

MEF SCHOOLS MODEL UNITED NATIONS 2026

*“Achieving SDGs (Sustainable Development Goals) in line
with the 2030 United Nations agenda.”*



Committee: United Nations General Assembly Sixth Committee (Legal)

Agenda Item: Redistributing Legal Powers and Authorizing of Democratically Elected Governments

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Introduction

The current geopolitical landscape was built on the principle of individual States that are sovereign and equal, and that the United Nations would not take interest and or intervene in domestic affairs. Yet the same system also rests on the idea that the people have a right to self-determination, and that peace is more stable when authority is strict and legitimate rather than imposed.

In practice, legitimacy is a matter of question when governments come to power through coups, when elections are manipulated, or when courts are overruled to keep leaders in office without the consent of the people. At the same time, legitimacy is also challenged when legal authority within the United Nations (UN) system is structurally less representative such as the UN Security Council (UNSC), where permanent members have the power to veto, which can block an action a majority of member states support.

This agenda item addresses how legal authority can be redistributed in a way that aligns power of decision makers, accountability, and enforcement with democratic representation. The challenge exists across multiple levels of governance. Within States, it concerns the constitutional distribution of power among executive, legislative, and judicial branches of governments across the world.

At the same time it raises questions about the United Nations system, where legal authority and enforcement powers are often concentrated in bodies and States whose structure and decision-making often lack democratic representativeness. In this context, legitimacy also depends on how democratically elected governments are mandated within international law, including the recognition and support of constitutional governments, resistance to unconstitutional seizures of power, and clear legal requirements that allow elected officials to govern lawfully.

Currently, international law does not provide a clear enforcement mechanism, and Member States disagree on how far democracy should be treated as a legal right rather than a preference. Many people have argued that a right to a democratic governance has emerged (or is emerging), but others dispute whether it has become a binding customary law. Major human rights organizations openly protect political participation and genuine elections, and UN decisions have clearly reflected that coups against constitutional governments are unacceptable.

Definition of Significant Terms

Legal Powers:

The authority granted by constitutions, statutes, treaties, and institutional rules to create binding decisions, interpret law, enforce rules, and allocate resources. For example: The UNSC has binding enforcement authority under the UN Charter, while the United Nations General Assembly (UNGA) issues recommendations.

Redistribution of Legal Powers:

Reforms or arrangements that reallocate decision-making and enforcement authority across institutions. Examples include shifting oversight from a concentrated body to a broader representative system such as the United States (U.S.) branch system.

Democratically Elected Government:

A government that comes to power through periodic elections. Voting is done by the citizens of the State, through free will of the electors, with ballots are securely collected and counted afterwards.

Rule of Law:

Governance under publicly known, equally enforced laws, with accountability, legal certainty, and independent judiciary. The UN has defined the rule of law as critical to peace, development, and human rights.

Unconstitutional Change of Government:

Seizure or retention of power through means that contradict the constitution of a State, which often include coups.

Veto (UNSC):

The ability of the five permanent members to block council action. Such as a resolution with a majority vote which should pass, getting vetoed by a permanent member causing it to not pass.

Uniting for Peace:

The General Assembly procedure established by Resolution 377 A (V), enabling the Assembly to act when the Security Council fails to act due the lack of unanimity among permanent members, including emergency special sessions.

Authorization:

the process by which a government is treated as the legitimate representative of a State in international institutions and receives recognition, credentials, and cooperation.

Detailed Background of the Issue

The debate over shifting legal powers and insisting on democratic governments starts with a built-in tension. The United Nations was created to protect state sovereignty and prevent interference in domestic affairs. At the same time, modern international law increasingly treats political participation and genuine elections as legal rights, not just internal policy choices.

This creates friction whenever the UN or regional bodies respond to coups, disputed transitions, or institutional capture. The same tension also shapes debates about decision-making inside the UN itself, especially when enforcement action is blocked by Security Council vetoes.

Sovereignty and Self-Determination:

Sovereignty appears straightforward in the UN Charter: states are equal, and internal affairs should not be interfered with. Many states resist any international standards that judge whether a government is democratic, fearing this could justify outside intervention.

