STATE OF DEMOCRACY:

TRENDS FROM THE PILOT COUNTRIES

An Overview of Democracy Assessment Reports in:

**Bangladesh,
El Salvador,
Italy,
Kenya,
Malawi,
New Zealand,
Peru, and
South Korea**

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Acknowledgements

This Report presents a short overview of the findings of democracy assessments conducted in Bangladesh, El Salvador, Italy, Kenya, Malawi, New Zealand, Peru and South Korea during 2000 and early 2001. The core of this assessment is the framework for assessing democracy developed by International IDEA since 1999. This Report is a small part of a more detailed forthcoming volume on the democracy assessment in the eight countries. It has been organised and printed for purposes of sharing the preliminary findings with the staff, management and governing bodies of International IDEA.

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Introduction

This short report aims to give an overview of the findings in the pilot phase of International IDEA's State of Democracy project. The present material is drawn from the up-coming "Volume II" of the Handbook on Democracy Assessment, which forms a companion to the already published *International IDEA Handbook on Democracy Assessment*, and is one of the products of the ambitious research project established by the Institute in 1999. The aim of the project, called *The State of Democracy*, is to initiate a global survey of the condition of democracy and its progress, both on a country-by-country basis and also comparatively. A key feature of the project has been the development of an original research framework and method for the systematic assessment of any country's democracy, to be used by partners in the country concerned. This framework and method was evolved with the assistance of international experts from every region of the world, and is intended to be as applicable to long established democracies as to developing or transitional ones. It has now been successfully tested in a pilot phase in eight countries from Africa, Asia/Pacific, Europe and Latin America. Each of the research groups has now produced a full report on the condition of democracy in their country, and these reports are being published in-country as a contribution to public debate and to assist the process of political reform.

The comparative volume on what this report is extracted has three purposes. The first is to bring the eight assessments together in one volume in summary form, so that they are available to a wider readership. These summary assessments form the bulk of the volume. The fact that they use a similar format, following the fourteen sections of the framework in turn, gives an internal coherence to the collection, even though the countries differ widely and the findings of their respective research teams also differ in content, emphasis and presentation.

The second purpose of the volume is a comparative one. Comparison of a number of countries can itself serve different purposes: to establish a range of variation, to identify individual distinctiveness, to draw out common features, and many more. What we are not interested in is drawing up a league table of the eight countries across the different aspects of democracy covered; they differ too widely for that to make sense. Their more appropriate comparators would be with their regional neighbours or with some point in their own past, or both. The point of the tables which form the final chapter of the volume is to establish some key democratic indicators for each of the fourteen dimensions of democracy, and to use them to give a 'snapshot' of each country's condition which will complement the more discursive treatment of the assessment summaries. We hope that others can use these indicators in the assessment of a wider range of countries.

The third purpose of the volume is to draw out from the individual country assessments some general conclusions about the democratisation process to date, its achievements and difficulties. Many of the difficulties are ones that are shared with longer established democratic systems, albeit experienced in a more acute form. Others are more specific to countries in transition. These general conclusions will be summarised in this introductory chapter, which begins by asking about the purpose of democracy assessments, and the method used in the pilot studies.

How did the countries for the pilot phase of the project come to be selected? Somewhat randomly, if the truth be told. We decided to exclude federal states because of their complexity, and states for which no plausible claim could be made to democratisation, because of their inappropriateness. We then selected a range of different regions and countries. Obvious omissions from the list, such as countries from East-Central Europe or the former Soviet Union, would be more worrying if this claimed to be a comprehensive survey, rather than the pilot testing of a methodology. We included two longer established democracies for a number of reasons: to convince ourselves that the framework could be used anywhere; to show that no country is perfect, but that all have much room

for improvement from a democratic point of view; above all, to avoid the impression that this project was another exercise of the North sitting in judgement on the South. In any case, the assessments have been undertaken by experts who are citizens of the country being assessed, and many of them have been more critical than we as sympathetic outsiders could have been.

Why Conduct Democracy Assessments?

With the widespread establishment or re-establishment of democratic forms of government in all regions in the 1990s has come a desire to assess how well they are doing, and how much progress has in fact been made. What are the key problems faced by recently established democracies? Can some aspects of the democratic process be more easily introduced and become rooted than others, and, if so, which? What are the distinctive features of democratic development in individual countries? Such questions are given added urgency by a common perception among electorates that their democratic arrangements have not delivered anything like what they have promised, and that the global triumph of democratic norms has not been matched by comparable changes in governmental practice.

A similar feeling of disillusionment with the political process has also been prevalent in longer established democracies, as evidenced by declining electoral turnouts, declining membership of political parties, and other indicators. Governments often appear to be more concerned with presentation than performance, and to be remote from citizens' daily concerns. In all countries people have come to feel that many of the decisions that matter for the quality of their lives are no longer within the competence of the elected government, but have escaped beyond the borders of the nation-state, to international organisations, transnational companies, or the imperatives of globalisation and international markets.

It is in this context of a general commitment to the norms of democracy, but of worries about their practical realisation, that the idea of democracy assessment should be located. This idea involves a systematic assessment by its own citizens of a country's political life in order to answer the question: how democratic is it in practice? Where is it satisfactory from a democratic point of view, and what features should be a cause for concern? How far have we progressed, and what remains still to be done? How can we improve on what we have already achieved? Such an assessment can serve a number of purposes. From the perspective of a country's citizens it can:

- serve to raise public awareness about what democracy involves, and public debate about what standards of performance people should expect from their government;

- provide systematic evidence to substantiate popular concerns about how they are governed, and set these in perspective by identifying both strengths and weaknesses;

- contribute to public debate about ongoing reform, and help to identify priorities for a reform programme;

- provide an instrument for assessing how effectively reforms are working out in practice.

In all these ways a democracy assessment through its publication and dissemination can make a contribution to a country's democratic advance, whether in developed, developing or transitional democracies.

From a more comparative perspective, democracy assessments can also:

- serve to highlight common problems shared by a number of countries;

- help identify what is distinctive about a given country's situation or democratic institutions, by comparison with others;

- bring to light examples of good practice or innovative problem-solving.

While the full country assessments are designed to meet the first set of objectives, this comparative volume also fulfils the second.

What is Distinctive about International IDEA's Assessment Framework and Method?

With the worldwide expansion of democracy in the 1990s, and its promotion by international institutions, there have been many attempts to assess its progress. International IDEA's assessment framework and method has aroused widespread interest because of a number of distinctive features, which are exemplified in this assessment report. These distinctive features can be summarised as follows:

- **Clarity of principles:** rather than offering an arbitrary checklist of items, the method derives the institutions and criteria for assessment in a systematic manner from basic democratic principles and values.

- **Comprehensiveness of framework:** the framework provides the most comprehensive overview of the essential features of democracy, while encouraging a differentiated assessment of strengths and weaknesses in each area, rather than aggregating them into a single conclusion or numerical 'score'.

- **Flexibility of assessment:** within a common framework of analysis, country experts are able to determine their own standards and comparators for assessing progress or the lack of it, and their own selection of appropriate evidence, according to their country's specific situation.

- **Country ownership of the assessment process:** a basic assumption is that the right people to assess a country's democracy are its own citizens, rather than outsiders sitting in judgement upon it; and that any assessment should facilitate wider public involvement and debate.

- **Range of use:** old as well as new democracies can and should be subject to a similar framework and method of assessment.

These features merit further explanation, as they have determined the shape and content of the individual country reports.

Clarity of Principles

Democracy is usually defined as a set of governmental institutions or processes, but people rarely stop to think what it is that makes these institutions *democratic*. Thus when these institutions are used, as they frequently are, for *undemocratic* purposes, the automatic association of them with democracy simply results in democracy itself being given a bad name. The assessment framework being used here starts from the proposition that democracy should be defined in the first instance by its basic principles or values. It is these that make particular institutional arrangements democratic, and they provide the litmus test of how democratic they are in practice.

What are these principles? They are twofold: *popular control* over public decision making and decision makers and *equality between citizens* in the exercise of that control. Insofar as these principles are embodied in governing arrangements we can call them 'democratic'. These are the principles that democrats in all times and places have struggled for: to make popular control over public decisions both more effective and more inclusive; to remove an elite monopoly over decision making and its benefits; and to overcome obstacles such as those of gender, ethnicity, religion, language, class, wealth, etc., to the equal exercise of citizenship rights. Democracy is thus not an all-or-nothing affair, but a matter of degree - of the degree to which the people can exercise a controlling influence over public policy and policy makers, enjoy equal treatment at their hands, and have their voices heard equally.

These principles are broad and strong ones, but they require to be specified more precisely in the context of a system of representative government, in which the people assign to others the right to decide public policy on their behalf. So we need to identify a set of mediating values, through which these two principles are realised in practice. These are the values of *participation, authorisation, representativeness, accountability, transparency, responsiveness* and *solidarity*. It is from these values that the familiar institutions of representative government derive their democratic character, and it is these values that can be used in turn to assess how democratically they actually work in practice. So, for example, it is through their *participation* in the electoral process that the people *authorise* politicians to act on their behalf, and that they choose a *representative* assembly, which they can hold *accountable* through the sanction of future electoral dismissal. These values are what make elections democratic. Yet we also need to ask of any given electoral system or process: how much popular participation does it actually encourage? How directly and effectively does it authorise government? How representative an assembly of the citizen body does it produce and how equally are votes treated in practice? How credible is the accountability of an elected government to the people through the sanction of future dismissal?

It is this two-way relationship between values and institutions that give the democracy assessment process its intellectual foundation and validity. The relationship is illustrated diagrammatically in the accompanying table. The first column of the table lists the main mediating values that derive from our two democratic principles. The second column sets out what is required for these values to be made effective. The third column lists the typical institutions through which these requirements can be met in a system of representative government. Together they build up the main features of what is to be assessed and the criteria by which that assessment is to be made.

Democratic Principles and Mediating Values

Basic principles:

> ***Popular control***   over public decision making and decision makers
> ***Equality***   of respect and voice between citizens in the exercise of that control

Mediating values	Requirements	Institutional means of realisation
Participation	- Rights to participate - capacities/resources to participate - agencies for participation - participatory culture	- Civil and political rights system - Economic and social rights - Elections, parties, NGOs - Education for citizenship
Authorisation	- Validation of constitution - Choice of office holders/programmes - Control of elected over non-elected executive personnel	- Referenda - Free and fair elections - Systems of subordination to elected officials

Representation	• Legislature representative of main currents of popular opinion • All public institutions representative of social composition of electorate	• Electoral and party system • Anti-discrimination laws • Affirmative action policies
Accountability	• Clear lines of accountability, legal, financial, political, to ensure effective and honest performance civil service and judicial integrity	• Rule of law, separation of powers • Independent auditing process • Legally enforceable standards • Strong parliamentary. scrutiny powers
Transparency	• Government open to legislative and public scrutiny	• Freedom of info. legislation • Independent media
Responsiveness	• accessibility of government to electors and different sections of public opinion in policy formation, implementation and service delivery	• Systematic and open procedures of public consultation • Effective legal redress • Local government close to people
Solidarity	• Tolerance of diversity at home • Support for democratic governments and popular democratic struggles abroad	• Civic & human rights education • International human rights law • UN and other agencies • International NGOs

The Assessment Framework: Overview

I. Citizenship, Law and Rights

1.0   Nationhood and citizenship

Is there public agreement on a common citizenship without discrimination?

2.0   The rule of law and access to justice

Are state and society consistently subject to the law?

3.0   Civil and political rights

Are civil and political rights equally guaranteed for all?

4.0   Economic and social rights

Are economic and social rights equally guaranteed for all?

II. Representative and Accountable Government

5.0   Free and Fair elections

Do elections give the people control over governments and their policies?

6.0   Democratic role of political parties

Does the party system assist the working of democracy?

7.0   Government effectiveness and accountability

Is government accountable to the people and their representatives?

8.0   Civilian control of the military and police

Are the military and police forces under civilian control?

9.0   Minimising corruption
Are public officials free from corruption?

III. Civil Society and Popular Participation

10.0   The media in a democratic society
Do the media operate in a way that sustains democratic values?

11.0   Political participation
Is there full citizen participation in public life?

12.0   Government responsiveness

Is government responsive to the concerns of its citizens?

13.0   Decentralisation

Are decisions taken at the level of government which is most appropriate for the people affected?

IV. Democracy Beyond the State

14.0   International dimensions of democracy

Are the country's external relations conducted in accordance with democratic norms, and is it itself free from external subordination?

Comprehensiveness of the Framework

The assessment framework employed in the individual country reports comprises fourteen sections covering every aspect of democracy. Following the logic of the value-based diagram, it begins with the citizen and his or her rights, moves on to the institutions of decision making, representation and accountability, examines the contribution of civil society to the realisation of democratic values, and concludes with the democratic profile of the country internationally. An overview of the framework with its fourteen sections and their leading questions is given in the accompanying table. *(See the Assessment Framework Overview table; previous page).*

The different sections should be seen as inter-related, since democracy is a matter of relationships rather than isolated institutions. Thus governmental accountability depends on the independence of the courts, on the media, on popular participation, and so on, not just on the integrity of office-holders or the rules governing their performance in office. At the same time these different aspects of democratic life have to be treated separately for effective analysis and assessment, and that is what is done in each assessment report. There is another reason for treating them in this way, and that is that it allows for a differentiated judgement, since a country may perform better in some areas than others, or in some respects than others. Not all the democratic values or practices necessarily fit neatly together. An electoral system may produce a highly representative legislature, but one that is also less clearly accountable to its electorate. A legislature may have strong checking powers over the executive, but the executive may have difficulty in achieving the policy programme on which it was itself elected. Government may be highly responsive to the public, but some sections of the public may have disproportionate influence over it. And so on. The framework's structure allows these differentiated judgements to be made.

Much more could be said here about the content of the framework, but that is best left to a reading of the summary reports themselves. Two aspects of the framework, however, deserve comment, since they are more contested than others are. The first is the inclusion of a section on economic and social rights alongside the more usual civil and political ones. Many political scientists take the view that democracy is about the processes of public decision making rather than its outcomes; and that the delivery of economic and social rights is only one possible outcome of government, which is contested between different political parties in their policy programmes. Our view, in contrast, is that the inclusion of an economic and social rights audit is justifiable in terms of both process and outcome. As regards *process*, it is a necessary condition for the exercise of civil and political rights that people should be alive to exercise them, and should have the capacities and resources to do so effectively. As regards *outcome*, people rightly judge the quality of a democracy in terms of its ability to secure them the basic economic and social rights on which a minimally decent life depends. If democracy cannot deliver better outcomes in this respect than authoritarianism, why should they support it?

We have similarly argued for the inclusion of a further section, on the international dimensions of democracy. Its rationale is that countries do not form isolated units, but are mutually interdependent, especially in their degree of democratic progress. So it is entirely relevant to consider how far the external profile of a country's policy is supportive of democracy abroad. By the same token, the extent to which a country's internal policy is determined by unaccountable external powers is also highly pertinent to an assessment of its democratic condition, and its capacity to be truly self-governing.

Flexibility of the Assessment

Each of the sections contains a number of assessment questions, which are designed to concentrate attention on the key democratic issues in the particular area. All the questions are phrased in the comparative mode - *how much? how far? to what extent?* etc. - to reflect the view that democracy is a

matter of degree, not all or nothing. They are also all designed to point in the same direction, so that an answer which amounts to 'very much' will show a clearly democratic situation. A final question in each section aims to assess the situation dynamically by identifying reform measures currently being implemented. The full list of assessment questions is printed at the end of this introduction.

The framework also gives assessors some guidance on how an answer might be approached, and what sort of data would be relevant to answering each question. Typically we need to know, first, the legal position in a given area; then how effectively the law is implemented in practice; then any positive or negative indicators which are relevant to the question. So, for example, in answering a question about the freedom of assembly, we would need to know what rights are guaranteed in the country's laws and constitution, and any legal restrictions on their exercise. We would then need to know how effectively these rights are upheld in practice, and how any restrictions are interpreted, and at whose discretion. Finally we would need to examine data on meetings or assemblies refused permission, or disrupted officially or unofficially, on levels of violence, injuries or deaths incurred, etc., and assess their incidence and significance in relation to those allowed and held peacefully.

