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Jett: The Essential Elements of a Functioning Democracy
IV. THE ESSENTIAL ELEMENTS OF A FUNCTIONING DEMOCRACY

*Dennis C. Jett**

My remarks today will deal with the elements that are essential to a functioning democracy; and how during my time in Peru from 1996-1999, I came to appreciate this even more than before. For a democracy worthy of the name, you have to have a legislature and a judiciary that are each capable of being a counterweight to the potential abuse of power by the executive branch. You have to have media that is free to inform the public and can give them the information they need to be responsible citizens.

You also need civil society that has a full range of non-governmental organizations, representing all the causes out there, from human rights to whatever endangered species there are. They also play their part in the way government reaches its decisions on policy. And if you do not have those elements, or they are seriously compromised, as they were in Peru, then you cannot really say you have a functioning democracy. So if the institutions are failing, so will the democracy.

Again, going back to my Peruvian experience, there were electoral officials, but they were, as you have seen on the videos, bought by Mr. Fujimori and Mr. Montesinos. There were judges, but they were pre-selected for the cases the executive branch cared about to ensure the right verdict was reached.

The legislature in Peru was 120 congressmen elected nationwide by party. They have just moved to a district system for some of the seats in Peru, but it is still a selection by the party. And so, there is no direct election or direct accountability of individual legislators to the voter. In fact, they only recently began to record some of the votes on particular pieces of legislation. So you would have a legislator, who had no record of voting that the public could verify to see where that person stood on the issues.

In addition, the staff of each legislator consisted, almost always of six people. There would be a secretary, a chauffeur, a bodyguard, presumably to protect them from the voters, a driver, an errand boy, and somebody called an assistant, who probably could have been the research and

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administrative arm, but usually turned out to be somebody's nephew who needed a job.

So the legislators were basically incapable of playing their role as a Congress, in the sense of providing a check and balance on the role of the executive branch, providing any constituent service or even drafting or analyzing bills to any great degree. In the end, a legislature constituted in that fashion probably does more to undermine democracy than they did to strengthen it because it was an institution, like the judiciary, in which people had no confidence.

In addition, you need a free press. In Peru, the importance of the media as a basic element of democracy was also demonstrated. Under Fujimori, the bulk of the media was more than willing to attack that small portion of the media that was trying to do its job. Again, like many judges and congressmen the newspapers were co-opted by the executive branch.

The television stations, if they broadcast openly, in the sense of transmission via the airways and not via cable, were bought off, coerced or co-opted. Peru did have a fairly extensive range of civil society organizations, but again, it was under a certain amount of stress.

Human rights activists used to get so many death threats that it had almost become a matter of routine. They would pick up the phone, and they would say: "Oh, hi, how are you doing? Okay, you are going to kill me again. All right. Talk to you again next week."

Peru today is very different from what it was under Fujimori and where it could have been but for one event. It is about to have an election that will freely and fairly choose between the two remaining candidates, but that democratic revival hung on a thin thread. And that thread is one video, which the cable news network aired, showing Montesinos bribing a Congressman. When people actually had to confront the fact that Congressmen were being bribed, that brought down the whole house of cards and both Fujimori and Montesinos eventually had to flee the country. Everybody suspected there was corruption; and many certainly believed it, but the reaction when people were able to actually see it shows the power of the media and the power of one video.

Any Peruvian who bothered to read the press that was trying to do its job of reporting the facts would have suspected there was corruption and that democracy was in peril. Certainly as early as early 1998, three things were apparent to anyone who was paying attention: First, it was clear Fujimori was going to run for a third term in the year 2000, because he was obsessed with staying in power and arrogant enough to think he was the only one who could run the country. Second, it was likely that he would win, because the opposition would remain divided and Fujimori would do anything necessary to win. Third, either democracy or Fujimori was not going to survive for the full five years of his third term, from

2000-2005. My guess was that democracy was going to be the victim, not Fujimori.

I was wrong on the last count; I am happy to say, but when I discussed these three points with business groups, they essentially shrugged it off and said, "All we want is stability." They did not, and may still not, realize that stability comes from strong institutions, not strong individuals. Unless countries like Peru do a better job of building those institutions and making them capable of resisting the temptation on the part of strong individuals to abuse the power, then you are never going to have stability or democracy.

So I am encouraged by what is happening in Peru, and I think it is headed in the right direction. But progress is never linear; it is always a couple steps sideways, a few backward, and then some forwards.

Columbia is obviously in a different situation with narco-terrorists in control of much of the country. In Venezuela, Hugo Chavez looks more and more like a modern day Mussolini, except the trains do not run on time.

