

‘Nah tek yuh mattie eye fuh see’: U.S. Involvement in the 2020 Guyanese Election

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Abstract

“Nah tek yuh mattie eye fuh see” is a Guyanese proverb meaning “see for yourself and form your own conclusions instead of relying on the reports of others.” In the case of the 2020 Guyanese presidential election, the words of this proverb ring true. Media coverage of the election has been one-sided, with the ruling coalition government at the time of the election, A Partnership for National Unity and the Alliance for Change (APNU+AFC), painted as usurpers of the democratic process, and the United States cast as a necessary facilitator and defender of democracy. This Comment paints a different picture. By situating the Guyanese election in the larger sociopolitical and economic history of U.S. influence in Latin America and the Caribbean, this Comment argues that Guyana is the latest casualty of U.S. hegemony. This Comment looks to international election law and various international treaties to determine on what legal grounds, if any, the U.S. decided to act. Ultimately, this Comment concludes that the U.S. engaged in the very election interference it accused Russia of committing during the 2016 U.S. presidential election. This conclusion compels a broader discussion about the current state of international election law and how it can be reformed to address the ongoing issue of election interference.

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I. INTRODUCTION

On August 2, 2020, after five months of turmoil, Guyana's new president, Dr. Irfaan Ali of the People's Progressive Party (PPP), assumed office as the new President of Guyana.¹ The road to this result was long, and allegations of election fraud, government corruption, and paid politicians stymied the democratic process. This called into question the election's validity.² President David Granger of the incumbent coalition government, A Partnership for National Unity and the Alliance for Change (APNU+AFC), said that he would accept the final decision of Guyana's various courts.³

However, numerous foreign actors, including the U.S., decided to get involved. In order to pressure the APNU+AFC government to "step aside," the U.S. Secretary of State, Mike Pompeo, announced travel bans "against those undermining democracy in the country, or complicit in doing so."⁴ This is far from the first time the U.S. has intervened in a foreign election.⁵ After the intervention of the courts and pressure from international actors, Guyana had its new president.⁶ But several lingering questions remain.

First, was democracy truly imperiled during Guyana's 2020 election? The election was deeply contested, but it is not clear that Guyana's democratic system was not working. Both the APNU+AFC and PPP cooperated with the authoritative bodies, including the Guyana Election Commission (GECOM) and the various courts. President Granger had publicly confirmed that he would accept the election results, whether or not they were in his favor.⁷

On the other hand, if Guyana's democracy was not at risk, what legal implications, if any, does this bear for the U.S.'s intervention? As the global power of the Western Hemisphere and one of Guyana's primary trading partners,⁸ the U.S. has a clear stake in Guyana's political affairs. A ruling government resistant

¹ See Janine Mendes-Franco, *Five Months After the Elections, Guyana Swears in New President*, GLOB. VOICES (Aug. 3, 2020, 12:30 AM), <https://perma.cc/9G4Y-SXT5>.

² See Janine Mendes-Franco, *The Long and Winding Road to Guyana's 2020 Election Results*, GLOB. VOICES (July 26, 2020, 1:58 AM), <https://perma.cc/5R22-KZM7>.

³ See Denis Chabrol, *President Will Accept GECOM's Declaration Without Condition*, DEMERARA WAVES (July 30, 2020), <https://perma.cc/YUA5-Q7YJ>; Patrick Wintour, *UK under Pressure to Join US Sanctions on Guyana*, THE GUARDIAN (July 17, 2020, 12:26 PM), <https://perma.cc/3MKH-R4NH>.

⁴ Wintour, *supra* note 3.

⁵ See Ishaan Tharoor, *The Long History of the U.S. Interfering with Elections Elsewhere*, WASH. POST (Oct. 13, 2016, 6:00 AM), <https://perma.cc/T3EA-NSA5>. See generally Claire M. Diallo, *The U.S. Empire: Is Any Sovereign Nation Safe After the Russian and Belarus Democracy Acts?*, 91 IOWA L. REV. 673 (2006).

⁶ See Janine Mendes-Franco, *supra* note 1.

⁷ See Chabrol, *supra* note 3; *Guyana President Willing to Accept Election Outcome*, N.Y. CARIBNEWS (July 31, 2020), <https://perma.cc/J98V-JVLT>. Ironically, the incumbent president in the U.S. 2020 elections failed to do the same.

⁸ WORLD INTEGRATED TRADE SOLUTION, GUYANA TRADE, <https://perma.cc/VJ4X-AHUI> (last visited Sept. 24, 2020).

to U.S. influence would ostensibly stymy American interests in Guyana's newly discovered oil reserves.⁹

Moreover, regardless of whether the U.S. was justified in its actions, did it follow proper protocol and procedure when it imposed visa sanctions on Guyana in hopes of influencing Guyana's election?

Ultimately, this Comment concludes that far from being a facilitator of democracy, the U.S. played the role of a hegemonic election interferer. Furthermore, with its actions, the U.S. breached its obligations as a party to the Charter of Organization of American States (OAS)¹⁰ and the Inter-American Democratic Charter,¹¹ two binding treaties.

This Comment proceeds in three parts. Section II traces the history of U.S. hegemony and election interference in the Western Hemisphere and uses this history as a vehicle for explaining international election standards and election interference. Section III discusses the 2020 Guyana presidential election, focusing on what made this election unique while simultaneously contextualizing it within the larger narrative of U.S. interference and influence in South America. Finally, Section IV assesses the APNU+AFC's performance as election facilitators under the international election standards and evaluates the legal obligations the U.S. had under the OAS Charter and the Democratic Charter with regards to election interference.

II. AN OVERVIEW OF INTERNATIONAL ELECTION LAW

According to Jonathan Godinez, a political analyst and legislative researcher, the U.S. has intervened in eighty-one foreign elections from 1947 to 2018.¹² Godinez defines foreign electoral intervention as “the action of one country, covertly or overtly, intervening in another country's election or its subsequent results.”¹³ “Covert Action . . . [is] a foreign policy tool to further U.S. interests in another country without the U.S. Government being fully aware of it.”¹⁴ It's important to note that covert action is typically conducted by a foreign intelligence agency of a government, and not the government itself. Contrariwise, “[o]vert

⁹ See Clifford Krauss, *With a Major Oil Discovery, Guyana is Poised to Become a Top Producer*, N.Y. TIMES (Jan. 13, 2017), <https://perma.cc/K4NP-7KAF>.

¹⁰ Apr. 30, 1948, 2 U.S.T. 2394, 119 U.N.T.S. 3 [hereinafter OAS Charter].

¹¹ Sept. 11, 2001, OAS Doc. OEA/Ser.P/ AG/Res.I (XXVIII-E/01) [hereinafter Democratic Charter].

¹² Jonathan J. Godinez, *The Vested Interest Theory: Novel Methodology Examining US-Foreign Electoral Intervention*, 11.2 J. STRATEGIC SEC. 1, 2 (2018), available at <https://perma.cc/QX82-94EZ>.

¹³ *Id.* at 4.

¹⁴ *Id.*

action is a type of action used by the U.S. government that is public in nature, operations . . . without concealment.”¹⁵

Although this Comment ultimately focuses on the role the U.S. played in the 2020 Guyana elections, a brief overview of U.S. foreign policy in the Western Hemisphere and the role the U.S. played in other elections is a helpful tool for understanding international election law.

This Section will first examine the Monroe Doctrine before discussing the 1970 Chilean election and 2002 Bolivian election. Using those elections as a springboard, this Section will then refer to various U.N. conventions to define and analyze international election standards. Finally, it will use the work of several scholars to define election interference.

A. The Monroe Doctrine

On September 25, 2018, in an address to the U.N. General Assembly, President Donald J. Trump breathed new life into the Monroe Doctrine,¹⁶ the two-hundred-year-old symbol of “U.S. gunboat diplomacy in Central and South America, and the Caribbean.”¹⁷ Originally, the Monroe Doctrine began¹⁸ as an assertion of U.S. influence over the Western Hemisphere and as a warning to the European powers that the U.S. would view any European attempts to oppress or control any nation in the Western Hemisphere as a threat against the U.S.¹⁹

On December 6, 1904, President Theodore Roosevelt added the Roosevelt Corollary to the Monroe Doctrine, which stated that cases of flagrant and chronic wrongdoing by countries in the Western Hemisphere would “ultimately require intervention” by the U.S. in those countries’ affairs.²⁰ Roosevelt and subsequent U.S. presidents would later use the Monroe Doctrine to justify U.S. intervention in the Dominican Republic,²¹ Cuba,²² Haiti,²³ and other countries in the Western

¹⁵ *Id.*

¹⁶ Remarks by President Trump to the 73rd Session of the U.N. General Assembly (Sept. 25, 2018), <https://perma.cc/PM22-N6TD> (“Here in the Western Hemisphere, we are committed to maintaining our independence from the encroachment of expansionist foreign powers. It has been the formal policy of our country since President Monroe that we reject the interference of foreign nations in this hemisphere and in our own affairs.”).

¹⁷ Lucia Newman, *Trump Revives Monroe Doctrine as Warning to China and Russia*, AL JAZEERA (June 19, 2019), <https://perma.cc/3L4Y-KMRC>.

¹⁸ See James Monroe, U.S. President, Seventh Annual Message (Monroe Doctrine) (Dec. 2, 1823), <https://perma.cc/RC8Y-W689>.

