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DEMOCRACY FOR ALL



Education Towards a
Democratic Culture

“ To Our Future —
The Young People of South Africa ”



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DEMOCRACY FOR ALL

EDUCATION TOWARDS A DEMOCRATIC CULTURE

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SOUTH AFRICAN ADVISORY COMMITTEE Bess Pillemer (LHR), Roy Nthombeni (Vista University), Louise Olivier (Street Law), Russel Mphanga (Matla Trust), Simon Nthombela (IDASA), Anne Colvin (Black Sash), Tshidi Mhlambo (SACHED), David Shiman (University of Natal Fulbright Visiting Scholar and University of Vermont), Astrid Kotze and Eida Lyster (Centre for Adult Education, University of Natal, Durban), Pat Steel (Career Information Centre),

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UNITED STATES ADVISORY COMMITTEE Anthony Carroll (American Bar Association), Clinton Bamberger (University of Maryland, retired), Father Robert Drinan (Georgetown Law Centre), Steven Fleischmann (American Federation of Teachers), Thomas Krattenmaker (Georgetown Law Centre), Richard Roe (Georgetown Law Centre), Timothy Sisk (U S Institute for Peace), Amy Young (U S Information Agency) and Melanie Bixby (U S State Department)

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STREET LAW

Street Law is an independent national programme housed at South African universities which provides practical law related education to school pupils and the broader community. The purpose of the programme is to contribute to the emergence of a democratic society in South Africa through the cultivation of a culture of rights and duties as expressed in a democratic constitution. Street Law's services include curriculum development, teacher training and teaching assistance to secondary schools and community organisations. Street Law produces books, pamphlets and posters on aspects of law-related education and human rights. If you would like further information on the Street Law Programme and the teaching of law, human rights and democracy in South Africa, contact the Street Law National Office, Centre for Socio Legal Studies, University of Natal, Durban, King George V Avenue, Durban, 4001. Telephone (031) 812358, Fax (031) 811765

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NICEL is a national American non profit organisation dedicated to fostering widespread understanding of the law and the legal system in the United States and elsewhere in the world. NICEL's services include curriculum development, teacher training and technical assistance to new and established law-related education programmes. NICEL produces many publications, ranging from text books and film strips to a newsletter. If you would like further information on the teaching of law, human rights and democratic principles in the United States or other countries, contact NICEL, 711 G Street SE, Washington DC, 20003. Telephone (202) 5466644, Fax (202) 5466649

PREFACE

Democracy for All is aimed at everyone young people, adults, students and teachers It explains what the international community accepts as democracy, how government works in a democracy, how abuse of power is checked in a democracy, how human rights support democracy, how democratic elections take place, and, the ways citizens can participate in a democracy

The aim of this book is to help create a “culture of democracy” to begin building an understanding of, and concern for, democracy This task is particularly urgent for South Africa, which has history of intolerance, human rights abuse and lack of democracy It is essential that education about democracy be provided to all South Africans rich and poor, black and white, employed and unemployed, rural and urban Democracy education must truly be for all

Throughout this book students will be encouraged to examine real and fictitious case studies in order to determine the facts of a situation, decide what issues are in conflict and learn the options which exist to resolve conflicts By analyzing facts, determining their own beliefs, listening to the views of others and comparing the merits of various options they will become both better informed and more skilled in solving problems

Well informed people who want to participate in their own society, and know how to do so effectively, are essential to a “New South Africa” If the country is to succeed its people must recognize and support “*Democracy for All*”

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1. WHAT IS DEMOCRACY?

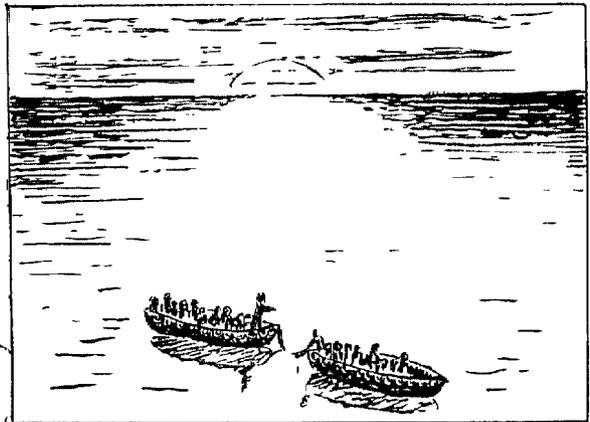
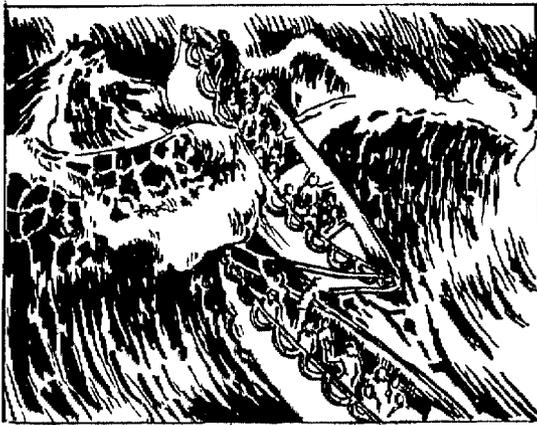
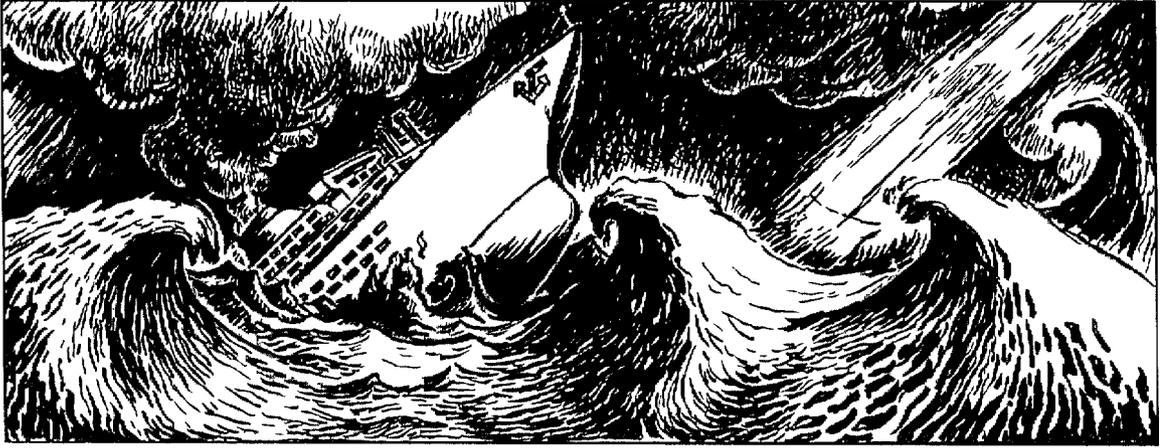


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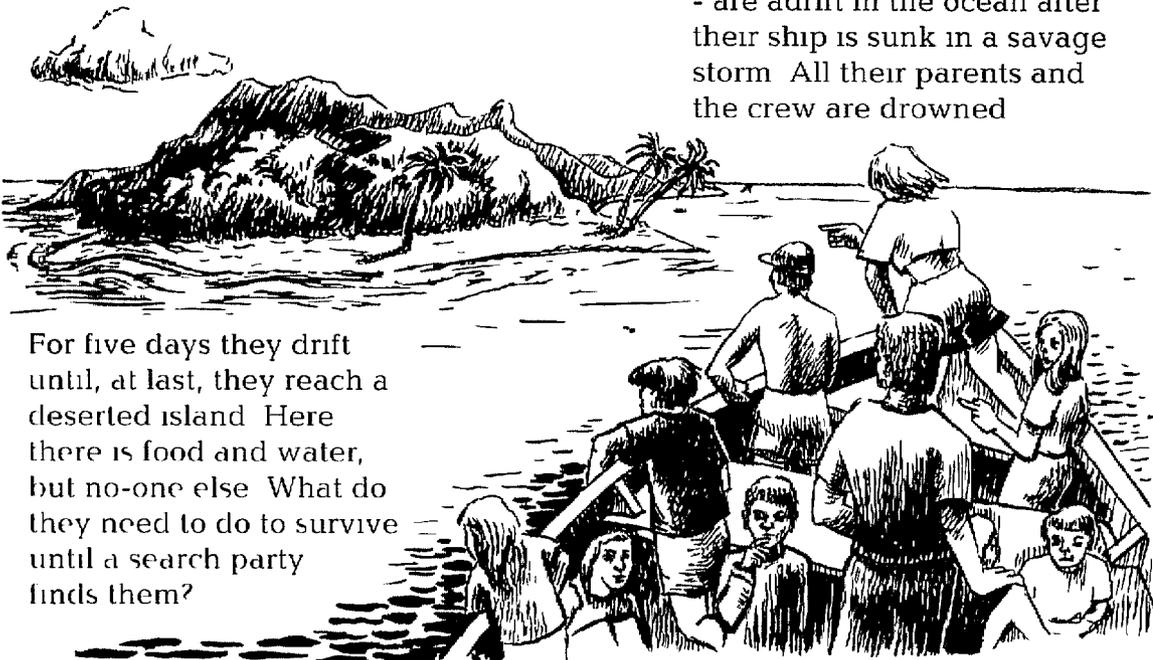
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AFTER READING THIS CHAPTER YOU SHOULD BE ABLE TO:

- 1 Describe a democratic government and tell how it differs from a dictatorship
- 2 Compare legitimate and illegitimate governmental power
- 3 Distinguish between the different types of democracy
- 4 Name the fundamental principles of democracy
- 5 Discuss your expectations concerning democracy
- 6 Decide if you think democratically



Twenty six young people - six teenagers and twenty children - are adrift in the ocean after their ship is sunk in a savage storm. All their parents and the crew are drowned.



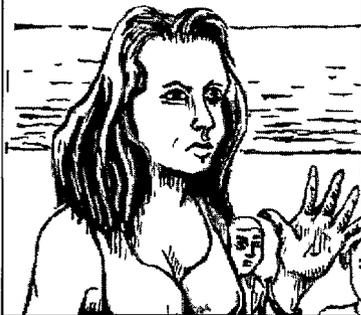
For five days they drift until, at last, they reach a deserted island. Here there is food and water, but no-one else. What do they need to do to survive until a search party finds them?

Everyone agrees that there should be rules so that they can get on with each other and live safely. But who is to make the rules? Peter, aged 17, is the first to speak.



Atiena (16) disagrees

Everyone, even the younger kids, should decide on and agree to every rule! Their opinions count too. Everyone must help. And we don't need bossy people giving us orders!



Raphael (15) has a different view

There are too many of us for everyone to take part in every decision! We'll spend all our time talking! We should rather elect people to represent us. Anyone can be a representative but they must be elected.



Mse (14) doesn't feel that the younger children are old enough to make decisions

I say let the teenagers vote and make the rules for the younger kids.



EXERCISE 1

Who will govern the shipwrecked children?

- 1 Roleplay the different teenagers making their arguments
- 2 What are the advantages and disadvantages of each person's suggestion?
- 3 Whose suggestion do you agree with most? Give your reasons
- 4 Which suggestion do you think results in government which can be called democratic? Give reasons for your answer

EXERCISE 2

DRAWING A DEMOCRACY TREE:

WHAT DOES DEMOCRACY MEAN TO YOU?

- 1 Draw a democracy tree with the word democracy written on its trunk
- 2 What are the fruits or benefits of democracy?
- 3 Draw six fruits of democracy hanging from the branches of the tree, and label them



A. DEFINING DEMOCRACY

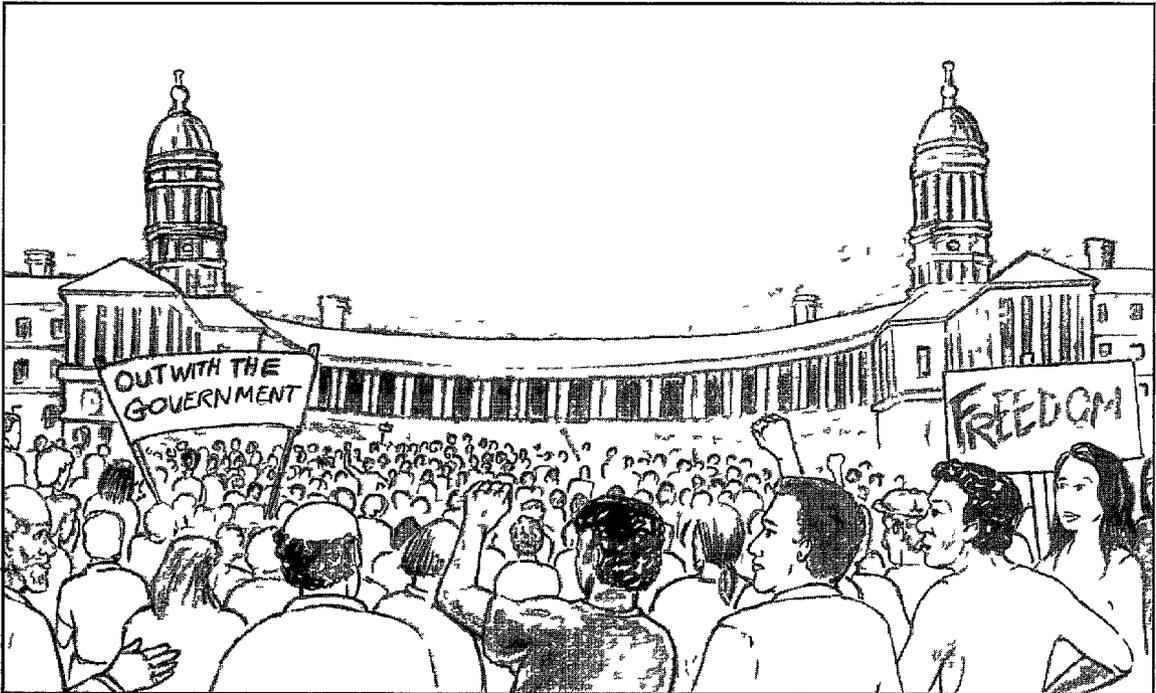
What is democracy? Democracy comes from the Greek words demos meaning “the people”, and kratos meaning “authority”. There are a many of definitions of democracy such as government which is conducted with the freely given consent of the people, or a system of government in which supreme authority rests with the people. The most common definition is rule by the people. This chapter will explore the different types of democracies and the fundamental principles upon which democracy is based.

B. DEMOCRACY AND POWER

Generally power is the ability to cause others to change their behaviour and to do what the powerholder wants. Democracy is an organised system of power. The word “power” in this instance means that the government has the capacity to control and influence people’s behaviour and activities. In a democracy, the government receives its power from a mandate of its citizens. This democratic mandate gives the government the power to govern by passing and enforcing laws. The government passes laws which are usually defined in a constitution. It enforces laws by controlling the military, the police and the courts. For example, judges have the power to sentence criminals to imprisonment. This power comes from recognition, by the citizens, that this is one of the responsibilities of a judge.

WHERE YOU LIVE

**DO YOU THINK
YOUR COUNTRY
IS A
DEMOCRACY?**



An illegitimate government will usually be challenged by the citizens in the form of riots, protest and civil disobedience

In a democracy, the citizens agree to be ruled by the government because they think that it is best to do so. In other words they see the government, its laws and actions as the exercise of legitimate power. A government has legitimate power when its citizens accept and respect it, and view the laws it passes as just and moral. Power is illegitimate when power is not recognised and accepted by the majority of those who are governed. An illegitimate government will usually lack popular support and often has its laws and actions challenged by the citizens in the form of riots, protests and other acts of civil disobedience. Legitimacy is therefore the cornerstone of power. Without legitimacy the government can lose support from its citizens.

EXERCISE 3

WHO HAS POWER?

A newly elected democratic government is overthrown by the army which is led by supporters of the former government which lost the election. Soon after taking power, the military rulers pass laws to increase taxes by 20% and to double the petrol price. The citizens reject the new increases and riot. They loot and burn petrol stations and destroy government property.

- 1 Who has power? The government or the people?
- 2 Is the power legitimate or illegitimate?

WHERE YOU LIVE

DOES YOUR
COUNTRY HAVE A
DIRECT OR
REPRESENTATIVE
DEMOCRACY?

C TYPES OF DEMOCRACY

There are two main types of democracy 1) direct and 2) indirect or representative To understand the difference between a direct and a representative democracy it is useful to look at examples

1 DIRECT DEMOCRACY

The Greeks in Athens practiced one of the first direct democracies Direct democracy means personal rule by the people Most of the day to day governing was carried out by a Council of 500 citizens All important issues, even if decided by the Council, were put before an assembly of all citizens for a vote One in six citizens held some type of public office in any given year Positions were usually held for one year only, making it likely that every citizen would hold office at least once The idea of rotating city officials meant that no one person could gain too much power

The direct democracy of Greece was considered an ideal form of democracy but women slaves and foreigners were excluded

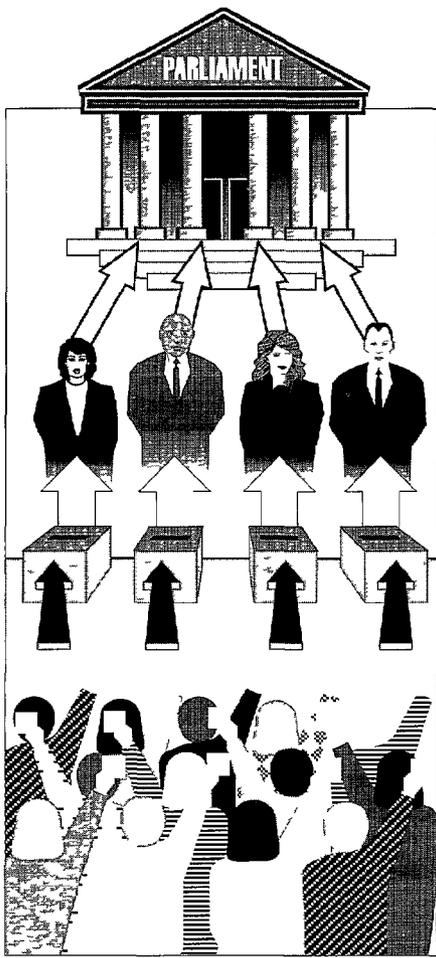


Imagine what it would be like if every citizen took a direct part in all governmental decision-making

The direct democracy of Greece was considered an ideal form of democracy because it required a high level of participation by every citizen. Yet the system was far from perfect. Women, slaves and foreigners were excluded because they were not considered citizens. Additionally, it took a long time to get anything done because almost everything had to be voted on.

Today, it is impossible for a country to operate on a national level under a direct democracy. Most countries have millions of citizens. Imagine what it would be like if every citizen took a direct part in all governmental decision making. How would you inform everyone of the issues which arise day to day? How would you collect their votes?

Some countries still have aspects of a direct democracy. Sometimes all the people in a country are asked to vote on a specific issue. For example, they may vote for or against a proposed new constitution. This type of vote comes close to direct democracy. Local governments, small communities and tribes or clans may also allow everyone to come together and vote on certain issues. This is direct democracy on the local level.



In a representative democracy representatives express the will of the people

2 REPRESENTATIVE DEMOCRACY

In an indirect or representative democracy, the people elect representatives. The representatives' job is to carry out the day-to-day governing of the country and decide on important issues such as making and executing laws. The representative may be one person or a small group of people. When the representatives make decisions, they express the will of the people. In a democracy, these representatives are accountable to the people at regular elections. At these elections, the people can express their approval or disapproval by voting for or against the representative.

Some representative democracies have kings or queens who have inherited their positions. This is a constitutional monarchy. The kings and queens are usually figure heads, meaning they symbolize the country but have very limited power. A king or queen in a constitutional monarchy may advise the government but his or her actions are controlled by the government. Great Britain, Japan and Lesotho are examples of constitutional monarchies.

EXERCISE 4

HELPING TO CHOOSE THE BEST TYPE OF DEMOCRACY

The small country of Butika has 3 million residents. It is made up of 300 cities, towns and villages ranging in population from 500,000 to 200. The citizens of Butika want to form a democracy but they can't decide whether to form a direct or representative democracy. They have hired you to advise them on the type of democracy they should choose.

- 1 List the advantages and disadvantages of direct democracy for Butika
- 2 List the advantages and disadvantages of representative democracy for Butika
- 3 Make a recommendation to the people of Butika concerning which democracy is best for them. Give your reasons for the recommendation.

D. DIFFERENCE BETWEEN DEMOCRACY AND DICTATORSHIP

Nazi Germany under Hitler and Uganda under Idi Amin are examples of dictatorships

In a dictatorship, one person, or a small group of people hold the power. The dictator's word is law. The dictator or those who rule are not responsible to the will of the people. Nazi Germany under Hitler, Uganda under Idi Amin and the former Soviet Union are examples of dictatorships.





All dictatorships are authoritarian Human rights are frequently restricted, and the government uses force to maintain its power

Sometimes a dictatorship may have the appearance of a democracy

All dictatorships are authoritarian, meaning that they are governments in which those in power hold absolute and unchallengeable authority over the people. Such governments do not allow their decisions to be questioned. Rights such as freedom of expression, assembly and the press are frequently restricted.

Modern dictatorships are also often totalitarian. This means that the government attempts to have power over every aspect of human affairs, not just government affairs. They may tell the people where they can live, where to work and how many children to have. Such governments often violate the human rights of the people.

Authoritarian or totalitarian governments may be controlled by the military or a small group of civilian people (the Communist Party in the former Soviet Union is an example). There can also be monarchies where a king, queen or members of a royal family inherit and exercise unlimited power.

Sometimes a dictatorship has the appearance of democracy and appears to be controlled by the people. The people vote in popular elections, but the vote is closely controlled and the candidates are from only one political party—the party of the dictator. An elected Legislative body may even exist, but it usually rubber stamps the policies of the dictator.

Many dictators are not elected but assume power by force. Some are military leaders, others use the military to help them gain control of the government.

EXERCISE 5

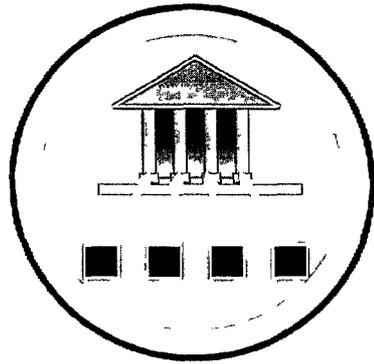
WHAT KIND OF GOVERNMENT IS IT?



Dictatorship



Direct Democracy



Representative Democracy

Read the following situations and decide whether the government is a dictatorship, direct democracy or representative democracy. Give reasons for your answer.

- 1 The people elect someone to the Parliament of the country which makes laws. There is one elected person for every 100,000 people. The President is elected. Judges are appointed by the President.
- 2 There was a revolution and the head of the military is the President. The President makes the laws and appoints judges and other officials. There are Presidential elections every 5 years, but no one stands for election against the President.
- 3 There is a King and Queen who do not make or enforce the laws of the country. They carry out the official ceremonial duties of the country. The laws are made by an elected Parliament which chooses the Prime Minister. Elections are held regularly.
- 4 A chief who is not elected by the people, and who has inherited his title from his father, makes and enforces the laws of the area. He has his own police force which makes sure that the people obey his laws. He is advised by a Council but need not follow their advice. His son will take over as chief when he dies.
- 5 A group of leaders makes the laws of the country. They control the military and the police. They tell the press what they can and cannot print. There are no elections. There is only one political party which is that of the leaders.
- 6 The Legislature writes the laws requested by the citizens at the monthly town meeting open to all citizens. After the law is written, the citizens vote whether to make it a law. There is an elected President who controls the police and military. Every Cabinet member and judge is elected by the people.
- 7 The President and the Parliament have major disagreements over the future direction of the country. The Parliament is not elected by the citizens, but the President is elected. The President disbands the Parliament and arranges new elections.

E. TYPES OF REPRESENTATIVE DEMOCRACY



In a parliamentary democracy, the Prime Minister chooses the Cabinet Ministers from the legislative body

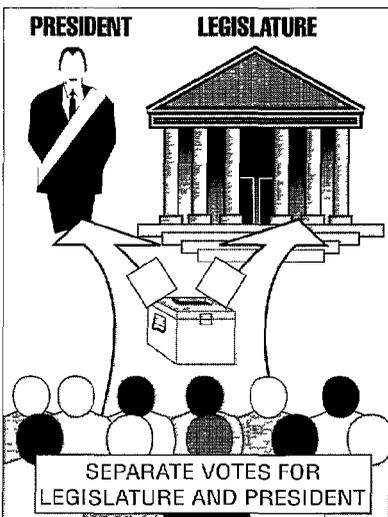
There are different types of representative democracy. They are Parliamentary democracy, Presidential democracy, and a combination of both. These types of democracy are defined according to the relationship between the Legislative (lawmaking) branch of government and the Executive branch of government which carries out the laws.

1 PARLIAMENTARY DEMOCRACY

In a Parliamentary democracy, voters elect representatives to a Legislative body called a Parliament or Congress. Members of Parliament then choose a person to head the Executive branch of government. That person is usually called a Premier or Prime Minister. The Prime Minister is often the leader of the majority party in Parliament. Once the Prime Minister is chosen, he or she chooses Ministers for the Cabinet from the Legislative body. Thus, the Executive is a part of the Legislative branch of government. The Prime Minister and the Cabinet Members remain in office as long as they have support from a majority in the Legislature. If the Prime Minister loses support and receives a "vote of no confidence" from a majority of the Legislature, he or she must resign from office and a new Prime Minister and Cabinet is elected by Parliament.

2 PRESIDENTIAL DEMOCRACY

In a Presidential democracy the Legislative and Executive branches of government are independent of each other. Voters elect representatives to a Legislative body. In addition voters elect the head of the Executive branch, the President. The President holds office for a fixed amount of time. The President is not subject to the direct control of the Legislature. The Legislature can check the President's power. Likewise, the President can check the Legislature's power. This is called a system of checks and balances. In a Presidential democracy it is possible to have a President from one political party and a majority of the Legislature from another political party.



In a presidential democracy the Legislative and Executive branches of government are independent of each other

WHERE YOU LIVE

**DOES YOUR
COUNTRY HAVE A
PARLIAMENTARY OR
PRESIDENTIAL
DEMOCRACY?**

**3 COMBINED PARLIAMENTARY AND
PRESIDENTIAL DEMOCRACY**

Parliamentary and Presidential democracies have advantages and disadvantages. Parliamentary governments usually do not take as long to pass laws because there is less disagreement between the Executive and Legislative branches of government. Those who favour Presidential democracies say that the disagreements between the branches of government are good because they check and balance each other. However, in Parliamentary democracies there is no distinct division of powers and much weaker checks and balances. Most governments in the world today are Parliamentary in structure.

Some countries have a combined Parliamentary and Presidential democracy. For example, in France there is a President who is elected by the people, and a Prime Minister who is elected by the Parliament.

EXERCISE 6

PARLIAMENTARY v PRESIDENTIAL DEMOCRACY

- 1 List the characteristics of a Parliamentary democracy
- 2 List the characteristics of a Presidential democracy
- 3 Roleplay a conversation between the Prime Minister in a Parliamentary democracy and the leader of the opposition in the Parliament. The Prime Minister wants to declare war against a neighbouring country. The opposition leader is against it.
- 4 Roleplay a conversation between an elected President in a Presidential democracy and the leader of Congress. The Congressional leader is not from the same political party as the President. The President wants to declare war against a neighbouring country. The Congressional leader is against it.
- 5 What were the similarities and differences between the two conversations?
- 6 Which system would you choose for your country?

F. FUNDAMENTAL PRINCIPLES OF DEMOCRACY

Democracy
exists in
a country
because people
believe in it

Democracy exists in a country because the people believe in it and practice its principles. Democratic principles are defined as the ideas which most people believe are essential for a democracy. We will call these the "signposts" of democracy because when we see them, they are signs that the country is on the road to democracy.