Despite some weak spots, I am glad to say that we have a hemisphere where, at least to some degree, in some form, all the countries are democratic. That is except for the Cuban anachronism, a situation that at a minimum biology will resolve sooner or later. This democratic foundation gives the Americas a tremendous advantage in terms of our ability to compete politically and economically with the rest of the world. And, I am encouraged by the trade summits; and I am encouraged by conferences like this, which, I think will go a long way towards building economic and political linkages and making sure we all can advance together.

With that, I would like to conclude. Thank you for your attention and I am willing to take any questions you have.

QUESTION:

In terms of judicial training — in the early '90s the U.S. government was interested in judicial training in the East, sort of institution building in the East. I do not know if you had anything to do with that at all, but do you have any idea why that stopped? Really, it seems that it would have been a very important training to have continued.

DENNIS C. JETT:

I do not know anything about that particular case. But, I can guess that what happened was that the government commitment to that training was not genuine. We had a similar situation in Peru with a national magistrate's council. We supported that particular institution and helped it to begin to function and to do its job, which was to select, train, and supervise judges.

In the end, Fujimori decided that an independent judiciary was not convenient or was not conducive to his political plans; and so, he essentially gutted the institution. At his instruction, the legislature passed a law taking away all of the council's meaningful powers. The magistrates that were on the council all resigned in mass, but the government quickly came up with seven replacements that were only too eager to do the government's bidding. So for international assistance to be effective, you really need not just the training, but you need the commitment of the people at the top. And obviously, sometimes that commitment wavers.

I wrote a piece back in May for the Christian Science Monitor, which said basically that the next president of Peru will have to surrender some power to keep his power. By that, I meant he has to support the strengthening of the institutions so that the public can have some confidence in those institutions. Otherwise, the next president of Peru will eventually become tainted with the specter of corruption. Even if the President is personally of the highest integrity, there will be people in his government who are not; and accusations will be made. You need strong institutions that can play those roles that I described. But, if you do not have the commitment of the man at the top, then providing training is pointless. Donor countries will eventually realize that and then go out and look to do something else. Sometimes it is building things at the grass roots or operating through non-governmental organizations to get around the failings or unwillingness of the government. Donor countries will switch their support to different programs sometimes because they want to do things that are effective with the aid that they are giving to a particular country.

QUESTION:

Being in Peru you had a chance to — and sir, I do not know if you were in Peru when the OAS came down to reverse the measures that Fujimori took. And, the Quebec Summit yesterday included a provision in the Declaration that would require that all participants in the hemispheric integration process be democratic, and if there is a break in that, then there must be collective action basically. And, I am wondering if you think it is likely that it will work?

DENNIS C. JETT:

Thanks for that question. Basically, I am skeptical. There has been a resolution on the books for the OAS that they will consider an interruption in democracy as a threat to regional stability. And they will, under certain circumstances. They are not now obligated to do anything, even when they are supposed to look at the situation. Perhaps the main problem today is that the OAS is not very good at reaching judgments when it is a situation

short of a military coup. If you have a military coup, as often happened in the past, clearly you have had an interruption of democracy.

In Peru it was more a slow motion auto-golpe, because Fujimori was destroying the institutions that could resist his third term, but doing so methodically by undermining and not simply overthrowing the institutions of democracy. So, in getting somebody to make that determination requires deciding at what point a democracy no longer is a democracy even though the president is elected. In those cases, which are going to be the case today, the OAS will probably never get around to making that determination.

That said, it is still helpful that the OAS proclaims this as a goal and pays some attention to it. I think it will be helpful, but whether it will be effective, I am not so sure. In Peru's case, the OAS did help significantly with its election observers. In no small part, this was because Eduardo Stein, a former foreign minister in Guatemala, was the head of the election observation mission. If the average OAS bureaucrat had led it, he not wanting to make waves might have come out with judgments saying, for example, "Oh, this election isn't so bad."

But Stein said, "I'm not going to hang around and observe what is essentially a farce." So he pulled the observers out and thus signaled to all within and outside Peru that the elections stood no chance of being free and fair. Rarely will you have a bureaucrat of that courage. Rarely will you have an organization made up of member governments that is willing to, in these gray situations, say that one of their members has created a situation that is so dark gray that it is effectively black. The normal reaction of a multilateral organization like the OAS would be just to fill the air with diplomatic smoke.

QUESTION:

Mr. Ambassador, I am concerned with your comment about the law of biology with reference to Mr. Castro. Having watched him since 1957 as a student reading Herbert Matthews' articles, I have been determined to outlast him. But, I am afraid that the law of biology applies to all of us. I wonder if you would take your former government position and unbiased observation, and turn it to Cuba where we have such anachronisms. To be sure, Cuba has the largest diplomatic mission of any country. There, we have a billion dollars net transfer from Cuban exiles into the country, very substantial tourism, and illegal, yet very substantial trade, which goes through third party nations. Given an opportunity to advise the president of Cuba, what would you tell him?

