

# African Democracy in Progress and the Importance of Parliaments

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A. Thunell

Supervisor: A. Koek

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The Hague School of European Studies

The Hague University - Haagse Hogeschool

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## Preface

I live in a world where democracy has become institutionalized. For me it is something I take for granted, as most of the population in the Western World does. It has become so embedded in our society that many of us do not even bother to become involved and make our voices heard anymore. Politics is not interesting, and vote, apathy is not rare in a world where material items are of the utmost importance to a majority of people. It has been said that it is everyone's *right* and *duty* to take upon themselves the hard-won legacy of individual freedom and the right to self-government. Parliaments are the voices of the people, they represent us, and it is thus our duty to contribute to the democratic society we have been blessed to inherit and to make sure parliaments remains democratic.

In other parts of the world, people are still struggling for that individual freedom and right to govern themselves. It is my hope that one day these people will be able to enjoy the same rights as I do. I believe that parliaments are a good place to start. A strong, representative parliament means that the voice of the people is strong. This is why I chose to research this topic.

I would like to express my gratitude to Mr Pär Granstedt who gave me an insight into parliamentary influence and power, as well as Dr Luc Dhoore who gave me useful information regarding the current situation in the Democratic Republic of Congo. Moreover, I would like to express my appreciation to Dr Jeff Balch and Ms Lidewij Helmich, who helped me in the initial stages of my research, as well as Mr Frank Kariyate who gave me invaluable help interpreting the Constitution of the Democratic Republic of Congo and Zoë Ware for editing the language.

## TABLE OF CONTENTS

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Introduction.....	1
1. <i>Good Governance and Democracy</i> .....	3
1.1 Democratization.....	3
1.2 Africa and Democracy.....	5
1.3 Conclusion.....	7
2. <i>Parliaments and Democracy</i> .....	8
2.1 The Relation between Democracy and Strong Parliaments.....	8
2.2 The National Assembly and the National Council of Provinces of South Africa.....	10
2.3 The Unicameral Assembly of the Republic of Mozambique.....	11
2.4 The Bicameral National Assembly of the Democratic Republic of Congo.....	12
2.5 Conclusion.....	14
3. <i>Democratic Elections and the Role of Parliaments</i> .....	15
3.1 Political Rights and the Electoral Process.....	15
3.1.1 The Electoral Process in South Africa.....	17
3.1.2 The Electoral Process in Mozambique.....	18
3.1.3 The Electoral Process in the Democratic Republic of Congo.....	19
3.2. Conclusion.....	20
4. <i>Political Participation and Pluralism</i> .....	21
4.1 Political Rights, Political Participation and Pluralism.....	22
4.1.1 Political Pluralism and Participation in South Africa.....	23

4.1.2 Political Pluralism and Participation in Mozambique.....	24
4.1.3 Political Pluralism and Participation in the Democratic Republic of Congo.....	25
4.2 Conclusion.....	26
<i>5. Parliamentary Influence and Democracy.....</i>	<i>27</i>
5.1 Parliaments and Oversight.....	27
5.1.1 Parliamentary Oversight in South Africa.....	28
5.1.2 Parliamentary Oversight in Mozambique.....	28
5.1.3 Parliamentary Oversight in the Democratic republic of Congo.....	29
5.2 Conclusion.....	29
<i>Conclusion.....</i>	<i>30</i>
<i>5. Annotated Bibliography.....</i>	<i>33</i>
<i>6. Appendix.....</i>	<i>38</i>

## Introduction

The process of democratization in Africa is as versatile as the continent itself, and follows no strict patterns or set outcomes. Substantial successes have been achieved in many countries, but there have been setbacks at the same time. In some regions the development of a democratic polity has been staggered by civil wars and political instability. In yet other African countries, the process has just begun. There is no fixed model that can be applied to secure political freedom or a level of democratization “equivalent” to the one of the Western World. However, there is no democracy without a parliament. The presence of a parliament is a fundamental precondition for any well functioning, open and free society. Therefore, empowering parliaments is a good start to securing a democratic society.

In my research I will explore the connection between strong parliaments and democracy in Africa. Since Africa is such a diverse continent with many different countries, I will only focus on three. The three countries are; South Africa, Mozambique and the Democratic Republic of Congo. These countries have reached different levels in the democratization process and have encountered diverse problems on the way.

The central question which needs to be answered in my research is:

*To what extent can the national parliaments of South Africa, Mozambique and the Democratic Republic of Congo contribute to the progress of democratization in each country since the revised constitution was adopted?*

In order to acquire the answer to this question the following sub-questions need to be examined:

- § What is the extent of parliamentary power in South Africa, Mozambique and the Democratic Republic of Congo?
- § What political rights do the population of South Africa, Mozambique and the Democratic Republic of Congo enjoy within the electoral process?
- § What political rights do the population of South Africa, Mozambique and the Democratic Republic of Congo enjoy in relation to political participation and pluralism?
- § How can democracy be further stimulated by parliaments in South Africa, Mozambique and the Democratic Republic of Congo?

In my research, the objective is depth rather than width. The three focus countries will be addressed respectively and compared by using a survey. This is the Parliamentary Power Index Survey, which will be applied to compare the level of parliamentary power in each of the countries as stated in the national constitutions. The time scope is set from the adoption of the revised constitution in order to narrow the topic and to acquire depth. The method used during the research was qualitative, in other words a more interpretive method, where the information acquired was evaluated and documented in a textual commentary. The main research was carried out through desk research, which implies that existing literature and publications were assessed. In addition, field research was also done. Two interviews have taken place with experts familiar with the topic.

In the first chapter, the concepts of good governance and democracy as well as the background of democracy in Africa will be examined. Furthermore, the selection of the three focus countries will be explained. The second chapter deals with the importance of parliaments in a democracy and answers the first sub question on how much power the three focus countries' national parliaments enjoy. Key features of a well functioning parliament will be accounted for. Moreover, the three focus countries will be examined respectively with the help of the Parliamentary Power Index Survey to determine the amount of power each national parliament enjoys. In the third chapter, political rights and democracy and the role of parliaments will be discussed in relation to the electoral process. This is an issue particularly important to an open and representative parliament and will be examined for each focus country. This chapter will answer the second sub question on what political rights the population of South Africa, Mozambique and the Democratic Republic of Congo enjoy within the electoral process. The fourth chapter will further examine the importance of political rights in a democracy in relation to political participation and pluralism. The chapter will answer the third sub question on what political rights the population of South Africa, Mozambique and the Democratic Republic of Congo enjoy in relation to political participation and pluralism. In the fifth and final chapter, the influence parliaments can have on the democratization process in the three focus countries will be studied. This chapter answers the last sub question on how democracy can be further stimulated by the national parliaments of the three focus countries. The conclusion summarizes the findings and answers the central question.

## 1. Good Governance and Democracy

Democracy is a form of government which dates back to the ancient Greeks. Within the international community, it has also become the only accepted and most widespread form of government. Virtually all modern nations today claim to be democratic, however, this is of course far from the truth. Although it is true that democracy can take various forms, depending on the society it is applied to, there are a few elements which *have* to be present for a country to call itself democratic. The concept of democracy and democratization will be accounted for in the following subchapters, as well as the history of democracy in Africa.

### 1.1 Democratization

In order to fully understand the context of this research there are a few concepts and terms that need clarification. The prime central concepts are democracy and democratization. There is world wide recognition of a particular model of democracy which is generally termed “liberal democracy”. It entails a few central features which should be applicable to any country claiming to be a democracy. A liberal democracy is namely:

§ “A representative form of democracy. In other words, political office is gained through recurrent elections that are fair and free.

§ Based on competition and electoral choice. Thus, an opposition is required.

§ Where the state and the civil society are clearly separated.”

(Heywood, 2002, p.77)

Although this is a quite broad classification which can be debated, it makes up the base of any democratic entity. Furthermore, the concept of democratization needs to be clarified. In my research it refers to “the transition from authoritarianism to liberal democracy” (Heywood, 2002, p.81). Moreover, as Heywood states:

*The most important feature of this process is the granting of basic freedoms and particularly political rights, the establishment of popular and competitive elections...Democratization encompasses three sometimes overlapping processes. First, the old regime breaks down...Second, “democratic transition” witnesses the construction of new liberal-democratic structures and processes. Third “democratic consolidation” sees these new structures and processes becoming so embedded in the minds of elites and the masses that their removal becomes unthinkable. (Heywood, 2002, p.81)*

Thus the democratization process refers to this shift from totalitarian rule to a liberal democratic one. Although it can vary in form, most countries have a tailor-made democracy which is specific to the circumstances in that particular country. The fundamental issue is that the key features of a liberal democracy exist.

In my text I use the term parliaments rather than legislatures or assemblies. The term is applied especially to nations where government is based on the Westminster style (in other words based on the UK Parliamentary system). This is the system most liberal democracies have adopted (Heywood, 2002, p.313).

The indexes used when measuring the powers of the respective country's parliament are taken from the Fisher and Kroenig study; *The Legislative Power Survey and Parliamentary Powers Index: A Global Study of the Powers of National Legislatures* from 2006, which examines the relations between strong parliaments and democracy. By using this index the intention was to acquire specific information drawn from the constitutions of South Africa, Mozambique and DRC. The full text of the Parliamentary Power Index Survey can be found in appendix 1.

In my research I intend to explore the connection between parliaments and democracy in Africa. Since Africa is such a diverse continent with many different countries I will only focus on three. The three countries are South Africa, Mozambique and the Democratic Republic of Congo. These countries have reached different levels in the democratization process and have encountered diverse problems on the way. The timeframe will be set from the adoption of the revised constitution of each country, which is 1997 for South Africa, 2004 for Mozambique and 2006 for the Democratic Republic of Congo.

South Africa has come quite far in its democratization process since the first free elections in 1994, although it has not been easy. The South African constitution of 1997 "was a significant milestone in the democratization of South Africa... [the document] has evoked world wide admiration" (Government Communication and Information System [GCIS], p.43). Furthermore the country has undergone three successful national elections, in 1994, 1999 and in 2004. The political situation in the country must be regarded as stable. Thus South Africa represents an African country which is well underway, or even has become, a democratic polity.

Mozambique, the country which comes somewhere in between South Africa and the Democratic republic of Congo, has made progress in its way to becoming a democratic nation, although the situation is not yet stable. Problems of misconduct during the three elections of 1994, 1999 and 2004, as well as political instability, have haunted the process of democratization in the country. Thus Mozambique will stand as an example of the importance of fair and free elections in order to secure democracy.

The final country I will examine in my research is the Democratic republic of Congo (DRC). DRC did not adopt its constitution until 2006, which was also the year that the first free election was held. It is a country which has been tormented by civil war and political leaders who had no intention to share their executive power. It was not until the beginning of the millennium that DRC saw a shift in the mentality of the government and the initiation of the democratization process that began with the transition period of President Kabila. Thus democracy in DRC is still in its early stages.

## **1.2 Africa and Democracy**

Africa is the second largest continent and is regarded as the cradle of mankind. It is an area with vast natural resources, yet the poorest inhabited area of the world. It is a continent with a long and diverse history, which found itself exploited and tormented by colonial powers. A continent initially left to fend for itself.

In order to understand why the progress of democratization has been slow and so often setback for various reasons, the infringement on the pre-colonial Africa when imperialists from Europe “scrambled” for land needs to be understood. The creation of nation states from thousands of individual societies made way for a complicated future. The very notion of nation states was a very European phenomenon, difficult to transfer to a complex area such as Africa. However, during the colonial period the Europeans regarded many areas of the continent as “terra incognita” (Meredith, 2005, p.1) and no consideration was made when the borders were drawn. Thus the restructuring of Africa was made with no reflection of the existing demographic structure. Thus “by the time the scramble for Africa was over, some 10,000 African polities had been amalgamated into forty European colonies and protectorates” (Meredith, 2005, p.2). Furthermore, the colonial powers were ruthless in their conquest, thinking merely in economic terms, and they left the important task of nation building and administration up to missionaries and commerce representatives. As Meredith explains;

*Having expended so much effort on acquiring African empires, Europe's colonial powers then lost much of their earlier interest in them. Few parts of Africa offered the prospect of immediate wealth. Colonial governments were concerned above all to make their territories financially self-supporting. Administration was thus kept to a minimum... There seemed to be no need for more rapid development. Colonial rule was expected to last for hundreds of years. (2005, p.5)*

Hence, when the European states did leave some fifty years ago, they left a continent fending for itself. No developed administration existed, and now civil war and the greed for power and wealth among political leaders erupted, this left little or no, room democracy to develop.

However, in recent decades, due to socio-economic and political changes in the world, democracy has become a form of government which all countries strive for, or claims to have. Thus, the aim of achieving democracy is spreading across Africa. Although history has often stood in the way of this development, it is well underway. However, one must not forget that the process of democratization in Africa is as versatile as the continent itself, and follows no strict patterns or set outcomes. There is no doubt that substantial successes have been achieved in many countries, but their have been setbacks as well. In some regions, the development of a democratic polity has been setback by civil wars and political instability. In other African countries, the process has just begun. There is no fixed model that can be applied to secure political freedom or a level of democratization "equivalent" to the one of the Western World. However, certain key factors can be identified that stimulate an open and free society. One of those factors is the presence of a strong parliament.

The importance of strong and transparent parliaments is one of the core issues of good governance. However, in order to establish such a parliament, free elections and political pluralism are a precondition. The *Oxford English Dictionary*, states: "a democracy is a system of government by the whole population, usually through elected representatives." These elected representatives, who represent the people, make up the parliament. Parliaments are indeed the cornerstone in well functioning democracies, since they are the "central institution of democracy, they embody the will of the people in government, and carry all their expectations that democracy will be truly responsive to their needs and help solve the most pressing problems that confront them in their daily lives" (Beetham, 2006, p.1). Thus only when a nation has a parliament chosen by its people can it claim to be truly democratic. This includes the right to vote in free elections,

the right to assemble, freedom of speech and so on. Moreover, the Inter-Parliamentary Union guide to good governance by Beetham explains the key characteristics of a democratic parliament. It is one that is; “representative, transparent, accessible, accountable and effective” (2006, p.vii). When it has achieved these qualities, and only then, can it claim to speak for the people. This is something that has proven difficult in many of the developing democracies of Africa.

