serious distortions and irregularities'.⁴³

The rapid dismantling of the previous institutional and legal infrastructure created a vacuum. The first wave of elections had brought into power anti-communist parties that could not establish effective governance. The first years of transition were marked by frequently changing governments. Bulgaria had three parliamentary elections in less than five years; in Poland, 200 political parties contested the first multiparty elections and governments changed every year.⁴⁴ The anti-communist Union of Democratic Forces had won the first elections in 1991, but governed only eleven months, was replaced by a 'non-party government of technocrats', and the Bulgarian Socialist Party won the election of December 1994. Elections in Lithuania in November 1992, in Poland in September 1993, in Hungary in May 1994, in Estonia in March 1995

and in Russia in December 1995,⁴⁵ resulted in victories for socialist and/or social democratic parties, labelled in the West neo-communist or reformed communist. Such cold-war labels expressed frustration with multiparty elections: they were supposed to have been a death knell for communism.

A combination of impoverishment and lawlessness created disillusionment with Western-market democracy, expressed in protest votes or decreased electoral participation. Perceptions of successful democratization were thus short-lived. In donor countries, successive electoral victories of what were termed 'populist unreconstructed communists' or 'populist demagogues'⁴⁶ decreased enthusiasm for democracy. By 1995 stock-taking went something like this: 'The Czech Republic is the only central European country from the former Soviet empire not to have elected former communists to power.'⁴⁷ One year later, commentators lamented the electoral loss of 'Central Europe's most uncompromising capitalist'.⁴⁸

Electoralism in donors' policy

In the 1980s the US provided a model for exporting democracy which was applied in South America. The wave of post-cold-war elections in Eastern Europe in 1989–90 made elections extremely popular. Because elections in Eastern Europe proved that political transition can be rapid, that experience translated into donors' policies. The US led the way, France and the United Kingdom explicitly conditioned aid by democracy in 1990. Nordic donors followed and in March 1990, the Nordic ministers of development co-operation asserted that the 'lack of progress in the democratization process will affect the willingness of donors to provide aid'.⁴⁹

In 1990–1 the United Kingdom launched its policy of conditioned aid. Douglas Hurd listed conditions for aid as pluralism, public accountability, respect for the rule of law, human rights and market principles:

In Britain's view, democracy and respect for human rights reinforce sound economic policies and produce conditions in which individual initiative can flourish. Aid is used in a practical way to support economic and social reform, increase the effectiveness of governments and help strengthen democratic institutions such as a free press, an independent judiciary and free elections.⁵⁰

The United Kingdom had cut off aid previously, invoking human rights violations, but those instances had been few and far between. Only Burma, Ethiopia, Somalia, Sri Lanka and Sudan were listed as recipients who had been sanctioned before, by the then minister of development co-operation, because those were deemed to constitute 'cases where good government criteria [were] deliberately flouted'.⁵¹

Similarly to the United Kingdom, France did not link aid to human rights but to elections.⁵² The then president, François Mitterand, launched the French commitment to democracy at the French-African Summit in La Baule in 1990, stating that recipients should become 'true democracies with multi-partyism, free elections, and respect for human rights'.⁵³ At the next summit in 1994, Mitterand took stock: 'Out of 22 states represented at La Baule, all have chosen multi-party systems, 17 adopted new constitutions; in four years there were some fifty general elections.'⁵⁴

France's commitment to 'democracy' coincided with a press conference during La Baule summit, at which Zaire's prime minister of the time announced 'Kinshasa's refusal to allow any international human rights body to probe the Lubumbashi massacre within the country'.⁵⁵ The difference between a commitment to elections and to human rights was thus obvious. Human rights organizations voiced protests against donors' tendency to confuse human rights with democracy: 'Free elections and multi-party systems, Amnesty International maintains, cannot guarantee human rights on their own.'⁵⁶ Aidoo pointed to the 'conceptual devaluation' of human rights which resulted from that confusion.⁵⁷ Such challenges were confined to human rights newsletters and journals and had virtually no impact on the public and/or political debate in the donor countries. Mass media followed donors' rhetoric and democracy, and human rights became viewed as one and the same thing or, at best, two sides of the same coin.

