

PalArch's Journal of Archaeology of Egypt / Egyptology

DEMOCRACY IN INTERNATIONAL LAW

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Omar Mahmoud Almahzoumi. Democracy In International Law-- Palarch's Journal Of Archaeology Of Egypt/Egyptology 17(4), 1692-1706. ISSN 1567-214x

Keywords: Democratization Process, International Community, International Organizations, United Nations Democracy Fund, Free And Fair Elections.

This research is funded by the Deanship of Scientific Research at Zarqa University-Jordan

ABSTRACT

While the concept of democracy is an old concept at the internal level, it dates back to the ancient Greek society, meaning the rule of the people or the authority of the people. However, it is a modern concept at the international level. In light of the transformations witnessed by the world, and the aftermath of the Second World War and the aftermath of the Cold War and the bipolar war and the collapse of the Soviet Union, the idea of democracy was firmly established at the level of international law and became closely linked to the idea of human rights. Political and free and fair elections are a criterion for any democracy. International law requires respect for human rights and the use of elections; it permits the use of force to establish or restore democracy. Promising international law and democracy are the rules of international law implications.

INTRODUCTION

In the last decade of the last century, the international environment offers an enabling environment for the democratization of authoritarian regimes which, determined to disappear the communism from the surface of the globe and benefited from the collapse of the socialist bloc, the fall of Berlin and the implosion of the USSR. The international community intervenes on the political scene in the developing countries through international law as the set of international legal norms which governing the laws of States. With regard to the

International agreements, treaties, conventions, amendments and protocols which are parts of this branch of law.

Standards that belong to the international law can be bilateral (between two parties) or multilateral (more than two). States undertake to put in place these same standards in their own territories and with a status superior to national standards ⁽¹⁾.

In this regard, the international community is defined as “a very universal whole, including States, universal international organizations, and individuals and international public opinion” ⁽²⁾.

The second concept to be elucidated is that of "democratization process". That defines as "an operation whereby a government chosen on the basis of non-democratic criteria is replaced by a government adopted in free, honest and open elections"⁽³⁾. This process can be long and complex, but must lead to a democratic regime, that is to say, a regime in which "the highest ranking leaders are chosen in the context of honest, open and fixed elections, in which candidates compete freely for popular suffrage, and where virtually all the adult population has the right to vote"⁽⁴⁾.

The strong point of democratization process is therefore the replacement of a government chosen by non-democratic means by a government resulting from free, open and honest elections. The democratization process will therefore be approached from this angle ⁽⁵⁾.

Thirty years ago, democratic transitions were rare and their outcome uncertain. In the bipolar world of the time, each of the two superpowers intended above all to count on the loyalty of its protected and to avoid the risks linked to the vagaries of democratic practice. Political democratization was also as a danger to the stability of the economic system: a shift in the electoral majority could transform a country from socialism to capitalism or vice versa. So, democratization was seen as a risky venture with a strong anti-hegemonic potential and could only be impelled from within the country-when the strategies of different local actors were likely to the destabilizing external pressures. The relevant unit of analysis was then the state (or national political regime) concerned, and attentions were focused on those States with sufficient of internal autonomy in order to block the intrusion of foreign actors? Three decades later, it is easy to see how this landscape has changed in retrospect. Today's judgments may be no better founded than those of the 1980s, but they are based on very different assumptions. Apart from the Muslim world, democratization is now considered the norm rather than the

⁽¹⁾ Amer, Salah Edin, 2003, “An Introduction to the study of Public International Law”, Arab Renaissance Publishing House- Cairo, pp.65-66.

⁽²⁾ Bitar, Waleed, 2008, “Public International Law”, University Foundation for Studies, Publishing and Distribution- Beirut, p.541.

⁽³⁾ Bordeaux, George, 1963, “Democracy”, Translated by Salem Nassar, Union House Publication- Beirut, p.15.

⁽⁴⁾ Ghali, Boutros, 2000, “UN and Democratization of the States”, A. Pedone Editions, p12.