Within these parameters of the framework, the country assessors have had considerable discretion as to how they have constructed their answers, and what kinds of answer they have given. An assessment is essentially a matter of judgement. This is especially so in respect of deciding what counts as a *good* standard of achievement, and what are the appropriate comparators against which a country's performance should be assessed. Even when all the evidence is in, it is still a matter of judgement whether a country is doing well in any particular aspect of democracy. Should the standard of assessment be progress from a country's own past, or a comparison with the performance of its neighbours, or the expectations of its citizens, or some international norm of best practice? Most of our country assessors have wanted to refer to the past, both as a measure of progress, and because any assessment requires a historical context to make it intelligible. They have also wanted to employ a future-oriented standard as a target for improvement, though they have differed over what this standard should be, and over whether this should be simply left implicit in the assessment.

Such questions cannot be decided centrally, but must be a matter for each country's assessors. What they have all been asked to do, however, is to identify strengths as well as weaknesses, from a democratic point of view, since there is often a tendency simply to concentrate on bad news, as any reading of a typical human rights report exemplifies. They have all also been asked to write a brief summary of each section, which highlights the main points found in the more detailed question answers, so that a reader can quickly see what the main issues of a section are for the country concerned. These summaries form the basis of the abridged assessments included in this volume.

Country Ownership of the Assessment Process

It should be evident from everything that has been said so far that these democracy assessments are the work of experts who are citizens of the country being assessed. Some assistance has been provided from International IDEA in the form of resources and additional expertise, as well as of course the framework and method itself. Any country assessment can benefit from the experience and perspective of sympathetic outsiders, as these have done. However, the painstaking work of data collection, selection and analysis, and writing a finished report, has been the work of resident assessors with a suitable range of expertise to cover the widely different elements of the country's democratic life. They know the country best. They have a close interest in its democratic development. And it is right that they should take responsibility for the finished assessment, and the judgements it makes.

Other people than the core assessment group have also contributed to the reports. One of the common features of the pilot studies has been the convening of a national workshop towards the end of the process of assessment, to discuss a draft report and its provisional findings. The purpose

of the workshop has been to expose the analysis and the findings to the critical opinion of other experts, and to a wide range of different political perspectives. These workshops have typically included such figures as parliamentarians, lawyers, human rights workers, electoral commissioners and other officials, representatives of minority groups, journalists, and so on, as well as other academic experts. In some cases these workshops have aroused substantial media comment, and have already made a contribution to public discussion and debate. In all countries the process of workshop dialogue and critique has contributed substantially to the rigor and independence of the finished reports.

Range of Use

The International IDEA assessment framework and method can be used equally in old and new democracies, and both are represented in the pilot phase of the programme. The history of the framework's evolution helps explain its range of applicability. It was originally developed in a much shortened version for the Democratic Audit of the United Kingdom, a democracy assessment that was prompted by widespread concern at the country's democratic condition in the late 1980s and 1990s. This framework was then further developed and expanded to adapt it to the conditions of developing democracies, and was subjected to rigorous critique and revision at the hands of an international panel of experts convened by IDEA, drawn mainly from the South. The resulting framework thus incorporates the concerns and experience of democratic analysts and practitioners from all the world's regions.

It is not only the history of the framework's development, however, that justifies its general applicability. It is also based on a conviction that democracy is now a universal aspiration, and of universal relevance, even though countries are at very different stages in their political evolution. The experience of the last decades also demonstrates that all our democracies, at whatever stage of evolution, share similar problems, though these may be more acute in some countries than others. As the recent history of the established European democracies shows, problems of second class citizenship, 'money politics', corruption in party financing, lack of executive accountability and transparency, and many others, are not confined to developing or transitional democracies. And the US Presidential elections of 2000 served as an object lesson to the rest of the world in how not to run an election 'freely and fairly'. We all need, and can equally benefit from, an independent and systematic assessment of our democratic condition.

If many of our problems are similar, the solutions to them will not all be the same, but will depend upon local circumstances and traditions. It is not the task of a democracy assessment to canvass particular solutions to the deficiencies it may have highlighted, but to contribute more generally to the process of reform through the systematic character of its analysis. Yet it may also be that it can throw up examples of good practice, or successful reform, that can prove useful to others, whether these come from the innovations of newly established democracies or the tested practices of the older ones.

1. NATIONHOOD AND CITIZENSHIP – SUMMARY OF FINDINGS

Bangladesh

Is there public agreement on a common citizenship without discrimination?

The population of Bangladesh is predominantly Bengali (98%) and Muslim (85%), thus creating the basis for cultural harmony. However, three discernible minorities have been disadvantaged. Aboriginal groups sharing a common descent with Indian hill populations on the southeastern border were a continual thorn in the government's side until the signing of the Chittagong Hill Tracts Accord in 1997. A quarter of a million displaced 'Biharis' continue to live in squalid camps within the country's borders. The more numerous Bengali Hindus remain vulnerable to the repercussions of anti-Muslim incidents in neighbouring India, though their citizenship status is secure.

Formally the Constitution provides a basis for national consensus. However, most of its provisions can be altered by a parliamentary bill requiring a two-thirds vote of all members. In addition, disagreements over its interpretation allow for constitutional protections to be eroded by normal Parliamentary legislation on a simple majority vote. This situation renders the Constitution itself vulnerable to the persistent divisions of party politics, and the desire of governments to maintain themselves in power.

El Salvador

Is there public agreement on a common citizenship without discrimination?

The people of El Salvador are formally equal under the constitution. But Salvadoran society is divided by a deep economic cleavage between rich and poor, maintained during the last century through military repression. The 1992 peace accords partially established mechanisms for democratic participation, but small elite dominates political, social and economic life. The elite has fostered a feeling of national pride through its control of the mass media and the public believe that El Salvador is the Israel or Japan of Central America.

Major public appointments are made through the Legislative Assembly, where the right-wing coalition partners, Arena and the PCN, monopolise most appointments, including the judiciary and higher reaches of the public service. However, legislative patronage is shared with other parties (for example, since 1992 the FMLN has had a say in appointing to the electoral tribunal, the ombudsman service and judiciary). The often corrupt party input into public appointments perpetuates the elite grasp on the levers of public life and prevents the public service from developing an independent professional ethic of its own.

Minorities

The great majority of the indigenous Indian population (90%) live in abject poverty. The state has no policies to bring them economic or social equality. There is no legal recognition of the rights of homosexuals and lesbians. A citizen's group complained about state neglect of HIV-positive people to the Inter American Commission on Human Rights and the IACHR has strongly recommended the Salvadoran government to provide AIDS sufferers with proper medical treatment and nurture.

Italy

Is there public agreement on a common citizenship without discrimination?

In general, the acquisition of citizenship, mainly regulated according to *jus sanguinis*, is quite difficult, and this is more and more problematic since Italy, once an "emigration country" became, since the nineties, a "country of immigration".

Equality between women and men is legally granted, but the UN Human Rights Committee (1998) mentioned persisting discrimination against women on the job market. First, in 1997 the Ministry of Equal Opportunities was instituted to remedy this *de facto* inequality. The UN Committee on Economic, Social and Cultural Rights has emphasized the weak legal protection for homosexuals.

The Italian Constitution protects linguistic minorities "by means of special provisions". However, only very recent legislation (Law N.482/99) has attempted to give juridical status to minority linguistic groups.

Until the eighties, immigrants have enjoyed very little legal protection. A limited (although growing) number of human rights are granted now to non-citizen residents. With the exception of the citizens of the European Union, who obtained the right to vote in administrative, municipal and council elections of their places of residence, non-citizen residents have no right to vote.

Although in the past, Italy has experienced a relatively low number of racist incidents compared to other European countries, during recent years, owing to the growth in the number of immigrants, these incidents have been on the increase. Although Italian legislation has showed an awareness of new phenomena such as racism and intolerance by introducing ad hoc provisions, the fear of the "illegal immigrants" as potentially delinquent is widespread. The European Commission against Racism and Intolerance of the Council of Europe has identified some crucial areas - such as more awareness - raising again intolerance; more reliable and efficient implementation of the legislation against racism and intolerance; strengthening co-operation between the state, voluntary organisations and NGOs dealing with assistance to immigrants - on which Italy should focus.

By and large, Italy does not have a tradition of positive discrimination for disadvantaged groups. A heavy influence of the Catholic Church also restricted or delayed some individual liberties in particular on family issues and sexual behaviour. A homophobic culture limited rights for homosexuals and delayed women's rights.

Kenya

Is there public agreement on a common citizenship without discrimination?

Citizenship in Kenya is inclusive and formally equal for all the country's minorities. However, many groups feel vulnerable, especially populations which are in a minority in a number of rural areas, and those with cross-border affiliations. Moreover, the fact that political parties tended to be supported along ethnic lines, combined with the unbroken rule of KANU for nearly forty years, has meant that those who do not belong to KANU's constituency have felt like second class citizens.

This division has also led to fundamental disagreements over the Constitution, which has been regularly amended by KANU, sometimes without parliamentary debate, to further centralise and concentrate power in the hands of the executive Presidency.

Proposals from opposition parties and civil society groups for radical constitutional revision in the direction of greater pluralism and accountability have been the source of much friction with

government, with the effect that two rival commissions have emerged (1999), one led by religious leaders with support of the civil society and the other by parliament.

Malawi

Is there public agreement on a common citizenship without discrimination?

In general, citizenship and nationhood have not been contentious issues, although in relation to citizenship, the Constitution's guarantee of equal protection of "all peoples" is undermined by legislation whose effect is to discriminate against married women citizens and by the fact that it can be abused easily to deny or revoke the citizenship of members of minority groups.

The population of Malawi is quite diverse in composition. Yet, there are no effective constitutional or political mechanisms for diffusing any tension, which may arise between the different population groups. The accretion of cultural differences before and since colonisation seems to call for public policy though at present there is little cultural friction.

Border disputes do not seem to be mixed up with cultural questions, though in the past Malawi caused some frustration by periodically hardening its Mozambican border, keeping aid from refugee camps.

Constitutional amendments, which affect the substance of the guarantees of human rights, including those related to citizenship, require a referendum but most other amendments only require a two-thirds vote of the National Assembly.

New Zealand

Is there public agreement on a common citizenship without discrimination?

There is wide public agreement on the ideal of a common citizenship without discrimination. This is reinforced by law. Despite this, there are groups, particularly amongst the Maori and Pacific Islander population, which statistics demonstrate clearly suffer from inequalities. Politicians seeking to gain political support have occasionally campaigned against migrants and minority ethnic groups, especially Asians, who have migrated to New Zealand in increasing numbers in the 1990s. Historically, immigration policy heavily favoured European migrants.

The issue of Maori sovereignty and self-government remains contentious. The 1840 Treaty of Waitangi between the indigenous Maori people and the British Crown, which guaranteed to Maori the 'sovereignty' over their lands, estates, forests, fisheries and other properties, has assumed considerable constitutional significance, and has been of practical value in resolving differences between Maori and non-Maori. The Waitangi Tribunal hears disputes relating to the Treaty and makes recommendations to government.

The 1990 Bill of Rights Act and the 1993 adoption of the MMP electoral system have ensured greater legal protection and political representation to minorities. Some constitutional provisions are entrenched, and require a 75% majority of all members of Parliament, or a simple majority in a national referendum, to change. In general, major constitutional change is not now considered politically possible without a referendum.

Peru

Is there public agreement on a common citizenship for all without discrimination?

Numbering approximately 10 million people (40% of the population), indigenous highland groups make up a sizeable proportion of the Peruvian population. Social change and increased mobility have hastened rural-urban migration and prompted greater inter-mixing throughout the twentieth century

– a process accelerated by the *Shining Path's* bitter war against the government (1979-1993). The war and economic deterioration during the 1980s appears to have created popular support for President Fujimori's strong government, which, elected in 1989, seized absolute power in 1992 by dissolving the courts and congress. Peru's political history is punctuated by episodes of military rule, and this may explain why President Fujimori's 'self-coup' or *Autogolpe* encountered little domestic opposition.

In 1993, it became clear that President Fujimori's government was losing popular support. The government proposed a new constitution, which the people were asked to approve. Many Peruvians saw the deletion of protection for social and economic rights from this document as a major step backwards, and the Constitution was endorsed with only a small margin of support. The deletion of these rights was symbolic in a country where high degrees of inequality have a major impact on the quality of citizenship.

In spite of the fact that indigenous groups are as a whole greatly disadvantaged in comparison with Spanish-descendant Peruvians, it is widely held that quality of citizenship is not determined by ethnicity so much as by social class and geography, which affect access to resources. Poverty and low-value citizenship are foremost a rural problem, and indigenous people predominate in rural areas. However, that rural areas have been allowed to develop such pressing social problems is as much a reflection of the government's failure to prioritise minority issues as it is the consequence of 'under-development'. Various governments have failed to design policies to realise sensitive constitutional protection for cultural rights, and under Fujimori indigenous groups have seen unoccupied communal lands confiscated and sold or wrecked by uncontrolled wood and oil exploitation; the government also replaced traditional systems of tenure with individual titles with little attempt at consultation.

Living in rural areas has other adverse effects on the quality of citizenship.

- During the period of war against the *Shining Path*, military service obligations were enforced more rigorously in rural areas than in the towns and cities, and returnees now frequently face interrogation by the authorities concerning possible support for the *Shining Path* and their military service record.

- The state bureaucracy in rural areas is ineffective, making it difficult for rural people to obtain identity papers, which affects their ability to find work in the towns.

- People moving from the towns back to the countryside may find neighbours have appropriated their land and farms.

Issues such as these have increased discontent among the poor, who initially rallied around the Fujimori government's strong line on corruption and the armed conflict, and among urban populations, who fear the effects of economic stagnation at a time when the government's attention appeared focused on bending the Constitution to obtain a third term in office.

The government has all but succeeded in ending the *Shining Path*'s insurgency – the importance of this for the rural poor cannot be underestimated.

South Korea

Is there public agreement on a common citizenship without discrimination?

Korea is basically a homogenous society, consisting primarily of one ethnic group, "Han." As such, there is no serious dispute on the questions of citizenship and national boundaries, although problems might arise in the future regarding how to treat North Korean residents who move to the South. Ethnic and linguistic homogeneity as well as shared historical and cultural lineage have prevented South Korea from suffering from any ethnic cleavages and minorities problems.

However, two problems can be envisaged. One is the prolonged national division between North and South Korea, and its implications for ethnic conflicts in the future that might result from socio-economic gaps. The other is newly formed minorities such as ethnic Chinese, foreign workers, and other disadvantaged minority groups. Parochial nationalism has made these groups fail to get a fair and equal treatment.

While the situation for minorities is getting better in recent years due to many voluntary civic groups' efforts and the changing culture (a greater tolerance for diversity), this improvement in the social arena has yet to be institutionalized in the political arena. As most minority groups and their representative organizations are politically weak, they are having great difficulties in making their demands heard politically and thus making policy changes necessary to protect their rights institutionally. In other words, only a small part of the Korean society is showing compassion for these minorities, while the public at large is still not very much concerned with the protection of their basic rights. Recent inter-Korean rapprochement has helped exchanges and cooperation between two Koreas, but is not sufficient to narrow the widening heterogeneity gap between the two.

2. THE RULE OF LAW – SUMMARY OF FINDINGS

Bangladesh

Are state and society consistently subject to the law?

The rule of law prevails in Bangladesh in the sense that the government is subject to laws passed by the people's representatives, and that the laws are interpreted and enforced by a judiciary that is independent of the executive. However, the dominance of the executive over Parliament through its ruling majority, typical of a 'Westminster' parliamentary system of government, allows a government to change the law to suit its convenience. Given that the constitutional Bill of Rights contains many limitations and exceptions, these provide loopholes for legislation, which restricts citizens' basic rights. So, for example, the Special Powers Act of 1974 allows for persons to be kept in detention indefinitely, and under this legislation around 21,000 people were detained between 1981 and 1990. It remains in force. The newly added Public Safety Act of 2000 has proved a repressive instrument, for example in its partisan use against opposition leaders and other political activists.

The court system offers a fair hearing to accused persons, but the lack of effective legal aid means that many cannot afford legal representation. In addition, the huge backlog of cases leads to considerable delays and to the accused sometimes spending longer in prison awaiting trial than they would if sentenced. Bail decisions are frequently arbitrary and subject to corruption, and jails are overcrowded. There is widespread distrust of the criminal justice system; and the cost and delays in civil litigation make alternative dispute resolution by traditional village leaders popular in rural communities.

El Salvador

Are state and society consistently subject to the law?

Historically, the Salvadoran judiciary has been subject to executive and military control, politicisation and corruption. Since a Truth Commission report on judicial corruption in 1991, great efforts have been made to establish and train an independent judiciary and legal profession and to institute objective administration of justice. A constitutional amendment in 1991 secured a fixed share of the state budget for the administration of justice, thus giving the judiciary financial independence. New rules were instituted to remove judicial appointments from the direct influence of the ruling parties, military and economic elite, but the three main parties still appoint the Supreme Court from the lists of candidates submitted for appointment.