Much as with human rights, donors' new version of conditionality exacerbated disagreements between recipients and donors. While some individual recipients accepted the new condition, recipients as a group rejected it. Because there is no international platform for recipient-donor dialogue other than the United Nations, disagreements came to light there, but the United Nations nevertheless became involved in international electoral support.

An image that international electoral support is globally accepted has become widespread in donor countries because there is little publicity for contrary views. Franck wrote that 'people almost everywhere now demand that government be validated by *western-style* parliamentary, multiparty democratic process. (emphasis added)'.⁵⁸ Even the collective voice of the world's governments, namely resolutions of the UN General Assembly or its Commission on Human Rights, are seldom quoted. They are worthy of attention because they testify to the fact that there is no global policy on elections.

In order to reflect both sides of the coin, the UN General Assembly annually adopts two resolutions relating to elections. One is entitled 'Respect for the principles of national sovereignty and non-interference in internal affairs of states in their electoral processes'. It was adopted in 1994 by 97 votes in favour (the South), 57 against (the West, Central and Eastern Europe); one year later the votes in favour diminished to 91, and against remained stable at 57, with 21 abstentions. That resolution points

out that there is 'no single model for electoral processes equally suited to all nations and their peoples', says that 'it is the sole concern of peoples to determine methods and to establish institutions regarding the electoral process', and repeats the prohibition of interference in internal political processes. The other resolution, adopted by the same body at the same time, conveys a different message, evident from its very title, 'Strengthening the role of the United Nations in enhancing the effectiveness of periodic and genuine elections and the promotion of democratization'. That resolution gained the support of the vast majority of governments (155), with one vote against (Iran), and 12 abstentions (Burma, China, Cuba, Iraq, Libya, North Korea, Sudan, Syria, Tanzania, Uganda, Vietnam and Zimbabwe), but international electoral support may be offered 'only at the specific request of the Member State concerned'.⁵⁹

International law was affirmed by the International Court of Justice in the case of *Nicaragua vs USA* in its much quoted dictum, whereby 'the Court cannot contemplate the creation of a new rule opening up a right of intervention by one State against another on the ground that the latter has opted for some particular ideology or political system'. The European Court of Human Rights similarly did not find any requirement in international human rights law whereby a specific electoral system ought to be introduced in a country, and added that 'any electoral system must be assessed in the light of the political evolution of the country concerned; features that would be unacceptable in the context of one system may accordingly be justified in the context of another'.⁶⁰

Multilateral electoral interventions

The UN's previous practice of certifying plebiscites or referenda had been part of decolonization, which ended with Namibia. Elections in Namibia were the last stage of UN involvement and UNTAG (United Nations Transition Assistance Group) consisted of 4500 military, 1500 police personnel, 300 military and 885 electoral observers.⁶¹ At the time of the then forthcoming Namibian elections, the peace process in Central America encompassed demands for international supervision of elections, starting with Nicaragua. Then the Haitian transitional government requested UN assistance and electoral observers, and created a double precedent for the United Nations:

- 1 The UN was involved in elections in Haiti in 1990 although there had been no international conflict to legitimize international intervention. Haiti thus moved the United Nations from electoral support as part of peace-making in internationalized conflicts to involvement in overcoming internal repression. Within two years, between 1989 and 1991, involvement in elections became an institutionalized UN activity.

z Haiti provides an example of the cycle of sanctions, elections, and sanctions. Elections of 1991 were followed by sanctions to reinstitute the elected government. Democracy proved as defenceless against military power as sanctions, and the Haitian elected government had to be reinstated by military intervention.

