# Governments of the World

*A Global Guide to Citizens' Rights and Responsibilities*

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# Governments of the World

## A Global Guide to Citizens' Rights and Responsibilities

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**Governments of the World: A Global Guide to Citizens' Rights and Responsibilities**

C. Neal Tate, Editor in Chief

Cover photograph: The golden royal coach passes through the gate of Buckingham Palace in London, England (© Julian Calder/ Corbis).
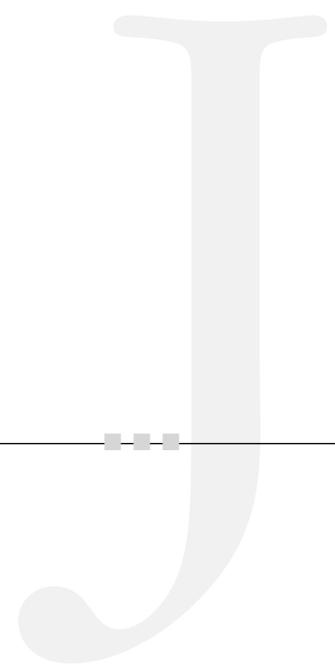
## Jamaica

Located in the northwestern Caribbean, Jamaica is the third largest island in the Greater Antilles. It is located 145 kilometers (ninety miles) south of Cuba and some 161 kilometers (100 miles) west of Haiti. Jamaica is a mountainous island with a relatively narrow coastal plain. Much of its interior spine, stretching 225 kilometers (140 miles) from east to west, is above 457 meters (1,500 feet). The highest reaches are in the east, where Blue Mountain Peak extends some 2,255 meters (7,400 feet) above sea level.

Jamaica is a member of the United Nations, the Commonwealth, the Organization of American States (OAS), the Caribbean Community (CARICOM) and numerous other international and regional organizations. Jamaica is a parliamentary democracy and a constitutional monarchy. Despite its independence from the former colonial power Great Britain, the Queen of England remains head of state. However, her powers are largely ceremonial and are undertaken by her local representative, the governor-general, who is appointed by the Queen under the advice of the prime minister in consultation with the leader of the opposition. Real power resides with the prime minister, who is elected as a member of the House of Representatives in general elections for sixty constituency-based, single-member seats.

Elections are normally held every five years and the prime minister is appointed by the governor-general, based on the confidence of the House majority. The leader of the opposition is chosen based on an ability to command a majority of those in the House who do not support the government. In this and other ways, even though parties are never mentioned, the two-party system is informally entrenched in the Jamaican constitution to the relative exclusion of third parties.

The party system also is recognized in the upper house or Senate, which consists of nominated members. Thirteen members are nominated by the prime minister and eight by the leader of the opposition.

For more than half a century, Jamaica has had an admirable electoral system based on universal adult suffrage. The entire adult population, without

**JAMAICA**

0  10  20  30  40  50 Miles

0 10 20 30 40 50 Kilometers

*Cayman Trench*

*Montego Bay*

Lucea • • Falmouth St. Ann's Bay

Montego Bay • Browns Town • Port Maria

Negril • Bluefields

*South Negril Point*

Santa Cruz • Hope Bay

Black River • *Milk* Hectors River

Kingston *CARPENTERS MTS.* Blue Mt. Peak 7,402 ft 2256 m. Morant Point

*New Bank* Alligator Pond • Old Harbour Bay • Morant Bay

Lionel Town *Portland Point* *Portland Bight*

*Caribbean Sea*

Jamaica

(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

discrimination, has reasonable access to the vote. There has been a history of relatively peaceful electoral change in which the opposition party has repeatedly taken power. The Jamaican press is free by any standard, and criticisms of the government, the opposition, the police, and private sector leaders are rife on daily talk shows and in leading newspapers. Jamaica also has managed to retain, though under severe economic constraints, a relatively adequate universal health system, comparatively high levels of literacy, and a reasonably high level of post-primary education.

On the negative side, the survival of Jamaican democracy has been severely tested. This was evident in the widespread electoral violence of 1980, and in the 1983 elections that were boycotted by the major opposition party. Jamaica has a modern history of political violence, augmented by domestic and drug-related violence, that severely undermines security, the climate for investment, and the perceived quality of life. There also have been constant and disturbing cases of alleged extrajudicial violence and murder carried out by the police force. The judicial system, while apparently free of widespread corruption, has been chronically slow in delivering justice. Within the inner city there are a number of communities and districts, commonly known as "garrison communities," where illegal voting and voter intimidation are common. Finally, there is a constant threat to the deterioration of public facilities, such as schools, hospitals, roads, and the transportation system, as the weak economy and often flawed economic policies have led to a massive internal debt, absorbing in recent years some 60 percent of the fiscal budget.