⁽⁵⁾ Bordeaux, George, *ibid*, p.15.

exception. When the outcome of the process is disappointing, failure is most often, failure is most often presented as a temporary setback in the course of a predictable trajectory. International mechanisms - political or economic - aimed at encouraging states to acquire the democratic label are experiencing a real explosion; they are supposed to hold the democratization process firmly in any properly governed country. The State which disappoints this expectation is seen by the great on the planet as a "rogue state," "collapsed," or "bankrupt," which may legitimize the questioning of its sovereignty. The so-called "humanitarian interventions" multiply; they are supposed to end once the provisional administration has established a democratic regime. This radical change in the views of international actors reflects the end of the bipolar conflict and the discrediting of socialist economic models. It has recently been reinforced by the feeling that the best way to serve Western security interests are to take the calculated risk of controlled democratization ⁽⁶⁾.

In fact, today, almost the intervention of outside actors is considered the most normal and representative way of democratization.

The richest states, who are the most powerful and most secure in the international system, almost all of them democracies today, have been able to agree to impose democratic conditionality's on increasingly diverse regional or functional state groups: unstable, poor and weak nations are being urged, under pressure, to conform to the standards set by those who lead the world. Since the early 1990s, the idea that the international organizations gave a higher priority to the promotion of democracy and have continued to gain ground, at least in the West. This is probably due, among other things, the fact that most of these organizations include a growing proportion of Member States, which are at least formally classified as a democracy, are gaining prestige on the world stage, and even concrete advantages. Indeed, several large international organizations are desirous of attaching themselves to democracy (or at least to certain universal values in the field of human rights and respect for human rights) in terms of their missions and even their conditions of belonging. These reasons tend to push the international community for more than a decade to become increasingly involved in the promotion of democracy, and its practices in this area are gradually. The above mentioned trend has continued at an outstanding pace. Not only has the movement extended to geographical areas that have long appeared to be out of reach (Haiti, Paraguay, Timor, etc.), but it has also entered in the field of concern of institutions such as the World Bank ... and various bodies judicial authorities. In addition, an increasingly dense network of non-governmental organizations is being developed to strengthen the commitment of interstate institutions and to more firmly ground its results at the local level: National Endowment for Democracy (NED), Center for Economic Development in Latin America, etc.

⁽⁶⁾ Ghali, Boutros, *Op. Cit.*, p.14.

The international organizations to be considered are obviously very large. In some cases, the analysis may be concentrated directly on the United Nations (Salvador, Haiti or Namibia), while others it will be regional organizations of this system that will focus on attention (OAS in Peru, OSCE in most of the former Soviet bloc ...). But international institutions that are totally outside the United Nations system can also be very important in a certain democracies "NATO in the Balkans, the European Union in the countries of the group of Visegrad ..." Each of these very diverse organizations must be studied within a much broader analytical framework than its own institutional structure. The impact of their action depends on a broader set of norms and values relating to the merits of promoting democracy in a given context. With regard to the United Nations system, the legal basis for its involvement in the promotion of democracy dates back to the Universal Declaration of Human Rights (1948).

A problem arises here in the absence of a standard model of democracy, which leads to a difficulty in its establishment and consecration.

It is therefore essential to ask the following question: what role does international law play in the process of democratization within states?

This problem shall be responded by two parts, the first one entitled "International Law lays down standards for the democratization of States" and the second shall deals with "the consecration of the process of democratization at the operational level".

First part: International Law lays down standards in favor of Democratization of States

Democratization occupies a prominent place in the norms of international law. In this regard, this part shall refer to "texts emanating from the United Nations" and in a second "other texts".

Firstly: democracy in the texts emanating from the UN

Democracy is one of the indivisible and universal principles and core values of the UN. It is basically built on the freely expressed will of the people and is closely correlated with the law's rule and the practice of fundamental freedoms and human rights.

Although the Charter of the UN does not State the term "democracy", the first words of the Charter, "We the peoples of the United Nations", are a reflection of the fundamental principle of democracy, namely that the will of peoples is the source of the legitimacy of sovereign states and thus of the United Nations as a whole. This principle is considered a decisive principle in the consecration of

democracy. Indeed, it is a principle that goes hand in hand with the principle of self-determination; it is a principle of international law. It establishes that a people must have the right to determine its own form of government, independent of any foreign influence. In 1951, the signatories to the United Nations Charter introduced the concept into the rules of international law and diplomacy.