Aid flows reflected donors' priorities when support for elections was provided at the expense of the conventional development aid. Thus, 'Angola had no difficulty in getting the needed foreign support for the recently held elections. But response to the appeals for relief aid has been modest, and this in turn may endanger the peace process, say UN officials in Luanda'.⁶² Subsequent developments in Angola proved how accurate that assessment had been.

International electoral interventions operated in a short time frame. In Cambodia, the UN spent 15 months preparing elections and devoted the three 'leftover' months for everything else, namely setting up the legal framework for the new government and establishing the institutions to translate it into practice. The UN thus departed 'leaving the country without a working civil service, judicial system, police force or economy'.⁶³ It is unfair to criticize the United Nations for shortening field operations to fit available funding. The fact that elections can be organized and held within one year undoubtedly carried weight within the donor community.

Haiti

Haiti illustrates how donors alternated between sanctions and elections, first in the name of human rights and later 'democracy'. Because Haiti was the target of sanctions so often, it has been discussed elsewhere.⁶⁴ Aid was indeed cut off many times, first by individual donors because of violations, and from 1991 to 1994 multilaterally in response to the military coup which swept away the results of internationally supported and supervised elections. Haiti showed how fragile instant democracies are. A former military ruler, Henri Namphy, said that there was only one vote which counted in Haiti, and that was the army's.⁶⁵

Aid to Haiti was discontinued in response to the military takeover in September 1991, which had ended the first part of the presidency of Jean Bertrand Aristide. President Aristide was reinstated by US/UN military intervention in October 1994. He had been inaugurated as elected president five years after the end of the reign of the Duvalier family; the UN-supervised elections were duly proclaimed free and fair, 'with exemplary participation by political parties and the electorate in a historical break with a past of electoral fraud'.⁶⁶ The UN General Assembly had overruled objections that Haiti did not constitute an international problem and therefore a UN electoral intervention was unjustified, and authorized

UNOVEH (the UN Observer Group for the Verification of Elections in Haiti).⁶⁷ Similar dilemmas re-emerged when sanctions were discussed a year later in response to the military takeover which dismantled that defenceless democracy.

The 1991 military takeover was condemned by the Organization of American States (OAS) a day after it had taken place, and six days later the OAS urged all members to freeze Haitian assets in their countries and impose a trade embargo.⁶⁸ Both the OAS and UN called for non-recognition of the military regime, which was heeded with the exception of the Vatican.⁶⁹ The OAS continued meeting in emergency sessions, sent missions to Haiti, and discussed tightening of sanctions. It also called for their strict enforcement, hoping particularly that cutting off oil supplies would nudge the military into stepping down because the country would run out of fuel within a few weeks. That did not happen and months later the military was described as 'awash in gasoline and profits'.⁷⁰ The Security Council had imposed sanctions in June 1993, lifted them in August and reimposed them in October 1993, strengthening them by a naval blockade.⁷¹ *The Economist* predicted, wrongly, that the Haitian élite would back down 'because, thanks to UN sanctions, the country was about to run out of fuel'.⁷² One year later, the US ambassador to Haiti declared that the embargo was repeatedly violated.⁷³

The Aristide government was able to secure commitments of foreign assistance of \$511 million when it had been elected.⁷⁴ All aid was suspended after the military coup. US sanctions were dubbed 'gringo's lightswitch'. Four months after OAS sanctions had been imposed, the US was reported to be easing sanctions.⁷⁵ During his exile, President Aristide blamed the USA for failing to enforce sanctions, while stopping fleeing Haitians from seeking refuge.⁷⁶ US sanctions were strengthened in May 1994 with a global ban on trade, and travel restrictions affecting 600 military officers who participated in the 1991 coup⁷⁷ and, in June 1994, a ban on all commercial air traffic to Haiti; financial transactions followed. These sanctions affected 83 individuals and 35 Haitian institutions, the Haitian military and commercial élite.⁷⁸ The military was not weakened by sanctions, however, one reason being 'one ton of cocaine [passing through] each month from Colombia to the U.S'.⁷⁹

