



**Community of Democracies Ministerial meeting, New York, 25 September 2012**

***Theme: Rule of Law and Democracy***

**Address by Vidar Helgesen, Secretary-General, International IDEA**

Excellencies, ladies and gentlemen,

Thank you for the invitation to speak at this panel today on the rule of law and democracy.

Thank you in particular to Mongolia, a member state of IDEA, and in particular to the President of Mongolia who is a champion of democracy. I would also like to extend my congratulations to Maria Leissner on her appointment as the first Secretary-General of the Community of Democracies.

The rule of law and democracy are separate but inseparable.

The report of the *Global Commission on Elections, Democracy and Security – “Deepening Democracy: A Strategy for Improving the Integrity of Elections Worldwide”* - which was launched earlier this month, has as its starting point the fundamental nature of the rule of law for democracy. The Global Commission was a high-level group of eminent individuals, chaired by Mr. Kofi Annan, and the report will be presented at an event co-hosted by Australia and Chile across the street tomorrow morning at 9 am.

The Global Commission’s report presents five challenges to the integrity of elections. The first among them is building the rule of law - the capacity and norms that ensure:

- that governments are accountable by law,
- that citizens are equal under the law,
- that lawmaking and enforcing are not arbitrary,
- and that laws respect human rights.

What does this mean when applied to elections? It means that action must be taken against incumbents or entrenched political interests seeking to manipulate the electoral process – throughout the entire electoral cycle. It means that strong independent courts are needed: to protect the rights of all voters, political parties and candidates; to enforce free and fair electoral procedures; and to pursue violations of the electoral process. For elections to have integrity, electoral justice must be done, and citizens must see that it is done.

The rule of law is fundamental also in other ways. Electoral Management Bodies can only be independent if those with power respect their judgments. Democracy should be a mutual security system among political competitors. It needs to constrain those who win and protect those who lose. This can only work if they have faith in impartial, independent courts and police. The rule of law is

also the key to participation, not least of women: overcoming barriers to participation through the selected use of quotas will be seen as more legitimate if the rationale behind the quotas is not seen as arbitrary. Controlling political finance requires that courts will hold competitors equally to task for violating political finance regulations. The critical role of the media for democracy also depends on the rule of law, so that those in power do not enjoy more protection from scrutiny than ordinary citizens.

Like democracy itself, the rule of law is deeply political, because it alters and constrains the use of power. Elected officials have a special responsibility: their behavior in accepting the law, particularly when it runs counter to their interest, is a make-or-break for the rule of law.

Previous speakers have referred to Mongolia's adoption of the MDG-9 on democracy.

The report of the Global Commission presents research which demonstrates the relevance of democracy and the rule of law for development:

A recent study of 800 elections in 97 countries since 1975 shows that elections with greater integrity are associated with higher electoral defeat of incumbent governments that performed poorly on economic growth and civil liberties in the years before an election;

This research confirms that electoral accountability – the ability to hold incumbents responsible for their governance performance through elections – depends on election quality;

Electoral accountability, in turn, is associated with lessening government corruption. In Brazil, for example, scholars found that increasing electoral accountability significantly decreases the corruption of incumbent politicians, especially where there was greater public access to information about financial wrongdoing by incumbents. Rules that enhance political accountability could reduce the costs of corruption to Brazil by billions of dollars a year.

These findings are supported by other studies that show significant statistical relationships between electoral fraud and poor economic policies and poor governance.

Against this evidence, the report recommends that democracy and the integrity of elections need to be part of the work on the international development agenda after the MDGs. The example set by Mongolia in adopting the MDG-9 should therefore be adopted by the international community as it draws up the post-2015 development agenda.

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