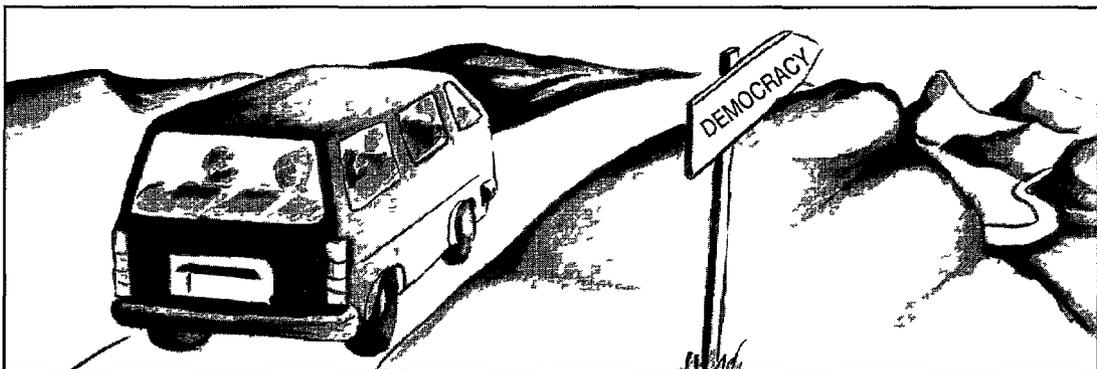
EXERCISE 7

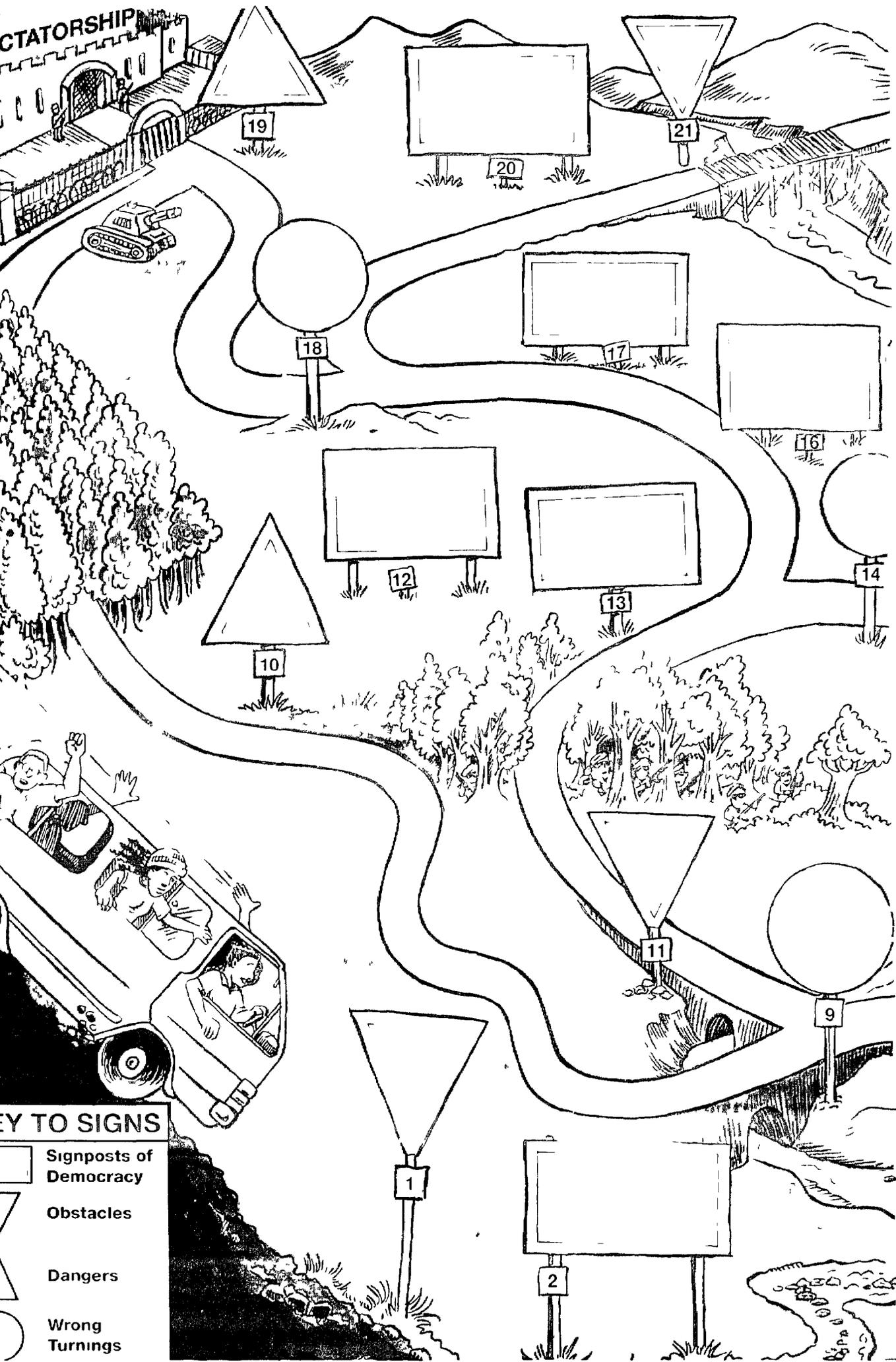
ON THE ROAD TO DEMOCRACY

Assume you are travelling on a road to a country where the perfect democracy exists. The road has many wrong turns, bumps and dangers which make it difficult to reach the perfect democracy. However, there are signposts along the way which guide you in the right direction. These signposts name the basic principles that people in a democracy support. You are determined to find that perfect democratic country.

Divide into groups and

- 1 On your "Road to Democracy" map give your "perfect democracy" a name in the space provided.
- 2 List the basic principles of democracy on a separate sheet. Now label the □ signposts along the road which give information about the basic principles of democracy. These signposts should name basic essentials that must exist in order to have the perfect democracy.
- 3 List the factors which prevent you from reaching your perfect democracy. Now label the signs for wrong turns (○), obstacles (△) and dangers (▽) along the road. These signs indicate difficulties in achieving democracy.
- 4 At the end of the road is your perfect democracy. List the benefits people will have in your perfect democracy, in the space on the map.
- 5 Compare your group's map with that of the other groups. Did you name the same signposts, obstacles, dangers and benefits as the others?





KEY TO SIGNS

-  Signposts of Democracy
-  Obstacles
-  Dangers
-  Wrong Turnings

WELCOME TO
THE PERFECT DEMOCRACY

BENEFITS OF
DEMOCRACY



People in democracies around the world support many of the same basic principles. These are referred to as signposts of democracy.

G SIGNPOSTS OF DEMOCRACY

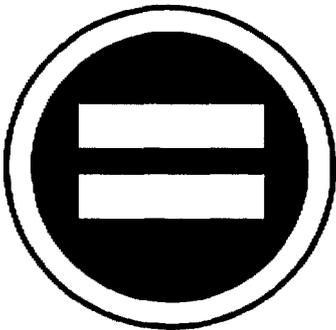
People from around the world have identified the basic principles which must exist in order to have a democratic government. These principles often become part of the constitution or bill of rights in a democratic society. Though no two democratic countries are exactly alike, people in democracies support many of the same basic principles and desire the same benefits from their government. The following are examples of the principles referred to as signposts of democracy which will be used throughout this book.



(a) Citizen Participation

CITIZEN PARTICIPATION

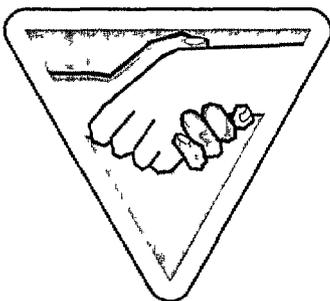
One of the most basic signposts of a democracy is citizen participation in government. Participation is the key role of citizens in democracy. It is not only their right, but it is their duty. Citizen participation may take many forms including standing for election, voting in elections, becoming informed, debating issues, attending community or civic meetings, being members of private voluntary organizations, paying taxes, and even protesting. Participation builds a better democracy.



(b) Equality

EQUALITY

Democratic societies emphasize the principle that all people are equal. Equality means that all individuals are valued equally, have equal opportunities, and may not be discriminated against because of their race, religion, ethnic group, gender or sexual orientation. In a democracy, individuals and groups still maintain their right to have different cultures, personalities, languages and beliefs.



(c) Political Tolerance

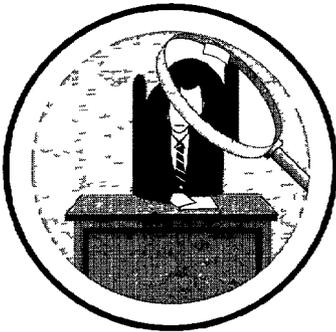
POLITICAL TOLERANCE

Democratic societies are politically tolerant. This means that while the majority of the people rule in a democracy, the rights of the minority must be protected. People who are not in power must be allowed to organize and speak out. Minorities are sometimes referred to as "the opposition" because they may have ideas which are different from the majority. Individual citizens must also learn to be tolerant of each other.

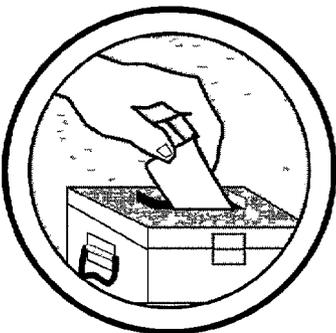
These principles often become part of the constitution or bill of rights



(d) Accountability



(e) Transparency



(f) Regular Free and Fair Elections

A democratic society is often composed of people from different cultures, racial, religious and ethnic groups who have viewpoints different from a majority of the population. A democratic society is enriched by diversity. If the majority deny rights to and destroy their opposition, then they also destroy democracy.

One goal of democracy is to make the best possible decision for the society. To achieve this, respect for all people and their points of view is needed. Decisions are more likely to be accepted, even by those who oppose them, if all citizens have been allowed to discuss, debate and question them.

ACCOUNTABILITY

In a democracy, elected and appointed officials have to be accountable to the people. They are responsible for their actions. Officials must make decisions and perform their duties according to the will and wishes of the people, not for themselves.

TRANSPARENCY

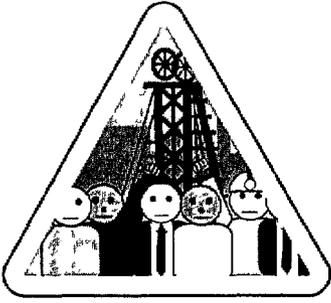
For government to be accountable the people must be aware of what is happening in the country. This is referred to as transparency in government. A transparent government holds public meetings and allows citizens to attend. In a democracy, the press and the people are able to get information about what decisions are being made, by whom and why.

REGULAR, FREE AND FAIR ELECTIONS

One way citizens of the country express their will is by electing officials to represent them in government. Democracy insists that these elected officials are chosen and peacefully removed from office in a free and fair manner. Intimidation, corruption and threats to citizens during or before an election are against the principles of democracy.

In a democracy, elections are held regularly every so many years. Participation in elections should not be based on a citizen's wealth.

For free and fair elections to occur, most adult citizens should have the right to stand for government office. Additionally, obstacles should not exist which make it difficult for people to vote.



(g) Economic Freedom

ECONOMIC FREEDOM

People in a democracy must have some form of economic freedom. This means that the government allows some private ownership of property and businesses, and that the people are allowed to choose their own work and join labour unions. The role the government should play in the economy is open to debate, but it is generally accepted that free markets should exist in a democracy and the state should not totally control the economy. Some argue that the state should play a stronger role in countries where great inequality of wealth exists due to past discrimination or other unfair practices.

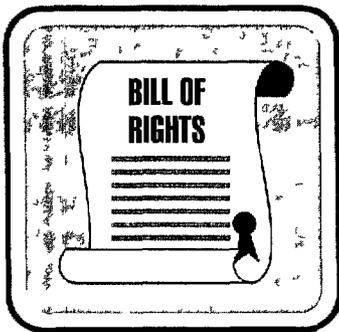


(h) Control of the abuse of power

CONTROL OF THE ABUSE OF POWER

Democratic societies try to prevent any elected official or group of people from misusing or abusing their power. One of the most common abuses of power is corruption. Corruption occurs when government officials use public funds for their own benefit or exercise power in an illegal manner.

Various methods have been used in different countries to protect against these abuses. Frequently the government is structured to limit the powers of the branches of government, to have independent courts and agencies with power to act against any illegal action by an elected official or branch of government, to allow for citizen participation and elections, and to check police abuse of power.

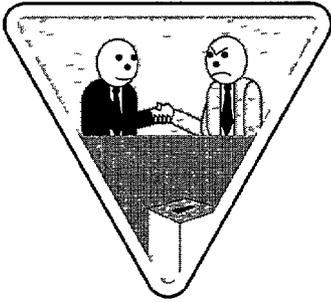


(i) Bill of Rights

BILL OF RIGHTS

Many democratic countries also choose to have a bill of rights to protect the people against abuse of power. A bill of rights is a list of rights and freedoms guaranteed to all people in the country. When a bill of rights becomes part of a country's constitution, the courts have the power to enforce these rights. A bill of rights limits the power of government and may also impose duties on individuals and organisations.

ACCEPTING THE RESULTS OF ELECTIONS



(j) *Accepting the results of elections*

In democratic elections, there are winners and losers. Often the losers in an election believe so strongly that their party or candidate is the best one, that they refuse to accept the results of the election. This is against democratic principles. The consequences of not accepting the results of an election may be a government that is ineffective and cannot make decisions. It may even result in violence which is also against democracy.

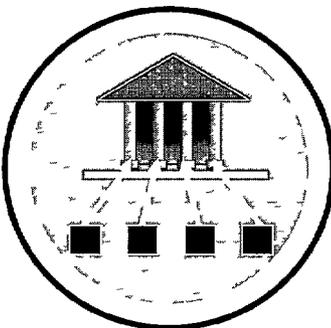
HUMAN RIGHTS



(k) *Human Rights*

All democracies strive to respect and protect the human rights of citizens. Human rights mean those values that reflect respect for human life and human dignity. Democracy emphasizes the value of every human being. Examples of human rights include freedom of expression, freedom of association, freedom of assembly, the right to equality and the right to education. (See Chapter 3)

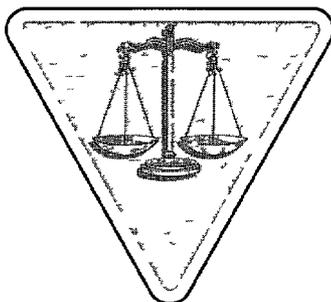
MULTI-PARTY SYSTEM



(l) *Multi-Party system*

In order to have a multi party system, more than one political party must participate in elections and play a role in government. A multi party system allows for opposition to the party which wins the election. This helps provide the government with different viewpoints on issues. Additionally, a multi party system provides voters with a choice of candidates, parties and policies to vote for. Historically, when a country only has one party, the result has been a dictatorship.

THE RULE OF LAW



(m) *The Rule of Law*

In a democracy no one is above the law, not even a king or an elected President. This is called the rule of law. It means that everyone must obey the law and be held accountable if they violate it. Democracy also insists that the law be equally, fairly and consistently enforced.

This is sometimes referred to as "due process of law"

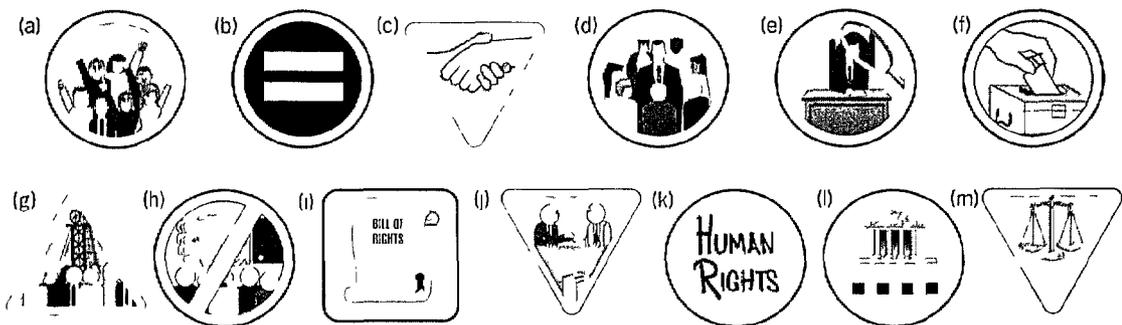
EXERCISE 8

IS DEMOCRATIA ON THE ROAD TO DEMOCRACY?

Look at the following situations and decide whether each is a sign that Democratia is on the road to democracy Give reasons for your answers

Identify one or more of the signposts shown below which relate to each situation

- 1 The Legislature passed a law requiring all youth between the age of 4 and 16 to attend school Government schools are provided
- 2 Members of one of the local churches held a political forum and only allowed representatives from one political party to attend
- 3 The Parliament had a gallery built in their assembly room so that visitors could watch the proceedings
- 4 The constitution requires a Presidential election every five years
- 5 Teachers in the schools of Democratia do not like their working conditions and decide to go on strike
- 6 The police stop and shoot a known criminal The criminal was not resisting arrest but had killed other people
- 7 The constitution says that only people over the age of 18 who have lived in the country for more than one year may vote
- 8 A law requires all working citizens to belong to a union
- 9 The constitution requires all working adults to pay a small amount of money when they vote in order to help finance the expense of the election
- 10 No convicted prisoner may stand as a candidate in an election
- 11 One political party which loses the election demands that another election be held immediately
- 12 The President is required to give a report to the people every year explaining what he or she has done and the plans for the upcoming year
- 13 The government determines what are "fair prices" for all food sold in the country



WHERE YOU LIVE

WHAT DO YOU EXPECT DEMOCRACY TO DO FOR YOU?

H. EXPECTATIONS OF DEMOCRACY

A democratic government means different things to different people. Almost everyone has different expectations of democratic government. What do you expect democracy to do for a country? What do you expect democracy to do for you? What is it that a democracy cannot do for a country? What is it that a democracy cannot do for you?

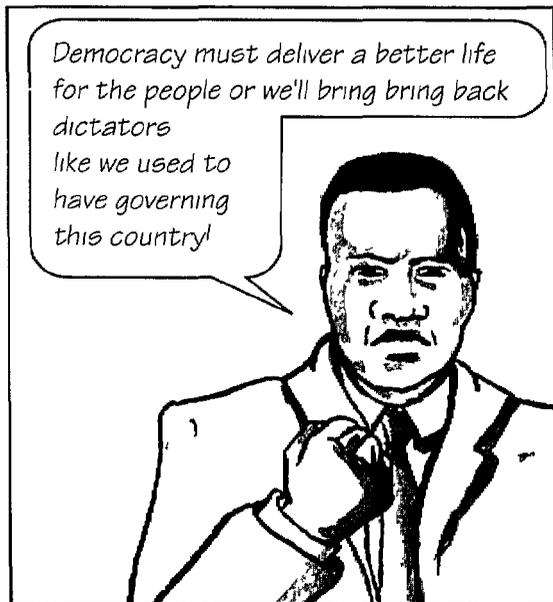
EXERCISE 9

A CONVERSATION ABOUT DEMOCRACY

Assume that you have just arrived in a newly-formed democratic country. You are anxious to do your part to help to build the best democracy ever. Then you overhear the following conversation among a group of citizens who live in the country.



1. WHAT IS DEMOCRACY?



- 1 Roleplay the above conversation
- 2 What are the six views expressed by the citizens about democracy? Which view comes closest to your own views about democracy?
- 3 What benefits do you think democracy can provide for its citizens?
- 4 What are the risks or losses which can come with democracy?
- 5 Weighing the benefits and risks, do you think democracy is worthwhile?

I YOU AND DEMOCRACY

Some people say
that democracy is
a way of life

Every country has a particular culture which is its languages, history, art, work habits, and other beliefs and customs. Within this culture there exist beliefs, ideas and attitudes about government and authority which are usually learned at home, in the community and in school. Some people believe that democracy is not just a system of government, it is a way of thinking and acting. It is a culture. They say that democracy is a way of life.

EXERCISE 10

DO YOU THINK DEMOCRATICALLY?

Read the following statements and mark those which you think are examples of a democratic way of life

- 1 I don't like Piet, so I will not allow him into my house
- 2 Jane doesn't want to work. Even though I think everyone should work for a living, I think Jane has the right not to work
- 3 Nimsa is a lawyer and Cecille is a housekeeper, but they are still equal
- 4 Anyone who has the money should be allowed to buy a house in any area
- 5 Everyone should be given an equal amount of property to do with as they please
- 6 My husband can practice a different religion from me
- 7 Teachers at schools should be harder on male students because males must learn to be heads of households
- 8 The white students in our school should get textbooks last because they used to get them first. It's payback time
- 9 My wife should do as I say. I know best
- 10 I don't think my sister should go out with anyone not from this area. Someone may see her and cause trouble
- 11 No matter what people do to him, Mandela never uses violence

2. HOW GOVERNMENT WORKS IN A DEMOCRACY



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B	Drafting a constitution	26
C	Changing the constitution	27
D	Structure of a Government	29
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OBJECTIVES OF THIS CHAPTER

- After reading this chapter you should be able to
- 1 Define a constitution and a bill of rights
 - 2 Know how a constitution comes about
 - 3 Understand how a constitution may be changed
 - 4 Understand the different systems of Government
 - 5 Know how the legislative, executive and judicial branches of Government work
 - 6 Know how to conduct a mock Parliamentary debate
 - 7 Understand the role Government may play in the economy

A. A CONSTITUTION AND BILL OF RIGHTS

The constitution is the basic law of a country. It is usually referred to as the highest law of the land. This means that all other laws must conform to the provisions of the constitution. It describes how a government is structured and operates. It establishes the basic rules for politics and government in a society. Constitutions are usually written down, though some are only partially written and some, like in Great Britain, are not written at all.

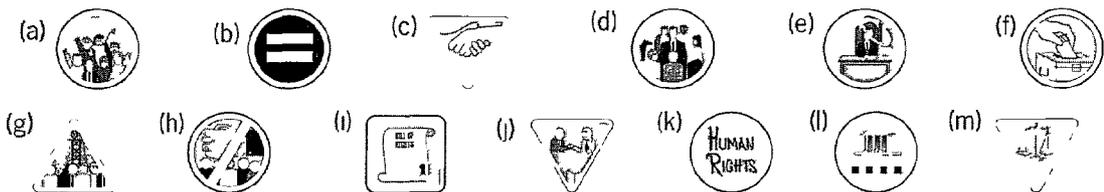
A constitution stipulates the powers given to government. It usually includes a bill of rights listing the rights of individuals and limits on the power of government. Most effective constitutions include provisions to prevent the state from abusing its power.

EXERCISE 1

WHICH CONSTITUTIONAL PROVISIONS SUPPORT OR PREVENT DEMOCRACY?

Assume that a new constitution is being written in a country which is attempting to become a democracy. In Chapter 1 we discussed the definition of democracy and its signposts which are shown below. Divide into groups, look at those signposts and decide which of the following provisions support or work against the idea of democracy. Identify which signpost or principle of democracy is related to each provision.

- 1 "One must own land to vote "
- 2 "A President will be elected every 4 years "
- 3 "A judge is appointed for life and cannot be removed under any circumstances "
- 4 "A constitution may only be amended by a 2/3rds vote of both houses of Parliament "
- 5 "Members of the executive council can vote to override the decision of any court "
- 6 "All votes by citizens must be kept secret from others "
- 7 "All meetings of government involving national security issues may be held in private "
- 8 "No government officials may be prosecuted for a crime while they are in office "
- 9 "The police may obtain a court order requesting that any arrested person be held for one week without trial "
- 10 "The President may issue an order amending the constitution "



B DRAFTING A CONSTITUTION

Constitutions are often the result of compromise, which is an essential element of democracy

A constituent assembly or constitutional convention is a special meeting called to draw up a constitution

Constitutions come about in many ways. They may be the result of special meetings sometimes referred to as constituent assemblies or constitutional conventions. These meetings may be composed of representatives elected by the people of a country. Sometimes they are made up of members of organizations or political parties who come together to negotiate and draft a constitution.

In non-democratic countries, military leaders or dictators often attempt to impose constitutions upon the people. These constitutions often collapse because they do not have broad-based support from the people.

Constitutions, like lawmaking in general, are often the result of compromise. Those negotiating and writing a constitution may agree to certain language going into one provision in exchange for getting support for another provision they are particularly interested in. Compromises often come about to enable the constitution to gain the broadest support possible. Many people say that compromise is an essential element of a democracy because it indicates that people are working together. This is unlike a dictatorship where one group often imposes its will on others.



WHERE YOU LIVE

DOES YOUR
COUNTRY HAVE A
CONSTITUTION?

After a democratic constitution is written, it usually must be adopted by a vote at a meeting of elected representatives such as a constituent assembly, or by a vote of the people in a general election. To make certain that a good majority of people support the constitution more than one half of the voters (for example, two thirds or three quarters), may be required to approve it.

EXERCISE 2

A DEBATE ON ALLOWING 16-YEAR-OLDS TO VOTE

Assume you are members of a constituent assembly established to write a new constitution for your country. A proposal has been made to "allow persons of 16 years of age to vote in all elections."

Divide into groups which will argue for or against this proposal.

Each group should prepare arguments for a debate. If a group is opposed to the provision they may offer a substitute to it or argue that it should not be in the constitution at all.

C. CHANGING THE CONSTITUTION

Changing the constitution of a country should be more difficult than altering ordinary laws.

Sometimes experience or other changes in a country makes it necessary to change a constitution. This is usually done by writing and adopting a new provision called an "amendment." Some constitutions make it difficult to make new amendments, e.g. by requiring a two thirds vote of all the people. Other constitutions make it easier, such as requiring a majority vote of the Legislature, e.g. Parliament. Some require a combination such as a vote of a majority of the Legislature followed by a two thirds vote by the people.

Making it difficult to change a constitution is sometimes referred to as "entrenching the provisions of a constitution." Those in favour of this approach argue that this should be done because the constitution should consist of the fundamental principles of the government which should not be subject to easy revision. Changing a constitution should be much more difficult than altering the ordinary laws of the country.



Does the banning of corporal punishment in schools lead to a break down of discipline among the students?

EXERCISE 3

DEBATING CORPORAL PUNISHMENT IN SCHOOLS

Assume that when a constitution was first adopted a provision banned the use of physical punishment of students in school. A few years later some school administrators say that students are acting in a more undisciplined fashion than they did before the constitution was adopted. They propose an amendment to the constitution which would allow corporal punishment to be re-introduced in schools.

- 1 Roleplay the Parliamentary debate with half the members supporting the amendment and half opposing it
- 2 Draft an amendment in support of corporal punishment
- 3 After the debate, the members should vote on it



D. STRUCTURE OF A GOVERNMENT

A constitution describes the different parts of the government and what powers each will have

**WHERE YOU LIVE
IS THE
GOVERNMENT OF
YOUR COUNTRY
UNITARY OR
FEDERAL?**

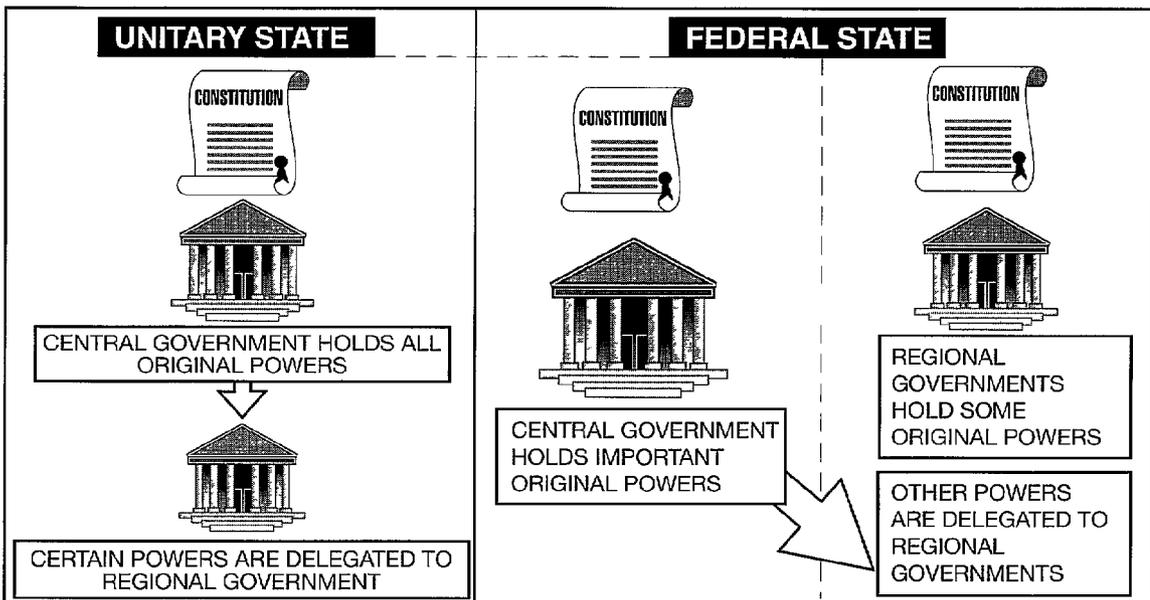
1 SYSTEMS OF GOVERNMENT

A major decision regarding the structure of government concerns what powers are given to a central or national government and what powers are given to regional or local governments

A **unitary system** of democracy is when the central or national government is given superior power but can delegate some powers to regional or local governments. Examples are the United Kingdom and Zimbabwe

A **system of federalism** is when both central and regional governments are supreme regarding certain powers (sometimes called "original powers") For example, regional governments might be given the power to make policies regarding schools and other local services in their areas. Examples are the United States and India

A third system of democracy is called a **confederation** where separate states are linked together to cooperate in certain ways but are otherwise basically independent from each other. An example is the European Community and the Commonwealth of Independent States (CIS states of the former Soviet Union)



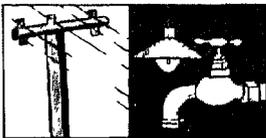
EXERCISE 4

DIVIDING POWERS AMONGST CENTRAL, REGIONAL AND LOCAL GOVERNMENTS

Assume you are setting up a new government structure in a country. You must decide whether a central, regional or local government should be given the following powers and give reasons for your answers.



1 Funding of schools, including how much money should be spent on local schools



2 Provision of electricity and water, including which communities should receive electricity and water



3 Laws against discrimination, including how to enforce laws against discrimination



4 Language in schools, including which language should be used in teaching in schools



5 Complaints against the police, including how to handle complaints against the police



6 Ownership of land, including who has the right to own land in an area



7 Transportation, including who is allowed to own and drive taxis



8 Military service, including how many people should be in the military



9 Foreign treaties, including the power to make treaties with neighbouring countries

Who should control the land is a subject of great debate in most democracies

How to determine what area of land will be part of a region or locality is the subject of great debate in most democracies. If different racial, ethnic, or religious groups live in an area, the amount of land and the number of people will usually determine who has the majority and consequently, the power in the area.

A particular problem arises when countries change from a dictatorship to a democracy and certain types of local governors and governments have existed for a long time. An example might be a chief or a local religious leader who has had the power to govern in an area of the country.

EXERCISE 5

WHAT IS THE ROLE OF A CHIEF IN A RURAL AREA IN A DEMOCRACY

Chief Ngoba inherited his power to govern from his father, who inherited it from his father before him. He is commander of the army, has the power to arrest people who break the customary laws, decide disputes between people living on the land, and interprets and enforces all area laws. He cannot act alone but must make decisions in council, which means he is required to consult with his local councillors and administrators before making any decisions. Chiefs who act as unjust dictators, or make other decisions which the people greatly dislike, can lose support of the people and be removed from power. Sometimes these traditional leaders have been held accountable for natural disasters (e.g. floods) and removed from their positions.

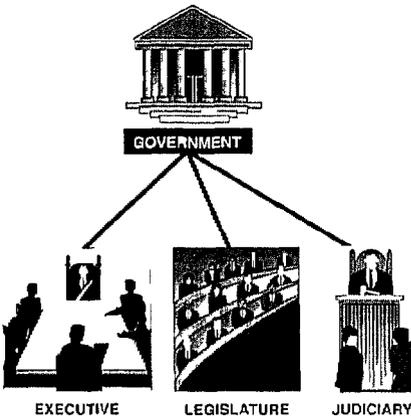
1. In the country's new democracy, do you think the constitution should include a provision continuing local governments in areas like that of Chief Ngoba? Give reasons for your answers.
2. If Chief Ngoba is totally removed from power in the new democracy, what might happen? What if most of the people in his tribe want him to continue to have the power he has had in the past?
3. Is there any way in a democracy that traditional leaders can play a useful role? Explain.
4. Would your answer be different if there was a local religious leader named Isabel, who ruled an area of the country and had in the past been given the power to serve as lawmaker and judge in her area? All local laws and court decisions were previously made according to her interpretation of religious law. Assume that ninety-five percent (95%) of the people living in this local area follow the beliefs of this religion and desire that Isabel continue as head of the local government.