¹⁹ See *id.*

²⁰ Theodore Roosevelt, U.S. President, Annual Message to Congress (Roosevelt’s Corollary to the Monroe Doctrine) (Dec. 6, 1904), <https://perma.cc/83UX-7QHP>.

²¹ See John W. Blassingame, *The Press and American Intervention in Haiti and the Dominican Republic, 1904-1920*, 9.2 CARIBBEAN STUD. 27 (1969) (explaining that Roosevelt used his Monroe Doctrine corollary to justify U.S. intervention in the Dominican Republic).

²² See generally RICHARD H. COLLINS, *THEODORE ROOSEVELT’S CARIBBEAN: THE PANAMA CANAL, THE MONROE DOCTRINE, AND THE LATIN AMERICAN CONTEXT* (1990).

²³ See Blassingame, *supra* note 21.

Hemisphere. One hundred years of interventionist foreign policy later, Secretary of State John Kerry announced the end of the Monroe Doctrine.²⁴ Whether Kerry's words meant the effective end of the Monroe Doctrine in practice is an open debate.²⁵ Nonetheless, Trump's words to the U.N. General Assembly, combined with recent U.S. activity in Venezuela, Chile, and Mexico, signified an obvious return to an interventionist approach that has typified U.S. foreign policy in the Western Hemisphere.²⁶

When considering the Monroe Doctrine, it becomes easy to imagine how the U.S. intervened in eighty-one elections. However, a deeper look at a few of these elections in the Western Hemisphere is needed to contextualize the U.S.'s actions in the 2020 Guyanese election.

B. The 1970 Chilean Election

The 1970 Chilean election provides useful background on why the U.S. chooses to interfere in foreign elections, how it engages in foreign election interference, and the extent to which the U.S. is willing to interfere.

The election was a three-way race between Radomiro Tomic of the Christian Democratic Party (PDC), former Chilean president Jorge Alessandri of the National Party (PN), and Salvador Allende of Popular Unity (UP), a leftist coalition government.²⁷ The U.S. was hostile towards an Allende presidency because of his communist sympathies.²⁸ To undermine Allende's campaign and influence the election outcome, the U.S. engaged in covert election interference actions such as investing \$8 million into Chilean political ads and propaganda.²⁹ This proved for naught, as Allende won and moved quickly to nationalize privately held businesses like mining companies and farms.³⁰

U.S.-owned companies suffered under this government-mandated depreciation of value, and relations between the U.S. and Chile further soured.³¹ According to the notes of Richard Helms, the CIA Director at the time, President

²⁴ See John Kerry, U.S. Sec'y of State, Remarks on U.S. Policy in the Western Hemisphere (Nov. 18, 2013), <https://perma.cc/UWU4-P5AE> ("Today, however, we have made a different choice. The era of the Monroe Doctrine is over.")

²⁵ See Federico Finchelstein & Pablo Piccato, *Latin America Sees Straight Through John Kerry's 'Monroe' Speech*, THE GUARDIAN (Nov. 21, 2013, 12:15 PM), <https://perma.cc/B3H6-8R8K>.

²⁶ Newman, *supra* note 17.

²⁷ See THE ALLENDE YEARS AND THE PINOCHET COUP, 1969–1973, U.S. DEP'T OF STATE, OFF. OF THE HISTORIAN, <https://perma.cc/4G3L-XUUV> (last visited Oct. 4, 2021).

²⁸ See *id.*

²⁹ CHURCH COMMITTEE: VOLUME 7 - HEARINGS ON COVERT ACTION, MARY FERRELL FOUND., <https://perma.cc/83YE-S3AQ> (last visited Nov. 9, 2020). The 1975 Church Commission Report is a Senate committee investigation into U.S. covert involvement in Chile during the 1960s and 1970s.

³⁰ See THE ALLENDE YEARS AND THE PINOCHET COUP, *supra* note 27.

³¹ See *id.*

Richard Nixon ordered the U.S. operatives “to make the economy scream.”³² The U.S. did just that, and reduced its aid to Chile from \$35 million in 1969 to \$1.5 million in 1971.³³ This contributed to the food and commodity shortages that ensued.³⁴ Ultimately, the CIA helped a military coup led by Augusto Pinochet overthrow Allende’s government, and during the resulting chaos, Allende died.³⁵

This history helps shed light on why and how the U.S. acted in the 2020 Guyana election. During the 1970 Chilean election, fear of communism and its economic impact on U.S. holdings in Chile were the driving forces behind U.S. intervention. Admittedly, those fears were warranted—these events took place at the height of the Cold War, when communist Russia and Cuba were exerting heavy influence on emerging governments around the world. And, almost immediately after assuming office, Allende nationalized private and foreign-owned businesses with little to no compensation given to their original owners. However, none of this exculpates the U.S. from its election interference. The question remains, does international election law allow for election interference in the name of economic and political interests?

C. The 2002 Bolivian Election

The Bolivian election is another significant example of a U.S. attempt to influence an election. Akin to the Chilean election, the U.S. had a disfavored candidate. Evo Morales of Movimiento al Socialismo (MAS),³⁶ the leader of Bolivia’s coca³⁷ growers union, drew the U.S.’s ire because he opposed Bolivia’s neo-liberal reforms from the 1980s and wanted to increase Bolivia’s resistance to U.S. and International Monetary Fund (IMF) initiatives.³⁸

The U.S. warned the Bolivian electorate that if they elected Morales, they would be jeopardizing any future U.S. aid to Bolivia.³⁹ As in 1970 Chile, withholding aid is an oft-used tool in the U.S.’s election interference toolkit.

³² CIA ACTIVITIES IN CHILE, CIA, <https://perma.cc/K4PR-56WS> (last visited Nov. 9, 2020).

³³ Linda K. Harris, *In 1970, the U.S. Meddled in Chile’s elections, with Tragic Results*, PHILA. INQUIRER (Aug. 23, 2017), <https://perma.cc/B9NB-CCXC>.

³⁴ *Id.*

³⁵ See Pascale Bonnefoy, *Documenting U.S. Role in Democracy’s Fall and Dictator’s Rise in Chile*, N.Y. TIMES (Oct. 14, 2017), <https://perma.cc/VTL9-NT8R>.

³⁶ Matthew M. Singer & Kevin M. Morrison, *The 2002 Presidential and Parliamentary Elections in Bolivia*, 23 ELECTORAL STUD. 172, 174–75 (2004).

³⁷ Coca means cocaine leaves.

³⁸ Singer & Morrison, *supra* note 36, at 176. But unlike the Chilean election, this time the U.S. was careful to root its animus against the left-wing candidate in less political justifications. The U.S. argued that as the leader of Bolivia’s coca growers, Morales was “somehow connected with drug trafficking and terrorism,” and thus unfit to serve as president. Duncan Campbell, *Bolivia’s Leftwing Upstart Alarms US*, THE GUARDIAN (July 14, 2002, 10:35 PM), <https://perma.cc/3SXX-FQT6>.

³⁹ See Campbell, *supra* note 38.

Ironically, the U.S.'s threats "appeared to infuriate Bolivians and enhanced the popularity of Mr. Morales."⁴⁰ If left to the voters, it's possible that Morales could have gone on to win the presidency. But ultimately the decision fell to the Bolivian Congress because none of the candidates garnered 50% of the vote,⁴¹ and it elected the right-wing candidate Goni on August 4, 2002.⁴²

D. International Election Standards: What States Owe Their Voters

The history of U.S. involvement in Western Hemisphere elections serves as a useful segue into discussing what exactly is international election law. When scholars discuss international election law, they are referring to international election *standards*, which are "are universal principles and guidelines to promote genuine democratic election processes."⁴³ On their own, international election standards are not binding. Rather, they have evolved from protocols, declarations, treaties, and other international instruments that safeguard democracy and human rights, and thus we must look to those instruments as possible sources of enforcement.⁴⁴

The U.N. Universal Declaration of Human Rights is an example of one of those instruments. Article 21, Section 3 of the Charter states, "[t]he will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."⁴⁵ This offers a glimpse of the obligations that states owe to their citizens vis-à-vis elections. Firstly, elections must be periodic and genuine, and secondly, they must be held by secret vote or equivalent free voting procedures.⁴⁶

U.N. General Comment 25, The Right to Participate in Public Affairs, Voting Rights, and the Right to Equal Access to Public Service, lists eight state election obligations.⁴⁷ In Section IV.A, this Comment analyzes Guyana's ability to fulfill these election obligations.

⁴⁰ *Id.*

⁴¹ Singer & Morrison, *supra* note 36, at 177.

⁴² *See id.* at 181.

⁴³ NAT'L DEMOCRATIC INST., APPLYING INTERNATIONAL ELECTION STANDARDS: A FIELD GUIDE FOR ELECTION MONITORING GROUPS, <https://perma.cc/GC97-SN3F> (last visited Sept. 24, 2020).

⁴⁴ *See id.*

⁴⁵ G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948).

⁴⁶ *See id.*

⁴⁷ Hum. Rts. Comm., Gen. Comment No. 25: The Right to Participate in Public Affairs, Voting Rights, and the Right to Equal Access to Public Service (Art. 25), U.N. Doc. CCPR/C/21/Rev.1/Add.7 (July 12, 1996).

E. Election Interference: What Foreign States Can and Cannot Do

1. What is election interference?

Election interference is one country acting, covertly or overtly, to intervene in another country's election or its subsequent results.⁴⁸ Scholars describe the theoretical and empirical research on foreign electoral intervention as “exceedingly weak.”⁴⁹ However, there are a handful of scholars who have completed studies of non-cyber-focused election interference at the state level.

