

**Forum:** Disarmament and International Security Committee (GA1)

**Issue:** Measures to prevent foreign interference in elections

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## **Introduction:**

Foreign interference in elections takes place when other countries, in any form, intervene in the election process of sovereign nations, usually to pursue their geographical or political interests. Foreign interventions usually have been in forms such as but not limited to financial assistance towards favored parties or diplomatic pressure by leveraging aids, which were easier to identify and regulate if necessary. However, with growing technology, countries started to employ more online strategies that directly manipulate the voters such as but not limited to spreading propaganda through social media or cyber-attacks targeting a specific party or an election infrastructure to gain unauthorized access to emails or sensitive documents. Interventions nowadays usually involve more than one actor - the intervening nation - during the interfering process: state-sponsored groups, private individuals, and even often the candidates of the targetted nation take either independent or collaborative actions during interventions.

Foreign interventions in election processes, either case of being voluntary or coerced, pose a significant threat to the democratic process and the stability of the international system. Interfering nations have greater control over the politics of target countries, hindering sovereign nations to be “independent and not under the authority of any other country”.

There are a few reasons why foreign interventions in elections are hard to regulate internationally. First of all, if the supported party wins the election, there's no incentive for the targeted party to report foreign interference to the international body, especially if the support was voluntarily requested and if the party wants to maintain its power. For the opposing party, because of the advancement of technology, it is extremely hard to find evidence in the status quo to blame the targeted party for foreign interference; thus, the interference remains unreported. If the supported party

loses the election, because the interventions are done mostly covertly, there's again no motivation for them to report the case. For the opposing party, because they won the election, they have no incentive to potentially risk their public image by attacking the other party; thus, the case remains unreported. In both cases, as shown, if the interference is done voluntarily by the targeted party, there's little chance of the case being reported and discussed publicly. Thus, even if the international body implements policies, it is difficult to implement the policies in countries. For cases where the intervention is done "coercively", other problems arise, which will be discussed further in the 'background information' section.

Due to the controversial nature of the agenda, it is easy for countries to focus the debate on putting the responsibility on other countries for their historical interventions; however, the debate should mainly focus on foreign interventions in elections and should be a discussion for solutions to secure democracy and the sovereignty of target nations.

### **Definition of Key Terms:**

1. **Foreign interference:** The involvement of foreign entities, such as governments or organizations, in the electoral processes of another country with the intent to manipulate public opinion or directly disrupt the election process to benefit a certain party. The interference usually results in the political or ideological benefits of the interfering foreign entity.
2. **Propaganda / Disinformation:** Intentional spreading of false or misleading information to influence the public. In the scope of this debate, it means the deliberate spreading of misleading information by various actors to deceive or manipulate the voters in their desired direction.
3. **Troll farms:** Professionalized groups that employ individuals who use online platforms such as social media to influence the political opinion of a country by amplifying certain viewpoints during election campaigns. According to research, about 140 million US Facebook users are exposed to manipulation of ideas due to troll farms.

Note: Although 'non-interference' suggests a wider prohibition of foreign entities influencing countries than 'non-intervention', the terms will be used interchangeably in the committee to minimize the attention to minor details and foster discussion.

## **Background Information**

### **Non-Intervention Principles**

Due to prior disputes between countries around foreign interventions in election processes, countries have created a set of non-intervention principles. Non-intervention principles have been discussed in various international meetings and have been documented in places such as the United Nations Charter and the International Court of Justice (ICJ).

#### ***Historical background for the development of non-intervention principles***

Non-intervention principles were first suggested in 1758 by Vattel, an international lawyer from Switzerland, through the 'Law of Nations'. However, due to the lack of enforcement or awareness on an international level, whether the government practically implemented the policies remained questionable. In order to develop standards around "intervention", governments later gathered and formed several international treaties including the League of Nations' statement and the Charter of the United Nations.

One of the early treaties known to associate with the principles was Article 15 (8) of the Covenant of the \*League of Nations established in 1933, which "prohibited interference with the freedom, the sovereignty or other internal affairs, or the processes of the governments of other nations" (\*League of Nations is an international organization established after WW1 as an attempt to serve similar goals as the UN). Additional protocols followed the covenant, such as the Protocol on Non-Intervention of 1936, but the foundations are all based from the original article.

