



## Respect for national sovereignty and non-interference in the internal affairs of States in their electoral processes

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### Introduction

Where does the General Assembly stand on how countries choose their governments? No principle is more important to the UN Charter than the sovereignty of its 193 Member States. Under international law, Member States have complete authority over their domestic affairs.

In a recent resolution, the Member States agreed that 'Democracy is a universal value based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives.'<sup>1</sup> The statement raises the fundamental tension, between universal acceptance of fair elections, and national self-determination, the insistence that each country itself says what it means. Can the UN find a way to reconcile national sovereignty with universal democracy?

A glance at the map (next page) shows democracy means different things in different countries. Even countries dedicated to democratic values harbor wide disagreement on what it means. As this map and others in this issue brief show, full democracies are not normal. Most Member States are partially democratic, partially authoritarian. What is the role of the UN shaping this mix?

Above all, States are forbidden by international law from interfering in another country's domestic affairs, including how they choose governments and officials. The Member States of the UN can act in a foreign country only with the consent of its legal governments. The only exception is when a government endangers the immediate security of another sovereign state, threatens imminent attack and war.

In reality, of course, states do interfere in the domestic affairs of others. Sometimes they do this covertly, through their intelligence agencies. Sometimes they make overt threats and promises. They may try to tilt media coverage in favor of candidates they prefer. Or they may go so far as to threaten or actually invade to overthrow governments they oppose.

Democratic elections are not protected under the United Nations Charter. International law, rather, protects every country's electoral process and government, so long as they are legally legitimate under that country's own national law.

But since the French revolution of 1789, and especially since the Universal Declaration of Human Rights made human rights part of international law in 1948, the fundamental tenant of a free and just society has gained importance. The spread of democracy, fastest in the later part of the Twentieth Century, is not required under international law or the UN

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<sup>1</sup> UN General Assembly. *Strengthening the role of the UN in the promotion of democratization and enhancing periodic and genuine elections*, A/RES/76/176, 16 December 2021. New York: United Nations, <https://documents-dds->

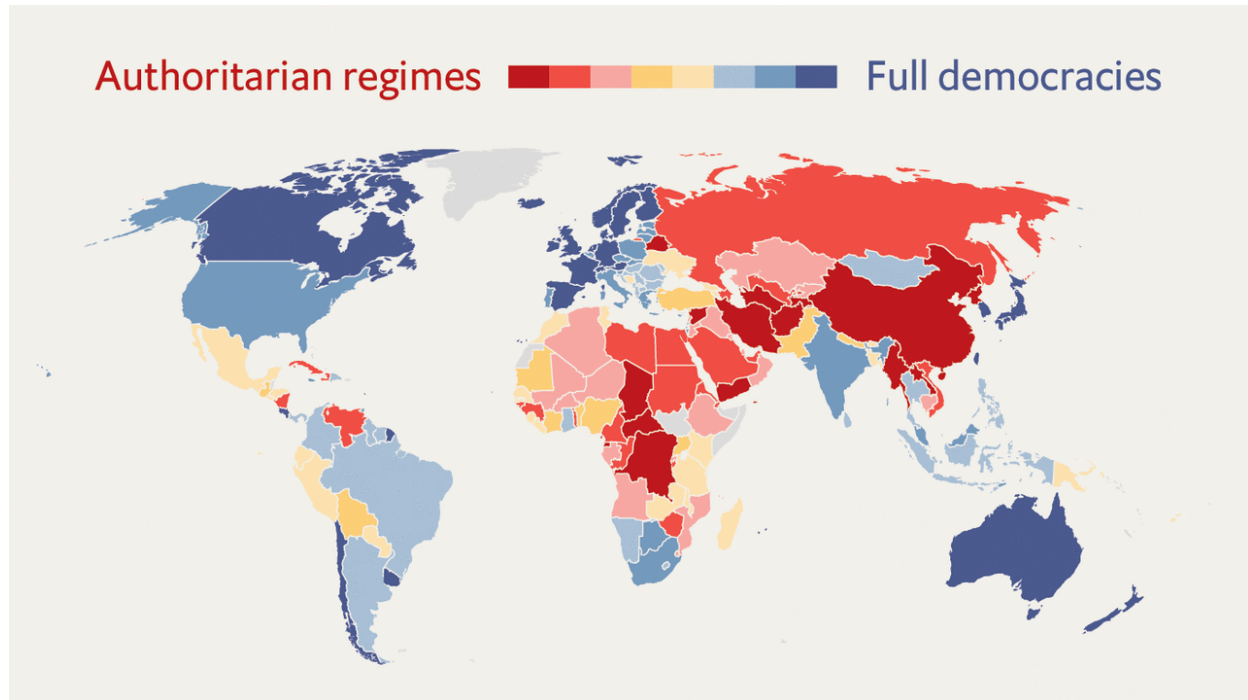
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## National sovereignty and non-interference in States in their electoral processes