2 BRANCHES OF GOVERNMENT

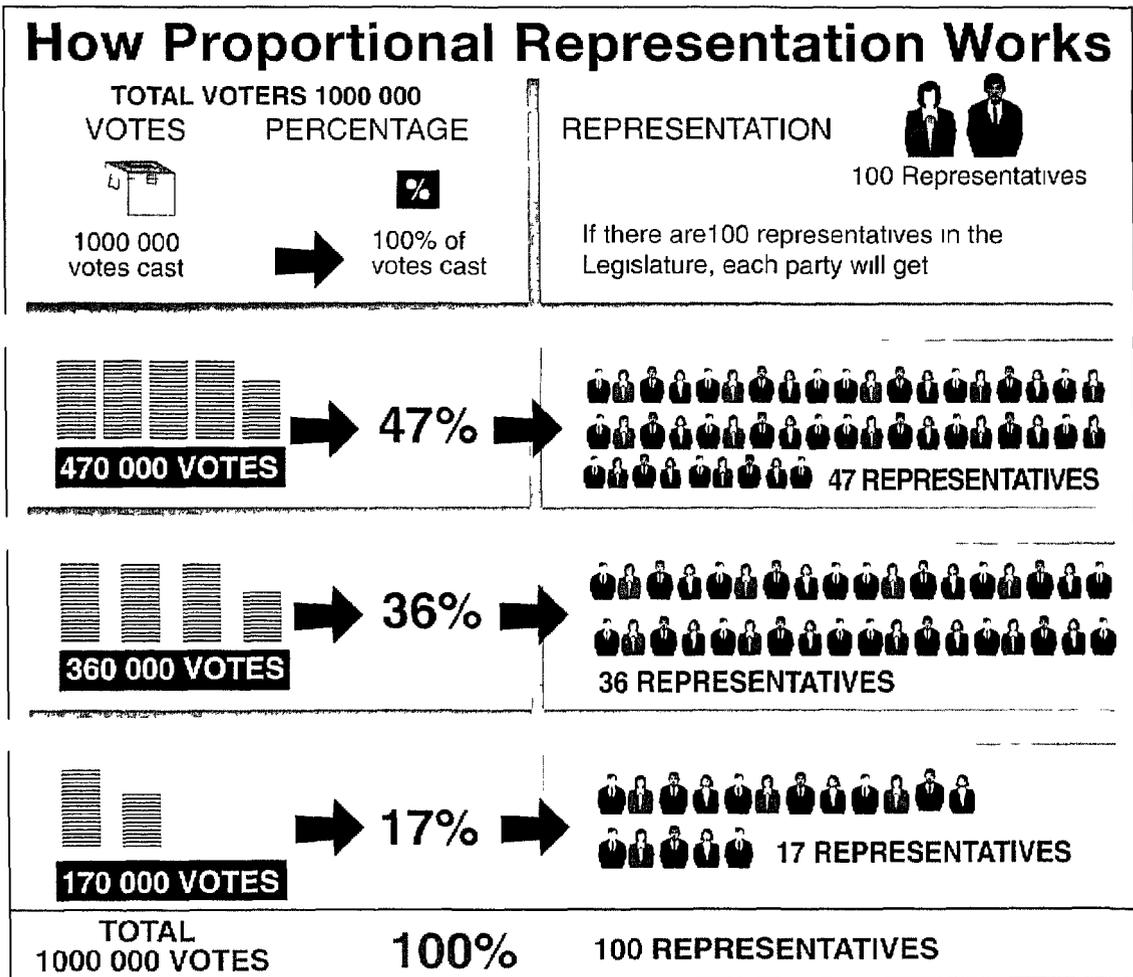
Most democracies have three branches of government made up of the Executive, Legislature and Judiciary

A LEGISLATURE

The Legislature, often called a Parliament or Congress, is the law making body, made up of representatives, elected directly by the people. There are two popular systems of voting in a democracy. One is **proportional representation** which means that people usually vote for a political party. Here the percentage of votes the party receives determines their percentage of representatives in the Legislature (e.g. if 100 members were in the Legislature and a political party received 47% of the overall vote, it would have 47 representatives in the Legislature)



The three branches of democratic government





Representatives are sometimes elected to represent districts by the people living in those districts. The person who gets the most votes is usually elected.

The second system of voting is where **individual representatives** from areas sometimes called “single member districts” are elected by people living in those districts. Under this system the person with the highest total of votes is usually elected.

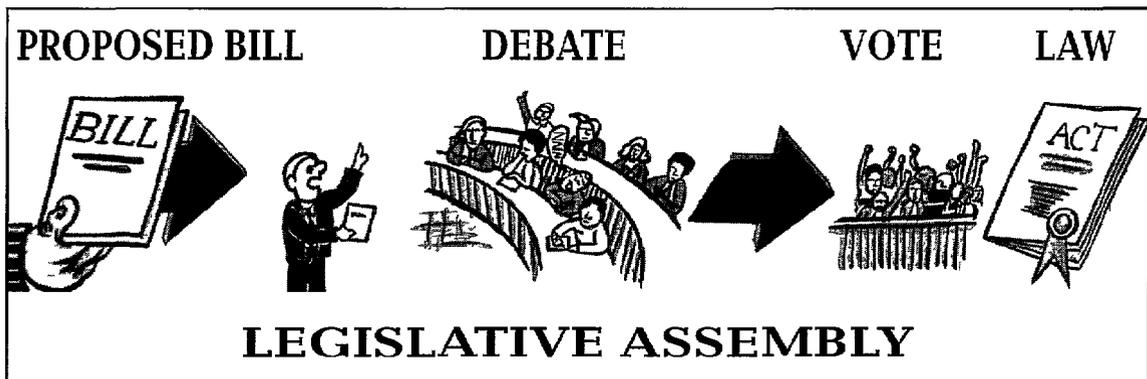
Representatives elected to serve in the Legislative branch are usually members of a political party. Parties play a key role in organizing voting before and during elections, and after the elections in the Legislature. In a Parliamentary system the party which wins the most seats in the Legislature also selects the leader of the government (e.g. President or Prime Minister) and members of the Cabinet from within its own ranks.

In the event of no one party receiving a clear majority of the votes, parties sometimes join together and form what is called coalition government.

The Legislative branch usually consists of one or two houses. If there is more than one, they are often referred to as upper and lower houses. The members may be elected in different ways, for example, one elected from regional areas and the other elected from the nation as a whole. Sometimes arrangements are made to give more power to people from rural areas or particular ethnic minority groups. This can be done by giving a greater number of seats in one of the houses for a specific ethnic group, political party or area of the country. Some people regard this as undemocratic.

Party members don't always agree among themselves on issues, but often there are certain policies which are closely associated with a particular party. When representatives in the Legislature attempt to make these policies into a law, they will be debated, and negotiations and compromises may often take place.

How party policies become law



EXERCISE 6

A MOCK PARLIAMENTARY DEBATE ON THE DEATH PENALTY

Assume the Legislature (called Parliament) in your country has two parties, each with a different position on the death penalty. Party A is generally in favour of the death penalty and Party B is generally against it. Divide your group in half, with half in Party A and half in Party B. These groups should then attempt, if possible, to each come up with a unified position on a proposed bill on the death penalty. Although everyone is designated as a member of Party A or B, when the bill is voted on, each person may go against the party position and vote as he or she wishes on the issue.

PROPOSED BILL

"In this country anyone convicted of intentional murder of another person shall receive the death penalty."

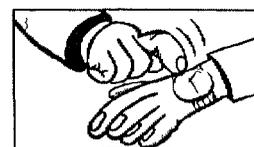
DEBATE PROCEDURE



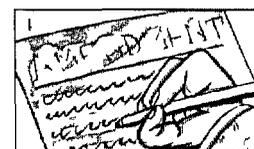
- 1 One person will be selected as "Speaker of the House" who will indicate the order in which people will speak.



- 2 People will be called upon to speak in the order they raise their hands.



- 3 No one may speak for more than two minutes.



- 4 Anyone may move to amend the proposed law and propose that the language in the bill be changed. If this occurs, the Speaker will call for debate on the amendment and allow one minute speeches by those commenting on the amendment. After five minutes the Speaker will call for a vote on the amendment. The majority of those voting will decide if the amendment becomes part of the bill.



- 5 After all members have spoken, (or the allotted time has run out), the Speaker shall call for a vote on the proposed bill.



- 6 The issue will be decided by a majority vote.

In a democracy laws are often the result of compromise

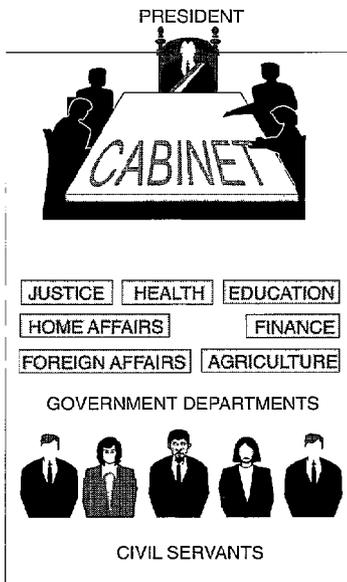
In a democracy, laws are often the result of compromise and co-operation. Some members may agree to change their proposed law to obtain the support of other members. Sometimes members even engage in a practice which might be called "deal-making" or "vote trading". This means that some members may agree to vote for a certain law if other members will agree to vote for another law they plan to sponsor in the future.

EXERCISE 7

SHOULD "VOTE-TRADING" BE ALLOWED IN PARLIAMENT?

Assume that in the above debate, Devan, a member of Party A who was in favour of the death penalty agreed to vote against it. Devan did this based on an offer by Petole, a member of Party B who said "If you vote against the Death Penalty Bill, I will agree to vote for a new law that you want which will provide new housing for people in the area where you live". Petole's vote on the housing bill is needed to obtain the majority necessary to pass it.

- 1 Do you think these type agreements should be allowed in the Legislature? Why or why not?
- 2 If this type of "vote trading" is not allowed, what do you think might happen?
- 3 If "vote trading" is allowed, should it be made known to people in the society? Give reasons for your answer.



The structure of the Executive

B THE EXECUTIVE

The Executive usually consists of a President or Prime Minister and a group of Ministers known as a Cabinet. The Executive makes policy decisions and carries out the laws passed by the Legislative branch.

The Executive consists of the Prime Minister or President, the Cabinet Ministers and all the departments of government. Typical departments in a government are justice, education, home affairs, foreign affairs, finance, agriculture etc. The government workers, often called the "civil service", are all part of this branch of government. The police and military are part of the Executive and in a democracy should be under the ultimate control of the head of the Executive branch (Prime Minister or President).



If the Executive loses control of the military a military coup may result



No one, not even the President is above the law

It is important that the military is under the civilian control of the President. If it is not, it can become a very powerful rival force to the President. This has resulted in military coups or takeovers of the government in many countries.

One of the central signposts of a democracy is the “rule of law” (see page 19). This means that all members of the government including the President must follow the law and that no one is above the law. When government officials are corrupt or otherwise violate the law, this can lead to lack of respect for the law, and undermine democracy. They must be held accountable for their unlawful acts.

EXERCISE 8

POLICE ACTION AND THE RULE OF LAW

The law in a country is “The police may use reasonable force to subdue people who are breaking the law or otherwise using force against them.” Five members of an organization opposed to the government are stopped by the police while they are driving a car. The police recognize who they are and when one of the suspects takes out a gun, the police fire their weapons and kill all five suspects.

- 1 What is the law involved in this case?
- 2 Who violated the law?
- 3 Which actions that took place here may have been violations of the rule of law?

WHERE YOU LIVE

IS THE JUDICIARY
INDEPENDENT
OF THE
EXECUTIVE AND
LEGISLATURE?

Judges must be free to make decisions without fear of being punished or harassed

C JUDICIARY

The Judiciary is made up of the courts of the country. The role of the courts in a democracy is to provide justice for citizens and to ensure that the laws are followed.

The courts' role is particularly important because they usually have the power to settle disputes between different branches of government and serve as the final decision maker in interpreting the constitution. For this to occur, they must be independent from the Executive and Legislative branches and have the power of judicial review. This is the power to declare a law or an action by the Executive or Legislative branches in violation of the constitution.

Assume that the constitution requires "equal treatment for people of all races and ethnic groups under the law," and the Legislature passes a law saying "Due to a shortage of funds it is no longer necessary to provide accused people in courts with interpreters." Using its power of judicial review, a court could declare this law invalid as it violates the constitution.

An independent Judiciary is one where judges are free to make decisions without fear of being punished or harassed. The independence of the Judiciary can be threatened by how its judges are appointed and removed. If a President can remove any judge who makes a decision that the President does not like, the Judiciary would not be independent. Some constitutions support the idea of judges being independent by having them appointed for life. This enables them to make rulings without being influenced by political pressure.

EXERCISE 9

APPOINTING JUDGES

There is a new constitution and government in a country which has had an undemocratic system for over 50 years. It presently has a court system with over 300 sitting judges who were previously appointed for 15 year terms.

- 1 What do you suggest should be done with the judges who are presently serving 15 year terms? What is likely to be the result of your decision?
- 2 How should new judges be selected? Should they be elected by the people or appointed by someone else? If they are appointed, should it be done by the head of government (President or Prime Minister), the Legislature or an independent commission made up of lawyers, judges or others?
- 3 For how long should new judges be appointed? Should judges be able to be re-appointed? Why or why not? Give reasons for your answer.

E. ROLE OF GOVERNMENT IN THE ECONOMY

A successful economy should be the goal of every democracy. History has shown that many democracies have been undermined by large scale unemployment and poverty. Likewise, concentration of large amounts of wealth in the hands of too few people has led to great discontent and sometimes revolution in different societies.



Concentration of too much wealth in the hands of a few can lead to discontent and revolution

There are different theories as to the best role for government regarding the economy. One known as the free enterprise or capitalist system leaves most decisions to be made by private individuals and companies in the marketplace. This system is also referred to as a free market economy. It views individual property rights, competition and freedom of choice as important to the economy's success. The free enterprise system is sometimes criticized for exploiting workers, failing to eliminate poverty and other social ills (e.g. crime). Its defenders say it promotes individual initiative, productivity and some social services.

A second economic system often referred to as socialism is characterized by central government control over decisions. It usually includes government ownership, or nationalization of some industries, and an attempt to provide extensive social services such as medical care, housing, education to people free of charge. Critics of this approach say it reduces individual initiative, creates a large state bureaucracy, and gives people less freedom in their lives. They point to a special form of socialism, called Communism, which has been practiced in the former Soviet Union and other countries and has been viewed by most critics as a failure. Defenders of socialism say that Soviet style Communism failed because it was very authoritarian and undemocratic, used an approach emphasizing collectives, and seriously restricted human rights. Supporters of socialism say it reduces unemployment and poverty and is better able to provide social and economic rights to all the people.

Many people argue that neither capitalism or socialism work well in their pure form and that a "mixed economy" works best. This is sometimes called "social democracy" where a free enterprise system is retained, but the State sets ground rules within which the economy operates. Under their system private ownership of industry generally continues but in some instances, certain industries may be tightly regulated or even taken over and "nationalized" by the state. Under this system the State takes strong action to ensure equality of opportunity and social services for employed, poor or other disadvantaged citizens. Critics of this approach say that government often does a poor job of delivering services to people.

1 FREE MARKET



Business free of state control



2 SOCIALISM



Industry under state control



3 MIXED ECONOMY



Some State Control of Industry



Three economic models

EXERCISE 10

SHOULD THE MINES BE NATIONALIZED?

For many years members of a minority ethnic group in a country ran the government. Under this system the owners of gold mines supported the government, the government supported them and they became very wealthy. A new majority ethnic government is now coming into power and is considering whether or not it should take over or nationalize the mines. This would mean the government would own the mines and attempt to redistribute or share the wealth produced by these mines amongst more people, especially those in the majority ethnic group. The following are three points of view on this issue.

Owner of Mine



My family bought this mine. I've worked my whole life on making this mine successful. My father also did this before me. It is unfair to take my property from me or to tax me at high rates. If the mines are to continue to be successful, my know-how is needed to run them.

Mine Worker



We have worked the mines for many years with low salaries and under poor working conditions. It is time for the government to take over these mines and share the wealth among all the workers. They can hire the former owner if they need his know-how. The mines are part of the national wealth of the country and should be owned by everyone.

Member of Parliament



We need to redistribute the wealth, but having the government take over the mines and run them is not the way to do it. The government does not know how to work the mines. Experience in other countries shows that governments cannot run industries as well as private people with the experience and desire to do so. We could raise taxes on the profits of the mines and use them to redistribute wealth. We can pass regulations making the owners pay minimum wages and provide better working conditions."

- 1 Roleplay a debate between the three people listed above.
- 2 Which viewpoint most closely represents the systems of capitalism, socialism or a mixed economy?
- 3 What are the advantages and disadvantages of each approach? With which approach do you most agree? Why?
- 4 What other solutions might there be to this problem?

3. CHECKING THE ABUSE OF POWER



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A	What is the abuse of power?	41
B	Accountability and transparency	42
C	Domestic methods of checking abuse of power	48
D	International methods of checking abuse of power	56

OBJECTIVES OF THIS CHAPTER

After reading this chapter you should be able to

- 1 Know what is meant by an abuse of power
- 2 Define what is meant by accountability and transparency
- 3 Understand the limits of accountability and transparency
- 4 Understand how the separation of powers checks abuse of power
- 5 Know the different domestic methods of checking abuse of power
- 6 Know the different international methods of checking abuse of power

A. WHAT IS ABUSE OF POWER?

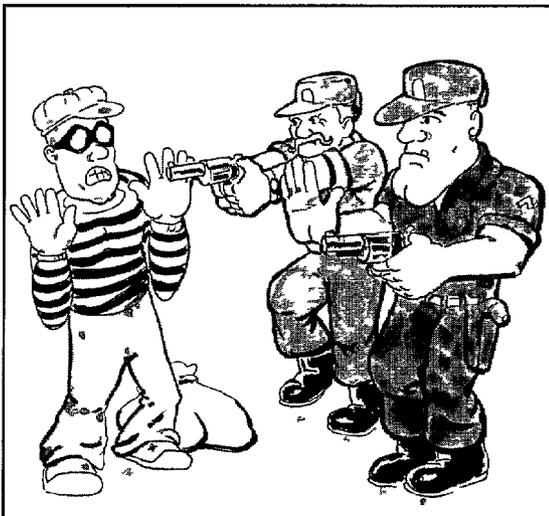
WHERE YOU LIVE

DO GOVERNMENT
OFFICIALS
ABUSE THEIR
POWER?

In a democracy the people give the government the power to govern on their behalf. Government officials should exercise this power in a positive manner. This means they should exercise it fairly and properly within the rules established by the constitution and the laws of the country.

An example of government exercising power in a positive manner is when the police arrest a high-way robber to protect its citizens. Another example is when the government collects taxes and spends them on the education of children in the country.

The negative use of power is often referred to as abuse of power. This is when government officials exercise more power than the law has given them or when the government violates the law or constitution of the country. A common kind of abuse of power is corruption. For example, corruption exists when a government official's job is to issue licenses to citizens, but she requires that citizens pay extra money to her personally before the license is issued. Another type of abuse of power is violence by the state. An example is a police officer who stops people on the streets and beats them if they refuse to answer his questions.



Police arrest a robber a positive use of power



Police beat up a suspect a negative use (abuse) of power

EXERCISE 1

IDENTIFYING THE ABUSE OF POWER

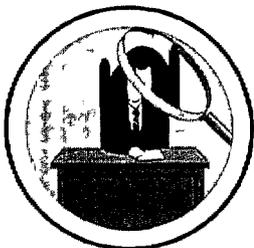
Read the following situations and determine whether each is an example of an abuse of power or of the positive exercise of power. Give reasons for your answer.

- 1 The principal of Dabanc College often comes to school drunk. One day when he arrives drunk, the pupils order him to leave the school premises and threaten him with violence if he returns.
- 2 After a long drought your government passes a law that restricts the use of water to four hours a day.
- 3 In your school the students vote to boycott classes until the government agrees to fix the dormitories which are in a very bad state of disrepair. After a week of class boycotts the government decides to close your school. The police come to ensure that all students move out of the school premises.
- 4 Your government has received reliable information that a neighbouring country is mobilising its armed forces to attack your country. Your government issues a decree that all citizens between the ages of 18 and 35 must be conscripted into the army.
- 5 You are stopped by the police at a road block. They search your car for any illegal objects and find nothing. They order you to park your car on the side of the road and to wait. After five hours they tell you to leave, but they do not tell you the reason why you had to wait for such a long time.

B. ACCOUNTABILITY AND TRANSPARENCY



Public officials must be accountable



Transparency creates openness

Public officials in institutions such as government, universities, schools, hospitals etc. have a duty to answer to the public for their decisions, policies and actions. This is referred to as accountability.

In a democracy the principle of accountability is closely linked to transparency. Transparency is the creation of openness and access for the people to see clearly what is going on in the government and in society. Transparency imposes a duty on the government to disclose information and on the citizen to obtain such information. There can be little government accountability if citizens have no way of finding out what is happening.

The best way to prevent government abuse of power is to remove the government through an election. The principles of accountability and transparency make it easier for citizens to use democratic methods to challenge the abuse of power by the government during its term of office.

EXERCISE 2

THE CONSULTUS HIGH SCHOOL CASE

The students of Consultus High School democratically elected the Student Representative Council (SRC) to represent their interests in school administration matters. The school authorities notified the SRC that due to state subsidy cuts free textbooks will be discontinued. In a meeting with the school authorities the SRC agrees, without consulting the students, to allow the authorities to discontinue free textbooks. In return, the school authorities agree to erect a new sports stadium for the students. The school authorities also promise to subsidise those students who cannot afford to buy their own textbooks.

Role-play the following conversations at a meeting of the student body.



Divide into groups and answer the following questions. Give reasons for your answer.

- 1 Is the SRC accountable to the student body?
- 2 Did the SRC act in accordance with the principle of transparency?
- 3 If you were an SRC member how would you have handled the matter?
- 4 What can the student body do if they are unhappy with the way in which the SRC handled the matter?

1 LIMITING ACCOUNTABILITY AND TRANSPARENCY

In a democratic country there are times when the government limits the principles of accountability and transparency. Though people differ on when limits are appropriate, some limits are at times recognized throughout the democratic world as necessary to enable governments to run the affairs of their countries.



During a state of emergency the police and armed forces are granted special powers to protect life, liberty and property.

For example, accountability is limited when a state of emergency is declared by the government. A state of emergency is declared when there is instability or civil unrest in the country. During a state of emergency, the police and the armed forces are granted special powers to protect life, liberty and property, and the normal procedures are temporarily suspended. The police or armed forces are often granted immunity from prosecution for actions they may commit under a state of emergency. However, they must conduct themselves responsibly and act lawfully in discharging their duties. A state of emergency should only be declared for a limited period. As soon as stability in the country is restored, the state of emergency should be discontinued.

Indemnity for past political crimes is sometimes granted by a new government.

Another example is when countries change from dictatorship to democracy. They sometimes pass laws that grant indemnity from prosecution to people who committed "political crimes" under the dictatorship. Indemnity, also called amnesty, is granted for past actions. Some people are opposed to the granting of indemnity for past "political crimes", because they believe it prevents criminals from being accountable for their crimes.

Others support the belief that digging up the past does not benefit a new democracy

In a democracy the President has special powers to grant pardons to sentenced prisoners. She or he may order that a prisoner be released from prison or that the death penalty not be carried out. A pardon limits the President's accountability.

Some public officials, such as judges and magistrates, are granted immunity from legal action that may arise from their decisions. They are not held liable even if a court of appeal can declare their decisions unfair or unjust. Even though this immunity limits the accountability of public officials, people support this kind of immunity because it protects officials who are working for the government and trying to perform their job responsibly.

Members of Parliament, judges and some other officials may be granted immunity from prosecution to enable them to perform their duties without fear.

In a democracy laws are passed through a process of open Parliamentary debates and arguments. Members of Parliament are granted immunity from prosecution from statements made in the course of Parliamentary debates. While this immunity limits accountability, it is designed to ensure openness so that all facts, opinions and perceptions are heard in Parliament before any law is passed.

EXERCISE 3

SHOULD THE GOVERNMENT LIMIT ACCOUNTABILITY?

Your country, Pacem, changes from a single party authoritarian government to a multi-party democracy. The President of the outgoing authoritarian government and her party members are arrested because during their rule they committed cruel political crimes. The transitional government grants an amnesty to the past President and her party members. They are released and allowed to participate in the forthcoming elections. Some people in your country strongly believe that the past President and her party members must be tried for their crimes and should not participate in the elections. Others believe that peace and forgiveness are important for the future of Pacem.

Divide into two groups and prepare to conduct a debate. One group should argue in favour of the amnesty, and the other group argue against it. Consider the following:

- 1 Was the transitional government justified in declaring the amnesty for political crimes?
- 2 Does the declaration of the amnesty limit the duty of accountability?
- 3 If you were in the transitional government, what action would you recommend should be taken concerning the past President and her party members?

Give reasons for your answers.

National Security
is a valid reason
to limit
transparency

Sometimes circumstances exist which justify a government limiting transparency. One such situation is when government leaders believe that the national security of the country is threatened. For example, if the President of a country obtains reliable information that a group of military leaders is plotting to take over the country, he or she might keep this information secret until after an investigation. "National security" is a valid reason to limit transparency but sometimes government officials use this reason to cover up abuse of power or to restrict criticism of government policies.

EXERCISE 4

THE NUCLEAR BOMB T.V. DEBATE

Read the following case in order to prepare a debate. Your country is at war with a powerful neighbouring state. You suspect that your government has developed a nuclear bomb but your government refuses to confirm or deny this. The citizens of your country demand to know whether the government has a nuclear bomb. They want to know whether the nuclear bomb will be used in the present war.

The rumours are that your country is losing the war. Morale in the army is low and the number of casualties is higher than figures released by the government. There is a strong possibility that out of desperation your government may use the nuclear bomb. Your government refuses to answer any questions about the war. It says that military information is highly confidential.



Prepare to conduct a debate in which the following groups are represented

- the opposition party,
- the church community,
- the Anti-Nuclear Bomb League,
- the Human Rights Association,
- the Women for Peace League,
- a representative from the President's office

In your debate consider the following

- 1 What is the position of your group? Give reasons
- 2 Should the government release information about the nuclear bomb and the war?
- 3 Is your government undermining the principles of accountability and transparency?
- 4 Should the losing country use the nuclear bomb to end the war?

Give reasons for your arguments

EXERCISE 5

DID THE STATE OF EMERGENCY LIMIT ACCOUNTABILITY?

Your country is experiencing severe drought conditions. A majority of citizens are poor and unemployed. The crime rate is high. Your government places a 10% VAT (value added tax) on the bread price. The government says that the bread tax is necessary because the drought has caused a shortage of wheat. In protest the citizens of your country hold mass demonstrations and protest marches. Looting, vandalism and violence break out countrywide. The government declares a state of emergency, introduces curfew laws and gives the police powers to arrest and detain people without a trial.

- 1 Was the government justified in introducing the bread tax, declaring the state of emergency with curfew laws, and granting the police special powers of arrest?
- 2 Did the government actions limit accountability? If yes, how?
- 3 If you were a government official, what would you do about the violence in your country?

Give reasons for your answers

C. DOMESTIC METHODS OF CHECKING THE ABUSE OF POWER

WHERE YOU LIVE
WHAT METHODS ARE
USED IN YOUR
COUNTRY TO CHECK
THE ABUSE OF
POWER?

In addition to accountability and transparency democratic governments use structural methods to check the abuse of power. One structural method is the separation of powers between the Legislative, the Executive and the Judicial branches of government. The separation of powers of the government is discussed in chapter 2 of this manual.

Many of the signposts of democracy are methods of checking the abuse of power. Government power can be checked by adopting a bill of rights that protects individual rights and liberties, by observing the rule of law, by adopting the multi-party system of government, and by empowering civil society to participate and challenge abuses of power by the government.

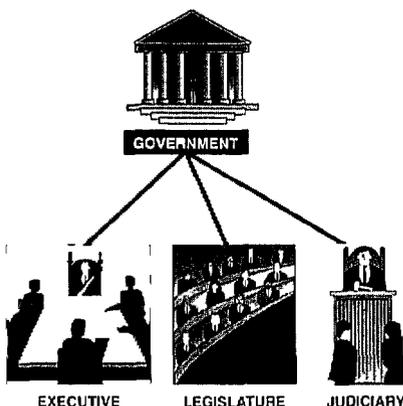
Other methods of checking the abuse of power include the use of publicity and the media, the adoption and use of fair procedures by the government, the creation of an office of an ombudsperson or a Public Protector who attends to the complaints of the public, the establishment of special commissions of inquiry, and pressure by the international community.

1 SEPARATION OF POWERS

Democracy recognises the need to spread power and not to concentrate it in any one branch of government. History shows that when one branch of government has too much power the likelihood of the abuse of power is great. Democratic countries use the separation of powers to enable the different branches of government to check or limit the powers of each other. This is called checks and balances.

Although their functions are inter-related, each branch of government is granted its own powers which no other branch can take over.

The Legislature is the law-making branch of government. It is often called a Parliament. The Executive consists of the President or the Prime Minister and Cabinet Ministers. It makes policy decisions and carries out the laws passed by the Legislative branch.

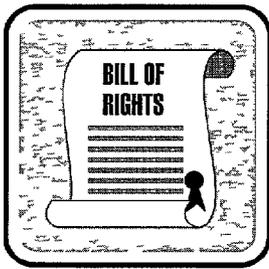


The separation of powers promotes accountability and transparency

In a democracy, courts can declare any government action that violates the constitution null and void

The Judiciary is composed of judges and all other officers of the court system. The role of the courts in a democracy is to apply, interpret and enforce the laws and to provide justice for the citizens. The courts have the power of judicial review, which means that they can decide whether government actions are in accordance with the constitution. Courts can declare any government action that violates the constitution null and void.