It is also clear that the Universal Declaration of Human Rights, adopted by the General Assembly in 1948, clearly articulated the concept of democracy by declaring⁽⁷⁾ "The will of the people is the foundation of the authority of the public authorities"⁽⁸⁾. The Declaration lays down the essential rights for genuine political participation. "Since its adoption, it has inspired the elaboration of constitutions in every corner of the world and has greatly contributed to the acceptance of democracy throughout the world as a universal value"⁽⁹⁾.

In this regard, it is essential to cite the "International Covenant on Civil and Political Rights (1966), which lays down the legal basis for the principles of democracy under international law", in particular:

- "freedom of speech"⁽¹⁰⁾
- the right of peaceful assembly⁽¹¹⁾
- the right to associate freely with other⁽¹²⁾
- the right and opportunity to take part in the conduct of public affairs, either directly or through freely chosen representatives⁽¹³⁾
- the right to vote and to be elected, in periodic, honest elections, by universal and equal suffrage and by secret ballot, ensuring the free expression of the will of the voters"⁽¹⁴⁾

The Covenant is binding on States that have ratified it. On 17 August 2009, the parties' number to the Convention reached 164, or about 85 % of the Members of the UN.

The Convention on "the Elimination of All Forms of Discrimination against Women" states (August 2009) that its 186 members parties shall take appropriate measures to ensure that women are on an equal footing with men, be eligible for elections and have the right to vote ⁽¹⁵⁾, to take charge of public life and to participate in the formulation of State policy.

⁽⁷⁾ Article 21 Of The Universal Declaration Of Human Rights.

⁽⁸⁾ Article 21/3 Of The Universal Declaration Of Human Rights.

⁽⁹⁾ See The Report Of The Secretary- General Of The United Nations Entitled: "Towards Achieving Development, Security And Human Rights For All", On March 21, 2005. (A/59/2005).

- [Http://Www.Un.Org/Ar/Documents/Viewdoc.Asp?Docnumber=A/59/2005](http://www.un.org/ar/documents/viewdoc.asp?docnumber=A/59/2005).

⁽¹⁰⁾ Article 19 Of The International Covenant On Civil And Political Rights (1966).

⁽¹¹⁾ Article 21 Of The International Covenant On Civil And Political Rights (1966).

⁽¹²⁾ Article 22 Of The International Covenant On Civil And Political Rights (1966).

⁽¹³⁾ Article 25 Of The International Covenant On Civil And Political Rights (1966).

⁽¹⁴⁾ Article 25 Of The International Covenant On Civil And Political Rights (1966).

⁽¹⁵⁾ Article 7 Of The Convention On The Elimination Of All Forms Of Discrimination Against Women.

UN practices in support of good governance and democracy are carried out by the (UNDP) United Nations Development Program, (UNDEF) the United Nations Democracy Fund, and the United Nations Development Program including the Office of the United Nations High Commissioner for Human Rights (OHCHR). These activities are inseparable from the work of the United Nations in the areas of human rights, development, peace and security, among other things such as:

- Supporting the structures of decentralized governance and parliaments in strengthening the checks and balances that enable the flourishing of democracy;
- Human rights protection, the access to justice and rule of law by strengthening the effectiveness and impartiality of human rights judicial systems and mechanisms;
- guarantee access to information and freedom of expression by supporting media capacities and legislation;
- provide long-term support and electoral assistance to bodies of election management; and promoting the participation of women in both public and political life.

To support democratic processes around the world UNDP disbursed approximately 1.4 billion US dollars, leading to make the UN as one of the leading providers of technical cooperation for governance and democracy all over the world.

The political activities of the UN demand that it defend democratic processes; agencies of development try to strengthen national institutions such as legal systems, parliaments and electoral commissions that are the foundation of any well-established democracy; and human rights initiatives support participation and the rule of law, freedom of association and expression, , as they are essential ingredients of democracy.

The United Nations General Assembly and Democracy

Since 1988, at least one resolution per year has been adopted by the General Assembly relating to one aspect of democracy. Democracy has become an intersect oral theme of the outcomes of the major United Nations conferences and summits since the 1990s and the internationally agreed development goals that have emanated from it, which includes the (MDG) Millennium Development Goals. At the 2005 World Summit, Member States stressed that "democracy is a universal value, emanating from the freely expressed will of peoples to define their own political, economic, social and cultural systems and based on their full participation in all aspects of their existence"⁽¹⁶⁾.

