

# The will of the people

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DOI: [10.1163/187502309789192423](https://doi.org/10.1163/187502309789192423)

‘Democratic government is based on the will of the people, expressed regularly through free and fair elections.’ So it says in the Paris Charter and various other OSCE documents. Since then, the OSCE has paid great interest to elections, as expression of the will of the people. That will, however, may not always express itself as we expect.

In that great classic of English literature, ‘The Pickwick Papers’, the eponymous hero and his friends attend the elections at Eatanswill and find themselves at a meeting in favour of one of the candidates, the Honourable Samuel Slumkey. ‘Who is Slumkey?’ whispered Mr. Tupman. ‘I don’t know,’ replied Mr. Pickwick in the same tone. ‘Hush. Don’t ask any questions. It’s always best on these occasions to do what the mob do.’ ‘But suppose there are two mobs?’ suggested Mr. Snodgrass. ‘Shout with the largest,’ replied Mr. Pickwick. Volumes could not have said more.’

The members of the Pickwick Club were no observers in the sense that the OSCE has seen in the past decades. But they were perceiving that it was wise to accept the feelings of the majority — and that the voice of the people could be unpredictable. That lesson is too easily forgotten.

Twenty years ago Europe changed — and we all sang hymns at Heaven’s gate. Finally, Europe as a whole was safe for democracy. Now, new governments would come to power, supporting market-economy and the rule of law. Of course, in those countries just free from communism, democracy had for decades not been a household word, or — if it was used — had developed a perverted meaning. So to assure the people that it could now cast its votes in full freedom, and to warn those who might think they could still use old tricks, international observers would take a close look. The electorate, once able to express itself freely, was expected to choose those new leaders that adhered to our well- established values — and all would be well.

Soon there were some rifts in this belief. To the astonishment of many observers, the Romanians, in the first free elections after 1989, choose Iliescu as its president, and that with an overwhelming majority. But wasn’t he just another representative of that old order, that had been left behind? It took some time to accept that, though the elections might perhaps not have been exactly to the standards set by the then still CSCE, the result represented with over 80 percent certainly the will of the electorate. The Romanian elections are only quoted here as an example — and though Iliescu certainly proved to be not exactly a Western democrat, the democratic process in Romania did ultimately not suffer, enabling it to become a member of the European Union in 2007. But there were more surprising election results. One might as well quote the rise — and subsequent fall— of Gamsakhurdia in Georgia, the success — and demise — of Meciar in Slovakia or other examples. This was puzzling. If the people were free, why didn’t they express themselves in the way which was expected?

There were several ways to answer that question. The easiest one was that those elections had, in fact, not been free and fair. That certainly was — and unfortunately still sometimes is — the case in some countries. The opposition is constrained, harassed and unable to reach the electorate by the means of a free press – if it is allowed to express itself at all. The OSCE has even sometimes, wisely, refrained from sending its observers, not wishing to give a semblance of legitimacy to the — predictable — result.

It is remarkable, though, that most allegations of fraud are voiced when a progressive, pro-Western candidate is losing the election, or — as his adherents say — robbed of his victory. These allegations may be true — authoritarian regimes often have the tendency to cling to power, by all means, fair or foul. On the other

hand, if a progressive, liberal candidate would win, nobody in the West would bother too much how this victory was achieved. We probably cannot imagine that the people would not willingly and gladly vote for progress, so such a victory must obviously be the will of the people. The fact that — now as in the past — reporters and journalists, mainly based in the capitals, take the feelings of those sympathetic progressive westernised intellectuals they regularly meet as the voice of the people as a whole contributes equally to this misunderstanding.

But it would be too easy to dismiss all electoral results which do not fit in our ideas as being obtained by irregular means, or not reflecting the feelings of the people. That after the fall of communism democratisation in various cases went hand in hand with the emergence of nationalism, has been ably demonstrated by Professor Jack Snyder in his book 'From Voting to Violence' (New York, 2000). As too well known, the results were in some cases disastrous. Even then, elections were sometimes deemed free and fair by the international community. Moreover, it cannot even be excluded that less democratically elected leaders enjoy the support of the majority of the population and would by more democratic processes have come to power as well. It is probably only that they don't want to take the risk to put this to the test – or that old habits are too strong.

In the course of the past twenty years, many elections have taken place and the expectations of 1989/1990 have been generally met. It cannot be ruled out, however, that under certain circumstances elections might again bring unexpected results. After all, the referenda on the European Constitution didn't bring the 'desired' result in the Netherlands or France. But of course, the European Union elections are, already by that token, free and fair. And even though the success of the 'Linke' party in Germany has at times puzzled many observers — and given rise to some acrimonious debates —, nobody will maintain these successes were not obtained in free and fair elections. But also outside the European Union, we should not fall in the trap that when elections do not yield the expected or 'desired' results, these elections are not free and fair.

This certainly should not lead us to the equally erroneous conclusion that there are no irregularities any more, in the OSCE area and beyond. Nor is it a defence of undemocratic governments, who are denying the opposition a fair chance — with Iran as the latest example. It should be made crystal clear, that such practices are not only contrary to the standards freely agreed upon in the OSCE, but also do not legitimise a government that has attained or sticks to power in such a way. The OSCE, both when observing elections or also in the periods between elections, should fight for a real democracy, in which the people will be able to express themselves freely, after an honest and open debate. There should be no doubt about that. Free and fair elections remain the cornerstone of democracy, and it is important that the OSCE, the Council of Europe, the European Union and all other parties concerned see to it that the conditions for it are met.

But on the other hand, we should prepare ourselves for the fact that even the results of free and fair elections sometimes will surprise us. It may well be that we don't like these results, or are puzzled by them. They still may, in one way or the other, express the will of the people.



This article was first published with Brill | Nijhoff publishers, and was featured on the Security and Human Rights Monitor (SHRM) website.

Security and Human Rights (formerly Helsinki Monitor) is a journal devoted to issues inspired by the work and principles of the Organization for Security and Cooperation in Europe (OSCE). It looks at the challenge of building security through cooperation across the northern hemisphere, from Vancouver to Vladivostok, as well as how this experience can be applied to other parts of the world. It aims to stimulate thinking on the question of protecting and promoting human rights in a world faced with serious threats to security.

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