In their 2012 article, political science professors Daniel Corstange and Nikolay Marinov theorize that there are two types of foreign election interference: *partisan* intervention and *process* intervention.⁵⁰ “A partisan intervention occurs when a foreign actor seeks to advance a specific ticket.”⁵¹ “A process intervention, in contrast, occurs when foreign actors seek to support the rules of democratic contestation, regardless of who wins.”⁵² In their article, Corstange and Marinov provide three examples of partisan intervention: (1) providing help with campaign logistics via funding and expertise to a particular side; (2) attempting to swing the vote directly through threats of sanctions or promises of aid; and (3) corrupting the electoral process itself by ignoring or contributing to abuses by their protégés.⁵³

However, they offer only one example of process intervention: seeking an independent electoral commission.⁵⁴ This is one weakness of the Corstange and Marinov article. Another is its failure to explicitly state how Corstange and Marinov draw the line between election influence and election interference. Looking at the examples of election interference that Corstange and Marinov provide, it appears that they draw lines based on concrete, overt acts of intervention. Covert acts are not explicitly included in their analysis.⁵⁵

⁴⁸ See Godinez, *supra* note 12.

⁴⁹ Stephen Shulman & Stephen Bloom, *The Legitimacy of Foreign Intervention in Elections: The Ukrainian Response*, 38 REV. INT'L STUD. 445, 445 (2012). See also Daniel Corstange & Nikolay Marinov, *Taking Sides in Other People's Elections: The Polarizing Effect of Foreign Intervention*, 56. 3 AM. J. POL. SCI. 655, 655 (2012) (“How do voters react to foreign interventions in the quintessentially domestic concern of elections? We are aware of virtually no prior work in this area.”).

⁵⁰ See Corstange & Marinov, *supra* note 49, at 657.

⁵¹ *Id.*

⁵² *Id.* at 655.

⁵³ *Id.* at 656.

⁵⁴ See *id.*

⁵⁵ See *id.* at 655. However, as we see when discussing the U.S. covertly funneling money for anti-Allende propaganda during the 1970 Chilean election under the guise of campaign funds, there is significant slippage between overt and covert acts of election interference.

Alternatively, Dov H. Levin, a professor of international relations, takes a different approach.⁵⁶ Instead of bifurcating election interference into partisan interventions and process interventions, Levin broadly defines electoral intervention before providing several examples of activities he coded as an electoral intervention.⁵⁷ Under Levin's framework, an act of electoral intervention must be:

intentionally done in order to help or hurt one of the sides contesting the election for the executive," and must "clearly carry significant costs that were either (a) immediate (cost of subsidizing the preferred candidate's campaign/a covert intervention) and/or (b) longer-term/potential (loss of prestige/credibility if a public intervention fails and/or long-term damage to the relations once act is done or exposed).⁵⁸

Activities that Levin coded as election interference include: (1) provision of campaign funds to the favored side either directly (to candidate/party coffers) or indirectly; (2) public and specific threats or promises by an official representative of the intervening country; (3) training locals (of the preferred side only) in advanced campaigning and get out the vote techniques; (4) covert dissemination of scandalous exposés/disinformation on rival candidates; (5) sudden new provision of foreign aid or a significant increase in existing aid and/or other forms of material; and (6) withdrawal of part or whole of aid, preferred trading conditions, loan guarantees, etc.⁵⁹

Notably, and unlike Corstange and Marinov's list, Levin's list explicitly includes both covert and overt acts. Under the Levin framework, the U.S.'s actions during the 1970 Chilean election and the 2002 Bolivian election constituted election interference. In Chile, not only did the U.S. covertly disseminate propaganda on the candidate it disfavored, but it also withdrew aid from Chile. To be sure, the aid withdrawal came after the election as a retaliatory move from the Nixon administration. Thus, Levin might not code Nixon's withdrawal of aid as election interference. However, it is critical to note that using aid and sanctions as a sharp prod is a hallmark of U.S. interventionist foreign policy under the Monroe Doctrine.

Unlike Levin, Corstange and Marinov would not count the Chilean propaganda dissemination by itself as election interference because it was a covert act. Rather, the fact that the U.S. gave the funds for the propaganda to anti-socialist campaigns in Chile is what makes it election interference under the Corstange-Marinov framework. This is just one example of how the Levin framework is far more expansive than the Corstange-Marinov framework.

⁵⁶ See Dov H. Levin, *Partisan Electoral Interventions by the Great Powers: Introducing the PEIG Dataset*, CONFLICT MGMT. & PEACE SCI. 88, 90 (2016).

⁵⁷ *See id.*

⁵⁸ *Id.*

⁵⁹ *See id.*

However, both frameworks have difficulty drawing a line between election influence and election interference.

Between the Corstange-Marinov and Levin frameworks, it's unclear whether the international law community values one more than the other. However, each framework has been cited numerous times and seems generally well-supported.⁶⁰

2. What does it mean for a state to commit election interference?

A core issue of international law is knowing when it is binding and thus imposes legal liability on a state. This is true for something as universal as international election standards, and especially true for a concept like election interference, which abuts a state's right to sovereignty.⁶¹ Because the U.N. Charter was widely adopted by states from around the world, scholars often point to it as a source of state obligations. However, other international treaties and conventions can also be a source of a state's obligations and form the basis of a legal claim against a state, provided that the state has signed and ratified them. For the U.S. and its Western Hemisphere neighbors like Guyana, Chile, and Bolivia, as members of the Organization of American States (OAS), a regional organization in the Americas that seeks to further democracy, human rights, security, and development in its thirty-five Member States,⁶² the OAS Charter and the 2001 Inter-American Democratic Charter are other sources of obligation and liability.⁶³ Particularly important for the purposes of this Comment, the Democratic Charter lays out election intervention standards to which its Member States must adhere.

Sovereignty guarantees to each state “the right freely to choose and develop its political, social, economic and cultural systems” and mandates that “the territorial integrity and political independence of the State are inviolable.”⁶⁴ However, under the Democratic Charter, there are specific carve-outs for state intervention in the name of preserving democracy. First, states can ask of their own volition for the OAS to intervene if they believe their democratic political institutional process is imperiled.⁶⁵ Second, if an “event of an unconstitutional

⁶⁰ Google search page showing how many times the Corstange and Marinov paper, *supra* note 45, has been cited by other scholars, <https://perma.cc/AP2J-K86D>; Google search page showing how many times the Levin paper, *supra* note 54, *P* has been cited by other scholars, <https://perma.cc/48R3-4YYY>.

⁶¹ See G.A. Res. 26/25 (XXV), Declaration on Principles of International Law Concerning Friendly Relations and Co-Operation Among States in Accordance with the Charter of The United Nations (Oct. 24, 1970) (“All States enjoy sovereign equality. They have equal rights and duties and are equal members of the international community, notwithstanding differences of an economic, social, political or other nature.”).

⁶² *Who We Are*, OAS, <https://perma.cc/4BAW-G6FU> (last visited Aug. 10, 2020).

⁶³ OAS Charter, *supra* note 10; Democratic Charter, *supra* note 11.

⁶⁴ G.A. Res. 26/25 (XXV), *supra* note 61.

⁶⁵ Democratic Charter, *supra* note 11, § 3, art. 17 (“When the government of a member state considers that its democratic political institutional process or its legitimate exercise of power is at risk, it may

alteration of the constitutional regime that seriously impairs the democratic order in a member state [occurs], any member state or the Secretary General may request the immediate convocation of the Permanent Council to undertake a collective assessment of the situation and to take such decisions as it deems appropriate.”⁶⁶ Under the Democratic Charter, unilateral action by a single Member State is not permitted. Doing so would breach Article 19 of the OAS Charter, which prohibits a state from intervening “directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other State.”⁶⁷

On April, 12, 2002 during an attempted coup, Venezuela became the first country to formally invoke the Democratic Charter.⁶⁸ The coup temporarily removed then-President Hugo Chavez from office.⁶⁹ In accordance with the Democratic Charter, Venezuela asked the OAS to intervene because it feared its democracy was imperiled.⁷⁰ A few days after this formal invocation, Chavez reassumed office.⁷¹ However, the OAS General Assembly still convened and agreed to “provide the support and assistance that the Government of Venezuela require[d] to consolidate its democratic process.”⁷² The OAS’s declaration did not fully explain the form of that support and assistance, but did voice its support of a truth commission the Chavez government wanted to establish to investigate the violent events surrounding the attempted coup.⁷³ Since 2002 in Venezuela, states and politicians have formally and informally invoked the Democratic Charter three times: 2009 in Honduras,⁷⁴ 2014 in Venezuela,⁷⁵ and 2016 in Venezuela.⁷⁶

The Democratic Charter did not exist at the time of the 1970 Chilean election. Furthermore, the U.S. would likely argue that the Democratic Charter was too recent for it to have prohibitive power during the 2002 Bolivian elections. Nevertheless, it is helpful to apply the election intervention standards laid out in the Democratic Charter to the U.S.’s activity during these elections. We now know

request assistance from the Secretary General or the Permanent Council for the strengthening and preservation of its democratic system.”).

⁶⁶ *Id.* § 4, art. 20.

⁶⁷ OAS Charter, *supra* note 10, ch. 3, art. 19.

⁶⁸ See OAS, The Current Situation in Venezuela, OAS Doc. CP/doc. 3616/02 (May 28, 2002), <https://perma.cc/EV36-KR9L>.