However, sovereignty is not the Charter's only foundation. The Charter also emphasizes self-determination and equal rights of peoples. International human rights law builds on this by recognizing participation in public affairs and genuine elections as protected rights. This raises a practical question: how can democracy be supported without violating non-intervention?

In practice, the UN usually avoids imposing outcomes. Instead, it focuses on process-based support such as election assistance, judicial independence, protection of constitutional order, and condemnation of unconstitutional power grabs. These measures are especially accepted when the affected state requests assistance.

Elections as a Protected Right:

The idea that elections are a legal right is most clearly expressed in the International Covenant on Civil and Political Rights. Article 25 guarantees the right to participate in public affairs, vote and stand for election in genuine periodic elections, and access public service on equal terms.

The Human Rights Committee's General Comment No. 25 clarifies that this right must be effective in practice, not merely formal. General Assembly resolutions such as 46/137 on periodic elections and 55/96 on democracy and human rights reinforce these principles. While not legally binding, they shape UN election assistance, monitoring, and diplomatic engagement.

Democratic Governance Beyond Elections:

Even when elections occur, democratic legitimacy can collapse if power becomes concentrated and checks fail. Sustainable democracy usually depends on separation of powers, independent courts and electoral bodies, legislative oversight, local participation, and protection of freedoms of expression, assembly, and association.

Regional frameworks often emphasize these elements. They reject unconstitutional changes of government and link legitimacy to constitutional rule rather than elections alone. This aligns with the UN's rule of law agenda, which stresses accountable institutions at both national and international levels.

From a Sixth Committee perspective, the UN cannot redesign national constitutions. Its role is to support institutions through legal assistance, judicial training, electoral support, and capacity-building, mainly when requested by states. The goal is to prevent elections from becoming one-off events followed by long-term power consolidation.

Recognition and Representation at the UN:

Many states argue that global decision-making power within the UN is unbalanced. The Security Council controls enforcement, but vetoes can block action even when a majority supports it.

Several mechanisms aim to reduce this problem without amending the Charter. General Assembly Resolution 76/262 requires an Assembly debate after every veto, increasing political cost and transparency. The Uniting for Peace resolution allows emergency Assembly sessions when the Council is paralyzed, enabling collective political pressure even without binding force.

Charter amendment remains legally possible but politically unrealistic, since it requires ratification by all permanent members. As a result, reform efforts focus on voluntary restraint and political commitments rather than structural abolition of the veto.

Internal Power Distribution and Institutional Safeguards:

Even when elections occur, democratic authorization can collapse if legal power becomes concentrated and checks fail. Sustainable democratic governance usually depends on separation of powers, independent courts and electoral bodies, legislative oversight, meaningful local participation, and protections for freedoms of expression, assembly, and association. Regional democracy and governance frameworks often reflect this by emphasizing constitutional rule, free and fair elections, and rejection of unconstitutional changes. This approach aligns with the UN's rule of law agenda, which emphasizes accountable institutions at both national and international levels.

From a GA6 perspective, the UN cannot redesign national constitutions, but it can strengthen institutions through technical support, judicial training, election assistance, and legal capacity-building, mainly when requested by Member States. The goal is to reduce the risk that elections become a one-time event followed by long-term power consolidation.

Global Power Distribution Inside the UN:

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Regional Enforcement Against Unconstitutional Change:

Because UN action is constrained by sovereignty and veto politics, regional organizations often act more decisively. Initiatives like voluntary veto restraint in mass atrocity situations increase political pressure on Council members.

Regional systems go further. In the Americas, the Inter-American Democratic Charter links democratic breakdowns to consequences such as suspension. In Africa, frameworks like the Lomé Declaration and the African Charter on Democracy, Elections and Governance reject unconstitutional changes and authorize collective responses. ECOWAS similarly enforces democratic standards through suspension and sanctions.

These approaches connect recognition to conduct rather than formal claims. The General Assembly increasingly encourages cooperation with regional organizations, though translating regional enforcement models into universal standards remains difficult.

