



**INTERNATIONAL**

**DAY OF  
DEMOCRACY**

## **Better Parliaments - Better Democracies**

**"There is nothing mysterious about the foundations of a healthy and strong democracy. The basic things expected by our people of their political and economic system are simple. They are: Equality of opportunity for youth and others; Jobs for those who can work; Security for those who need it; The ending of the special privileges for the few; The preservation of civil liberties for all; The enjoyment of the fruits of scientific progress in a wider and constantly rising standard of living." -Franklin D. Roosevelt**

**Krystie-Marie Doldron  
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The word democracy is derived from the Greek *dēmokratiā*, which means “rule by the people”, with *dēmos* referring to (“people”) and *kratos* to (“rule”). The term was first used in the middle of the 5<sup>th</sup> century B.C., to denote the political systems existing in some Greek city-states, notably Athens.

Since the time of the ancient Greeks, both the theory and the practice of democracy have undergone profound changes. Thus, for thousands of years the kind of association in which democracy was practiced, the tribe or the city-state was small enough to be suitable for some form of democracy by assembly, or “direct democracy.” Much later, beginning in the 18th century, as the typical association became the nation-state or country, direct democracy gave way to representative democracy. This was a transformation so sweeping that, from the perspective of a citizen of ancient Athens, the governments of gigantic associations such as France or the United States might not have appeared democratic at all. Representative democracy requires a set of political institutions radically different from those of all earlier democracies.

**Democracy consists of four basic elements:**

There are four key elements in a democratic system of government:

- A political system for choosing and replacing the government through free and fair elections.
- 2. The active participation of the people, as citizens, in politics and civic life.
- 3. Protection of the human rights of all citizens.
- 4. A rule of law, in which the laws and procedures apply equally to all citizens.

## **I. Democracy as a Political System of Competition for Power**

Democracy is a means for the people to choose their leaders and to hold their leaders accountable for their policies and their conduct in office. The people decide who will represent them in parliament, and who will head the government at the national and local levels. They do so by choosing between competing parties in regular, free and fair elections. Government is based on the consent of the governed.<sup>1</sup> "Democracy is government of, by and for the people." (Lincoln 1809-1865)

In a democracy, the people are sovereign i.e. they are the highest form of political authority. Power flows from the people to the leaders of government, who hold power only temporarily. Laws and policies require majority support in parliament, but the rights of minorities are protected in various ways. The people are free to criticize their elected leaders and representatives, and to observe how they conduct the business of government. Elected representatives at the national and local levels should listen to the people and respond to their needs and suggestions.

Elections have to occur at regular intervals, as prescribed by law. Those in power cannot extend their terms in office without asking for the consent of the people again in an election. For elections to be free and fair, they have to be administered by a neutral, fair, and professional body that treats all political parties and candidates equally. All parties and candidates must have the right to campaign freely, to present their proposals to the voters both directly and through the mass media. Voters must be able to vote in secret, free of intimidation and violence.

Independent observers must be able to observe the voting and the vote counting to ensure that the process is free of corruption, intimidation, and fraud. There needs to be some impartial and independent tribunal to resolve any disputes about the election results. This is why it takes a lot of time to organize a good, democratic election.

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<sup>1</sup> Jefferson, Thomas (June–July 1776), United States Declaration of Independence, National Archives; Library of Congress

## **II. Participation: The Role of the Citizen in a Democracy**

The key role of citizens in a democracy is to participate in public life. Citizens have an obligation to become informed about public issues, to watch carefully how their political leaders and representatives use their powers, and to express their own opinions and interests. Voting in elections is another important civic duty of all citizens. To vote wisely, each citizen should listen to the views of the different parties and candidates, and then make his or her own decision on whom to support. Political parties are vital organizations in a democracy, and democracy is stronger when citizens become active members of political parties.

The activity of the Italian Senate and its staff 'has been strongly influenced by the added push coming from the web. Constituents increasingly want to email their elected representatives and find out on line how he or she voted and what opinion he or she expressed on specific issues.' In Australia, the online summary of the week's business in the House of Representatives has proved particularly popular. In Latvia, the Saeima's database containing the full text of draft laws has enjoyed the most use because every citizen can follow the development process of the draft law that fascinate.

Participation can also involve campaigning for a political party or candidate, standing as a contender for political office, debating public issues, attending community meetings, petitioning the government, and even protesting. A vital form of participation comes through active membership in independent, non-governmental organizations, what we call "civil society." These organizations represent a variety of interests and beliefs of farmers, workers, doctors, teachers, business owners, religious believers, women, students, human rights activists. It is important that women participate fully both in politics and in civil society. This requires efforts by civil society organizations to educate women about their democratic rights and responsibilities, improve their political skills, represent their common interests, and involve them in political life.