⁶⁹ See *id.*

⁷⁰ See *id.* See also OAS, Declaration on Democracy in Venezuela, OAS Doc. AG/CG/doc.16/02 (June 4, 2002), <https://perma.cc/FNY7-5FKU>.

⁷¹ See Alex Bellos, *Chavez Rises from Very Peculiar Coup*, THE GUARDIAN (Apr. 15, 2002, 10:08 AM), <https://perma.cc/9RH2-9F2V>.

⁷² See OAS, *supra* note 70.

⁷³ See *id.*

⁷⁴ See Arshad Mohammed & David Alexander, *Obama Says Coup in Honduras Is Illegal*, REUTERS (June 29, 2009, 1:03 PM), <https://perma.cc/N9W7-6LAG>.

⁷⁵ See John Kerry Says Venezuela’s ‘Terror Campaign’ Must End, BBC (Mar. 14, 2014), <https://perma.cc/UJF8-VDML>.

⁷⁶ See Lesley Wroughton, *Kerry Launches Talks with Venezuela but Backs Disputed Referendum*, REUTERS (June 14, 2016, 12:14 PM), <https://perma.cc/KMN9-2M9L>.

that under the binding treaties of the OAS, intervening in another state's political affairs like elections is prohibited, unless the Permanent Council has received a report of an impaired democratic process. And even then, the OAS mandates a specific protocol for addressing threats to democracy within Member States' territories and does not allow other Member States to unilaterally intervene. So, if it occurred today, the U.S.'s unilateral election interference in Chile and Bolivia in the name of combatting socialist and communist regimes would doubly breach the international covenants by which the U.S. is bound.

III. THE 2020 GUYANESE PRESIDENTIAL ELECTION

Now grounded in the applicable international election law, this Comment returns to the question of the U.S.'s role in the 2020 Guyanese elections. It first lays out pertinent facts before analyzing Guyana's and the U.S.'s activity during the election.

A. Background to the Election

There were several important events leading up to the 2020 Guyanese election. In May 2015, ExxonMobil announced the discovery of multiple offshore oil fields about 120 miles off the Guyanese coast.⁷⁷ Industry experts believe Guyana has “one of the richest oil and natural gas discoveries in decades” and “is poised to become the next big oil producer in the Western Hemisphere.”⁷⁸ This discovery placed Guyana in the spotlight on the world stage. Prior to 2015, Guyana had an average per capita annual income of \$4,000⁷⁹ and was known as “a poor former British sugar colony” neighboring Venezuela.⁸⁰ With the oil discovery, Guyana became poised to be a major oil producer and has already received investment dollars from companies like Exxon.⁸¹ Early rough estimates place the value of Guyana's oil fields at \$200 billion, an unprecedented amount for a developing nation.⁸² But unsurprisingly, the sudden change in Guyana's economic fortune has raised significant questions about Guyana's ability to navigate this new territory.⁸³ Fears have already emerged that Guyana signed a contract with Exxon that was highly favorable to the big oil company and

⁷⁷ See Anatoly Kurmanav & Clifford Krauss, *A Small Country, an Oil Giant, and their Shared Fortune*, N.Y. TIMES (Mar. 18, 2020), <https://perma.cc/UJG5-XSEN>.

⁷⁸ See Krauss, *supra* note 9.

⁷⁹ See Anthony T. Bryan, *Guyana, One of South America's Poorest Countries, Struck Oil. Will It Go Boom or Bust?*, THE CONVERSATION (Nov. 1, 2017, 6:16 AM), <https://perma.cc/Y2KR-5NNM>.

⁸⁰ See Krauss, *supra* note 9.

⁸¹ See *id.* See also GUYANA, EXXONMOBIL, <https://perma.cc/Y4WL-F3CM>, (last visited Nov. 10, 2020).

⁸² See Krauss, *supra* note 9.

⁸³ See *id.*

exploitative of Guyana.⁸⁴ In 2018, the mounting pressure of going toe-to-toe with Exxon and other oil companies, coupled with the reignition of entrenched ethnic divisions between Black Guyanese and Guyanese of South Asian descent, culminated in a no-confidence vote against the APNU+AFC.⁸⁵

This ethnic divide falls along party lines, with most Black Guyanese supporting the APNU+AFC and most Guyanese of South Asian descent supporting the PPP.⁸⁶ Because Black Guyanese make up 29.3% of the population and South Asian Guyanese make up 39.8%, voting down racial lines typically results in a PPP victory.⁸⁷ However, during the 2015 Guyanese election, Guyanese citizens overcame this divide to elect the APNU+AFC coalition government. But, after Exxon discovered the massive oil fields, supporters of both the APNU+AFC and PPP grew fearful that the opposing side would exclude them from the oil bounty if they were in power.⁸⁸ Thus, the always simmering tension between Black Guyanese and South Asian Guyanese reached a fever pitch, and the PPP capitalized on the unrest.⁸⁹

The PPP called for the no-confidence vote after the party leader, Bharrat Jagdeo, accused President Granger of selling Guyana's "patrimony" to Exxon.⁹⁰ The vote was expected to fall along party lines in APNU+AFC's favor, but a last-minute change allowed the PPP to win by a 33-32 margin.⁹¹ As a result of the vote, the ruling government was required to hold new elections within ninety days.⁹² In what some are calling a threat to Guyana's sovereignty,⁹³ the APNU+AFC challenged the no-confidence vote in court and ultimately lost.⁹⁴ This meant that the election had to go forward.

⁸⁴ *See id.*

⁸⁵ *See* Clifford Krauss, *Guyana's Government Falls in No-Confidence Vote*, N.Y. TIMES (Dec. 22, 2018), <https://perma.cc/S8E5-QNLM>.

⁸⁶ *See* Nafeeza Yahya-Sakur & Anatoly Kurmanav, *Guyana Swears In New Leader, Resolving Struggle Over Oil Wealth*, N.Y. TIMES (Aug. 2, 2020), <https://perma.cc/LKD8-VRDP>.

⁸⁷ COMPENDIUM 2: POPULATION COMPOSITION, BUREAU OF STATISTICS, GUYANA, July 2016, <https://perma.cc/RL6L-YVWX> (last visited Jan. 1, 2021). Furthermore, prior to the APNU+AFC's victory in 2015, the PPP was Guyana's ruling government for the better part of thirty years. *See* COMMONWEALTH SECRETARIAT, GUYANA GENERAL AND REGIONAL ELECTIONS 4 (2001), <https://perma.cc/56V6-HUQN>.

⁸⁸ *See* Yahya-Sakur & Kurmanav, *supra* note 86.

⁸⁹ *See id.*

⁹⁰ Neil Marks, *Guyana Government to Challenge No-Confidence Vote*, REUTERS (Jan. 3, 2019, 4:21 PM), <https://perma.cc/KMG5-NJV3>.

⁹¹ *See* Tamanisha J. John, *Guyana: Sovereignty Imperiled by Disrupted Election*, COUNCIL ON HEMISPHERIC AFF. (July 30, 2020), <https://perma.cc/6KBY-EBF6>.

⁹² *See id.*

⁹³ *See id.*

⁹⁴ *See* CCJ AFFIRMS GUYANA'S NO CONFIDENCE MOTION, CARIBBEAN CT. OF JUS., <https://perma.cc/D8LW-RELL> (last visited Nov. 10, 2020).

However, GECOM, Guyana's statutory body responsible for overseeing the electoral process, encountered its own problems, resulting in further delays.⁹⁵ After APNU+AFC and PPP agreed to appoint a new GECOM chairperson, the electoral body announced that it could not hold credible elections until the end of February 2020.⁹⁶

B. The Election is Held

Approximately 480,000 Guyanese citizens hit the polls on March 2, 2020.⁹⁷ As the votes began to roll in, the PPP was ahead by more than 50,000 votes.⁹⁸ The only set of votes outstanding were from Region Four, Guyana's most populous region.⁹⁹ When those votes finally arrived, it appeared as though the APNU+AFC had enough of a margin to overcome the PPP's 50,000-vote lead. Immediately, however, allegations of fraud erupted.¹⁰⁰ Under Guyanese law, election workers must use official Statements of Polls (SoPs) to verify election results.¹⁰¹ But after the Returning Officer of Region Four fell ill, an unnamed staff member used a spreadsheet to verify the election results.¹⁰² According to witnesses, the numbers on the spreadsheet did not correspond to the numbers of the SoPs from observers and agents of various political parties.¹⁰³ These observers and agents notified Keith Lowenfield, the Chief Election Officer, who confirmed that there were errors in the record.¹⁰⁴ Ultimately, Lowenfield resolved the controversy by using his own SoPs to verify the final count, but the PPP decided to file suit.¹⁰⁵ They filed a claim seeking to invalidate the Region Four results and to request an injunction barring Region Four from announcing the results until they are properly verified.¹⁰⁶ The

⁹⁵ See John, *supra* note 91.

⁹⁶ See *id.* See also *Guyana: Chief Elections Officer Says Polls Cannot Be Held on March 19*, ST. LUCIA NEWS ONLINE, (Feb. 8, 2019), <https://perma.cc/6WN7-7H7Q> (reporting that GECOM officials claimed they “would not have been able to acquire the necessary materials to ensure a credible election” by March 19, 2019).

⁹⁷ ELECTIONS 2020, GUYANA NEWS AND INFO., <https://perma.cc/S3Z9-W7CN> (last visited Nov. 10, 2020).