No branch of government can act on its own. For example, in some countries the President can nominate judges, but the nominees must be confirmed by officials in the Executive or the Legislative branch of government. Another example is if elderly citizens experience unreasonably long delays before receiving their pensions, they can obtain a court order to force officials in the Executive department to release the pensions on time. The separation of powers in a democracy promotes accountability and transparency. Each branch of government answers to the other branches.

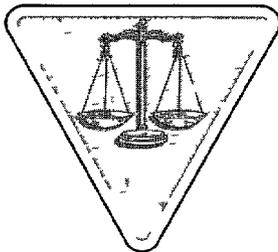


A Bill of Rights limits and checks the powers of government

2 A BILL OF RIGHTS

A bill of rights contains a list of freedoms and rights that are protected. It may be included in the body of the constitution or issued as a separate document. A bill of rights limits and checks the powers of government. Any act that goes against the bill of rights and the constitution can be challenged in the courts. For example, in a country where freedom of expression is protected in a bill of rights, the government cannot without good reason, limit that freedom through censorship.

3 THE RULE OF LAW



In a democracy "the law is king"

For a democratic country to function properly, it is necessary that the government and the citizens respect the "rule of law". The "rule of law" means that the law is enforced equally, fairly and consistently, and that the government does not make arbitrary decisions. Respect for the rule of law also means that no person, even an elected President or a Monarch is above the law. In a democracy the following statement should be respected: "The law is king."

EXERCISE 6

IS THE HEAD OF STATE ABOVE THE LAW?

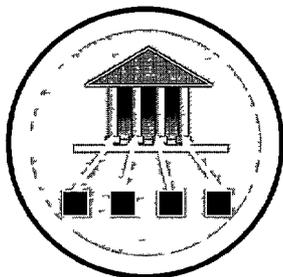


Two high ranking military officers are executed

Your country is ruled by a military dictator General Pao Min who came into power in a military coup. Shortly after taking power, he instructed the army to kill two high ranking officers because he had been informed that the officers were plotting to overthrow his government.

A few years later the generals who carried out orders to kill the two officers resign from the army. They inform the Attorney-General that they killed the officers under orders from Pao Min. The Attorney-General's office charges Pao Min with the murder of the two officers and he goes on trial.

- 1 Give the arguments on behalf of Pao Min.
- 2 Give the arguments on behalf of the Attorney-General.
- 3 If you were the judge in this matter how would you decide the case?
- 4 Following the judge's decision, discuss which were the best arguments for each side?



The opposition parties act as watchdogs over the ruling party

4 MULTI-PARTY DEMOCRACY

One way of checking the abuse of power is to have a multi-party system of government. This means that more than one party takes part in the elections and participates in government. In a democracy, an opposition party which presents different views to those of the governing party is necessary. The opposition party operates as a watchdog over the ruling party. A democracy is healthy when it is possible for the opposition to win an election and form a new government.

5 PUBLICITY AND THE MEDIA

One way the government publicizes information is through the media which includes electronic media (television and radio), and print media (newspapers, magazines, tabloids and books). The media helps uncover the abuse of power by the government.



The media has a "policing role" against government inefficiency, corruption and mismanagement

Electronic and print media can promote governmental transparency and accountability by creating public awareness of government actions. The media also promotes communication because it enables the government to learn about the views of its citizens and the citizens to learn the views of government leaders and the opposition.

In many countries the media helps prevent government corruption by publicizing information about corruption. This has led to the resignation of government officials and the withdrawal of candidates from corrupt election campaigns.

The media has been described as having a "policing role" against government inefficiency, corruption and mismanagement. Politicians around the world often worry more about publicity than other checks on the abuse of power. This is because negative publicity in the media can result in politicians losing support among voters and losing the next election.

Because the media is so powerful, some governments attempt to control it. Governments often own newspapers, radio and television stations and control what is reported. Citizens need to be aware of who owns the media in their countries and whether it is independent or controlled by the government.

3. CHECKING THE ABUSE OF POWER

A democracy should allow different opinions to be expressed in the media

Governments can also control the media by censoring what is reported or by prosecuting those who write or say things critical of the government. These are all attempts to control what citizens see, hear or think. A democracy should allow different opinions to be expressed in the media. This is sometimes referred to as the free marketplace of ideas because citizens hear many different points of view and then decide what they wish to think, say and do.

However, the media cannot print or broadcast without any limits. When reporting news, it should print or broadcast fact, not fiction. If it makes up lies, it should be held accountable. Most democracies also have restrictions against obscenity or pornography in the media.

For the media to be fair and free and to effectively check abuse of power, journalists must have access to information. Journalists should also play an investigative role in examining the functions of the government and its officials. Investigative journalism must be conducted according to a code of conduct. For example, journalists should not invade people's privacy or trespass on people's property.

Governments sometimes try to control the media by censoring what is reported or harassing or prosecuting those critical of the government



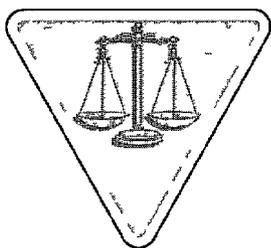
EXERCISE 7**THE DRAKENGATE CASE**

Your country, Draken, is a member of the International Peace Organisation (IPO). IPO agreed in their international peace convention not to supply arms to groups who are planning to overthrow a democratic government. Draken also has laws which prohibit them from providing arms to groups fighting to overthrow a democratic government.

Dan Deeper and Kwizzy Kwazi are newspaper reporters for "The Eye". They receive information that Draken is supplying arms to the Berg Liberation Organisation (BLO) which is planning to overthrow the stable democratic government of the neighbouring country, Berg. They also receive information that the President of Draken knows that members of his government are selling arms to the BLO. To confirm their suspicions and uncover this issue, Deeper and Kwazi break into the offices of the government and read and photocopy confidential documents of the government. Their suspicions are eventually confirmed and they publicise the contents of the confidential documents. As a result there is a big outcry and pressure for the President to resign.

- 1 Was there an abuse of power by the Draken government? Give your reasons.
- 2 Were the methods used by Deeper and Kwazi to uncover the scandal justified? Should Deeper and Kwazi be prosecuted? Give your reasons.
- 3 Should the President resign? Give your reasons.

Fair procedures protect citizens from arbitrary government decisions and prevent the abuse of power.

**6 FAIR PROCEDURES**

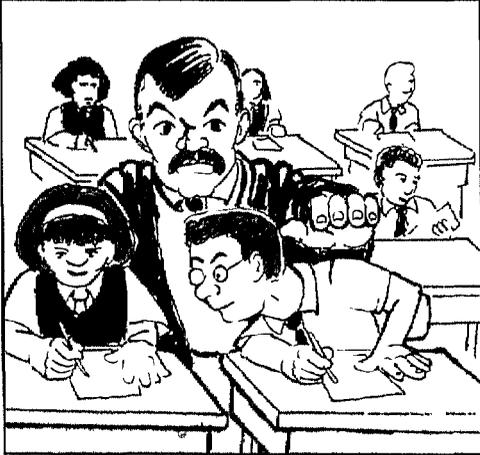
An important way to check the abuse of power is to establish fair procedures, especially when dealing with the public. These procedures are sometimes called "the due process of law". Due process of law requires the government to give notice to citizens before it takes certain actions. Sometimes a hearing is necessary and the government should always make fair and justified decisions.

Fair procedures protect citizens from arbitrary government decisions. They prevent the abuse of power. For example, a person whose pension is withdrawn is first entitled to prior notice, a fair hearing and a written decision with stated reasons.

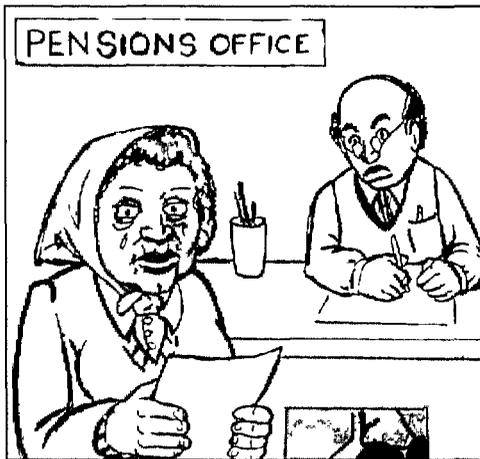
EXERCISE 8

WERE THE PROCEDURES FAIR?

Read the following factual situations and decide whether in each instance the procedures followed were fair or not. Give reasons for your answer.



- 1 A student is suspected of copying from another student during examinations. He is immediately expelled from the examination room. The following day he receives a letter from the principal which informs him that he is disqualified from the entire examinations and suspended from school for six weeks.



- 2 A senior official at the Department of Pensions believes that Ms Mumps is not yet entitled to an old age pension. The official withdraws her pension.



- 3 A citizen of your country applies for a business license. Shortly afterwards the licensing board sends a letter to invite the business woman to a hearing concerning her application. After the hearing she is informed in writing that her application has failed. The board found that evidence was presented at the hearing that proved she had cheated many customers when she had previously run a business.



The Ombudsperson's main function is to investigate public complaints against government officials

Commissions of Inquiry function independently of the government and have free access to information

7 THE OMBUDSPERSON OR THE PUBLIC PROTECTOR

Some democracies create an office for an independent public official called an ombudsman or public protector. His or her main function is to investigate public complaints against government officials. The ombudsman must not be appointed from the ranks of the supporters of the government. He or she must not owe allegiance to any political party or leader. The office of an ombudsman investigates instances of bad administration of government affairs including corruption and conduct by public officials that causes prejudice to the public. Examples include elderly people who experience delays in receiving their pensions or school leavers whose results are withheld. The services of an ombudsman are often provided free to the public.

The ombudsman can recommend appropriate remedies to the government and normally performs the following functions:

- a) ensures that public officials perform their duties in a responsible and accountable manner
- b) recommends amendments to bad laws
- c) provides a place for citizens to come to complain about public officials
- d) serves as a watchdog over the government's administrative functions

8 SPECIAL COMMISSIONS OF INQUIRY

Commissions of inquiry are appointed by the government. They investigate, report and make recommendations concerning allegations of corrupt administration, injustice, unfair treatment and inefficiency in public affairs. They function independently of the government and have free access to information. They often perform tasks such as inquiring into charges of police brutality, reviewing tax legislation, or advising on the restructuring of the court system. Many commissions are temporary and stop working at the end of their task.

There are some permanent commissions which are appointed to monitor longstanding issues such as racism, sexism, human rights and equal opportunities. These commissions receive complaints from the public and advise the government on appropriate amendments to existing laws.

EXERCISE 9

**OMBUDSPERSON OR COMMISSION:
WHICH SHOULD BE USED?**

Divide into small groups and decide if an ombudsperson or a commission of inquiry should be used in the following factual situations. Give reasons for your answer.

- 1 Your regional government reduces subsidies to schools. Teachers' salaries and education standards drop. Teachers, students and parents hold mass demonstrations and march through the city centre. The security forces are called in. They fire into the crowd. Several people are injured and ten die. The security forces claim that they were forced to fire because some members of the crowd fired at them. The demonstrators deny that anyone was armed.
- 2 Your local government is developing low cost housing for squatters living around the city. The local authorities are in charge of the allocation of houses. The squatters complain that the local officials are accepting bribes for allocating houses in a certain way.
- 3 You go to your national government office to apply for your passport. The public official who attends you is rude and asks you whether you are planning to skip the country. You refuse to answer her and she refuses to process your application.

D. INTERNATIONAL METHODS OF CHECKING THE ABUSE OF POWER

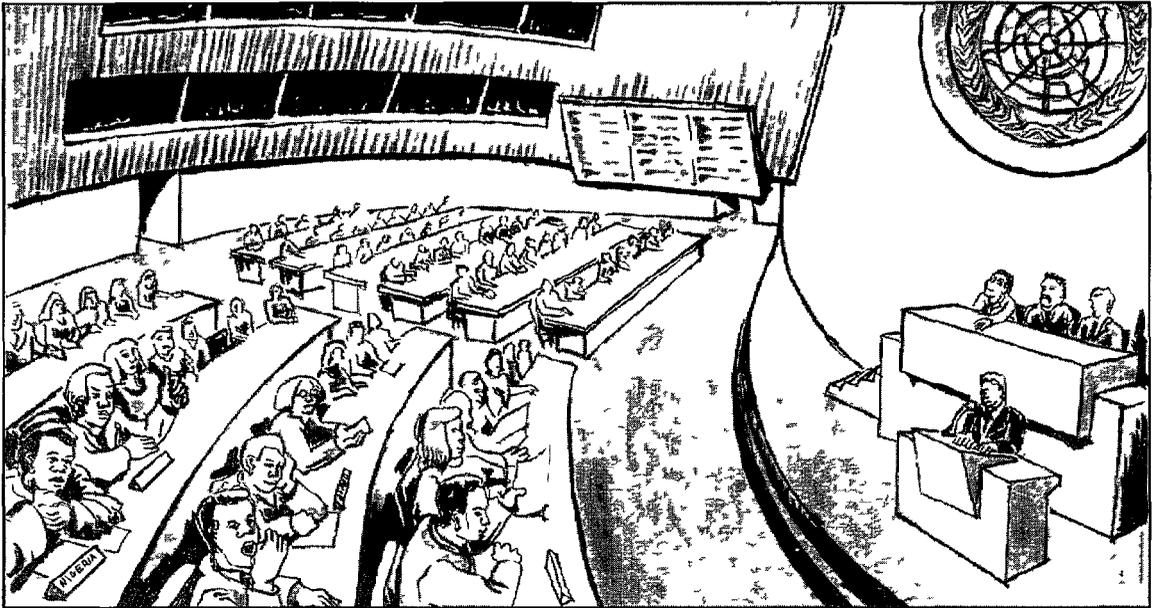
Advanced telecommunications have created an international or global community.

Advancement of telecommunications (e.g. telephones, fax machines, satellite television, computers and mailing systems), and transportation (e.g. aircraft) has brought about better communication between the nations and peoples of the world. Events occurring in one country can be quickly publicised worldwide.

This communication has created an international or global community. The experience of two world wars taught the international community that fair and just democratic principles should be adopted to ensure the protection of fundamental human rights and liberties. Members of the international community have developed ways to apply pressure on nations whose governments undermine basic human rights and liberties.

The international community applies pressure through sanctions and other methods of isolating countries. It does this through organisations such as the United Nations, and through the work of non governmental organisations. When the international community applies this type of pressure it can check the abuse of power by governments.

The UN General Assembly



1 THE UNITED NATIONS ORGANISATION

To maintain international peace and security a group of nations formed the United Nations (UN) after the Second World War. The UN is composed of one hundred and eighty member nations.

The UN is composed of 180 member nations and works to maintain international peace and security.

The United Nations encourages a democratic code of conduct and international accountability and has an important influence on international peace and stability. It occasionally imposes sanctions and where necessary supports military intervention.

When the UN imposes sanctions, it asks the nations of the world to prevent a specific country from participating in international activities. This is usually done because of the country's record of human rights violations or abuse of power. Sanctions can include isolation from participation in the international economy, diplomatic matters, sports and cultural activities. Sanctions can also mean the non-recognition of a country because of acts of abuse of power. For example, the "independen-

In extreme cases
the United Nations
uses military
intervention to
maintain
international peace

dent homelands" in South Africa were not recognised by the international community. Sanctions are an important method of putting pressure on the government to prevent the abuse of power.

In extreme cases the international community, usually through the United Nations, uses military intervention or "peace keeping forces" to achieve international peace and to prevent the abuse of power.

2 NON-GOVERNMENTAL ORGANISATIONS

The international community has developed non governmental organisations such as Amnesty International, the World Health Organisation, Human Rights Watch, Green Peace, Article 19 and the Organisation of African Unity.

Amnesty International informs people about international human rights violations. It creates pressure on governments by reporting human rights violations. Amnesty International produces an annual international report on human rights violations in many countries. From this type of report, the United Nations and others obtain information on the international community's human rights record.

The World Health Organisation provides medical attention, reports on human rights violations and reports on health conditions in different countries. It is recognised by the international community as neutral, and is given access to many countries, even where wars are fought.

Human Rights Watch focuses on regional Human Rights, publicizes violators and encourages international protests against offending governments. Green Peace makes the international community aware of environmental abuses. It lobbies internationally against experiments that use animals and against the dumping of toxic waste. Green Peace acts as an advocate for environmental concerns around the world.

Article 19 is a human rights organization that promotes freedom of expression and lobbies internationally against censorship. It works for the free flow of information internationally. It promotes the use of the media to check the abuse of power by governments.

Many local and national non governmental organisations also play a major role in checking abuse of power around the world.



Green Peace lobbies internationally as an advocate for environmental concerns around the world

EXERCISE 10**SHOULD THE INTERNATIONAL COMMUNITY INTERVENE?**

Read these cases and decide in each situation whether the international community should intervene, and if so, how?

- 1 The President is a dictator. The citizens are unhappy with his rule. They want a democratic government. They revolt against the President. He promises them a free and fair election. However, each time an election is held the President cancels the election results on the grounds of corruption. On the third occasion, civil war nearly breaks out. Human rights violations occur frequently. The citizens request that the international community intervene.
- 2 The Mindos and the Majos are the two main religious groups in Minland. Members of the ruling party follow the Majo religion and have begun a programme of "ethnic cleansing" to exterminate the Mindos. They poison water reservoirs which supply water to the Mindos, deny the Mindos basic health services, and Mindo community leaders disappear daily. The international media has reported on these events.
- 3 Goudland is ruled by a minority government. Human rights and freedoms are denied to the voteless majority. The ruling minority enjoys all privileges and rights. Opponents of the government are imprisoned, banished or exiled. Goudland is a rich country but still relies on international markets and foreign investment.
- 4 An international consortium of mining companies request that the Foreign Minister grant mining concessions in Luciana Bay. They bribe him. He promises the dwellers of Luciana Bay that he will compensate and resettle them. The Luciana Bay dwellers are committed to preserving their environment and do not want to move. Despite opposition from the dwellers and other environmental groups, the government grants the mining concession.
- 5 Napanema is a country which borders Mapano. Both Napanema and Mapano are rich in natural resources. Many Napanemians now live in Mapano. The government of Napanema orders its troops to march into and annex Mapano. The people of Mapano are horrified. The President of Mapano is forced to flee his country and appeals to the international community for help.

EXERCISE 11

HOW CAN THE ABUSE OF POWER BE CHECKED?

Read the following situations. Use the list below to decide which method should be used to check the abuse of power.

- separation of powers
 - bill of rights
 - rule of law
 - multi-party democracy
 - publicity and the media
 - the ombudsperson or the public protector
 - special commissions
 - the international community
 - fair procedures
 - judicial review
- 1 Environmental rights are protected by law in your country. Your local town authority grants permission to companies to dump toxic waste on the outskirts of town where a number of squatters are living.
 - 2 The Minister of Justice is charged with drunken driving. The Attorney-General refuses to prosecute the Minister.
 - 3 The Governor of the Reserve Bank steals government money and sends it to a Swiss bank.
 - 4 Public officials accept bribes before issuing passports.
 - 5 Many communities in your country are angry about the harsh sentences that are given to a particular race group. They contend that the judges are racially biased.
 - 6 A stable democratic government is suddenly overthrown by a group of international terrorists.
 - 7 A paper manufacturing company buys an indigenous forest and plans to cut it down to manufacture expensive paper. The local communities are opposed to this.
 - 8 Hospital workers go on strike. In response, the government cuts subsidies to all hospitals.
 - 9 People with disabilities in your country cannot move freely in your town because there are no special facilities for them. For example, they cannot use the lifts in buildings because the operating buttons are too high up and out of their reach.

EXERCISE 12**SHOULD INFORMATION ABOUT A DRUG INVESTIGATION BE DISCLOSED?**

Your country's Intelligence Bureau (IB), with the help of Interpol, break up an international drug trafficking operation. Several major arrests are made.



However, key figures in the operation are still at large. Further investigations are conducted. The Attorney-General's office is interviewed by newspapers and television and states that the key figures under investigation are government officials and community leaders. The Attorney-General refuses to disclose names. Newspapers and citizens criticise her decision not to disclose the identity of the people involved. The citizens believe that public figures are accountable to them and that they have a right to know who is involved. The Attorney-General says that the matter has yet to go to court and the information cannot be released. She further states that releasing information will interfere with the investigations.



Roleplay a press conference interview between members of the media and the Attorney-General concerning this issue. In your discussion consider whether there is an abuse of power. If so, how can the abuse be checked?

4. HUMAN RIGHTS AND DEMOCRACY



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B	Different types of human rights	63
C	Which rights should be in a bill of rights?	65
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F	Is it ever justified to suspend human rights in a democracy?	81

OBJECTIVES OF THIS CHAPTER

- After reading this chapter you should be able to
- 1 Describe what is meant by human rights
 - 2 Define the different types of human rights
 - 3 Consider which human rights should be included in a bill of rights
 - 4 Understand that a bill of rights may operate vertically or horizontally
 - 5 Know how human rights make democracy succeed
 - 6 Understand the importance of freedom of expression, freedom of association, freedom of assembly and the right to equality in a democracy
 - 7 Know when it may be necessary to limit certain rights in a democracy
 - 8 Understand how human rights may conflict in a democracy
 - 9 Know when it is justified to suspend human rights in a democracy

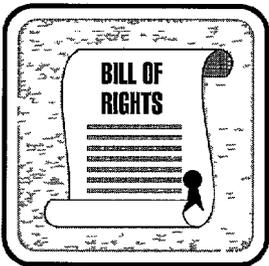
EXERCISE 1

DEFINING HUMAN RIGHTS

Write in your own words what "human rights" means to you. Try to write this in one sentence. Do not give examples of the different types of human rights. These will be dealt with later.

WHERE YOU LIVE

DOES YOUR COUNTRY HAVE A BILL OF RIGHTS?



A government may not introduce laws which conflict with the Bill of Rights



"The right to swing your fist ends where another person's nose begins"

A. WHAT ARE HUMAN RIGHTS?

Human rights are one of the signposts to democracy which are recognised and protected by society and no government should have the right to abolish them. Human rights have been defined as "generally accepted principles of fairness and justice" or "universal moral rights that belong equally to all people simply because they are human beings"

Human rights may be protected through a bill of rights in a constitution or by other laws of the country. Bills of rights set out things that are guaranteed in the constitution which cannot be changed by law without certain fixed procedures being followed. At the same time a government may not introduce laws which conflict with the bill of rights. In most democracies these laws would be declared invalid under the court's power of judicial review.

Generally people are entitled to exercise their human rights. Sometimes, however, human rights can be restricted if they interfere with the rights of other people. In the words of Oliver Wendell Holmes, a famous American judge "The right to swing my fist ends where another person's nose begins"

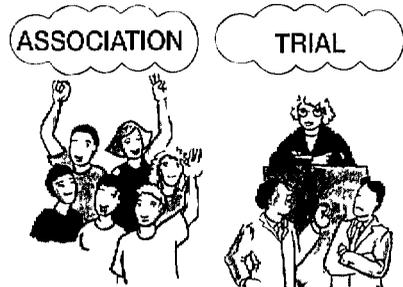
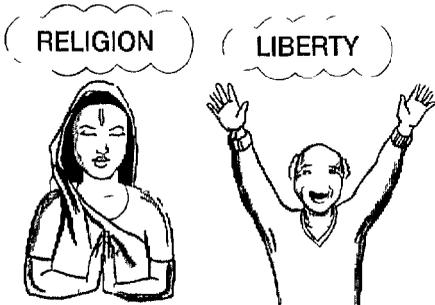
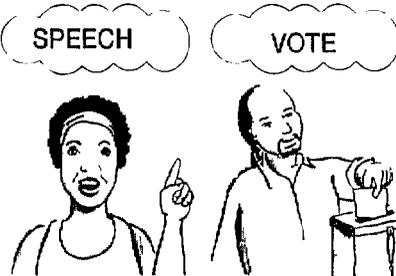
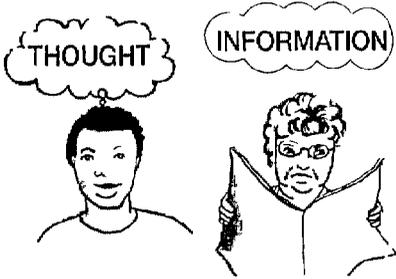
B. DIFFERENT TYPES OF HUMAN RIGHTS

Human rights can be divided into three different types

- 1) Civil and political rights,
- 2) Social and economic rights,
- 3) Environmental and developmental rights

CIVIL & POLITICAL RIGHTS

These rights are sometimes called First, Second or Third Generation Rights. There is, however, no magic in calling them by these names and they sometimes overlap with each other.



Civil rights provide citizens with liberty, equality and freedom to choose. Political rights enable citizens to participate in the political life of the community.

1) CIVIL AND POLITICAL RIGHTS

Civil rights are the rights citizens have to liberty and equality (eg to have the freedom to think and to have access to information, freedom to act and choose what to do, etc). Political rights are the rights citizens have to participate in the political life of their community and society (eg by voting for their government).

Civil rights often include the right a) to liberty, b) to equality, c) to practice religion or not as you choose, d) not to be assaulted or tortured, e) not to be detained without trial, f) not to be killed, and g) the right to a fair trial.

Political rights include the right a) to vote, b) to say what you believe, c) to have access to information, d) to attend meetings and gatherings freely, and e) to join political parties, trade unions or other organisations.

2) SOCIAL AND ECONOMIC RIGHTS

Social and economic rights give people the opportunity to participate in the social, economic and cultural life of the community. These rights concern how people live and work together, the basic necessities of life such as food, shelter and health care, and their cultural practices.

Some people argue that the following are examples of social rights: a) freedom from discrimination on the grounds of race, sex, sexual preference or religion, b) the right to marry and have a family, c) the right to privacy, d) the right to recreation, e) the right to education, and f) the right to health care. Others might argue that a) e) are also civil rights.

Examples of economic rights are a) the right to work, b) the right to housing, c) the right to an adequate standard of living, and d) the right to a pension if you are old or disabled.

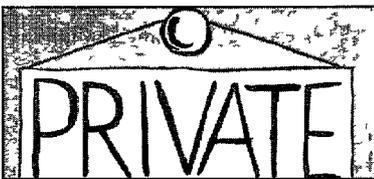
SOCIAL & ECONOMIC RIGHTS



Freedom from discrimination



Marriage and family



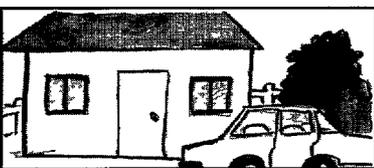
Right to privacy



Education and recreation



Right to work



Housing and adequate living



Healthcare



Pensions

3) ENVIRONMENTAL AND DEVELOPMENTAL RIGHTS

Environmental rights recognise that people have the right to live in an environment that is clean and free from pollution and protected from destruction. Developmental rights include the right to cultural, political and economic advancement (eg the right of a group of people to have their culture recognized or to advance themselves politically or economically)

C. WHICH RIGHTS SHOULD BE IN A BILL OF RIGHTS?

EXERCISE 2

CHOOSE YOUR RIGHTS

Your country is electing a new democratic government for the first time. You have been asked to draft a bill of rights for the new constitution which will guarantee democracy in the country. When rights are included in a bill of rights they are enforceable by law. Rights can also be used to limit the power of the government. For example, a provision in a bill of rights might state "The government may not execute people who commit crimes"

List six rights which you would include in the bill of rights to ensure that your country is democratic.

Most people agree that civil and political rights, such as freedom of speech or the right to vote, should be included in a bill of rights to protect the liberty of citizens in a democratic country. However, there are conflicting views about whether social and economic rights, such as the right to adequate shelter, should be included in a bill of rights. Some people argue that if social and economic rights are included in a bill of rights, but cannot be made available to the people, the government and the bill of rights will become discredited. Others argue that citizens cannot enjoy civil and political rights if they do not have access to the basic necessities of life which are included in social and economic rights.

Western democracies included civil and political rights in their bill of rights, while Eastern European dictatorships included social and economic rights in theirs

In the past Western democracies have included civil and political rights in their bills of rights, while dictatorships in Eastern European countries and the former Soviet Union included social and economic rights in theirs. People who are opposed to including social and economic rights in a bill of rights argue that these can be included as guidelines for the government and should form part of a political party's manifesto and not be fixed in the bill of rights.

The African Charter on Human and People's Rights states that "Every individual shall have the right to enjoy the best attainable state of physical and mental health." The words "best attainable" are used because this will vary, depending upon how rich a particular country is, and what resources it has available for these services.

EXERCISE 3

SHOULD SOCIAL AND ECONOMIC RIGHTS BE IN A BILL OF RIGHTS?

A country that was recently ruled by dictatorship is drafting a bill of rights to be included in its new constitution. For many years its citizens were deprived of proper schooling, housing and health services. The Reform Party argues that it is essential for the government to be compelled to provide these in a bill of rights. The Status Party argues that these rights should not be included in a bill of rights because the government may not be able to deliver them and this will discredit the constitution.

- 1 Roleplay the leader of the Reform Party during a village meeting in which the leader explains why social and economic rights should be in a bill of rights.
- 2 Roleplay the leader of the Status Party during a village meeting in which the leader explains why social and economic rights should not be in a bill of rights.
- 3 What do you think? Should social and economic rights be in a bill of rights? Why or why not?





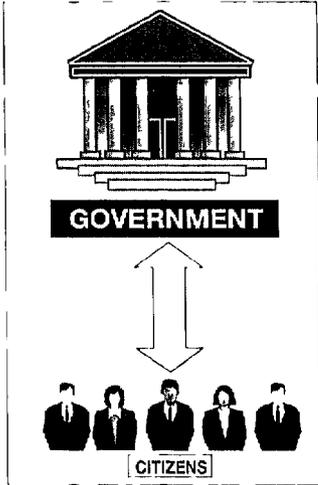
Environmental rights often clash with economic development issues

Unless environmental rights are protected in a bill of rights they will be overlooked when they come into conflict with other rights

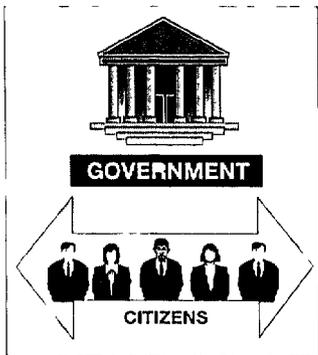
Some people insist that social and economic, and environmental and developmental rights be included in a bill of rights. Others argue that it is difficult to enforce these rights because their enforcement depends on the funds available.

