

Committee: SPECPOL 1

Topic: The Question of Ensuring free and fair elections

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Summary

The integrity of elections and security of our democratic systems is something that has come into the mainstream of western politics steadily over the past number of years. In order to protect the legitimacy of elections several key factors are required - including a free press, freedom of assembly, oversight of the counting process and voters and candidates are free from all form of violent or malicious intimidation. This is posing an increased challenge in the digital age where we see online intimidation of candidates and increased reliance on digital counting machines that has been a point of attack for those who seek to discredit the democratic process for their own personal gain.

In order to correctly ensure free and fair elections, it is important to understand the difference between “**Free**” and “**Fair**” in this context. For an election to be “**Free**”, everyone who is eligible must be able to vote and unreasonable obstacles should not be put in place to prevent them from doing so. As well as ensuring the counting of those votes is legitimate and proper. For an election to be “**Fair**” all candidates must be given equal opportunity to succeed, information being fed to voters should not be bias or factually inaccurate and one candidate should not have a disproportionate financial advantage over another. All voters should have the equal opportunity to access Debates and discussion and information about all candidates.

Definition of Key Terms

Elections: a formal and organized choice by vote of a person for a political office or other position.

Ballot stuffing: the act of illegally submitting more than one vote in a ballot in which only one vote is permitted

Social Media Algorithms: Algorithms are used on social media to sort the content in a user's feed based on the likelihood they will want to see it, and how likely it is to keep them logged onto the social media platform. (see bibliography for more info)

Audit: A review conducted after the election to determine whether the votes were counted correctly and proper procedures were followed by election officials. It does not perform a recount of all ballots.

Recount: All ballots manually counted again by a different set of election workers. A recount does not investigate the reason for any difference in election results of the number of ballots.

Separation of powers: the division of a state's Government into branches each with separate individual powers and responsibilities. This is often set out in a country's constitution.

Independent Judiciary: Judicial independence is the concept that the judiciary should be independent from the other branches of government. That is, courts should not be subject to improper influence from the other branches of government or from private or partisan interests.

Election commission: Body independent of Government or any political party responsible for the oversight of all elections

Background Information

The idea of free elections has been around for hundreds of years. Our idea of a true democracy has now evolved with what we see today across the world of all adult citizens regarded of race or gender being allowed to vote.

However in some member states from the legitimacy of elections in the United States being brought into question by some sectors of society in 2020 to the violent coup which overthrew a democratically elected leader in Myanmar in 2021. The strength of democracies across the world is being challenged. We are also seeing more subtle attempts to threaten democracy and the integrity of elections. With radical changes to the system of appointing judges in Poland resulting in large parts of the Polish judiciary being stacked with political appointees which has resulted in restrictions in the rights of LGBTQ+ citizens and rights of migrants. In Hungary a large radio network critical of the Government was shut down by the radio authority, a move branded by the European Union as politically motivated.

Most tragically, in 2021 when it appeared progress was being made in Afghanistan on the advancement of democracy and human rights with some partially free elections being held in major Afghan cities like Kabul and Jalalabad and democracy slowly spreading throughout the country. A gross miscalculation by the Afghan Government and international players led to a violent takeover by the terrorist Organisation the Taliban.

Major Countries and Organizations Involved

United Nations Democracy Fund (UNDEF): Created by the general assembly in 2005 under resolution A/RES/60/1 the United Nations democracy fund, funds projects that empower civil society, promote human rights and encourage participation in the democratic process. In May 2022 they worked with Kenyan media outlets to ensure free and fair coverage of the August elections. They have the ability to provide monetary and logistical Support to Governments and NGOs in the aid of promoting the free press and efforts supporting human rights.

European Union (EU): in 2019 and again in 2022 the EU began article 2 procedures against Hungary over its closure of the final independent radio station in the country. It has taken the nation to the ECJ (European court of justice) over what the EU sees as a violation of EU law and principles. All decisions issued by the ECJ are legally binding and enforceable to all member states. The ECJ has not delivered its verdict at the time of writing.

Election commissions: The name of the body responsible for the oversight of elections in each member state will differ. However, what is crucial to the correct functioning of this body and ensuring free and fair elections is that the appointment of election officials is free from political interference from those with private interests. In the Republic of Ireland the system of appointing senior election commissioners is overseen by the nation's High court. Furthermore, any elected member of the Irish parliament or senate can object to the appointment of a commissioner for any reason. In addition, the election commission has 4 year term limits and it is a criminal offence to bribe an election official. This is an example of an independent and transparent election commission and is rated among the best in the world by the world democracy index. Similar systems are used in Norway, Sweden and Finland.