Judicial corruption and the traffic in influences remain a long-standing cultural problem and the reforms have not yet won public confidence. Yet there are hopeful developments. Lawyers' organisations are now insisting on due impartiality. The police can no longer rely on forced confessions and must use modern methods of investigating crime. The Supreme Court's judicial investigation department monitors the performance of judges and investigates "unsatisfactory performance".

Formally the state and all its officials and all Salvadoran citizens are equally subject to the rule of law and access to justice and legal defence for accused persons is free for all. In practice it is the poor who feel the weight of the law – often for crimes associated with poverty - while corruption in high places goes unpunished. The under-funded Legal Assistance Office fails to provide a satisfactory legal defence service.

Italy

Are state and society consistently subject to the law?

The main territorial limitation to the rule of law is represented by the presence of various Mafia. The influence and nature of Mafia have undergone many changes, and new types of Mafia have emerged as a consequence of immigration and the end of the cold war. Unclear links between political parties and Mafia have been repeatedly affirmed, even by parliamentary committees set up to investigate the phenomenon. The main charge was that Mafia clans supported party leaders by mobilising votes in the territory under their control in exchange for 'assistance' in getting public works contracts and manipulating criminal records where Mafia members were on trial. The new business for Mafia is money laundering which has been further developed thanks to the introduction of new technologies. The struggle against the various Italian Mafia received growing attention since the eighties, thanks to some reform in the organisation of the investigative actors and increasing power given to them. Anti-Mafia legislation has brought about stiffening of some preventive measures. However, a side effect of globalisation has been the development of new forms of organised crime. If the state re-gained some control on its territory, the Mafia use now a different modus operandi where the control of the territory is less central.

Italy has also experienced the interference of paramilitary forces which operated behind the scenes, in alliance with segments of the secret services or, at least with their connivance. The most structured attempt to create an occult form of government was the so-called "Loggia P2", operating during the seventies.

The role played in both the economic and political systems by networks of personal trust based on blood and friendship ties or patronage relations contributed to the survival of Mafia groups. The weak institutionalisation of distinct political and economic spheres produced a pathological association of economic and political power. Confusion between legal and illegal spheres also fuelled corruption.
Although the judiciary has a high level of institutional autonomy, the increasing number of investigations into on political corruption have resulted in increasing criticism and attempts to limit such autonomy. The principle of a just trial, already inferable from Article 111 of the Constitution has been implemented by constitutional law 2/99. However, several shortcoming of the judiciary system are to be mentioned. A most disturbing issue is the length of the trial, which cost the Italian system several condemnations by the European Court of Human Rights. The UN Human Rights Committee has also expressed concern regarding preventive detention. In addition, the situation of the Italian prisons is very alarming and violations of human rights have been frequently recorded. The UN Human Rights Committee (1997) and the UN Committee against torture issues (1999) pointed out that the Italian prison system remains overcrowded and lacking in facilities which made the overall conditions or detention not conducive to the efforts of preventing inhuman or degrading treatment or punishment.

Kenya

Are state and society consistently subject to the law?

It is accepted in general terms that the Kenyan State claims to uphold the rule of law. But that is as far as it goes. Since the birth of the Kenya State in 1963, many governments and public officials have consistently deviated from norms of the rule of law with impunity. This has been done through self-serving amendments to the constitution and selective invocation of domestic law to interfere with the independence of the judiciary and assault the enshrined individual rights with serious repercussions to political, economic, and individual rights and freedoms. The upshot of the assault to the rule of law are the tribal clashes that have occurred in the Rift Valley, Western Kenya, Coastal region, and

most recently, Laikipia district. The issue is further complicated by the remnants of English-derived law from the colonial period, and customary law in personal matters.

The rule of law in society is compromised by the existence of an informal 'bandit economy, of vigilantism, private militias and a general commercialisation of lawlessness in land grabbing, arms and drugs smuggling and cattle raiding. In general, state and society are not consistently subject to the rule of law, with evidence of a symbiosis between corruption and crime. Also women are discriminated against in terms of inheritance, customary and citizenship laws. The police, penal system and judiciary show much evidence of abuse and corrupt practice.

Malawi

Are state and society consistently subject to the law?

The operation of the rule of law in Malawi is complicated by the fact that there are two regimes of law, which are not always in concert. Traditional customary law governs many aspects of the personal lives of the vast majority of Malawians but it conflicts with state law in a number of important areas. Although there is no attempt to harmonise the rules of these two bodies of law, their respective judicial systems have been integrated in practice since 1997. The resulting unified legal system has a high degree of institutional independence although its impartiality in some specific cases has been questioned.

For the vast majority of people, the more immediate problem is the inaccessibility of the judicial system and justice mainly due to low levels of rights awareness in the population, the prohibitive costs of legal services and the fact that court proceedings are conducted in English, which the majority of the population does not understand.

New Zealand

Are state and society consistently subject to the law?

As a generalisation it can be said that the New Zealand State and society are consistently subject to the law, and that the criminal justice and penal system operates in an impartial manner. The New Zealand legal system descends directly from that of the United Kingdom, and consists of common law both inherited from Britain and developed in New Zealand and statutes of the New Zealand Parliament. While it is Parliament's role to make the law, it is the independent judiciary who must interpret and apply these laws. Generally the independence of the judiciary from the executive is respected, and the judiciary have been largely free from political interference. But ultimately the doctrine of parliamentary sovereignty means that governments may override judicial decisions with which they disagree, by using their parliamentary majority to amend the law.

The New Zealand Court system has three tiers in New Zealand (plus the UK Privy Council outside): the Court of Appeal, the High Court, and the District Court and a number of specialist courts. Legal aid is available for those who cannot afford legal representation, though increasing demand has strained its provision and quality. Over 80% of court cases are disposed of within a 52-week period. While it is argued that more police are required for law enforcement, reported crime dropped 5.1% for the year ending June 2000, and the police continued to maintain a 'clearance' rate of over 40%. However, over 90% of the electorate supported a referendum run in conjunction with the 1999 general election calling for tougher penalties for violent crime and more victim support. The abolition of the death penalty in 1989 did not enjoy universal support among the population.

Public officials remain fully subject to the law. Cases of maladministration are dealt with by independent Ombudsmen. The Protected Disclosures Act 2000 provides protection for those who `blow the whistle' on serious wrongdoing in the workplace.

Peru

Are state and society consistently subject to the law?

Executive dominance, corruption and the military's legacy as 'guardian' of the republic have prevented the rule of law from becoming firmly established in Peru. Recent governments have been proud of their 'pragmatic' approach to modernisation and the pursuit of stability, however, although such policies were successful in the short-term (e.g. privatisation and the prosecution of the war against the *Shining Path*), the medium-term effects have been more ambivalent. Under the Fujimori government, reforms appear to have:

- Widened the gap people perceive between themselves and the law;

- Confused the distinction between the government and the state;

- Reinforced traditional, personalistic forms of governing;

- Damaged already weak bonds between citizens and the state, encouraging a more opportunistic, individualised attitude to the law, in which the law is regarded as only one of several possible guides to behaviour.

Judicial reforms initiated after Fujimori's seizure of power in 1992 have failed to live up to their promise.

The Executive Commission established to improve performance in the judiciary has increased judges' dependence on the executive, and brought previously independent appointment practices under executive control. Most judges are employed on short-term renewable contracts.

Corruption remains a problem, but, following earlier 'reforms', it is now compounded by executive interference in politically sensitive trials.

The military continues to consider itself largely above the law. Military courts are still used to try civilians, although an improvement in respect for due process was noted in 1997 when 'faceless judges' were withdrawn.

By applying the label 'terrorism' to organised, small-time crime, the government sought to excuse a more authoritarian social control policy. More than 4,000 people were convicted by military courts for offences lumped under the label 'aggravated terrorism'. There is evidence that many of these people had been tortured by police into giving evidence against themselves. Although an ad hoc commission was recently established to review the sentences passed under this legislation, many applications for review were rejected without thorough examination and the Commission's decisions were not subject to appeal or independent review. 80% of those with convictions petitioned the Commission; approximately 1,100 people were released, but none had their conviction repealed.

Conditions remain appallingly bad in some prisons, while all lack adequate facilities to train or educate inmates. 65% of the prison population are held awaiting trial, a figure which alone indicates the sclerotic state of the justice system.

Independent oversight of institutions such as the civil service has been severely undermined by government interference with the Office of the General Controller of the Republic. Where once the General Controller was responsible for enforcing a transparent code of conduct for civil servants, the National Intelligence Service has now taken charge, using political tactics to maintain the loyalty of politicians, senior bureaucrats and military officers to the regime. The National Intelligence Service also plays a large role in defining government policy and media strategy – these changes can only cause alarm. There are no institutional mechanisms for holding the Intelligence Service to account.

Given the state of the Peruvian justice system, it is unsurprising that public opinion surveys reveal not just widespread distrust, but also fear of the police force and judiciary.

Three positive developments can be recorded:

- Firstly, the 1993 Constitution established the office of the Defender of the People. The independence and tenacity with which this body has conducted its work has won it much public confidence. The Defender has a remit covering protection of human rights (including in those parts of the country under state of emergency), public services and electoral supervision.

- Secondly, the Fujimori government has been successful in containing the *Shining Path*. Although several dozen extra-judicial killings and numerous incidents of torture have been recorded during this campaign (which have not been openly investigated, if at all), the government has preferred to use intelligence-based methods and has tried to work with people in areas of insurgency activity rather than relying on brute force as did the previous government.

- A programme designed to improve access to justice for the poorest Peruvians is a third positive effort at reform.

South Korea

Are state and society consistently subject to the law?

In general, the principle of "rule of law" has not been regarded highly in Korean society, partly due to its legal tradition that emphasized personalism or "the rule of man." The primacy of personal authority has often allowed high-ranking public officials and politicians to avoid the application of 'rule of law,' when they get involved in illicit activities, especially concerning major corruption scandals. There also exists a considerable degree of inequality among different sectors of the society in the quality of legal services they receive, as legal services are still extremely expensive and the number of lawyers is limited. Moreover, there is a great discrepancy in operation of justice between the capital, Seoul and the rest of the country.

While the Constitution guarantees the independence of the judiciary, the actual records do not support it. It is true that there have been significant improvements in recent years (e.g., the establishment of the Constitutional Court), but the judicial independence (the political neutrality of the prosecution, in particular) is still questionable. For the Office of Attorney General is often conceived of being an instrument of domination by the government and the ruling coalition. Consequently, despite democratic transition, the public's confidence in the judicial system remains very low, raising the question of the crisis of governability.

3. FREE AND FAIR ELECTIONS – SUMMARY OF FINDINGS

Bangladesh

Do elections give the people control over governments and their policies?

Since the end of military rule in 1991 both major parties (Bangladesh National Party and Awami League) have enjoyed a period in government. Following the boycotted election of February 1996, the June 1996 election was generally regarded as the cleanest and most trouble free in recent political history, and the turnout was the highest ever (73%). It took place under a caretaker government, which was able to guarantee impartiality between the contestants, and this successful innovation is likely to be repeated. Although the Commonwealth Observer Group noted strong-arm tactics and intimidation in isolated rural areas, the incidence was not sufficient to call the result into question. The independent Electoral Commission had worked hard to improve the defective voter registration and election procedures experienced in 1991, and it continues to make improvements in both respects, despite difficult conditions such as displacement of population through natural disasters.

Eighty-one parties contested the 1996 election, though only seven fielded candidates in at least a third of the country's 300 constituencies. The two largest parties (AL and BNP) secured 70% of the popular vote between them, and their proportion of seats won was even higher (87%). Only eight out of the 300 elected were women, despite the fact that both main parties have women leaders. An additional 30 seats in Parliament are reserved for women, selected according to a procedure which unduly advantages the majority party. In sum, the electoral process is broadly fair, though its outcomes are not fully representative; how much control it gives the people over government is a more complex matter.

El Salvador

Do elections give the people control over governments and their policies?

Until 1994, changes in government were largely decided by coups and electoral fraud. Free and fair multi-party elections have since become the norm, but they do not give the people control over government policies. Structural adjustment and privatisation policies have been carried through without consulting Salvadoran citizens. The principal beneficiaries have been the old coffee oligarchy and financial sector, while social and economic inequalities have increased.

Presidential elections are held under two-round ballots and assembly elections under a List PR system. The rightist Arena party candidate comfortably won both presidential elections in 1994 and 1999, but the FMLN has gradually established itself as the largest assembly party over three elections (in 1994, 1997 and 2000). A right-wing Arena-PCN coalition controls the assembly. Election results are widely accepted.

Falling turn-out rates in elections are a major cause of concern. There were 1.2 million more registered voters in 2000 than in 1988, but the voting public rose by just over 190,000 over the same period. Such low levels of turnout put the legitimacy of the political process in doubt. In 1999, President Flores won an absolute majority with the direct support of fewer than one in five registered voters. Opinion surveys have found that over half the electorate in 2000 had little or no interest in the outcome of the presidential elections and over 40% believed that they were likely to be fraudulent.

Electoral Participation in El Salvador, 1988-2000.

Despite inadequacies in the supervision of elections by the non-political electoral tribunal (TSE), elections are broadly fair and regular and free from outright fraud, intimidation and violence.

Assembly elections under List PR are marred by marked disproportionalities. In March 2000, for example, the PCN, which invariably benefits from the electoral system, obtained 16.7% of seats in the assembly on only 8.8% of the national vote. Deputies for San Salvador, La Libertad and Ahuachapan represent twice as many inhabitants as those for Morzan, San Vicente and Cabañas. The composition of the assembly fails to reflect the social characteristics of the population, being predominantly professional and middle-class. Women are grossly under-represented.

Overall, the electoral system gives the PCN with its swollen representation and "unearned" capacity to negotiate a place in government through coalition with Arena or the FMLN – a capacity that it uses to back Arena.

Political choice

The range of choice between parties is restricted by electoral rules that favour large national parties. The two-round ballot for presidential elections polarises the vote between the two large rivals, Arena and the FMLN. Further, parties taking part in other elections (all; assembly; municipal, which must win more than 3% of the total vote (6% if in a coalition) or lose the right to representation. After the 2000 assembly elections, the TSE cancelled the registration of five parties, including those of the Democratic United Centre (CDU) coalition which won three assembly seats on 5.38% of the national vote.

Italy

Do elections give the people control over governments and their policies?

Free and relatively fair elections are the rule in the present Italian politics. Registration and voting procedures are accessible and inclusive for all citizens - although, as mentioned, all non-citizen residents are excluded from national elections and only EU-citizens can vote in local elections. The party system is characterised by high fragmentation, and during the last decade the decline of electoral turnout has been continuous.

The problem of the equal and fair access of parties to the media has been regulated by the law on the so-called *par condicio* (equal condition) that imposes impartiality in the practice of access of candidates and parties to the means of communication with the electors. Furthermore, an independent *Osservatorio* undertaken by the of Pavia University publishes regularly the data concerning exposure in the mass media of each political grouping represented in Parliament, distinguishing both networks and single programmes (such as news and talk shows, etc). However, there remains a great deal of debate on the effective validity of the provisions. On the one hand, the law has been largely challenged as it takes into account the television and radio exposure of party coalitions – be they large or small – that present a minimum number of candidates on an equal basis, not on the basis of their electoral force.

Moreover, criticisms are directed against the networks that overexpose some party leaders during the periods in between one electoral campaign from another. This problem is all the more acute since three national television networks (Rai1, Rai2, Rai3) are public and consequently easily influenced by the government and the other three (Canale5, Rete4, Italia1) belong to Mediaset, whose main owner is the current prime minister, Silvio Berlusconi.

Kenya

Do elections give the people control over governments and their policies?

In the Kenyan political system, representation is on a single-member single-constituency basis rather than proportional representation as is the case with South Africa. The situation in Kenya is thus such that members of parliament are accountable to their electors and this accountability is strengthened by the *harambee* (community self-help) system. In similar manner, local government elections make councillors accountable to local communities. Nonetheless, there is little input from the people to party policies at the national level. Policy-making is centralized in the executive arm where power is disproportionately centred to the disadvantage of other institutions including parliament. Hence the executive has overwhelming control over policy. In addition, KANU has held governmental office uninterrupted since the country's independence in 1963, there has been no regime change with elections at most yielding only recycling of individuals.