Environmental rights often clash with economic development issues. For example, paper companies may want to cut down trees in an area where environmentalists believe trees must be protected. Unless environmental rights are protected in a bill of rights they will be overlooked when they come into conflict with other rights. Some suggest that these rights be listed as goals of the constitution instead of rights, and then serve as a point of reference for future legislative action.

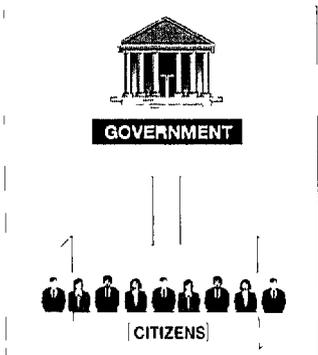
The right to development is also very controversial. This might result in a particular group, which has been discriminated against in the past, being listed in the constitution to receive special assistance from the government regarding education, jobs or land. It also has been asserted by countries, which for various reasons including past colonial exploitation, believe more wealthy Western nations should be helping them develop. Those who are opposed to this say that it creates a culture of dependency. They argue that people should develop on their own initiative and hard work and not become dependant on the government.



A vertical bill of rights protects citizens from things done by the government which undermine their human rights



A horizontal bill of rights protects citizen from violations of their human right by fellow citizens



Some bill of right work both vertically and horizontally

1. SHOULD A BILL OF RIGHTS OPERATE VERTICALLY OR HORIZONTALLY?

A bill of rights will not solve all problems in society. The amount of protection citizens will have will depend on whether the bill of rights operates vertically or horizontally. A vertical bill of rights protects citizens from things done by the government which might undermine their human rights. This means that citizens will only be protected if the government has been involved in the act which affects their rights. An example is when the government discriminates against people from a particular racial or ethnic group who wish to be employed in government departments or attend government schools. People in favour of a vertical bill of rights say that the government should not interfere too much in the lives of private citizens.

If the bill of rights operates horizontally, the rights of private citizens will be protected against violations by fellow citizens. For example, under a horizontal bill of rights private employers will not be able to discriminate against employees because of their race, and private schools will not be able to discriminate against children wishing to attend them. People in favour of a horizontal bill of rights say that it prevents unreasonable private discrimination.

Sometimes, even if the bill of rights operates vertically, the government may introduce additional separate laws to prevent unreasonable discrimination. It is possible for a bill of rights to work both vertically and horizontally.

EXERCISE 4

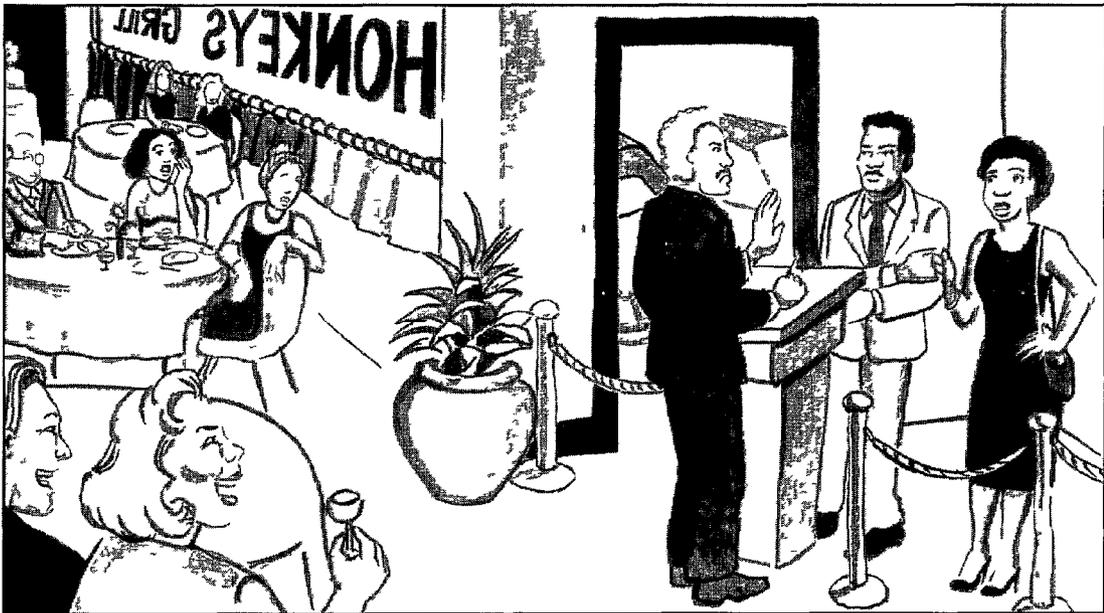
SHOULD A BILL OF RIGHTS OPERATE VERTICALLY OR HORIZONTALLY?

- 1 How does a vertical bill of rights operate? How does a horizontal bill of rights operate?
- 2 What are the arguments in favour of a vertical bill of rights? What are the arguments against?
- 3 What are the arguments in favour of a horizontal bill of rights? What are the arguments against?

EXERCISE 5**SHOULD THESE ACTIONS BE ALLOWED?**

Should the law allow the following forms of action? Give reasons for your decision. Identify whether the action is vertical or horizontal.

- 1 When providing funding for schools, a new government gives more money to schools attended by the majority ethnic group in the country. In the past the ethnic minority controlled the government and discriminated against the majority by providing more funds to minority group schools.
- 2 A person only invites people of her own race group to her birthday party.
- 3 A private church school, which receives no funding from the government, only allows children from its religious group to attend.
- 4 The public service in a region where the majority of the people speak one language only employs people of that language group.
- 5 A privately funded boys youth club does not allow girls to join as members or visit its premises.
- 6 A private employer who belongs to a minority nationality group in the country, only employs people from that minority.
- 7 A brother does not allow his sister's boyfriend who belongs to a different religion to come to their home.
- 8 A restaurant owned by people of one ethnic group only allows people from that ethnic group to have meals there.



D. HOW HUMAN RIGHTS MAKE DEMOCRACY SUCCEED

Human rights are necessary for democracy, but are all human rights necessary for democracy? Are some human rights more important than others for democracy to succeed?

EXERCISE 6**WHICH RIGHTS HELP DEMOCRACY SUCCEED?**

Divide into groups and list five rights which you think will help democracy succeed

If human rights which support democracy are undermined democracy itself is undermined



The most important right in a democracy is the right of citizen participation

If human rights which support democracy are undermined, democracy itself is undermined. For example, if the government suppresses freedom of expression, this may prevent people from making good choices regarding their government. If the government prevents freedom of association, this may prevent people from organizing to oppose it. If the government bans public demonstrations, this prevents people from displaying their mass opposition to some government policy. If the government treats some people differently from others, there will be no equality, which is an important principle of democracy. As one democratic leader once said, "The rights of every person are diminished when the rights of one person are threatened."

The most important right in a democracy is the right of citizen participation. The rights and responsibilities of citizens when participating in democracy will be dealt with in chapter 6.

For our purposes we will consider four basic rights which most people agree are essential in a democratic country. These are

- 1) Freedom of expression
- 2) Freedom of association
- 3) Freedom of assembly
- 4) The right to equality

1) FREEDOM OF EXPRESSION



Should a person be allowed to falsely shout "FIRE" in a crowded theatre?

Expression takes the form of writing, speech or use of symbols. Freedom of expression means the right to communicate as well as the right to receive information and ideas. It takes many forms and does not just consist of words. Thus, wearing a peace symbol, waving a flag or wearing an armband, button or T shirt are all forms of symbolic expression.

Freedom of expression is necessary for democracy. It should rarely be limited. However, there is disagreement about what kind of expression should be protected, and what expression the government should be allowed to limit. If freedom of expression is unlimited, it may result in interference with the rights of others. For example, if somebody in a crowded cinema or theatre falsely shouts "Fire!" in most countries, even though there is freedom of speech, that person would be arrested. Here the court would weigh up the individual's right to freedom of speech against the danger to the public. In this case the court would probably find that it was more important to protect the public than the individual's right to freedom of speech.

EXERCISE 7

SHOULD THE EXPRESSION BE ALLOWED?

Examine each of the following cases and decide

- a) what kind of expression was used, and
 - b) whether it should be allowed
- 1 A political opponent burns the flag of another political party at a public rally
 - 2 A political leader at a public rally urges her supporters to go and fetch their weapons to kill members of a rival party, and they do so
 - 3 A political leader at a public rally says that people of one race group are inferior and that his people are racially superior and should have the right to govern themselves
 - 4 A newspaper publishes an editorial saying that the government is corrupt and that people should not pay their taxes
 - 5 A video tape shows scenes of people having sex with each other



Is too much freedom of expression a danger to society?

Free expression often causes a clash of people's political, religious or personal values or beliefs

Many people believe that freedom of expression is at the heart of democracy, and that people should be allowed to express views, no matter how unpopular they are. They say that all ideas should be put out in the market place for discussion, and that the best ones will be accepted by the people. Others say that too much freedom of expression is dangerous. They also believe that speech must be controlled when it causes violence by inciting riots, calling on people to revolt, is racist or bigoted, or otherwise undermines the government. Conflicts involving freedom of expression are often the most difficult for the courts to solve. Free expression often causes a clash of basic values. People's political, religious and personal beliefs may conflict with the views held by others. They may also clash with the views and needs of the State.

In a democratic country, an important way people express their views is through newspapers, or other media such as radio, television, magazines, books, videos and films (see chapter 3)

2 FREEDOM OF ASSOCIATION



People should have the right to belong to or not to belong to any organisation

Freedom of association means that people should have the right to belong to organisations of their choice, and the right not to be forced to belong to or support other organisations. The organisation to which a person wishes to belong or support should have a legitimate or legal purpose. Thus the law will not protect a group of criminals who wish to associate together. Where freedom of association is recognised, the law will protect the rights of individuals to associate, especially from interference from the State. The right to association means the right to have others, with whom you have a common interest, associate with you to achieve a legitimate goal. An example would be citizens in an area which does not have electricity working together to attempt to get electricity for their area.

The right to association sometimes includes the right not to associate with people with whom you do not wish to associate. Thus people cannot be forced to join a political party. They may also decide whom they wish to exclude from their private association. However, in a democracy people usually may not be discriminated against on the grounds of race, religion, sex, etc.

EXERCISE 8

WAS FREEDOM OF ASSOCIATION VIOLATED?

Examine each of the following cases and decide a) whether freedom of association was violated, b) whether the violation should be allowed

- 1 A trade union has an agreement with the management of a factory that all workers must belong to the union. The union argues that this is because in the end all workers benefit from its activities. Workers cannot choose to belong to another union or refuse to belong to any union.
- 2 An important political leader is murdered. A countrywide stayaway is called for by his political organisation. People who are not members of his political organisation are prevented from going to work. They are threatened with violence if they do.
- 3 A group of people from one ethnic community forms a private club to promote their language and culture. They do not allow people who do not belong to their ethnic group to join the club.
- 4 A group of women form a sports club for women only. Men are not allowed to join the club.

3. FREEDOM OF ASSEMBLY

Like other rights,
freedom of
assembly is not
absolute

Freedom of assembly means that people should have the right to meet peacefully without interference from others. Such gatherings may take the form of meetings, political rallies, marches and mass demonstrations. Freedom of assembly is important for democracy because it allows people to gather together peacefully.

Like other rights, freedom of association is not absolute. The government may make reasonable rules regarding the time, manner and place of gatherings, protests and demonstrations so that the rights of others are not violated. However, the government may not prohibit all protest. Nor can government usually regulate a protest based on what people plan to say.

*Should left-wing demonstrations
be allowed to march through a
right wing suburb?*



EXERCISE 9

SHOULD PERMISSION FOR THE MARCH BE GRANTED?

A group of politicians is negotiating a new constitution for a country at a multi-party conference. The conference is invaded by a minority political group opposed to the negotiations. Demonstrations are called for to protect the negotiation process. In one city more than 100 000 people are expected to participate in a mass march to the Town Hall in the city centre. The minority political group threatens violence if the march is held.

- 1 Should the demonstrators have to apply for permission to march from the city authorities? Why or why not?
- 2 Should permission for the march be granted? Why or why not?
- 3 Should limitations be placed on
 - a) the length of time the demonstration may last,
 - b) the place where the march may take place,
 - c) the manner in which the march may be carried out?

Why or why not?

- 4 Roleplay a meeting between the organisers of the march and the city officials in which guidelines for the demonstration are discussed and drawn up.

As long as the assembly does not directly threaten or infringe the rights of others, it should be allowed.

Sometimes freedom of assembly can be limited. Some people say that if an assembly incites others to violence or to act in such a way as to threaten or deny people's rights, it should not be allowed. In other words, as long as the exercise of freedom of assembly does not directly threaten or infringe the rights of others, it should be allowed.

Most democratic countries allow freedom of assembly in public places, but not on private property even if those assembling wish to express political views.

Freedom of assembly is very important in the context of political tolerance, particularly in countries moving from dictatorship to democracy. If freedom of assembly is not allowed, it may be difficult for minorities or others who have been out of power to get the attention they need to become equal political players with others.

EXERCISE 10

POLITICAL TOLERANCE · SHOULD THE MARCH BE ALLOWED?

Organisers of a minority political party, the Lingo Party, which holds the views that only those who speak their language should be allowed to vote, wish to arrange a march through an area where the Majo people, who do not speak their language are in the majority. They desire to do this to exercise their right to freedom of assembly and free political activity. The leader of the Majo Party is very unhappy about the proposed march because there have been recent incidents of violence between the supporters of both political parties. She and her party believe that the Lingo Party is arranging the march to insult the Majos.

- 1 Roleplay a hearing before the Chief Magistrate where the leaders of the Lingo and Majo Parties, assisted by attorneys argue whether the Magistrate should allow the march to take place. The Magistrate should make a decision.
- 2 Do you agree with the Magistrate's decision? Give reasons for your answer.
- 3 If the supporters of the Majo Party, which controls the neighbourhood, wish to protest against the march, what strategies could they use?

In some countries freedom of assembly is also violated when people are denied the right to use public facilities to hold rallies or meetings.

4 RIGHT TO EQUALITY

What does equality mean?

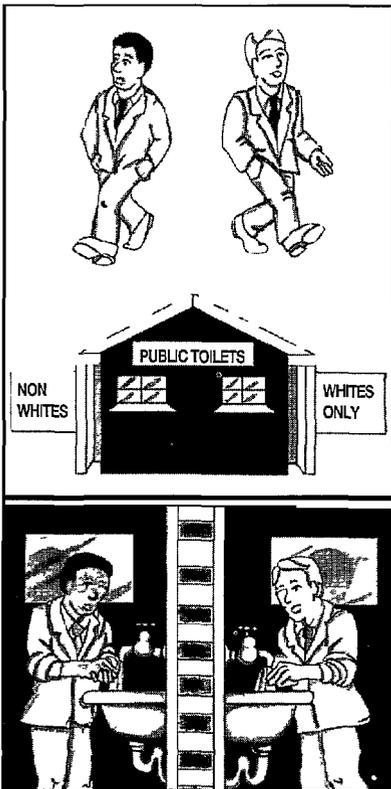
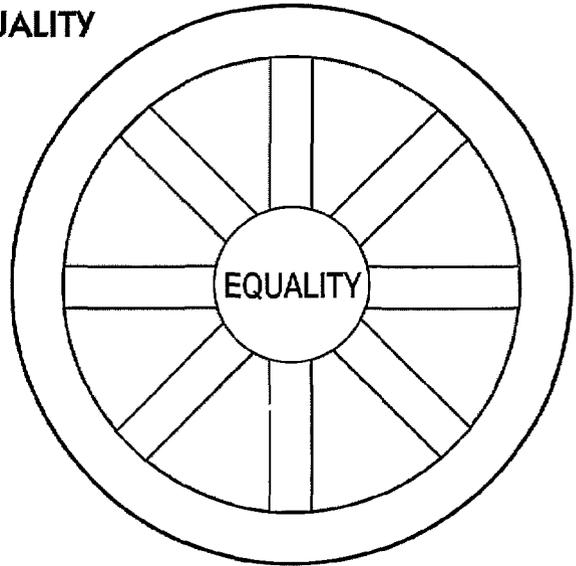
What does equality mean? Does it mean equal results, equal treatment, equal opportunities or something else?



EXERCISE 11

DRAWING AN EQUALITY WHEEL

- 1 Draw an "equality wheel" like that on the right
- 2 Brainstorm words that you associate with the word "equality" Fill them in on the spokes of your equality wheel



Separate facilities for different races imply that members of one of the races are inferior

Ideas concerning equality may change over different periods of history. For example, previously in the United States the concept of having "separate but equal" facilities for Blacks and Whites was accepted by the courts. Later the courts ruled that the mere separation of facilities on the basis of race meant that the facilities were unequal because it implied that Blacks were inferior. Equality means that people should not be discriminated against on the grounds of race, national origin, sex, sexual orientation, age, disability, income or legitimacy. The challenge in countries where groups have previously been discriminated against, is to work to make up for such discrimination without causing reverse discrimination against others.

Sometimes it is reasonable to discriminate or not treat people equally. For example, a person must be a certain age to drive a motor car or to drink alcohol. However, discrimination which is not reasonable, eg because someone just does not like a group of people, is not justified.

Equality means that people should have a) equal opportunity, b) equality before the law, c) equal treatment in respect of housing, education, health and employment, d) equal recognition of culture, e) equal opportunity to develop, and f) equal treatment regarding their worth as citizens.

EXERCISE 12

WAS THE DISCRIMINATION REASONABLE?

Discuss the following cases and decide whether the discrimination was reasonable?

- 1 Homosexual men wish to serve in the army to defend their country. The leaders of the military are opposed to homosexuals in the army because they think that it will undermine morale.
- 2 In some businesses women are paid lower wages than men for doing the same work.
- 3 Some companies give female workers maternity leave, but no paternity leave is provided for male workers.
- 4 A manager of a construction company wants to hire the strongest men he can find to work for him.
- 5 An airline only employs people over a certain height so that they can reach the overhead storage spaces on the aircraft.
- 6 A Chinese restaurant only employs Chinese people to work there.



Some people say that affirmative action leads to less qualified people being put into certain positions.

In countries where people have in the past been discriminated against and treated unfairly, attempts have been made to bring about equality by using "affirmative action". Affirmative action is taking steps to favour certain people in society to make up for past discrimination against them by others. Examples of affirmative action are giving preference in hiring for jobs, or admission to school to people from groups which have been previously discriminated against.

Supporters of affirmative action programmes say that they are necessary to overcome the effects of past discrimination, and that only strong action will bring about needed changes. The programmes make up for past discrimination which has made some people fall behind others in education or training. They also argue that the programmes provide role models and create hope for those who have not had either.

People who oppose affirmative action say that it is another form of unreasonable discrimination. They argue that sex, colour, language or religion should not be used as a basis for classification. They say that if everybody gets equal opportunity, affirmative action is not needed. In addition, they say affirmative action leads to less qualified people being put in certain positions. They also argue that those admitted to university or given jobs because of affirmative action will always feel that they did not really deserve what they got.

EXERCISE 13

DOES THE UNIVERSITY'S POLICY BRING ABOUT EQUALITY?

Examine the following situations and decide whether the policy brings about equality. Give reasons for your answers.

1. A previously segregated university states that it now will allow students, who in the past had been discriminated against, to have equal access on admission. Because the students have had inferior secondary school education, very few qualify for admission. Those who are admitted are treated equally. Does the university's practice bring about equality? Why or why not?
2. A previously segregated university changes its entrance requirements to allow more students from disadvantaged communities to be accepted. Those who are admitted are treated equally. Does this practice bring about equality? Why or why not?
3. A previously segregated university relaxes its entrance requirements and provides special tutorial support for educationally disadvantaged students admitted by it. Apart from that, all students are treated equally. Does this practice bring about equality? Why or why not?



E. CONFLICTING HUMAN RIGHTS IN A DEMOCRACY

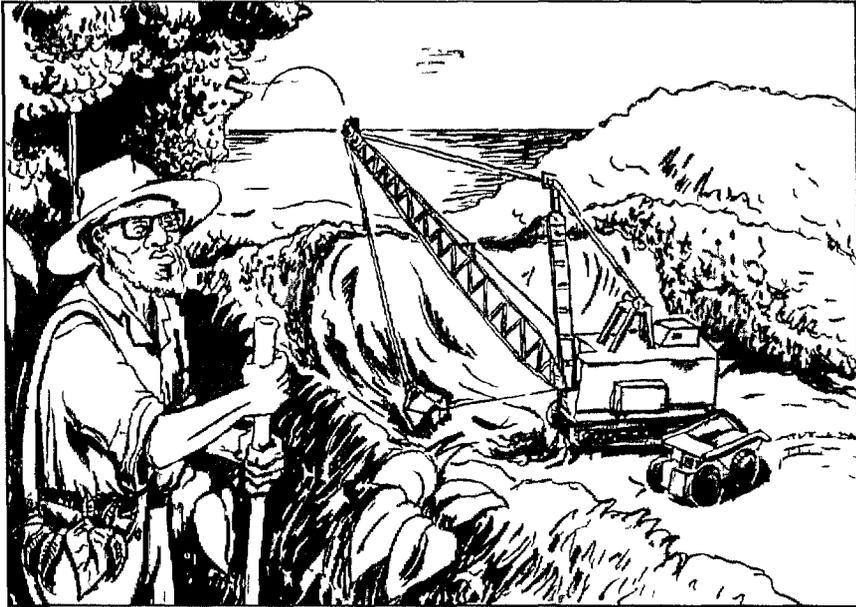
Where rights conflict, the government or the courts must decide which right is more important.

In a democracy sometimes human rights clash because of conflicting interests. For example, a) cultural rights might conflict with the right to equality, b) the right to privacy might clash with the right to be informed, c) developmental rights may clash with environmental rights, and d) the right to security may clash with the right to liberty and due process of law. In such cases the government, and very often the courts, must decide which right is more important. For instance, a man claiming that he had a cultural right to kill a person who had committed adultery with his wife might find that a court would rule a person's right to life more important than the cultural right to kill an adulterer.

EXERCISE 14

CONFLICTING RIGHTS

Should dune-mining be allowed in a nature reserve?



Examine each case and identify which rights are in conflict. Decide which right is more important. Give reasons for your answers.

- 1 A bill of rights says that everyone has the right to live in an environment free from pollution and protected from destruction. It also says that everyone has the right to economic advancement and freedom of culture. The government wishes to mine dunes in a nature reserve next to a lake to provide minerals for the country and to create jobs and to improve the area. Local inhabitants of the reserve wish to retain the dunes so that they can continue their traditional life of collecting medicinal plants in the dune forests.
- 2 A bill of rights says that everyone has the right to education and the right to freedom of language and culture. A minority group wishes to be educated in their own language. The government says that it is too expensive to provide special classes for them, and they will have to attend classes with the majority language group.
- 3 A bill of rights says that everyone has the right to shelter and the right to legal representation. The government has limited funds and cannot afford both. The Minister of Housing wishes to spend a large sum of money building houses. The Minister of Justice needs the same amount of money to provide legal representation to the thousands of unrepresented people who go to jail each year.
- 4 A bill of rights says that everyone is equal, has the right to education and the right to freedom of culture. A cultural tradition among one group in the country is that females are taken out of school by their parents at the age of 14 and work in the fields. Males go to school and try to get high paying jobs.

EXERCISE 15

MAKING CHOICES ON THE VILLAGE COUNCIL COMMITTEE

You are a member of a local Village Finance Committee which has authority over the community of Kwafunda and Funamanzi. The committee must decide how to spend money on social services in Kwafunda and Funamanzi.

- a) Kwafunda has schools with few resources and has electricity and water taps. Its residents pay higher rates than Funamanzi. Kwafunda wishes to upgrade its schools.
- b) Funamanzi has also inherited schools with few resources, but has no electricity or water taps. Its residents pay less rates than Kwafunda. Funamanzi wishes to instal electricity and water taps.
 1. Roleplay the spokesperson of Funamanzi trying to persuade the Committee to allocate more money to upgrading its schools.
 2. Roleplay the spokesperson of Funamanzi trying to persuade the Committee to allocate more money to instal electricity and water taps.
 3. Roleplay the members of the Village Finance Committee making the decision.

Give reasons for your decision.

F. IS IT EVER JUSTIFIED TO SUSPEND HUMAN RIGHTS IN A DEMOCRACY?

History shows that governments will use their powers to limit human rights even when they don't have to

Some people believe that democratic governments should never be allowed to limit human rights. They argue that history shows that governments will use these powers when they are not needed, and that human rights will be violated unnecessarily. Other people believe that in certain circumstances the government should have the right to limit human rights.



To justify the limiting of human rights, the "life of the nation must be threatened"

Most bills of rights include special provisions which allow governments to decide when there is a "national emergency" or "threat to national security" They can take special measures to suspend some human rights in order to maintain law and order. Certain rights, however, can never be suspended. Usually the courts are given the power to make sure that the government does not exceed its powers.

In a famous human rights case, the European Court of Human Rights decided that for a public emergency to allow the limiting of human rights the "life of the nation must be threatened". There must be facts to prove this, including that the public emergency was real or about to happen, that it was the whole nation which was threatened and that normal measures (e.g. police action) were not enough.

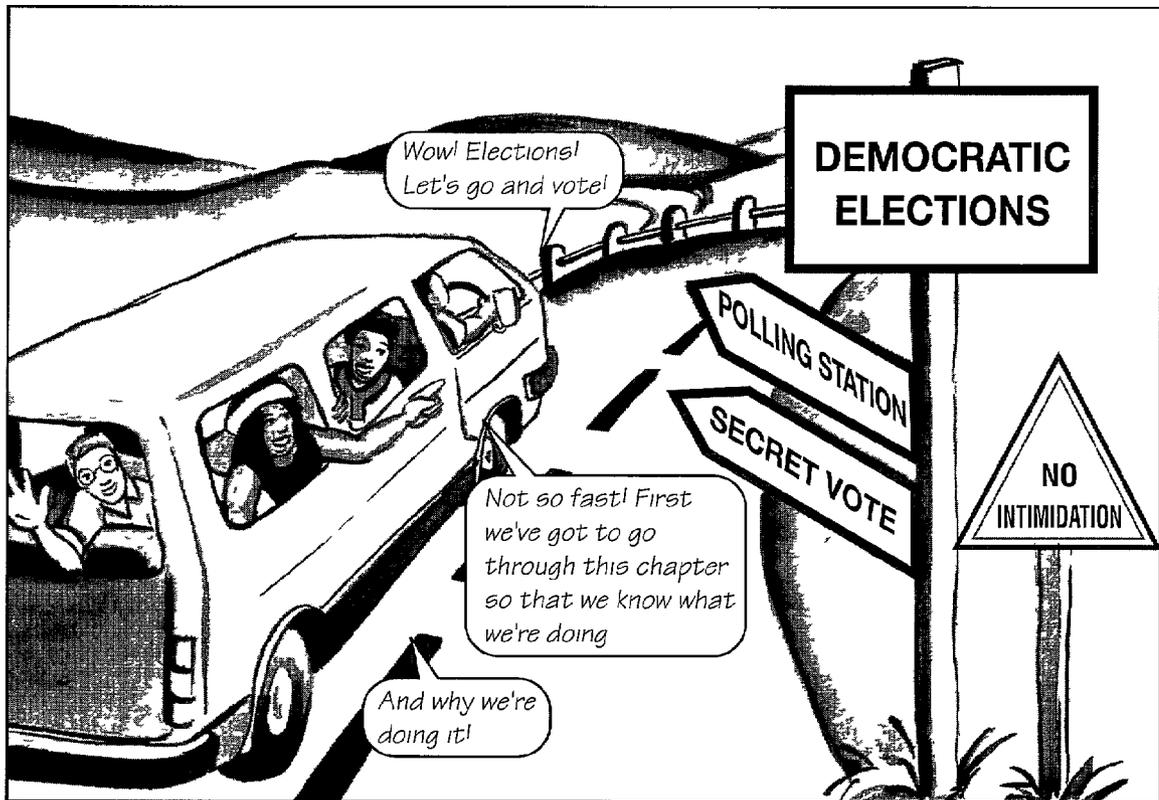
EXERCISE 16

WAS THE SUSPENSION OF HUMAN RIGHTS JUSTIFIED?

Examine the following facts and decide whether the suspension of human rights was justified. Give reasons for your answers.

- 1 One country is invaded by another. The home country suspends all civil liberties and imposes martial law with rule by military courts.
- 2 There is widespread unrest in the country and the government declares a state of emergency after more than 1000 policemen are killed in a year. The state of emergency results in thousands of people being detained without trial.
- 3 Members of different political parties living in the same neighbourhoods attack each other and burn down each other's homes. A state of emergency is declared and a curfew is imposed so that people cannot move out of their houses at night without permission from the police.
- 4 Large scale mass action and strikes take place and opposition political leaders call for the overthrow of the government. The government bans public meetings and marches.
- 5 A newspaper criticizes the government and calls on the President to resign. The President suspends the newspaper's right to publish.

5. ELECTIONS



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OBJECTIVES OF THIS CHAPTER

After reading this chapter you should be able to

- 1 Understand why voting and elections are important in a democracy
- 2 Know who can vote in a democracy
- 3 Understand the role of political parties in a democracy
- 4 Know who should stand as candidates in a democratic election
- 5 Understand the importance of free and fair elections
- 6 Understand the importance of frequent elections
- 7 Understand how voting procedures work
- 8 Understand the importance of political tolerance during elections
- 9 Understand the importance of accepting defeat after democratic elections

A. ELECTIONS AND VOTING

WHERE YOU LIVE
DOES YOUR
COUNTRY HAVE
REGULAR FREE
AND FAIR
ELECTIONS?

A political election provides people with the opportunity to vote and decide what happens to the future of their country. In some elections, people vote for political parties, in others the vote might be for an individual candidate, who are usually members of political parties. Sometimes people vote for or against specific issues. This last kind of vote is called a referendum. For example, in some countries, after a new constitution is drafted, there might be a referendum vote where people vote "yes" or "no" on adopting the constitution.

Since democracy is "rule by the people" it is the responsibility of every citizen to vote. People often vote because they want to bring about change. They believe that electing a different political party or candidate to office can change the direction of government or society is going and improve their lives.

EXERCISE 1

SHARING YOUR VOTING EXPERIENCE

- 1. Have you ever had an opportunity to vote for anything? If yes, what did you vote for? What method did you use for voting? Why did you vote the way you did?
- 2. What is the purpose of voting?