#### ***Prior cases to solve conflicts between countries around interventions in elections***

One of the main cases known for the international body intervening in the conflict of countries around elections was the *Nicaragua V. United States of America* case. The Nicaragua case, ruled by the International Court of Justice (ICJ), states that "the States should have refrained, with complete consistency, from the use of

force or from intervention in each other's internal affairs", and refers to the case as "the element of coercion, which defines, and indeed forms the very essence of, prohibited intervention". In other words, the ICJ ruled against the coercive intervention of foreign nations in elections.

### **Problems arose from previous cases/judgments**

Although these past cases seem to make it clear as to which intervention should be considered a violation of international law, there's still room for clarification. The Oppenheim's international law states that "the interference must be forcible...in effect depriving the state intervened against of control. Interference pure and simple is not intervention". Thus, if the act is deemed non-coercive, countries are not responsible for punishment. However, the ICJ didn't define the term "coercive" in their ruling, leaving the extent to which acts other than the use of direct military force are prohibited uncertain.

As mentioned before, countries are now using advanced technologies to indirectly influence the election by manipulating the citizens instead of directly influencing them through voter suppression or diplomatic pressure. Thus, it is becoming harder for countries to prove the actions coercive; thus, not being able to punish the intervening countries. Although cases of foreign intervention in elections have existed before, the problem is escalating because of the lack of clarity in rulings.

## **Current Situation**

### **Facebook's investigation**

Recent reports identify 2 main methods of election interventions by a foreign entity: hacking and unauthorised access to secured information of the opponent, and the use of social media to spread misleading information and manipulate the public. With the increasing awareness of those means of intervention, more research on such manipulations is being published. For example, Facebook published a threat report stating that they've found "large numbers of fake accounts and the amplification of hacked and leak operations".

After the investigation, Facebook warned about the issue of "perception hacking", where intervening countries weaken the "trust in democracy" in target countries by "sowing distrust, division and confusion among the voters it targets". This looks like creating fake social media accounts to exploit political divisions and making certain problems of their opponents or ideas of theirs look greater than they actually are.

## **Recent trends of intervention**

A clear trend of intervention is to “domesticize and authenticate influence operations”. In other words, creating a misleading image of certain parties in the public through various means and allowing it to continue to spread through the public themselves instead of the intervening country directly involved in the spread of such information. It often comes in the form of financial “aid”, where countries provide financial incentives for the citizens to support and continue the spread of false or misleading information. As previously mentioned, this prevents the intervening countries from exposing their intervention while continuing to manipulate the public.

## **Major Parties Involved and Their Views**

### **US**

Historically, the United States has been accused of intervening in foreign elections. Especially between 1946 to 2000, the US is known to have covertly and overtly interfered with around 80 foreign elections. Recently, although the former CIA director Leon Panetta admitted that the CIA still employs foreign media outlets to “change attitudes within the country” in which the election is held, the efforts by the US government to interfere in foreign elections decreased. With the 2016 election intervention incident in the US by Russia, the debate around whether the US should intervene in the elections of other countries is getting increasing public attention as well.

In order to prevent other countries from intervening in the election of the US, the Department of Justice and the Department of Homeland Security are publishing reports after the elections to assess the degree of foreign intervention in the elections. The report is written based on “FBI forensic analyses; CISA cyber incident response activities, risk analysis, and stakeholder information; IC reporting; and open-source reporting”. It not only includes the results of the assessment but also suggests possible actions that could be taken by the US government to prevent election intervention, such as public messaging and education.

### **Russia**

Along with the US, Russia is also known to have interfered with various foreign elections throughout history. However, unlike the US, Russia is still often accused of interfering with foreign elections, especially due to the ongoing Russo-Ukrainian War. One of

the well-known cases of Russia's foreign intervention is the 2016 election incident in the US. Russia mainly employed online attacks to manipulate the US public. For instance, Russian intelligence agencies, especially the Main Intelligence Directorate (GRU), conducted cyber attacks such as theft and subsequent release of sensitive information targeting the Democratic Party. Social media manipulation followed these attacks to further sway the public.