Thus elections do not give people control over government and its policies. To some extent, they give electors control over individual office bearers. Though multi-party elections returned in 1992, President Moi and KANU have held on to power as a result of a divided opposition, harassment of opposition parties and voters, patrimonial distribution of state resources, inducements to opposition MPs to join KANU and gerrymandering of constituency boundaries. While Kenyan electoral laws provide for universal adult suffrage, gerrymandering, manipulation of registration and voting regulations are used to good advantage by the ruling party. However, the Parliamentary Parties Group initiative of 1997 has secured the right of opposition parties to nominate members to the Electoral Commission.

The most serious infringements to the rights of voters occur in the months prior to elections where those supporting opposition parties have bee subjected to violence and intimidation in both the 1992 and 1997 elections. The ruling party enjoys dominant, and sometimes monopoly, access to state-owned media and has used public funds to finance pro-KANU campaign organisations. The highly differential sizes of KANU and opposition constituencies secures KANU disproportional returns of MPs. Registration in the legislature is skewed in favour of men and regime friendly communities. Women are very poorly represented in Parliament, holding only 3.6% of the seats.

Malawi

Do elections give the people control over governments and their policies?

General elections in Malawi attract large voter turnout (80.5% in 1994, 93.7% in 1999) and are peaceful and orderly. They are generally declared free and fair by local and international observers. However, elections are not yet fought on the basis of policies but on personalities. Parties enjoy the right to campaign although this right has certain limitations in terms of their access to the electronic media. The electoral process needs to be managed and conducted more efficiently. The 1999 elections were faced with numerous logistical and administrative inadequacies arising out of the lack of inadequate planning and co-ordination with the various stakeholders. The elections have also brought to the forefront the need to restore the credibility of the Electoral Commission and to build the capacity and skills of the commission's secretariat.

Although the party system is gaining ground in the country, the choice for voters is severely limited. This is because of the dominance of single parties in particular regions of the country, and the lack of opportunity and resources for parties not represented in Parliament to reach them. The 'first past the post' electoral system retained without reflections from the British limits the chances of smaller parties to gain representation. Traditional structures like Village Chiefs and Traditional Authorities are increasingly used by political parties for partisan purposes and they in turn influence the public on their choice of voting.

The constitutional provision on the composition of the Senate enables interest groups representing health, education, farming, religious and business sectors to gain representation. In this way the legislature as a whole more closely reflects the social composition of the electorate. The constitutional requirement for women to be included in the composition of the Senate also helps to redress some of the gender imbalance in the legislature. At present there are only 16 elected women Members of Parliament out of a total of 193.

New Zealand

Do elections give the people control over governments and their policies?

Elections in New Zealand have enabled voters to exert influence rather than control over their government and its policies. Yet the short three-year term of office has given the voters the power to change governments at more frequent intervals than in most countries. Elections are supervised by an independent Electoral Commission, which ensures against any malpractice in registration or election procedures.

The experience of governments in the 1980s introducing economic policies which the majority of the electorate had not endorsed led to disillusionment with the First Past the Post electoral system, and the setting up of a Royal Commission on the electoral system in 1985. After an indicative referendum on alternative systems in 1992 and a binding referendum in 1993, the mixed member proportional system (MMP) was endorsed by 53.9% of the electorate on an 85% turnout. Under this system electors have both a constituency and a party vote, and the share of the party vote received determines party strength in the 120 seat Parliament. The system gives voters a greater range of choice, increases the number of parties represented in Parliament, and usually prevents any single party from governing on its own.

Although it was the sense that governments were insufficiently accountable to the electorate that partly led to pressure for a new electoral system, the case can be made that accountability is even harder to enforce under MMP. The electorate does not directly control the composition of government, and governing parties can argue that compromising on their policies is a necessary price for establishing and maintaining the governing coalition. On the other hand, the new system which was first introduced for the 1996 election has undoubtedly produced a parliament that is more representative of the social and political composition of the electorate. The continued existence of reserved seats for Maoris, which gives those of registered Maori descent the choice of voting on the reserved or open electoral roll, has also ensured a more representative parliament. Overall election turnout in New Zealand has remained high by international standards.

Peru

Do elections give the people control over the government and its policies?

The entire electoral system shows signs of executive manipulation, with electoral bodies and the laws altered to suit the needs of the government. One observer commented of the 2000 elections: "Peru (…) possesses the institutions and appearance of a democracy, but neither the norms nor the essence". In these elections the executive:

- changed the law to allow President Fujimori to stand for an unconstitutional third term and suppressed dissent from judges and the people;
- used state resources and personnel for the incumbent's campaign, and to harass the opposition;
- ensured bias in the three bodies responsible for the organising the election – the behaviour of these bodies was the most frequent subject of public complaint.

Observers monitoring the combined legislature and presidential elections in 2000 withdrew before the second round of polling, citing events which made free and fair elections impossible. Opposition (and especially minority parties) were discriminated against by procedures:

- requiring parties seeking official registration to obtain the signatures of 4% of the adult population – fraud and political bias were also strongly suspected in the verification process;

- subsequently annulling a party's registration if it fail to achieve 5% of the national vote; and

- which failed to allow for the independent scrutiny of the count. Additionally;

- the government passed a law in 1999 which disqualified from the presidential race any public official accused (but not yet tried or convicted) of a crime – this measure is thought to have been aimed at prominent members of the opposition.

In addition to overt interference, the electoral and political systems have other flaws which affect the representativeness of government.

- A List PR system was used for the legislature elections in 2000. The list was drawn up nationally. Due to uneven population distribution, four rural departments do not qualify to have a representative in Congress, leaving almost half a million voters without representation. In contrast, people who have lived in the capital for many years make up 63% of the current parliament.

- The electoral register is old and only slowly being updated – it is estimated that 10% of the Voting Age Population is unregistered. The numerous out-of-date voter identity cards in circulation present further problems.

Official figures showed that 30% of all ballots were spoiled in the second round of the presidential election – this indicates that there was widespread dissatisfaction among the electorate as well as among the opposition, who refused to accept the results. In conclusion, elections fall significantly short of acceptable standards and do not legitimise the government of President Fujimori.

South Korea

Do elections give the people control over governments and their policies?

Legislative and executive offices involving the presidency and local executive positions are now fully subject to popular competitive election. The actual electoral process is fairly free and fair, and the election results are widely accepted both internally and abroad. One problem is that voters have a limited range of choice as the existing major parties are all conservative in ideological spectrum (no labor or socialist parties, for example), although there do exist some policy differences among them. There is also a problem of some disparities between popular votes and legislative seats, but that is largely a result of the country's electoral system, which is dominantly a simple plurality system partly combined with a proportional representation system.

Turnout rates have gone down in recent elections for all types of elections (57.2% in the 2000 election), and young voters, in particular, have shown consistently low voting rates. While many analysts and political commentators are worried about the recent drop in participation, it seems partly a reflection of the decreasing importance of mobilized (forced) voting for Korean voters, which is in turn attributable to the country's rapid modernization process. If that were the case, the drop of turnout rates may not necessarily be a bad sign for Korean democracy. It may be just that Koreans have become more independent, self-conscious voters.

Finally, the current election law, due to its excessively regulatory nature, has resulted in some discrimination against independent candidates and challengers. This problem is likely to be corrected in the near future, as the National Election Commission has fully acknowledged the problem and promised to fix it.

4. THE DEMOCRATIC ROLE OF POLITICAL PARTIES – SUMMARY OF FINDINGS

Bangladesh

Does the party system assist the working of democracy?

Suppression or restriction of political parties has not been a problem; parties have formed with ease, though their electoral fortunes have been uneven. Differences between even the larger parties are mainly a matter of leadership personalities and the interests associated with them, rather than class base or ideology, which are increasingly similar. The change in 1991 from a presidential to a parliamentary system has given a secure control of Parliament to the government and the Prime Minister. This control is maintained by strict party discipline, and by the rule that a member who resigns from his or her party or even votes against it in Parliament automatically forfeits their seat.

Opposition parties have had great difficulty in finding an effective parliamentary role for themselves, whether in terms of legislation or scrutiny of the executive. In their impatience at waiting five years for the renewed chance of office they have resorted to extra-parliamentary opposition and to general strikes to try and bring the government down. Under the 1991-6 government the Awami League boycotted Parliament for nearly three years, while the Bangladesh National Party did the same from July 1999 to June 2000, alleging a 'lack of congenial atmosphere'. Such boycotts have intensified the rivalry between the main parties, which penetrates deep into the society.

Internal party organisation mirrors the hierarchical and bureaucratic character of institutional life in the country, with leaders nominated by a narrow elite and little influence exercised by ordinary members. Businessmen and financiers are increasingly evident as candidates for election. There are no rules governing party financing and expenditure, and party accounts remain a closed book as a consequence.

El Salvador

Does the party system assist the working of democracy?

The political parties are poor intermediaries between the state and the people, partly because the political processes generally reflect the unequal structures of Salvadoran society. The corruption, secret deals, sales of favour and influence of the pre-democratic period still mar their conduct. Personal interests tend to predominate, especially those of the party leaders who exploit their excessive power over their parties. Thus, the parties have shown themselves unable to respond to and express the urgent social needs identified in society at large.

There are no strong ethnic, religious or linguistic differences in El Salvador's homogeneous society and the parties' orientations are generally broad-based and "catch-all" in intent.

No general laws govern the organisation of political parties. They have their own rules. They tend to be oligarchical in organisation, under general secretaries or presidents and cadres of office-holders. The participation of members in their decisions and policymaking is severely limited, though there is a limited degree of member involvement in the selection of candidates.

Political stability

Political stability has been assured since 1994 under the hegemony of the Arena presidencies and Arena-led coalition in the assembly. The assembly has not been wholly submissive, but has been broadly supportive. The influence of Arena and the main parties is also extended through significant

state institutions and the judiciary through the assembly's powers of election and selection. Arena and the FMLN are well-organised and disciplined political parties, but less ideologically defined and weaker parties (the PDC, PCN, PAN and CDU) are unable to maintain discipline in the assembly.
The price of political stability is the absence of effective parliamentary opposition and scrutiny, a deficit in accountability that is exacerbated by government influence over state institutions such as the Court of Accounts.

Italy

Does the party system assist the working of democracy?

Party socialisation, recruitment and campaign for office are free and effective. There are also no obstacles to their formation. But actually the presence of parties in society has strongly declined impacting on their organisation. Thus different kinds of party organisations still exist, but they are very 'light' and poorly rooted on the territory. Moreover, the accentuation of the organised localisation, derived from Italian political traditions and increased with the introduction of the mixed electoral system with single-member districts, is more evident.

The problem of the party financing of politics is still open. Many criticisms address the scarce transparency of the system of financing and the superficiality of the controls on the balance of payments and party expenses. Further the parties are surreptitiously financed by a law that allocate public funds for their publicity, attributing significant sums to any parliamentary group (composed of even just two members) which declares a certain newspaper or magazine as its own press organ. As the sums are given on the basis of the numbers of printed copies – and not in the effective diffusion of the publication - there is the suspicion that the parties obtain much more money than they do realistically invest in their press. If one examines the party balance of payments, the deficit produced by the support to their papers, one realises the importance of this indirect source of financing, which is not declared.

Due to the scarcity of controls, reliable data about the actual amount and the sources of private financing of the Italian parties are not available. The analyses of the party balances indicate that, among the most significant sources of incoming payments are the members' association quotas and public financing. The association quotas represent the principal source of self- financing. According to the declarations of the parties and analysis of current values, the volume of public contribution to the parties has more than doubled. Public financing therefore is today the fundamental component of incoming payments to parties, especially after the law of 1999 which allowed sums much greater than the declared electoral expenses to enter their budgets. The balances of many parties, which for a long time were in the red, have been rendered healthy.

Kenya

Does the party system assist the working of democracy?

There is an emerging multi-party system since civil society groups and the withholding of international aid forced a reluctant President Moi to allow constitutional change in 1992. This would be difficult to reverse; and this augurs well for the eventuality of a new democratic dispensation in the country. The new parties have survived continuous official harassment during the 1990s, but have still been able to maintain a substantial opposition to the government in the National Assembly. The opposition parties chair two house watchdog bodies: the Public Accounts and Public Investment Committees. All parties have whip systems to discipline parliamentarians. Despite this presence however, the ruling party won a working majority in parliament in both subsequent elections, illustrating the weakness of the opposition parties in presenting a united alternative to President Moi.

Because of the general pattern of using public office as a vehicle for ethnically-focused patronage, leaders of small parties are reluctant to join larger coalitions, while disaffected KANU members

remain in the party despite growing internal factionalism. Thus parties remain weak, with localised support bases, and are far from being institutionalized. As such, they largely depend on the party leader and his ability to mobilize resources. Parties in Kenya will thus contribute more to the working of democracy if and when they become institutionalized and cease to be regarded as belonging to their leaders who remain the main sources of finances that keep the political parties operative. There is typically little membership participation in decision-making or candidate selection. Mainstream parties tend to have a very strong ethnic base, which has led to a highly fragmented, but potentially stable party system. However the fragmentation has the potential to produce unstable governments, an eventuality that might threaten democracy. The passing of the Parliamentary Services Commission Bill in 1999 should enhance the role of parliament and, ipso facto, parliamentary parties.

Malawi

Does the party system assist the working of democracy?

In the last six years political parties have proliferated in Malawi. There are twenty- one officially registered parties but only about seven are functional. This large number of dormant parties is an indication that the registration process is extremely simple and undemanding. About political parties in Malawi one feature comes out clearly from all the research findings so far: a lack of clear perception of what they stand for. Lack of ideology and clear orientation towards policies and programmes is common. So is lack of an adequate mechanism for keeping an approximate count of their members.

Even in the case of functioning parties, inter- and intra-party exchanges are not common. Party activities are too election-focused. The opposition parties in spite of their numerical strength have not been very watchful and alert in the passage of bills, several being passed without adequate deliberation. This is also due to lack of effective interparty deliberations. Parliamentary Committees are still in the formative stage. Parties generally have not really established democratic functioning internally, in terms of transparency, appointments, and use of funds.

New Zealand

Does the party system assist the working of democracy?

Ideally political parties assist the working of democracy through providing a link between the electorate and the governing process, and by aggregating policies into programmes which electors can expect party candidates to support once they are elected. It is too soon to give a definitive judgement on whether the MMP electoral system will secure this aim in practice. The change has certainly increased the number and importance of parties in constitutional terms. But during the 1996-9 Parliament, the number of MPs leaving the parties for which they were elected - so-called 'party hopping' - lowered the standing of parties, and the new electoral system. This has not occurred since the 1999 election, and does not seem likely to be an ongoing problem. Nevertheless, 'party hopping' has reinforced a longer-term trend of declining party membership. This appears to be a world-wide phenomenon that has reached an advanced stage. Parties seem to be transforming from mass to cadre organisations, concentrating on 'selling' a product directly to the electorate through the media. Mass participation has moved from parties to interest groups and the support of causes.

The experience of the 1996-9 Parliament raised concerns about its ability to sustain stable and effective government. However, the new electoral system has given non-governing parties a more central role in contributing to government accountability, which can be done either through the critical support they provide for the governing coalition, or by the more traditional opposition scrutiny of government. The fact that the government may not have a majority on all the select committees of Parliament gives members of other parties additional leverage in amending legislation as well as in the scrutiny of government.

Peru

Does the party system assist the working of democracy?

Functioning political parties have traditionally been a scarce commodity in Peru. With several coups and periods of military government, the country has lacked the political stability that parties need to build support and development structures and programmes. This has allowed a chicken-and-egg syndrome to develop, whereby parties are unable to contribute to political stability because the political stability that would allow them to development has been lacking. Parties have been in a particularly dire state since the collapse of political power in 1989 amid economic crisis and advances by the *Shining Path* sowed widespread public disillusionment. This period of collapse prepared the ground for President Fujimori's rise to power. Many small, ephemeral parties have risen and fallen since then.

Several factors have hampered the creation of stable political parties:

- Registration procedures and thresholds. Obtaining official registration is a long, costly procedure and parties lose their official status if they fail to win 5% of the national vote. Many organisations and party leaders are left in the twilight, continual shifting between official and unofficial status.

- Precarious party finances. The absence of stable membership bases and of state funding mean that parties are generally reliant on a few benefactors for their survival. Party finances are not disclosed.

- Representativeness. Given the above, it has seldom, if ever, been possible for parties to establish procedures for candidate selection (only one party currently elects its candidates), and many parties depend on the charisma and leadership of a few individuals. Lack of representativeness has almost certainly hindered the development of links between parties and the people, and may explain why parties tend to concentrate on life inside Congress to the neglect of their relationship with the public.

- Wrangling and conflict inside Congress uses up many party resources, and often leaves them unable to function properly.

- The executive has used many techniques, including bribery and blackmail, to build a majority in Congress, and has used this majority to thwart legislative scrutiny.