Sanctions exempted food and medicine, but little food or medicine reached the Haitian population: humanitarian aid could neither be extended to all nor transported; because of the oil embargo, fuel was available only on the army-controlled black market. The public sector collapsed. Much as with sanctions against other poor countries, vivid descriptions of wrong targeting proliferated. *The Economist* found that 'the embargo enriches those who oppose [Aristide's] return, reduces his supporters to misery, and demonstrates the impotence of his foreign friends'.⁸⁰ The extent to which the sanctions worsened survival prospects of the poorest was amply documented by statistics. In October 1993 the

Harvard Center for Population and Development Studies estimated that sanctions aggravated child malnutrition, and their death toll amounted to 1000 children per month. UNICEF estimated that under-five age group mortality increased from 38 per cent to 58 per cent, resulting in an assessment that 'the embargo has already killed more people than the military have'.⁸¹ The General Assembly called for humanitarian assistance to the people of Haiti, and proclaimed the Haitian military authorities to be fully responsible for the suffering of the Haitian people.⁸²

The 1991–4 sanctions followed aid cut-offs which started in 1986. The US sanctions led to the departure of Haiti's long-time dictators Duvalier senior and Duvalier junior. Elections which followed more often than not resulted in bloodshed, donors more often than not cut off aid in response. Criticism was exemplified by the *Washington Post*, which argued that 'a better strategy is to increase and do as much as outsiders can do to improve the conditions of life, while continuing to keep the money entirely away from the Haitian government and the Army that now runs it'.⁸³ The outcome of aid cut-offs was the opposite – the army was strengthened while the population was impoverished.

Aid suspensions did not stop with president Aristide's return to Haiti, nor after the two rounds of elections that followed. Parliamentary elections were held in June, and presidential elections in December 1995. Elections in June 1995 took place during the 'UN-endorsed U.S. military occupation' of Haiti,⁸⁴ and electoral observers declared results to be 'credible'.⁸⁵ Porter Goss, leader of the International Republican Institute's observer mission, disagreed and emphasized 'closed polling places, disenfranchised candidates, burned and mishandled ballots, destroyed or falsified vote-tally sheets, widespread lack of ballot secrecy'.⁸⁶ The *New York Times* commented: 'A largely illiterate electorate was presented with confusing, complicated ballots and given no idea how to handle them. Many did not even realize that it was not a presidential election.'⁸⁷

In 1995 Marco Tulio Bruni Celli, UN Special Rapporteur on Haiti, expressed his concern at 'the slowness of international co-operation programmes'. While donors proved fast in cutting off aid, granting it after President Aristide was returned to Haiti was slow. Bruni Celli noted that promises of aid after the return of democracy added up to \$1.2 billion and created high expectations.⁸⁸ At the time of the 1994 US/UN intervention, Haiti's budget was estimated at \$135 million, out of which 35 per cent was being spent on the armed forces.⁸⁹ The reinstated civilian government had cleared debt arrears,⁹⁰ but conditions for resumption of aid were not met. Much as the return to democracy was welcomed, aid was conditioned by privatization: 'With no progress being made on privatization of nine state companies, the United States announced it was withholding \$4.6 million in aid, and another \$110 million is jeopardized. That accounts for about 35% of Haiti's budget.'⁹¹

Angola

A chronology of internationally supported elections in the early 1990s includes Angola as a failure, and that was described in detail elsewhere.⁹² Elections were carried out despite the lack of necessary prerequisites. The combatants had not been disarmed, the two political armies had not been demobilized, a population census was not carried out, and there was no time for establishment of political parties. Had those preconditions been met, even then the wisdom of elections according to a winner-takes-all formula just sixteen months after a cease-fire would have been questionable after two decades of warfare. Elections triggered off resumption of warfare, internationally supported negotiations led to the Lusaka Agreement in November 1994, and a process of transition from war to peace started again.