### **1.3 Conclusion**

Since parliaments play such an important role in the process of democratization, it is only natural that their significance should be emphasized when a developing democracy determines how it will function as a democratic polity. It is thus evident that the parliament of a nation plays a central role in the democratization process, and by identifying the elements which makes it strong we can also predict if a country will succeed or fail in its democratic journey. A lot of the information about whether a country is democratic or not can be found in the written constitution. However, one must remember to look beyond the written words and try to determine the actual situation. In my research I hope to do so, as well as to explain *why* African parliaments are so vital in the democratization process and how they can influence it in a positive way.

## **2. Parliaments and Democracy**

Parliaments play an important role in the democratization process. But why are they so important? In this chapter the relations between strong parliaments and democracy will be explored. The three focus countries, South Africa, Mozambique and the Democratic Republic of Congo, will be examined in regard to the powers of their respective parliaments. The first sub question on what the extent of parliamentary power is in each focus country will thus be answered.

### **2.1 The Relation between Democracy and Strong Parliaments**

Parliaments are “composed of lay politicians who claim to represent the people rather than trained or expert officials. Moreover, they act as national debating chambers, public forums in which government policies and the major issues of the day can be openly discussed and analyzed” (Heywood, 2002, p.311). This definition clearly states why parliaments are so important for good governance. Unlike executives and judiciaries, the parliament “is” the people in the sense that it is supposed to reflect the composition of society. Parliamentarians are not trained officials, but people with different backgrounds. Furthermore, they are directly elected by the people and are thus representatives. They are the link between government and the people, they have a responsibility to scrutinize the work of the executive and make sure that the government is accountable and responsible. Moreover, parliaments “promote legitimacy of a regime by encouraging the public to see the system of rule as ‘rightful’” (Heywood, 2002, p.319). Thus without a parliament supported by its nationals, the system cannot be fully legitimized. This is one of the reasons even totalitarian states ‘tolerate’ parliaments. Finally, parliaments work as a forum where proposed laws can be discussed and debated. Parliaments are legislative bodies, but they do not have monopolies on law-making (Heywood, 2002, p.316). Nowadays, proposed laws usually come from the executive to then be discussed by the parliament. However, parliaments are important because they are open forums for discussion and are representative of the entire population. They stand for *government by the consent of the governed*.

In order for a country to be democratic, it is not simply enough that a parliament exists. There are five criteria that need to be fulfilled before a state can claim to be democratic. If these criteria are met, the state will have a strong parliament. Thus it is evident that a strong parliament fosters democracy. As Fish explains; “The evidence shows that the presence of a powerful legislature is an unmixed blessing for democracy” (2006, p.1). This is because when parliaments are strong

they can impose more scrutiny on the executive, strengthen party building (which enhances accountability and transparency) and exercise rule by the people. According to Beetham, in order for a parliament to be democratic it needs to be:

§ *Representative*: The composition of the parliament corresponds politically, as well as socially, to the variety of its nationals (i.e. age, sex, race, political affiliation).

§ *Transparent*: It has to be open to external scrutiny and transparent in the conduct of its business.

§ *Accessible*: It should involve civil society in conducting its business.

§ *Accountable*: The parliament has to be accountable to the electorate by means of responsible conduct and performance of office.

§ *Effective*: Parliaments should organize themselves effectively to carry out their key functions (law making, oversight of the executive, financial control and so on).

(2006, p.7)

When a parliament possesses these features, it can claim to be democratic according to Beetham. And since the power of the parliament is so strongly intertwined with good governance and democracy, we can certainly say that the country is democratic as well. It becomes evident that parliaments have a key role in the making of a democratic polity.

In the following chapters the parliaments of the three focus countries will be examined. The powers of the respective parliaments will be measured by applying the Fish and Kroenig Parliamentary Power Index questions<sup>1</sup>; 1-2, 4-7, 9-11, 18-20 (explanation of the index can be found below). By applying this survey a measurement of the strength of the three parliaments will be acquired and an assessment of the level of democratization can then be made.

## **THE FISH-KROENIG LEGISLATIVE POWERS SURVEY**

The Fish-Kroenig legislative power survey poses a number of questions, which measure the amount of power a parliament possesses. The higher the score, the greater the power of the parliament. Affirmative answers indicate a higher degree of parliamentary power, and negative answers indicate a lesser degree. The total Parliamentary Power Index (PPI) score is calculated by dividing the number of affirmative answers (“Yes”) by the total number of questions (12) (Fish, 2006, p.7).

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<sup>1</sup> See Appendix 1.

## 2.2 The National Assembly and the National Council of Provinces of South Africa

The Parliament of South Africa consists of the National Assembly and the National Council of Provinces. The Assembly is elected for a five year term and consists of a minimum of 350 and a maximum of 400 members. It is the lower house. The Council of provinces is the upper house of the parliament, and it replaced the Senate under the new constitution in 1997. It consists of 54 members and 36 special delegates and its function is to represent provincial interests at a national level in government. The delegations consist of 10 representatives from each province ([GCIS], 2007, p.343).

The answers have been derived from the National Constitution of South Africa.

<b>The National Assembly of South Africa and the National Council of Provinces</b>	<b>Answer</b>
1. The legislature alone, without the involvement of any other agencies, can impeach the president or replace the prime minister.	<b>Yes</b>
2. Ministers may serve simultaneously as members of the legislature.	<b>Yes</b>
4. The legislature can conduct independent investigations of the chief executive and the agencies of the executive.	<b>Yes</b>
5. The legislature has effective powers of oversight over the agencies of coercion (the military, organs of law enforcement, intelligence services, and the secret police).	<b>Yes</b>
6. The legislature appoints the prime minister.	<b>Yes</b>
7. The legislature's approval is required to confirm the appointment of individual ministers; or the legislature itself appoints ministers.	<b>No</b>
9. The legislature can vote no confidence in the government without jeopardizing its own term (that is, without, the threat of dissolution).	<b>Yes</b>
10. The legislature is immune from dissolution by the executive.	<b>No</b>
11. Any executive initiative on legislation requires ratification or approval by the legislature before it takes effect; that is, the executive lacks decree power.	<b>Yes</b>
18. All members of the legislature are elected; the executive lacks the power to appoint any members of the legislature.	<b>Yes</b>
19. The legislature alone, without the involvement of any other agencies, can change the constitution.	<b>No</b>
20. The legislature's approval is necessary for the declaration of war.	<b>Yes</b>
<b>Total PPI score:</b>	<b>0,75</b>

### 2.3 The Unicameral Assembly of the Republic of Mozambique

The Unicameral Assembly of the Republic in Mozambique consists of a minimum of 200 and a maximum of 250 members which are elected for a five year term by proportional representation. The country has been a multi-party democracy since the adoption of the constitution in 1990. In addition to the national Parliament, there are also Municipal Parliaments (“Mozambique”, 2007, para.3). The 1990 Constitution was revised in 2004 and adopted in November the same year.

The answers have been derived from the National Constitution of Mozambique.

<b>The Unicameral Assembly of the Republic of Mozambique</b>	<b>Answer</b>
1. The legislature alone, without the involvement of any other agencies, can impeach the president or replace the prime minister.	<b>No</b>
2. Ministers may serve simultaneously as members of the legislature.	<b>No</b>
4. The legislature can conduct independent investigations of the chief executive and the agencies of the executive.	<b>Yes</b>
5. The legislature has effective powers of oversight over the agencies of coercion (the military, organs of law enforcement, intelligence services, and the secret police).	<b>Yes</b>
6. The legislature appoints the prime minister.	<b>No</b>
7. The legislature’s approval is required to confirm the appointment of individual ministers; or the legislature itself appoints ministers.	<b>No</b>
9. The legislature can vote no confidence in the government without jeopardizing its own term (that is, without, the threat of dissolution).	<b>Yes</b>
10. The legislature is immune from dissolution by the executive.	<b>No</b>
11. Any executive initiative on legislation requires ratification or approval by the legislature before it takes effect; that is, the executive lacks decree power.	<b>Yes</b>
18. All members of the legislature are elected; the executive lacks the power to appoint any members of the legislature.	<b>Yes</b>
19. The legislature alone, without the involvement of any other agencies, can change the constitution.	<b>Yes</b>
20. The legislature’s approval is necessary for the declaration of war.	<b>No</b>
<b>Total PPI score:</b>	<b>0,50</b>

## 2.4 The Bicameral National Assembly of the Democratic Republic of Congo

At the adoption of the Constitution of the Third Republic by a referendum in December 2005, DRC established a decentralized semi-presidential Republic, with separation of powers between the national and provincial levels (“Politics of DRC”, 2007, para.15). The Congolese Parliament is bicameral and consists of the National Assembly and the Senate. The Assembly has 500 seats, 439 of those seats are elected by open list proportional representation in multi-member constituencies, and 61 members are elected by majority vote in single-member constituencies. The Senate has 108 seats and all members are elected by provincial assemblies. Both the Assembly and the Senate are elected to serve a five-year term (“Government of DRC”, 2007, para.11).

The answers have been derived from the National Constitution of DRC. Where there have been doubts an expert<sup>2</sup> on the country has been consulted. Since there were two items where both “Yes” and “No” were possible answers, one was accounted for as a “Yes” and the other as a “No” in the calculation of the total PPI score.

<b>The Bicameral National Assembly of the Democratic Republic of Congo</b>	<b>Answer</b>
1. The legislature alone, without the involvement of any other agencies, can impeach the president or replace the prime minister.	<b>Yes/No*</b>
2. Ministers may serve simultaneously as members of the legislature.	<b>No</b>
4. The legislature can conduct independent investigations of the chief executive and the agencies of the executive.	<b>Yes</b>
5. The legislature has effective powers of oversight over the agencies of coercion (the military, organs of law enforcement, intelligence services, and the secret police).	<b>No</b>
6. The legislature appoints the prime minister.	<b>No</b>
7. The legislature’s approval is required to confirm the appointment of individual ministers; or the legislature itself appoints ministers.	<b>No</b>
9. The legislature can vote no confidence in the government without jeopardizing its own term (that is, without, the threat of dissolution).	<b>Yes</b>
10. The legislature is immune from dissolution by the executive.	<b>No</b>
11. Any executive initiative on legislation requires ratification or approval by the legislature before it takes effect; that is, the executive lacks decree power.	<b>Yes/No**</b>

<sup>2</sup> Dr Luc Dhoore, Honorary Vice President of AWEPA.

18. All members of the legislature are elected; the executive lacks the power to appoint any members of the legislature.	<b>Yes</b>
19. The legislature alone, without the involvement of any other agencies, can change the constitution.	<b>No</b>
20. The legislature's approval is necessary for the declaration of war.	<b>Yes</b>
<b>Total PPI score:</b>	<b>0,42</b>

\*The legislature can, without involvement of any other agencies, impeach the Prime Minister, but not the President.

\*\*In most cases, the executive has no power to make laws without the approval of the parliament, but in some cases, the President can make decrees for a given period of time (article 129).

## 2.5 Conclusion

What is the extent of parliamentary power in the three countries? Firstly, as can be seen, South Africa has the highest PPI score in the survey. This implies that the Parliament of South Africa enjoys the highest level of parliamentary power whereas DRC, with the lowest PPI score, has the lowest level of parliamentary power. The power of parliaments depends to a great extent on the type of political system a country has. Thus it is not odd to find that South Africa is a parliamentary democracy (Bureau of Democracy, Human Rights, and Labor, 2007, section “South Africa”, para.1), Mozambique a presidential democracy (“Mozambique”, 2007, Section “politics” para.1) and DRC a semi-presidential democracy. This means that South Africa has applied a system, which grants the national Parliament greater power (“South Africa”, 2007, section “Politics”, para.2). The DRC on the other hand has adopted a semi-presidential system, very much like that in France. Therefore, the extent of parliamentary power in South Africa is greater than in Mozambique and DRC. It is interesting that the difference between the parliamentary power level between Mozambique and DRC is quite small even though the process of democratization in DRC is quite young. The adoption of the DRC constitution in 2006 offers an explanation to this. However, ‘real’ influence of the national parliaments must also be considered, as the Constitution can be useless if the government does not abide by it.

As accounted in chapter 2.1 the relationship between an influential and strong parliament is connected to the level of democracy in a country. This is very true for the three focus countries. South Africa has almost institutionalized democracy and thus scored the highest, 0,75; Mozambique followed with 0,50; and in the country where the situation is most unstable and the democratic process is still young scored the lowest, 0,42. The conclusion can therefore be drawn that the theory of strong parliaments and strong democracy applies to the three nations in question. The implication of the findings will be discussed in the conclusion.

### **3. Democratic Elections and the Role of Parliaments**

In this chapter, sub question three about what political rights the populations of South Africa, Mozambique and the Democratic Republic of Congo enjoy within the electoral process will be answered. Free and fair elections can be considered to be crucial in the establishment of a strong and vigorous parliament and also to be a part of every human being's right.

The criteria that make a parliament democratic were accounted for in chapter 2.1. They were as follows; representation, transparency, accessibility, accountability and effectiveness. When a parliament possesses these features it can claim to be democratic. A precondition for these criteria in any country is the presence of fair and free elections. Without that, a country can never claim to have a representative government, and a parliament can never grow strong. In a way, political rights, and especially fair and free elections, are preconditions for any democratic society, and are the foundations of strong parliaments.

#### **3.1 Political Rights and the Electoral Process**

In Article 21 of the International Covenant on Civil and Political Rights of the United Nations we read that:

*The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.*

Fair and transparent elections are an important aspect of democracy. Elections represent the opportunity for the people to have their say. Elections give the population the power to appoint and to remove. They give legitimacy to the present government, and make sure that the country is ruled by and for its inhabitants. Indeed elections are a crucially important part of democracy and have been since the first step towards liberal democracy was taken. But why are elections so important to the establishment of democracy? Cincotta (Ed.) explains this as follows:

*Elections are the central institution of democratic representative governments. Why? Because, in a democracy, the authority of the government derives solely from the consent of the governed. The principal mechanism for translating that consent into governmental authority is the holding of free and fair election (1998, section "Elections", para.2).*

The relationship between the governed and the government is fundamental. Since parliaments are the voice of the governed, they play an important role when it comes to political rights and elections. Scrutiny and oversight are tools that parliaments can use to secure fair elections. Moreover, as Cincotta (Ed.) explains, "holding free and fair elections" (1998, "Elections" section, para. 2) are preconditions to acquiring a society where the population actually has a say in the state of affairs. Thus, holding elections does not imply that a country is democratic. Most nations in the world have elections, although they might not be regular, free or fair. Since elections can legitimize the government, they are a very powerful tool, and are broadly used by many authoritarian leaders to display democracy. Leaders can claim to be democratic because they have held elections. However, it is evident that authoritarian leaders cannot be considered democratic. This is naturally a problem in developing democracies, where the practice of intimidation or one party rule have been present, or still exist. But what makes an election fair and free, and thus democratic?