- Opposition members appear rarely to be answerable to their party's executive. There are causes for this. Congressional standing orders only recognise 'parliamentary groups', as a category in the assembly, not parties. Groups consist of six or more members. This regulation undermines party structures; effectively disenfranchises minority groups; encourages instability by making it easy for members to switch allegiance; and conflicts with the principal of representation inherent in the List PR system.

South Korea

Does the party system assist the working of democracy?

The underdevelopment of political parties has been pointed out by many analysts as one of the greatest obstacles to the Korean democratization. There are no serious restrictions on the activities of political parties. They are basically free to form, recruit members, participate in elections, and organize within the legislature. The problem is that the party system has not yet been firmly institutionalized.

The core of the problems is that all the existing parties are still centered around a few political leaders without mass foundation. This lack of mass foundation, in turn, makes a within-party democracy impossible. Consequently, the actual party operation is unduly dominated by a few party leaders, which is in turn responsible for an excessively strong and rigid party discipline. Many civic groups have long been criticizing this "boss-rule" from outside, and a group of new and younger legislators have recently called for party reforms (greater freedom for individual lawmakers and within-party democracy) from inside. Many analysts feel, however, that genuine party reforms will take some time, partly because the problem is culturally embedded.

Another problem of the Korean party system might be the lack of ideological diversity, as all the major political parties assert that they are conservative parties. This problem, in turn, is strongly related to parochial regionalism, that is, the heavy reliance on regionally-based support. Regionally-based political parties do not need to distinguish themselves ideologically since the main source of their political support is not ideological or policy differences, but simple regional differences. Unless South Korea overcomes structural rigidity of party politics which is based on personalism, factionalism, and regionalism, prospects for democratic consolidation seem very dim. When the days of three Kims are gone, the possibility of party reforms might become more plausible.

5. GOVERNMENT EFFECTIVENESS AND ACCOUNTABILITY – SUMMARY OF FINDINGS

Bangladesh

Is government accountable to the people and their representatives?

The country's poverty makes it highly dependent on foreign aid, and the government's capacity and independence are conditioned by this fact. Evaluations of the fifth Five Year Plan indicate that the country has shown considerable socio-economic development in recent years, with indicators such as rates of life expectancy, literacy, infant mortality, people living below the poverty line, all showing improvement. People's confidence in the democratic system is robust, despite their awareness of pervasive corruption in public life (see section 9 below).

Constitutionally, Parliament has ample powers over legislation, over fiscal matters, and for scrutiny of the executive. Its effectiveness in practice has been reduced, however, by the high level of partisanship between the main parties, by the tight control exercised by government over its Parliamentary majority, and by the periods of absence from Parliament by the opposition in boycott of its business. In addition to this, legislators tend to be more interested in using their office to secure benefits for their constituencies than in scrutiny of legislation or the minutiae of policy. However, the recent development of a system of specialist committees to scrutinise the different areas of government activity is a positive step, as is also the inauguration in 1998 of an Institute of Parliamentary Studies, which is designed to produce qualitative changes in the functioning of Parliament.

El Salvador

Is government accountable to the people and their representatives?

The elected government has a very limited capacity to govern effectively. The weakness of the economy, the growing external debt and the lasting effects of Hurricane Mitch in 1998 have all contributed to executive drift and inertia. A National Modernisation Commission has been wound up and its duties have been assigned to the president's Technical Secretary who acts as a super ministry responsible only to the president. The government has no national plan, nor even a development strategy to which the economic sectors can respond. There are no effective plans to stop corruption, diminish social conflict, invest in social needs or strengthen civil security.

At the same time, government is authoritarian and virtually non-accountable. Public opinion matters only at election time. There is no freedom of information. Neither the constitution nor secondary laws create access to official information. The strength of Arena, the leading party, means that other parties do not hold the executive to account or subject it to scrutiny. State agencies of accountability are flawed by the composition of boards chosen by parties in the Legislative Assembly. The pre-eminent agency, the *Corte de Cuentes* (Court of Accounts), is the creature of political interests and does not seek to prevent corruption or waste in the public administration.

The state bureaucracy is subject only to an obsolete 38-year old law and public officials are generally protected by their affiliation to the ruling party. Politicians in the assembly are thus in the loop of unaccountability, not guardians of the public interest. Corruption and arbitrary official actions may be denounced, but they go unchecked since there are no sanctions that can be applied.

Formally, assembly deputies possess wide powers to scrutinise the actions and policies of the executive and to inspect and amend legislation. In practice their position is weak, partly because under List PR they are chosen by the party leadership and have limited independence. There is also no culture of accountability and deputies are more likely to serve special interests than to pursue the public good. Additionally, the Arena block and its allies act as part of the executive and government legislation, however deficient, and policies pass unexamined and unchecked.

The Legislative Assembly also tends to rubber-stamp government proposals for taxation and public spending rather than examine them rigorously. The worst failure is that of the Court of Accounts which is responsible for auditing the finances of the state, agencies and municipalities and the national budget process. Though formally independent of the executive and legislature, the Court's president and two magistrates are elected by the assembly and need not be professionally qualified. Individuals elected have often been associated with past violence, corruption and other illegal actions.

Italy

Is government accountable to the people and their representatives?

If there are few doubts on the government influence and control of important policy areas, effectiveness and accountability are more problematic. In order to address these problems, an attempt was made to build a party government with a multi-party but two-pole system - by many considered as a step towards a two-party system democracy. In support of this, but especially as a direct result of the growing shift of the power to regulate and apportion to European Union authorities, there is a large and growing conferral of legislative functions to government. This is evident not only in the major strategies aimed at a de-legislation and a rationalisation of the gigantic law-making apparatus, but also in the legislation addressing urgent legislative, organisational, and functional change.

Thus, a new setting that has been developed over the last two decades through a series of regulatory laws for the lower and upper Chambers has profoundly modified the relationship between government and parliament. The main result has been the abandonment of the unanimity principle in the Party Whips' conferences programming the Chambers' agendas. Under the new rules, the agenda of both the lower Chamber and the Senate are set on the government initiative without having to be approved beforehand by the assembly, and the timing for examination and debate is guaranteed by anti-filibustering measures that go hand-in-hand with guarantees giving the opposition a preset amount of time and number of calendar periods. Furthermore, the set of Parliament activities is organised to give the executive virtual dominance of its agenda in exchange for a strengthening in opposition controls. The discipline of the vote of confidence should also not be underestimated as a means for the cabinet to constrain its majority, when conflict arises within the coalition or majority groups. It should also be remembered that secret ballot has been abolished in the great majority of cases, and consequently the possibility of "*franchi tiratori*" (free shooters), i.e. members of the majority who voted against the indications of their parties, was dramatically reduced.

It remains to be seen whether this collection of tools and the more generalised attempt to position the executive centrally in the form of government with a prime ministerial re-configuration at its head has led to a greater government efficiency in the implementation of its policy program. A first indicator in this direction is government law-making. According to the Study Service of the Lower Chamber, in 1999 "Parliament further accelerated the previous years' trend by transferring many law-making functions to the government, making use of delegation and de-legislation. This year, 1999, a turning point was reached in delegation: the number of legislative decrees passed (94) was indeed higher than the numbers of laws passed by parliament (72)", decree laws excluded. This is an important milestone in the time-worn model of policy making, and despite some thorny, still-unresolved judicial problems in both procedural and constitutional areas, it seems to place the government in a new, central position from which to conduct the planning and definition of an ever-growing list of crucial questions that especially concern the future of the administrative-political system and how it should interact with the market and society. A second important indicator is the increasing government-produced legislation, in addition to that delegated. Hence a tendency emerges that realigns the relationship between government and parliament. Parliament, therefore, is no longer the source of government policies, but only the "arena", where majority and opposition clash to sway decisions that have been essentially defined elsewhere.

It is also important to take into account the recent creation of the *independent administrative authorities* and a plethora of regulatory *agencies* whose surrogate, crucial function in economic and social regulation is now decisive, supplanting the hierarchical authority and the limits imposed by government policy with autonomous and prolonged public activity stressing activities on which the community places particular social importance. Born under the example of similar Anglo-Saxon bodies, these independent collegial bodies receive ample powers of investigation, monitoring and control. Composed of a president and of a variable number of members, they group different bodies, some of which represent Parliament and others that revolve instead around the Government. These last bodies undertake collegiate functions and consultations with the Executive. Born out of the need to protect the rights of the citizen according to principles of quality of service and freedom of choice, the independent authorities place themselves as institutes of protection *super partes*, in the attempt to control and regulate the most important economic and institutional sectors of the country. All subjects (private individuals, companies, public administrations, consumer associations) can address themselves to these institutes of protection in order to bring to their attention irregularities in the various sectors of economics and public administration. The current number of authorities is eight.

On the scrutiny of elected leaders and ministers over the bureaucracy, we may recall how, for a long time, compared to the civil servants of other democracies, Italian bureaucrats had a legal education, a markedly low-mobility between private and public sectors and a low exposure to the outside. The preponderance of staff with legal training was due to public function hinged on the principles of legality, to the exclusion of efficiency, efficacy, and economy. The Italian bureaucrat was, above all, a public official of the *generalist* kind, generally able to handle all types of jobs at his or her level in whatever area of public administration. This legalistic attitude of bureaucracy limited its capacity for initiative and change in a country that progressively became firstly a major industrial power and subsequently a post-industrial one. The public administration's limited capacity for initiative went hand-in-hand with a widespread use of veto power: non implementation of laws, delays in handling files, and removal of the more conflictual problems from the agendas at the top of the bureaucratic ladder. A long, contorted series of checks of mere legitimacy and not efficacy often gave them a decisive excuse for blocking or setting limits, often imposed on the more innovative policies that the political sector regularly attempted to activate in order to remedy situations and sectors afflicted by structural crisis. Clientelistic relations made public bureaucrats often subordinated to party politicians. The behaviour pattern widespread in Italian public administration continued until the dawning of the nineties when a series of reforms (difficult however to implement) addressed the issues.

Kenya

Is government accountable to the people and their representatives?

Corruption, huge debt servicing commitments and low institutional capacity compromise the ability of government to deliver publicly valued goods to its citizens. As such, public confidence in everything that government does or touches is generally low. The power balance between elected and appointed public officials under Kenyatta's regime was clearly in favour of the latter. Under Moi, this balance has been tenuous and swings on the pendulum of political expediency. It would seem however, that the pressure brought to bear on Kenya by international financial institutions has forced the president to strengthen the hand of technocrats in the management of public affairs. Existing constitutional arrangements invest in parliament the sole discretion to make and amend legislation but the executive maintains a stranglehold on the affairs of the legislature.

Two house watchdog committees; Public Accounts Committee (PAC) and the Public Investments Committee (PIC) provide a framework for scrutiny of public expenditure by elected representatives. However, excessive executive powers and judicial inaction mean that practically, the role of these committees is that of regularly generating a catalogue of malfeasance by public officials. They are weakened by their lack of monitoring capacity and only scrutinise the Comptroller's report after the

event. The Comptroller and Auditor General' Office both lack adequate capacity, leading to regular informal and ad hoc expenditures to politically favoured Ministries outside the legal framework of the expenditure plan. The minister for finance for instance continues to impudently draw on the Consolidated Fund for unbudgeted expenditure. Citizens' access to government information is not assured and is further hindered by a bevy of mutually contradictory legislation and permanently compromised by the continued colonial legacy of the Official Secrets Act.

Malawi

Is government accountable to the people and their representatives?

Although democratic institutions are growing, mass participation is confined to elections. There is a gap between the institutions at the top and the people at large, with a lack of intermediary institutions to facilitate communication between the two. Issues touching the lives of people like economic decline, or deterioration in law and order and security cause concern and frustration. The principle of checks and balances between executive and legislature is not effective; the judiciary exerts some control over the executive. Poor institutional capacity in the public sector hampers its response to people. There is a problem budgeting for specific activities, resulting in over-runs and departmental bank overdrafts. Poor salaries breed small and large-scale corruption.

Recent external conditionality has adversely affected both the financial capacity to deliver and the organisational capacity to maintain links with people. Public confidence is low, and exacerbated by poverty and lack of employment opportunities. People inevitably look to government as a patron. Failed by politics, minorities in particular may nurse a grievance. Over-centralization and ministerial interference in parastatals have worn away the independence and long-term commitment of the bureaucracy. However, public sector reform, a desire to improve politics by constitutional means, and growing independence of the print media, present opportunities for increased accountability. Institutions like the Office of the Ombudsman and the Anti-Corruption Bureau are beginning to gain a higher profile, though the extent of their effectiveness is still to be assessed.

New Zealand

Is government accountable to the people and their representatives?

New Zealand is a small-scale democracy, and in this sense the capital Wellington is a 'glorified village' in which it is difficult to maintain secrecy. Parliament plays the key role in holding government to account and to remain in power between elections a government must maintain the support of a majority of MPs voting on a confidence issue. Parliament has met continuously since 1854, making it one of the oldest continuously functioning legislatures in the world.

A distinction needs to be drawn between accountability and answerability. Accountability refers to accepting responsibility for what has, or has not, happened. Answerability involves providing an explanation. The latter has been assisted by lengthy parliamentary sessions. Since the 1970s Parliament has sat virtually continuously throughout the year, with provision for Parliamentary questions, urgent debates, active committees and regular opinion polling.

Select committees provide one of the most effective means by which Parliament can scrutinise the actions and policies of government. Legislation is typically considered by the appropriate committee, which has the power to call for submissions from the public, and to make amendments for consideration by the full chamber. The degree of public participation through submissions on proposed legislation forwarded by individuals and pressure groups to select committees is one of the distinctive features of the New Zealand Parliament.

Apart from the scrutiny of bills, committees can initiate their own enquiries and investigations into virtually any subject of government policy, expenditure and administration, and can require

information to be provided through the Speaker of Parliament. Committees also monitor government agencies and examine departmental estimates. Although at the end of the day ministers may ignore a committee recommendation, or introduce legislative amendments after committee deliberations have been completed, the overall structure of accountability compares favourably with other parliamentary systems.

Peru

Is government accountable to the people and their representatives?

Over their time in office, the governments of President Fujimori had won popular support for:
- tackling the insurgency;
- effectively controlling inflation;
- solving border disputes with three neighbours; and
- making some progress in reducing the incidence of absolute poverty.

Other parts of its deregulation and reform package have cost the government support, and among its failures must be counted the erosion of the rule of law and rising underemployment. The Armed Forces and the National Intelligence Service dominate government legislation and decision making, while economic policy is widely perceived as being dictated by the IMF and the business community. There is little financial transparency inside government, and Ministries' administrative capacity depends very much on their importance to the executive's programme. Ministers and their departments are in the shadow of the Office of the President, which undermining Ministries' powers by virtue of its prominent role in planning expenditure for services such as health and education. Other items of concern include problems with corruption, poor skills and low motivation among staff in public administration.

Congressional oversight of government programmes weak, and it is clear that the executive has no time for Congress. For example:
- Congress has only been able to question Ministers twice in the last eight years;
- Ministerial responses to information requests are very slow and often uninformative;
- There is no oversight of the National Intelligence Service, and Congress does not have the power to review all items of military spending; and
- Aggravating the above, the media report little that could be prejudicial to the government and it is difficult for citizens to obtain information from the highly centralised bureaucracy. There is no FOI legislation.

South Korea

Is government accountable to the people and their representatives?

The Korean government and bureaucracy are generally deemed to be quite effective, although the effectiveness is difficult to measure. As theories of the developmental state have postulated, the South Korean State used to be efficient, coherent, and consistent in policy formulation, while effective in policy implementation. Since the democratic transition in 1987, however, government effectiveness has been somewhat dubious. While the level of public confidence in government effectiveness might be one measure, it is quite volatile, varying widely from one administration to another, and from one particular time to another. The historical trend is that the public confidence in government effectiveness is dropping. This can be attributed in part to political and legislative gridlock that has become much more pronounced since the democratic opening.

The government accountability, on the other hand, is moving in the opposite direction. The legislature's ability to scrutinize the executive was almost non-existent in the past, thus being ridiculed as a "rubber stamp." Thanks to various institutional reforms (including the Constitutional Amendment) and the changing political atmosphere since the democratization, the legislative power vis-à-vis the executive is on the rise. At the same time, increased power of mass media and non-governmental organizations have made the South Korean government all the more accountable. Of course, there is a long way to go, as the executive dominance still persists. No one doubts, however, that the popular demand for greater government accountability is likely to continue.

6. INTERNATIONAL DIMENSIONS OF DEMOCRACY – SUMMARY OF FINDINGS

Bangladesh

Are the country's external relations conducted in accordance with democratic norms, and is the country free from subordination to external agencies?