Charter, but for many UN Member States, there is no more important principle.



Source: 'The world's most, and least, democratic countries in 2022', *The Economist*, 1 February 2023, <https://www.economist.com/graphic-detail/2023/02/01/the-worlds-most-and-least-democratic-countries-in-2022> (May require subscription access.)

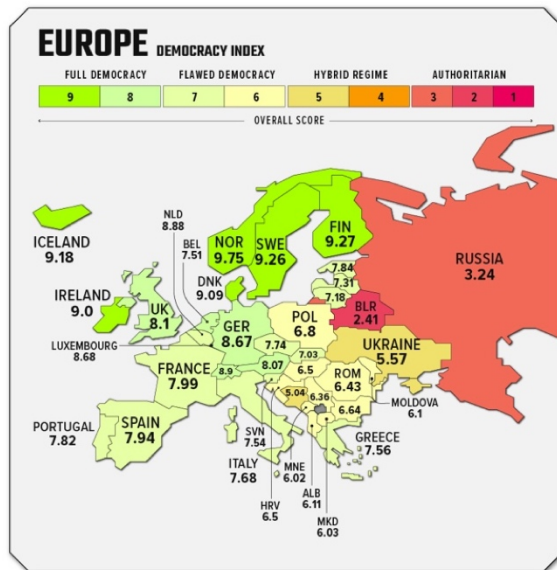
The significance of elections goes beyond the act of voting; they represent the will of peoples and the sovereignty of nations. Elections are the representation of a nation's independence and its control over its own political systems. Thus, protecting their electoral processes and ensuring that no other nation is meddling with their international political processes including elections. Independent nations view any external involvement in their internal politics as a violation of the principal sovereignty that international law grants from all independent nations around the world.

The two foundational principles in international relations are national sovereignty and non-interference. These main principles aim to protect the autonomy and independence of

states. Sovereignty and the principle of non-interference have particular significance when it comes to the electoral processes of countries. In most political systems elections are critical events that reflect the will of the people and determine the future direction of a nation.

Thus, nations must ensure that their election processes remain free from any external interference. The UN as a global institution has always supported human rights including individuals' political rights to freely make their political choices. However, with 193 member countries, disagreement about implementation of these rights is inevitable. This report highlights the role that the UN plays in promoting national sovereignty, non-interference in national elections, and individual freedom. While

highlighting the tension that exists when it comes to respecting the principles of national sovereignty and promoting human rights.



The United Nations is all about the politics of the possible. UN delegates represent official national policy and advance the interests of their governments. They are not there to transform their own governments, to apply foreign standards—such as ideals from China, Europe or the United States—or to act independently based on their own judgement or ideals. The UN does not exist to spread any system of government. Rather it serves the agreed goals of its Member States, whatever that may be. Member States are welcome to fight for the spread of their national ideals, but in the end, they may have to compromise with advocates of different ideals.

## Background

There are many forms of government, and virtually all are legitimate under international law. Most UN Member States have some degree of democratic practice. Most are democratic in some respects. According to one well-respected index, 43 percent of all states are *full democracies* or *flawed democracies*. This number has declined in recent decades, as democracy deteriorates and governments become more authoritarian.