### HISTORY

Before the arrival of Europeans, the island known as Xaymaica was settled by the Tainos, a people who migrated up the Antilles from their origins in north-eastern South America. Columbus first landed in 1494 and claimed the island for Spain. By 1524 the Taino population had been decimated, either by death through forced labor or from exposure to new diseases. Spanish domination of Jamaica lasted for 150 years, until England captured the island in 1655.

English rule lasted for three hundred years, ending in 1962 when Jamaica gained independence. Under England, plantation agriculture thrived. By the mid-1700s Jamaica's economy—based on slave labor and geared primarily toward the cultivation of sugarcane—made it England's most valuable overseas possession.

England brought constitutional government to the island, but it was an order founded on the dispossession and disenfranchisement of the vast majority of the population. The system included a governor who represented the king, and a leg-islature that was elected on a highly restricted property-based **franchise**. West Indian plantation society bred a racially based and **hierarchical** social order. At the base were the vast majority of black slaves, brought forcibly from West and Central Africa in deplorable conditions across what became notoriously known as the Middle Passage. In Jamaica and throughout the Caribbean, Africans from numerous nations forged their own distinct culture. A medley of continental retentions and eighteenth-century British borrowings, this highly adaptive Creole culture—best exemplified in modern-day reggae music—has persisted and remains the vibrant and dynamic culture of contemporary Jamaica.

**franchise:** a right provided by statutory or constitutional law; to give such a right

**hierarchy:** a group of people ranked according to some quality, for example, social standing

Modern Jamaican politics began with a labor rebellion in May 1938, when riots broke out for better working conditions in the west. These soon spread to the capital city of Kingston, where dockworkers went on strike, and then to towns and estates on the rest of the island. The Jamaican uprising, accompanied by similar events in most of the other British Caribbean possessions, signaled the existence of deep dissatisfaction with the social and political order. A commission set up to examine the causes of the unrest, headed by Lord Moyne (Walter Edward Guinness, 1880–1944), concluded that a century after emancipation, the lot of the poor, black majority remained mired in poverty.

Among Jamaica's middle classes, a growing nationalist fervor led to the formation of the People's National Party (PNP) in 1939. Led by the barrister Norman Washington Manley (1893–1969), the PNP sought to forge a peaceful and constitutional anticolonial mass movement guided by moderate **socialist** principles. Manley, who came from a rural family, was a decorated World War I veteran. He returned to Jamaica with his artist wife Edna, where he forged an impeccable reputation as a trial lawyer.

**socialism:** any of various economic and political theories advocating collective or governmental ownership and administration of the means of production and distribution of goods

Early PNP efforts to build a popular base were stymied by the presence of another popular leader: Manley's cousin, William Alexander Bustamante (1884–1977). A moneylender and adventurer, Bustamante had won the confidence of the popular majority when he stood with them in the streets during the 1938 riots. He formed the Bustamante Industrial Trade Union (BITU), to which the vast majority of workers soon belonged. At first there was an alliance between the PNP and the BITU, but Bustamante, following his detention by the British during World War II (1939–1945), broke with the PNP and formed his own political party, the Jamaica Labor Party (JLP).

In the first elections under universal adult suffrage (1944), the JLP defeated the PNP, with Manley himself losing his seat. From then until 1989, electoral politics followed a pattern dominated by these two parties, with one winning for two terms and then alternating with the other. Since 1989, the pattern has shifted, with the PNP winning successive elections in 1994, 1997, and 2002.

In 1960 the West Indies **Federation** was formed, bringing together twelve British colonies in the Caribbean in an arrangement that was seen as the prelude to self-rule. Norman Manley, then premier of Jamaica, strongly supported the federation. Although Bustamante was at first supportive, he later changed his position, arguing that it was against the island's interests and proposing that Jamaica should move to independence as a single nation. In 1961 a **referendum** was held and Bustamante's position won out. In new elections a few months later, the JLP won and Bustamante led Jamaica into independence on August 6, 1962.