The dependence of the country on foreign aid weakens its international position. An energetic diaspora makes healthy remittances, but its precarious living conditions make this source uncertain. Exports are subject to stringent trade regimes. Hence a degree of economic subordination looks set to continue, and Bangladesh is not a partner so much as on the receiving end. Effective aid utilisation is a live issue, and political conditionality has been joined to earlier demands from bilateral and multilateral agencies.
Bangladesh has yet to ratify the International Covenant on Civil and Political Rights or the Convention on the Rights of Migrant Workers, and it has made a number of reservations on instruments relating to gender equality, which are a matter of controversy. The Law Commission is currently making proposals to bring domestic legislation into line with the international treaties to which the country is a signatory.

Bangladesh has experienced a number of influxes of refugees over the years, and its treatment of them has generally proved satisfactory, although the country is not a party to the UN Convention on Refugees. The absence of any specific domestic legislation on refugees, however, means that a clear distinction is not made between economic migrants and asylum seekers, and the latter are subject to ad hoc administrative measures which can make them vulnerable to deportation.
Overseas the country has had a respectable record of opposing apartheid, supporting Palestinians, and contributing to UN peace operations and the restoration of democracy. Its recent membership of the UN Security Council is evidence of the respect in which it is held abroad.

El Salvador

Are the country's external relations conducted in accordance with democratic norms, and is the country free from subordination to external agencies?

External aid and loans are very important to a relatively poor nation. US interference in El Salvador diminished at the close of the cold war and the United Nations and other donor nations moved in to sponsor the peace accords and thereafter acted as mediators, applying pressure when progress stalled. The governance of El Salvador benefited from this international interest.
Since then, external aid and loans have remained important, and the government's economic and social policies reflect the priorities of the IMF and other international agencies. The government has given priority to macro-economic stability in fiscal, monetary and other policies, promoted privatisation and sought to create a favourable environment for inwards investment. Given the ruling political culture, its neo-liberal policies were as much the result of the government's own wishes as of external pressures.
The Stockholm Declaration, agreed by Central American countries in 1999 in the wake of the Hurricane Mitch disaster, sought to establish new principles of partnership and transparency in the countries' relations with donor nations. The Declaration led to a national reconstruction plan involving both government and civil society. It was supposed to open up relations between donor nations and the Salvadoran government. But the collapse of the plan and the limited donor resources made available for reconstruction have undermined the improved relations with donor nations.

Support for international law and human rights

El Salvador has ratified most significant UN human rights instruments, but not yet the optional protocol on abolition of the death penalty, and conventions on the political rights of women. But despite substantial progress on democratic transition and respect for human rights since 1992, the state has not complied with some of the commitments entered into under these instruments. Important ILO covenants on trade union rights that are not yet ratified are daily breached.

Foreign policy is determined by the right-wing ideological stance of the Arena government. What really matters is not the records of other nations on democratic rule and human rights, but their ideological positions and the views of the US State Department.

Italy

Are the country's external relations conducted in accordance with democratic norms?

Being a member of several international organisations such as NATO, the Council of Europe, WEU, UN, OECD, G7, WTO and, above all, European Union, Italy is conditioned by several constraints common to most of the other European countries. Particularly, the growing prevalence of inter-governmentalism over supranationalism in the EU contributes to emphasise the problems of the so-called democratic deficit within the Union. A perceivable discord is definitely felt in Italy also between the fundamental requisites of democracy and the conditions upon which the governance of the EU rests.

Italy is also fairly active within the Office for Democratic Institutions and Human Rights of the OECD in charge of monitoring elections and developing national electoral and human rights institutions. At the UN, Italy is strongly supportive of Security Council reform in order to respond adequately to the needs of new States and the changes in the international system. Italy, in particular, supports the opening of the Security Council to new members so as to improve 1) geographic representation; 2) democracy; 3) efficiency and 4) transparency.

Contradictory to Italy's commitment in the promotion of democracy abroad, there is the growth of arms export (1,715 milliard lire in 1999) to countries that are either involved in war or have poor human rights records, like Eritrea, Ethiopia, India, Pakistan, Algeria, Turkey and Columbia. According to the *Osservatorio italiano sul commercio di Armi* (Oscar) the Italian defence industry receives sizeable orders from countries such as United Emirates of Arabia (1,274 milliards), Cyprus (62 milliards), Ghana (10 milliards), India (8 milliards), Algeria (4 milliards) none of which are paragons of democratic virtue. Amnesty International also pointed out that on December 29 1999, the government signed a draft law modifying Law 185 embodying one of the most far-reaching and strict set of rules in the matter.

Kenya

Are the country's external relations conducted in accordance with democratic norms, and is the country free from subordination to external agencies?

Kenya's historically intimate interaction with western powers largely informed the content of her international relations and the character of her foreign policy for the larger part of her post colonial existence. But the collapse of the cold war dramatically reduced Kenya's geo-strategic significance and suddenly, she found herself holding the short end of the stick in the politics of Aid conditionality that succeeded the era of soft aid. Since then, her protestations notwithstanding, Kenya has virtually become hostage to IFI's, especially the Bretton Woods institutions. Aid and credit conditionality has all the manifestations of an externally imposed agenda, and some of the economic liberalisation measures have met with strong domestic opposition. In recent year donors have increasingly bypassed the government, such that the external penetration of Kenyan civil society is now considerable. Sectoral co-ordination units oversee the implementation of donor-assisted projects and

hold monthly meetings with the resident donor community. There is also an Inter-Ministerial Committee which reports to donors.

Kenya has ratified the main international human rights instruments and generally makes the best endeavours to facilitate the work of the UN, save for hiccups in respect of cooperating with the Arusha-based war crimes tribunal over members of the Rwandan regime of former President Juvenal Habyarimana. Having borne the brunt of refugee influxes from the entire region, Kenya has developed a decidedly anti-refugee sentiment. Refugees and asylum seekers especially from war-torn Somalia have been intimidated, harassed and sometimes repatriated against their will. Kenya's support for democracy abroad has been lukewarm though she has on several occasions sent troops to UN peace missions and led many regional conflict mediation initiatives such as the Inter Governmental Authority on Drought and Development (IGADD). President Moi's government has traditionally supported ruling regimes, human rights records not withstanding – Rwanda, Somali, Zaire and Uganda. Kenya maintains the OAU line on most regional and global affairs.

Malawi

Are the country's external relations conducted in accordance with democratic norms, and is the country free from subordination to external agencies?

The governance of Malawi is not an exclusively internal matter. The dependence which the country has on donor governments and agencies makes it particularly vulnerable to external pressure. The relationship with donors is ostensibly based on principles of partnership and transparency, with donors consulting government over their programmes through various bilateral and multilateral fora, including those at a global level.

As a member of the United Nations since December 1964, Malawi adopted UN human rights for its constitution adopted two years later. The more recent constitution only strengthens this stated ideal, and separately enjoins upon courts to interpret law in keeping with international norms, and the state to govern likewise. African and world conventions on the child, discrimination against women, torture, slavery have been incorporated and other treaties such as on civil and political rights, social and cultural rights, and "core" labour conventions, been ratified. However the country's poverty is an obstacle to enforcing many of these, and the governments pleads as much (e.g. on child labour). Despite its economic problems, however, the country has a generous record in its treatment of refugees, with refugees and asylum seekers given shelter from as far afield as the Democratic Republic of Congo and Ethiopia, not to mention the large number from neighbouring Mozambique.

New Zealand

Are the country's external relations conducted in accordance with democratic norms, and is the country free from subordination to external agencies?

Generally the goals of New Zealand external relations have been formulated in accordance with democratic norms, and the country has actively promoted human rights in its foreign policy. It is an aid donor, though the present level of aid, at 0.25% of GDP, puts it towards the bottom of the developed country rankings. It does not provide development aid in the form of loans, nor is aid tied to the purchase of New Zealand goods and services. The country acknowledges a particular responsibility towards the Pacific Island region, with some of whose governments it has a special treaty association.

New Zealand is one of only ten countries world-wide with an established resettlement programme for refugees with an annual quota of 750. It ranks among the top 20 donors to the United Nations High Commissioner for Refugees (UNHCR). While the country is generally seen to be meeting its obligations, the UNHCR has noted a number of concerns, mainly involving the lack of resources allocated to this area. Amnesty International has also questioned the standard practice of detaining those asylum seekers whom the authorities consider to have submitted 'manifestly unfounded' applications for asylum.

With regard to the democratic control of foreign policy, up to 1998 this policy area remained the prerogative of the executive. Since then all multilateral and important bilateral treaties have to be considered by Parliament before ratification by the government, which gives select committees and the public a significantly new role in their consideration.

Finally, as regards external dependency, New Zealand is heavily dependent upon foreign direct investment which it has sought to attract through having, by international standards, lenient company tax and securities laws and incentives for foreign investment. As a result foreign companies occupy a strong position in the economy, with the share market more than 50% owned by foreigners. Government economic policy has been highly sensitive to the effect of the nation's credit ratings and the views of organisations like the World Bank, IMF and APEC.

Peru

Are the country's external relations conducted in accordance with democratic norms, and is the country itself free from external subordination?

In the early 1990s, Peru's external relations were conducted with multinational companies as much as they were with other states as the Fujimori government sought foreign investment in manufacturing and privatised assets. At this time, the government urgently sought to 'reinsert' Peru into the international financial system and has since willingly taken on new loans from the IFIs (arguably necessary to refloat the economy) with their accompanying conditionalities.
It cannot be said that the government has pursued a similar policy of engagement with its human rights treaty commitments.

In 1999 Peru unilaterally withdrew from the jurisdiction of the Inter-American Court of Human Rights. The Court had on eight occasions found the government guilty of failing to respect the rights protected by the American Convention on Human Rights and especially of failing to protect rights to liberty, personal integrity and due process.

Peru receives food aid from European Union and FAO countries. There have been concerns about the way the government has distributed this aid to gain political advantage in election periods, and recently donors have emphasised that the aid will in future be dependent on governance reform. The United States provides considerable assistance for the government's fight against drugs and is sensitive to possible civilian human rights abuse committed during the prosecution of this policy.

South Korea

Are the country's external relations conducted in accordance with democratic norms?

Generally speaking, South Korea's external relations are being conducted in accordance with democratic norms. Since democratic transition in 1987, South Korea has encountered a new domestic political landscape that has created rigorous check and balance on the conduct of its foreign policy. Legislative intervention and oversight, influence of non-governmental organizations, and most importantly the profoundly increased role of mass media have created domestic milieu favourable to democratic conduct of foreign policy. In tandem with domestic democratic realignments, South Korea's foreign policy has been guided by democratic norms.

In particular, the Kim Dae-jung government has taken numerous foreign policy measures reflecting the principle of democratic peace. The enactment of human rights law, the aggressive pursuit of engagement policy with North Korea, championing of democratic and human rights causes in Myanmar and East Timor, and a strong advocacy of multilateralism in resolving regional and international security and economic issues reflect a new orientation of South Korea's foreign policy in line with democratic norms. Nevertheless, the continuation of relatively heavy defense spending,

the foreign acquisition of cutting-edge defense articles, and most importantly the preservation of the National Security Law raise some concerns over democratic management of its foreign relations.

7. DECENTRALISATION – SUMMARY OF FINDINGS

Bangladesh

Are decisions taken at the level of government which is most appropriate for the people affected?

The local government system in Bangladesh has been reorganised by successive governments. The present system comprises four tiers. The village council, Gram Parishad, is the lowest tier and all its members are elected. The group of villages (Union Parishad) is the next and is also elected. Third up comes the Sub District Council (Upazila Parishad). This is intended to be the main unit of administration and development for its territory, and will also be directly elected when disagreements about who should supervise the elections have been resolved. Quota places for women on these Councils are already in operation. The topmost tier is the District Council (Zila Parishad) which is indirectly elected by members of the lower tiers.

The government's aim has been to devolve administrative and development functions downwards, so as to encourage the direct participation of local people in their own development. Local government has responsibility for oversight of all development agencies operating in its area, and increasing cooperation is evident with NGOs in the provision of public services. However, the structure of local power remains hierarchical, especially in issues of ownership and access to land and other resources. And central government is less willing in practice to surrender power downwards than its rhetoric suggests.

El Salvador

Are decisions taken at the level of government which is most appropriate for the people affected?

El Salvador is a small unitary state. Though it is organised into 14 administrative departments, it is central government that takes the great majority of public decisions and determines public policy across the board. Local municipalities are being encouraged to assume more responsibilities and to be more open and consultative than national government. Municipalities may group together and co-ordinate their activities; and the 1983 municipal code defines them as the political, administrative and legal hub of popular participation in running local affairs. The code made popular participation compulsory, and made provision for open meetings (*cabildo abierto*), public attendance at council meetings, local participation in special advisory commissions, community associations and other organised groups. However, national legislation limits the autonomy of local governments.

Though mayors and council members are elected, the candidates can only be appointed by registered political parties and the majority party wins all the council positions. So local governments are subordinate to national parties and their national policies. However, the FMLN has been seeking to demonstrate its commitment to open, responsive and accountable government at the local level, most notably in San Salvador where the mayor and council pioneer popular consultation over policies for the city.

Italy

Are decisions taken at the level of government which is most appropriate for the people affected?

Italy is a unitary state with growing decentralisation of power and an incomplete turn towards federal assets in the nineties. The Italian Constitution provides for at least three levels of regional autonomy: Regions, Provinces and Municipalities and others of lesser importance. Municipalities, provinces and regions are run by elective organs: they have a Council that checks on the activity of the executive organ and has the power to adopt basic measures as provided for by law (statute, regulations, budget and basic measures committing the body's finances etc) and a head of the executive with an executive

council. The regional level, set up in the constitution, was implemented only in the mid-seventies, when however there was a reduction in the financial autonomy at the municipal level. The nineties testify to further decentralisation.

The Constitution and the subsequent laws outlined a model based on "integration", so that in virtually all matters where competence lies with local authorities, State (or Regional) intervention is asked for either directly, in terms of approval, authorisation or drawing up of standards, or indirectly in the form of financial support or planning. In reality, boundaries are not definite, and the sharing of responsibilities is the rule. Proper co-ordination among different levels of government, vital to both responsibility and efficiency, is not guaranteed by the "negative co-ordination" deriving from the power that each level has to veto a decision and make the whole process come to a halt. Overall reform of regional competence, also involving the Regions identifying the optimal level for each area of competence, has been set in motion by executive decrees following Law 59/97 (so-called *"Bassanini I"* Law). But implementation is still far from complete. From the standpoint of obtaining financing, moves have recently been afoot to reform taxation under the name of "fiscal federalism" (Decree Law 56/2000). The national state keeps a number of controls on the activity of both Regions and other local bodies.

In the nineties, a reform of the electoral system provided for the direct election of the mayors and the president of the provinces and the regions, with a potential increase in their visibility, legitimacy and political role. The degree to which the mayors and the presidents of regions were able to exploit this opportunity in order to increase their personal influence and consensus varies however significantly.

The openness and accountability of local administrations are fairly sore issues; dominating the Italian local bureaucracy are rigid application of norms and indifference to the requirements of users, and the legislative reforms of the 1990's have found it difficult to impose new principles on the running of offices and proceedings.

Formal institutions of direct participation in the processes of policy making are rather weak at the level of local governments. Although referenda, petitions, popular initiatives are in various ways regulated, and their importance stressed, by the Statutes of territorial bodies of government, their use has been, until now, very limited. The very occasional involvement of environmental associations or local committees in the decision-making process does not generally allow contribution from below, nor does the institution of representative assemblies in districts of large towns (*consigli di quartiere*). Civic networks - which many municipalities have set up on the Internet – have rarely been used as means of two-way communication: their top-down conformation has led to a one-way means of conveying information and tele-service more than interaction and two-ways communication.

Kenya

Are decisions taken at the level of government which is most appropriate for the people affected?

A number of factors hamper the effectiveness of local councils that are the levels of government most appropriate for the people. These factors include lack of autonomy on the part of the councils; the dominant role of central government in local affairs; lack of finances as money collected at the local level is channeled to the centre to be spent according to priorities established there; lack of proper devolution of powers; as well as political manipulation. Development activities, such as those organised through the District Focus for rural development, often emphasize self-reliance which reduces expectations of government at all levels, adversely affecting participation in local government. There is also no direct link between traditional authority structures and local government. On the whole, though Kenya is now a multi-party political system, the centralized institutions of personal rule under the previous one party system have not been dismantled. The Local Government Act, for example, empowers the Minister for Local Government to appoint up to one third of the members of each local council, ostensibly to ensure the representation of special interests, but used to appoint KANU members to opposition dominated councils. The President also retains the power to dissolve elected councils and appoint administrative Commissions in their place. Hence development planning and decision-making are still centrally determined. In effect, local authorities control meager resources, perform residual functions and offer mediocre services.