⁹⁸ See Janine Mendes-Franco, *Guyana: Timeline of an Election Impasse*, GLOB. VOICES (Apr. 2, 2020, 3:26 PM), <https://perma.cc/ZVG5-XFHG>.

⁹⁹ See *id.*

¹⁰⁰ See *id.*

¹⁰¹ *Controversy Erupts Over Spreadsheet at GECOM's Region Four Office*, STABROEK NEWS (Mar. 5, 2020), <https://perma.cc/PD8E-2SHH>.

¹⁰² See *id.*

¹⁰³ See *id.*

¹⁰⁴ See *id.*

¹⁰⁵ See *id.*

¹⁰⁶ See Mendes-Franco, *supra* note 98.

Supreme Court of Guyana granted the injunction, and GECOM halted the electoral process.¹⁰⁷

Upon hearing the case on the merits, the Supreme Court of Guyana ruled that the Region Four results were unlawful because they did not adhere to the vote counting process laid out in Section 84 of Guyana's Representation of the People Act.¹⁰⁸ This nullified Region Four's declaration that APNU+AFC had enough votes to overcome the PPP's 50,000-vote lead. As a result, the fate of Guyana's presidential office hung in the balance until GECOM could conduct a Region Four recount.¹⁰⁹ Shortly after the Supreme Court handed down its decision, the heads of the Caribbean Community (CARICOM),¹¹⁰ a regional organization of Caribbean states with the primary objective of promoting economic integration and cooperation, arrived in Guyana to observe the election and to urge both the APNU+AFC and the PPP to abide by the law.¹¹¹

On March 12, ten days after the polls closed, GECOM restarted the Region Four verification process. Unfortunately, the process was stalled again, because the Region Four Returning Officer used the contentious spreadsheet, not the SoPs.¹¹² The PPP objected, and the Supreme Court reaffirmed that the Returning Officer must use the SoPs, not the spreadsheet.¹¹³ Counting resumed, but this time the Returning Officer used photocopies of the SoPs that were allegedly tampered with and declared APNU+AFC the winner of Region Four.¹¹⁴

This set off a fresh chain of events. First, the OAS election observer mission, deployed to Guyana to observe the elections, pulled out of Guyana in protest of the proceedings and began to prepare their report to the OAS Secretary General.¹¹⁵ Second, President Granger requested that an independent, high-level CARICOM team oversee not only a recount of the Region Four results, but also of the results from all ten electoral regions.¹¹⁶ CARICOM agreed, and the election recount was set for March 16, but further delays pushed the recount to May 6.¹¹⁷

¹⁰⁷ See *PPP Moves for Injunction to Stop Declaration Without Recount*, STABROEK NEWS (Mar. 15, 2020), <https://perma.cc/372U-LE9L>.

¹⁰⁸ See Mendes-Franco, *Guyana: Timeline of an Election Impasse*, *supra* note 93 (citing Representation of the People Act (1964) (Guyana)).

¹⁰⁹ See Mendes-Franco, *supra* note 98.

¹¹⁰ See *Who We Are*, CARICOM: CARIBBEAN COMMUNITY, <https://perma.cc/26HL-6CEM> (last visited Nov. 10, 2020).

¹¹¹ See *Granger, Jagdeo, Pledge to Uphold Law to Resolve Election Crisis*, STABROEK NEWS (Mar. 5, 2020), <https://perma.cc/NQ8J-TQDB>.

¹¹² See Mendes-Franco, *supra* note 98.

¹¹³ See *id.*

¹¹⁴ See *id.*

¹¹⁵ See *OAS Observer Mission Pulls Out of Guyana Over Flawed Region Four Process*, STABROEK NEWS (Mar. 13, 2020), <https://perma.cc/96NC-2PEY>.

¹¹⁶ See *President Granger and Jagdeo Agree to Recount All Votes*, KAIETEUR NEWS, (Mar. 15, 2020), <https://perma.cc/6E9M-BJ6H>.

¹¹⁷ See Mendes-Franco, *supra* note 98.

After a month of recount inconsistencies and accusations of stalling, the results were finally in.¹¹⁸ The PPP was declared the winner, and it was now the APNU+AFC's turn to allege fraud.¹¹⁹

Citing Article 177(4) of Guyana's Constitution, the APNU+AFC questioned the credibility of recount results.¹²⁰ Their argument hinged on Article 177(b), which states:

where there are two or more Presidential candidates, if more votes are cast in favour of the list in which a person is designated as Presidential candidate than in favour of any other list, the Presidential candidate shall be deemed to be elected as President and shall be so declared by the Chairman of the Election Commission acting only in accordance with the advice of the Chief Election Officer, after such advice has been tendered to the Election Commission at a duly summoned meeting.¹²¹

Despite instructions from GECOM's Chairman, Chief Election Officer Lowenfield had yet to agree with the PPP victory because he believed a number of the election ballot boxes were corrupted and that approximately 115,000 votes were invalid.¹²² Guyana's Court of Appeals agreed with Lowenfield that the invalid votes must be excluded, and when Lowenfield removed the allegedly invalid votes, the APNU+AFC came out as victorious.¹²³ The PPP appealed to the Caribbean Court of Justice (CCJ),¹²⁴ Guyana's highest court of appeals, which ruled that only the recount votes could be used to declare the final winner of the election.¹²⁵ This would mean a PPP victory because, as Guyana's highest court of appeals, the CCJ legally has the final word. The Guyana Court of Appeals reversed its earlier decision and ultimately agreed with the CCJ's judgement.¹²⁶ It also ruled that the answer to Guyana's elections results lay in the recount votes that declared the PPP

¹¹⁸ See Mendes-Franco, *supra* note 2.

¹¹⁹ See *Unofficial Results Show 33 Seats for PPP/C, 31 for APNU+AFC, One for List Joinder*, STABROEK NEWS (June 8, 2020), <https://perma.cc/PC2P-G6EP>.

¹²⁰ See Mendes-Franco, *supra* note 2.

¹²¹ CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA Feb. 20, 1980, ch. 4, art. 177(2)(b).

¹²² See Mendes-Franco, *supra* note 2.

¹²³ See *id.*

¹²⁴ Guyana has three appellate courts—two domestic courts and one international regional court. In order of rising hierarchy, these courts are the Guyana Court of Appeals, the Supreme Court of Guyana, and Caribbean Court of Justice. The latter is highest court of appeals for Guyana, and has the final say in legal disputes. See Errol A. Adams, *Guyana Law and Legal Research*, HAUSER GLOB. L. SCH. PROGRAM (May/June 2020), <https://perma.cc/V76F-Y27W>.

¹²⁵ See Femi Harris-Smith, *Chief Justice Says Only Recount Results Can Be Used to Declare Elections Winner*, STABROEK NEWS (July 21, 2020), <https://perma.cc/F2X3-DVRP>.

¹²⁶ See Janine Mendes-Franco, *Appeal Court Says the Answer to Guyana's Election Results Lies in the Recount*, GLOB. VOICES (July 31, 2020, 2:55 PM), <https://perma.cc/3P2F-SJQZ>.

the winner.¹²⁷ Five months to the day after the polls first closed, Dr. Irfaan Ali of the PPP was sworn in as Guyana’s new president.¹²⁸

C. U.S. Intervention and Influence in Guyana

As these tumultuous events unfolded in Guyana, the world was watching. Canada, the U.K., and the OAS called for then-President Granger to step aside and threatened to “use all the tools at [their] disposal to demand a swift and transparent conclusion to the election process.”¹²⁹ But it was the U.S. that acted.

On July 15, 2020, U.S. Secretary of State Mike Pompeo officially intervened in the 2020 Guyana elections. Via an official State Department press statement, Pompeo imposed visa restrictions on “individuals who have been responsible for, or complicit in, undermining democracy in Guyana.”¹³⁰ Although Pompeo’s statement did not name specific individuals, it did target “Guyana’s leaders” who have “repeatedly refused to accept the will of the people at the ballot box,” which “showed a victory for the opposition.”¹³¹ In other words, Pompeo targeted the APNU+AFC and the Granger administration with the sanctions. In addition to the visa sanctions, Pompeo said during a White House morning briefing that “[t]he Granger government must respect the results of the democratic elections and step aside.”¹³²

Pompeo was not the only U.S. official to speak publicly on the 2020 Guyanese election. On March 12, 2020, Acting U.S. Assistant Secretary for Western Hemisphere Affairs, Michael G. Kozak, tweeted: “Under U.S. law and practice those who participate and benefit from electoral fraud, undermine democratic institutions and impede a peaceful transition of power can be subject to a variety of consequences. De facto regimes do not receive the same treatment from us as democratically elected governments.”¹³³ Later, on July 30, 2020, Kozak again tweeted, “Today we took action to bar additional senior officials responsible for, or complicit in, undermining democracy in Guyana from entering the U.S.

¹²⁷ See Janine Mendes-Franco, *Appeal Court Says the Answer to Guyana’s Election Results Lies in the Recount*, GLOB. VOICES (July 31, 2020, 2:55 PM), <https://perma.cc/3P2F-SJQZ>.

¹²⁸ See Mendes-Franco, *supra* note 1.

¹²⁹ Wintour, *supra* note 3.

¹³⁰ See Michael R. Pompeo, U.S. Sec’y of State, U.S. Department of State Imposes Visa Restrictions on Guyanese Individuals Undermining Democracy (July 15, 2020), <https://perma.cc/5S62-D6NL>.