**federalism:** a system of political organization, in which separate states or groups are ruled by a dominant central authority on some matters, but are otherwise permitted to govern themselves independently

**referendum:** a popular vote on legislation, brought before the people by their elected leaders or public initiative

### POST-INDEPENDENCE POLITICS

Jamaica's post-independence history can be divided into four periods. In the first (1962–1972), the JLP—under the leadership of Bustamante, followed by Donald Sangster (1911–1967) and then Hugh Shearer (1923–2004)—sought to establish a political and economic path closely allied with the West. By the late 1960s, however, in the face of rising unemployment, there was frustration with what was perceived by many as the failed promises of independence. This came to a climax in 1968 around the Rodney incident. Walter Rodney (1942–1980), a young Guyanese historian at the University of the West Indies, had been banned from returning to Jamaica after a trip abroad. Hundreds of students protested, and when the police sought to break up the demonstrations they were joined by thousands of the disgruntled urban population, causing significant property

damage in one day of intensive rioting. The Rodney riots signaled the death knell of the Shearer-led JLP government.

The second period began in 1972, when a renovated PNP under the leadership of Michael Manley (1924–1997) Norman's son, swept the polls and initiated the most tumultuous decade in Jamaica's modern history. Developing his populist skills in the National Workers Union (NWU)—the trade union arm of the PNP— the younger Manley soon gained and perhaps exceeded the popularity of either Bustamante or his father.

Michael Manley's policies were reformist and extensive. A successful attempt was made to renegotiate the earnings from Jamaica's chief mineral exports of bauxite and alumina. Policies were implemented to provide free education up to university level for all students. A new and expansive housing program began to address the housing shortage in the inner city and elsewhere.

However, some of the policies were more controversial. The attempt to institute a **compulsory** national youth service program upset the conservative middle and upper classes. Even more alarming to them, and to Jamaica's traditional allies, was the new government's emerging foreign policy. Manley sought to balance Jamaica's unreserved commitment to the West with new initiatives involving the social democratic countries of Western Europe, the recently independent countries of the **Nonaligned Movement**, the Soviet **bloc**, and most startlingly, with Cuba.

On its newly developed platform of "democratic socialism," the PNP was reelected in 1976 with an increased majority. Almost immediately thereafter, the government's popularity was undermined, leading to electoral defeat at the hands of the JLP in 1980, then under the leadership of Edward Seaga (b. 1930). In January 1977, following the December election, Manley announced that the national coffers were empty. In March, a loan agreement was signed with the International Monetary Fund. The initially mild terms of the loan were hardened after Jamaica breached the agreement in December 1977. From then until 1980, a spiral of increasing prices, layoffs, and shortages of basic goods caused public opinion to shift away from Manley and toward the more conservative Edward Seaga.

The descendant of Lebanese immigrants, Seaga portrayed himself as the militant right-wing alternative to what he saw as the PNP's incipient **communism** and its close relations with Cuba.

Seaga won even more support amidst a deteriorating security situation. From the mid-1970s on, a spiral of violence initiated by gangs linked to the two political parties afflicted Jamaica. In his reminiscences of the period, Manley argued that the violence was part of a planned program to destabilize his government. Though there was no decisive proof, it is evident that the violence, alongside the deteriorating economy, served to undermine confidence in the PNP's ability to govern.

A third period of post-independence began when Edward Seaga came to power in 1980 on the promise that he would "deliver" Jamaica from the leftist policies of the Manley regime and reinstitute a policy of attracting foreign investment. To this end, he formally subscribed to the emerging U.S. consensus on the central role of the market, the limited role of the state, and the need to promote production for export as opposed to the earlier notion of import substitution as a stimulus for growth. Despite significant political goodwill from the United States in the first years of his regime there was very little new investment. Growth remained minimal, and unemployment levels high.

**compulsory:** mandatory, required, or unable to be avoided

**Nonaligned Movement:** an organization of countries, formed in 1961, that did not consider themselves allied with either the western or the eastern blocs

**bloc:** a group of countries or individuals working toward a common goal, usually within a convention or other political body

**communism:** an economic and social system characterized by the absence of class structure and by common ownership of the means of production and subsistence

By 1983, it seemed apparent that Seaga would lose the next election, when the Grenada event occurred. The Grenada Revolution took place in the eastern Caribbean in 1979, when Maurice Bishop (1944–1983) and the New Jewel Movement (NJM) overthrew the **authoritarian** government of Sir Eric Matthew Gairy (1922–1997). In October 1983, arising from a NJM leadership crisis, Bishop was placed under house arrest by a faction of his own party, subsequently freed by a crowd of supporters, and later executed by members of the Grenadian military, many of whom were also members of his own party. A week later, the United States, with the support of Jamaica and some eastern Caribbean countries, invaded Grenada and overthrew the revolutionary regime.