A former U.S. ambassador of the United Nations named Jeane Kirkpatrick has suggests that: "Democratic elections are not merely symbolic....They are *competitive, periodic, inclusive, definitive* elections in which the chief decision-makers in a government are selected by citizens who enjoy broad freedom to criticize government, to publish their criticism and to present alternatives" (as cited in Cincotta (Ed.), 1998). Elections should therefore be:

- § *Competitive*, this means that there is more than one party to vote for and that the opposition is allowed to assemble and to oppose the government etc.
- § *Periodic*, this implies that the elections are regular, in other words that they are held after every fifth year or similar, and that elected officials cannot be appointed for life.
- § *Inclusive*, which means that there is universal suffrage; it is thus not only a small part of the population who are allowed to vote.
- § *Definitive*, which simply indicates that the election determines the leadership of the government; it is those elected by the population who hold power.

In the following subchapters, the three focus countries will be examined in regard to the electoral process. This will further strengthen the burden of proof about whether the parliaments are strong and democratic. A parliament that was not fairly elected cannot not be considered to be strong or legitimate.

### 3.1.1 The Electoral Process in South Africa

General democratic elections in South Africa have been held in 1994, 1999 and 2004. The last elections in 2004 were well organized and independent observer groups reported the elections to be “free, fair and credible” (Independent Electoral Commission [IEC], 2004, p.48). The political situation in South Africa is stable and routine and the African National Congress (ANC) has been the major ruling party since 1994. This has contributed to a decline in voter turnout, and an apparent electoral apathy has spread among the people of South Africa (Piombo, 2004, para.6). The need to vote has declined, because when one party enjoys such large support, people feel that there is no need to cast their vote since the outcome will remain the same. This, of course, is a threat to credible elections. However, the electoral process on a whole progressed considerably smoothly with no major difficulties or violence. As Piombo notes in the article regarding the 2004 elections:

*There was no large-scale political intimidation, the number of politically-related deaths was minimal, and there were very few "hotspots" of conflict between rival parties... [T]here were reports of intimidation in KwaZuluNatal and a few areas but the campaign and election day were overwhelmingly peaceful. The process was perceived to be on track to such an extent that the European Union, United Nations, Commonwealth and Carter Center all declined to send observer and monitor delegations to observe the 2004 polls (2004, para.7).*

The election was won by the sitting president Thabo Mbeki with a majority that had increased since the last elections in 1999. The ANC won 279 seats, which was an increase of thirteen seats (*South Africa*, 2007, para.3). Around 56 % of the eligible voters participated in the elections. The major opposition party, the Democratic Alliance, received 12,37% of the votes, also an increase since the past elections (*South Africa*, 2007, para.2) The elections in 2004 fortified the fact that free politics is becoming routine in the country which is a sign that democracy has been institutionalized. Fair and free elections strengthen the previous findings in chapter 2.2 that South Africa's PPI score was 0,75, which can be considered to be quite high. It can now be established that the present parliament was elected in a fair and credible manner that strengthen the security of democracy, and that the present Parliament of South Africa can be considered representative of the people.

### 3.1.2 The Electoral Process in Mozambique

The last election in Mozambique was held in 2004. It was the third multi-party election in the country and the FRELIMO (Liberal Front of Mozambique) party with Armando Guebuza as its presidential candidate won an overwhelming victory against the RENAMO (Mozambican National Resistance) with 2 million votes against 1 million (Hanlon & Nuvunga, 2004, p.1). Twenty political parties and five presidential candidates participated in the elections (EU Election Observation Mission [EOM], 2004, p.1). Although the EU Election Observation Mission (EOM) reported that the country benefited from “a pluralistic political environment and relatively open media”, the government failed to provide the Mozambican citizens with a transparent and well-organized election. The Carter Center, which observed the elections, reported that “the serious weaknesses and irregularities undermine the credibility of Mozambique’s electoral authorities” (Hanlon & Nuvunga, 2004, p.2). The main area of criticism lay within the area of administration. Several irregularities were detected by observers. The EOM report on the elections from 2004 pointed out that:

- § The conduct and organization of the election was not transparent and open enough,
- § Voter registers were inadequate
- § There was no reliable number of registered voters. Several different numbers were provided by different institutions during the elections,
- § Some disturbance of intimidation and favoring of FRELIMO voters by Law enforcement was observed,
- § Some polling stations were stationed in other locations than first indicated
- § The administration was poor, with a result of delay in the announcement of the results.
- § Ballot box stuffing in some regions was observed
- § At some polling stations, voting ballots had been tampered with on purpose, making them invalid.

Thus, the elections in Mozambique, although fair and transparent in some parts of the country, did not meet the standards of a completely democratic and free election. As the Carter Center reports; “...the Center concludes that serious irregularities undermined the achievement of a transparent and fair election in all parts of Mozambique” (The Carter Center, 2004, p.63). However, due to the clear majority of votes cast for the Frelimo party, the irregularities were not crucial for the overall outcome of the elections ([EOM], 2004, p.1).

### **3.1.3 The Electoral Process in the Democratic Republic of Congo**

The very first free multi-party election in DRC was held on the 30 July 2006. In 2003 President Kabila initiated the DRC transition process which would bring the country on its way to democratization after decades of one-party-rule and conflict. There were 269 parties registered, but only 197 were able to present presidential candidates. The CIE (Commission Electorale Independent) approved a list of 33 presidential candidates and 9,584 parliamentary candidates (Tshiyoyo, 2007, section “The General Elections”, para.1). The elections were generally praised by international observers. Due to the size of DRC and the poor infrastructure of the country, the election was a huge challenge. However, it seems to have proceeded in a “generally peaceful and orderly manner” (Carter Center, 2006, para.2). In most areas, the organization was good and the polling staff was competent and performed their duties well. However, there were reports of governmental abuse by international observers. One must keep in mind that this was the very first free election in the country, and it posed the government with numerous challenges. Thus it would have been unreasonable to expect that all aspects of the elections would meet international standards (Carter Center, 2006, section ”General observations”, para.3).

The first round of the presidential elections was inconclusive and a second round between President Kabila and Vice president Bemba was scheduled. The second round, which took place on October 29 the same year, saw the incumbent president Kabila win (Tshiyoyo, 2007, section “General Elections”, para.5). The outcome of the parliamentary elections was not as successful for Kabila as the presidential one:

*President Kabila and his party failed to win a majority in the National Assembly; final results indicated his PPRD secured only 111 of the 500 seats. However, the broader political coalition backing him held a total of 224 seats. In contrast, Jean-Pierre Bemba’s alliance won approximately 100 seats (Tshiyoyo, 2007, section “The General Elections”, para.4).*

The election was an important part in the progress towards democratization in the DRC. It is hoped that the success of the past election can be developed and sustained by the elected representatives, the voice of the people, namely the parliament.

### **3.2 Conclusion**

As noted in the introduction of this chapter, free and fair elections are vital in securing a democratic environment where citizens can elect representatives to parliament. In South Africa, the elections were indeed free and fair and were carried out with no major problems. The situation with regards to elections is thus stable and the only remaining issue is the danger of party domination. The citizens of South Africa enjoy free and fair elections on a regular basis.

The situation in Mozambique is different. The conflict between FRELIMO and RENAMO still affects the political landscape. The election in 2004 was quite disappointing in terms of transparency and organization with accusations of fraud and intimidation. The people of Mozambique do not yet enjoy completely fair elections and this inhibits the development of democracy in the country.

DRC is an interesting case where the progress towards democracy is quite young. The poor infrastructure and legacies of war unfortunately affect the development of a stable democracy in a negative way. However, the elections of last year were a success, which gives future hope of a more open and free political arena. Thus, the population of DRC does enjoy free and fair elections. The question will be how the following election will be organized, and if a greater responsibility can be taken by the DRC government itself instead of relying on external help to the extent as was shown in the elections of 2006.

#### **4. Political Participation and Pluralism**

In this chapter the connection between strong parliaments and the importance of political pluralism and participation will be examined. The third sub question on what political rights the populations of South Africa, Mozambique and the Democratic Republic of Congo enjoy in relation to political participation and pluralism will be answered.

The role of parliaments as the connection between the people and government is an important one in any democratic society. However, the mere establishment and existence of a parliament does not make a country democratic. As mentioned in chapter one, most nation states of today, even those that still have authoritarian rule, claim to be democratic and have set up national parliaments. Thus, it is evident that even though a country has a national parliament, it does not necessarily mean that it is democratic in the sense that it represents the opinions of the people.

Political rights can simply be defined as “those which ensure that individuals are able to participate fully in civil society” (Conte, Davidson & Burchill, 2004, p.2). They, together with civil rights, are supposed to protect the citizens from the state. Civil and political rights constitute the first generation of human rights (L.M. Drosen, lecture, September 12, 2006). They include the right to:

- § freedom of thought, conscience and religion;
- § freedom of opinion and expression;
- § peaceful assembly;
- § take part in the government of his country.

(The United Nations International Covenant on Civil and Political Rights, 1966, Article 18-21)

Political pluralism and participation are intertwined with political rights and the necessity for a democratic and vibrant civil society. The situation with regard to political participation and pluralism in each focus country will be assessed in the following subchapters.

#### **4.1 Political Rights and Political Participation and Pluralism**

Political pluralism and participation are key concepts which are closely linked to the level of democracy in a country. If civil society is not included in political decision making, or if the level of involvement of ethnic minorities, women and religious groups etc. is very low, a country cannot claim to be truly democratic. These conditions form a vital part of good governance and representative parliaments and are preconditions for strong and transparent parliaments, just as free and fair elections are. Participation can be described as “different means for the public to directly participate in political, economical or management decisions” (“Participation”, 2007, para.1). Whereas pluralism is defined as “the view that in liberal democracies power is (or should be) dispersed among a variety of economic and ideological pressure groups and is not (or should not be) held by a single elite or group of elites” (“Pluralism”, 2007, para.1). Participation can entail individuals getting involved in different pressure groups or in private interest groups, such as business associations, professional groups etc., or in public interest groups that have a collected goal, e.g. environmental groups or social welfare organizations (“Cincotta (Ed.), 1998, section “Politics, economics and pluralism” para.2). These are all non-governmental organizations, which strive to make their voice heard in society and to influence policymaking. It is through these interest groups in civil society that individual citizens can make their voices heard and actually influence decision making on a higher political level. The right to associate freely and to assemble these types of groups is a cornerstone of democracy and a part of our rights as human beings, as we can read in Article 20 of the *International Covenant on Civil and Political Rights*: “Everyone has the right to freedom of peaceful assembly and association” (1966, p.2). This is of such importance to democracy that it is regarded as a right of every individual to be able to participate and influence the political debate and decision-making. Without this “lifeblood of citizen action, democracy will begin to weaken”, since a democratic society requires the involvement of its own citizens (Cincotta (Ed.), 1998, section “Politics, economics and pluralism”). The opportunity and right to make one’s voice heard in the Western World today is taken for granted. It has even come to the point where people have become indifferent, and are unenthused about participating in the political debate. However, in many developing democracies, the right to make one’s voice heard and to oppose the government is still an ongoing struggle. Since this is such a vital element for representative and transparent parliaments, it must be regarded as one of the items to be scrutinized in order to establish if a parliament is democratic. In the following subchapters, I will examine the situation in each of the focus countries concerning the amount of political rights enjoyed by the population at large.

#### **4.1.1 Political Pluralism and Participation in South Africa**

In South Africa, according to the constitution, “everyone has the right to freedom of association” (South African Government [SAGOV], 1996, article 18, p.5) and is “free to make political choices” ([SAGOV], 1996, article 19(1)). The past decade has brought democracy to a country, which was ruled by a single elite for many years. Today, the political climate in the country is regarded as stable, and in general, the people of South Africa enjoy political rights.

The country is regarded to be free by the annual Freedom House survey “Freedom in the World”<sup>3</sup> (Freedom House [FH], 2006, section “South Africa”). The survey investigates different areas of civil and political liberties and then determines whether a country can be regarded as free, partly free or not free. The rating varies from one to seven; one and two being free, three to five being partly free and six and seven being not free. South Africa has a one for its political rights, which implies that the elections are fair and free, and that “there are competitive parties or other political groupings, and the opposition plays an important role and has actual power. Minorities have reasonable self-government or can participate in the government through informal consensus” ([FH], 2006, section “Political Rights”, para.1).

The freedoms of peaceful assembly and association are secured by the constitution and respected by the government. South Africa has a vibrant civil society and well rooted culture of protest, there are no difficulties for Non-Governmental Organizations (NGOs) to operate freely and individuals can criticize the government without fear of retaliation ([FH], 2006, section “South Africa”, para.17). However, on a few occasions during 2005 demonstrations in the country were stopped by the police with the use of force.

Trade unions are allowed in South Africa and there are more than 250 of them registered. Unions have been a vital part of the civil society in the country since the beginning of the 1920s and played a vital role in the antiapartheid movement. Due to this fact, trade unions possess political influence and are an important part of the South African civil society.

Furthermore, the constitution says that; “everyone is equal before the law and has the right to equal protection and benefit of the law”, (1996, art.9 (1)) and that discrimination based on “race, gender, sex...ethnic or social origin, color...language and birth” (1996, art.9 (3)) is prohibited. These rights are generally respected, although women still suffer from discrimination and South

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<sup>3</sup> See Appendix 2.

Africa has one of the highest rates of sexual abuse in the world. However, the government set up a commission on Gender Equality recently, and in parliament women hold 131 seats and head twelve out of twenty eight ministries ([FH], 2006, section “South Africa”, para.24). Overall, the situation in South Africa with regard to political rights is quite good. However, 40% of the population lives in poverty, the majority of them are black (Fakir, 2003, section “The Socio-economic context”, para.3). This is a threat to the pluralism in civil society and prohibits these people from fully participating in the political landscape.