¹³¹ *Id.*

¹³² Jacqueline Charles, *U.S. Hits Guyana with Visa Restrictions, Calls for President Granger to ‘Step Aside’*, MIA. HERALD (July 15, 2020, 11:27 AM), <https://www.miamiherald.com/news/nation-world/world/americas/article244241167.html>.

¹³³ U.S. Official Warns of Consequences for Those Who Take Part in Electoral Fraud Here, STABROEK NEWS (Mar. 12, 2020), <https://perma.cc/VFN8-MLS6>.

The U.S. will not stand by as the Granger administration continues to defy the will of the Guyanese people. Democracy must prevail.”¹³⁴

These actions of the U.S. and words of top U.S. officials vis-à-vis the Guyana elections do not exist in a vacuum. As the U.S. Department of State noted, Guyana and the U.S. have a relationship spanning more than fifty years.¹³⁵ To be sure, the balance of power in this relationship has been one-sided. Since its independence, Guyana has been dependent on U.S. aid and trade.¹³⁶ The numbers say it all: from 2001 to today, Guyana has received \$289 million in foreign aid from the U.S.¹³⁷ In 2018 alone, U.S. foreign aid to Guyana constituted 14% of Guyana’s GDP.¹³⁸ Meanwhile, Guyana’s trade deficit with the U.S. was \$230 million in 2018.¹³⁹ And despite Guyana’s recent economic change of circumstances, the U.S. still provided \$1.7 million in COVID-19 relief funds to Guyana.¹⁴⁰ Throughout the years, Guyana has readily accepted the U.S.’s aid¹⁴¹ and in some cases has requested U.S. aid.¹⁴² Thus, when analyzing the role of the U.S. in Guyana’s election, is important to remember the strong economic ties that bind Guyana to the U.S.

IV. ASSESSING THE U.S.’S INTERVENTION IN THE 2020 GUYANESE ELECTION

“Nah tek yuh mattie eye fuh see” is a Guyanese proverb meaning “see for yourself and form your own conclusions instead of relying on the reports of others.”¹⁴³ This is an apt proverb to use in the context of the 2020 Guyanese election. The consensus among world news outlets, foreign nations like the U.S., and regional actors like the OAS and CARICOM was that the 2020 election

¹³⁴ *U.S. Slaps Visa Restrictions on More Senior Guyanese Officials*, GUYANA TIMES (July 31, 2020), <https://perma.cc/E5JL-ED9U>.

¹³⁵ *See* Fact Sheet from Office of the Spokesperson, U.S. Dep’t of State, Guyana and the United States: More Than 50 Years of Friendship (Sept. 16, 2020), <https://perma.cc/9YCV-7RWB>.

¹³⁶ *See* Bilateral Relations Fact Sheet from Bureau of Western Hemispheric Affairs, U.S. Dep’t of State, U.S. Relations with Guyana (May 12, 2020), <https://perma.cc/SD5Y-V54T>.

¹³⁷ U.S. FOREIGN AID BY COUNTRY: GUYANA, USAID, <https://perma.cc/W8TR-3HB7> (last visited Nov. 10, 2020).

¹³⁸ *See* U.S. Dep’t of State, *supra* note 136.

¹³⁹ *See id.*

¹⁴⁰ *See The United States Provides Assistance to Guyana to Respond to Covid-19*, U.S. EMBASSY IN GUYANA, <https://perma.cc/A3KZ-KEND> (last visited Nov. 10, 2020).

¹⁴¹ *See* Odeen Ishmael, Ambassador of Guyana, Rationale for the Continuation of U.S. Foreign Aid to Guyana (Feb. 13, 1995), <https://perma.cc/GG47-YKR8> (“Guyana has been the recipient of US foreign aid and continues to be appreciative of such assistance.”).

¹⁴² *See U.S. Commits \$100M to Guyana to aid COVID-19 fight*, KAIETEUR NEWS (Apr. 24, 2020), <https://perma.cc/RAU7-WA62> (“The United States Government will be releasing some \$100M to the authorities in Guyana to aid the fight against the novel Coronavirus (COVID-19) . . . In recent weeks, Guyana has made several requests for international aid from several organizations.”).

¹⁴³ *Guyanese Proverbs*, GUYANA NEWS INFO., <https://perma.cc/4L9D-MIT2> (last visited Sept. 4, 2021).

imperiled Guyana's democracy.¹⁴⁴ However, after analyzing the facts of the Guyanese election through the lens of international election law standards, this Comment reaches a different conclusion. While the Guyanese election was certainly contentious, the proceedings demonstrate that Guyana's democratic system of checks and balances was working, albeit slowly. Similarly, with regards to U.S. involvement in the election, the international consensus was that the U.S. needed to play the role of democracy's defender.¹⁴⁵ Again, this Comment reaches a different conclusion, and argues that the U.S.'s involvement in Guyana's elections was the latest example of the U.S. exerting hegemonic influence over the internal affairs of a foreign state in violation of international law.

A. Under International Election Law, Guyana Was in Part Fulfilling its Election Responsibilities

The Guyanese 2020 elections were undeniably messy. Corruption, fraud, and bias loomed like specters around every corner. And yet, when applying international election law standards to the actions of Guyana's government, it appears the government was in part fulfilling its election responsibilities to Guyana's citizens.

According to the U.N. Committee on Human Rights, when holding elections, states must:

(1) hold periodic elections by secret ballot; (2) facilitate voter registration and dismantle any obstacles to registration; (3) take measures to overcome specific difficulties, such as illiteracy, language barriers, poverty, or impediments to freedom of movement which prevent persons entitled to vote from exercising their rights effectively; (4) guarantee voters are entitled to cast ballots without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector's will; (5) respect and implement the results of genuine elections; (6) establish an independent electoral authority to supervise the electoral process; (7) ensure independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes; and (8) guarantee that voters have equal access to the vote irrespective of their race, color, or national or ethnic origin, gender, and disability status.¹⁴⁶

¹⁴⁴ See generally John, *supra* note 91; Bert Wilkinson, *Guyana in Crisis Due to Dispute over Election Fairness*, AP NEWS (June 16, 2020), <https://apnews.com/article/8a0fc3a1ec3de0f03e61675893eece250>; OAS STATEMENT ON THE ELECTORAL PROCESS IN GUYANA, OAS (June 23, 2020), <https://perma.cc/7BUW-Z92C>.

¹⁴⁵ See Charles, *supra* note 132. *But see US Congressional Representatives Condemn Trump's Interference in Guyana Elections*, N. Y. CARIBNEWS (July 21, 2020), <https://perma.cc/4GCZ-EHJ9>.

¹⁴⁶ U.N. Committee on Human Rights Gen. Comment 25 (July 12, 1996).

This Comment will evaluate Guyana's performance on six of the eight measures.¹⁴⁷

1. Guyana holds periodic elections by secret ballot

The controversial no-confidence vote and the APNU+AFC's attempts to invalidate it give the impression that Guyana does not hold free and periodic elections. This is false. Even before Guyana gained independence in 1966, it had already held its first free elections in 1953.¹⁴⁸ Unfortunately, independence in 1966 ushered in a period of fraudulent elections that lasted until 1992.¹⁴⁹ However, under its current constitution, Guyana must hold elections every five years, notwithstanding votes of no-confidence which, if successful, require new elections to be held within ninety-days of the vote.¹⁵⁰ This system appears to work in practice; Guyana successfully held elections in 2015, 2011, 2006, 2001, 1997, and 1992.¹⁵¹

While the Guyanese Constitution mandates periodic elections, the Representation of the People Act requires "election[s] be conducted by secret ballot."¹⁵² And again in practice, it appears that the Guyanese government adheres to this requirement. For example, not only are presidential elections conducted via secret ballot, but party presidential candidates are also picked using secret ballots.¹⁵³ Caribbean Elections, an online election portal, lays out the Guyanese ballot casting process.¹⁵⁴

By all indications, Guyana holds periodic elections by secret ballot. This is critical because periodic elections conducted with secret ballots are the universally embraced U.N. Charter requirements.

2. Guyana is trying to facilitate voter registration

According to the International Foundation for Electoral Systems's (IFES) final report on Guyana's civil and voter registration and identification system, in 1995, Guyana's voter registration system was "a persistent electoral problem."¹⁵⁵ Despite "considerable advances" and success with registration during the 1992

¹⁴⁷ Factors three and eight are omitted because they are tangential to the central topic of election fraud and corruption.

¹⁴⁸ Matthias Trefs, *Guyana, in* ELECTIONS IN THE AMERICAS A DATA HANDBOOK VOLUME 1: NORTH AMERICA, CENTRAL AMERICA, AND THE CARIBBEAN 353, 354 (Dieter Nohlen, ed., 2005).

¹⁴⁹ *See id.* at 357.

¹⁵⁰ CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA Feb. 20, 1980, ch. 4 art. 70(3).

¹⁵¹ Trefs, *supra* note 148, at 357–58.

¹⁵² Representation of the People Act (1964) (Guyana), part I(3)(1).

¹⁵³ *See PPP Presidential Candidate to Be Picked by Secret Ballot*, STABROEK NEWS (Dec. 28, 2018), <https://perma.cc/5ZFX-S78X>.

¹⁵⁴ *See Guyana Election Basics*, CARIBBEAN ELECTIONS, <https://perma.cc/4S2C-3JT2> (last visited Nov. 10, 2020).