The fact of a leftist Caribbean regime destroying itself boosted Seaga's popularity. Taking advantage of this, he called a snap general election. Manley argued that there had been a solemn agreement that there would be no election prior to reform of the electoral system and refused to contest. The result was that the JLP contested without the PNP's participation, creating for the first time in Jamaica's history a single party parliament with the JLP holding all seats.

Seaga's victory gave him a second term in office, but the method of winning served to undermine his credibility. The government's economic performance in its second term improved on that of the first. Growth occurred in the last three years, though this was against the backdrop of significant increases in Jamaica's foreign indebtedness. Despite this, Seaga lost the 1989 election, and the PNP and Manley were back in power.

Michael Manley's return to office signaled the beginning of the fourth post-independence period. It was very different from his first appearance. The PNP in its new incarnation had accepted the U.S. consensus and, despite attempts to retain some of the old social programs, seemed to adhere to the new market-led policies even more thoroughly than did Seaga. Manley himself retired from politics in 1992 and handed over power to P. J. Patterson (b. 1935). Patterson led the PNP to three successive electoral victories, making him by far the most successful leader in Jamaica's political history. However, the relatively weak economic performance of the country stands in contrast to the achievements of this period. Jamaica's growth had been limited and fell behind most of its immediate Caribbean neighbors.

The most serious economic problem faced by the Patterson regime was the financial crisis of 1997. The deregulation of the financial sector led to a boom in banking and real estate during the mid-1990s. However, this proved unsustainable, as there was very little new investment in productive enterprise and some banks were accused of engaging in unprofessional and even illicit lending activities. The end result was the 1997 collapse of some banks and a bursting financial bubble. The government, arguing that it was the only way to prevent a complete meltdown, initiated a major rescue of the banking system, leading to a dramatic increase in the country's long-term debt.

After the PNP came to power, growth was very limited. Between 1990 and 1999 the annual growth rate of **per capita** GDP was negative (-0.6%). Foreign direct investment also was anemic; in 1990 it was 3.0 percent of GDP, though it improved to 7.6 percent of GDP in 1999. The fiscal deficit mushroomed and, perhaps most starkly, the Jamaican dollar moved from $J5 to $US1 in 1989 to $J60 to $US1 in May of 2004. Despite the existence of an economic climate that seemed ripe for political change, the PNP, in an unprecedented run, won four successive elections against the opposition JLP.

The answer to this change in the normal routine of Jamaican politics is perhaps to be found in the continuing domination of the JLP by Edward

**authoritarianism:** the domination of the state or its leader over individuals

**per capita:** for each person, especially for each person living in an area or country

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## THE CARIBBEAN COURT OF JUSTICE

The Caribbean Court of Justice (CCJ) is a regional judicial body that replaced the Judicial Committee of the British Privy Council as a court of last resort for the member states of the Caribbean Community and the Common Market (CARICOM). The creation of a Caribbean court of appeal was first proposed in 1970 and received further support when the Treaty of Chaguaramas established CARICOM in 1973. After an agreement to form the CCJ was ratified by thirteen Caribbean states in 2002, the Court was formally inaugurated on April 16, 2005. Nations participating in the CCJ include Antigua–Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Montserrat, St. Kitts–Nevis, St. Lucia, St. Vincent, Suriname, and Trinidad and Tobago. The seat of the CCJ is in Port-of-Spain, Trinidad and Tobago; however, the Court may sit in the territory of any member state.

The CCJ is unique among international courts in that it is a hybrid court; that is, it serves as an original court to settle disputes related to applications of the CARICOM treaty as well as an appellate court in civil and criminal matters. The Court's hybrid structure is expected to improve the administration of justice in the Caribbean countries by reinforcing their independence from the British legal system as well as reducing distance and travel costs.