### **III. The Rights of Citizens in a Democracy**

In a democracy, every citizen has certain basic rights that the state cannot take away from them. These rights are guaranteed under international law. Citizens have the right to have individual beliefs. No authority should be able to instruct corrupted beliefs or ideologies onto its citizenry. The choice of religion, worship and practice their religion is not to be instructed. Every individual has the right to enjoy their own culture, along with other members of their group, even if their group is a minority.

There is freedom and pluralism in the mass media. Different sources are available for the outreach of the news and the opinion to read in the newspapers, listen to the radio or to watch on television. You have the right to associate with other people, and to form and join organizations of your own choice, including trade unions. There is freedom to move about the country, or up towards migration.

The right to assemble freely and to protest government actions also exists. However, everyone has an obligation to exercise these rights peacefully, with respect for the law and for the rights of others.

### **IV. The Rule of Law**

The Rule of Law is a historic ideal, and appeals to the Rule of Law remain rhetorically powerful.<sup>2</sup> Tremblay's theory of the rule of law involves a set of practical principles that constitute the ideal type of a conception of law that is both constitutive and regulative of legal discourse and practice. Tremblay examines two competing ideal types, the "rule of law as certainty" and the "rule of law as justice."

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<sup>2</sup> The Rule of Law as a Concept in Constitutional Discourse

Democracy is a system of rule by laws, not by individuals. In a democracy, the rule of law protects the rights of citizens, maintains order, and limits the power of government. All citizens are equal under the law. No one may be discriminated against on the basis of their race, religion, ethnic group, or gender. No one may be arrested, imprisoned, or exiled arbitrarily. There is the right of knowledge of the charges when a person's detainment hangs in the balance. Innocence is presumed until proven guilty, according to the law. Anyone charged with a crime has the right to a fair, speedy, and public trial by an impartial court. No one may be taxed or prosecuted except by a law established in advance. The law is fairly, impartially, and consistently enforced, by courts that are independent of the other branches of government. Torture and cruel and inhumane treatment are absolutely forbidden.

The rule of law places limits on the power of government. No government official may violate these limits. No one is above the law, not even a king or an elected president. No ruler, minister, or political party can tell a judge how to decide a case. Office holders cannot use their power to enrich themselves. Independent courts and commissions punish corruption, no matter who is guilty.

### **Parliamentary Democracy**

Parliamentary democracy may be defined as a democratic form of government in which the party (or a coalition of parties) with the greatest representation in the parliament (legislature) forms the government, its leader becoming prime minister or chancellor. Executive functions are exercised by members of the parliament appointed by the prime minister to the cabinet. The parties in the minority serve in opposition to the majority and have the duty to challenge it regularly. The prime minister may be removed from power whenever he loses the confidence of a majority of the ruling party or of the parliament.

For a long period of time the same group of parties dominated Western parliamentary democracies. In the famous words of Lipset and Rokkan (1967) the party systems of Western Europe had frozen. However, beginning in the 1970s the consolidated party

systems started to melt. Nowadays, new political parties are an important part of parliamentary democracy.<sup>3</sup>

The early years of the twenty-first century have perceived a marked enigma. On the one hand democracy, both as an ideal and as a set of political institutions and practices, has triumphed in most countries of the world. As the outcome statement of the 2005 UN World Summit declared, 'democracy is a universal value' which 'does not belong to any country or region'<sup>4</sup>. On the other hand, these years have also seen a considerable disillusionment developing with the results of democracy in practice, one that is shared by citizens of the 'old' democracies as much as by those of the 'new and emerging' ones.

Such disillusionment may always have been inherent in democratic development, and in what the Italian political theorist Norberto Bobbio (1909-2004) has termed its 'broken promises' the 'contrast between what was promised and what has actually come about'. Yet it is a contrast that appears particularly acute in the present age, when democracies are called on to grapple with forces that often seem beyond their control, affecting their security, their economies, and the livelihoods and well-being of their citizens.

Parliaments today have a key role in addressing this absurdity. As 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. As the elected body that represents society in all its diversity, parliaments have a unique responsibility for reconciling the conflicting interests and expectations of different groups and communities through the democratic means of dialogue and compromise. As the key legislative organ, parliaments have the task of adapting society's laws to its rapidly changing needs and circumstances. As the body entrusted with the oversight of government, they are responsible for ensuring that governments are fully accountable to the people.