⁽¹⁶⁾ See The Report Of The Secretary- General Of The United Nations Entitled: "Towards Achieving Development, Security And Human Rights For All", On March 21, 2005. (A/59/2005).
- [Http://www.un.org/ar/documents/viewdoc.asp?docnumber=A/59/2005](http://www.un.org/ar/documents/viewdoc.asp?docnumber=A/59/2005).

The World Summit Outcome Document also reaffirmed that "democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing," and figured out that "even though democracies have characteristics there is no single model of democracy."⁽¹⁷⁾ Member States have decided to spread better women representation in State bodies of decision-making, by ensuring that women have the same opportunities as men to participate fully in political life.

Leaders from around the world committed themselves to the Millennium Declaration to spare no effort to strengthen the rule of law and promote democracy and respect for fundamental freedoms and human rights. They have decided to fight for the full support, protection and defense of universal political, civil, cultural, economic and social rights throughout the world and to strengthen all countries' capacity of implementing the respect for human rights and practices and principles of democracy.

First international day of democracy

On 8 November 2007, the General Assembly announced the 15th of September to be the official International Day of Democracy and invited Member States, the UN system and other non-governmental, regional and intergovernmental organizations to celebrate the Day⁽¹⁸⁾. The International Day of Democracy is a chance to re-examine the state of democracy all over the world. Democracy is a process as it is an objective, and only the full support and participation of individuals, the international community, civil society and national governance bodies will make the democratic ideal a universal reality.

Secondly: The other texts that devote democracy

In addition to the texts emanating from the UN, various resolutions and texts have enshrined the term "democracy" in their standards.

Firstly, Resolution 1617 (2008)⁽¹⁹⁾ on the State of Democracy in Europe, Specific Challenges of European Democracies: The Case of Diversity and Migration, which states that:

1. Resolution 1547 (2007) and Recommendation 1791 (2007) are recalled and confirmed by the Parliamentary Assembly on the situation of human rights and democracy in Europe and its Recommendation 1500 (2001) on the immigrants'

⁽¹⁷⁾ - [Http://Www.Un.Org/Ar/Documents/Viewdoc.As?Docnumber=A/59/2005](http://www.un.org/ar/documents/viewdoc.asp?docnumber=A/59/2005).

⁽¹⁸⁾ - <http://www.un.org/en/observance/democracy>.

⁽¹⁹⁾ Assembly debate on 25 June 2008 (23rd Sitting) (see Doc 11623, report of the Political Affairs Committee, protractor: Mr. Gross, and Doc 11653, opinion of the Committee on Equal Opportunities for women and men, protractor: Ms Meme can). Text adopted by the Assembly on 25 June 2008 (24th Sitting).

participation and foreign residents to political life in the member states of the Europe's Council.

2. The cultural diversity is considered by the Assembly as an inevitable trend in contemporary democratic societies and the inevitable consequence of modernization, globalization and the liberalization of economies and demographic change.

Secondly, decision n ° 001 /udps/pp/ 011 of 04 January 2011 publishing the resolutions and recommendations of the first udps congress shows that the resolutions and the resolutions recommendations of the first congress of the udps⁽²⁰⁾ held in Kinshasa from 10 to 14 December 2010:

The European Party of Liberals, Democrats and Reformers, meeting on 19 and 20 November 2009, in Barcelona, Catalonia, also called for democracy in Iran, considering that

- Since the 2009 presidential elections, the human rights level has deteriorated considerably in Iran, with a rapid increase in violence resulting in a climate of fear well beyond its borders that are internationally recognized.

- Those that defend human rights and democracy are subject to be harassed, killed and persecuted.

And:

- Affirms the universality of human rights and the need to organize elections that are fair, democratic and free.

- Expresses its full support for citizens of Iran who adhere to the values of the rule of law, democracy, freedom, civil liberties and human rights.

- Condemns the ongoing violence by pro-government militias, as well as the current surveillance of citizens who communicate via the Internet and mobile phones.

- Is convinced that the monitoring of citizens' communications in the Islamic Republic of Iran and their conservation should be governed by the law with respect for fundamental rights and individual freedoms.