B. WHO CAN VOTE?



In a democracy all citizens who have attained a certain age have the right to vote. Various countries have different rules for voting. Most require voters to register or obtain some kind of voter identification card before the election. Some do not allow women to vote, all have age requirements (usually 18 or 21) and some require voters to be able to read and write. Some people criticize such restrictions as undemocratic saying "rule by the people" should mean that as many people as possible should participate.

EXERCISE 2

EXERCISE 2: WHO SHOULD BE ALLOWED TO VOTE?

- 1 Look at the list of the people below and decide who should be allowed to vote and who should not? Give reasons for your answers

a) Men	e) Mentally disabled people
b) Women	f) Illiterate people
c) Convicted criminals	g) People over the age of 90
d) 18-year-olds	h) Immigrants

- 2 Some people argue that people should be required to vote and if they do not, they should pay a penalty, for example a fine. Do you agree or disagree with this proposal. Give your reasons.

C. POLITICAL PARTIES IN AN ELECTION

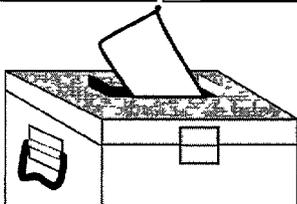
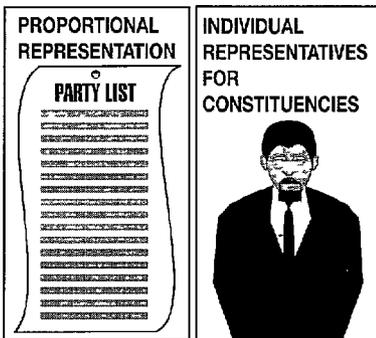
In most democracies, political parties are the main organizations which take part in elections. As has been previously mentioned there are two main ways in which political organizations can participate in an election. They are proportional representation and individual representation.

In the system of proportional representation people vote for a political party and each party puts up a list of candidates. Whatever percentage of the overall vote a party receives will decide the number of seats the party will have in Parliament (see diagram, page 32).

In the individual representation system, political parties select individual candidates to represent certain areas called "constituencies". To be elected, these candidates must receive the most votes in that area.

There are also mixed systems of voting where voters may vote both for political parties and individual candidates.

Political parties usually present a set of principles or ideas which they hope to put into practice if they are elected. Therefore, it is important for a voter to analyze what a political party stands for before voting for a party or candidate from that party.



*Two types of elections
proportional representation
and individual representation*

EXERCISE 3

PROPORTIONAL REPRESENTATION OR INDIVIDUAL REPRESENTATION - WHICH IS BETTER?

Assume that a country has never had a democratic election before. Political parties have formed but many voters do not understand much about how to vote. Many also live in rural areas where they do not receive much information about elections and others never learned to read and find it difficult to become informed. Political leaders must decide whether to allow people to vote for political parties or for individual candidates.

If the country has a system of proportional representation and citizens only vote for political parties, citizens could cast three different votes: one for a political party in the national parliament, one for a political party in the regional legislature and one for a political party in the local council. Another alternative is that citizens could just cast one vote for a political party and the percentage of people voting for that political party would determine the number of representatives that party would have in the national, regional and local Legislative bodies. The political parties would then determine who served in each Legislature based on the list of party representatives they prepare.

1. What are the advantages for the country having a system of proportional representation?
2. What are the advantages of it having a system of individual representation?
3. Which system do you think is better for the country? Give reasons for your answer.
4. Assume the country selected a system of proportional representation and will just vote for a political party. Should they cast three different votes: national, regional and local or only one nationally which will decide the make-up of the Legislature on the national, regional or local basis?



EXERCISE 4

A SPEECH BY THE PEOPLE'S PARTY

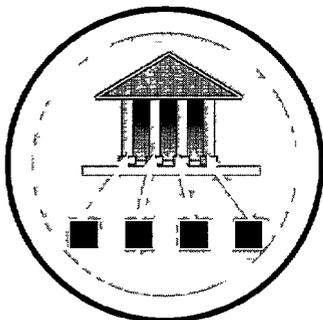
Roleplay a speaker making the following speech on behalf of the People's Party

"Our party stands for freedom for everyone. We don't believe government should restrict people at all. People should be able to choose where they live, work and play. They should be free to do anything they want in private and almost anything in public. There should be no discrimination at all in society. All people should receive similar pay no matter what their job is. We must change from a government which favours the rich to one which represents all of us."

- 1 What are the main beliefs of this party?
- 2 Ask the speaker questions about the party's policy
- 3 Do you agree with these beliefs? Why or why not?
- 4 If you were to form a new political party, list five statements of principle your party would stand for?



Countries with only one political party often lead to dictatorship



In multi-party democracies people of different ethnic and cultural groups learn to work together

D MULTI-PARTY DEMOCRACY

It is commonly accepted that more than one party is needed in a democracy. This is called multi party democracy.

If there is only one party, or if the same party always wins the elections, legitimate dissent and opposition usually will not be effective. Countries with only one political party often lead to dictatorships. If there is no opposition to challenge the policies of the government, it is doubtful that positive change can take place in the country.

On the other hand, when there too many political parties the country may split into many factions. Sometimes different ethnic groups each form their own party and this leads to members of various ethnic groups competing directly against each other in elections. To avoid this, some argue that political parties should not just be focused on one ethnic group but should attempt to recruit people from different backgrounds. In this way people of different ethnic groups and cultures will learn to live and work better together. Others argue that people of similar ideas and cultures will naturally form their own political parties and that this does not mean that they cannot still get along with others.

EXERCISE 5

SOME QUESTIONS ON MULTI-PARTY DEMOCRACY

- 1 What is meant by a multi-party democracy? Why is it important to have more than one party for an effective democracy?
- 2 Assume you want to start your own political party, what would be the reasons for or against having it mainly made up of people from your ethnic group?
- 3 Why do you think people of the same ethnic group often join the same party? Should anything be done to change this practice? If so, what? If not, why not?
- 4 Do you think that if a country has many political parties that this will split the country and undermine democracy?

E. CANDIDATES IN AN ELECTION

In a democracy individuals have the right to become candidates for public office. They are usually selected by their political party to run for office but they also often make the personal decision to stand for an election. Sometimes people can also stand for election independent of any political party. Becoming a candidate requires a sacrifice in time, energy and perhaps money. In a democracy people must be willing to do this not because they want power or financial gain, but because they wish to help improve their society. For a democracy to succeed those elected to office must truly represent the interests of the people and be accountable to them.

Candidates should not stand for public office because they want power or financial gain but because they wish to help improve their society



EXERCISE 6

DESCRIBING YOUR PERFECT POLITICAL CANDIDATE

Make a list of qualities you would like to see in a candidate for public office. Divide into small groups and try to agree on ten qualities the group would like a candidate to have. Which are the most important and why? Each group should then present the qualities of their perfect candidate for office.



EXERCISE 7**THE CASE OF THE SCREENING LAW**

Voting for public officials is an essential part of a democratic system of government. Many countries that have recently moved away from dictatorship and toward democracy, however, have encountered problems with the election process. For example, they have faced the issue of whether to allow former leaders of a previous dictatorship to stand for election in the new government.

Assume that the new Legislature of one such country, which had a dictatorship for 40 years, passes a law that "bans from holding a senior office in government all those who held management or executive positions in the former dictatorship or were informants or otherwise assisted the secret police." A list of 140,000 people who were informants with the old government is obtained from the files of the secret police.

- 1 Under the above law, which of the following people might be banned from standing for election to the government? Do you think it is in the best interest of the country to impose such restrictions? Explain your answers.
 - a) A doctor had applied to the dictatorship government to be director of the cancer research institute. She was hired on condition that she also taught first aid courses to the secret police.
 - b) Under the former dictatorship, a university professor was required to join the dictator's party to qualify for a teaching position.
 - c) Because of his knowledge and experience, the head of housing under the dictatorship has been asked to take a senior position in the new government's housing department. In his prior job, he had given the better housing to officials of the dictator's party.
 - d) A high-ranking police official in the dictatorship was known for generally being fair to citizens. However, he did enforce some of the laws of the old government, including one banning demonstrations against the dictatorship. He was also active in the revolution that changed the government.



- e) A member of a political group that discussed politics and sometimes criticized the dictatorship was told by the former government to give the names of other members or lose her job. Because she had no other way to support her children, she supplied the names, which the government kept on file although it never acted against the people she listed.
2. What are the reasons for and against having such a screening law? If you were in the Legislature of the new government, would you have supported or opposed the law? Give reasons for your answer.
 3. Under the new law, should all the "informers" on the list kept by the secret police of the former regime be banned from serving in the government? Why or why not?

F FREE AND FAIR ELECTIONS

1 POLITICAL CAMPAIGNS



Political campaigns enable citizens to make informed choices in an election

There is a period before every election when the political parties and their candidates campaign and try to convince people to vote for them. The most common campaign activities are political meetings or forums where candidates present their views and voters ask questions. Sometimes debates are held so that voters can compare different views. Views of candidates may also be heard through the media. This includes radio, television and newspapers. Signs, posters, T-shirts and buttons are other methods of getting a party's or candidate's name or views across to voters.

It is through political campaigns that citizens have an opportunity to hear all points of view so that they can make informed choices in an election. To have a free and fair election there must be a free and fair campaign, allowing for freedom of expression, freedom of assembly and freedom of association (see chapter 4).

A campaign is not free and fair if the candidates, parties or voters are intimidated. This means that people should not put unfair pressure on them, including threats of violence. All parties and candidates should be heard equally. If people in one area do not allow opposing parties or candidates to campaign, this results in only one point of view being heard. A democracy allows all points of view to be heard during a campaign.

A campaign is not free and fair if candidates, parties or voters are intimidated

Political campaigns are expensive. Posters, pamphlets and radio and television advertisements must be paid for. Often, individuals and companies give money to help finance political campaigns. After the election, these individuals and companies sometimes expect the winners to do favours for them. To prevent this problem it has been suggested that the amount of money any one person or company is allowed to give to a political party's campaign be limited, or that campaigns be paid for by government money.

The media plays a special role in political campaigns. Radio, television and newspapers greatly influence voters. Some argue that all candidates and political parties should have equal access to the media. This could mean that television and radio news programmes should provide "equal time" to each political party. It might also mean that all should have the same opportunity to buy time, or space in a newspaper for the same price.

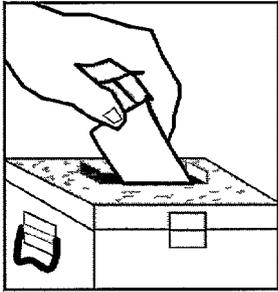
Campaigns in democracies should focus on the issues and policies the parties and candidates are proposing to introduce to address the problems of the society. Sometimes campaigns focus on the personalities and popularity of the candidates themselves. Such campaigns emphasize criticisms of the other candidates rather than of what they stand for.

Individuals or companies who give money to help finance political campaigns often expect favours in return



2 SAMPLE ELECTION CODE OF CONDUCT

Sometimes political parties agree to a Code of Conduct for election. An example of a Code of Conduct might look like the following.



Code of Conduct

FOR FREE AND FAIR ELECTIONS

- 1 All parties shall have access to all voters. No party shall control any area, or exclude any other party from any area.
- 2 There shall be no use of inflammatory language.
- 3 There shall be no use of intimidation in any form whatever, including death, arson and threats.
- 4 There shall be no interference or disruption of public meetings.
- 5 All parties shall commit themselves to a secret ballot, and respect voters' rights to keep their votes secret.
- 6 There shall be a ban on the carrying and display of all weapons during election campaigns and voting.
- 7 The security forces shall not take sides or interfere with the election process.
- 8 Election campaigns shall be conducted fairly, and parties and voters shall be tolerant of each other's points of view.
- 9 There shall be no interference with voters or ballot papers on election day.
- 10 All political parties shall undertake to accept the results of the elections if they are declared "free and fair".

EXERCISE 8**WERE THE ELECTIONS FREE AND FAIR?**

Assume the following incidents happen during a campaign. Discuss whether you think they go against the idea of a "free and fair election." Give reasons for your answer.

Should there be a law or election rule to stop or control the practice? If so, what should it say? If not, why not?

- 1 A traditional chief does not like the views of a political party. He tells people in his area not to attend any meetings involving members of that party.
- 2 A television station mentions one candidate twice as often in their news broadcasts as any other candidate.
- 3 A candidate raises a large amount of money to support her campaign. She is able to buy over three times as much time on radio as any other candidate.
- 4 One party steals and destroys all the pamphlets and campaign literature of an opposition party.
- 5 Sophie is running for office against Themba. Themba gives a speech in which he says "Sophie is way out of her depth in standing for election. There are few women in politics in our country. This is because they are too emotional and can't control themselves. If elected, Sophie will be like this. She will yell and scream and get nothing done."
- 6 A man tells his wife "I want you to vote for the Chauvinist Party, they will help us most. Vote that way or you will be in trouble."
- 7 An employer says "This party is best for the company. I want you to vote for them or go and work somewhere else."
- 8 In an election one candidate, Joel, never criticizes the ideas of his opponent but constantly calls him "A bad person who has affairs with other women even though he is married."

G. FREQUENCY OF ELECTIONS

Dictators often maintain power by deciding when to hold elections.

In a democracy elections must not only be free and fair but they also must be held frequently. Dictators often maintain power by deciding when to hold elections. This can be done either by not holding elections on a regular basis or postponing them indefinitely. Dictators may also only call for elections when they are fairly certain that they or their parties are most likely to win. These practices may make it difficult, if not impossible, for opposition parties to gain power.

People have different ideas on how frequently elections should be held. Constitutions often include provisions for elections for the Legislative and the Executive branches to be held every two, four or six years. Others allow the

President to call for elections when he or she desires. In a Parliamentary system, a vote of no confidence in the present government by members of the Legislature often results in new elections being called for.



Should the president be allowed to call for elections whenever he or she so desires?

EXERCISE 9

HOW OFTEN SHOULD ELECTIONS BE HELD ?

- 1 Do you think there should be a set time established by the constitution when elections should be held? Give your reasons
- 2 If you were to establish a set time between elections, how long would it be? What are your reasons for selecting this time period and rejecting others?
- 3 Assume the constitution of a country gives the President the power to decide when elections are to be held. The President believes the country is too unstable and that violence may result if elections are held anytime in the near future. Should the President have the power to postpone the election or should there be a provision in the constitution or a law requiring the President to hold an election within a certain number of years?

Give reasons for your answer

H. VOTING PROCEDURES

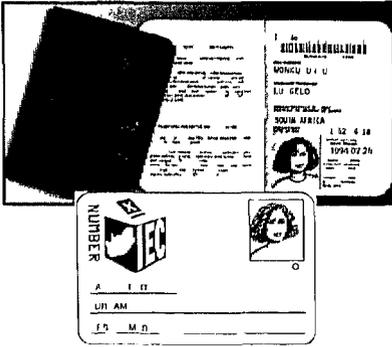
WHERE YOU LIVE

WHAT ARE THE VOTING PROCEDURES IN YOUR COUNTRY?

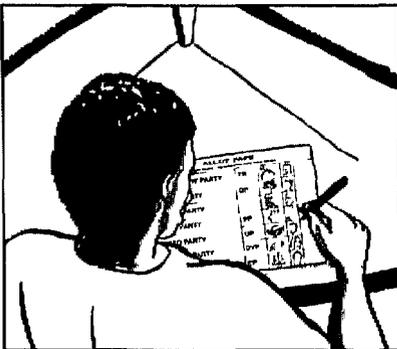
The following are the main steps that take place during voting in a free and fair election (The exact steps required will depend on the electoral laws of the country)

1 BEFORE THE ELECTION

Registration This is the process of being identified as a voter. Some kind of identification document or card, or voter card, must be obtained before voting. The purpose is to make sure that no-one votes twice and that each voter is eligible to vote.

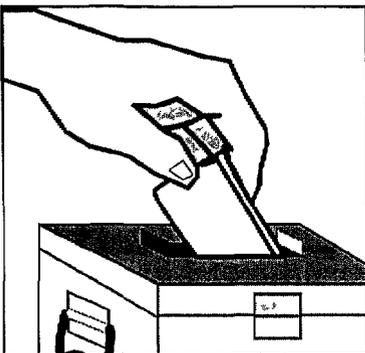


In South Africa's first democratic elections either an ID book or a voter's card could be used



Voters place an X next to the party or person for whom they wish to vote

All votes are secret



Voters place the folded ballot into the sealed ballot box

2 VOTING IN AN ELECTION

- 1 Once they arrive at the polling station, voters present their identification document or voter card. Their names are checked and the voters' hand may also be marked with a dye or invisible ink by an official. This is to verify the names of the voters and to make sure that each person only votes once.
- 2 Voters are given the ballot paper on which they vote. They then go into the voting booth, (ie the place where they make their mark on the ballot paper). Voters carefully read the ballot paper and place a mark (usually an "x") next to the party or person for whom they wish to vote.
- 3 All votes are secret in the voting booth; no one can see where the voters mark the ballot paper.
- 4 Voters place the folded ballot papers into the sealed ballot box without anyone seeing how they are marked.
 - i) When the time for voting is over, the voting station is officially closed.
 - ii) The ballot box is sealed in the presence of all the candidates or political party representatives, and then taken to a place where the ballots are to be counted.
 - iii) A designated official breaks the seal on the ballot box and opens the box in front of political party and neutral monitors. Some monitors are from political parties and others are neutral and do not belong to any party. Sometimes there are also international monitors, who also may be referred to as observers.
 - iv) The people counting the votes set aside spoilt ballot papers which cannot be taken into account in the overall result of the election. This is done because they do not clearly indicate who the voter is voting for. For example, some people leave ballot papers blank or make too many marks.
- 6 Each ballot paper is examined and counted by a ballot clerk with the monitors watching and checking on the counting. The ballots are then put back into the ballot box and it is sealed.

EXERCISE 10

AT THE VOTING STATION

Roleplay the voting procedure in an election with people designated to be voters, election officials, monitors etc Follow the steps set out above

1 Were the proper procedures followed? Give reasons for your answers



The key to free
and fair elections
is a secret vote
Your vote is your
secret

As can be seen in the procedures above, election monitors are very important to ensure that the election is free and fair. Their job is to report any problems to election officials.

Sometimes, especially when there have been election problems in the past or a country is changing to a democracy, there are international monitors. These are people from other countries who observe elections and can draw attention to problems such as fraud, intimidation and violence. They can help put international pressure on governments to conduct fair elections or cancel unfair elections where there has been widespread abuse.

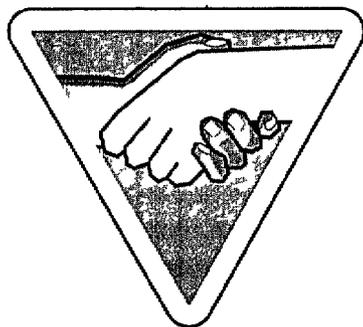
EXERCISE 11

WHAT SHOULD THE INTERNATIONAL MONITORS DO?

The President, a dictator in a country which has for a long time only had one party involved in politics, says that there will be an election and all parties will be allowed to participate. He invites international monitors to come and observe the election. A team of over one thousand monitors comes and many of them conclude that during the election, there was widespread intimidation of voters by people in the President's party and government. Monitors say that they saw members of the President's government threatening voters with physical harm if they did not vote for the President. The President says this is untrue. He believes that the monitors want him to lose the election. He says he would not have invited them if he was not going to conduct a free and fair election.

- 1 Why do you think the President invited the international monitors to his country?
- 2 What would you do if you were one of the international monitors?

I. POLITICAL TOLERANCE AND ELECTIONS



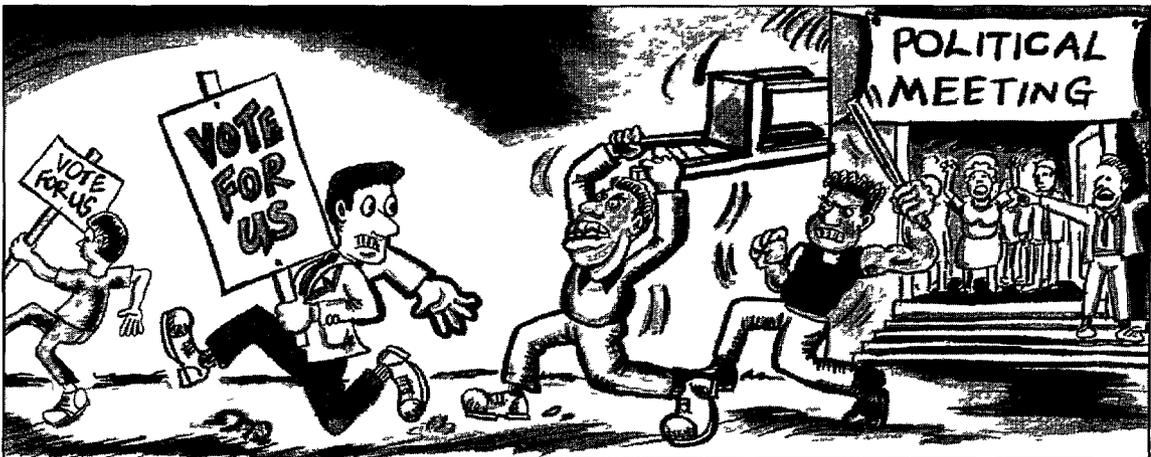
For democratic elections to succeed, they must take place in an atmosphere where citizens are willing to tolerate and accept political views other than their own. Political tolerance means that people will be allowed to speak, campaign, assemble, and associate with people and ideas others do not like. If people do not allow or tolerate legitimate political activity by others, the democratic ideal which allows participation by all citizens is violated. Political intolerance also often leads to violence which makes it difficult, if not impossible, for democracy to work.

EXERCISE 12**HOW POLITICALLY TOLERANT ARE YOU?**

- 1 Think of a group in your society which you dislike. You need not name it. On a scale of 1 to 5 indicate how likely you would be to allow a member of the group, (5 being "very likely" and 1 being "not likely at all"), to
 - a) Conduct a march in your community
 - b) Speak at a public meeting in your community
 - c) If you were a parent, be friends with your children
 - d) If you owned a newspaper, place advertisements putting forth their views
 - e) Recruit members for their group at the place where you work
 - f) Distribute pamphlets promoting their ideas in your community
- 2 How did you score each one? Compare your scores with the scores of others
- 3 Which of the above actions which you said you would take would you call examples of political intolerance? Which are not? Does your willingness or unwillingness to be politically intolerant surprise you?
- 4 What makes people politically intolerant? What methods might be used to bring about political tolerance in your society?
- 5 Is there a difference between being politically tolerant of someone and accepting their ideas as true? Explain

Political tolerance often becomes an issue at election time

Political tolerance often becomes an issue during election campaigns. Supporters of one political party sometimes attempt to restrict the political activities of other parties and candidates.



EXERCISE 13**A POLITICAL PARTY IS DENIED A HALL FOR A MEETING**

The organizers of the Open Political Party wish to hold a meeting in a community hall which is controlled by a local city council dominated by the Free Speech Political Party. The Free Speech Party has an overwhelming majority of representatives on the local council and does not want the Open Party to hold a meeting in the hall because the majority of the people in the neighborhood are supporters of the Free Speech Party. They also say that violence will occur if the Open Party holds a meeting in the hall.

1. Roleplay a discussion between the negotiators from the Open Party and the Free Speech Party about whether the Open Party should be allowed to use the hall.
2. If the Free Speech Party has won control of the local authority through a democratic election, should they not be able to control use of the hall? Give reasons for your answer.
3. If the Free Speech Party refuses use of the hall, what can the members of the Open Party do?



People must understand the benefits of living in a multi-ethnic, multi-cultural society.

Political tolerance is being able to accept and appreciate people of different racial and ethnic backgrounds, cultures, beliefs, and customs. For this to happen, people must understand that there are benefits of living in a multi-ethnic, multi-cultural society.

EXERCISE 14**WHAT ARE THE BENEFITS OF A MULTI-CULTURAL SOCIETY?**

Divide up into small groups and list all the possible benefits of having more than one ethnic and cultural group in a society

J. AFTER THE ELECTION: ACCEPTANCE OF DEFEAT

The ultimate failure of a democracy is when the losing party takes up arms against the winners

An election is a competition and therefore, there must be winners and losers. If democracy is to succeed, it is essential that political parties and their leaders be willing to compete in an election and accept the results. After a free and fair election, those who have lost power as well as those who failed to gain it must be willing to accept defeat. This links up with the idea of political tolerance because it means one is willing to be governed by those with whom one does not agree. After a democratic election, the losers should become an opposition party. They play an important role by putting forth alternative ideas to those of the winners in the election. They should continue to speak out and work hard so that they will be elected next time. The ultimate failure in a democracy is when an election happens and the losing party takes up arms against the winners.

EXERCISE 15**THE PRESIDENT DECLARES THE ELECTION INVALID**

The President of a country and her party have been in power for many years. They are seriously challenged by an opposition party which wages a tough election campaign. The President says that the opposition party has violated many election rules including encouraging some people to vote more than once. The results indicate that the opposition party has won the election. Due to these charges against the opposition party, the President declares the election invalid and orders a new election within sixty days.

1. What reason did the President give for declaring the election invalid? Might there be another reason?
2. If election violations occurred, how should this issue be addressed?
3. Should the President make decisions about elections in which she and her party are involved as candidates?

6. CITIZEN PARTICIPATION



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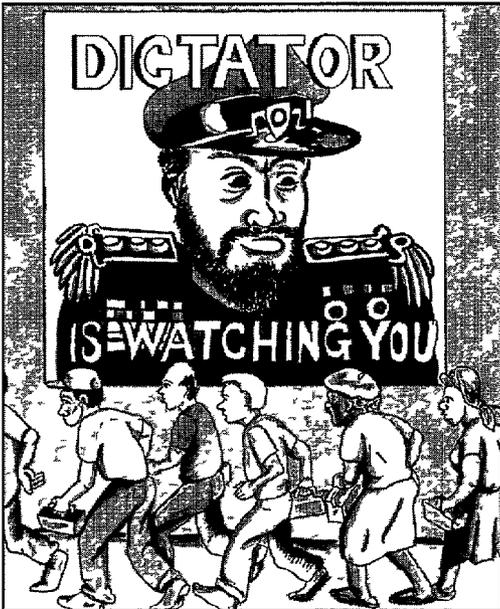
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OBJECTIVES OF THIS CHAPTER

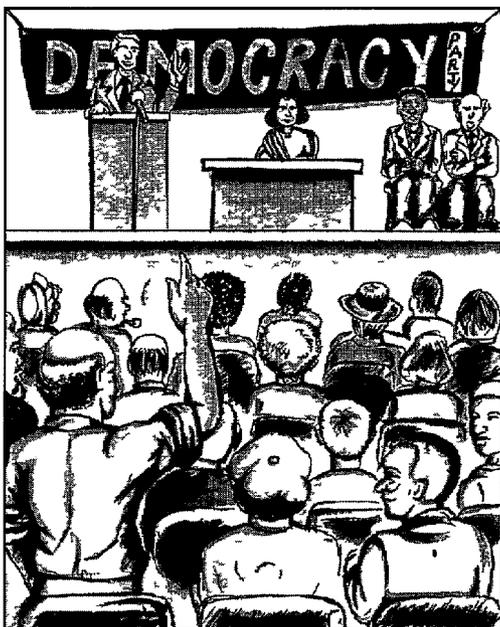
After reading this chapter you should be able to

- 1 Understand why citizen participation is important in a democracy
- 2 Know how to become informed in a democracy
- 3 Know about the different ways of participating in civil society
- 4 Know how to participate in party politics during elections
- 5 Understand how citizens can change public policy
- 6 Understand how lobbying works
- 7 Understand why citizens owe responsibilities to each other

A. WHAT IS CITIZEN PARTICIPATION?



In dictatorships there are usually rulers and subjects



In a democracy, citizens should work as partners with their government

The role of the citizen in a democracy is very different from other forms of government. In dictatorships and other non-democratic systems, there are usually rulers and subjects. In a democracy, citizens elect their leaders. Citizens should work as partners with their government and participate in ways that promote human rights and the public good. If citizens fail to participate actively, there is a danger they will become subjects rather than participants in the democratic process of governing. If citizens become subjects, the government makes all decisions without input from its subjects.

The most obvious way that citizens in a democracy participate is through elections and voting. Elections give legitimate status and power to its leaders. Once this power has been delegated to leaders, the role of citizens is to make sure this power is not abused.

A failure of citizens to participate in democracy with the leaders is like telling leaders to do as they please. Non-participation often gives government unchecked power which is likely to result in a dictatorship or other authoritarian type of government.

There are many advantages to citizen participation:

- a) It ensures that the leaders do not abuse their powers
- b) It keeps the government more informed of the wishes of society
- c) It involves citizens in the governing of the country
- d) Inputs by citizens means that more informed and better decisions are made

EXERCISE 1

THE SEARCH FOR THE PERFECT CITIZEN

Divide into groups and make a list of all the different ways the perfect citizen in a democracy can participate. Look at each item on the list and decide whether every citizen in the community should or could have each characteristic.

Compare your list with the one which follows. Which items are the same and which are different?

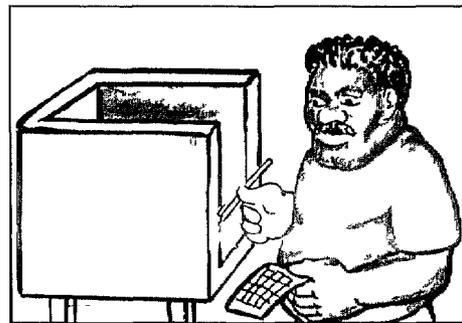
- a) Become informed by learning about issues and leaders
- b) Educate others about issues and leaders
- c) Debate issues
- d) Work in the community in support of a particular cause or to protest government action
- e) Form or join political parties or other community or grass roots organizations
- f) Attend political or community meetings
- g) Become a leader of a political party, labour organization or community organization
- h) Vote in elections
- i) Campaign for those standing for office
- j) Stand for office and serve if elected
- k) Pay taxes
- l) Serve in the military
- m) Use legal channels to challenge official action such as meeting with senior government officials, taking cases to court etc
- n) Lobby public officials
- o) Protest by demonstrations, boycotts, strikes, etc
- p) Respect the rights of other citizens
- q) Be a productive member of society



Become informed



Debate issues



Participate in democracy



Be productive

B. BECOMING INFORMED

WHERE YOU LIVE

**ARE YOU INFORMED
ABOUT YOUR
RIGHTS AND
POLITICAL ISSUES?**

Being informed is essential to effective participation. Citizens need to know their legal rights. This enables citizens to know when their rights are being infringed and where to go to solve problems. They also need to be informed about issues. Being informed is a form of empowerment. Informed citizens make educated and rational decisions. This prevents citizens from being improperly manipulated and helps them separate gossip and rumour from fact.