Recently in 2019, Facebook reported that some Ukrainian Facebook users were asked by Russian agents to sell or provide access to their accounts. With access to these accounts, it is understood that the Russian agents are trying to "bypass the platform's countermeasures" and use local influencers to spread the narrative initially provided by the Russian government.

## **EU**

With the 2016 US election incident, the EU also raises concerns about foreign interventions in elections. Members of the European Parliament (MEPs) are requesting the EU Commission to develop an effective defense mechanism with legislation to counter hybrid threats in the EU. Some of the specific methods of defense were discussed in the Conference on the Future of Europe held in September 2021, but they are yet to be implemented.

The EU has created a special committee on foreign interference and disinformation (INGE) under the parliament, with "concrete recommendations on how to protect the democratic process from malicious foreign actors". Further actions are anticipated by the EU regarding the agenda.

## **China**

China has mainly been accused by other nations for foreign intervention along with Russia. Recently, Canada has publicly posed questions on whether China has intervened in their Prime Minister election, held in 2019 and 2021. Those who were opposed to the liberal ideals brought by the Prime Minister, mostly conservative lawmakers, have demanded a public investigation into Chinese interference. The accusation was primarily based on earlier questions raised by "credible" sources indicating that China is working to support the liberals and defeat conservative lawmakers who generally are "unfriendly" to Beijing. Questions about the recent re-election of Xi-JinPing and the influence of foreign parties over the election process have followed the accusation.

## **UN Involvement, Relevant Resolutions, Treaties, and Events**

The United Nations Charter, signed by 51 of the original UN nations, discusses the issue of foreign intervention in general. According to Chapter 1, Article 2, clauses 3, 4, and 5, all countries should refrain from using force to interfere with the territorial and political independence of a country. Interfering in election processes also falls under interfering with the political atmosphere of a country; thus, foreign interventions during elections are seemingly regulated under the UN. However, as previously mentioned, it is hard to determine if force was used as countries are using extensive online tactics during interventions; thus, it is still difficult for the UN to regulate these actions.

### **GENERAL ASSEMBLY RESOLUTION 2131 (XX) OF 21 DECEMBER 1965**

UNGA resolution of 1965, titled “Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty”, states that countries have to “freely determine their political status”. Through this resolution, the UNGA granted protection against foreign intervention when deciding on the political stance of a country. However, foreign interventions continued and are continuing until today, suggesting a need for additional practical measures.

## **Possible Solutions**

### **1. Increasing awareness around the importance of political independence**

Public awareness and attention around the agenda will serve as a basis for supporting future government actions. Lack of awareness of the issue may result in easier sway of opinions from disinformation and propaganda, resulting in greater effects on the general political practices. Increased awareness can be achieved by increasing education about elections and the importance of making an informed vote, how to maintain neutrality or be critical online, and many more. As education systems and the level of government influence over these educational issues are different in various countries, these have to be taken into account by delegates when drafting and signing a resolution.

### **2. Development of online protection mechanisms**

- As previously discussed, the majority of attacks on the status quo are done online through hacking and the spreading of misinformation. To protect

countries from cyber-attacks, various measures can be taken by individual governments. However, countries have different capacities and personnel to employ, which is currently creating a gap between countries in their safety. Thus, in addition to creating independent safety nets, countries should consider a method to minimize the protection gap between countries when drafting the resolution. Cooperating with Non-Governmental Organisations (NGOs) would be one of the most well-known methods; however, other creative measures that can effectively solve the issue are also welcomed during the debate.

Because DISEC is a committee under UNGA, the clauses are not legally binding; thus, the committee cannot force others to act in a way. Moreover, THIMUN assumes that the UN has enough budget to enforce the clauses in the resolution. Thus, debating too much about the financial capacity of the UN is not recommended. We welcome additional creative solutions from delegates in addition to the suggested possible solutions!

## Bibliography

### Useful Links

General overview of the agenda

- <https://www.disinfo.eu/publications/foreign-election-interferences-an-overview-of-trends-and-challenges/>
- <https://pesd.princeton.edu/node/551>

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