- Stresses that the Islamic Republic of Iran has ratified Conventions on human rights and calls on the Iranian authorities to respect the international commitment inherent in these ratifications and to immediately release all "political prisoners".

Calls:

- The President of the Islamic Republic of Iran to fully respect human rights, the rule of law and civil rights.

- Member parties to actively support democracy in Iran in their political action.

- Governments that have entered into negotiations with Iran to assert that normal relations with the international community are conditioned by the cessation of juvenile delinquent executions.

⁽²⁰⁾UDPS : Union For Democracy And Social Progress.

Also, Resolution No. 68 of the Parliamentary Assembly of la Francophone of 2001 in turn focused on direct democracy.

There are also some statements relating to the IPU's⁽²¹⁾ activities in the field of democracy promotion:

- The Universal Declaration on Democracy.
- The Declaration on Criteria for Free and Fair Elections.
- A resolution to Guarantee global democratic accountability for the common good (2010).
- A resolution to ensure sustainable democracy by rethinking and strengthening ties between parliament and the people.

***The second part: The consecration of the process of democratization
Operational level***

This part shall deal with two main issues first "the establishment of democracy by force" and the second "Electoral assistance".

Firstly: The introduction of democratization by force

"Where strength is lacking, the right disappears; where the forehead begins to radiate". This situation of the ambiguous links that can exist between the law and the force. Law and democracy in particular, are concepts based on morality. Force refers to violence, brutality and is therefore not considered a virtue. These notions therefore seem antithetical and unconnected. But law and democracy as the supreme goal of a state are hardly attainable goals. Force then can be presented as a tool to achieve democracy.

In this respect, the international community is now taking action to bring about democratization.

Such as Iraq, Afghanistan, Kosovo, East Timor, Haiti and Cambodia show that imposed democratization is a practice in which international actors have been involved.

Indeed, in Iraq, Afghanistan, and NATO⁽²²⁾ forces intervened on the pretext of the establishment of democracy which has become a necessity in international law to protect human rights, and this also in the Libya.

The 2011 military intervention in Libya is a multinational military operation under the auspices of the United Nations, whose objective is the implementation of UN Security Council Resolution 1973⁽²³⁾.

⁽²¹⁾ The Inter parliamentary Union created in 1889.

⁽²²⁾ NATO: The North Atlantic Treaty Organization.

The code names are Operation Harmattan for France Operation Ellamy for the United Kingdom, Operation Odyssey Dawn for the United States, Operation Mobile for Canada and Operation Unified Protectorate for NATO.

At the heart of the Libyan revolt of 2011, Resolution 1970 of 26 February 2011 set up an arms embargo for Libya under the code name Unified Protectorate, inter alia, blocking the assets of the regime, and resolution 1973 establishes a no-fly zone over the territory of the Libyan Arab Jamahiriya and allows "to take all measures deemed necessary to protect the civilian population"⁽²⁴⁾. As of 31 March 2011, all operations are conducted by NATO as part of Operation Unified Protector.

Thus, NATO intervened to protect the Libyan people who chose to carry out a revolt against its president to establish a democracy in the country.

The democratization of States is now taking a new form; as regards the change of attitude of the United Nations in the face of coups status.

In accordance with the once sacrosanct principles of non-interference in the internal affairs of States and the freedom of States to choose their political regime, the United Nations had never seriously reacted until recently to the a coup status, an elected government. The emergence of the principle of democratic legitimacy, linked to the upgrading of the right to internal self-determination, has recently led to a certain change in the traditional UN attitude ⁽²⁵⁾. It is important to clarify that the cases to be considered in our analysis do not concern any act by which a group of military forces forcefully overthrow an established government. It is obvious that the ousting of one dictator by another has nothing to do with the principle of democratic legitimacy. To illustrate the UN's position on this principle, we are interested only, therefore, in the reactions of the organization to a coup that overthrows a democratically-based government.

The attitude of the UN bodies in the face of coups in Burundi in October 1993 and in 1996 was soft compared to that which followed the overthrow of President Aristide's government in Haiti.