Timeline of Events

Date	Description
Jan 2021	Uganda – The ruling party were returned to power in an election that was the most violent and least fair in the country’s history. Police and Security forces have used excessive force to break up the meetings of opposition parties. Many radio stations have been shut and Amnesty International have accused the Ugandan Government of falsifying election results in at least 12 of the countries 45 electoral districts.
6 th Jan 2021	United States – Following several months of repeated claims of fraud in the 2020 US presidential election political supporters of Donald Trump stormed the US congress as they met to certify the results. Successfully delaying the certification by several hours. A peaceful transfer of power was achieved 2 weeks later under heavy security arrangements.
May 2014	United Kingdom – In 2020 the British parliaments intelligence and security committees released a report detailing how Russia interfered in the 2014 Scottish independence referendum by manipulating social media adds to discredit the “Vote No” campaign. It remains unclear of Russian interference in the UKs 2016 Brexit vote.

Relevant UN Treaties and Events

Universal Declaration of Human Rights (UDHR): While not legally binding the UNHR has a massive amount of symbolic power after being adopted by the UNGA in 2015. In the document it states “the will of the people shall be the basis of the authority of Government”. That is a key corner stone to any democratic and free system.

United Nations Charter: the opening line of the UN charter reads “we the people” while this element of the charter is not legally binding as when the charter was written in 1945 many member states did not endorse democracy as a system. It represents the UN as a whole and it is an Organization that seeks to promote democratic principles.

UN Election observers: the United Nations Security Council has the power to deploy UN election observers to supervise elections within member states. However, this can only be done if the member state in question agrees to the deployment and the security council authorizes the deployment.

Previous Attempts to solve the Issue

UN election mission in Azerbaijan: following 18 years of continuous rule of President Ilham Aliyev in Azerbaijan, international pressure from the EU and UN resulted in an international election observation team from 18 countries being allowed in to observe the 2020 presidential election. This resulted in a mostly legitimate vote where the committee concluded that the vast majority of ballots counted were legitimate, with some exceptions. However, the election was only ranked 6.1 out of 10 for fairness as a result of lack of political debate, suppression of the free press and evidence of some ballots for the opposition candidate being disregarded. However, this is a major improvement compared to the last election

which was rated at 3.2 out of 10 for fairness so the UN mission partially succeeded at ensuring free and fair elections. Additionally, the UN report now provides credible evidence for opposition activists that elections in the country are not free and fair. Overall, the UN mission has not succeeded in bringing Azerbaijan to a full democracy but it has brought the country one step closer.

Sanctions: The UN, EU and US regularly hand out sanctions for nations' failure to carry out free and fair elections (Belarus 2004, Zimbabwe 2002, Thailand 1993) However various evidence now suggest that economic sanctions on countries to force them into democratization often has the opposite effect as autocratic leaders tend to survive with a mixed strategy of repression and cooperation. A 2014 study from Harvard university analyses the combined freedom score of a country before and after economic sanctions were imposed. Taking Zimbabwe for example it's combined freedom score in 2002 was 0.261 out of 1 as of 2018 it is now ranked at 0.198 out of 1. This is reflected in dozens of case studies dating back since the end of the Cold War. While the lifting of EU and US sanctions successfully forced Iran to sign a US led nuclear agreement in 2015, it was the lifting of those sanctions that Achieved results, not the placement of them in the first place. Evidence for the efficacy of economic sanctions is supported in certain circumstances. However, their effectiveness achieving democratization is limited.

Possible Solutions

United Nations election observation committee: the UN Security Council has the power to place election overseers within a member state, providing that member state gives its permission. These observers have no power to force a member state to count votes correctly however they can report their findings back to the Security council or relevant UN body. This can be useful for the International community and local activists within member states to more fully understand where problems exist within their election system and how best the

UN and International community can assist the member state in improving their democratic systems.

Co-operation with local groups: In the past the UN has cooperated with local private organizations and media groups in order to support them financially or logistically in order to ensure freedom of press or the protection of journalists critical of Governments. This proved to be effective in Nigeria in 2019 during their House elections. However, the UN must always comply with the legally binding Article 2.7 of the UN charter which prevents the UN from “intervening in matters which are essentially within the domestic jurisdiction of a member state”

Engagement with social media companies: Increasingly we are seeing social media advertising and posts playing a larger and larger part in election campaigns. While the UN cannot sanction or compel any private company into doing anything an International form or increased co operation with social media companies and helping them to understand the importance they now play in democracies could be of benefit to countering the spread of mis information.

International conference: Currently no UN conference for the promotion of democracy exists. This could be in the form of Member states justice ministers or attorney generals meeting together every year to submit an annual report on the state of their democracies. The legitimacy of this report could then be analysed by the UNDEF.

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