Seaga. Throughout the 1990s Seaga faced internal threats to his dominance of the party and was able to defeat them all, though at a cost. In part, the price was the loss of some of the most experienced and respected cadres along with their support base. The most outstanding case was that of Deputy Leader Bruce Golding (b. 1947), who left the party to form the National Democratic Movement (NDM) in 1996. Without winning any seats, the NDM contested the 1997 and 2002 elections. However, many felt that it was able to siphon off sufficient votes from the JLP to allow for two PNP victories. After the 2002 elections, Golding returned to the JLP, although it was still led by Edward Seaga.

### THE FUTURE

As of early 2005, Jamaican politics were poised at a moment of succession. P. J. Patterson indicated that he would retire before the next general election in 2007. Bruce Golding, after a difficult transition period, had finally taken over from Edward Seaga as leader of the JLP.

Beyond this, the main debates in politics centered on ways to reform the more-than-forty-year-old constitution. Efforts were in train to make Jamaica a **republic** and end the archaic, though largely ceremonial relationship with the British Crown. There also was a desire to strengthen checks and balances through the introduction of a presidential type system, though there was no indication of a national consensus on this. There also were strong debates around the character and practice of the judicial system. The Caribbean Court of Justice (CCJ), a multinational court for the countries of the Anglophone Caribbean, which is to replace the British Privy Council as the final court of appeal, was soon to be launched. In early 2005, the Privy Council itself judged that the final **appellate** functions of the court could not be made legal unless they were deeply entrenched, requiring, at minimum, a consensus between the government and opposition parties. Unless such a consensus is forged, the matter might have to be taken to a national referendum. Other legal issues surrounded the slow and encumbered functioning of the judicial system and continued attempts to hold the police legally

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**republic:** a form of democratic government in which decisions are made by elected representatives of the people

**appellate:** a court having jurisdiction to review the findings of lower courts

accountable in instances of alleged extrajudicial killings. The question of how to combat corruption—particularly drug-related corruption—remained high on the national agenda.

In the economy, the primary issue, and indeed the dominant one for the past three decades, remained the fraught and elusive objective of initiating a path of economic growth with a degree of equity that would allow a modicum of prosperity for the majority of the population.

*See also:* Caribbean Region; Constitutional Monarchy; Democracy; Parliamentary Systems.

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*Brian W. Meeks*

## Japan

Japan is a fascinating country rich in history, culture, and tradition. Formed from a scenic chain of volcanic islands off the coast of Asia, Japan is roughly the size of the U.S. state of California. Because of its mountainous terrain, most of Japan's approximately 128 million residents live along the coast, particularly in the urban corridor between Tokyo and Kobe, where 45 percent of the population is packed into 17 percent of the land area.

Japan stands as a modern industrial, economic, and political superpower. Its rapid ascension to power, including its recovery from the ashes of World War II (1939–1945), provides one of the twentieth century's most remarkable stories. Consequently, the Japanese enjoy a high standard of living and amenities typical of first-world nations. Japan's per capita gross domestic product dwarfs most other nations, and its economy ranks among the top three countries in the world. Japan's prosperity has thwarted major crime and contributed to long life expectancies. One major obstacle facing Japan is a rapidly aging population. By 2030, 28 percent of Japan's population is expected to be sixty-five years of age or older. The Japanese also benefit from extensive freedoms and fundamental rights. Their political and civil rights have consistently ranked near the top of advanced industrial societies.

### HISTORICAL DEVELOPMENT OF LAW AND GOVERNMENT

The story of Japan and its government extends well beyond the past century. Japan's government is traceable to the Shinto legend recorded in the Chronicles of Japan (*Nihon Shoki*) and Record of Ancient Things (*Kojiki*). Authored around C.E. 720, these records mythically describe how two Shinto deities, Izanagi and Izanami, dipped their Heavenly Jeweled Spear into the sea to create Onokorojima Isle and then descended on the island to create the other Japanese islands. One of their descendants, Ninigi no Mikoto, was later bestowed with the sovereign right to rule Japan as represented by the Imperial Regalia (sacred mirror, stone, and jewels). The Regalia were ultimately conferred on Jimmu Tenno, Japan's first emperor, and subsequently passed down to each emperor in an unbroken chain. Separating reality from myth may prove difficult, but it is not difficult to recognize Japan's unbroken history or the profound influence of Shintoism and other religious tenets on Japanese law and government.

