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**HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING
ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT
OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS**

Enhancing the effectiveness of the principle of periodic and
genuine elections

Report of the Secretary-General

CONTENTS

	<u>Page</u>
REPLIES RECEIVED FROM MEMBER STATES	
Canada	2

CANADA

[Original: English]

[12 November 1991]

1. The Government of Canada, having sponsored General Assembly resolution 45/150 of 18 December 1990, fully supports the development of a United Nations electoral assistance programme and, upon the request of Member States, the delivery of appropriate assistance. In developing such a programme and providing such services, the United Nations and participating Member States would fulfil obligations proclaimed in the Charter of the United Nations.
2. Canada strongly supports these efforts as part of its foreign policy objectives to promote international peace and security, greater respect and protection of human rights, a more equitable and just distribution of economic wealth, economic freedom and social justice. However, as recent events have demonstrated, the democratic development process will require lengthy and sustained support.

Democratic development, processes, systems and values

3. Remarkable, and deeply encouraging among forces currently re-shaping the world order, is the almost universal demand for greater democratization. Peoples around the world are demanding more responsible and representative Governments and expecting from their representatives greater transparency in managing their resources and in governing their countries. Democratic Governments, based on the rule of law, independence of the judiciary and regular popular consultations, are the best way to ensure respect of human rights and freedoms.
4. Democratic development, processes or systems are complex and multifaceted concepts that defy precise and universally accepted definition. They must also be viewed through the prism of the particular social and cultural contexts in which they take shape. In this context, the development of viable democratic processes and systems must be supported by strong democratic values, institutions and practices. Thus, democratic consensus may be particularly difficult to achieve where deep cultural and socio-economic cleavages contribute to competing demands and high expectations which cannot be met, at least in the short term.
5. Democratic development can be seen as a process that encourages and supports transparent, free, full and equitable public participation in the entire spectrum of social, political and economic activities of the State. Democratic elections are necessary and the most visible elements and manifestations of democratic development. They are not, however, a sufficient

guarantor of democracy. Democracy relies on institutions and is based on ongoing processes which extend beyond elections: they must be and become rooted in national culture and traditions.

The role of the United Nations in electoral processes

6. Over the years, the United Nations and its various services and commissions have provided a wide variety of services and assistance in the field of electoral processes to Governments that have so requested. These were rendered within the scope of existing programmes, which aim at further promoting friendly relations among nations, strengthening international comprehension, ensuring international peace and security and international cooperation and at promoting and encouraging respect for human rights and fundamental freedoms for all without distinction of race, gender, language or religion.

7. More recently, the United Nations has participated in various activities promoting the right of all citizens to participate in the selection of the government of their choice. The United Nations has monitored and carried out plebiscites, referenda and elections as its contribution to the peaceful settlement and the resolution of disputes. In Namibia, Haiti and Nicaragua, the United Nations assisted in securing international peace and security by strengthening the popular expression of democratic processes. These activities were only possible because of the agreement of all concerned, including the Member States, that the Organization undertake such activities. Hopefully, the same process will take place in the Western Sahara and in Cambodia.

8. By its nature, composition and programmes, the United Nations like other organizations, such as the Commonwealth and la Francophonie, the Organization of American States, the Conference for Security and Cooperation in Europe, the Organization of African Unity and the Arab League, are well suited for representing and enhancing the comprehension of social and cultural components in which the democratic process must manifest itself.

Criteria for responding to requests for assistance

9. International electoral assistance can play an important role in establishing confidence in democratic development and the electoral process. Decisions related to the provision, composition and the mandate of electoral missions are ultimately "political", since they can only be based on and formulated in response to a specific request by all or a significant majority of the political entities governing and competing for electoral success within a State.

10. As a critical first step in responding to a request for assistance, the Organization must consider the origins of the demand. Unless there is a request from the competent and recognized authorities of a Member State, provision of such assistance could be construed as interference in the domestic and internal affairs of the Member State. This explains why some

requests could not and should not receive a response. The various mechanisms inherent in the provision of assistance by the United Nations should, however, ensure that such electoral assistance does not encroach on the sovereignty of Member States.

11. Other criteria must also be considered when deciding on the delivery of electoral assistance. Provision of electoral assistance should also be contingent on full and unhindered access to the process by those assisting in it, freedom for the United Nations or foreign experts to express fully and independently their views on the process and the purpose of their assistance, and the opportunity to deliver the expertise that they have been sent to provide. Only if and when the competent authorities of the requesting State consent fully to this kind of assistance will electoral assistance be of any value to the democratic development and the democratic process within that State.