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<sup>3</sup> Scandinavian Political Studies, Bind 8 (New Series) (1985) 1-2

<sup>4</sup> The Millennium Development Goals Report, UN 2005

In the process parliaments are themselves undergoing considerable change, as they seek to adapt to the challenges of a new century. The past few years have witnessed numerous efforts across many parliaments to engage more effectively with the public and to improve the way they work, to become more genuinely representative of their electorates, more accessible and accountable to them, more open and transparent in their procedures, and more effective in their key tasks of legislation and oversight of government.

Concern, however has been identified through the ways in which parliaments are becoming more open to citizens through improving public access, and removing barriers to media reporting within a regulatory context that encourages pluralism and non-discriminatory content. Equally significant are the strategies adopted by parliaments themselves for informing the public about their work, and seeking to engage their interest and involvement. The inherent difficulty of this should not be underestimated, since it is not just a question of communicating information, but of making it intelligible to the vast majority of people who are not familiar with the workings of a parliament.

Parliaments that have been recently established, or which have recently reviewed their communication arrangements, have tended to adopt a comprehensive information and education strategy under a single communications officer or department. This strategy embraces every kind of medium, for instance, broadcasting, the Internet, publications, information centers and educational initiatives of all kinds. The advantage of multiple and coordinated means of dissemination is that the public can access information through the medium of their choice or availability, as this contribution from the Hungarian National Assembly shows:

*“It is important that the activity of Parliament is available to the citizens via several channels. For most people television, printed media and radio broadcasts are the primary channel of communication. Plenary sessions of the parliament are broadcast live on radio and television, these days parliamentary sessions can be viewed also on-line on the Internet. The Library of the Parliament and the Secretary General’s Office offer additional sources of information, as well as a special telephone line or e-mail available for all citizens, operated by them, through*



*which questions concerning the legislation or the work of Parliament are formulated. Non-profit organizations may obtain information from the Civil Office. Since the basic stipulation for the democratic operation of Parliament is to make available all information to the citizens, several channels of information are therefore at the disposal of the public.”*

Parliaments have traditionally kept a full printed record of all their proceedings. Many now also have their own dedicated television channel for broadcasting and recording their proceedings. One advantage of this is that it enables parliaments to maintain editorial control over the content, as well as to allow a much greater range of activity to be shown. The Republic of Korea, for example, used to rely on the government’s KTV channel to broadcast plenary meetings. ‘Starting from May 2005, however, the National Assembly launched a channel exclusively for legislative affairs through which it broadcasts directly to the people the entire proceedings taking place in the National Assembly.’

While these dedicated channels may only interest a minority of the population, they fit into a more general picture of increasing fragmentation of media audiences. The importance, however, is that such channels should be accessible to the widest population. From a report in 2005, the French Assemblée Nationale illustrated that potential audiences have been facilitated by the rapid development of digital broadcasting through the parliamentary channel.<sup>5</sup>

Democracy in practice often requires a trade-off between competing norms or values which cannot all be maximized simultaneously. Thus, parliaments have the task of facilitating a government’s legislative agenda as well as scrutinizing and amending it. Parliamentary immunities may protect representatives from executive arbitrariness but also mask potential criminality. Whilst, constituency-based electoral systems may foster ease of access to representatives for their electors, but produce parliaments that are collectively unrepresentative in various respects.

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<sup>5</sup> On 31 March 2005, the launch of terrestrial digital television in France will make it possible to extend significantly the reach of this network, which will be among the 14 channels available for free in digital services.

There are a few basic objectives or values parliaments should require with corresponding requirements, for the realization of possible procedural and institutional means. The central role that parliament plays in a democracy, explains what it means for a parliament to be truly representative, transparent, accessible, accountable and effective in its many functions.

1. Representation requires an elected parliament that is socially and politically representative, and committed to equal opportunities for its members so that they can carry out their mandates. A free and fair electoral system and process as a means of ensuring representation by all sectors of society with a view to reflecting national and gender diversity, for example by using special procedures to ensure representation of marginalized or excluded groups. In many regions of the world, many parliaments have recently become more open and responsive to their electorates, and more relevant to meeting their needs in a rapidly changing world.

There should also be open, democratic and independent party procedures, organizations and systems. Mechanisms are to be put into place to ensure the rights of the political opposition and other political groups, and to allow all members to exercise their mandates freely and without being subjected to undue influence and pressure.