### How many democracies in 2022?

| Regime type           | Countries | percent |
|-----------------------|-----------|---------|
| Full democracies      | 24        | 14 %    |
| Flawed democracies    | 48        | 29 %    |
| Hybrid regimes        | 36        | 22 %    |
| Authoritarian regimes | 59        | 35 %    |

Source: *Democracy Index 2022: Frontline democracy and the battle for Ukraine*, London: Economist Intelligence Unit, 2023. p. 3, <https://pages.eiu.com/rs/753-RIQ-438/images/DI-final-version-report.pdf>

**Full democracies:** respect civil liberties and fundamental political freedoms, reinforced by a political culture conducive to the thriving of democratic principles. These nations have a valid system of governmental checks and balances, an independent judiciary whose decisions are enforced, governments that function adequately, and diverse and independent media.<sup>2</sup>

**Flawed democracies:** elections are decided on the basis of majorities or pluralities, fair and free, with basic civil liberties honored. They may have issues such as media freedom

<sup>2</sup> *Democracy Index 2015: Democracy in an age of anxiety*, The Economist Intelligence Unit, 2016.

infringement and minor suppression of political opposition and critics. These nations can have significant faults in other democratic aspects, including underdeveloped political culture, low levels of participation in politics, and issues in the functioning of governance.<sup>3</sup>

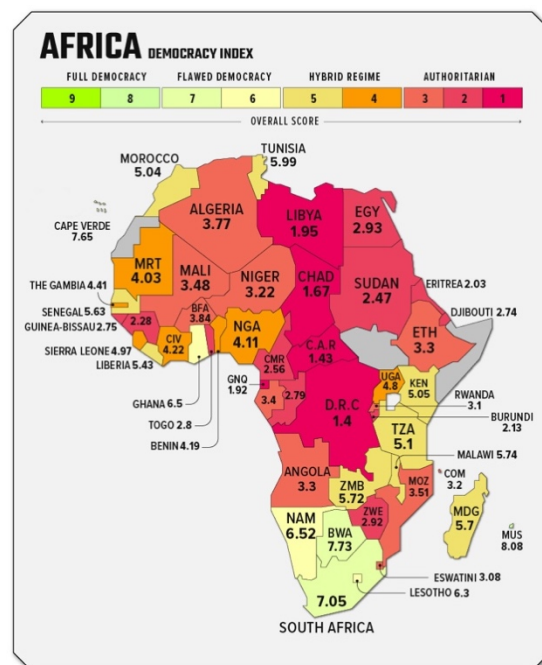
**Hybrid regimes:** regular electoral fraud prevent them from being fair and free democracies. They commonly have governments that apply pressure on political opposition, non-independent judiciaries, widespread corruption, harassment and pressure placed on the media, rule of law is selective, and more pronounced faults than flawed democracies in the realms of underdeveloped political culture, low levels of participation in politics, and issues in the functioning of governance.<sup>4</sup>

**Authoritarian regimes:** political pluralism (multiple political parties and media outlets) is nonexistent or severely limited in these countries. These usually are absolute monarchies or dictatorships. They may have some institutions of democracy, but with meagre significance, infringements and abuses of civil liberties are commonplace, elections (if they take place) are not fair or free (including sham elections), the media is often state-owned or controlled by groups associated with the ruling regime, the judiciary is not independent, and censorship and suppression of governmental criticism are commonplace.<sup>5</sup>

In the last couple of decades, new trends have risen in the development of democracy waves, reflecting new challenges in our modern society. The growth of populism and the degradation of democratic standards in some countries have been prominent trends. Several democracies have witnessed the rise of populist leaders who used nationalist and divisive rhetoric. The rise of

polarization and national rhetoric undermines the democratic norms of inclusiveness and freedom. Furthermore, authoritarian regimes have gained more popularity and become more confident in challenging democratic norms and promoting their form of governance.

Nonetheless, many world democracies stand against these trends and call on international institutions and laws to defend democratic norms that protect human rights and freedom. Since the Universal Declaration of Human





## National sovereignty and non-interference in States in their electoral processes



their political status and to follow their economic, social, and cultural development freely and without external interference.

Respecting national sovereignty is vital for establishing friendly relationships between states that promote international peace. National sovereignty allows them to pursue their unique path of political, economic, and social development. Thus, external interference in the internal affairs of a state can disrupt its political and social stability, and potentially undermine its democratic processes. The principle of non-interference in electoral processes of states reinforces national sovereignty.