12. Regional institutions and organizations are often the first point of contact for the request for and the provision of multilateral electoral assistance. However, while most regional institutions and organizations have a legitimate interest in, and the capability of providing such electoral assistance, a request to the United Nations would indicate a strong desire to go beyond what is usually expected within a given regional organization. Whenever possible, priority should be given to cooperation and coordination between regional organizations and the United Nations in the provision of electoral assistance in order to avoid duplication.

13. The Secretary-General should have the authority to decide if and when electoral assistance is warranted and should be granted. This authority should be inherent in the powers of the Secretary-General. The Secretary-General should, however, report annually to the General Assembly on individual requests for and the provision of electoral assistance.

Electoral assistance or electoral mission

14. Canada defines an electoral mission as the support and assistance provided to the electoral process in a Member State at the explicit request of that State. Such an electoral mission will usually consist of several elements. This could include participation in the drafting or amending of an electoral law, support to, or (if so requested), organization of the registration process, and observation of any or all stages of the electoral process, including the election itself and the transition period leading to the transfer of powers to the newly elected representatives.

15. Over the past years, Canada has responded to requests to provide electoral assistance by making available electoral technicians and electoral observers, and in some instances by supplying electoral goods and services. This assistance was provided either through bilateral or multilateral channels, including missions in Eastern Europe, Central America, Asia and Africa. Canada's demonstrated ability to provide impartial experts and

observers has resulted in increasing demands for such assistance. Whenever and wherever possible, Canada prefers to participate in such electoral missions under multilateral auspices.

16. Technical expertise and impartiality are the essential attributes of such electoral assistance. Without them, such assistance could be construed as interference in the internal affairs of a State, a state of affairs that should be avoided at all costs. This explains Canada's preference for a multilateral approach to the provision of electoral assistance.

17. Electoral assistance should and must be considered as a component of the democratic process and the strengthening of international peace and security. Electoral assistance should not and must not be viewed exclusively as a question of "electoral observers". As previously stated, for Canada, electoral assistance consists of several elements: electoral assistance could be provided at any stage after the announcement of (or even the declaration of clear intent to hold) an election and should end at the end of the transition period when the newly elected representatives are assuming their responsibilities. Electoral assistance includes participation in, support to, organization of and ultimately observation of any or all stages of the electoral process, in order to ensure, at the request of a Member State, that the process is transparent, fair, free and democratic.

A role and a capability for the United Nations

18. Over the years, the United Nations electoral assistance has been on an ad hoc basis, responding to each request as it was submitted. The success of this electoral assistance has been striking. However, the United Nations had not been engaged as regularly or as frequently as some regional organizations in electoral assistance activities. This situation, as well as the financial implications of such activities, could have a serious impact on the provision and the future of electoral assistance by the United Nations.

19. For an optimum utilization of the Organization's resources, some pooling of other national resources could be advantageous. A panel of impartial experts and technicians in electoral assistance and electoral processes could be assembled to establish some parameters for all possible aspects of United Nations electoral assistance programmes. This panel could recommend to the General Assembly, through the Secretary-General, modalities and premises to ensure that adequate electoral assistance is available.

20. The main problem one can foresee, at this juncture, as far as the provision of electoral assistance is concerned, is the funding of any electoral mission. For its part and as an integral part of its foreign policy objectives and tools, Canada has established special funds to finance Canadian electoral missions; Canada is considering ways and possible modalities for responding to other requests for electoral assistance which are outside the purview of these special funds.

21. For the United Nations, funding for electoral missions should be provided by a mixed system of voluntary and assessed contributions. A special budget

item for this purpose could be established to allow the Organization to prepare the appropriate preliminary analysis, plan and budget for any electoral mission. In the case of electoral missions being part of a more complex programme of assistance by the United Nations, such as electoral assistance being part of a peace-keeping or peace-making operation, funding for these electoral missions should be incorporated and included in the overall budget approved (on the basis of assessed contributions) for these operations. Whenever an electoral mission is mounted pursuant to a General Assembly resolution, the budget and funding for these missions should be decided by the General Assembly and based on the mixed system of voluntary and assessed contributions. However, no electoral mission should be undertaken until the appropriate budget and funding have been decided.