#### **4.1.2 Political Pluralism and Participation in Mozambique**

The constitution of Mozambique allows its citizens to democratically change their government, although their right to do so has been infringed by wars that have rampaged the country for years and included political violence ([FH], 2006, section “Mozambique”, para.12). The rating of the Freedom House is a mere three for political rights, which implies that Mozambique is regarded as partly free. The country has come a long way since the first elections in 1994, however, although the constitution protects the political rights of the people of Mozambique, the laws are not always obeyed. Freedom of association is one example of that. The constitution does provide for freedom of association; however, all NGOs must register with the government and political parties must secure at least 2,000 signatures to be registered and declare that they have “no regional, racial, ethnic, or religious exclusiveness” (Bureau of Democracy, Human Rights, and Labor, 2007, section “Mozambique”, para.6). Furthermore, limits have been imposed on the right to assembly since there has been at least one report of the authorities using force to dissolve a peaceful demonstration as well as preventing demonstrations from taking place (Bureau of Democracy, Human Rights, and Labor, 2007, section “Mozambique”, para.1).

Trade Unions are allowed under the constitution. However, some unions claim that the Mozambique’s Worker Association (OTM) is under the pressure and influence of FRELIMO. Party domination is also a problem for the opposition, as the influence of smaller parties in the political landscape is almost non-existent. The only party that can function as opposition to FRELIMO is RENAMO. Moreover, corruption is a massive problem in the government (Bureau of Democracy, Human Rights, and Labor, 2007, section “Mozambique”).

The constitution provides for freedom of religion and this is respected by the government. Many members of different ethnic groups hold key positions in the parliament as well as in the government. Women are represented in the parliament and out of 250 seats, 92 are held by

women. Seven of the 24 ministerial positions and four out of the 18 vice ministerial positions are also held by women. The position as prime minister is held by a woman, Ms Luisa Diogo. However, an example of the discrimination of women in Mozambique is shown by the family law that regulated the marital age to 18 and ended the husband's formal status as head of the family. This was adopted as late as 2004.

Political rights in Mozambique are still not being respected completely by the authorities; however, they are continuously improving, which the survey of Freedom House demonstrates.

#### **4.1.3 Political Pluralism and Participation in the Democratic Republic of Congo**

Since the elections in July 2006 and the adoption of the constitution that same year, the citizens of DRC can democratically change their government. DRC is considered 'not free' by the Freedom House Survey. It has a rating of six for political rights and civil liberties, although that figure is from 2005, before the end of the transitional government set-up by President Joseph Kabila in 2003. Freedom of association is allowed under the constitution, although the transitional government did not respect this at all times. There were reports of harassment of political parties and party leaders and restriction of party registration (Bureau of Democracy, Human Rights, and Labor, 2007, section "DRC", para.4). The freedom of assembly is also limited in practice, for example, demonstrations that were peaceful were dispersed by the authorities and human rights workers were threatened, attacked and arbitrarily detained by security forces during 2005.

Discrimination against trade unions is prohibited by law and the constitution allows all workers, except private sector managers, magistrates, high-ranking government officials and members of the security force, to join and create unions without the authorization of the government. However, there have been reports of an arbitrary arrest of a union leader who had expressed discontent with the government in a union meeting (Bureau of Democracy, Human Rights, and Labor, 2007, section "DRC", para.30). The right to freedom of religion is generally respected by the government, although ethnic discrimination is common throughout the country and women "face discrimination in nearly every aspect of their lives" ([FH], 2006, section "DRC", para.34). Ninety-two percent of the seats in the parliament are held by men (Tshiyoyo, 2007, section "The General Elections", para.3). Corruption is a widespread problem within the entire political arena and it can be found at all levels of the government (Bureau of Democracy, Human Rights, and Labor, 2007, section "DRC", para.24).

DRC is a vast country which has suffered from war and authoritarian rule for several decades. The election of last year, together with the adoption of the constitution, demonstrates a huge improvement in the shadow of the countries past. The political rights record in the DRC is poor, but the recent changes bring with them the hope that the future is brighter for the people of the DRC.

## **4.2 Conclusion**

A vibrant civil society is fundamental to secure a democratic environment where the citizens can practice their political rights. The question is thus what political rights the populations of the three focus countries enjoy in relation to political participation and pluralism.

In South Africa, the political landscape does allow citizens to become involved and participate. The struggle against apartheid has in many areas contributed to a healthy “protest culture”. However, poverty is always a threat to pluralism and participation in a country, since it implies that only a selected part of the population will get involved in the political debate. Another threat to the political pluralism in the country is the domination of the ANC, since absolute power often corrupts and a strong opposition is important for the scrutiny and oversight of the ruling party. In general, the political condition and stability in the country are good and South African citizens enjoy the freedom of self-government. This freedom was won for them by the people who struggled against the apartheid rule.

The situation in Mozambique is different. The conflict between FRELIMO and RENAMO still hinders the development of a free political landscape. Political participation in the country is improving, but poverty also often prevents people from getting involved. An alarming issue in the country is the party domination of FRELIMO as only RENAMO can compete and work as an opposition to the party of President Armando Guebueza. This is a threat to the health of political pluralism in the country.

DRC is an interesting case where the movement towards democracy is quite young. The transitional government of Joseph Kabila took a positive step towards democratization, but human rights reports tell tales of continued harassment and political intimidation. Corruption is a huge problem, as in many developing democracies in Africa. It can be found at all levels of the government and has been described as endemic.

## 5. Parliamentary Influence and Democracy

In this chapter, the influence of parliaments on democracy will be studied. The fourth, and final, sub question about how democracy can be further stimulated by parliaments in South Africa, Mozambique and the Democratic Republic of Congo will be answered. The question is thus what national parliaments can do to stimulate and protect democracy. Moreover, what can the parliaments in the three focus countries do to stimulate democracy in their country? There are a few methods which a parliament can implement in order to exercise control over the executive and to make sure that the executive, and the parliament itself, stay accountable to the electorate. These will be accounted for in the following subchapter in relation to each focus country.

### 5.1 Parliaments and Oversight

Accountability is a crucial element in any democracy. The citizens must know that those elected to govern them will stay faithful to the promises made and the politics they represent. Here, parliaments play an important role by being the bodies which exercise oversight of the executive and make sure that it will stay accountable to the electorate at all times. The parliament has a few tools at hand to ensure this accountability. Financial control is one of the tools which can be used to balance the power between the government and parliament. The budget proposed by the government needs to be approved by the parliament and thereafter monitored in order to make sure it has been spent as intended. In addition to budgetary control, methods such as committee scrutiny and parliamentary questions can be applied to ensure effective oversight.

An important aspect of effective oversight is resources. A parliament that lacks sufficient resources, such as staff, facilities and expertise, will not be able to effectively scrutinize the government (which usually enjoys more resources). This is often a major issue in developing democracies where the financial resources of parliaments are limited. The consequences of limited resources are explained as follows by Beetham:

*Where parliaments lack capacity through limited resources, this inevitably affects the balance of power with the executive. Parliament's oversight work is less rigorous; members become dependent upon the expertise of government staff whose first allegiance is to the executive; governments may simply bypass parliament altogether in the development of policy and legislation. (2006, p.117)*

It becomes evident that deficiency in resources, and thus diminished capacity of the parliament, is a threat to the accountability of the executive, and thus a threat to democracy. However, parliaments always can fall back on their integrity, even if they lack capacity. It will always be possible to exercise a certain amount of government oversight and financial control is an example of that.

All three national parliaments in the focus countries implement some sort of oversight over the executive. In the following subchapters, some of the tools used by the parliaments of South Africa, Mozambique and DRC will be examined.

### **5.1.1 Parliamentary Oversight in South Africa**

In South Africa, the members of the National Assembly can forward oral and written questions to the government as well as requesting that “any person or institution” must report to it (Inter-parliamentary Union [IPU], 2007, section “Modalities of Oversight”, para.2). Furthermore, members of the cabinet must regularly provide the parliament with reports ([SAGOV], 1996, article 92). In terms of budgetary oversight of the South African Parliament, the government must consult the National Assembly during the preparation of the budget. Moreover, a financial commission scrutinizes the budget and then presents it to the Parliament for their approval. If the parliament does not approve the budget this is seen as a vote of ‘no confidence’ in the government ([IPU], 2007, section “Budgetary Oversight”). The National Assembly also has the power to monitor and evaluate the implementation of the budget, and the National Assembly’s standing committee on public accounts “acts as the watchdog over the way taxpayers’ money is spent by the executive” ([IPU], 2007, section “Evaluation of Governments spending”, para.1).

### **5.1.2 Parliamentary Oversight in Mozambique**

In Mozambique, the parliament can hold hearings in committees and put forward oral and written questions to the government. The Assembly also exercises oversight of the executive’s actions through committees of inquiry. In terms of budgetary oversight, the parliament has no control over or involvement in the preparation of the budget, but it does have to approve the budget (Mozambique Government, 2004, article 153 (d)). Furthermore, the government has to give the parliament reports on the implementation and spending of the budget and the parliament also has access to oversight of public companies in standing committees ([IPU], 2007, section “Budgetary Oversight”).

### **5.1.3 Parliamentary Oversight in the Democratic Republic of Congo**

Just as in South Africa and Mozambique, the Parliament of DRC exercises oversight of the executive and can do so by committee hearings, inquiries and missions to government departments, and in oral and written questions ([IPU], 2007, section “Oversight over the actions of the government administration”). As in Mozambique, the parliament has no involvement in the preparation of the budget. The budget has to be approved by the parliament and if it is not approved within the set time limit, the government asks for the opening of “temporary credits” ([IPU], 2007, section “Budgetary Oversight”). The government periodically reports to the parliament on public spending and implementation of the set budget.

### **5.2 Conclusion**

Parliaments are very important in the development and protection of democracy. As mentioned above, there are several methods which a parliament can use in order to hold governments to account, and to make sure that the voice of the people does not get lost in red tape and political power struggles. The obstacles that South Africa, Mozambique and DRC encounter when trying to stimulate and secure democracy are noticeable and are especially due to the lack of resources. Capacity building in developing democracies is encouraged through international cooperation with NGOs and politicians in developed countries, which provides access to the necessary ‘know how’ and exchange of information.

Even if they face resource limitations, parliamentarians can still protect their integrity, make their voices heard and be a ‘real’ counterbalance to the executive in their country. Somehow, they need to improve their position and increase their power. There are some opportunities and means to do so, but corruption and lack of resources pose major threats to the strengthening of the parliaments. It is highly important for developing democracies to try to fight these problems and work towards increasing the power of parliaments in order to strengthen democracy. Since parliaments “constitute the essence of democracy: [namely] respect for diversity on the basis of equal worth of each person, and the resolution of different views and interest by means of dialogue and debate, so that necessary common action can proceed with consent” (Beetham, 2006, p.183), it is highly important that they are strong. Democracy and parliaments are two concepts so closely intertwined with each other that one cannot exist without the other. Therefore, it goes without saying that a national parliament that is representative, transparent, accessible, accountable and effective will stimulate and secure the development of democracy in its country.

## **Conclusion**

When studying the development of rising democracies in Africa, it becomes evident that the journey towards becoming a democratic society differs from country to country. The legacy each country carries with it, both from the colonial era as well as the past fifty years of independence, has in many ways determined and influenced the journey towards democratization. Most African countries demonstrate a complex demographic structure with many differences in culture and history. Thus, the application of liberal democracy has not been as easy as once anticipated. The many different interests within one single population have often hindered the creation of a single national entity, which the notion of a nation state rests upon, and this has created conflict. The power struggles within nations, as well as with other nations, have proven to be devastating for the development of open and transparent societies where the rule of law and human rights have a prominent place. Conflict, poverty and ignorance are real and present threats to democratization in Africa. However, the struggle for equality and freedom continues and lights of hope shine through the dark clouds of the past. It is important for African politicians and citizens not to crumble under the difficulties they encounter, but to remain strong, focused and persistent in their journey towards democratization. The future of African democracy lies with the people.

In this struggle for democratization, parliaments can play a very important role. The wellbeing and quality of democracy in a country is intimately connected to the national parliament. The question posed in the introduction of this research was; to what extent the national parliaments of South Africa, Mozambique and the Democratic Republic of Congo can contribute to the progress of democratization in each country since the revised constitution was adopted. This thesis shows that they *can* make a real difference, especially in developing democracies, where totalitarian rule was recently present or perhaps still exists.

In chapter two, the three focus countries were examined in relation to how much power the parliament enjoys versus the executive. As was explained in the first chapter, a strong parliament is a good foundation for the development of democracy in a country. One may wonder why it is so; one of the most important reasons is that a strong parliament is able to exercise better, oversight and control over the executive. As a result, the accountability and transparency of the government improves. Another aspect is that a strong parliament enjoys a higher status which spurs the development of political parties and the involvement of civil society in politics. The most important issue one must take into account is the fact that parliamentarians are the

representatives of the people. They are the ones who are supposed to make the voices of the people heard and work as a counterbalance to the incumbent government.

Therefore, the assessment of the three focus countries using the Parliamentary Power Index revealed a great deal about the capacity of the three national parliaments and answered the sub question on how much power the three national parliaments of the focus countries enjoy.

South Africa had a score much higher than the two other countries. It is also a country with a constitution which has received international admiration. Furthermore, it is a country with a parliamentary system, well-developed protest culture and civil society. The past election was peaceful and free, which is a precondition for a representative and democratic parliament.

Mozambique acquired a score of 0,50 in the PPI survey. The main concerns are the problems of party domination and the poor organization of the election. A democracy needs a healthy civil society where there is a strong opposition and room for debate, as was described in chapter three. However, one must not forget that the scars of war and the existence of poverty in the country imply that many people cannot, or will not, contribute to the political debate. This makes the presence of a representative and strong parliament even more vital in order to ensure that the entire population is represented in political decision-making and that politicians are forced to improve the citizens situation.

The Democratic Republic of Congo scored the very lowest in the PPI survey. This implies that the capacity of the national parliament is quite low. Corruption is also endemic and can be described as a plague which paralyses the development of democracy. The executive has much more power than the parliament and the question is whether the parliament can actually function as an effective oversight mechanism and counterbalance. The elections in 2006 were regarded as successful by international observers, but the human rights record is still judged to be poor.

In many ways, the situation in South Africa differs from the situation in Mozambique and DRC. It is a country which has endured a different type of struggle than the two conflict tormented countries of Mozambique and DRC. This has of course influenced the current situation and the progress towards becoming a democratic country.