### Backsliding

Democracy Index, 2022

#### Latin America\*



### Current Situation

Nonetheless, the principles of national sovereignty and the promotion of democracy may sometimes contradict each other, and the

boundary between the two can be blurry. This may impede the efforts of the United Nations to support democracy and protect democratic institutions when national sovereignty becomes a pretext used by some countries to prevent the United Nations from observing elections and preventing external interference. Below are a few prominent examples of recent election interference.

*China and Taiwan:* One of the known cases is the situation between China and Taiwan. The Chinese government has been accused on many occasions of interfering in the elections in Taiwan and undermining the democratic processes in Taiwan.

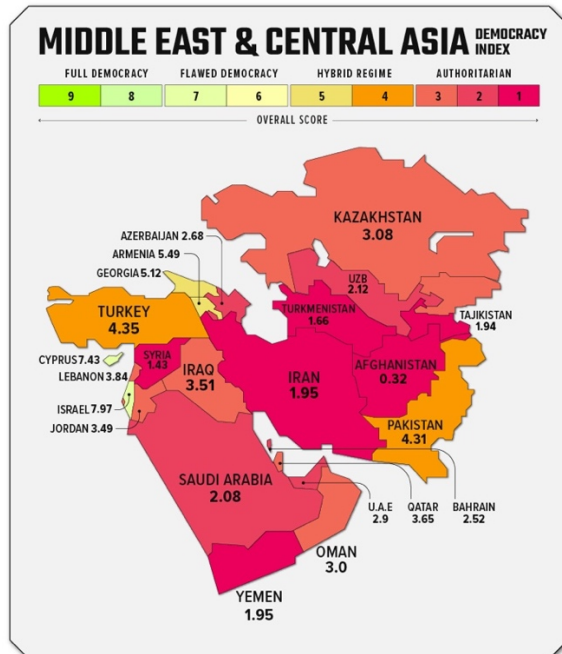
An example of the limits of what the Member States of the UN can do is Taiwan. Claimed by China, recognized by less than two-dozen of the 193 UN Member States, Taiwan is a democracy beyond UN influence. China's interference in the internal affairs of Taiwan and the meddling in its elections is not something the UN can address. Taiwan is not a UN Member State because China refuses to permit its recognition as a sovereign country.

China considers Taiwan to be a part of its territory. Thus, China has stated its desire for reunification and has used diplomatic and economic methods to do it. There have been many accusations and claims of China's intervention in Taiwan's political processes. Although Taiwan is a unique case due to its international status as it is not a UN member state. Yet the case of Taiwan shows the limits and constraints on the UN's power to intervene or take action when powerful members -such as China in this case- are against it.

Individual UN Member States can support Taiwan on their own, but any resolution to support Taiwan will meet aggressive action by China and its supporters. Other authoritarian



governments will naturally support China against efforts to protect Taiwan's democracy.



**Russia's role in the 2016 US elections:** The term "Russian interference in the 2016 US elections" refers to a number of clandestine actions taken by Russian actors in an effort to sway the results of the presidential election that took place in November 2016. According to US intelligence services and several investigations, the main objectives of this meddling were to threaten American democracy, sow discontent, and maybe support Donald Trump's campaign.

The accusation of Russia undermining the electoral processes in the US creates significant controversy. Many parties pointed out Russia's interference in the 2016 election accusing Russia of using social media, cyber hacking, and spreading misinformation to manipulate public opinion in America and meddle with the election results.

The Russian government was accused of using social media sites like Facebook and Twitter to promote propaganda and false information using fake accounts and creating controversial content to exploit political divisions and influence public opinion. They were also accused of using hackers to get unauthorized access to private data, including emails from the Democratic National Committee (DNC) and other Democratic figures, which were later made public through websites like WikiLeaks. Despite that there was no direct evidence of vote tally tampering the allegation of Russian intervention continues to create a big debate in the United States. In spite of the UN's clear stand against individual states' interference in the political processes of other states, the UN was not able to take any strong measures against Russia.

### **Western support of democratic governments:**

As a component of their foreign policy goals, Western nations have a long history of assisting democratic administrations in emerging nations. They see advancing democracy as a way to support these areas stability, economic growth, and human rights.