DENNIS C. JETT:

I doubt anyone running Cuba would listen to my advice, but I would ask him if retirement is in his career plans. I think my general advice

would be — and obviously Cuba is an issue with a lot of emotional attachment — that Cuba prepare for the transition to its next leader. I would suggest the same advice to an American president to act constructively so that it is a smooth transition, and in the process do not do anything that harms U.S. interests. For example, the Helms-Burton Act, I think, is essentially counterproductive. It is counterproductive, because it complicates our relationship with third countries and does not really advance the transition process in Cuba.

QUESTION:

Mr. Ambassador, there is an interesting trend in South America. Some of the economies are becoming dollarized. What do you think about that, specifically in relation to the 2005 Trade Agreement?

DENNIS C. JETT:

That is a good question. On dollarization, people suggested that to me in Peru that their country should be dollarized and they pointed to the European Community and the European Union. My response was, “Yes, but that took an army of bureaucrats twenty years to implement in countries with only a modest degree of variation in development and a certain common level of economic achievement.”

It is looked at as an easy solution; in that, if you cannot deal with your economic situation, then dollarization might solve everything. Perhaps that is because two of the most abused powers of a sovereign country are its ability to have an army and the ability to print their own currency. When you have irresponsible leadership they can just print money to pay for whatever it is they want to buy, and then they have their military around to suppress people and keep them in line. With a dollarized economy, you take away the ability to print money, and so you instill some fiscal discipline, which is useful. On the other hand, it also removes a government’s discretion for taking certain actions, which may or may not be a good thing in the end.

To the extent that economies are dollarized, it advances the process of hemispheric integration as foreseen in the trade agreement you mentioned. That is not to say that dollarization does not have its down side. For example, counterfeiting U.S. currency is a growth industry in Colombia.

By and large, dollarization would probably have a positive effect, but the question that remains is how do you harmonize economies that are very different? And certainly, it is not a simple solution. Not as simple as the proponents of it would portray.

QUESTION:

Ambassador, when you speak of democracy — generally when people speak of democracy — they speak of U.S. style democracy. Is it fair to

suggest that because of some of the historic and socio-economic differences between the United States and some of our South American neighbors, that perhaps U.S. style democracy is not the most well suited governmental system for those countries?

DENNIS C. JETT:

The short answer is no. You get the cultural argument a lot, whether it is Asia, Latin America, or Africa. Your kind of democracy would not work here for whatever reason and then fill in the blanks. It has to do with history, culture, level of development, etc.

I simply do not buy that argument. I am not suggesting that everybody has to have exactly the same system as the United States. But, basically you need institutions; you need a media that prints the truth or at least information so that people can make judgments.

That is why this new world information order that was promoted by UNESCO a number of years back made no sense. It assumed that people in some countries were not capable of dealing with real information, so they had to have a layer of bureaucrats predigest it for them.

People have to be able to express their views. They have to hear the views of others. They have to have democratic institutions that work, such as a judicial system capable of justice, a media capable of reporting information, and a legislature capable of restraining the abuses of the executive branch. Those are fundamental elements that apply in any situation, in our country or in any country. And the cultural argument, as I said, I simply do not buy.

When I was in Peru, I commented in a speech that Peru had just bought MIG-29s and that the Peruvian people did not know how many MIG-29s were bought or how much was paid for them. I explained that it seemed to me that in a democracy you have a debate about guns versus butter, about spending on social programs versus military programs, and that if a MIG-29 costs ten million dollars for instance, that you could construct four hundred rural classrooms for ten million dollars. And so I asked, where is the threat? Is it an internal threat due to frustration, lack of education, lack of opportunity, or lack of jobs; or is it an external threat, an invasion from abroad that is best met with a MIG-29?

The next day, a number of young men with closely cropped hair were busily painting the freeway overpasses with things like, "United States get your traitor dog ambassador out of our country," or "Ambassador Jett, go home," etc. It has since come out that the kickbacks on the purchase of those MIG-29s amounted to a couple hundred million dollars that went into the pockets of the generals involved, including fourteen million dollars into the head of the army's account in Switzerland.

So, I think unless you have those kinds of debates and allow the media to report them, then you are left with the old cliché that happens to be true, “Power corrupts, and absolute power corrupts absolutely.”

It will invariably happen and that is why we have to have democratic institutions to work to prevent that from happening. I think that is true in any country.

Thank you very much.