As regards to the reaction in Burundi, the General Assembly adopted on 3 November 1993 an initial resolution on the situation in Burundi. After having

⁽²³⁾ United Nations Security Council Resolution 1973 is a United Nations Security Council Resolution adopted on March 17, 2011. It concerns Libya and the Libyan Revolt, and allows countries that wish to participate in an exclusion zone. above Libya to protect the civilian population and to take all necessary measures.

⁽²⁴⁾ Security Council Approves "No-Fly Zone" over Libya, Authorizing "All Necessary Measures" to protect Civilians, by Vote of 10 in Favor with 5 Abstentions. 17 March 2011.

-www.un.org/press/en/2011/sc10200

⁽²⁵⁾ From the UN: Organization of the United Nations.

unreservedly condemned the coup the force which caused a brutal and violent interruption of the democratic process initiated in Burundi the General Assembly demanded the immediate restoration of democracy and the constitutional system while supporting the efforts of the Secretary General of the OAU and the countries of the region to promote the return to constitutional order and the protection of democratic institutions. After the collapse of the coup, the Security Council, through its declaration of 16 November, authorized the Secretary-General to dispatch a team to establish the facts. As for the 1996 coup d'état, the Special Rapporteur on the situation of human rights in Burundi noted that it would be wrong to believe that the coup d'état in question undermined a democratic system worthy of the name because the signs of democracy were barely perceptible.

In the case of Haiti, the overthrow of President Aristide on September 29, 1991, provoked a strong reaction within the OAS⁽²⁶⁾ and the United Nations, especially since he intervened only a few months after his election, on 16 December 1990, which ended a long period of dictatorship and then political instability, marking the beginning of a new era of democratization. In addition, both the presidential and parliamentary and local elections were declared free and fair by the UN Observer Group for the Verification of Elections in Haiti (UNVH)⁽²⁷⁾, which led the Secretary-General to stress that the community could not accept the interruption of the process of democratization which it had helped to initiate. Finally, there is another way of democratizing States; it is indebtedness that allows external actors such as the World Bank to intervene in states to enshrine democracy within their political regimes.

Secondly: Electoral assistance

Democracy in the Greek sense means "the power of the people"; it is a system in which citizens decide laws and take decisions within an assembly by voting by majority. And this is the case in Tunisia. Pioneer of the Arab spring, Tunisia is also the first to live free elections on Sunday October 23, 2011. Eight million voters were called to the polls, to choose the 217 representatives who will write the new Constitution. The Tunisians have made the apprenticeship of their new political landscape, bloated. In each riding, they will have to sort between 26 and 95 parties. Hence the electoral assistance exercised by Chief Observer (CO) Michael GAHLER⁽²⁸⁾, Member of the European Parliament, and by the Deputy Chief Observer (DCO) Maria ESPINOSA⁽²⁹⁾, assisted by a team of 10 experts from 5 Member States of the European Union (EU)⁽³⁰⁾. In the field, the Mission

⁽²⁶⁾ OAS: Organization of American States.

⁽²⁷⁾ Cf. A / Res.45 / 2, 10,101990.

⁽²⁸⁾ (CO) Chief Observer.

⁽²⁹⁾ (DCO) Deputy Chief Observer.

⁽³⁰⁾ (EU) the European Union.

consists of 180 observers: 57 long-term observers (LTOs)⁽³¹⁾ from mid-September 2011, 66 short-term observers (STOs)⁽³²⁾.

Indeed, electoral assistance to states in transition to democracy has become a priority.

Although the principle of periodic and fair elections has been recognized by the (UDHR)⁽³³⁾ (Article 21 (3) and other human rights instruments, in particular Article 25 -b)⁽³⁴⁾ of the ICCPR⁽³⁵⁾, put in brackets, or even completely ignored, by many states in previous decades. It is true that the formulation of the principle, both universally and regionally, was rather vague, sometimes ambivalent or incomplete. It is clear, however, that the inadequacy of international standards elaborated in this area reflected the lack of political will to engage in a field traditionally considered to be part of the "reserved domain".

Under these conditions the very idea of recognizing United Nations competence to promote democratization through various forms of electoral assistance on the spot seemed almost shocking to several States a few years ago. This situation has gradually changed due to the wave of democratization and the end of the Cold War. The reticence based on the incantatory invocation of the principle of non-interference has not disappeared. The legal framework for electoral assistance, which can be seen in the relevant resolutions of the General Assembly, remains ambiguous. In spite of this, UN practice has developed impressive rhythm. Since 1989, and especially since 1992, the United Nations has received several dozen requests for electoral assistance to greatly diversify the forms of assistance provided to adequately respond to the specific needs of the requesting States.