Western nations see the growth of democracy to be in line with their own interests and beliefs. Democratically elected governments are trusted partners for collaboration on a variety of issues, such as trade, security, and environmental issues because they are seen as being more accountable and transparent. While these governments argue that this support is motivated by the conviction that democratic principles are universal, it is significant to note that it has been criticized for being selective and motivated by the geopolitical interests of Western liberal democracies. Critiques point out Western democracies' inconsistency in promoting democratic governance throughout the world. Moreover, many refer to liberal democracies' support of democratic government as interference in the domestic affairs of these states which is against,



## National sovereignty and non-interference in States in their electoral processes



the UN principle on national sovereignty and non-interference.

**China in Africa:** In addition to Iran and Russia, China has been accused of interfering in elections and political processes of developing countries in Africa.

Throughout the last few decades, China has been increasing its influence in Africa by strengthening relations with regional governments and increasing its investments in their economies. To preserve its economic interests, China has taken several political and diplomatic measures that enable it to exert some political pressure and interfere in the electoral and political processes in these countries.

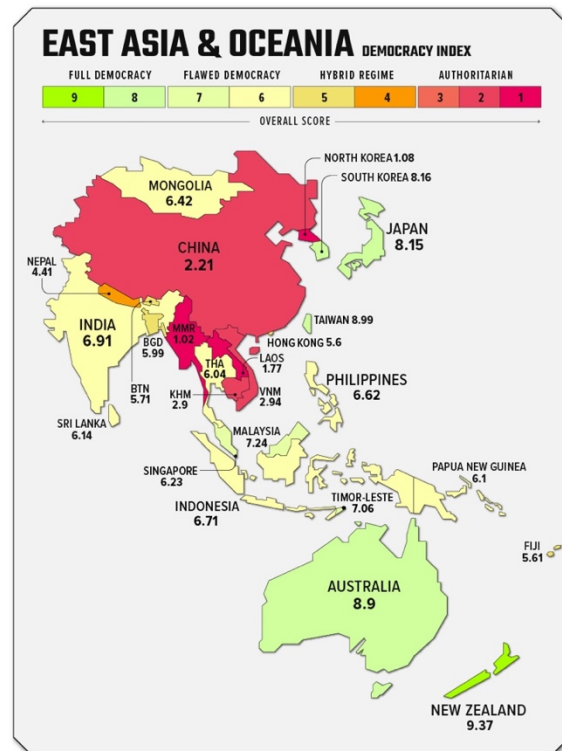
The issue of China's interference in internal elections in African countries is contentious matter. China is attempting to establish connections and broaden its influence on the African continent for a variety of reasons, some of which may involve influencing the political and electoral systems in some nations. Chinese meddling in domestic elections in African nations is among the potential issues.

Regardless of the motives behind China's increasing influence on the political arena in Africa. Attempting to influence or manipulate the domestic politics and electoral process of developing countries is considered a violation of the principle of national sovereignty. Yet the UN struggles to take any measures or sanctions against China.

### Role of the UN on the Issue

The United Nations was founded with goal of fostering international peace, stability and collaboration. One of the main principles of the UN is the principle of sovereignty and non-interference. A vital part of state sovereignty is

conducting internal elections without interference from foreign actors.



Besides its role as a promoter of National Sovereignty, the UN is a world advocator of Human rights and democratization. The UN promotes democratization and freedom in the world.

The UN undertakes election monitoring missions to help ensure free, fair, and transparent elections inside member states. UN organizations like the United Nations Electoral Assistance Division and other specialized agencies are in charge of carrying out these missions. To provide an unbiased assessment of the electoral process and spot any potential abnormalities or violations, election observers examine every step of the voting process, including voter registration, campaigning, polling, and vote counting.



## National sovereignty and non-interference in States in their electoral processes



The UN has the responsibility to ensure that member states can hold fair and free elections while upholding the principle of sovereignty and making sure no state is violating any member's sovereignty by meddling in their election process.

Developing countries are particularly vulnerable to external interference in their election processes because of their economic dependency on developed states. Such dependency is often exploited to manipulate developing countries' elections and political systems.

The UN as a body has the double-faced responsibility of respecting Human rights, promoting the rule of law, and protecting democratic institutions by monitoring elections, watching the voting process, and ensuring election results are not manipulated by domestic or external actors. At the same time, the UN aims to uphold the principles of national sovereignty and ensure that no single member state is interfering with or jeopardizing the electoral process in other countries.