The question is what the three national parliaments actually can *do* in order to contribute to the further development of democracy in their countries. Since the Parliament of South Africa has the most power, this country has the best opportunity and capacity to function as a counterbalance to

the government and to hold it accountable. Furthermore, South Africa has the opportunity to involve its citizens in politics, embrace civil society and thus working towards transparency and effectiveness which will increase the institutionalization of democracy in the country. The Parliament of Mozambique does not have the same capacity and must therefore try to improve this in order to further stimulate the progress of democratization. It is essential that parliamentarians make their voices heard and demonstrate their strengths to the executive. It is a power struggle which can be uncomfortable, but it is necessary in order to ensure that the elected representatives really govern for the people and are not pawns of the incumbent government. The different tools that can be used, including budgetary control, in order to exercise effective oversight on the executive were described in chapter four. The parliament of DRC is a young parliament which has a heavy burden to bear. With it lies the responsibility to govern for the citizens of DRC and to be a real counterbalance to the, previously dominant executive. In order for the Parliament to make a difference, its integrity must be improved and it should scrutinize the government and work as a national forum for debate. It is up to the parliamentarians themselves to seize the possibilities they have in order to make sure that the country moves towards democracy and not some form of disguised totalitarian rule. This is indeed a difficult and daunting assignment which much be carried out with a profound sense of duty towards the electorate and the democratic future of the country.

The very basic principles of good governance and democracy rest upon parliaments and they cannot exist without each other. The extent to which the national Parliament in South Africa, Mozambique and DRC can contribute to the progress of democratization is determined by:

- § Its strength; a parliament that is given more powers has a higher capacity and can consequently contribute more to democracy.
- § How it has come to power; if the elections are not fair and free, the elected parliament does not represent the citizens and is thus not democratic.
- § How the population can participate in the civil society; if the population cannot participate in the political landscape, their political rights are limited and one of the key elements of democracy is missing.

The most important aspect of all is how willing the parliamentarians themselves are to make a difference. If parliamentarians seize the opportunities given to them, they can undoubtedly contribute to democratization in the world's developing democracies.

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## **APPENDIXES**

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Appendix 1: “Stronger Legislatures, Stronger Democracies by Steven Fish”

Appendix 2: “The Freedom in the World Survey, Methodology”

Appendix 3: “Summary of Interview with Mr Granstedt”

Appendix 4: “Summary of Interview with Dr Dhoore”

# STRONGER LEGISLATURES, STRONGER DEMOCRACIES

*M. Steven Fish*

*M. Steven Fish* is associate professor of political science at the University of California at Berkeley. The book that presents the data on which this article is based, *The Legislative Powers Survey and the Parliamentary Powers Index: A Global Study of the Powers of National Legislatures*, coauthored with Matthew Kroenig, will be published in 2006. A different version of this essay will appear in *Andreas Schedler, ed., Electoral Authoritarianism* (Lynne Rienner, 2006).

There has been extensive debate among students of democracy over the merits of different types of constitutional design. For the most part, discussion has focused on the relative advantages and drawbacks of the three major modes of structuring the relationship between the executive and legislative branches: parliamentarism, presidentialism, and semipresidentialism. That debate has yielded some very useful insights, but it has also been largely inconclusive.

This essay proposes a new and arguably more fruitful way of thinking about how political institutions influence democratization, one that examines the capacity or power of specific offices. In particular, it focuses upon the strength of the legislature and its consequences for the advance of democracy. The evidence shows that *the presence of a powerful legislature is an unmixed blessing for democratization*.

Let me begin by briefly recapping the arguments made by the proponents of the three leading types of constitutional design. Some advocate parliamentarism. In this system, elements of the legislature form the government, the prime minister exercises considerable executive power and answers to the legislature, and there is either no president at all or a largely ceremonial one. Proponents of parliamentarism are suspicious of presidents with real executive power. They laud the permanent dependence of the most powerful executive (the prime minister) and his or her government on the legislature. They note that no matter how powerful prime ministers may appear to be, in a parliamentary system they serve at

the pleasure of the assembly and can be dismissed by that assembly if they lose their majority. Parliamentary's defenders contrast the rigidity of the fixed terms that presidents serve—which may force electorates to suffer an incompetent or malign executive for years—with the flexibility of parliamentarism, which enables legislatures to depose undesirable prime ministers and their governments in short order.<sup>1</sup>

Presidentialism also has its advocates. It is a system in which the president is directly elected, the government is appointed by and answerable to the president, and the president enjoys weighty prerogatives. Presidentialism's defenders sometimes tout the advantages of a separation of power, holding that the presence of two entities (the presidency and the legislature), each with its own source of electoral legitimacy, reduces the danger of radical missteps. They maintain that a president elected by the whole people can embody the national will better than any legislature can. They further contend that a president, as a unitary actor, may be more capable of rapid, decisive action than a legislature.<sup>2</sup>

Semipresidentialism, sometimes called a “dual” or “mixed” system, combines features of presidentialism and parliamentarism.<sup>3</sup> It provides for mutual, and often contested, control of the prime minister and the government as a whole by both the president and the legislature. Semipresidentialism may be defended on the same grounds as parliamentarism and presidentialism. Since it provides for some separation of powers, it may, like presidentialism, temper the blunders of either the legislature or the president. Since it involves direct election of the president, the people as a whole have a decisive voice in the selection of the chief executive. Yet since it affords the legislature some say over the government, it may reduce the risks of presidential arrogance.

The tripartite classification of parliamentary, presidential, and semipresidential constitutions is not the only one in use. For example, in an effort to formulate more finely differentiated categories, some scholars have embraced a distinction between “premier-presidential” and “president-parliamentary” constitutions.<sup>4</sup>

However useful they may be, such categories do not necessarily tell us where power really resides, which may be what matters most for politics. For example, the United States, Mexico, and Uzbekistan all have presidential systems. Yet the U.S. Congress has formidable sway; the Mexican Congress has much less power; and the Uzbekistani Majlis (parliament) is powerless. In formal terms, Russia, Kazakhstan, Poland, and Mongolia all have semipresidential systems. Yet in Russia and Kazakhstan presidents rule and the legislatures sit on the sidelines. In Poland and Mongolia presidents are hemmed in by legislatures that dominate national politics.

Thus, in order to assess the real impact of different governmental arrangements on democratization—or, for that matter, on political stability, economic growth, or some other good—we must penetrate beyond

general categories for classifying constitutional systems and measure the power of specific institutions. For this purpose we need new and better yardsticks. This essay presents a new instrument for measuring the powers of national legislatures across different constitutional frameworks. It also offers data on the powers of legislatures in one world region. It further analyzes the effects of the powers of legislatures on movement toward greater or lesser democracy.

Though my research on legislatures includes all regions of the world, this essay focuses only on postcommunist countries. They all underwent regime change at virtually the same time, but their new constitutions varied greatly as to how they distributed power. These countries' subsequent experiences in terms of democratization also cover a broad spectrum. Thus the postcommunist region is a good laboratory for examining how constitutional provisions affect democratization.

### **A New Means of Assessment**

In an effort to measure the powers of national legislatures, a colleague and I have created a Parliamentary Powers Index (PPI).<sup>5</sup> It is based on 32 items that cover the parliament's ability to monitor the president and the bureaucracy, parliament's freedom from presidential control, parliament's authority in specific areas, and the resources that it brings to its work (see box on page 8). The items in the survey are posed in such a way that affirmation of the statement indicates greater rather than lesser power for the legislature (one could also think in terms of a "check mark" next to each statement). More check marks indicate a stronger legislature. We calculate the PPI simply by dividing the number of affirmative answers by the total number of questions. The left-hand column of numbers in the Table on page 11 presents the PPI score for each country.

In order to enhance the accuracy of the assessments, we canvassed experts on the various countries. We asked the experts to answer "yes" or "no" to each of the 32 items for a specific country, and we obtained at least five expert responses per country. If the experts split over a given item, we went with majority vote. We confirmed the accuracy of responses by checking them against national constitutions. In the rare event that experts were evenly divided and constitutions were silent or ambivalent on a given item, we engaged in another round of consultations with the experts before arriving at the answer. Our project, the Legislative Powers Survey (LPS), commenced in 2002 and is still in progress. As of late 2005 we have complete data for all postcommunist countries, except Bosnia, Yugoslavia (Serbia and Montenegro), and Turkmenistan. Extreme instability and foreign intervention in the first two countries and the absence of a legislature in the third lead us to exclude them from the project at this time.

The powers of legislatures have not remained fixed in all the coun-

**THE FISH-KROENIG LEGISLATIVE POWERS SURVEY**

1. The legislature alone, without the involvement of any other agencies, can impeach the president or replace the prime minister.
2. Ministers may serve simultaneously as members of the legislature.
3. The legislature has powers of summons over executive branch officials and hearings with executive branch officials testifying before the legislature or its committees are regularly held.
4. The legislature can conduct independent investigations of the chief executive and the agencies of the executive.
5. The legislature has effective powers of oversight over the agencies of coercion (the military, organs of law enforcement, intelligence services, and the secret police).
6. The legislature appoints the prime minister.
7. The legislature's approval is required to confirm the appointment of individual ministers; or the legislature itself appoints ministers.
8. The country lacks a presidency entirely; or there is a presidency, but the president is elected by the legislature.
9. The legislature can vote no confidence in the government without jeopardizing its own term (that is, without, the threat of dissolution).
10. The legislature is immune from dissolution by the executive.
11. Any executive initiative on legislation requires ratification or approval by the legislature before it takes effect; that is, the executive lacks decree power.
12. Laws passed by the legislature are veto-proof or essentially veto-proof; that is, the executive lacks veto power, or has veto power but the veto can be overridden by a simple majority in the legislature.
13. The legislature's laws are supreme and not subject to judicial review.
14. The legislature has the right to initiate bills in all policy jurisdictions; the executive lacks gatekeeping authority.
15. Expenditure of funds appropriated by the legislature is mandatory; the executive lacks the power to impound funds appropriated by the legislature.
16. The legislature controls the resources that finance its own internal operation and provide for the perquisites of its own members.
17. Members of the legislature are immune from arrest and/or criminal prosecution.
18. All members of the legislature are elected; the executive lacks the power to appoint any members of the legislature.
19. The legislature alone, without the involvement of any other agencies, can change the constitution.
20. The legislature's approval is necessary for the declaration of war.
21. The legislature's approval is necessary to ratify treaties with foreign countries.
22. The legislature has the power to grant amnesty.
23. The legislature has the power of pardon.
24. The legislature reviews and has the right to reject appointments to the judiciary; or the legislature itself appoints members of the judiciary.
25. The chairman of the central bank is appointed by the legislature.
26. The legislature has a substantial voice in the operation of the state-owned media.
27. The legislature is regularly in session.
28. Each legislator has a personal secretary.
29. Each legislator has at least one nonsecretarial staff member with policy expertise.
30. Legislators are eligible for reelection without any restriction.
31. A seat in the legislature is an attractive enough position that legislators are generally interested in and seek reelection.
32. The reelection of incumbent legislators is common enough that at any given time the legislature contains a significant number of highly experienced members.

tries since the adoption of their original postcommunist constitutions. Albania, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Poland, Slovakia, and Ukraine all made changes. Albania adopted its first postcommunist constitution in May 1991 but revised it in October 1998; the basic powers of the legislature are essentially the same in the two constitutions, though they are spelled out with greater clarity in the later document. Belarus adopted changes in November 1996 that strengthened the president's already expansive powers. Kazakhstan and Kyrgyzstan enacted changes that bolstered their presidencies in August 1995 and February 1996, respectively. Moldova put the legislature in charge of electing the president in 2001. Poland did not have a constitution until May 1997, but between 1992 and 1997 it operated under a "Little Constitution" that was the blueprint for the constitution which was finally enacted formally in 1997. Slovakia switched from election of the president by parliament to direct election of the president in 1999. Ukraine initiated some changes that promised to enhance the powers of the legislature in 2005. The scores shown in the Table on page 11 and used here reflect the powers of legislatures in the countries' *original* postcommunist constitutions, *before* the changes just enumerated were made.

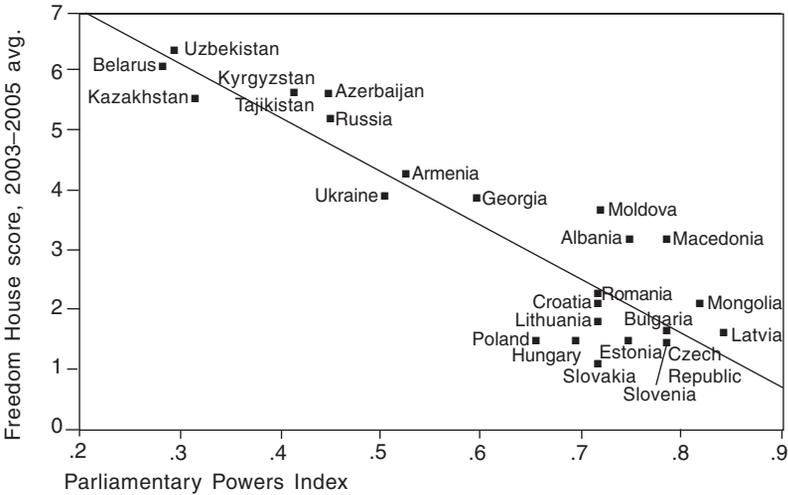
## Legislatures and Patterns of Democratization

The numbers help us to assess the relationship between the powers of parliaments, on the one hand, and democratization, on the other. To measure democratization, I use the scores from Freedom House's survey of Freedom in the World (hereafter referred to as FH scores).<sup>6</sup> These scores represent an average of the scores for "political rights" and "civil liberties." I use a three-year average from the most recent years for which scores are available (the 2003, 2004, and 2005 annual surveys). In Freedom House's assessment, 1 stands for "most free" and 7 for "least free."

Figure 1 illustrates the relationship between the strength of legislatures and the extent of democratization. The correlation is very high.<sup>7</sup> Since lower FH scores represent more political openness, the relationship between the strength of the legislature and democracy is positive.

Before concluding that stronger parliaments promote democracy, we must consider whether stronger parliaments might instead be a mere effect of more open politics. Definitely establishing the direction of causation is difficult. The causal arrow probably points both ways. The extent of democratization at the time of the constitution's inauguration (what I call "the constitutional moment") may influence the powers granted to parliament. Certainly one would expect that constitutions made in closed polities would provide for weak legislatures while lodging the bulk of power in the president (or the general secretary of the hegemonic party or the head of the military).