The existence of freedom of speech and association also gives a sense of a democratic system of government, so to a guarantee of parliamentary rights and immunities, including the integrity of the presiding officers and other office holders. Equal opportunities policies and procedures and also non-discriminatory hours and conditions of work should be available for all members.

2. Transparency is also a factor that requires a parliament to be open to the nation and transparent in the conduct of its business. Proceedings open to the public, prior information to the public on the business before parliament, documentation available in relevant languages, availability of user-friendly tools; for example using various media such

as the World Wide Web. The parliament should also have its own public relations officers and facilities including knowledge of legislation on freedom and access to information.

In Trinidad and Tobago, the Parliament has initiated a school outreach programme. It is envisaged that this programme will eventually constitute part of the school curriculum. Witnessing a sitting of the Parliament via the public galleries is a privilege extended by Parliament. Another of its initiatives has been the production of a magazine, *The Parl Buzz*, which is also available to the public. The Parliament seeks to establish parliamentary advocacy with the following objectives:

- To develop relations between members of parliament and their voters, and between local administrators and civil society, in a systematic way
- To organize local training sessions, public discussions and seminars
- To involve local media and elected officials in advocacy work relating to parliamentary activity

This practice of taking parliament out to the people is a typical feature in some countries. Botswana has instituted a 'Parliament on Wheels' in which members and Information offices tour villages to explain the role of parliament in society. South Africa has organized 'democracy roadshows' whose aim has been to take Parliament to communities that do not have ready access to Parliament so as to educate and inform people of how laws are made and how citizens can participate in law-making processes. Its second chamber, the National Council of the Provinces, locates itself in a different province for a week each year, to hold meetings with various stakeholders, especially from rural areas.

3. Accessibility, another contributing factor, through the involvement of the public, including civil society and other people's movements, in the work of the parliament.

Emphasis is placed on the existence of various means for constituents to have access to their elected representatives. Effective modes of public participation in pre-legislative scrutiny, the right of open consultation for interested parties, public right of petition and

also systematic grievance procedures contribute to the importance of accessibility. The possibility for lobbying, within the limits of agreed legal provisions provides assurance of transparency.

4. The accountability of members of parliament is reliant upon the electorate for their performance in office and for the integrity of their conduct. An effective electoral sanctioning and monitoring processes also, reporting procedures to inform constituents enforce a code of conduct. There is a need for an adequate salary for members, a register of outside interests and income and enforceable limits on transparency during election fundraising ventures and expenditure.

5. An effective organization of businesses in accordance with democratic norms and values enhances the mechanisms and resources to ensure the independence and autonomy of parliament, including parliament's control of its own budget. The availability of non-partisan professional staff separate from the main civil service would be seen as an asset. Adequate unbiased research and information facilities for members along with procedures for effective planning and timetabling of business and systems for monitoring parliamentary performance contribute to an effective parliament.

Effective performance of legislative and scrutiny functions is a national issue. To combat this there are systematic procedures for executive accountability, adequate powers and resources for committees and also implementation of accountability to parliament of non-governmental public bodies and commissions.

The active involvement of the parliament in international affairs is to ascertain procedures for parliamentary monitoring. An input into international negotiations as well as overseeing the positions adopted by the government allow for mechanisms of national compliance with international norms and the rule of law to be introduced. The enhancement of a cooperative relationship with state, provincial and local legislatures provides for mechanisms for regular consultations between the presiding officers of the

national and sub-national parliaments or legislatures on national policy issues, in order to ensure that decisions are cognizant by local needs.

### **The Limits and Requirements for Democracy**

If democracy is to work, citizens must not only participate and exercise their rights. They must also observe certain principles and rules of democratic conduct. People must respect the law and reject violence. Nothing ever justifies using violence against your political opponents, just because you disagree with them.

Every citizen must respect the rights of his or her fellow citizens, and their dignity as human beings. No one should denounce a political opponent as evil and illegitimate, just because they have different views. People should question the decisions of the government, but not reject the government's authority. Every group has the right to practice its culture and to have some control over its own affairs, but each group should accept that it is a part of a democratic state. Everyone has a right to be heard. Consider different interests and points of view. Democracy requires compromise. Groups with different interests and opinions must be willing to sit down with one another and negotiate.

In a democracy, one group does not always win everything it wants. Different combinations of groups win on different issues. Over time, everyone wins something.

If one group is always excluded and fails to be heard, it may turn against democracy in anger and frustration. Citizens as well as members, who show willingness to participate peacefully and respect the rights of others, should have some contribution in the way the country is governed.

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