### Landmark UN Resolutions

The basic statement of the UN General Assembly is Resolution 2131 of the year 1965, the *Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty*. This resolution was especially important during the Cold War when superpowers frequently interfered in the internal affairs of smaller states and waged proxy wars. Resolution 2131 condemns any interference that threatens states' political independence,

sovereignty, and territorial integrity. It sought to forbid outside powers from meddling in the domestic affairs of other nations, as doing so was viewed as a violation of the principles of sovereignty and self-determination.

One of the main UN resolutions regarding National Sovereignty and non-interference is Resolution 2625 of the UN General Assembly, *Declaration on Principles of International Law regarding Friendly Relations and Cooperation between States* (1970). The fundamental principles guiding how governments should behave in their interactions with one another are outlined in this resolution, making it an important piece of international law and diplomacy. This resolution affirms the principle of non-interference in the internal affairs of states and emphasizes the right of people to self-determination. It also emphasizes the responsibilities of member states to promote human rights and fundamental freedoms of all individuals.

The UN continued to consolidate its commitment to enhance human rights and fundamental freedoms including freedom of election and non-intervention in political elections of member countries. In 2021 the General Assembly adopted Resolution 76/176, *Strengthening the role of the United Nations in the promotion of democracy and enhancing periodic and genuine elections*.<sup>6</sup> This resolution summarizes the UN's recognition of the importance of free, transparent, regular, and inclusive elections, particularly in developing democracies as fundamental components of democracy.

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<sup>6</sup> UN General Assembly. 2022 *Strengthening the role of the United Nations in the promotion of democratization and enhancing periodic and genuine elections*, A/RES/76/176, 16 December 2021. New York: United Nations, 11 January 2022,

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/403/72/PDF/N2140372.pdf>





## National sovereignty and non-interference in States in their electoral processes



Resolution 76/176 emphasizes respecting human rights and protecting democratic institutions and principles. But—and very importantly—the resolution leaves to each government authority to determine when these standards are being met. The resolution states that in the exercise of their sovereign rights, Member States may ask foreign organizations to offer advice or support in building and enhancing their electoral institutions and processes. In explaining their support for the resolution, many governments made it clear, support for democracy could not be used to undermine their national self-determination, their freedom against foreign interference, their sovereignty and independence.<sup>7</sup>

This resolution emphasizes the UN's role in supporting nations in their efforts to develop and maintain democratic institutions, ensuring that the voices of their citizens are heard and respected in determining the future of their nation. It does this by encouraging democracy and election integrity.

Countries such as China, Iran, North Korea and Russia were critical of this resolution. The representative of North Korea said that “the resolution is nothing but a typical manifestation of hostile policies and double standards, he asserted, adding that its forceful adoption proves that there is no change in the schemes of the hostile countries, which aim to interfere in internal affairs and overthrow social systems”.<sup>8</sup>

However, UN member countries had differing positions based on their foreign policy interests and perspectives on democratic governance. Other countries including Egypt, Malaysia, Senegal, Nigeria, and many other countries

oppose parts of this resolution. For instance, the representative of Egypt said that his country,

...will not co-sponsor it because of controversial language in preambular paragraph 9 and operative paragraph 7. He reaffirmed Egypt's commitment to fight discrimination against all citizens, including their right to participate in public affairs. However, he rejected attempts to undermine the text with vague concepts, including “individual conduct”, which falls outside the international human rights framework and shows disrespect for cultural norms.<sup>9</sup>

Despite the UN's continued efforts to respect states' sovereignty while protecting Human Rights and promoting democratic institutions. The UN's efforts remain limited as its role is constrained to setting norms and laws. However, upholding these norms remains dependent on member states political orientation and ideology. Not all UN member states support its Human Rights agenda, nor do they seek to promote democratic institutions.

### Some possible proposals for action

Below are some possible proposals for action. Delegations at ODUMUNC are not limited to these. The sovereign Member States of the UN are free to pursue any path their own governments decide upon. Whether they can find agreement is another matter.