The second time, the United Nations concentrated on disarming and demobilizing the political armies. Contrary to the previous UN policy of treating UNITA's (The National Union for the Total Independence of Angola) leader, Jonas Savimbi, as the villain, the United Nations opted in 1994 for even-handedness. The failed experiment with electoralism in 1991–2 changed to experimenting with power-sharing. The previous opponents in the battle by bullets and ballots, and again bullets, went jointly fund-raising.⁹³ New ideas have been developed to make peace viable, most importantly the establishment of a demobilization model whereby a new branch would be created within the military of both sides for the reconstruction of the rural infrastructure. Each (previous) combatant would be provided with training, a salary and the possibility of building a home for himself and his family prior to demobilization, scheduled to take place within two years.⁹⁴ That model of peace-building represents a complete break with the previous UN approach, and is an implicit admission that failed elections resulted from the model itself.

A great deal of criticism was directed at the United Nations for its 1991–2 work in Angola. The Secretary-General acknowledged the failure in Angola, after which the United Nations 'pulled out very quietly'.⁹⁵ Blanket criticisms were frequent, such as 'low-cost dabbling' or 'the bungled UN mission in Angola'.⁹⁶ The main cause of resumed warfare was that the UN had proceeded with elections on the winner-takes-all model knowing that the two contending armies had not demobilized. Margaret Anstee, the Secretary-General's special envoy to Angola said that 'it was not within [the UN's] power to postpone elections',⁹⁷ but failed to add that, even if that was indeed the case, the UN had the power to legitimize their result, which it did although warfare had already resumed at the time.

Sporadic armed clashes between UNITA and the MPLA (Popular Movement for the Liberation of Angola) had been reported before the electoral results were announced. Because Angola was not free of violence

before the elections,⁹⁸ that was not considered worrisome. Warfare spread throughout the country within the next two weeks. Neither the external parties (the 'troika' of observers to the Estoril Agreement – Portugal, Russia and the USA) nor the United Nations monitors managed to secure the implementation of the key prerequisites for peace-making. Real priorities were visible from the deployment of staff – 350 military observers were assigned to monitor demobilization, there were 400 electoral observers. From 1995 to 1997, the UN has deployed 7000 military observers to ensure that demobilization takes place, while refraining from scheduling another round of elections.⁹⁹

The very beginning of Angola's independence was marked by the division amongst decolonization movements. Political parties were formed by armed movements, whose political and military role remains undistinguishable. The Angolan liberation movements transformed themselves into political parties. They easily adjusted to the changing battlefield, from armed to electoral and back to armed combat. The 1991 legislation required for political parties membership in all Angola's provinces; only MPLA and UNITA could comply. Electoral registration was carried out in six weeks and elicited scepticism, 'one UN field representative estimated it could take up to two years for an accurate registration of his one province alone'.¹⁰⁰ Half-way through electoral registration, it was reported that only 700,000 of an estimated 4.5 million eligible voters had registered.¹⁰¹ The assessment of Médecins sans Frontières was that

'non-belligerent Angolans' were given no say during the transition period, reinforcing the polarization of Angola and making 'democracy' the exclusive property of the two warring parties. The MPLA and UNITA shared power in the run-up to elections, answerable only to each other and free of any constraints from the rest of Angolan society.¹⁰²

Because the 1992 winner-takes-all elections resulted in resumed warfare, negotiations in 1994 revolved around power-sharing. The Lusaka Protocol of November 1994 granted UNITA four ministerial posts, six deputy-ministerial posts, and some dozen regional and communal governorships.¹⁰³ The two political armies have yet to establish their constituencies. It is a novel task for both due to the heritage of previous decades, when 'aid gave Unita an autonomy from its popular base analogous to the way that oil had freed the MPLA from its constituency'.¹⁰⁴