Malawi

Are decisions taken at the level of government which is most appropriate for the people affected?

The local government system moved from centralisation during the colonial period to a brief devolution in 1961 and to re-centralisation by the ruling party in 1966. By 1967 the government had stripped local authorities of most of their functions on the assumption that they lacked experience and direction. Central government reduced grants, withdrew services and controlled staff appointments, promotion, discipline and dismissals. Local autonomy was further undermined by the passing of section 50 of the Local Government District Council Act, which repealed the council autonomy and decision making powers. The urban and district councils thus had no mandate to play any significant role in local governance and economic development, and most of their functional responsibilities were carried out by central ministries through the District Administration.

Since the end of one-party rule, provisions in the new Constitution and the Malawi Local Government Act of 1998 envisage a substantially decentralised and reformed local government system with a new status and role. Its responsibilities include the promotion of infrastructure and economic development through the formulation and execution of local development plans and the encouragement of business enterprise; the presentation to central government of local development plans; the promotion of the awareness of local issues to national government; and the consolidation and promotion of local democratic institutions and democratic participation. Measures are being taken to overcome the limited resource base and lack of trained personnel which have hampered the operation of local government in the past. Elections to the new local authorities only took place in November 2000, so it is too early to say how successful the new arrangements will turn out to be.

New Zealand

Are decisions taken at the level of government which is most appropriate for the people affected?

There are three types of local government in New Zealand: regional, territorial and special-purpose authorities. Following reorganisation in 1989 there are 12 regional councils, 74 territorial authorities, 154 community boards, and 6 special authorities. Although local authorities enjoy considerable independence from central government, they must act within the legal framework that is established by Parliament, and the legislation is highly prescriptive as to what local government may, and may not, do.

The openness and accountability of local government is founded on the legal requirement for members to be elected by their electorate. Similarly, local authorities have a wide range of mechanisms through which they can consult the general public. However, many people do not take an active interest in local politics. This is evident by the poor turnout in local government elections. Moreover, there is a widespread feeling that the accountability of local authorities is limited.

Changes currently being considered by the government include giving local authorities a power of general competence to meet a wider range of local needs, and changing the electoral system to the Single Transferable Vote, which would give voters a wider range of choice for local representatives.

Peru

Are decisions taken at the level of government most appropriate for the people affected?

Peru is becoming an increasingly centralised society.

Regional reorganisation was initiated after the 1992 coup d'état. A new layer of regional government was introduced (Temporary Regional Administrative Councils or CTARs), but constitutional requirements to hold elections to these authorities by 1995 have yet to be acted upon. CTARs have been appointed; they are administratively and financial dependent on the Ministry of the President and have no tax-raising powers.

The most local layer of government, municipal councils are politically independent of the centre. Approximately 10% of total government spending is spent by these bodies, although their budget

allocations are largely determined by the centre and in practical terms they have little financial autonomy in spite of their limited tax raising powers. Furthermore, municipalities have at best joint jurisdiction over local housing, health, education, transport and energy policy, since national planning agencies also have responsibility for each of these areas. Institutional weakness and under-funding further affect the capacity of local government. In spite of these obstacles, some municipalities (and notably Lima) have persevered in their attempts to promote popular participation and to provide extra social facilities in poor areas.

The structures of many development and public services agencies have been altered during the 1990s so that they now report to the Ministry of the President rather than to more local bodies. These changes further concentrate power to allocate resource and investment in the national executive.

South Korea

Are decisions taken at the level of government which is most appropriate for the people affected?

Decentralization in Korea has long served the goal of administrative efficiency rather than that of popular decision-making. Various reform measures from 1987 have sought to remedy this, but the finances, personnel, and procedures required are not yet fully in place. National goals (notably industrialization) and the tradition of central control (exercised by the Ministry of Home Affairs) do not make it easy to truly decentralize the system.

From a historical point of view, Korea's local autonomy has made a considerable progress in the course of democratisation since the second half of the 1980s. We now have regularized local elections, as they took place in 1991, 1995 and 1998. Democratic elections are an indispensable part of local autonomy. In all parts of the country we now find elected local representatives (governors, mayors, councilmen and councilwomen), who know, that - if they want to be re-elected - they must convince the people that they are working in their interest.

We all know, however, that regularized local elections and committed local politicians alone are no guarantee for good local government. The decisive factor is and remains the scope and freedom of action the central authority grants the local communities. It is in this context that Korea's local autonomy has a long way to go. Korea has a very powerful centralist tradition and it is entrenched in the people's mentality and has long been a key factor of the country's political culture. Far-reaching decentralisation in Korea will therefore call for a new way of thinking, even a paradigmatic change with the hallmarks of a peaceful political-administrative revolution. Of course, this cannot be achieved in a short time, and one parliamentary session or presidential term of office will not suffice to complete this epochal reform project.

8. THE MEDIA AND OPEN GOVERNMENT - SUMMARY OF FINDINGS

Bangladesh

Do the media operate in a way that sustains democratic values?

The press is mostly privately owned, while radio and television are under government ownership and control. A private radio station and private television channel have recently been introduced. Since the 1996 election, parliamentary proceedings have been broadcast freely, though with a bias towards the government. In the June 1996 elections the Electoral Commission ensured that all parties were given direct access to radio and TV to project their manifestos. However, the ruling party is always advantaged through its control of media coverage when in office.

Ownership of newspapers and contents of any publication are not subject to direct government restriction. The allocation of local newsprint to the newspapers is no longer an instrument for their control, though government advertisements may still be used in this way. There are still some restrictive laws constraining freedom of the press, especially in the area of national security and public safety. It is also difficult for journalists to be properly independent when their reports are interpreted as necessarily partisan in a highly politicised society. International organisations have documented incidents of journalists being harassed, jailed and killed. In 1999 at least 40 journalists and photographers were assaulted by the police as they were attacked by political activists or religious fanatics.

Legislation to guarantee freedom of information of government sources has been promised by both main parties, but has yet to materialise. Access to the Internet is unrestricted, and personal computers are waived from taxes.

El Salvador

Do the media operate in a way that sustains democratic values?

Before 1979, most of the media were at the service of the military state and powerful economic interests. Media that tried to act independently of the state and established interests were subject to censorship, economic boycott, assassinations and bombings. The media gradually established a wider spectrum of opinion in the 1980s, even in the midst of civil strife, but the peace accords have ushered in a new period of broad debate, even of previously taboo subjects.

The constitution directly provides for the freedom of the media and there is no overt government censorship. The broadcast media run lively and open interview and discussion programmes which allow a wide variety of views and explore sharply divergent perspectives. The breadth of debate in newspapers and journals has also expanded. Newspapers now publish opinion pieces which differ from their own editorial positions and the two largest right-wing newspapers have several columnists who openly express contrary opinions and criticise the government. However, there remain strong and fundamental affinities and shared interests between the governing party and the big business interests that own the major media.

There are serious obstacles to serious analytical and investigative journalism – poor training, inadequate resources, the authoritarian and secretive public culture, self-censorship and the unwillingness of proprietors and editors to pursue issues that may prove politically inconvenient, or harmful to their own or other powerful interests. Fear or threats of violent reprisals often deter investigations into organised crime, police corruption, narcotics trafficking and large-scale financial fraud. In one high-profile case of financial fraud, involving prominent families, police beat journalists seeking interviews.

The penal code limits journalists' freedom to report on court cases for loosely defined reasons of "moral order, public interest and national security" that can be invoked to protect well-placed individuals as well as the interests of justice. The defamation laws are strict, making defamation a criminal offence punishable by up to four years in prison.

Italy

Do the media operate in a way that sustains democratic values?

Ownership of the press is fairly pluralistic, in spite of some groups which hold a large number of newspapers in their hands, such the R.C.S. Group, with *Il Corriere della Sera*, and *L'Espresso* Editorial Group, with *La Repubblica*. On the other hand, ownership of television networks is based on a substantial duopoly. Silvio Berlusconi, the tycoon owner of Mediaset, challenged the RAI monopoly in the highly unclear legislative context which characterised the mid-eighties, and, in a very short space of time, managed to create a situation characterised by the dominance of RAI and Mediaset over all other networks, in terms both of advertising and audience (the former obviously being a direct consequence of the latter).

Political choices still have a strong influence on the composition of the Board of Governors, and hence over editorial choice. Until the early nineties, the main parties agreed to distribute all offices and positions among themselves, thus leading to a form of pluralism with economically inefficient patronage aspects. This process was defined as *lottizzazione*, a word taken from agriculture and meaning the "parceling out" of a piece of land. This did not change when responsibility for appointing the Board of Governors passed from the hands of the Chambers of Parliament into those of the Presidents of each Chamber in 1993. As a result of most recent elections (2001) and the change of governmental coalition, a new president, who will be a politician very close to Berlusconi, is expected to be appointed.

In terms of access of different sections of society to media, while it might be claimed that parties at large seem not to suffer from under-representation (their role being rather exalted by the media), the absence of specific slots is detrimental to, for example, trade unions and social movement organisations or weak social groups (such as the immigrants).

The start of Silvio Berlusconi's political career at the head of *Forza Italia (Let's go Italy)* clearly posed a threat to pluralism in TV news and programmes, and led to a new set of laws regulating political communications during electoral campaigns. Mediaset newsreels (*TG4* and *Studio Aperto* in particular) strongly favoured *Forza Italia* and its leader, and so did - to a lesser degree - all their other newsreels. Suffice it to say that during the 2000 campaign Silvio Berlusconi effectively appeared on the screen for 367.8 minutes, while Massimo D'Alema (Prime Minister at the time, Democratic Left) only "scored" 131.5, and Walter Veltroni (leader of Democratic Left) 112.7. A similar picture seems to be confirmed during the most recent electoral campaign for 2001 elections.

Investigative journalism is unfortunately much less common compared to the widespread use of press-releases, interviews, and editorial comments on news. Nor did journalists play a decisive role in unveiling corruption. Direct intimidation by political leaders is reported as being fairly common, albeit subtle: phone calls to the editor, reports on the behaviour or "unwelcome" opinions of the journalist and so on, are frequently made by politicians.

Recently, doubts have also been raised concerning the norms regulating the secrecy of sources of information. The Authority for the protection of personal data secures the protection of privacy in all contexts, including that of the media. The most urgent problem, however, is that of the conflict of interests which the electoral victory of *Forza Italia* and the related coalition in 2001 general election created. Since the beginning of Berlusconi's political career in 1994, the subject of media has been much debated both in and out of Parliament, without, however, reaching any conclusions. A bill that was approved by the Chamber of Deputies at the beginning of the present legislature was put aside, but is now being reviewed for approval in the Senate. This text, which does not deal with ownership as such, only provides for blind trust in management, and is therefore considered by many to be insufficient.

Kenya

Do the media operate in a way that sustains democratic values?

The print media has increasingly taken an independent stand on issues and topical debates in ways that contribute to the enhancement of democratic values. However, the government still has control over the most important channels of political communication, namely the electronic media, (Radio and Television) which have a national reach, and controls these media in ways that are inimical to the sustenance of democracy. Radio is the most accessible medium for public participation, reflected in the increasing popularity of chat-shows and radio phone-in programmes. There has been the recent emergence of about 10 private FM radio stations, although acquiring broadcasting licenses from the government has proved difficult. The major newspapers are privately owned and formally independent. However a number of formal and informal restrictions operate, including the power of the Registrar General to license and proscribe publications (although such prescriptions can be overturned in the High Court); the Defamation Act; individualised harassment and intimidation against journalists by the police and members of the governing party; and the deportation of foreign journalists publishing articles critical of the government. During the 1990s, journalists have been prosecuted under the Contempt of Court Act for criticising the judiciary; under the Defamation Act for reporting police violence, torture and corruption; and have been prevented from working and suffered equipment confiscation under the Chief's Authority Act. Nevertheless, there is a healthy history of investigative journalism. Additionally, the recent introduction of prohibitive libel costs prevents journalists from freely writing about a number of issues. Nonetheless, the emergence of the so-called alternative press is a sign of greater press freedom. There is also a current review of press law under the Horace Awori Commission.

Malawi

Do the media operate in a way that sustains democratic values?

Freedom of thought and expression was one of the most suppressed human rights during the past regime. The period of transition, 1992-1993, saw the proliferation of the print media, though many newspapers closed after publishing only a few issues. Today there are two dailies, three weekend papers and a few other papers appearing periodically. While press freedom has grown, there has also been intimidation and harassment of journalists and their institutions, especially during election times.

The print media are mostly privately owned whereas the Malawi Broadcasting Corporation and Television Malawi are controlled by the government. The MBC in particular has not given fair access or coverage to opposition parties, and has been the cause of considerable concern. However, the recent passage of the Communications Act encompassing the MBC and establishing a Malawi Communications Regulatory Authority is a great step forward, and when fully operational will oversee the regulation of the postal service, telecommunications, broadcasting, frequency allocation, communication policy and licensing.

New Zealand

Do the media operate in a way that sustains democratic values?

Generally, the diversity of the New Zealand media operates in a way that helps sustain democratic values. The two state-owned television channels and three radio channels are run at arm's length from government through state-owned enterprises. All other media are privately owned. Since the Broadcasting Amendment Act of 1991 there have been no restrictions on foreign ownership or cross ownership of any media organisation, and most of the media is under the ownership of foreign multinational companies. In practice the media operate with considerable independence from these corporate interests. However, while considerable independence is also maintained from government and party interests, the commercial imperative of ratings tends to dictate media content. New

Zealand shares with other countries the trend towards sensationalism, personalisation and trivialisation of news and comment.

There is no official censorship, and most shades of opinion can find an outlet in the news media. Under the Broadcasting Act of 1989 a Broadcasting Standards Authority was established to oversee and enforce standards in broadcasting, and a Broadcasting Commission was set up under the name 'New Zealand on Air' to reflect and develop New Zealand identity and culture, including Maori language and culture. It fulfils these objectives by providing funds for broadcasting and the production and archiving of programmes. Since 1993 the funding of Maori broadcasting has been the responsibility of a separate organisation, Te Mangai Paho, whose goals include increasing the quantity and quality of Maori language and culture programming.

Peru

Do the media operate in a way that sustains democratic values?

Government control of broadcast media is as integral to its hold on power as its control of the judiciary and security services. Control of the mass media is in many ways the key characteristic of Fujimori's liberal-authoritarian state because it allows for a more subtle form of social control than is possible through outright dictatorship (e.g. Pinochet's Chile). Distinguished from the fascist state by its inability to mobilise the masses, control of mass media has nevertheless allowed Fujimori's government a means to scapegoat and discredit opposition figures.

The Constitution restricts media monopolies of any sort, and the state-owned media companies attract little more than 5% of the audience in any of television, radio or print media. However, nominally independent media companies have been brought under de facto government control by means of:

- Dependency on the state for advertising revenues. Some newspapers are reportedly also paid for each anti-opposition headline they print.

- High taxes on raw materials (e.g. newspaper). The government has on occasions bartered tax-debt for advertising space; at least four private television stations would be bankrupt if the government foreclosed on their tax debts.

- The Judiciary. In addition to censorship, the government has successfully used the courts to manipulate the ownership of media companies, disqualifying some shareholders and shifting power towards pro-government groups. Six of the eight existing terrestrial television stations have had ownership 'disputes' settled in this way.

- Preferential access to official information, and by feeding false (libellous) information to others.

- Putting pressure on other advertisers, printing, distribution and service companies to cease their contracts.

- Blackmail.

A greater diversity of opinion is available on cable television and in newspapers than on broadcast channels, but these are accessed by only a small proportion of the population. Terrestrial television is the main source of information for over 80% of the population. It does not provided balanced or socially representative programming, as illustrated by the President Fujimori's inescapable television presence during the 2000 elections.

Public resentment at the degree of political manipulation has been at the centre of several demonstrations. The industry and NGOs established a number of institutions in the late 1990s to raise media standards and provide the public with a means of redress.

South Korea

Do the media operate in a way that sustains democratic values?

The development of the media in Korea has some marked characteristics in relation to the country's political history. In the 1ˢᵗ Republic, the media had a tradition of opposing the President Syngman Rhee's government. In the 2ⁿᵈ Republic, Myon Chang's government (under a parliamentary system) permitted unprecedented freedoms for the media. There was a confusion of information sources, and it was hard to tell fact from rumor. In the 3ʳᵈ Republic, President Chung-hee Park reorganized or closed down many dailies and news agencies, thus creating a sort of "pseudo-media," tightly controlled by the government. The phenomena of tight government control over the media continued in the 4ᵗʰ and 5ᵗʰ Republic. In the process of democratization (in the early 1990s), the media has regained autonomy from the government.