¹⁵⁵ DAVID CARROLL et al., INT'L FOUND. FOR ELECTORAL SYS., GUYANA FINAL REPORT: CIVIL REGISTRATION AND IDENTIFICATION SYSTEM 1 (1995).

general elections and 1994 municipal elections, the IFES determined that Guyana needed to implement a new voter registration and identification system and proposed a plan.¹⁵⁶

Despite consensus in Guyana's Parliament that voter registration needed critical reform,¹⁵⁷ the IFES's plan caused disagreement within the Guyanese politics and society, stymying the reform process.¹⁵⁸ This demonstrates how the debilitating political divide currently extant in Guyanese politics contributes to the perpetuation of Guyana's most pressing issues.

While it is unclear whether the Guyanese Parliament ever fully implemented the IFES's plan, a door-to-door registration process was successful, with Guyana registering 90,000 new voters between the 2011 and 2015 elections.¹⁵⁹ Still, as recently as 2019, Guyana sought help from the Electoral Commission of Jamaica (ECJ) with finalizing its voter registration system.¹⁶⁰ Thus, while Guyana has made strides to better facilitate voter registry, it appears that political strife and technological gaps continue to stymy its efforts.

3. Guyana inconsistently guarantees voters the right to vote without undue influence

Another state obligation under international election standards is to guarantee that voters can cast ballots without undue influence or coercion of any kind that may distort or inhibit the free expression of the elector's will. Provision 78 of Guyana's Representation of the People Act states:

no person shall anywhere within a distance of two hundred yards of a polling place annoy, molest, or otherwise interfere with an elector. . . . Any person who contravenes any of the provisions of this section shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.¹⁶¹

Despite this strong statutory language, during the 2020 election, observers from the Carter Center, a nongovernmental organization that helps to improve lives by resolving conflicts, advancing democracy, and preventing diseases, "observed the presence of campaigning and campaign materials within 200 yards of polling stations [in violation of] the law."¹⁶² Relatedly, the Carter Center observers also noted that the APNU+AFC and PPP operated information desks

¹⁵⁶ *See id.*

¹⁵⁷ *See id.*

¹⁵⁸ *See id.* at 2.

¹⁵⁹ *See Carter Center Encourages Patience and Peace as Guyana Awaits Election Results*, CARTER CTR. (Mar. 4, 2020), <https://perma.cc/5QAW-M2ZH>.

¹⁶⁰ *See Guyana Seeking Jamaica's Assistance with Voter Registration System*, GLEANER (Sept. 3, 2019), <https://perma.cc/3PYU-BL2G>.

¹⁶¹ Representation of the People Act (1964) (Guyana), part I(78).

¹⁶² *See* CARTER CTR., *supra* note 159.

in Regions Four, Seven, Nine, and Ten.¹⁶³ Although this doesn't run afoul of a particular provision in Guyanese election law, it runs counter to the spirit of the prohibition against electioneering within two hundred yards of polling stations. Furthermore, it certainly undermines the ability of voters to cast ballots in an influence-free, coercion-free zone.

4. Guyana respects and implements the results of genuine elections

This international election law standard cuts at the heart of the 2020 Guyana election. Despite President Granger of the APNU+AFC confirming on two separate occasions that he would accept the outcomes of a credible election,¹⁶⁴ skepticism abounded. According to the international community, Granger stretched the election proceedings out too long and should have accepted defeat after the May 6 recount declared the PPP as the election winner.¹⁶⁵ Granger's counterargument was that the May 6 recount was not a genuine election result because the 2020 voter list included "the dead and migrated," and the PPP thwarted the APNU+AFC's attempts to "cleanse" or update the list.¹⁶⁶ While the timing of Granger's fraud allegations are suspicious, it is worth noting that the Carter Center also voiced concerns that "the number of registered voters seemed disproportionate to Guyana's estimated population."¹⁶⁷

But up to this point, when assessing Guyana's adherence to international election law standards, this Comment has focused on the activities of Guyana's entire political system, not on the actions of a particular government, leader, or administration. The urge to look to the ruling coalition's actions when considering state action highlights a fundamental question of international law. What are states? Are they the government that rules them? Are they the people who live in them? Or is it somewhere in between? Thus far, this Comment has taken a general, holistic view of the state, not focusing on the actions of one ruling government or administration, but rather looking at Guyana's actions as a country in the aggregate. For example, when considering whether Guyana held periodic elections by secret ballot, this Comment looked to Guyana's election history as well as to the text of Guyana's constitution and election laws, not only to Parliament's actions during the 2020 election. Continuing this approach here reveals that, although Guyana sometimes refused to accept election results in the past, it certainly accepts them today.¹⁶⁸

¹⁶³ See *id.*

¹⁶⁴ See Chabrol, *supra* note 3; KAIETEUR NEWS, *supra* note 116.

¹⁶⁵ See Mendes-Franco, *supra* note 127; Charles, *supra* note 132.

¹⁶⁶ See APNU+AFC Claims Massive Fraud Detected at the Conclusion of Recount of Ballots in Guyana, BUS. WIRE (June 11, 2020, 6:44 PM), <https://perma.cc/SA6Y-CQB4>.

¹⁶⁷ See CARTER CTR., *supra* note 159.

¹⁶⁸ See Trefs, *supra* note 148, at 355–56 (explaining that after the 1961 Guyanese election results were announced, massive demonstrations erupted, leading to interracial violence, a state of emergency, and the intervention of British troops). *But see* Ivelaw Griffith, *Guyana's Elections Are Over . . . Almost*.

5. Guyana has not established an independent electoral body to supervise elections

Another major source of contention during the 2020 Guyanese election was GECOM, Guyana's election commission. Beginning in 2018 with the no-confidence vote and its inability to hold credible elections within the requisite ninety days, GECOM has appeared at best as an incompetent, overwhelmed, and outdated body, and at worst as a corrupt arm of the ruling government. Fundamentally, GECOM as it currently exists does not satisfy international election law standards for independent electoral bodies. The reason is simple. So long as Guyana's executive branch plays a decisive role in appointing GECOM's members, by definition GECOM cannot be an independent electoral body.¹⁶⁹

6. Guyana ensures independent scrutiny of the electoral process and access to judicial review

If Guyana's 2020 elections made anything clear, it was that Guyana ensures independent scrutiny of the electoral process and guarantees access to judicial review. Starting with the contested no-confidence vote, the courts were readily available to both sides of the election and to individual Guyanese citizens who felt compelled to file suits.¹⁷⁰ In sum, Guyana has three courts that can weigh in on election matters—the Guyana Court of Appeals, the Supreme Court of Guyana, and the CCJ. As the regional court of appeals for Caribbean, the CCJ is Guyana's court of last resort and has the final word. But more fundamentally, not only does Guyana ensure access to judicial review during elections, this access is meaningful. In other words, the judiciary's rulings are binding, and its word is law. For example, after the Supreme Court of Guyana ruled that the initial Region Four count was fraudulent, GECOM was required to conduct a recount.¹⁷¹ And critically, by holding that the recount votes should decide the outcome of the presidential election, the CCJ effectively decided who won Guyana's election. Voters may have placed the ballots, but it was Guyana's judiciary that had the final word.

But That's the Easy Part, N. Y. CARIBNEWS (Aug. 12, 2020), <https://perma.cc/HCV5-RNSP> (noting that despite the hotly contested nature of the 2020 election, there was “no violence and rampage during the saga”). Furthermore, it is important to note that in cases where Guyana refused to accept an election result, it was in cases where the election had credible fraud allegations or were not free and fair. For more on this point, see generally COMMONWEALTH SECRETARIAT, GUYANA GENERAL AND REGIONAL ELECTIONS 4 (2001), <https://perma.cc/56V6-HUQN>.

¹⁶⁹ See *About the Guyana Elections Commission*, GECOM, <https://perma.cc/Y8ZT-QJT9> (last visited Nov. 11, 2020) (explaining that Guyana's President, together with the leader of the opposition party, appoints GECOM's Chairperson and members).

¹⁷⁰ See, e.g., *Saturday Hearing for Misenga Jones Appeal in Election Case*, NEWS SOURCE (July 22, 2020), <https://perma.cc/8BNJ-U7NR> (describing the court proceedings for the Misenga Jones suit. Jones is a Guyanese citizen who filed suit in the Guyana Court of Appeals asking it to throw out a decision from CCJ as unconstitutional).

¹⁷¹ See Mendes-Franco, *supra* note 98.

In terms of independent scrutiny of elections, several foreign electoral observer missions observed the Guyanese election. At the beginning of the process, OAS and the Carter Center were front and center but ultimately left because of COVID-19 concerns and mounting tensions from the elections.¹⁷² While the OAS pulling out was alarming, the subsequent arrival of CARICOM allayed fears that Guyana's elections would be conducted in the dark and out of view.¹⁷³

7. Guyana's Overall Performance

Considering Guyana's performance on the international election law standards holistically, this Comment concludes that Guyana was in part fulfilling its election responsibilities during the 2020 elections. Yes, some of the events that occurred during the election were alarming. However, when it mattered most, Guyana's supposedly fragile democracy and rickety electoral system proved to be more durable than many believed. This is largely owed to the intervention of Guyana's courts, which adhered to the rule of law and ensured that neither the APNU+AFC nor the PPP could play a decisive role in the final result.