Cambodia

Two years after UN-organized elections promoted Cambodia into democracy, the country was threatened by aid cut-offs. An unnamed

Western ambassador said: 'We are looking for any excuse to cut back assistance.'¹⁰⁵ Possible excuses were quite a few. The killing of three Western hostages in October 1994 prompted calls for cutting off aid, and those extended in 1995 to press censorship, corruption, drug trafficking and harassment of opposition leaders.¹⁰⁶ During the first years, aid was expected to constitute half of the government's revenue, with donors' pledges of \$1.5 billion for 1992–4. As is customary, less than one-third was actually disbursed. Following more than twenty years of armed conflicts, foreign interference, and repression, one could not reasonably expect Cambodia's human rights performance to become perfect, but the UN-organized elections did not seem to have established foundations for an improvement.

Despite publicity for abuses by the military, the government did not seem willing or able to identify and discipline culprits. Many problems revolve around the military, as a reminder that UNTAC had not demilitarized the country before the elections as it had been expected to. The expenditure for military and security amounted to 28 per cent of the government's budget in 1994 and increased to 46 per cent in 1995.¹⁰⁷ In June 1994, the government lifted a ban on timber exports and transferred the right to collect revenue to the ministry of defence. Despite threats that aid would be cut off, that decision was not reversed.¹⁰⁸

Aid to Cambodia was cut off in 1980 because of Vietnamese rule; developments in the 1980s and early 1990s are described elsewhere,¹⁰⁹ and only a brief summary is included here. Cambodia was victimized by US bombing from 1969 to 1973, by the wide-scale killings during the Pol Pot regime from 1975 to 1978, by the Vietnamese occupation from 1979 to 1990, and by protracted armed conflict between governmental forces and the Khmer Rouge, which is still simmering. Human rights in Cambodia were placed on the United Nations agenda in 1979 as a self-determination issue, in opposition to foreign (i.e. Vietnamese) armed intervention and illegal occupation. Assistance was made conditional on the withdrawal of Vietnamese forces and a negotiated political settlement, which had to wait till 1991.

The Paris Agreements of 1991 provided for an unprecedented powerful role for the United Nations. The United Nations Transitional Authority in Cambodia (UNTAC) had been set up to implement the Paris Agreements, but was criticized later for having accomplished only elections. The media declared the UN programme to have been an expensive flop, estimated at \$1.6 billion or even \$3 billion.¹¹⁰ Aid agencies were at the time appealing for emergency aid to prevent the total collapse of the economy.¹¹¹ That aid did not materialize. Dennis McNamara, director of UNTAC's human rights component, regretted the prevalence of quick-fix remedies, which were applied to Cambodia and other 'UN clients' in human rights as in other areas; he added 'we have had had many observers and critics of our human rights efforts in Cambodia, but few operational partners'.¹¹²

Besides education and monitoring, the human rights component encompassed investigation of human rights complaints and 'corrective action'. Its focus was on violations of civil and political rights, because UNTAC's principal task was to ensure a neutral political environment for the elections.¹¹³ According to Perera, UNTAC left without a legal framework within which prosecutions could take place:

A Khmer Rouge guerrilla was captured, tortured and murdered by SOC (State of Cambodia) military. Despite the confessions of the soldiers and officers concerned obtained by the Special Prosecutor's Office, the Action Cell [of UNTAC's Human Rights Component] ordered not to prosecute on the grounds that such action may be construed as supporting the Khmer Rouge against the SOC.¹¹⁴

Most of the Cambodian population are subsistence farmers and fishermen and so promises of international aid or threats of its withdrawal does not make much difference to their lives. Aid for food production or flood control could have improved their lives, however. In November 1994, two million Cambodians faced starvation because a quarter of the rice crop had been destroyed by floods.¹¹⁵ Two months earlier, an unidentified United Nations official commented: 'Everyone knows that elections was the main legacy of the UN here. But elections are not the end. You can't eat elections'.¹¹⁶

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