Since the late 1980s, the General Assembly systematically adopted two parallel resolutions whose philosophy is different⁽³⁶⁾, if not contradictory. The first set of resolutions tends to promote the effectiveness of the principle of periodic and honest elections and thus democratic legitimacy, while the second emphasizes the principles of national sovereignty and non-interference in electoral processes, and is in fact aimed at limiting or even restricting the scope of electoral assistance. This ambivalent approach largely determines the conditions required for United Nations involvement on the ground.

⁽³¹⁾ (LTOs) Long-term observer.

⁽³²⁾ (STOs) short-term observers.

⁽³³⁾ (UDHR) Universal Declaration of Human Rights.

⁽³⁴⁾ "The will of the people is the foundation of the authority of the public authorities, this trust must be expressed by honest elections that must be held periodically by universal legal suffrage and secret ballot or by an equivalent procedure ensuring the freedom of voting".

⁽³⁵⁾ (ICCPR) International Covenant on Civil and Political Rights.

⁽³⁶⁾ Resolutions of 1988 and 1989 adopted by the General Assembly entitled "Strengthening the effectiveness of the principle of periodic and honest elections".

Despite their different philosophies and concerns, the two sets of resolutions of the General Assembly have a common denominator. In order to ensure coherence in UN practice, the Secretary-General has sought to identify certain conditions for triggering and conducting an electoral assistance operation derived from the principles common to the resolutions in question.

* The principle of respect for the sovereignty of the State is thus reflected in the need for a formal and written request from the government concerned. Electoral assistance, whatever forms it takes, or whatever authority to act on the ground, is based on the invitation of the representative authorities or considered as representative of the State concerned. Admittedly, the authorities cannot arbitrarily refuse to issue an invitation to electoral assistance to the competent bodies, whether UN or other, especially when requested by political parties. Such a refusal would seriously affect the legitimacy and credibility of the electoral process. Nevertheless, in positive international law, a legal obligation of the State to call on international observers was not at present available. However, such an obligation would be highly desirable, at least when the opposition parties are unanimous on this point. However, the request for electoral assistance must be sent to the organization concerned sufficiently in advance to enable it to respond appropriately and effectively to national needs. Failing this, international observers would risk endorsing an irregular electoral process. This concern led the Secretary-General to suggest that the States concerned should submit their requests for electoral assistance at least twelve weeks before the elections. The General Assembly in substance endorsed this recommendation and hoped that the Organization would continue to ensure, before providing electoral assistance to a State which so requested, that it would have time to organize and to carry out an effective mission that the situation allows for free and fair elections and that arrangements can be made to ensure that the results of the mission are adequately and thoroughly reported.

* In the same vein, the second prerequisite for the launch of an electoral assistance operation, namely the conduct of a national needs assessment mission, is also included. The organization of such a mission is essential to determine whether the United Nations should indeed provide assistance and, if so, what would be the most appropriate form of assistance.

* The effectiveness of electoral assistance also depends on the coordination of UN services with each other and coordination with observers from other intergovernmental and non-governmental organizations. This condition, the importance of which was stressed by the General Assembly, is really crucial in major electoral missions such as those in Cambodia, El Salvador and South Africa in Mozambique.

As experience has grown, the coordination of UN bodies with other organizations and institutions has improved and diversified.

To meet growing demand and diverse needs, the United Nations has so far developed seven forms of electoral assistance, which can be categorized into two categories: major missions whose implementation presupposes, an ad hoc world of the Security Council or the General Assembly, and smaller operations for which this precondition is not required.

CONCLUSION

The "wave of democratization", which has intensified in recent years, now exercises a certain influence on international organizations, both at the regional and universal levels. This influence is visible not only in the political and legal discourse of organizations but also in their operational activities. The phenomenon is, moreover, reciprocal in the sense that the organizations in question establish mechanisms to reinforce the process of democratization in their countries member States and even third States, and at the same time impose conditions on respect for human rights, democratic principles and the rule of law, or provide for sanctions for serious violations of these principles.

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