B. U.S. Intervention Constituted Election Interference

This Comment now considers the actions of the U.S. during the Guyana 2020 elections. This Comment previously concluded that Guyana's democracy was not undermined during the 2020 election, but in fact was acting as democracies do during racially charged, politically divisive, and economically critical elections. However, as discussed below, even if Guyana's democracy was failing, this does not give individual foreign states carte blanche to intervene and interfere as they like. Ultimately, the weight of the evidence suggests that Corstange and Marinov would code the U.S.'s intervention in the 2020 Guyana election as election interference. Furthermore, under the Levin framework, the U.S.'s actions during the 2020 Guyana election definitively constituted election interference. Thus, regardless of Guyana's status at the time of the 2020 election, the U.S. broke international law when it unilaterally interfered in Guyana's internal affairs.

¹⁷² See *Carter Center Mission Departs Guyana but Remains Committed to Observing the Electoral Process and to Supporting Constitutional Reform*, CARTER CTR. (Mar. 20, 2020), <https://perma.cc/H3UF-S5A2>; *OAS Observer Mission Pulls Out of Guyana Over Flawed Region Four Process*, STABROEK NEWS (Mar. 13, 2020), <https://perma.cc/TB2Y-2FBY>.

¹⁷³ See Thandeka Percival, *CARICOM Team Arrives for Second Try at Recount*, STABROEK NEWS (May 2, 2020), <https://perma.cc/2DPR-KNVK>.

1. Under the Corstange-Marinov Framework, U.S. activity during Guyana's elections constituted election interference

Under the Corstange-Marinov framework, Pompeo's July 15 press statement announcing the visa sanctions against Guyanese leaders has elements of both partisan election interference and process election interference. At the time of the July 15 visa sanctions, Guyanese citizens had already cast their ballots in the 2020 Guyana election. However, the election itself was far from over, and its outcome was still susceptible to outside influence.¹⁷⁴ Thus, while Pompeo explicitly stated that the U.S.'s "action was not about interference" and that the U.S. has "long said that [it] has no preference for a winning party,"¹⁷⁵ the U.S.'s acts still had a partisan result.

The U.S. would likely argue that its involvement in the 2020 Guyana election was more akin to process intervention. Indeed, Pompeo claimed as much in his press release when he threatened individuals in Guyana "who seek to undermine democracy."¹⁷⁶ However, it is not obvious that under international election law process interventions done in the name of upholding democracy are legal. Legal instruments such as treaties and conventions must answer legality questions. In any case, process-based foreign election interventions are still an example of election interference. Thus, under the Corstange-Marinov framework, the U.S. imposition of visa sanctions on Guyanese leaders during the 2020 election constituted election interference.

2. Under the Levin Framework, U.S. activity during Guyana's elections constituted election interference

Recall that under the Levin framework, acts of election interference include public and specific threats or promises by an official representative of the intervening country. In the later stages of the Guyanese election, the U.S. imposed visa sanctions on individuals in Guyana "who have been responsible for, or complicit in, undermining democracy in Guyana" in hopes of pressuring the Granger administration to step down and "step aside."¹⁷⁷ The U.S. State Department announced the sanctions on its website, and Pompeo affirmed the decision in subsequent press meetings. By itself, these sanctions don't map exactly onto one of Levin's election interference activities. They come closest to being a specific threat or promise but go further because the U.S. didn't *threaten* or *promise* to impose sanctions, it just went ahead and did it.

¹⁷⁴ See Harris-Smith, *supra* note 125 (describing that the CCJ handed down its final decision about the outcome of the Guyanese election on July 21, six days after the July 15 visa sanctions announcement).

¹⁷⁵ Pompeo, *supra* note 130.

¹⁷⁶ *Id.*

¹⁷⁷ U.S. Calls on Guyana Government to 'Step Aside' after Disputed Vote, REUTERS (July 15, 2020), <https://perma.cc/ZGP2-54WB>.

Taken together with the tweets of U.S. Assistant Secretary Kozak and placed in the greater context of the U.S.'s hegemonic relationship with Guyana, the visa sanctions reach the level of election interference. Both before and after Pompeo announced the visa sanctions, Kozak made threats to Guyana. Ten days after the elections were held, Kozak warned Guyana that “[d]e facto regimes do not receive the same treatment from [the U.S.] as democratically elected governments.”¹⁷⁸ Given Guyana’s past dependence on U.S. financial aid, these words amount to a threat.

Then, on July 30, 2020, Kozak again tweeted, “Today we took action to bar additional senior officials responsible for, or complicit in, undermining democracy in Guyana from entering the U.S. The U.S. will not stand by as the Granger administration continues to defy the will of the Guyanese people. Democracy must prevail.”¹⁷⁹ Again, the statement, “the U.S. will not stand by,” serves as a threat and warning to Guyana. Unless the Granger government stepped down, the U.S. would continue to interfere and intervene in Guyana’s internal affairs. This is the very definition of election interference.

3. The U.S. breached the Democratic Charter

By interfering in the Guyanese election, the U.S. breached the OAS’s Democratic Charter. Both the U.S. and Guyana are signed and ratified Member States to the Democratic Charter, and thus bound by its text. Under the Democratic Charter, Guyana could have asked of its own volition for the OAS to intervene if it believed its democratic political institutional process was imperiled.¹⁸⁰ Guyana did not. However, under Article 20 of the Democratic Charter, the U.S. was allowed in the “event of an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order in a member state . . . [to] . . . request the immediate convocation of the Permanent Council to undertake a collective assessment of the situation and to take such decisions as it deems appropriate.”¹⁸¹ This the U.S. did do, *but only after it had already interfered in the Guyana election.*¹⁸² On July 21, 2020, Bradley Freden, the U.S.’s Deputy Representative in the OAS, attempted to retroactively seek approval for the U.S.’s imposition of sanctions on Guyana. He stressed to the other members of the OAS’s Permanent Council that the situation in Guyana was dire and that the

¹⁷⁸ U.S. Official Warns of Consequences for Those Who Take Part in Electoral Fraud Here, STABROEK NEWS (Mar. 12, 2020), <https://perma.cc/VFN8-MLS6>.

¹⁷⁹ GUYANA TIMES, *supra* note 134.

¹⁸⁰ See Democratic Charter, *supra* note 10, § 4, art. 17 (“When the government of a member state considers that its democratic political institutional process or its legitimate exercise of power is at risk, it may request assistance from the Secretary General or the Permanent Council for the strengthening and preservation of its democratic system.”).

¹⁸¹ *Id.* § 4, art. 20.

¹⁸² See Remarks from Bradley A. Freden, Deputy Permanent Representative of the U.S., Permanent Council Holds Special Meeting on Guyana (July 21, 2020), <https://perma.cc/SM3D-XVF4>.

sanctions came “after months of warnings.”¹⁸³ Even if that is all true, the Democratic Charter is clear that even in the face of serious threats to a Member State’s democratic order, OAS Member States must convene as a collective to decide next steps.¹⁸⁴ Nowhere in the Democratic Charter does it allow for unilateral state action. In fact, doing so would breach Article 19 of the OAS Charter, which prohibits a state from intervening “directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other State.”¹⁸⁵ So the U.S. was doubly in breach of the international treaties to which it belongs.

C. Possible Legal Ramifications for the U.S.

In its history, the OAS has imposed two types of punishments on Member States that breach its conventions: (1) suspension of membership and (2) imposition of economic and political sanctions. The first is provided for in the text of the Democratic Charter, but the second is not.¹⁸⁶ Here, there are a few factors that weigh against the OAS acting against the U.S. for its breach of the Democratic Charter. First, enforcement is unlikely because the consensus amongst international actors, including the OAS, is that the U.S. was justified when it intervened in the Guyanese election. Second, Guyana’s dependence on U.S. foreign aid serves as a powerful deterrent against Guyana’s new ruling government asking the OAS to punish the U.S. Finally, even if the OAS wanted to impose political and economic sanctions on the U.S., enforcement would be difficult given the U.S.’s power and influence. The OAS could impose the sanctions, but which OAS Member States would adhere to them and cease trading with the U.S.?

Therein lies the pressing problem facing international election law. An increasing number of countries are engaging in foreign election interference,¹⁸⁷ but international law is woefully ill-equipped to identify, deter, and punish this behavior. The existing frameworks for identifying election interference struggle to meaningfully distinguish election influence from election interference. And, where there are clear examples of election interference, the avenues for addressing it are limited. Such is the case of U.S. intervention in the 2020 Guyanese election. To truly solve the problem of foreign election interference, international law must

¹⁸³ *See id.*

¹⁸⁴ Democratic Charter, *supra* note 10, § 4, art. 20.

¹⁸⁵ OAS Charter, *supra* note 11, ch. 3, art. 19.

¹⁸⁶ Democratic Charter, *supra* note 10, § 4, art. 21 (“When the special session of the General Assembly determines that there has been an unconstitutional interruption of the democratic order of a member state, and that diplomatic initiatives have failed, the special session shall take the decision to suspend said member state from the exercise of its right to participate in the OAS by an affirmative vote of two thirds of the member states in accordance with the Charter of the OAS. The suspension shall take effect immediately.”).

¹⁸⁷ *See* Don H. Levin, *Sure, the U.S. and Russia often Meddle in Foreign Elections. Does it Matter?*, WASH. POST (Sept. 7, 2016 6:00 AM), <https://perma.cc/HLA2-9MKA>.

devise methods of keeping countries like the U.S. in check. The U.S. complained about foreign interference in its own 2020 elections. Perhaps convincing the U.S. that it also stands to gain if foreign election interference ceases is one way to solve this problem.