FIGURE 1—DEMOCRATIZATION AND PARLIAMENTARY POWERS



To measure political openness at the constitutional moment, I use FH scores for the last year before the adoption of the constitution. They capture the state of democratization at the time that the legislature’s powers were defined. The right-hand columns of the Table show the date at which each country originally adopted its fundamental law and the FH score that reflects conditions at that time. Some countries cannot be included. Those of the former Yugoslavia enacted constitutions before FH scores were issued for them. Latvia is excluded for the same reason. In May 1990, before the demise of the Soviet Union and before FH scores were available for Latvia, the republican legislature reverted to the 1922 Constitution of the Republic of Latvia. That document has subsequently been amended but has remained in force. Alone in the region, Latvia did not adopt a new constitution.

Figure 2 shows the relationship between FH scores at the constitutional moment and the powers of the legislature. It treats the legislature’s powers as the dependent variable, under the assumption that the extent of democratization at the constitutional moment shaped the powers that parliament received. In general, countries that had more open politics at the time that they adopted their constitutions did create stronger legislatures.

Yet, as Figure 2 illustrates, the correlation is not very strong.<sup>8</sup> In many countries, the powers of parliament are not what one would expect them to be if more democratization had caused the creation of a stronger legislature. Hungary was just beginning democratization at the time that it adopted its fundamental law, and its FH score was still quite low. Yet it embraced a constitution that provided for a powerful legislature. Romania’s FH score was even lower at the time it adopted its constitution in 1991. Nicolae Ceaușescu had been deposed, but the presidency was held by Ion Iliescu, a holdover from the old regime.

**TABLE—THE PARLIAMENTARY POWERS INDEX AND FREEDOM HOUSE SCORES AT THE CONSTITUTIONAL MOMENT**

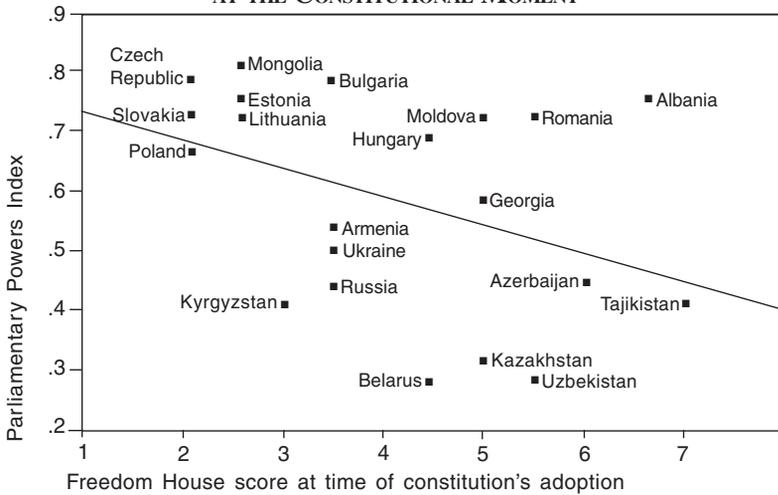
COUNTRY	PARLIAMENTARY POWERS INDEX	FREEDOM HOUSE SCORE AT THE TIME OF CONSTITUTION'S ADOPTION	DATE OF CONSTITUTION'S ADOPTION
Albania	.75	6.5	May 1991
Armenia	.53	3.5	July 1995
Azerbaijan	.44	6.0	Nov. 1995
Belarus	.28	4.5	March 1994
Bulgaria	.78	3.5	July 1991
Croatia	.72	—	—
Czech Republic	.78	2.0	Dec. 1992
Estonia	.75	2.5	June 1992
Georgia	.59	5.0	Oct. 1995
Hungary	.69	4.5	Oct. 1989
Kazakhstan	.31	5.0	Jan. 1993
Kyrgyzstan	.41	3.0	May 1993
Latvia	.84	—	—
Lithuania	.72	2.5	Oct. 1992
Macedonia	.78	—	—
Moldova	.72	5.0	July 1994
Mongolia	.81	2.5	Feb. 1992
Poland	.66	2.0	Nov. 1992
Romania	.72	5.5	Dec. 1991
Russia	.44	3.5	Dec. 1993
Slovakia	.72	2.0	Jan. 1993
Slovenia	.78	—	—
Tajikistan	.41	7.0	Dec. 1994
Ukraine	.50	3.5	June 1996
Uzbekistan	.28	5.5	Dec. 1992

Iliescu and other powerholders at the time were in no hurry to democratize. Yet Romania's new constitution provided for a strong legislature. Russia was a more open polity in 1993, when it adopted its constitution, than Romania was in 1991. Nonetheless, Russians created a comparatively weak legislature. The evidence does not support the notion that the powers of legislatures were mere effects of the extent of democratization at the time that the powers of legislatures were defined.

In fact, the correlation in Figure 1 is much higher than that in Figure 2. This suggests that the power of legislatures, as established in constitutions adopted between the late 1980s and mid-1990s, predicts political openness in the mid-2000s more accurately than political openness at the time of the adoption of constitutions predicts the power of legislatures.

To probe further, we may calculate the change in FH scores between the time of the constitution's adoption and 2005, and examine the correlation between this change and the PPI score. Figure 3 shows the

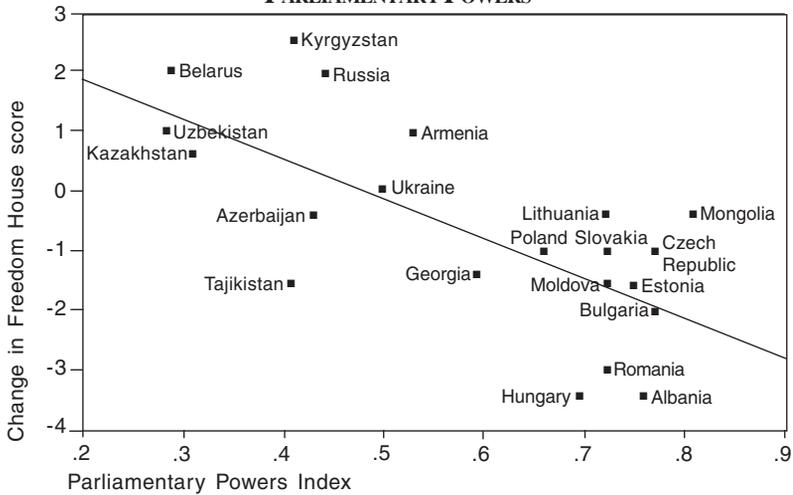
**FIGURE 2—PARLIAMENTARY POWERS AND DEMOCRACY  
AT THE CONSTITUTIONAL MOMENT**



relationship. Since lower FH scores stand for more democracy, in Figure 3 improvement in FH scores is expressed as a negative number; deterioration as a positive number, and no change as zero. The correlation is fairly strong.<sup>9</sup> All six of the countries whose FH score was worse (meaning higher in numerical terms) in 2005 than in the year of the constitution's adoption had a PPI score of less than .60. Eleven of the 14 countries whose FH score improved had a PPI score higher than .60. What is more, the effect of the PPI score on change in FH scores holds up well in statistical analyses that control for other variables that might affect democratization, such as economic development.<sup>10</sup> The PPI is an excellent predictor of how countries fare in democratization after they adopt their constitutions.

How does weakness on the part of the legislature inhibit democratization? First, it undermines “horizontal accountability,” which Guillermo O’Donnell defines as “the controls that state agencies are supposed to exercise over other state agencies.”<sup>11</sup> In polities where authoritarian regimes have broken down and new regimes are taking their place, the temptation to concentrate power in the executive is great. People often confuse concentrated power with effective power, and the president is usually the beneficiary. While one might expect the judiciary to provide some protection against abuse of power, habits of judicial quiescence inherited from the authoritarian period often ensure that the courts will not counterbalance executive power in the early years of transition.<sup>12</sup> Under such circumstances, the legislature is the only agency at the national level that is potentially capable of controlling the chief executive. Where the legislature lacks muscle, presidential abuses of power—including interference in the media, societal

**FIGURE 3—CHANGE IN EXTENT OF DEMOCRACY AND PARLIAMENTARY POWERS**



organizations, and elections—frequently ensue, even under presidents who take office with reputations as democrats.

Legislative weakness also inhibits democratization by undermining the development of political parties. In polities with weak legislatures, political parties drift and stagnate rather than develop and mature. Parties are the main vehicles for structuring political competition and for linking the people and their elected officials. The underdevelopment of parties therefore saps political competition of its substance and vigor and checks the growth of “vertical accountability,” meaning the ability of the people to control their representatives.

## Two Telling Cases

A telling comparison is found in the trajectories of regime change in Russia and Bulgaria. Both countries experienced substantial but incomplete democratization as their communist regimes collapsed. Neither country opened up as thoroughly as, for example, Poland. At the time that Poland adopted its “Little Constitution” in late 1992, it was already a democracy. Poland’s FH score for 1992 was 2, which qualified it, in Freedom House’s parlance, as a Free polity. On the other end of the spectrum, Uzbekistan’s FH score was 5.5 at the time that it adopted its constitution in December 1992. Freedom House thus placed it in the group of countries dubbed Not Free. Uzbekistan never underwent real political opening. It merely slid from one form of autocracy to another. Russia and Bulgaria, however, were intermediate cases. Each had an FH score of 3.5 at the time that it adopted its constitution (Bulgaria in mid-1991, Russia in late 1993). Freedom House rated them as Partly Free polities.

Yet the two subsequently went in very different directions. Bulgaria's FH score improved to 2.5 during the 1990s and to 1.5 by the middle of the current decade. In 2005, Bulgaria was on par with Greece and Japan and ahead of Lithuania and Israel. Russia moved in the opposite direction. Its FH score deteriorated during the 1990s and early 2000s. In 2005 it stood at 5.5, placing it at the same level as Egypt and Pakistan and behind Uganda and Yemen. Bulgaria became a Free polity, while Russia fell to the Not Free category.

How can one explain this dramatic divergence? Many factors may affect regime change. In terms of their starting points, Russia and Bulgaria differed in some traits and matched one another in others. In general, it would be difficult to say that one country had a structural or cultural profile that made it more likely than the other to democratize. The style of Sovietism practiced in the two countries during the 1960s through the 1980s was similar. Todor Zhikov, the first secretary of Bulgaria's communist party, self-consciously imitated Leonid Brezhnev's rule. Brezhnev's Russia and Zhikov's Bulgaria were both thoroughly closed polities with fully closed economies.

At the onset of regime change, Russia was the richer country. In 1990, its GDP per capita was about US\$3,700, compared to about \$1,700 in Bulgaria. In both countries, 14 percent of the workforce was engaged in agriculture.<sup>13</sup> Bulgaria had the advantage of continuity in its statehood, while Russia had to redefine its territorial boundaries. What is more, Russia was not part of Europe, while Bulgaria was. Bulgarians were lured by the possibility of membership in the European Union, while Russians were not. On the other hand, Bulgaria is something of a backwater, tucked away in the corner of southeastern Europe in one of the world's most tumultuous political neighborhoods. In contrast, Russia is the preeminent entity in the Slavic world, the site of world-class cities that are home to a large and vigorous intelligentsia. Both Russia and Bulgaria have Orthodox Christian majorities with large Muslim minorities. As of the early 1990s, both countries seemed capable of democratization, and each had already made progress in political opening. Yet neither country's democratic prospects appeared as promising as those of the Catholic countries of East-Central Europe that border Germany and Austria.

The fateful difference between Russia and Bulgaria may be found in constitutional choice. Bulgaria opted for a strong legislature. It chose a system in which the legislature forms the government. In Bulgaria, the leader of the party that wins the parliamentary elections becomes prime minister, and he or she answers to the legislature. The prime minister is more powerful than the president. Bulgaria's PPI score is .78, which means that 25 of the 32 items in the LPS are answered in the affirmative for Bulgaria. Russia's constitution is quite different. It enshrines a system with a strong presidency. Russia's PPI score is .44; only 14 of the 32

items in the LPS are affirmative for Russia. Unlike the Bulgarian parliament, the Russian Duma has modest influence. It has little say in the formation of the government, scant oversight authority, and meager resources—particularly in comparison with the formidable assets of the executive branch.

The relative clout of legislatures in Russia and Bulgaria shaped their countries' trajectories of democratization. In Russia, presidential abuse of power, committed in the presence of a legislature that cannot curb such abuse even when it is inclined to do so, has been a hallmark of postcommunist politics. The weakness of the legislature has undermined horizontal accountability. Both of Russia's postcommunist presidents, Boris Yeltsin and Vladimir Putin, used their unchecked power to curb rights and fix elections. Putin has gone much further than his predecessor, seizing all electronic media with national reach and allowing only his own version of events to be aired. In doing so, he explicitly violates Article 29 of the Constitution, which guarantees freedom of speech and information. But there is no one to stop him. In contrast, Bulgarian presidents have been highly constrained. Of course, they have not been happy about it. Zhelyu Zhelev, who served as Bulgaria's first postcommunist president (1990–96), stated in 1998 that he had coveted Yeltsin's powers and thought that a Russian-style constitution would have been wonderful for Bulgaria.<sup>14</sup> Zhelev and his successors, after all, were and continue to be boxed in by a robust legislature. Bulgarian democratization has profited immensely as a result.

### Parliaments and Political Parties

The strength of parliaments also affected the development of political parties and thereby influenced vertical accountability. The impetus to build parties depends largely on the power of the legislature. In Bulgaria, where the legislature occupies center stage, politicians must invest in parties in order to advance their careers. The Bulgarian Socialist Party (BSP) was born out of the remnants of the formerly hegemonic communist party; it established a strong presence on the left. The Union of Democratic Forces (UDF) brought together Bulgaria's liberals, while the Movement for Rights and Freedoms (MRF) represented much of the country's large Turkish minority. Throughout the 1990s, these three parties structured political competition. The BSP and the UDF each served stints in government, and they offered voters a distinct choice. Each party developed a fairly coherent social base, with the BSP faring better in the countryside and small towns and among less-educated voters, and the UDF enjoying support in the major urban centers and among upwardly mobile strata. The MRF integrated Turks into the mainstream of national politics and checked the scourge of ethnic demagoguery, both Turkish and ethnic Bulgarian.<sup>15</sup>

The two largest parties faltered in 2001, when a new party arose to challenge the then-governing UDF. The Simeon II National Movement (NDSV), led by the country's former monarch, drew support from the

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*The evidence suggests that vesting power in a legislature spurs party development, which in turn bolsters democratization.*

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traditional bases of both the UDF and the BSP and won more than two-fifths of the vote. The BSP and the UDF nevertheless weathered the crisis and maintained coherent organizations. In the parliamentary elections of 2005, the BSP won about a third of the vote and the leadership of the government. The NDSV picked up a fifth of the vote, followed by the MRF and the UDF. In Bulgaria, several coherent parties

identify politicians, structure political competition, and represent constituents. By so doing, they promote vertical accountability.