A citizen can become properly informed by doing the following:

- a) Talk to and ask questions of people who are knowledgeable including teachers, civic leaders, Members of Parliament etc
- b) Get information from officials and government departments involved in a particular issue
- c) Obtain information from the media (newspapers, magazines, radios, and television)
- d) Use the library to both obtain information and to become aware of other sources and references
- e) Go back to the original source of the information to check its accuracy
- f) Engage in debate and discussions with fellow citizens

Informed citizens are able to participate in government



EXERCISE 2

HOW DO YOU BECOME INFORMED?

Imagine you have heard the following pieces of information and wish to get more details. Where would you go to obtain the information and why would you go to that place?

- 1 There is a rumour circulating in your area that a road will be built through the middle of your community. This means that a number of houses have to be demolished. You would like to know whether the road is going to be built and if so which homes may have to be demolished.
- 2 There is talk that political parties have agreed on a new constitution. You would like more information about the constitution.
- 3 Your neighbour tells you that the leader of the Green Political Party is going to address the community. You wish to go to the meeting and want to know where it is being held.
- 4 There is a rumour that the leader of the New Beginning Political party has been assassinated by members of the Stability Political Party. People in your area want you to demonstrate at the offices of the Stability Political party. How can you obtain information which may help you decide what to do?



1 CRITICAL READING

It is important to distinguish opinions from fact by critical reading

A democracy requires a citizen's thoughtful participation while a dictatorship insists that the citizen accept the opinion of leaders as true. Thus it is necessary that citizens learn to separate facts from opinions. Writers sometimes present their opinions as facts. It is important to distinguish opinion from fact through critical reading. If readers simply accept the opinion of the writers, then the readers will be allowing the writers to think for them.

EXERCISE 3

SEPARATING FACT FROM OPINION

Read the newspaper article below and separate the facts from the opinion of the writer. Put an F next to each sentence which states a fact and an O next to each opinion. Then answer the questions over the page.



The Daily WATCHDOG

VERY LATE
EDITION

LAST WITH THE NEWS • FIRST WITH THE TRUTH

COPS KILL ROBBERS

STATISTICS indicate that there has been an alarming increase in the number of armed robberies in the city. However, yesterday the police struck a decisive blow for law and order.

A group of armed men were gunned down outside a shopping centre when the police received a tip that the men planned to rob a local bank. Some eye witnesses say that the police returned fire after being fired upon. Others state that when the van containing the armed men stopped, the police flung open the doors and started firing.

It does not really matter who fired first. Robbers are robbing and killing innocent people. The only way to stop them is to act decisively and respond in the only language they understand. After the shooting, the five robbers were pronounced dead.



BLOODY AFTERMATH the bodies of the slain robbers are carried away

MAYOR DENIES ALL

ALLEGATIONS that the Mayor is a corrupt opportunist bent on personal gain were angrily refuted today by the Deputy Mayor's Personal Assistant. Neither the Mayor nor the Deputy Mayor could be reached for comment. They were playing golf.

**FOR MORE GORY DETAILS
SEE PAGES 4,5,6**

More dirt and gossip on pages 7,8,9

EXERCISE 3**SEPARATING FACT FROM OPINION (continued)**

- 1 Was the article made up mostly of facts or opinions? If the article were made up only of facts, do you think it would affect the reader differently? Give reasons for your opinion
- 2 Should a newspaper article be only facts or should it mix facts and opinions? Explain
- 3 What should a critical reader do when reading such an article?
- 4 Do you agree with the opinions of the writer in this article? Give reasons for your opinion

2 ACTIVE LISTENING

Listeners must
hear, understand,
question and
think about what
they hear

In a democracy, citizens have a responsibility to listen so that they can hear and learn the truth. The process of hearing requires an active role on the part of the listeners. Listeners must hear, understand, question and think about what they hear. They will then be in an informed position to make a meaningful response. This process will help to prevent misinterpretations and assist listeners in remembering the message.

Listeners should question speakers and make them defend their positions. Sometimes in politics citizens glorify their leaders and do not question their positions on issues. In a democracy, even the supporters of candidates or elected officials should question why officials act in certain ways or support specific policies. While citizens in democracies ask questions, citizens in authoritarian systems are not usually allowed to do so.

EXERCISE 4**DISCUSSING CONTROVERSIAL ISSUES**

Divide into pairs. Each pair must choose a controversial topic to debate. In each pair, after the first person has argued, the second person must paraphrase what has been said before he or she replies to the first person's argument. The first person must agree that the paraphrasing accurately reflects what was said before the second person may reply. The same procedure is followed after the second person has presented an argument. The first person must paraphrase before replying. After the pairs have discussed their topics for a few minutes they should be asked the following questions.

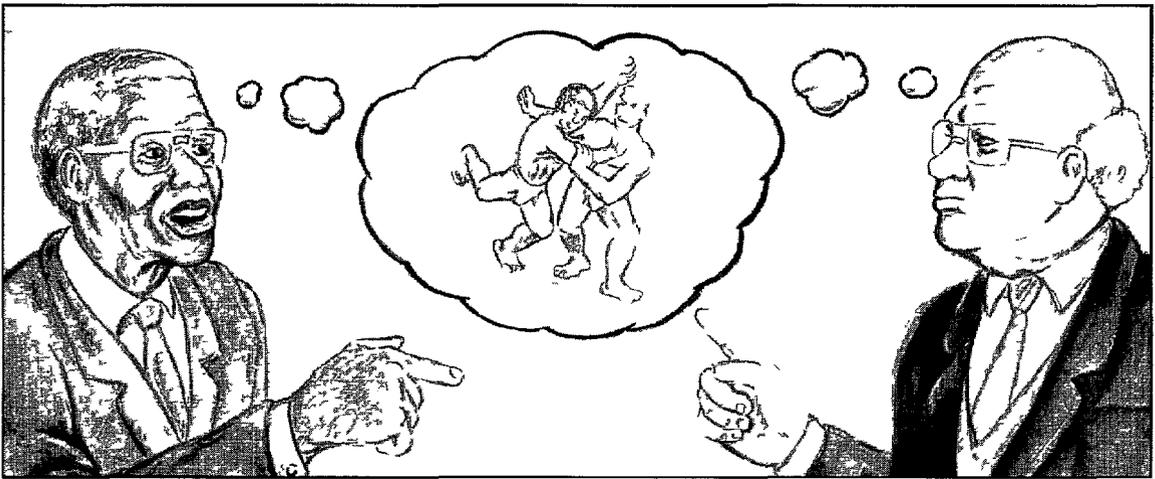
- 1 What effect did paraphrasing have on your discussion?
- 2 When could paraphrasing be useful to you?

3 DEBATING ISSUES

In a debate all parties must have a chance to speak

A debate is a clash of ideas. We benefit by hearing other people's ideas and arguments. The way people present their arguments may differ but the principles of a fair debate are the same. In a debate all the parties must have a chance to speak and must have the opportunity to persuade others that their view is correct. If a person is shouted down or prevented from speaking then that person's basic right to freedom of speech is being infringed. The main benefit of a debate is the exchange of ideas.

A debate is a clash of ideas



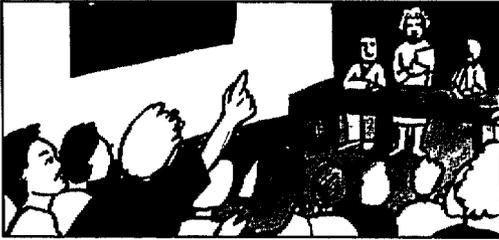
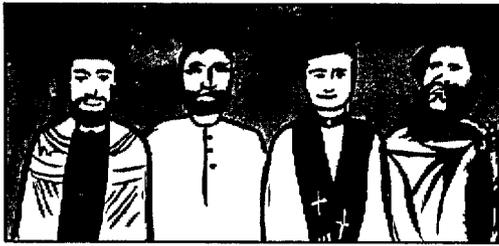
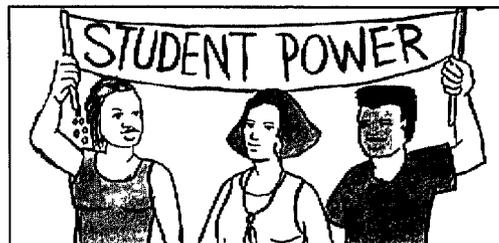
EXERCISE 5

THE CASE OF THE ANTI-PINKO POLITICAL PARTY

Mr Jones is a leader of a minority political party which has adopted an anti-Pinko theme in its election campaign. Jones and his party argue that Pinkos are dishonest, they should not be granted any trading licences, and that the state should take away some of their property without compensation. Mr Jones plans to speak in an area which has a large Pinko community. Some Pinko citizens have indicated that they will protest by disrupting the meeting.

- 1 Assume that you are the police commissioner for the area, what would you do?
- 2 Does a political party have the right to adopt a theme critical of one group as part of its campaign? Should this be allowed?
- 3 If the anti-Pinko political party holds the rally in the area, what should the Pinkos in the area do? In what way might they participate in this activity? If you were a Pinko, what would you do?

C PARTICIPATION IN CIVIL SOCIETY

*Neighbourhood watches**Civic organisations**Religious organisations**Women's groups**Youth organisations*

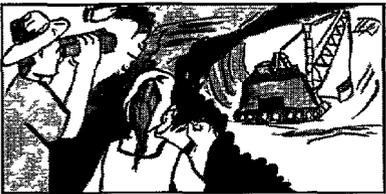
As noted above, citizen participation in a democracy is more than just voting in elections or other involvement with government. Most participation by citizens takes place in homes and communities. Citizens frequently form their own organizations which have various goals such as improving the community, preserving the environment, protecting human rights, improving health, or participating in cultural or recreational activities. These type of organizations are referred to as non-governmental or non profit, civic or voluntary organizations. When people act through private non governmental organizations they are taking part in what is called "civil society." Many people believe civil society is a necessary part of any democracy.

When citizens participate in civil society they make important decisions and carry out essential programmes. A group of people become a community when they work together towards a common goal. A group of citizens is often more able to influence matters than an individual. Government, public and commercial bodies find it difficult to ignore a group of committed citizens.

Most democracies recognize the importance of civil society in helping government fulfil certain goals. For example, many religious, non profit or other voluntary organizations help people who are poor, or in need of food or a place to live. In return, many governments support such organizations by not requiring them to pay taxes or by funding them. Civil society also plays an important role in monitoring and if necessary, criticizing government activities. In dictatorships, the organizations which make up civil society are sometimes greatly restricted in their activities or may even be banned entirely.



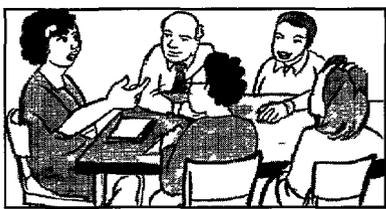
Children's organisations



Environmental organisations



Social and sporting groups



Parent-teacher organisations



Human rights groups

The following is a list of some of the community organizations that may exist in your area as a part of civil society

- a) Neighbourhood watches
- b) Civic groups and organizations
- c) Religious organizations
- d) Women's groups
- e) Youth organizations
- f) Children's organizations
- g) Environmental organizations
- h) Social and sporting groups
- i) Parent teacher organizations
- j) Human rights or legal assistance groups

One characteristic of responsible citizens is their willingness to participate in community activities. This requires more than just belonging to an organization. It requires citizens to spend time and effort working within the organization to bring about change.

Civil society includes local, regional, national and international organizations. However, citizens in a democracy participate most often close to home in their own communities. This is because that is where they face problems on a daily basis such as not having adequate water, not having electricity, poor rubbish collection or not having places for their children to play. Citizens most frequently form organizations to address local problems in their own communities, because this is where they can

- a) Have a say
- b) Create and see change
- c) Have a stake in the change
- d) Create a sense of community

Civil society can build a sense of community among the people in a way government cannot. This is especially true when citizens and their organizations are dedicated to working in a cooperative manner. Cooperation is an important value in a democracy. Cooperation can build mutual understanding and what is sometimes referred to as "common ground." Common ground means that when people who are different or have different views

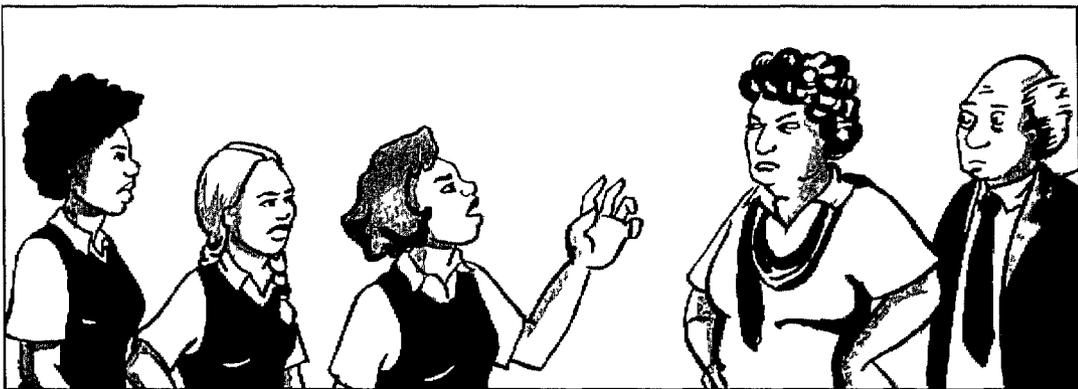
When people of different views discuss them with each other they will find "common ground"

discuss their similarities and differences they will find that they have in common some of the same goals and ideas. Cooperation and common ground can provide great support to democracy.

Though citizens most frequently work with community organizations on local problems, civil society also includes citizen participation in organizations which work on regional, national or international issues. Such citizen participation efforts bring about major changes including convincing governments to end wars, ending policies of racial discrimination and stopping development projects which may seriously damage the environment.

EXERCISE 6

THE CASE OF INADEQUATE SCHOOL FACILITIES



Assume a girl attends an all female public school. Her school enters a science competition at a nearby school. Her school loses in the competition. After the competition the hosts take the girls on a tour of a school which is an all boys' public school. The girls realize that, in comparison, the facilities at their school are totally inadequate and in some cases non-existent. They are convinced that unless facilities at their school are upgraded, they are not going to get an education equal to the boys at the other school.

1. Divide into small groups and design a citizen participation plan of action to change the situation.
2. Is it necessary to form an organization to bring about this change? If yes, how should the organization be structured? Can other existing organizations assist?
3. Should the effort be local or should it also be conducted on a regional, national or international basis? Give reasons for your answer.

D. PARTICIPATION IN PARTY POLITICS



Party members can participate in many ways

1 JOINING A POLITICAL PARTY

Some political parties require their members to pay a fee. Others do not. In some countries, a citizen must register to vote before joining a political party.

Policies of political parties are influenced by their members when they attend party meetings and organize support for a policy within the party.

2 PARTICIPATION AT ELECTION TIME

Party members carry out the following important functions at election time:

- a) Organizing meetings
- b) Going to people's homes asking for support and explaining the party's policies
- c) Preparing posters
- d) Obtaining donations for political parties
- e) Transporting voters and providing general assistance on election day
- f) Voting

It is essential in any democracy that the wishes of the voters be respected. The losers have an important role to play as the opposition to the government. They must also prepare for the next election and work on changing the minds of the voters. Defeated candidates frequently return and win the next election.

3 AFTER ELECTIONS

It is important to get parties to report back to their constituencies on a regular basis. These meetings keep Members of Parliament informed about the feelings of their constituencies and allow them to explain decisions taken by the party. They also allow the constituency to get regular feedback on the extent to which electoral promises are being kept.

4 STANDING FOR ELECTIONS

In all democracies, eligible voters are entitled to stand for elections for local, regional or national government (see chapter 5).

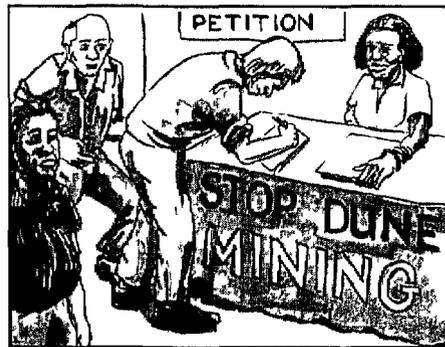
E. HOW CITIZENS CAN CHANGE PUBLIC POLICY



Distributing leaflets



Newspaper advertisements



Organising petitions



Protesting and demonstrating

Citizens have the the power to change and influence public policy in a democracy One way of doing this is by voting for a political candidate

The following steps will assist those seeking to change policy

- a) Identify the policy that should be changed and say why it should be changed
- b) Be clear what the new policy should be
- c) Join existing organisations or together with other citizens form your own organization
- d) Gather all the relevant information
- e) Identify all the main roleplayers who will have an influence in changing policy
- f) Identify organizations supporting and opposing you
- g) Draw up, and carry out, a plan of action

1 LOBBYING

One of the most common ways citizens attempt to influence public policy in a democracy is through lobbying Lobbying is when citizens and their organizations attempt to influence public officials This is done through meetings, phone calls or writing letters Citizens sign petitions as a part of lobbying campaigns to convince lawmakers to vote for a certain proposed law or to have the President or other members of the Executive branch adopt a specific policy

Although many believe that there should be strong regulations concerning lobbying, most democracies allow it as a legitimate way for citizens to have their voices heard Critics of lobbying say that wealthy people and corporations are better able to hire lobbyists and therefore gain greater influence with public officials than ordinary citizens or the poor

In addition to lobbying, citizens can take many other actions to bring about change These include

Citizens can use many forms of action to bring about change

- a) Printing and distributing leaflets
- b) Appearing on television and radio to discuss the issue
- c) Putting advertisements in newspapers, radio and television
- d) Signing petitions
- e) Testifying before governmental bodies
- f) Protesting and demonstrating
- g) Boycotting and striking

EXERCISE 7

LOBBYING THE COMMISSIONER OF PRISONS

The national government decides to build a prison in your area. Your community opposes the proposal because there will be a large fall in the price of property in the area. The Commissioner of Prisons has agreed to meet two representatives of your organization.

- 1 Roleplay a meeting between members of a community organization called Stop the Prison and the Commissioner of Prisons who supports building the prison in your area.
- 2 What arguments were presented by the members of the organization?
- 3 What arguments were presented by the Commissioner?
- 4 Which side do you agree with? Give reasons for your answer.
- 5 Do you think that lobbying is an effective way for citizens to influence public policy? Give reasons for your answer.
- 6 Assume that you are a member of the organization Stop the Prison. Write a letter to the President of the country, to express the views of the organization. Ask the President to take some action.



EXERCISE 8

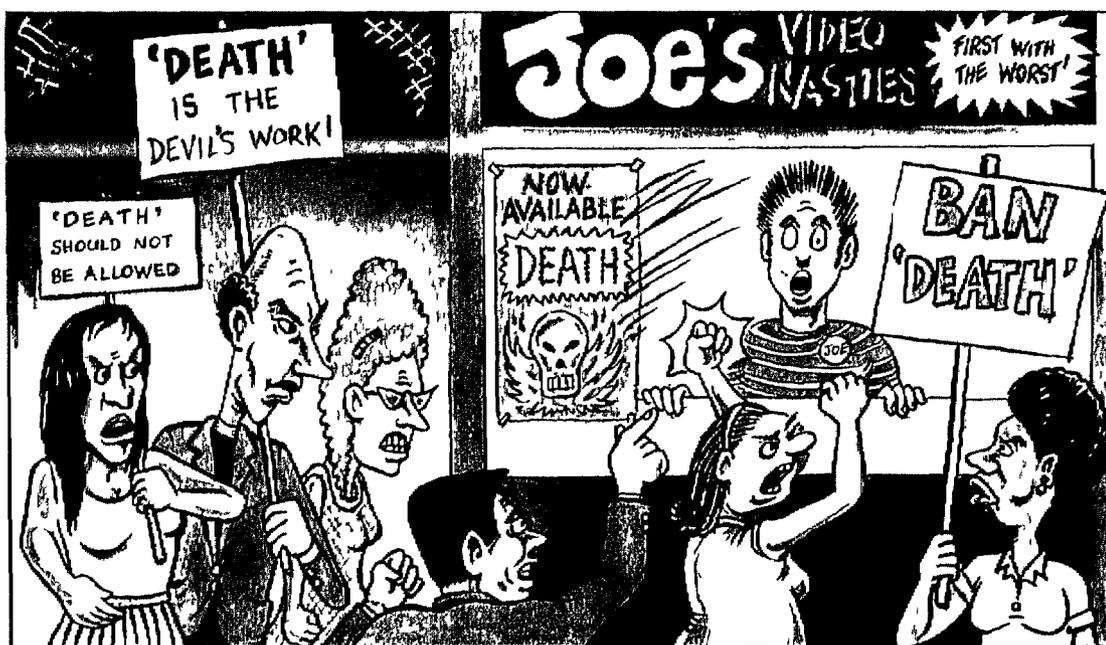
COMMISSION ON VIOLENT VIDEOS

A video called "Death" is released. It contains very popular music and sells many copies. The video contains graphic scenes of violence and includes a scene in which a woman is attacked and brutally raped. Groups called Concerned Parents and Women against Violence have waged a long campaign to ban video "nasties". They are opposed by two groups called Civil Liberties and Free Market. The issue has raised considerable public interest and a Parliamentary Commission has been established to consider the issue.

Select five people in the class to be the Parliamentary Commissioners. Divide the rest of the class into the following four groups, each of which will have to argue before the Commission.

1. Concerned Parents argue that video "nasties" reach the children, despite controls. These videos have a highly prejudicial effect upon the children.
2. Women against Violence argue that these videos promote violence against women and must be banned.
3. Civil Liberties argue that the banning would amount to a violation of freedom of expression and artistic freedom.
4. Free Market argue that there should be no state interference in commercial or artistic activities. Regulations stifle economic growth and should be kept to the absolute minimum.

Each group must make a three minute presentation to the Parliamentary Commission. The Commission should then decide on the policy to be adopted.



F. PROTESTS AND DEMONSTRATIONS

The right to associate with others and to protest is fundamental to a democracy (see chapter 4) People often need to march, picket or demonstrate to get publicity for their grievances Sometimes people participating in a protest or demonstration infringe on the rights of others Courts then have the difficult task of deciding whether the rights of protestors are more important than the rights of others

EXERCISE 9

THE FLAG BURNING CASE

The Revolutionary Party is in the habit of burning the national flag after their meetings They do this to protest against the present government The President of the country states that the flag is a symbol of national unity and that many people gave their lives for their country He says that burning it is deeply offensive to many people and an insult to the memory of those of who died The President wants to prosecute members of the Revolutionary Party for burning the flag after their meetings

Should the President be allowed to prosecute them? Why or why not?

G. RESPONSIBILITIES TOWARDS OTHER CITIZENS

Disrespect for the rights of others is not in accordance with democracy

As members of a community, citizens must act in a manner that benefits the community It is important to treat others with respect and civility, regardless of their political views Most communities consist of people from different backgrounds These differences must be tolerated and the customs and beliefs of others must be respected (see chapter 4) Disrespect for the rights of others is not in accordance with a democratic society

Some laws require citizens to act responsibly For example, citizens may not infringe on the human rights of others by using violence or taking their property without a good reason People also may not discriminate against others because of their race, ethnic background, sex, religion, sexual orientation or disability Parents must support their children, drivers must obey traffic laws and workers must pay taxes

Being civil-minded means placing the common good above your personal interests

Citizens also have responsibilities which are not laid down by law. For example, citizens should practice civility which is to treat others with respect, be open minded, hard working and loyal to democratic principles and values

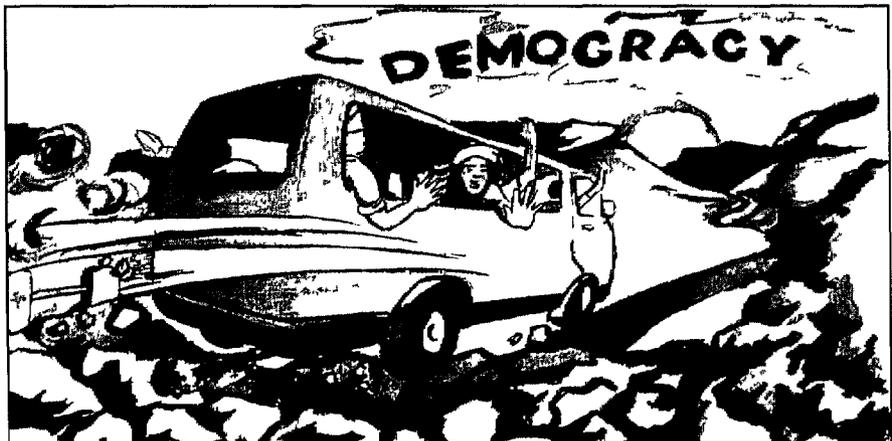
It is often necessary to compromise on issues. Compromise prevents political stalemate, indecision, and conflict. Compromises encourage harmony which is essential to a well functioning community. Compromise requires a person to be civic minded. This requires the individual to sometimes place the common good above his or her personal interests. This means showing compassion and being generous, when appropriate

EXERCISE 10**CITIZEN ACTION AGAINST POLLUTION**

You live in an area that has an oil refinery, a paper mill, and a sewage disposal plant. These factories and plants have been operating for a several years. After a number of complaints of chest and lung disease a test is done in your area. An unacceptably large percentage of air pollutants is discovered. The percentage far exceeds the internationally accepted norm. The companies inform you that they are complying with local emission standards. They produce a Government Gazette published in 1961 which confirms this. Your community is determined to do something about this situation.

1. What problem does your community wish to address?
2. List the possible actions citizens in your area may take to address this problem?
3. Which action is the most effective type of action citizens can take? Give reasons for your answer.