However, the influential media in Korea are like the emerging industrial conglomerates, becoming news oligopolies. Therefore, there is a danger that they may not represent diverse views of the society with equal weight. It is fortunate that most influential daily newspapers have their own ideological positions so that they can reflect diverse sectors of the society relatively well, although they are definitely skewed in favor of conservatism. Many people worry about the excessive power given to the media and many citizen groups are calling for reform of mass media, and of the daily newspapers, in particular. With this public support, the Kim Dae-jung government has recently sought to do so, but the results have not been very satisfactory.

9. POLITICAL PARTICIPATION – SUMMARY OF FINDINGS

Bangladesh

Is there full citizen participation in public life?

Bangladesh has a strong tradition of voluntary and civic associations, stretching back to colonial times, and reflecting the fact that in a poor society people have had to work together to support each other. Typical areas of activity include agricultural production, basic services of health and education, and environmental protection. Cooperative societies abound in all aspects of production and transport. Urban associations include student organisations, cultural bodies, professional groups and trade unions. Students have a rich tradition of fighting for democracy and human rights, and were instrumental in the downfall of the military regime in the early 1990s. Today there is a tendency for associations to be aligned with one or other of the political parties.

Associations can either be registered or unregistered. The latter are run with their own funds and carry out their activities with minimal regulation. Registered associations are eligible to get funds from both domestic and foreign sources, but are more closely regulated. Until recently there was something of a stand-off between NGOs and the government, with the former accusing the government of being inept and corrupt, while the latter accused NGOs of undermining their authority and even threatening national sovereignty. Now there is more mutual respect, and the government is anxious to involve NGOs in service planning and delivery.

Being a plural as well as unequally structured society, Bangladesh will always face the problems of ensuring equal access for all social groups to public office and representation in public bodies. The government has been trying to improve the situation through the decentralisation of power and administration so as to encourage greater and more inclusive participation in public affairs, including election to the different levels of local government. Quota systems have been introduced to increase the participation of women in public office of all kinds, and the practice of reserving seats for women candidates has resulted in nearly 14000 women being elected to the second tier of local government (union parishad).

El Salvador

Is there full citizen participation in public life?

The authoritarian power of government, the powerful influence of major economic interests and the smothering embrace of the political parties does not leave much space or purchase for effective participation in politics. But Salvadoran citizens anyway seem to have retired from public life – perhaps due to the traumas of the recent past, or disappointed expectations since 1992. They are unwilling to organise or to commit themselves to public strikes or protest. Even the long protest of doctors and workers in the health service was an isolated movement, which did not generate public involvement or backing from other social organisation. There is also a marked shortage of intermediate organisations in civil society. Even traditional associations – trade or professional bodies, Rotary Clubs, the boy scouts – suffer from low levels of participation. The churches – and especially evangelical Protestants – remain active and two Roman Catholic ceremonies commemorating church martyrs assassinated during the civil war attracted significant backing from ordinary citizens.

Women form the majority of the Salvadoran population, but play an insignificant part in public and political life, as well as in major positions in all other areas of life.

Italy

Is there full citizen participation in public life?

The political parties that developed a relationship of "protection" with social movements and various NGOs have traditionally mediated political participation. Rates of membership in political parties used to be quite high, although with serious differences in the meanings of membership. If participation in various kinds of association was low in comparison with other European countries, the number of people who took part in unconventional forms of political participation was quite high. In some periods, protest radicalised, even into terrorist forms. Voluntary associations (such as charities) were traditionally associated with the Catholic Church and had only informal and sporadic relations with the public administration.

The pattern of political participation changed in the eighties and in the nineties. In the eighties protest became much more moderate in repertoire and pragmatic in scope. In the nineties, the breakdown of political parties that followed the exposure of political corruption dramatically affected political participation. The drop in political party membership has been particularly remarkable after the political scandals that started in 1992. Protest increased, although keeping mostly moderate forms. Social movement organisations multiplied, but remaining usually very small and loosely connected with each other. The voluntary associations grew too, in number but not only. New forms of "association life" developed in the so-called Third Sector with increasing, although sometimes conflictive, relations with the public administration, especially at the local level.

A persistent problem is the under-representation of women standing in national and local elections. Participation of women in public life is, in Italy, quite low by comparison to other Western democracies. According to the Inter-Parliamentary Union, on a descending rank order of 177 countries based on the percentages of women in the lower or single chamber Italy ranks at the 56th place, behind many Northern, Central and Eastern European Countries. The role of women in other areas too emerged late compared to Constitutional precepts. For example in the area of family rights, it was only by Law 151/75 that measures objectively restrictive to the moral and legal equality attributed women by the Constitution were finally abolished, including the exercise of parental authority by the father alone, and his sole right to extraordinary administration of children's and family assets and to decide on place of residence. Finally, many laws have long been in conflict with the provisions of Article 37 of the Constitution that states that a woman worker has the same rights and, for doing the same job, the same pay as her male counterpart, and that her special family role must be duly considered and protected. Formal equality was established only in the late seventies (Law 903/77). Further in this direction is legislation that not only forbids discrimination but also provides initiatives aimed at a more-than formal equality in the workplace between men and women. In order to inject vigour into the achievement of real equality between the sexes in all its various aspects, among other things a national Commission was set up and also, recently, an *ad hoc* Ministry.

Kenya

Is there full citizen participation in public life?

The range of associative and voluntary organizations is extensive and represents key social, economic and political interests. Most Kenyans are actively engaged in associations for the promotion of their own welfare and for religious purposes. Rural associations are oriented essentially toward material issues and comprise of credit unions, co-operatives and labour pools. Urban civil society mainly comprises of student and professional coups who played a leading role in the successful campaign for multi-party politics from 1990 to 1992. Church networks are also expansive. The level of public participation in these organizations is high. The government has ambivalent attitudes towards these civics. Those civics that espouse liberal political ideals are derided as serving foreign interests and dangerous while the so-called developmental and self help civics are hailed as "partners in progress". In particular the government has promoted self-help organisations under the Harambee movement and in the Jua Kali, artisanal sector. In contrast, the democracy and governance civics are materially

independent of the state, courtesy of donor support. However, questions now abound whether sustained donors support is guaranteed and if those civics have the capacity to hold on to the political space conceded by the state without donor support. They are already subject to state regulation through the NGO Co-ordinating Board, situated in the Office of the President, which has wide discretionary powers to monitor and ban groups. All organisations are also vetted by the National Intelligence Service before registration, which can be a long process. Women have a far stronger presence in the voluntary sector and in church groups than in party politics or national government. Elected office continues to elude the majority of interested women, with women's lack of independent wealth a probable disabling factor, and their representation at executive and managerial positions in both public and private offices is dismally low. Minority groups are also disadvantaged in holding public office by the first-past-the-post-electoral system, which precludes their participation except in areas where they form a large local majority. Under President Moi, so-called marginal communities, who are usually supportive of the ruling party, enjoy unprecedented access to public office and parliamentary representation clearly beyond their numerical strength and human capital development relative to other communities. The emergence of multi-partyism has enhanced political participatory space but state institutions in general, are still steeped in the old non-participatory culture.

Malawi

Is there full citizen participation in public life?

A common feature of the Malawian community life has historically been the high degree of self-organisation in cultural, economic and political matters. Numerous associations predated independence in 1964, and most were subsequently suppressed. The revival of the early '90s brought forth new groups with only weak links to their forerunners. Several work on human rights and civil liberties. Most aim to reform both state and society, with some addressing the needs of special groups. The stronger ones are local and community-based, and the more successful ones are urban. People also seem to associate more easily on culture and sports, and in recent years, language or credit. Such groups also help establish a link between urban and rural society. However, there is inadequate appreciation among some quarters of the need for such voluntary associations, which in their turn do not help if they are unaccountable or undemocratic themselves. Apathy among the population is another problem civil associations may face.
Trade unions tend to be beset by factionalism and poor membership. The growing private sector holds potential for bringing together business elite or entrepreneurs. Female participation in politics and various formal structures is low. Minority participation too is limited. Ironically, the civil society sector's own weakness of personnel, especially in training and ability to use research on poverty or social problems, sets a limit to its own effectiveness. Public debate therefore begins and ends in "bars and taverns". The financial dependence of some of these organisations on various interests makes them even more vulnerable. The advocacy of people's economic concerns has not been assumed by most civil society associations. Incorporating civil society organisations in policymaking, the adoption of participatory or community approaches to development, and the revival of local government will go a long way to strengthen civil society. Several civil society and rights groups have been vociferous in such demands.

New Zealand

Is there full citizen participation in public life?

Citizens are free to participate fully in public life. There is a high voter turnout in comparison with similar countries elsewhere (see table below). Survey research also shows significant levels of participation in other forms of public activity. The Study of Values survey found that 89.3% of people had signed a petition, 19.3% had attended lawful demonstrations, 16.9% had joined a boycott, 4.4% had joined unofficial strikes, and 1% had occupied buildings or factories.

Historically New Zealand has been a nation of committees. There is an extensive and diverse range of voluntary associations, citizen groups and social movements that operate independently from government. There are, for example, around 130 national women's and Maori women's organisations and groups, and many of these have branches throughout the country. The peace movement, environment groups and Maori advocates have been vocal participants in the political process.

The growing importance of women in public life has already been commented on in the Introduction, which has also drawn attention to the paradox that the high level of citizen involvement generally has not been matched by a similar sense of confidence in people's capacity to influence government.

Recent Voter Turnout at Post-1990 Lower or Single House Elections in NZ and Selected OECD Countries

Country	Date of a recent election	Voter turnout at election (%)
New Zealand	1999	84.77
Australia	1998	95*
Canada	1997	69
Finland	1995	68
Sweden	1998	81
UK	1997	72

Source: UN Development Programme, 1999, p217. New Zealand data (turnout of those enrolled): The New Zealand Electoral Compendium*, Second Edition. Wellington, New Zealand Electoral Commission, p141. *Voting is compulsory in Australia.*

Peru

Is there full citizen participation in public life?

An active civic sector provides a wide range of services in co-operation with the poorest sections of society, and participates in the provision of government services through a variety of programmes. Yet in spite of the importance to these services to beneficiaries, the voluntary sector carries little weight in national politics and is generally heavily dependent on the state for money. Participation rates are highest in organisations that have little to do with the state, such as neighbourhood and parents' associations, children's food groups and church-related organisations. 'Co-operation' between the state and NGOs is rarely the product of consultation – areas of work are rather decided by the government.

Women's increased involvement in politics is one of the most significant changes attributable to the Fujimori government. The creation of a 25% women's quota on party lists for congressional and municipal elections led to a doubling of the number of female representatives in Congress in 2000 and an increase of between 8 and 18% in local government. The civil service (2.8% women in managerial positions) and local government executives (3.6%) are the worst performers in terms of gender representativeness; at 5.6%, marginally more women are present in Ministerial posts. Several ulterior motives for the President's enthusiasm for gender balance have been put forward, including manipulation of the female electorate and the importance of a making concession to foreign campaign groups. It must also be said that changes prioritising women's representation have not been accompanied by equality legislation.

South Korea

Is there full citizen participation in public life?

Participation can be a by-product of socio-economic changes. In the last three decades, the socio-economic changes in Korea have been spectacular. The key is that mobilized participation has gradually become a less salient factor. Socio-economic development leads to a greater popular

demand for an active citizen role. This situation will become even more serious if the elite members choose to ignore or suppress such demands. For example, on January 12th, 2000, 412 Korean domestic civil organizations launched a social campaign called the "Civil Action for 2000 General Election" (CAGE) by making an official declaration at the Press Center in Seoul, South Korea. The declaration titled as "Civil Manifesto for Political Reform" urged the year 2000 to be the commencing year of political reform in South Korea. It asserts that politics in Korea still remains in the time of the past century when the society and the people therein prepare their way into a new century as well as a new millennium.

Meanwhile, women's political participation has not been very evident. With an exceptional case of voting participation, where women are as likely to vote as men are, women fall behind men in most other forms of political participation. The most troublesome is the great under-representation of women at the elite level. High-ranking public officials and lawmakers are predominantly males, meaning that women are systematically excluded from the policy making process. The situation is getting better gradually, due to the efforts of many women's groups, and the future is even brighter as new generations of young women tend to be highly independent and quite active in all realms of the society.

General Conclusions and Implications for Democracy Assistance

The foregoing analyses of eight countries two from each of Africa, Asia and Latin American regions; and two from established democracies (Italy and New Zealand) point to important achievements and challenges to democracy development. These eight countries can not be said to represent democratic trends globally. Besides the sample being too small for over 180 countries around the world, the selection of these countries was not adequately scientific. It was based on several factors such as prior knowledge of the country, pre-existing contacts with some of the assessors and inadequate resources to do for example a large federal country. These factors and others limited the type of countries we could select. Nevertheless, the findings of the assessment seem to be largely congruent with a lot of recent academic analyses of trends in democratisation. With this evidence International IDEA is becoming increasingly confident that it is both in close touch with democratic trends around the world and therefore more than ever best placed to target assistance and to advise others on the issues to be addressed to achieve better results.

From the reading of these summaries alone the following conclusions among others can be drawn:

More Political Space and New Democratic Opportunities

Many of the countries in this pilot assessment have adopted broad and inclusive constitutions that recognise the rights of different sections of the population. Most constitutions have built-in the Bill of Rights to underscore protection of basic freedoms and rights including elements that cover empowerment of women and promotion of gender equality. The adoption of broad and inclusive constitutions especially the recognition and respect of the same as the fundamental law of the land is a major step in the democratisation of countries previously undemocratic. The rule of law too has become the guiding principle of governance and democratisation. A combination of a new constitution and acceptance of the principle of the rule of law has created new political space. This is evident from the discussions under sections on the role of political parties, emerging private media and new opportunities provided by public radio and television in each of these countries. The role and space enjoyed by local government and civil society groups in each assessed country are also encouraging developments. Although progress differs from country to country, there is evidence that a lot has been achieved in the past decade. Elections too have become a norm though their quality and legitimacy require a lot more work.

Nevertheless, good constitutions, the rule of law, regular free and fair elections do not on their own change the material conditions of those previously excluded and disadvantaged especially so in a short space of time. Indeed the outcry from ethnic minorities, women, immigrants and rural dwellers in countries in this pilot show very well that democratisation has not yet changed their lives for the better. Poverty, inequality and unequal access to justice, development benefits and the associated lack of influence on development policy are evident amongst the poor and disadvantaged groups in many of these countries. Yet the analyses in this report show that in many of the countries, it is easy and common to change the constitution and erode democratic achievements so far made.

Less-Accountable Governance and Representative Institutions

The reading of the findings of the pilot countries suggest that the areas of democratisation where much less progress has been made are in the effectiveness, accountability and responsiveness of both government and political parties.
Many of the governments seem to have done a lot to create safeguard institutions such as *ombudsperson*, anti-corruption and such others intended to protect the public against injustice, discrimination and corruption. However, from Bangladesh, Kenya, Peru down to Italy, corruption and ineffectiveness of government emerge as major issues of concern. Political parties seem to be undergoing major structural changes that have affected their effectiveness as both representatives of

public interest and overseers of government's performance. Many political parties face problems of declining membership, insufficient funding opportunities, dominance by one founding member of or a clique of self-serving elite.

It is the areas of effective government, anti-corruption and more representative and democratic political parties that democracy assistance must focus.

Poverty is a Threat to Democracy

The section on "International Dimension of Democracy" more than others bring to bear the distinction between developing and developed countries in terms of external influences on their political development. All the countries are subject to influences and are making effort to live up to and set their standards based on international conventions and practice. However, those in developing world such as Bangladesh, Kenya, Malawi, El Salvador and Peru seem to be living under a somewhat belligerent relationship with the international financial institutions and the donor community. It appears that political conditionality while creating political space for reform and democracy has not however brought about accountability of the government to their citizens. Poverty on the other hand is entrenched and debilitating to a substantial section of the populations of a number of these countries. In this context poverty constraints both citizen participation and access to rights and opportunities that they should normally enjoy under a democratic society.

This assessment was meant to examine the issues in democratisation, raise debate on these issues and help identify the gaps and areas of need for democracy assistance. We believe these summaries have gone a long way in achieving these objectives. The reader is of course referred to more elaborate country reports available at International IDEA and in the countries concerned.