Russia's parties have failed in these tasks. Electoral volatility is much higher in Russia than in Bulgaria. In each election voters face a different line-up of parties. In the Duma, the lower house of the legislature, half the deputies are elected on party lists, and committee chairmanships are distributed on the basis of party affiliation. These rules provide a stimulus to party-building. But the legislature's diminutive role in politics erases the potentially favorable effects of these rules. For politicians, the attractive positions are in the executive branch, and party work is not a prerequisite for a post there. For those who seek to influence policy, buying off an official in an executive-branch agency beats building a political party. Consequently, not political parties, but rather well-heeled cliques representing narrow business interests have formed the organizational growth sector in Russia.<sup>16</sup>

Russia shows that the upshot of a weak legislature may be the reduction of political parties to supplicants for presidential favor. In the party-lists portion of the balloting in the most recent parliamentary elections in late 2003, United Russia, whose sole reason for existence is supporting Putin, won a large plurality and control of the Duma. Of the other three parties that surpassed the 5 percent threshold for representation in the legislature, two were also reflexively pro-Putin: the misnamed Liberal Democratic Party of Russia, which does little but collect bribes from the presidential administration in exchange for support; and the Motherland party, a non-descript group that emerged on the eve of the election. The Communist Party of the Russian Federation was the only organization with an oppositional cast that surmounted the 5 percent barrier.

In Bulgaria, the strength of the legislature spurred the formation of parties that structured political competition and injected vigor into elections. Parliament's robustness also encouraged public participation in parties. As of 2000, according to data from the World Values

Surveys, 4 percent of Bulgarian adults were members of a party and 3 percent engaged in volunteer work on behalf of a party. The numbers may seem modest, but in Russia the analogous figures were 1 and 0 percent, respectively.<sup>17</sup> Party membership, like participation in other societal organizations, is lower in the postcommunist world than in other regions.<sup>18</sup> The figures for participation in parties in Bulgaria are actually higher than average for postcommunist countries.

Bulgaria, with its low level of economic development and other unfavorable conditions, did not top anyone's list of likely future democratic success stories at the onset of the 1990s. Yet a decade and a half later, it stands out as a case of achievement. Among the 88 countries of the world with at least a million inhabitants that had incomes per capita of US\$2,000 or less in 1990, Bulgaria is the only one that received an FH score as favorable as 1.5 in 2005.

Bulgaria is not the only pleasant surprise in the postcommunist region. Four countries in the region had incomes per capita of less than \$1,000 in 1990. They (and their 1990 level of per-capita income) are Albania (\$800), Macedonia (\$800), Mongolia (\$500), and Tajikistan (\$700). Among these highly disadvantaged countries, one (Mongolia) received an FH score of 2 in 2005, marking it as a Free polity, and two others (Albania and Macedonia) received scores of 3, placing them at the top of the category of Partly Free countries. Within this impoverished quartet, only Tajikistan, with a score of 5.5 that places it in the Not Free category, failed to undergo substantial democratization. Strikingly, all three of the poor-but-open polities opted for strong legislatures. Albania and Macedonia adopted their new constitutions in 1991; Mongolia adopted its in 1992. The PPI scores for Albania, Macedonia, and Mongolia are .75, .78, and .81, respectively. These are high scores, indicating the presence of commanding legislatures.

These three polities also have strong party systems. The World Values Surveys lack information for Mongolia, but other sources suggest that participation in political parties there is exceptionally high. As much as one-fifth of the adult population belongs to a political party. The country's politics have been consistently structured by a party of the left, the Mongolian People's Revolutionary Party, and a center-right coalition led by the Mongolian Democratic Party.<sup>19</sup> Among the postcommunist countries for which the World Values Surveys do have data for 2000, Albania and Macedonia rank first and second in terms of public involvement in parties. In Albania, 15 percent of all adults surveyed report membership and 11 percent perform voluntary work. The analogous figures for Macedonia are 12 and 8 percent. These numbers are by far the highest in the postcommunist region; the next highest figures are for Slovakia, where 7 percent belong to a party and 5 percent engage in voluntary work on behalf of one.<sup>20</sup> The evidence suggests that vesting power in the legislature spurs party development, which in

turn bolsters democratization. It further demonstrates that even impoverished countries emerging from long spells of harsh autocracy can become open polities.

### The Lesson for Democratizers

The strength of the national legislature may be a—or even *the*—institutional key to democratization. Every country that opted for a strong legislature—one that scored over .60 on the PPI—achieved FH scores of 3 or better in 2005. This group includes countries afflicted by poverty (such as Mongolia, Macedonia, and Bulgaria), ethnic tensions (such as Slovakia and Latvia), violent upheaval (such as Croatia), and extraordinarily cruel authoritarian legacies (such as Romania and Albania). None of the countries that adopted a constitution which provided for a legislature that scored below .50 on the PPI—a group that includes countries in which some initial conditions were auspicious for democratization—received an FH score as favorable as 3 in 2005. Failing to empower legislatures at the dawn of the postcommunist period was a sufficient condition for remaining mired in authoritarianism 10 to 15 years later.

Stronger legislatures served as a weightier check on presidents and thus a more reliable guarantor of horizontal accountability than did weaker legislatures. They also provided a stronger stimulus to party-building. Where legislatures were more powerful, people invested more in parties and parties grew stronger. The strength of parties varied positively with the strength of the legislature. Furthermore, stronger parties were better at linking the people and elected officials—that is, at promoting vertical accountability—than were weaker parties.

The practical implications of these findings are obvious. Would-be democratizers should focus on creating a powerful legislature. In polities with weak legislatures, democrats should make constitutional reforms to strengthen the legislature a top priority. The myriad problems that occupy the minds of democrats during the dizzying days of regime change, such as designing decentralization, crafting voting rules, building civil society, and controlling the military, may be of great importance. But if politicians fail to establish a national legislature with far-reaching powers, the people will soon find themselves in a polity where their votes do not count (or are not counted properly) and their voices are not heard. On the other hand, if a powerful legislature is established, the people will probably gain and retain their freedom and a say in how they are ruled—even in countries that embark upon regime change with inherited structural and historical disadvantages.

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## Appendix 2: “The Freedom in the World Survey, Methodology”



Methodology  
*2005 Edition*

### INTRODUCTION

The Freedom in the World survey provides an annual evaluation of the state of global freedom as experienced by individuals. Freedom is the opportunity to act spontaneously in a variety of fields outside the control of the government and other centers of potential domination. Freedom House measures freedom according to two broad categories: political rights and civil liberties. Political rights enable people to participate freely in the political process, including through the right to vote, compete for public office, and elect representatives who have a decisive impact on public policies and are accountable to the electorate. Civil liberties allow for the freedoms of expression and belief, associational and organizational rights, rule of law, and personal autonomy without interference from the state.

Freedom House does not maintain a culture-bound view of freedom. The methodology of the survey established basic standards that are derived in large measure from the Universal Declaration of Human Rights. These standards apply to all countries and territories, irrespective of geographical location, ethnic or religious composition, or level of economic development.

The survey includes both analytical reports and numerical ratings for 192 countries and 14 select territories. Each country and territory is assigned a numerical rating, which is calculated based on the methodology described below, on a scale of 1 to 7. A rating of 1 indicates the highest degree of freedom and 7 the least amount of freedom.

The survey findings are reached after a multi-layered process of analysis and evaluation by a team of regional experts and scholars. Although there is an element of subjectivity inherent in the survey findings, the ratings process emphasizes intellectual rigor and balanced and unbiased judgments.

The survey does not rate governments or government performance per se, but rather the real-world rights and freedoms enjoyed by individuals. Freedoms can be affected by state actions, as well as by non-state actors, including terrorists and other armed groups. Thus, the survey ratings generally reflect the interplay of a variety of actors, both governmental and nongovernmental.

In addition to country reports, Freedom in the World includes reports on a select group of territories based on their political significance and size. Freedom House divides territories into two categories: related territories and disputed territories. Related territories consist mostly of colonies, protectorates, and island dependencies of sovereign states that are in some relation of dependency to that state and whose relationship is not currently in serious legal or political dispute. Disputed territories are areas within internationally recognized sovereign states whose status is in serious political or violent dispute and whose conditions differ substantially from those of the relevant sovereign states. They are often outside of central government

## Appendix 2: “The Freedom in the World Survey, Methodology”

control and characterized by intense, longtime, and widespread insurgency or independence movements that enjoy popular support. This year, the territories of Macao (China), Northern Ireland (United Kingdom), West Papua (Indonesia), and Kurdistan (Iraq) are no longer being treated in separate reports because of a reduction in the intensity of civil or political conflict or due to greater integration of the territory's identity into that of the related sovereign state. Developments in these territories are now reflected in the relevant country reports and ratings. In addition, the territory of Cyprus, which was previously listed under Turkey, has been renamed Northern (Turkish) Cyprus and listed under Cyprus.

### HISTORY OF THE SURVEY

Freedom House's first year-end reviews of freedom began in the 1950s as the Balance Sheet of Freedom. This modest report provided assessments of political trends and their implications for individual freedom. In 1972, Freedom House launched a new, more comprehensive annual study of freedom called Freedom in the World. Raymond Gastil, a Harvard-trained specialist in regional studies from the University of Washington at Seattle, developed the survey's methodology, which assigned countries political rights and civil liberties ratings and categorized them as Free, Partly Free, or Not Free. The findings appeared each year in Freedom House's Freedom at Issue bimonthly journal (later titled Freedom Review). The survey first appeared in book form in 1978 and continued to be produced by Gastil, with essays by leading scholars on related issues, until 1989, when a larger team of in-house survey analysts was established. Subsequent editions of the survey, including the 2005 edition, have followed essentially the same format.

### OVERVIEW OF RESEARCH AND RATINGS REVIEW PROCESS

This year's survey covers developments from December 1, 2003, through November 30, 2004, in 192 countries and 14 territories. The research and ratings process involved nearly two dozen analyst/writers and 13 senior-level academic advisors. The eight members of the core research team headquartered in New York, along with fifteen outside consultant writers, prepared the country and territory reports. The writers used a broad range of sources of information, including foreign and domestic news reports, academic analyses, nongovernmental organizations, think tanks, individual professional contacts, and visits to the region in preparing their reports.

The country and territory ratings were proposed by the writers of each related report. The ratings were reviewed on a comparative basis in a series of six regional meetings--Sub-Saharan Africa, Asia-Pacific, Central and Eastern Europe and the Former Soviet Union, Middle East and North Africa, Latin America and the Caribbean, and Western Europe--involving the writers and academic advisors with expertise in each region. The ratings were compared to the previous year's findings, and any major proposed numerical shifts or category changes were subjected to more intensive scrutiny. These reviews were followed by cross-regional assessments in which efforts were made to ensure comparability and consistency in the findings. Some of the key country reports were also reviewed by the academic advisors.

## Appendix 2: “The Freedom in the World Survey, Methodology”

The survey's methodology is reviewed periodically by an advisory committee on methodological issues. Over the years, the committee has made a number of modest methodological changes to adapt to evolving ideas about political rights and civil liberties. At the same time, the time series data are not revised retroactively, and any changes to the methodology are introduced incrementally in order to ensure the comparability of the ratings from year to year.

### RATINGS PROCESS

(NOTE: see the full checklists and keys to political rights and civil liberties ratings and status at the end of the methodology essay.)

Raw Points - The ratings process is based on a checklist of 10 political rights questions (grouped into three subcategories) and 15 civil liberties questions (grouped into four subcategories). Raw points are awarded to each of these questions on a scale of 0 to 4, where 0 points represents the smallest degree and 4 points the greatest degree of rights or liberties present. The only exception to the addition of 0 to 4 points per checklist item is Additional Discretionary Question B in the Political Rights Checklist, for which 1 to 4 points are subtracted depending on the severity of the situation. The highest number of points that can be awarded to the political rights checklist is 40 (or a total of up to 4 points for each of the 10 questions). The highest number of points that can be awarded to the civil liberties checklist is 60 (or a total of up to 4 points for each of the 15 questions).

To answer the political rights questions, Freedom House considers to what extent the system offers voters the opportunity to choose freely from among candidates and to what extent the candidates are chosen independently of the state. However, formal electoral procedures are not the only factors that determine the real distribution of power. In many countries, the military retains a significant political role, while in others, the king maintains considerable power over the elected politicians. In addition, elected governments must exhibit levels of accountability, openness, and transparency between elections.

In answering the civil liberties questions, Freedom House does not equate constitutional guarantees of human rights with the on-the-ground fulfillment of these rights. Both laws and actual practices are factored into the ratings decisions. For states and territories with small populations, particularly tiny island nations, the absence of trade unions and other forms of association is not necessarily viewed as a negative situation unless the government or other centers of domination are deliberately blocking their establishment or operation.

Political Rights and Civil Liberties Ratings - The total number of points awarded to the political rights and civil liberties checklists determines the political rights and civil liberties ratings. Each point total corresponds to a rating of 1 through 7, with 1 representing the highest and 7 the lowest level of freedom. (see Tables 1 and 2).

Status of Free, Partly Free, Not Free - Each pair of political rights and civil liberties ratings is averaged to determine an overall status of "Free," "Partly Free," or "Not Free." Those whose ratings average 1.0 to 2.5 are considered Free, 3.0 to 5.0 Partly Free, and 5.5 to 7.0 Not Free (see Table 3). [In previous years, countries with

## Appendix 2: “The Freedom in the World Survey, Methodology”

a combined average score of 5.5 could either be Partly Free or Not Free, depending on the total number of raw points that they received.]

The designations of Free, Partly Free, and Not Free each cover a broad third of the available raw points. Therefore, countries and territories within any one category, especially those at either end of the category, can have quite different human rights situations. In order to see the distinctions within each category, a country or territory's political rights and civil liberties ratings should be examined. For example, countries at the lowest end of the Free category (2 in political rights and 3 in civil liberties, or 3 in political rights and 2 in civil liberties) differ from those at the upper end of the Free group (1 for both political rights and civil liberties). Also, a designation of Free does not mean that a country enjoys perfect freedom or lacks serious problems, only that it enjoys comparably more freedom than Partly Free or Not Free (or some other Free) countries.