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<sup>7</sup> The positions of many Member States are summarized in UN News, ‘General Assembly Adopts 59 Third Committee Texts on Trafficking in Persons, Equitable Access to COVID-19 Vaccines, as Delegates Spar over Language’. *UN*

*News Centre*, 16 December 2021, <https://press.un.org/en/2021/ga12396.doc.htm>

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.



## National sovereignty and non-interference in States in their electoral processes



governments. They are not there to transform their own governments, to apply foreign standards—from China, Europe, the United States or elsewhere—or to act independently, based on their own judgement or ideals.

Unless the Member States decide otherwise, the UN does not exist to spread any system of government. Rather it serves the agreed goals of its Member States, whatever those may be. Member States are welcome to fight for the spread of their individual national ideals, but in the end, they may have to compromise with advocates of different ideals, or alternatively, they may have to abandon hope of agreement in the UN.

The proposals that follow provide a range of actions the General Assembly might support to uphold non-interference, self-determination and election non-interference.

***Delegate action to individual countries:*** To raise awareness about the consequences of foreign involvement and disinformation during elections, delegate responsibility for oversight, actions and measures to individual nations based on how they see fit. Delegating actions to individual countries sometimes is the best strategy for addressing a global issue. It would strengthen non-interference, but weaken international oversight.

This strategy respects sovereignty while highlighting the significance of increasing knowledge by recognizing that every country has its own distinct political, social, and cultural setting. It acknowledges that different nations may have different vulnerabilities and strengths in securing their electoral processes, making it possible for different strategies to be employed in the fight against foreign influence and interference.

This strategy emphasizes the necessity for specific strategies and reactions, which may

include boosting cybersecurity precautions and fostering media literacy, transparency, and international cooperation. This gives nations the freedom to modify policies to their unique situations while still working toward the common objective of safeguarding the integrity of elections around the world. In the end, a decentralized strategy like this enables nations to take proactive measures to safeguard their democratic systems while encouraging a sense of ownership and responsibility in fending off risks posed by outside meddling and disinformation.

***International Agreement on Non-interference in Domestic Elections:*** Create a Code of Conduct among for member countries that outlines state actors' obligations to refrain from interfering with or encouraging foreign involvement in the national elections of other nations, including governments and political parties. All member states would be urged to ratify and adhere to this code (the General Assembly cannot demand Member States do anything, it can only urge them.).

An agreement focused on non-interference in elections is a crucial step towards promoting the integrity of electoral processes worldwide and safeguarding the sovereignty of nations. But it also protects authoritarian governments, insulting them from criticism about the ways they warp democracy for their own purposes.

This agreement would act as a set of guidelines encouraging member countries to respect the affairs of other nations. It would clearly define the responsibilities of state actors, such as governments and political parties to refrain from any activities that could undermine the processes in countries.

By urging all Member States to ratify and adhere to this agreement the international community demonstrates its dedication to upholding principles and ensuring that each nation's



## National sovereignty and non-interference in States in their electoral processes



democratic choices remain free from undue external influence. This agreement would not only emphasize the significance of respecting each country's right to self-determination. It would cultivate an environment built on trust and cooperation among nations ultimately contributing to a more stable and secure global political landscape.

### *International election observing committee:*

Create an international committee for monitoring and reporting on potential foreign intervention in national elections. Election observers should evaluate the overall credibility of the electoral process, taking into account the influence of outside parties.

This proposal would be strongly supported by governments trying to strengthen democracy, such as European and many Latin American governments. It will be opposed by any country that wants to avoid international scrutiny in its domestic affairs, such as China, Iran, Russia and their allies.

The creation of an organization dedicated to observing elections is a cooperative effort to safeguard the honesty and fairness of national voting processes. This specialized committee would have a role, in overseeing and informing about foreign involvement offering an unbiased and knowledgeable evaluation of electoral procedures worldwide. The election observers' responsibility would extend beyond assessing the aspects of elections encompassing scrutiny of actors, such, as potential foreign interference or spreading disinformation campaigns.

The General Assembly can provide a thorough assessment of the overall legitimacy of elections by taking these bigger aspects into account, which will aid in the detection and deterrence of foreign intervention. Such an effort demonstrates the international community's dedication to uphold democratic principles, advancing transparency, and defending national sovereignty, ultimately assisting in the maintenance of free and fair elections on a worldwide level.

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