Core Dilemmas Shaping Policy Choices:

Across all these areas, the same dilemmas recur. Flexible standards risk selective application, while strict standards are hard to apply consistently, especially to powerful states. Sovereignty limits coercion, but human rights law protects participation, leaving the line between support and interference contested.

Short-term recognition can stabilize crises but may incentivize future coups. Elections alone are insufficient without institutions and trust, which is why many states emphasize long-term capacity-building over one-time observation.

Taken together, these tensions explain why UN practice often appears cautious and incremental. Rather than resolving the conflict between sovereignty and democratic legitimacy, the system manages it through procedural support, political pressure, and cooperation with regional frameworks.

Timeline of Key Events

Date	Description of Event

1945	Adoption of the UN Charter, establishing sovereignty, self-determination, and the UN's purposes and principles.
1950	UN General Assembly Resolution 377 A (V) "Uniting for Peace" passed, enabling GA action when the UNSC fails to act.
1966	Adoption and entry into the force of the ICCPR.
1991	UNGA Resolution A/RES/46/137 passed, enhancing the effectiveness of periodic and genuine elections.
1991	Coup in Haiti followed by the UNGA condemnation and demand for restoration of the legitimate government.
1996	UNHRC General Comment No. 25 interpreting Article 25 ICCPR.
2000	Lomé Declaration framework condemning unconstitutional changes of government in Africa (OAU/AU Lomé Declaration).
2001	ECOWAS Supplementary Protocol on Democracy and Good Governance adopted.
2005	UN Democracy Fund (UNDEF) created to support democratization efforts.
2012	UNGA Declaration on the Rule of Law at the national international levels (A/RES/67/1)
2015	Accountability, Coherence and Transparency Group (ACT Group) Code of Conduct and France/Mexico veto restraint initiatives gained momentum.
2022	UNGA Resolution 76/262 creates automatic GA debate after any veto in the UNSC (A/RES/76/252)

Major Countries and Organizations Involved

UNGA:

The General Assembly represents the cooperation and coercion of States around the world. It derives its legitimacy from the principle of sovereign equality among States. AS a result, it often

becomes the primary forum for debates over democratic legitimacy when enforcement is hindered elsewhere, particularly within the UNSC. While it lacks the binding authority of the UNSC, it does have significant political influence through resolutions on democracy, electoral integrity, and the rule of law. Additionally, the Uniting for Peace mechanism allows the UNGA to assume a more active political role when the UNSC is unable to act due to veto use, thereby reinforcing legitimacy.

UNSC:

The UNSC holds the primary responsibility for international peace and security and has a higher level of enforcement power and authorization, including sanctions and collective action. These powers make it central to the protection of constitutional governments during political crises, particularly when it threatens the peace of other States. However the effectiveness is frequently limited due to the use of veto politics, which can prevent time-sensitive responses to unconstitutional seizure of power. Recently there have been transparency reforms which have tried to rebalance political authority by increasing accountability and giving more power to the participating member states.

DPPA and Electoral Assistance:

The UN's electoral assistance system is key in supporting democratic authorization at the domestic level. Through technical advice, logistical support, and coordination with national authorities, the UN assists Member States in conducting safe and secure electoral processes when assistance is requested. DPPA serves as an essential point for this work, ensuring coherence across UN agencies and in alignment with international standards.

UNDEF:

UNDEF contributes to democratic governance by providing funding to civil society organizations, independent media, and other programs that are involved in strengthening democratic processes. Unlike other enforcement based mechanisms, UNDEF aims to support long-term resilience, accountability, participation, and civic education. Its funding model reflects an understanding that democratic legitimacy depends not only on elections, but also on sustained public engagement and institutional trust. By operating through partnerships rather than directly, UNDEF reinforces democratic authorization while respecting sovereignty.

ECOWAS:

ECOWAS has developed one of the strongest regional frameworks that ties democratic legitimacy to constitutional governance through its 2001 Protocol on Democracy and Good Governance. The organization treats unconstitutional changes of a government as a threat and has demonstrated the intention to respond through diplomatic pressure, suspension of membership, sanctions, and mediation.