If everybody practised the principles laid down in this book there would truly be Democracy for All



WORDS TO KNOW

ABUSE OF POWER	When government officials exercise more power than the law gives them or when the government violates the laws or constitution of the country
ACCEPTING OF DEFEAT	Citizens should participate in elections with the understanding that there will be winners and losers, and that if their party loses one election, they will have an opportunity to gain power in the next (Signpost)
ACCOUNTABILITY	The making of elected and appointed officials accountable to the people for their actions, so that they make decisions and perform their duties according to the wishes of the people and not for themselves (Signpost)
AFFIRMATIVE ACTION	Action taken by government or private business to make up for past discrimination in education, work, promotion, etc., against people such as women, and those of specific races, ethnic groups, religions, or disabled people
AMNESTY	See INDEMNITY
ATTORNEY-GENERAL	The senior public servant in charge of all prosecutions by the state
AUTHORITARIAN GOVERNMENT	A type of government in which the people in power hold absolute and unchallenged authority over a country, and do not allow their decisions to be questioned
BALLOT PAPER	The paper on which voters make their mark
BALLOT BOX	The box into which ballot papers are put by voters
BILL OF RIGHTS	A statement of human or civil rights in a constitution which are protected against interference by government (Signpost)
CABINET	The group of Ministers responsible for implementing government policy
CAPITALIST SYSTEM	A system of government which leaves most decisions to be made by private individuals and companies in the market place Also called FREE ENTERPRISE or a FREE MARKET ECONOMY
CHECKS AND BALANCES	A system whereby one branch of government can be checked by another
CITIZEN PARTICIPATION	Participation by citizens in government by standing for election, voting in elections, becoming informed, debating issues, attending community or civic meetings, being members of private voluntary organisations, paying taxes, etc (Signpost)
CIVILITY	Behaviour by citizens whereby they treat each other with respect, and are hard working, open minded and loyal to democratic principles and values
CIVIL RIGHTS	The rights of citizens to liberty and equality (eg to have the freedom to think and have access to information, the freedom to act and to choose what to do)
CIVIL SOCIETY	Private non governmental organisations which have goals of improving the community, preserving the environment, protecting human rights, improving health, or participating in cultural or recreational activities
CODE OF CONDUCT	Behaviour that parties or people agree to conform to when carrying out their activities

COMMISSION OF ENQUIRY	A commission appointed by the government to investigate, report on and make recommendations concerning allegations of corrupt administration, injustice, unfair treatment and inefficiency in public affairs
COMPROMISE	A settlement made by each side giving up part of its demands
CONFEDERAL SYSTEM	A system of government where separate states are linked together to co operate in certain ways but are otherwise independent of each other
CONSTITUTION	A set of laws by which a country is governed
CULTURAL RIGHTS	The right to preserve one's cultural identity and development
CURFEW	A law which states that people must not be on the streets during certain hours of the day or night
DEATH PENALTY	The imposition of a sentence of death by the court
DEMOGRACY	Rule by the people in a country directly or by representation
DEVELOPMENTAL RIGHTS	The right to cultural, political and economic advancement (eg the right of a group of people to have their culture recognized or to advance themselves politically or economically)
DICTATORSHIP	A form of government in which those in power hold absolute and unchallengeable authority over the people
DIRECT DEMOCRACY	A type of democracy where all the people in the country have a say in the day to day governing of the country
DISCRIMINATION	Distinguishing between people on the basis of their race, culture, ethnic origin nationality, sex, belief religion, physical disability, or characteristics other than individual merit
ECONOMIC	Factors concerning the production, development or management of material wealth or the necessities of life
ECONOMIC FREEDOM	A system where the government allows some private ownership of property and businesses, and people are allowed to choose their own work and join labour unions (Signpost)
ECONOMIC RIGHTS	Rights that concern the production, development and management of material wealth for the necessities of life
ENVIRONMENTAL RIGHTS	The right to live in an environment that is clean and free from pollution and protected from destruction
EQUALITY	The right of people not to be discriminated against on the grounds of race, national origin, sex, sexual orientation, age, disability, income or legitimacy (Signpost)
EXECUTIVE	The Prime Minister or President, Cabinet Ministers and all the departments of government
FEDERAL SYSTEM	A system whereby a country is divided into different areas or territories in which some powers are exercised by central government and others by the individual areas or territories
FREEDOM OF ASSEMBLY	The right of people to meet and gather together freely without interference from the state or other people

FREEDOM OF ASSOCIATION	The right to belong to organisations of a person's choice and not to be forced to belong to or support other organisations
FREEDOM OF EXPRESSION	The right to communicate and to receive information and ideas without interference from the state or others
FREE ENTERPRISE	See CAPITALIST SYSTEM
FREE, FAIR AND REGULAR ELECTIONS	A system whereby elected officials are chosen and removed peacefully from office in a free and fair manner, and citizens have an opportunity regularly every so many years to exercise this right (Signpost)
FREE MARKET ECONOMY	See CAPITALIST SYSTEM
GOVERNMENT	The group of persons governing a country
HORIZONTAL BILL OF RIGHTS	A bill of rights which protects citizens against violations of their human rights by fellow citizens
HUMAN RIGHTS	Rights that universally belong to people regardless of their sex, race, colour, language, national origin, age, class, religion or political beliefs (Signpost)
IDENTITY DOCUMENT	A document issued by a government to identify the citizens and residents of the country
INDEMNITY	The granting of immunity from prosecution by the state for having committed crimes
INDIVIDUAL REPRESENTATION	A system in which political parties select individual candidates to represent certain areas called "constituencies" who must receive the most votes in their area to be elected
JUDICIAL REVIEW	The power of judges to review the decision of the government to change the law
JUDICIARY	Judges who hear and decide cases in the Supreme Court
LEGAL RIGHTS	Rights that are laid down in law and can be defended and brought in a country's courts of law
LEGISLATURE	The law making body, often called Parliament or Congress, made up of representatives elected directly by the people
LOBBYING	Attempts by citizens and organisations to influence public officials to support their cause
LOCAL GOVERNMENT	The local authority that has power over a city, town or local area in a region in a country
MINISTER	The head of a government department
MIXED ECONOMY	An economic system where a free enterprise system is retained but the government sets ground rules within which the economy operates Also called a SOCIAL DEMOCRACY
MONARCHY	A type of government where a king or queen is the head of state
MORAL RIGHTS	Rights based on general principles of fairness and justice
MULTI-PARTY SYSTEM	A system in which there are two or more political parties instead of only one (Signpost)

NATIONAL GOVERNMENT	The government for the whole of the country
NATIONAL SECURITY	The security of the state against being threatened by foreign invasion civil war serious economic crisis natural disaster, attempted coups or revolutions and widespread lawlessness
NATIONALISATION	The taking over of private industries or institutions by the government for public ownership
NATURAL RIGHTS	Rights that belong to people simply because they are human beings
NATIONAL ELECTIONS	Elections for the central government of a country
NEIGHBOURHOOD WATCH	An organisation to prevent and detect criminal activities in a community
NEGOTIATIONS	When people in a dispute talk to each other in order to arrive at a solution to their problem
OMBUDSPERSON	An independent public official appointed to investigate complaints against government officials Also called a PUBLIC PROTECTOR
PARLIAMENTARY COMMISSION	A commission appointed by Parliament to investigate complaints and advise the government on appropriate action and where necessary amendments to the existing law
PARLIAMENTARY DEMOCRACY	A type of government where voters elect representatives to a legislative body called a Parliament or Congress
PARTICIPATION	Taking part in the public life of a community or society
POLITICAL RIGHTS	The right of people to participate in the political life of their community and society (eg by voting for their government)
POLITICAL TOLERANCE	The recognition that people from opposing political parties are entitled to organise and speak out in opposition without interference from anyone (Signpost)
POWER	The ability to cause others to change their behaviour and to do what the person with power wants
PREMIER	See PRIME MINISTER
PRESIDENTIAL DEMOCRACY	A type of democratic government where the Legislative and Executive branches of the government are independent of each other, and voters elect representatives to the Legislative body, and the Presidency separately
PRIME MINISTER	The leader of the majority party in a Parliament, sometimes called a PREMIER
PROPORTIONAL REPRESENTATION	A system whereby people are represented in Parliament or Congress according to the proportion of votes that their political party wins
PUBLIC EMERGENCY	An emergency that threatens the security and life of the nation
PUBLIC PROTECTOR	See OMBUDSPERSON
REFERENDUM	The referring of a political question to voters for a direct decision by a general vote
REGIONAL GOVERNMENT	The government of a region, state or province in a country
REPRESENTATIVE DEMOCRACY	A type of democracy where the people elect representatives to represent them in the day to day governing of the country, including the making of laws

RULE OF LAW	A system of law whereby no one is above the law, (not even a king or an elected President), the law must be equally, fairly and consistently enforced, and everyone must obey it and be held accountable if they do not (Signpost)
SECRET BALLOT	A method of voting whereby the person who votes does so in private without anyone watching and nobody can discover how he or she voted
SEPARATION OF POWERS	The division of powers into three separate branches of government a Legislative branch to make laws, an Executive branch to carry out the laws, and a Judicial branch to punish law breakers and settle disputes
'SIGNPOSTS' OF DEMOCRACY	Democratic principles which most people believe are essential to a democracy
SOCIAL	People living together in communities
SOCIAL DEMOCRACY	See MIXED ECONOMY
SOCIALISM	A system of government involving central control of the economy through nationalisation
SOCIAL RIGHTS	Rights that give people security when they live together (eg in families) and learn together in schools and other educational institutions
SPEAKER OF THE HOUSE	The chairperson in Parliament or Congress who keeps order and controls procedures during debates
SPOILT BALLOT PAPERS	Voting papers which cannot be taken into account because they do not indicate who the voter is voting for or have not been marked properly
STATE OF EMERGENCY	A declaration, usually by the President, which enables the government to make regulations for the preservation of the security of the state, and give the police wide powers to arrest and detain people without trial, to prohibit public gatherings and to censor the press
STATE	The government
TOTALITARIAN GOVERNMENT	A system of government that attempts to have power over every aspect of human life, not just over what concerns the government, (eg telling people where they may live, work, how many children they may have, etc)
TRANSPARENCY	The ability of the people to see what is happening in the government of a country, so that they and the media have access to information about what decisions are being made, by whom and why (Signpost)
UNITARY SYSTEM	A system of government where the central national government has superior power but can delegate some of it to regional or local governments
VERTICAL BILL OF RIGHTS	A bill of rights which protects citizens from violations of their human rights by the state
VOTE TRADING	A practice whereby members of Parliament or Congress may agree to vote for a certain law which they do not like, if other members will agree to vote for another law they plan to sponsor in the future

APPENDIX A

SOUTH AFRICA'S INTERIM BILL OF RIGHTS

- 1 Right to be Treated Equally
- 2 Right to Freedom from Discrimination
- 3 Right to Life
- 4 Right to Respect and Protection of Dignity
- 5 Right to Freedom and Security
- 6 Right to Freedom from Servitude and Forced Labour
- 7 Right to Privacy
- 8 Right of Conscience, Religion, Thought, Belief and Opinion
- 9 Right to Freedom of Speech, Expression, Artistic Creativity and Scientific Research
- 10 Right to Assemble, Demonstrate and Petition Peacefully and Unarmed
- 11 Right to Freedom of Association
- 12 Right to Freedom of Movement
- 13 Right to Choose Place of Residence
- 14 Right to Hold and Keep Citizenship
- 15 Right to Enter, Remain In and Leave the Country
- 16 Right to Join and Campaign for a Political Party of Choice
- 17 Right to Vote in Secret
- 18 Right of Access to Independent and Impartial Courts
- 19 Right of Access to State Information
- 20 Right to be Treated Fairly and to be Given Reasons by Administrative Bodies
- 21 Right to Employ a Lawyer and to be Provided with a Lawyer by the State in Certain Circumstances
- 22 Right to be Informed of Reasons for Arrest
- 23 Right to Remain Silent and to be Presumed Innocent
- 24 Right to be Brought Before a Court Within 48 Hours of Arrest
- 25 Right to Bail Unless Interests of Justice Require Otherwise
- 26 Right to a Fair Trial
- 27 Right to Freely Engage in Economic Activity
- 28 Right to Fair Labour Practices
- 29 Right to Buy, Hold and Sell Rights in Property
- 30 Right to a Healthy Environment
- 31 Right of Children to a Name, Nationality and Parental Care
- 32 Right of Children to Security, Basic Nutrition and Basic Health and Social Services
- 33 Right to Language and Culture of Choice
- 34 Right to Basic Education and Access to Educational Institutions

APPENDIX B

SOUTH AFRICA'S INTERIM CONSTITUTION

A INTRODUCTION

The interim constitution is the product of years of negotiations. Major compromises had to be made by the participating parties in order to achieve an agreement. For the first time everyone in South Africa will have a vote that counts equally thus enabling all citizens to participate in the politics of the country. This interim constitution establishes a government of national unity which is to last for five years. The final constitution will be drafted by a Constitutional Assembly which will be elected by the people at the end of April 1994. The final constitution will only become operative if it is approved by at least two thirds of the members of the Constitutional Assembly. Provisions are made in order to achieve consensus amongst members of the Constitutional Assembly. Should these mechanisms fail then the Constitution will, by way of a referendum, be put to the people for their approval or disapproval. The constitution drafted by the Constitutional Assembly must also comply with certain binding constitutional principles. Some of these binding principles are

- a) The constitution must provide for the establishment of a democratic system of government which protects basic human rights
- b) There must be a separation of the powers of the Executive, Legislature and Judiciary
- c) There must be an impartial and independent Judiciary
- d) The diversity of language and culture must be recognised and protected
- e) Provision must be made for the participation of minority parties in the legislative process in a manner consistent with democracy
- f) Provincial and national levels of government must have exclusive and concurrent powers and must be empowered to perform effectively (see page 5)

B DESCRIPTION OF THE INTERIM CONSTITUTION

The constitution is regarded as supreme and any law of the Legislature or action of the Executive which conflicts with the constitution may be declared void by the Constitutional Court or Supreme Court.

Included in the constitution is a chapter on fundamental rights (see Appendix A). These provisions set out a minimum set of norms with which public bodies must comply.

1 PARLIAMENT

Parliament, the body that makes the laws, consists of two houses, the National Assembly and the Senate. The National Assembly consists of 400 members. Two hundred members are elected by a system of proportional representation by voters nationally. A further two hundred are elected from regional lists with each region being given a fixed number of seats. The process will work in the following way:

Assume Party A obtains 55% of the vote nationally, it will then get 55% of 200 seats, giving it 110 seats. Assume Party A gets 50% of the votes in the region of Northern Transvaal. As Northern Transvaal has been allocated 20 out of 200 regional seats, party A will get a further 10 seats for its regional representatives in the National Assembly.

Thus in order to fill the 400 seats it is necessary to assess the support the different political parties attract nationally and in the 9 different provinces.

2 THE SENATE

The Senate comprises 10 senators from each province thus making a total of ninety. Party A having obtained 50% of the seats in Northern Transvaal will obtain 5 of the 10 senate seats allocated to Northern Transvaal.

3 LEGISLATION

An ordinary bill may be introduced in either house and before it becomes law it must be approved by a majority of members in both houses. If a bill is rejected by one house and agreement cannot be reached it may become law if it is passed by a majority of the total number of members of both houses. Different considerations apply in respect of bills providing funding for the different government departments. A bill seeking to amend the constitution must be adopted by a joint sitting of both houses by a two thirds majority.

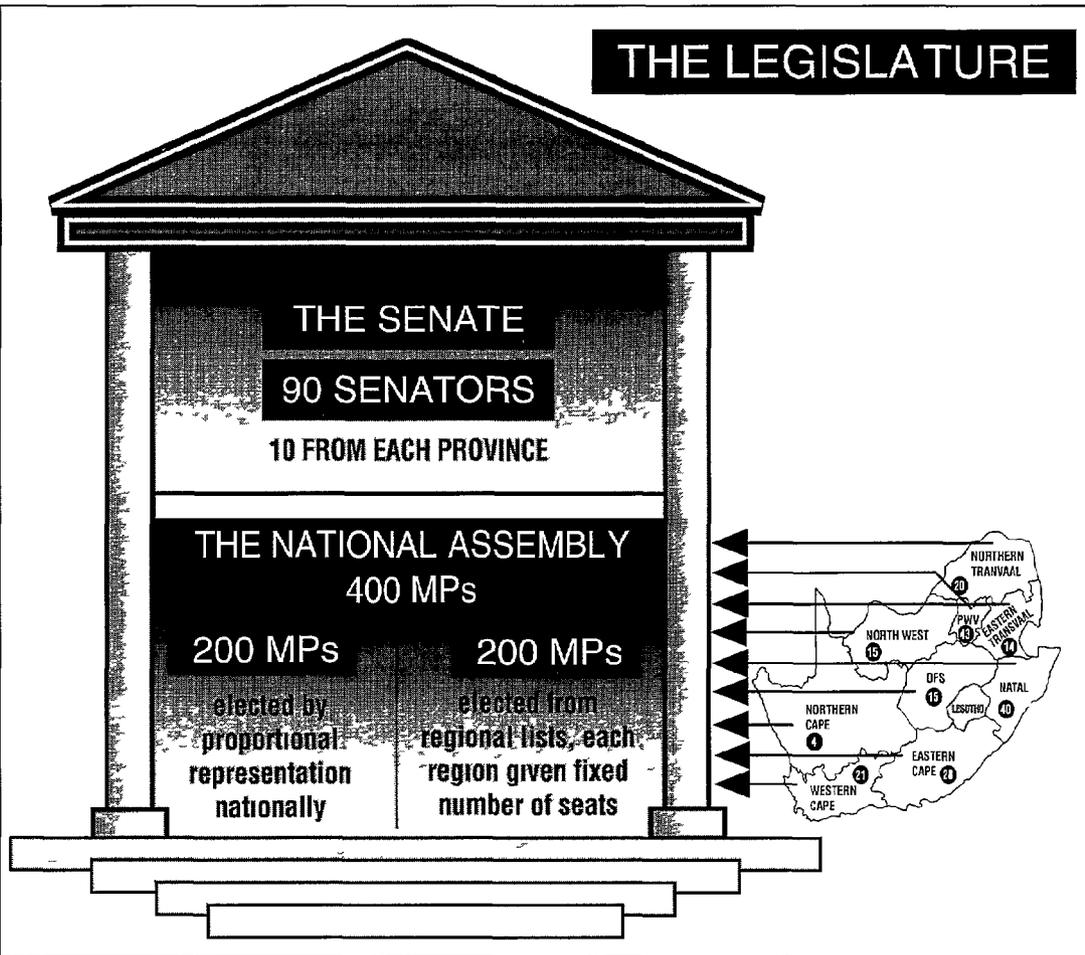
The Senate and the National Assembly, sitting jointly comprise the Constitutional Assembly.

C THE NATIONAL EXECUTIVE

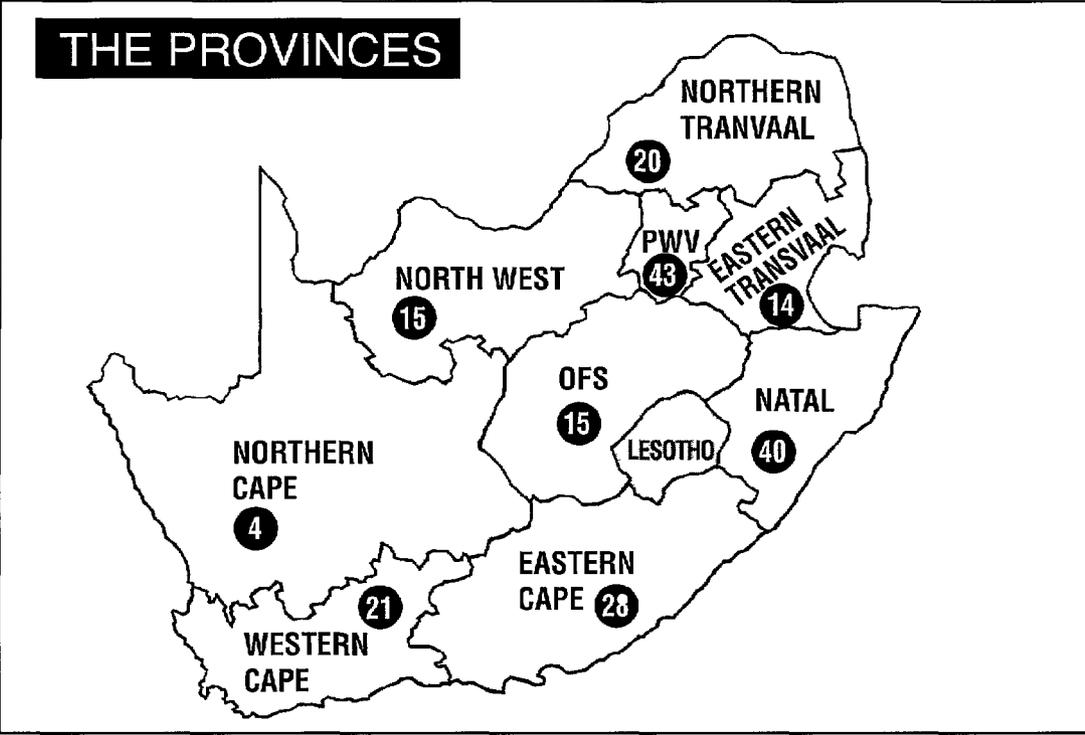
1 THE PRESIDENT

The head of state is the President. He or she is elected by the National Assembly. In order to be elected as President, the candidate must have the support of the majority of the members of the National Assembly. The President has extensive executive and ceremonial powers. However some of the powers may only be exercised after consultation with the Executive Deputy Presidents and/or the Cabinet.

THE LEGISLATURE



THE PROVINCES

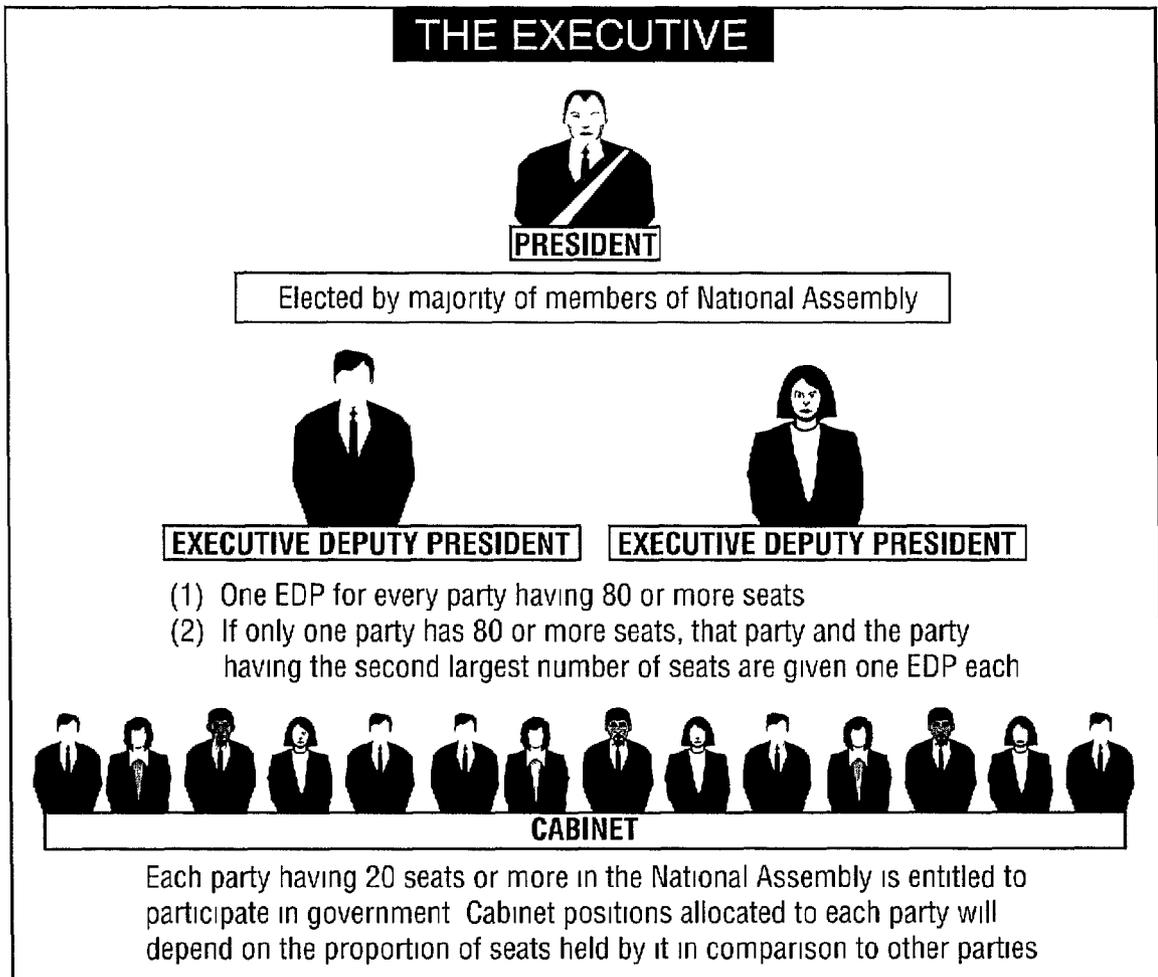


2 EXECUTIVE DEPUTY PRESIDENT

Every party holding at least 80 seats in the National Assembly is entitled to designate an Executive Deputy President from within its ranks. If only one party has 80 or more seats then the party with the second largest number of seats is allowed to nominate one Deputy Executive President. In this case the party having 80 or more seats is also entitled to nominate one Executive Deputy President.

3 CABINET

The Cabinet comprises the President, Executive Deputy President and not more than 27 Ministers. Any party having more than 20 seats in the National Assembly is entitled to participate in the government of national unity. Parties are to be allocated Cabinet portfolios in accordance with the proportion of seats held by them in the National Assembly in comparison to other political parties.



D THE JUDICIARY

The constitution requires a Judiciary that is independent and impartial. The constitution provides for the establishment of a Constitutional Court which is to operate together with the ordinary courts. The Constitutional Court comprises a President and 10 other members. It has jurisdiction over all matters relating to interpreting, protecting and enforcing the provisions of the constitution. It has the exclusive power to determine the validity of an Act of Parliament. Judges of the Constitutional Court are appointed for a non-renewable period of seven years. The President of the court is appointed by the President in consultation with the Cabinet and the Chief Justice. Four members are appointed from the ranks of the present judiciary and the rest of the court are appointed by the President in consultation with the Cabinet and the President of the court. The appointments are made from lists drawn up by the Judicial Services Commission.

The Supreme Court of South Africa also has jurisdiction over violations of fundamental rights. It also has jurisdiction over the validity of laws passed by the Provincial Legislatures. Judges of the Supreme Court are appointed by the Judicial Services Commission. The Judicial Services Commission comprises judges, practising lawyers, academics, the Minister responsible for the administration of justice and four persons nominated by the President in consultation with the Cabinet. The head of the Supreme Court is the Chief Justice.

The Constitutional Court sits in Johannesburg and the Appellate Division continues to sit in Bloemfontein.

E PROVINCIAL GOVERNMENTS

The constitution provides for a Legislative authority, a Premier and a Provincial Executive Authority for each province. Provinces are given concurrent powers with the Central Legislature in respect of certain matters. Concurrent powers mean that both Legislatures are competent to pass laws dealing with certain subject matters. The following are some of the areas over which the Provincial Legislatures have jurisdiction within their demarcated territory:

- | | |
|---------------------|----------------------------|
| a) Agriculture | h) Education |
| b) Cultural Affairs | i) Public Transport |
| c) Environment | j) Regional Planning |
| b) Health Services | k) Roads |
| e) Housing | l) Tourism |
| f) Local Government | m) Traditional Authorities |
| g) Police | n) Welfare Services |

Provisions may be enacted that prevent the Constitutional Assembly from substantially reducing the powers of the provinces.

If the laws of the Provincial Legislature conflict with those of Parliament then the laws passed by Parliament prevail, provided that a court is satisfied that one of the following circumstances exists

- 1) The law deals with a matter which cannot be effectively regulated by the provinces
- 2) The nature of the matter is such that uniform standards applicable throughout the country are necessary
- 3) The matter deals with public services and it is necessary to have a minimum set of standards across the nation
- 4) The laws are necessary for the maintenance of the economic well-being of the nation, protection of the environment or the maintenance of national security
- 5) The provincial law is prejudicial to the economic, health or security interests of another province or the country as a whole

1 PROVINCIAL LEGISLATURES

Each province has a Legislative authority consisting of no fewer than 30 members and not more than 100 members. A Premier, elected by a majority of members of the Provincial Legislature, is the chief executive officer

2 EXECUTIVE COUNCILS

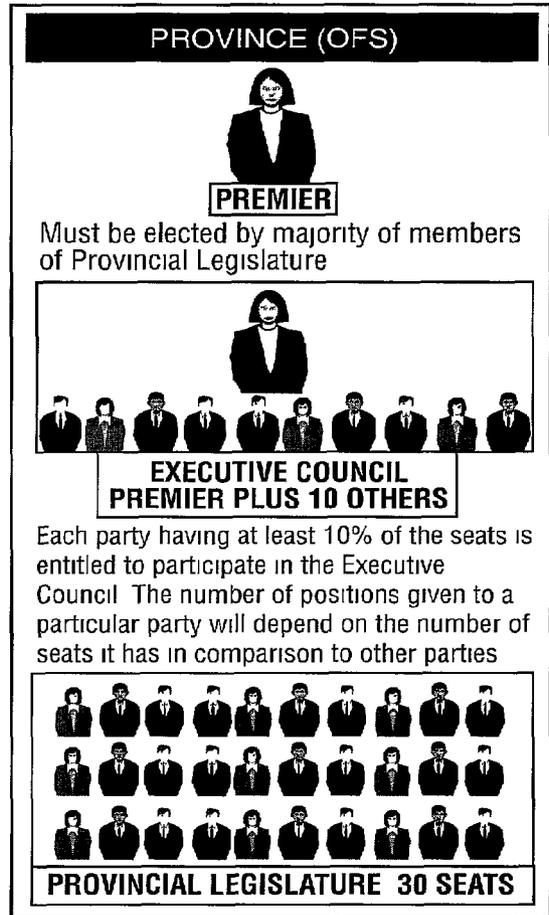
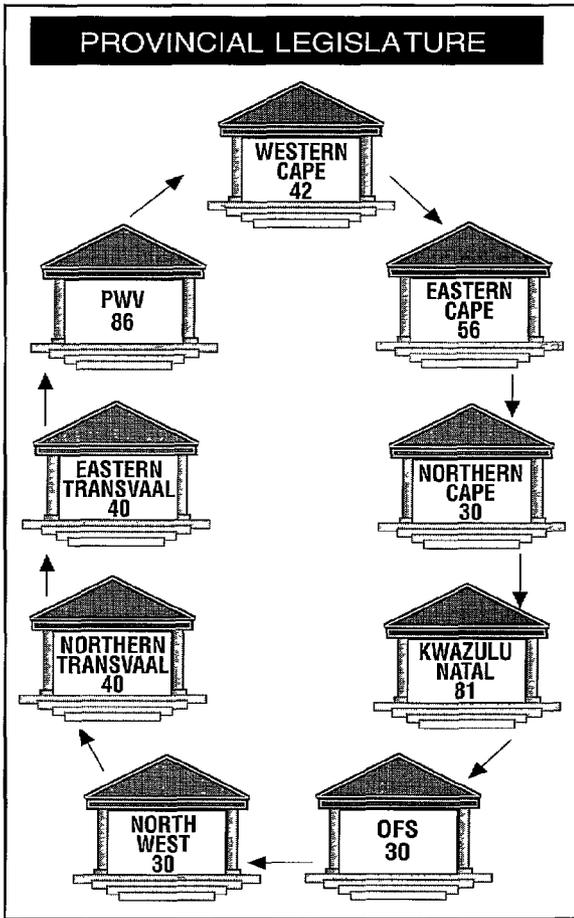
The Executive Council comprises of the Premier and ten other members of the Provincial Legislature. Each party having at least 10% of the seats in the Provincial Legislature is entitled to participate in the Executive Council. The number of portfolios given to a political party depends on the number of seats they have in comparison to other political parties

3 LOCAL GOVERNMENT

Local government having jurisdiction over local issues like water, sanitation, transport facilities, electricity, primary health care etc will be established for residents. The local authority may be able to make by laws that are not inconsistent with the Constitution or an Act of either Parliament or the Provincial Legislature

F TRADITIONAL AUTHORITIES

Existing traditional authorities will continue to exist under the new constitution. The constitution provides for the establishment of a House of Traditional Leaders to assist the provinces in matters concerning indigenous law. Provision is also made for the creation of a National Council of Traditional Leaders to assist Parliament and the President in respect of matters involving indigenous law



G CONSTITUTIONAL STRUCTURES DESIGNED TO ENSURE PROPER AND ACCOUNTABLE GOVERNMENT

1 THE PUBLIC PROTECTOR

The constitution provides for the appointment of a Public Protector. The Public Protector will be a high ranking public official who is to be independent and impartial. The Public Protector is required to investigate grievances against public officials. He or she investigates allegations of maladministration, or abusive, discourteous and improper behaviour by Public officials. He or she also investigates allegations of corruption and improper use of public funds.

2 HUMAN RIGHTS COMMISSION

The Human Rights Commission is required to promote a culture in which fundamental rights are observed, respected and protected.

3 AUDITOR-GENERAL

The Function of the Auditor-General is to audit and report on all accounts and financial statements of accounting officers at national and provincial levels of government.

Democracy for All is aimed at everyone, young people, adults, students and teachers. It explains what the international community accepts as democracy, as well as raises the question of what democracy means to each of us. It also explains how government works in a democracy; how abuse of power is checked; how human rights support democracy; how democratic elections take place; and the ways citizens can participate in democracy.

The objectives of the book are:

- To improve understanding of the fundamental principles and values underlying democracy in society.
- To promote awareness of current issues and controversies relating to democracy.
- To show students that their participation can make a difference in how democracy works in their country.
- To foster justice, tolerance and fairness.
- To develop a willingness and an ability to resolve disputes and differences without resorting to violence.
- To improve basic skills, including critical thinking and reasoning, communication, observation and problem-solving.

The book uses a variety of student-centred activities including case studies, role-plays, simulations, small-group discussions, opinion polls and debates. It is accompanied by an Instructor's Manual which sets out how the lessons in the main text can be conducted and gives solutions to the problems.



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