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Comparative Analysis of the United Nations General Assembly Resolutions on National Elections

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Abstract

This study is a systematic textual analysis of the United Nations resolutions on national elections. The author uses a comparative approach to scrutinize the textual changes in the resolutions over time. The methodological approach is primarily inductive, beginning with an emphasis on empirical data. Subsequently, theoretical discussions are introduced to provide a well-founded legal analysis of the data. The article begins by outlining the general framework of the United Nations' involvement in national elections. In the second part, it offers a detailed assessment of the substance and legal significance of electoral resolutions.

The re-citation and re-adoption of a resolution that demands states to act in accordance with international law indicate the legal significance of that resolution for the international community of states. The re-citation and re-adoption can distinguish the status of a specific resolution from other resolutions passed by the General Assembly. The former resolutions demonstrate that the international community's stance on a given issue is not incidental, and consequently, expectations of compliance with these resolutions are heightened. For this reason, deviating from the standards set forth in the UN biannual resolutions on national elections becomes more difficult. The re-adoption of resolutions reinforces specific claims and reflects emerging patterns in state practice. While the strengthening of a resolution's language over time signals the affirmation of its demands by the international community, the weakening of its language and the decline in states' support indicate the erosion of the resolution's demands.

The United Nations General Assembly adopted Resolution 43/157, entitled "*Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections*," on December 8, 1988. This resolution was adopted annually until 1995, and biennially thereafter, eventually evolving into a permanent item on the General Assembly's agenda. In 1995, while the title of the resolution changed to "*Strengthening the Role of the United Nations in Enhancing the Principle of Periodic and Genuine Elections and the Promotion of*

Article Info**Abstract**

Democratization,” the resolution gradually underwent substantive modifications. These changes reflect the shifting dynamics of international politics in the post-Cold War era and the consolidation of democracy as the preferred model of governance. By a comparative analysis of General Assembly resolutions concerning national elections, the author demonstrates that the language and terminology employed in these resolutions, particularly from 2009 onward, have been consistently reinforced.

In this research, the comparative analysis of the UN resolutions on national elections is complemented by an analysis of another UN resolution entitled *"Respect for the Principles of National Sovereignty and Non-Interference in the Internal Affairs of States in Their Electoral Processes."* From 1989, a year following the adoption of the resolution on *"Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections,"* the General Assembly decided to annually adopt, during the same session, a sovereignty-centric resolution aimed at safeguarding the principles of national sovereignty and non-interference in states' internal electoral affairs. This resolution was adopted primarily to address the concerns of states wary of potential infringements on their sovereignty due to the international community's involvement in their domestic electoral processes. The analysis of the sovereignty-centric resolutions adopted since 2001 under the new title *"Respect for the Principles of National Sovereignty and Non-Interference in the Internal Affairs of States in Their Electoral Processes as an Important Element for the Promotion and Protection of Human Rights"* provides significant additional data regarding the evolution of international norms on national elections.

To discern the substantive evolution of sovereignty-centric resolutions over time, a comparative textual analysis is imperative. The comparative analysis reveals that, unlike earlier electoral resolutions whose normative weight was progressively reinforced, sovereignty-centric resolutions followed an inverse trajectory. The language of sovereignty-centric resolutions weakened over time, culminating in their non-adoption by the General Assembly in 2005.

The legal significance of General Assembly resolutions has rendered states highly sensitive to any changes in the wording of electoral resolutions. In this context, Russia has been among the states most resistant to incorporating additional affirmative phrases into these resolutions. Given such sensitivities, the numerical voting patterns of states can be used as an indicator in determining the legal significance and authority of the resolutions. By a comparative analysis of the voting patterns of states in two competing and recurring resolutions on national elections (electoral-centric vs. sovereignty-centric), the author assesses the international community's stance on national elections and state sovereignty. The findings reveal that sovereignty-centric resolutions have typically passed with an average of 60 negative or abstaining votes, while affirmative votes rarely exceeded 100. In contrast, electoral-centric

Article Info**Abstract**

resolutions—or those on strengthening the UN's role in electoral processes—with the exception of three early-1990s cases, have faced not a single opposing vote. Prior to 2023, the number of abstentions on these resolutions never surpassed 15. Even in the contentious 2023 resolution, which received 25 abstentions, none of the 193 member states voted against the resolution in its entirety. It is also notable that the General Assembly has adopted electoral resolutions by unanimous consensus on six occasions: in 2003, 2009, 2011, 2013, 2019, and 2021.

Today, there is a growing tendency toward embracing international involvement in the conduct of national elections, with the United Nations General Assembly playing a particularly prominent role in guiding this trend. Through the gradual strengthening of the language of periodic electoral resolutions, the General Assembly has conveyed signals regarding its continued commitment to upholding citizens' rights to participate in the public affairs of their governments. The Assembly's decision to suspend the adoption of sovereignty-centric resolutions—previously adopted to balance electoral-centric resolutions—indicates that states can no longer shield themselves behind the doctrine of national sovereignty to avoid transparency in their national elections. Based on a comparative study of the linguistic changes of electoral-centric resolutions and sovereignty-centric resolutions, the author appraises the General Assembly's role in promoting national elections as positive in advancing the objectives of the UN Charter (Article 1(3), Article 13, and Articles 55 and 56).

In conclusion, it is evident that the assessment of the General Assembly's practice in promoting the standards of national elections must be conducted with due regard to the legal and practical limitations of this UN body. On the one hand, it must be acknowledged that the General Assembly is not a global parliament per se; rather than legislating, it operates through recommendatory resolutions. Consequently, it must pursue the enhancement of electoral rights by encouraging states' voluntary compliance with international standards. On the other hand, given the resistance of certain states—particularly Russia and China as Security Council members—toward accepting international standards for free and fair elections, normative demands must be pursued through a gradual process, prioritizing consensus-building among states.

The high number of abstentions in the adoption of the most recent UN electoral resolution (2023) demonstrates that the progressive development of resolution language requires more cautious practice. It is evident that the efficacy and normative value of General Assembly resolutions depend on their due attention to global realities. This is particularly true for resolutions intended to repeatedly reinforce established norms. This observation does not imply that resolutions must invariably reflect existing law—they can undoubtedly serve to improve legal standards, address lacunae, and reform current practices. However, any such efforts must avoid

Article Info	Abstract
	<p>promoting unrealistic propositions markedly inconsistent with global reality.</p> <p>One of the fundamental shortcomings of both positivist and natural law approaches in analyzing the effect of UN resolutions lies in their tendency to examine the creation of legal norms in a fragmented manner, without sufficient attention to the decision-making processes that lead to the authorization or formation of law. General Assembly resolutions, as a form of soft law, can gradually influence state behavior and serve as instruments of legitimation for certain practices. In this regard, it appears that the development of international law beyond the regulation of inter-state relations, and its involvement in domestic issues such as national elections, constitutes a significant development. This shift suggests that the discourse of international law is moving toward the gradual realization of the right to internal self-determination.</p>
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