Indications of Ratings and/or Status Changes - Each country or territory's political rights rating, civil liberties rating, and status is included in the statistics section that precedes each country or territory report. A change in a political rights or civil liberties rating since the previous survey edition is indicated with an asterisk next to the rating that has changed. A brief ratings change explanation is included in the statistics section.

Trend Arrows - Upward or downward trend arrows may be assigned to countries and territories. Trend arrows indicate general positive or negative trends since the previous survey that are not necessarily reflected in the raw points and do not warrant a ratings change. A country cannot receive both a numerical ratings change and a trend arrow in the same year. A trend arrow is indicated with an arrow next to the name of the country or territory that appears before the statistics section at the top of each country or territory report.

## GENERAL CHARACTERISTICS OF EACH POLITICAL RIGHTS AND CIVIL LIBERTIES RATING

### POLITICAL RIGHTS

Rating of 1 - Countries and territories that receive a rating of 1 for political rights come closest to the ideals suggested by the checklist questions, beginning with free and fair elections. Those who are elected rule, there are competitive parties or other political groupings, and the opposition plays an important role and has actual power. Minority groups have reasonable self-government or can participate in the government through informal consensus.

Rating of 2 - Countries and territories rated 2 in political rights are less free than those rated 1. Such factors as political corruption, violence, political discrimination against minorities, and foreign or military influence on politics may be present and weaken the quality of freedom.

Ratings of 3, 4, 5 - The same conditions that undermine freedom in countries and territories with a rating of 2 may also weaken political rights in those with a rating of 3, 4, or 5. Other damaging elements can include civil war, heavy military

## Appendix 2: “The Freedom in the World Survey, Methodology”

involvement in politics, lingering royal power, unfair elections, and one-party dominance. However, states and territories in these categories may still enjoy some elements of political rights, including the freedom to organize quasi-political groups, reasonably free referenda, or other significant means of popular influence on government.

Rating of 6 - Countries and territories with political rights rated 6 have systems ruled by military juntas, one-party dictatorships, religious hierarchies, or autocrats. These regimes may allow only a minimal manifestation of political rights, such as some degree of representation or autonomy for minorities. A few states are traditional monarchies that mitigate their relative lack of political rights through the use of consultation with their subjects, tolerance of political discussion, and acceptance of public petitions.

Rating of 7 - For countries and territories with a rating of 7, political rights are absent or virtually nonexistent as a result of the extremely oppressive nature of the regime or severe oppression in combination with civil war. States and territories in this group may also be marked by extreme violence or warlord rule that dominates political power in the absence of an authoritative, functioning central government.

### CIVIL LIBERTIES

Rating of 1 - Countries and territories that receive a rating of 1 come closest to the ideals expressed in the civil liberties checklist, including freedom of expression, assembly, association, education, and religion. They are distinguished by an established and generally equitable system of rule of law. Countries and territories with this rating enjoy free economic activity and tend to strive for equality of opportunity.

Rating of 2 - States and territories with a rating of 2 have deficiencies in a few aspects of civil liberties, but are still relatively free.

Ratings of 3, 4, 5 - Countries and territories that have received a rating of 3, 4, or 5 range from those that are in at least partial compliance with virtually all checklist standards to those with a combination of high or medium scores for some questions and low or very low scores on other questions. The level of oppression increases at each successive rating level, including in the areas of censorship, political terror, and the prevention of free association. There are also many cases in which groups opposed to the state engage in political terror that undermines other freedoms. Therefore, a poor rating for a country is not necessarily a comment on the intentions of the government, but may reflect real restrictions on liberty caused by nongovernmental actors.

Rating of 6 - People in countries and territories with a rating of 6 experience severely restricted rights of expression and association, and there are almost always political prisoners and other manifestations of political terror. These countries may be characterized by a few partial rights, such as some religious and social freedoms, some highly restricted private business activity, and relatively free private discussion.

Rating of 7 - States and territories with a rating of 7 have virtually no freedom. An overwhelming and justified fear of repression characterizes these societies.

## Appendix 2: “The Freedom in the World Survey, Methodology”

Countries and territories generally have ratings in political rights and civil liberties that are within two ratings numbers of each other. Without a well-developed civil society, it is difficult, if not impossible, to have an atmosphere supportive of political rights. Consequently, there is no country in the survey with a rating of 6 or 7 for civil liberties and, at the same time, a rating of 1 or 2 for political rights.

### ELECTORAL DEMOCRACY DESIGNATION

In addition to providing numerical ratings, the survey assigns the designation "electoral democracy" to countries that have met certain minimum standards. In determining whether a country is an electoral democracy, Freedom House examines several key factors concerning how its national leadership is chosen.

To qualify as an electoral democracy, a state must have satisfied the following criteria:

- 1) A competitive, multiparty political system;
- 2) Universal adult suffrage for all citizens (with exceptions for restrictions that states may legitimately place on citizens as sanctions for criminal offenses);
- 3) Regularly contested elections conducted in conditions of ballot secrecy, reasonable ballot security, and in the absence of massive voter fraud that yields results that are unrepresentative of the public will;
- 4) Significant public access of major political parties to the electorate through the media and through generally open political campaigning.

The electoral democracy designation reflects a judgment about the last major national election or elections. In the case of presidential/parliamentary systems, both elections must have been free and fair on the basis of the above criteria; in parliamentary systems, the last nationwide elections for the national legislature must have been free and fair. The presence of certain irregularities during the electoral process does not automatically disqualify a country from being designated an electoral democracy. A country cannot be listed as an electoral democracy if it reflects the ongoing and overwhelming dominance of a single party or movement over the course of numerous national elections; such states are considered to be dominant party states. Nor can a country be an electoral democracy if significant authority for national decisions resides in the hands of an unelected power, whether a monarch or a foreign international authority. A country is removed from the ranks of electoral democracies if its last national election failed to meet the criteria listed above, or if changes in law significantly eroded the public's possibility for electoral choice.

Freedom House's term "electoral democracy" differs from "liberal democracy" in that the latter also implies the presence of a substantial array of civil liberties. In the survey, all Free countries qualify as both electoral and liberal democracies. By contrast, some Partly Free countries qualify as electoral, but not liberal, democracies.

## Appendix 2: “The Freedom in the World Survey, Methodology”

### POLITICAL RIGHTS AND CIVIL LIBERTIES CHECKLIST

#### POLITICAL RIGHTS

##### A. Electoral Process

1. Is the head of state and/or head of government or other chief authority elected through free and fair elections?
2. Are the legislative representatives elected through free and fair elections?
3. Are there fair electoral laws, equal campaigning opportunities, fair polling, and honest tabulation of ballots?

##### B. Political Pluralism and Participation

1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?
2. Is there a significant opposition vote, de facto opposition power, and a realistic possibility for the opposition to increase its support or gain power through elections?
3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?
4. Do cultural, ethnic, religious, and other minority groups have reasonable self-determination, self-government, autonomy, or participation through informal consensus in the decision-making process?

##### C. Functioning of Government

1. Do freely elected representatives determine the policies of the government?
2. Is the government free from pervasive corruption?
3. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

Additional discretionary Political Rights questions:

- A. For traditional monarchies that have no parties or electoral process, does the system provide for consultation with the people, encourage discussion of policy, and allow the right to petition the ruler?
- B. Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group?

NOTE: For each political rights and civil liberties checklist question, 0 to 4 points are added, depending on the comparative rights and liberties present (0 represents the least, 4 represents the most). However, for additional discretionary question B only, 1 to 4 points are subtracted, when necessary.

#### CIVIL LIBERTIES

##### D. Freedom of Expression and Belief

1. Are there free and independent media and other forms of cultural expression? (Note: in cases where the media are state-controlled but offer pluralistic points of view, the survey gives the system credit.)
2. Are there free religious institutions, and is there free private and public religious

## Appendix 2: “The Freedom in the World Survey, Methodology”

expression?

3. Is there academic freedom, and is the educational system free of extensive political indoctrination?
4. Is there open and free private discussion?

### E. Associational and Organizational Rights

1. Is there freedom of assembly, demonstration, and open public discussion?
2. Is there freedom of political or quasi-political organization? (Note: this includes political parties, civic organizations, ad hoc issue groups, etc.)
3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

### F. Rule of Law

1. Is there an independent judiciary?
2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?
3. Is there protection from police terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?
4. Is the population treated equally under the law?

### G. Personal Autonomy and Individual Rights

1. Is there personal autonomy? Does the state control travel, choice of residence, or choice of employment? Is there freedom from indoctrination and excessive dependency on the state?
2. Do citizens have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, or organized crime?
3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?
4. Is there equality of opportunity and the absence of economic exploitation?

## KEY TO RAW POINTS, POLITICAL RIGHTS AND CIVIL LIBERTIES RATINGS, AND STATUS

**Table 1: Political Rights (PR)**

<b>Total Raw Points</b>	<b>PR Rating</b>
36-40	1
30-35	2
24-29	3
18-23	4
12-17	5
6-11	6
0-5	7

Appendix 2: “The Freedom in the World Survey, Methodology”

Table 2: Civil Liberties (CL)

<b>Total Raw Points</b>	<b>CL Rating</b>
53-60	1
44-52	2
35-43	3
26-34	4
17-25	5
8-16	6
0-7	7

Table 3

<b>Combined Average of PR and CL Ratings</b>	<b>Country Status</b>
1.0 to 2.5	Free
3.0 to 5.0	Partly Free
5.5 to 7.0	Not Free

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*Appendix 3: “Summary of Interview with Mr Granstedt”*

**Interview with Mr Pär Granstedt, 3 May 2007, Amsterdam.**



Pär Granstedt is a founding member AWEPA, Association of European Parliamentarians for Africa. He has served the organization since the foundation as member of the Executive and Council, Vice President and Treasurer and was elected its Secretary General in December 2006.

He was born in Stockholm 1945 and is educated at the University of Stockholm (Masters, Political Science). He was elected member of the Swedish Parliament 1973. He remained MP till 1994 and served i. a. as vice chairman of the standing committees for Education and for Foreign Affairs, as chairman of the Parliamentary OSCE-delegation and as member of the Parliamentary Assembly of the Council of Europe. 1995-1999 he was advisor to the Swedish Government on security policy and international relations. 1999-2005 he worked as Director and Political Advisor for the Federation of Swedish Farmers. He was Vice President of the World Federation of UN Associations 1995-2000.

Mr Granstedt has also published a number of books and articles on international relations, sustainable development and democracy.

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The language used during the interview was Swedish. Below is a translation of the conversation held on the 3<sup>rd</sup> of May 2007.

**What is the importance of parliaments in a democracy?**

Mr. Granstedt says that it is difficult to “imagine a democracy without a parliament”. Furthermore he stresses the fact that the executive is less representative than the parliament, and has to be, in order to “get along” and carry out their tasks. Here parliaments make a big difference since they are “broader” and function as the voice of the people.

**How important are parliaments today in our modern society when media is taking over a lot of functions that the parliamentarians used to possess (watchdog, forum for discussion etc.)?**

“Parliaments are representative” whereas media is not. This is a big difference since media never can represent the people in a way that parliaments can. However, media can reinforce the role of parliaments in civil society. Media and non-governmental organizations can be channels of

### *Appendix 3: “Summary of Interview with Mr Granstedt”*

communication between civil society and government, but they can never be representative in a way that parliaments can.

#### **What can parliaments do to strengthen its position?**

Mr. Granstedt first point outs that the strength of the parliament very much depends on the type of political system a country has, thus weather it is presidential, parliamentary or semi-presidential. Furthermore, he states that a parliament is strongest when you have a weak government. Because then the members of the current government need support form the parliamentarians which gives a lot of more power to the parliament.

#### **What is the importance of parliaments in the development of democracy (in Africa)?**

The problem as Mr. Granstedt sees it is that a lot of times parliaments in developing democracies, such as in Africa, have a low integrity which becomes more obvious in weak parliaments. Corruption is a big problem. The executive can bribe parliamentarians with minister posts if they do as they want to. Furthermore is it a matter of financial resources. Parliaments in Africa in general have fewer resources than e.g. in Western Europe and can therefore not meet as often etc. Another issue is that they many times lack the knowledge and experience.

Mr. Granstedt concludes with that it is up to the parliamentarians to “show their muscles”. One source of power in most countries is the assignment of approving the budget. There is no doubt that parliaments play an important role in the creation of stable liberal democracies in Africa. As Mr. Granstedt says, “If the parliament does not work, democracy does not work”.

## Appendix 4: “Summary of Interview with Mr Dhoore”

### Telephonic Interview with Dr Luc Dhoore, 23 April 2007.

#### Dr Luc Dhoore (Belgium)



- § Honorary Vice President of AWEPA
- § Member of the Belgium Parliament (1969-1993)
- § President of the Christian Democratic Party in the House of Commons (1988-1991)
- § Quaestor in the House of Parliament (1985-1988 / 1991-1993)
- § President of the National Centre for Development Cooperation
- § President of the Flemish Centre for Migrant's Integration
- § Doctor of Law
- § Master of Political and Social Science

#### **What is the extent of the parliamentary power in the Democratic Republic of Congo?**

Luc Dhoore says that the regime in DRC is much like the French system, thus the Parliamentary power is “real”. Further he states that the constitution is good.

#### **How much power does the executive possess in DRC?**

The executive possesses the same power as in e.g. the Netherlands. They have more power than the parliament. Luc Dhoore has for years pointed out to the parliamentarians that they “have to do much more and take initiatives” in order for them to gain more power and to put pressure on the executive, the change has to come from them.

#### **What political rights does the population of DRC enjoy (fair elections, right to assembly etc.)?**

Luc Dhoore, as a member of the AWEPA observation mission in DRC during the elections, says that the elections were very free and fair, in spite of what others may claim. The election was practically organised by the EU. There is no obstacle in the right to assemble he also adds.

#### **How can democracy be further stimulated by parliaments in DRC?**

Luc Dhoore points out that it is very much a “question of finance” and experience when it comes to what parliamentarians can and cannot do. He thinks capacity building is very important. Not so much tell parliamentarians in DRC what to do, but to share knowledge. He mentions, as an example, the working group for women organised by his wife which will try to improve the gender balance in politics.