OAS:

The OAS institutionalizes democratic legitimacy through the Inter-American Democratic Charter, which defines democracy as an essential condition for participation within their system. The Charter authorizes collective responses to unconstitutional actions which disrupt democratic order. Emphasis is placed on dialogue and diplomatic measures before definitive action. By framing democratic governance as a shared regional obligation, the OAS underlines authority depends on constitutional processes and consent of the people rather than power.

Previous Attempts to Solve the Issue

UN Legal and Political Standards on Elections and Democracy, (1991-2001):

The General Assembly has been adopting multiple resolutions emphasizing democratic governance and credible elections since 1997 after the 161st session of the Inter-Parliamentary Union (IPU) where the Universal Declaration of Democracy was adopted. Resolutions such as “46/137”, adopted 17 December 1991, highlight periodic and genuine elections, while “55/96”, adopted 28 February 2001, calls for promoting and consolidating democracy through ethnic diversity and rights protections. Such efforts shape UN programming and provide a standard infrastructure for democratic procedures. However, they do not create a binding global authorization procedure.

Human Rights Treaty Enforcement of Political Participation (1966):

Article 25 of the ICCPR which clearly states: “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions.” (General Assembly resolution 2200A (XXI), 1966) together with interpretations proposed by the UNHRC establish a legal standard applicable in relevant context. Thus, it provides support for accountability even when national systems are weak.

UN Practice Condemning Unconstitutional Seizures of Power in Haiti, (1991):

The General Assembly deplored the unlawful replacement of the constitutional President of Haiti and proclaimed such acts as unacceptable through consensus resolution “46/7” adopted on 11 October 1991. Any acts of violence or military coercion affecting human rights demanded the immediate restoration of the legitimate government of President Aristide. (United Nations General Assembly, consensus resolution 46/7).

UNDEF, (2005):

UNDEF provides grants supporting the general public and projects supporting the adoption of democracy globally after being established in 2005. The funds provided vary depending on changing political climate and policies being adopted which affect financial aid and accessibility to it.

Alternative Solutions

- A central weakness today is the lack of a clearly defined global standard for how credentials and representation should be handled when coups or controversial changes of power occur. The UN often manages this through political practice, which can appear inconsistent. A possible solution is to clearly define guidelines for credentials decisions in cases of unconstitutional change. It would affirm that authorization is linked to the constitutional legality and genuine elections, recommend temporary credential deferral where rival claims exist, and encourage consultation with regional organizations where democracy clauses exist.
- Regional frameworks demonstrate that anti-coup countermeasures are enforceable when membership organizations agree on consequences. The UNGA would adopt a resolution that recognizes the regional democracy clauses as valuable tools, encourages information transparency and join mediation, and supports consistent measures against unconstitutional change.
- Elections by itself do not guarantee democratic authorization if citizens cannot organize, speak, or challenge power. ICCPR Article 25's effectiveness depends on surrounding rights. Many guidance documents stress that political participation depends on freedoms of expressions, assembly, and association. Legal capacity must be built for independent media and access to information laws, judicial protection of rights, transparent political finance regulation, and whistleblower protection laws.
- Since abolishing the veto is unlikely due to the Charter amendment rules requiring all permanent members to approve amendment, focusing on accountability mechanisms instead is more productive. Strengthening implementations of previous accountability resolutions such as A/RES/76/262, encouraging Member States to reference Uniting for Peace procedures more often, or promoting voluntary restraint initiatives.

Useful Links

[UN Charter](#)

[ICCPR](#)

[Human Rights Committee General Comment 25](#)

[UNGA Resolution 76/262](#)

[Uniting for Peace \(UNGA Resolution 377 A \(V\)\)](#)

[UN Democracy Fund \(About\)](#)

[DPPA Electoral Assistance factsheet \(2023\)](#)

[Inter-American Democratic Charter \(PDF\)](#)

[AU Lomé Declaration framework \(PDF compilation\)](#)

[African Charter on Democracy, Elections and Governance \(AU treaty page\)](#)

[ECOWAS Protocol on Democracy and Good Governance \(PDF\)](#)

[UNGA Rule of Law Declaration A/RES/67/1](#)

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