Prior to the mid-nineteenth century, *shoguns* and *daimyo* lords ruled Japan in loose feudal arrangements. The emperor symbolically stood in the background as the divine head of government, while the *shoguns* and *daimyo* ruled within a "loyalty pyramid" consisting of subject, emperor, and the family patriarch, village head, *daimyo*, or *shogun*. This governance system was **decentralized**, but the central government exercised power over the local units when necessary.

The first political revolution in Japan's law and government began in 1853 when Commodore Matthew Perry's (1794–1858) black warships arrived from the United States and forced Japan to open its shuttered society. This foreign intervention and the desire to combat further intrusion enabled the Meiji ("enlightened ones") **oligarchy** to take control of Japan and form a centralized government, thus shifting power from the *shoguns* to the emperor. By 1868, the Meiji government had enacted a constitution. By 1900, the legal system had been further revolutionized through the creation of a parliament and comprehensive system of European-style administrative, commercial, and civil codes. This political revolution not only propelled Japan's rapid **modernization**, but it also cultivated its **militarism** and conquest of Asia and the Pacific before the end of World War II.

**decentralize:** to move power from a central authority to multiple periphery government branches or agencies

**oligarchy:** government by a few or an elite ruling class, whose policies are often not in the public interest

**modernization:** the act of incorporating new ideas or technology

**militarism:** pertaining to the military or the culture of the military, or aggressive military preparation

(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

## STRUCTURE OF LAW AND GOVERNMENT IN JAPAN

Disillusioned and industrially obliterated after World War II, Japan faced its second political revolution at the hands of the Supreme Commander of the Allied Powers (SCAP). Directed by the United States, SCAP set about democratizing and demilitarizing Japan through a new constitution and modified legal code system. SCAP drafted a new constitution modeled after the U.S. version, only with greater rights and powers. The new Constitution of Japan was promulgated on November 3, 1946, and took effect on May 3, 1947.

By its own terms, the constitution is the supreme law of Japan. Reflecting the desires of the Japanese people and its U.S. drafters, the constitution focuses on democratic concepts such as popular sovereignty, separation of powers, respect for fundamental human rights, a parliamentary legislature, and an authoritative judiciary. It also promotes pacifism and peace through a "renunciation of war" clause. Ironically, this clause has engendered much debate and contention within Japan that continued into the early twenty-first century. Nonetheless, the constitution has never been amended, and its revolutionary changes have facilitated great peace and prosperity in Japan.

The constitution bases the government on a ceremonial emperor and three equal branches of government: legislative, executive, and judicial. Unlike the Meiji constitution, which recognized the absolute power of the emperor, the new

**promulgation:** an official declaration, especially that a law can start being enforced

**pacifism:** the belief that war and violence are inferior methods of conflict resolution, to be avoided

**absolute:** complete, pure, free from restriction or limitation

constitution sets forth a limited constitutional monarchy with a representative parliament. Under the constitution, the emperor stands as the "symbol of the State and unity of the people" (Office of the Prime Minister, n.d., Article 1) and attends to various ceremonial duties. Emperor Akihito (b. 1933) assumed the throne as the 125th Emperor of Japan on January 7, 1989. He does not wield significant political influence or legal power, however.

Legislative authority is vested in the diet, which serves as the highest and only lawmaking body of the state. The diet is a bicameral parliamentary body elected directly by voters who are at least twenty years old. Comprised of the House of Representatives (Lower House) and House of Councillors (Upper House), the diet proposes, debates, and enacts legislation. The Lower House consists of 480 members serving four-year terms (absent prior dissolution), of which 300 members represent single-seat constituencies and 180 members represent proportionate regional **blocs**. The Upper House consists of 247 members serving six-year terms, of which 149 members represent multiseat constituencies and 98 represent proportional constituencies. Half of the Upper House faces election every three years.

The diet convenes 150-day ordinary sessions unless extended by vote or called into extraordinary session by the cabinet. In addition to legislating, the diet approves the national budget, ratifies treaties, and initiates constitutional amendments. Although both houses theoretically share equal power, the Lower House holds veto power over the Upper House in disagreements about legislation, treaties, and designation of the prime minister. This has led some commentators to recommend abandoning the Upper House.

Executive power is vested in the cabinet pursuant to the constitution. The prime minister and other ministers of state constitute the cabinet. The diet designates the prime minister based on the consensus of the diet's majority party or ruling coalition. The prime minister is charged with submitting legislation, reporting national and international affairs to the diet, and overseeing the administrative branches. As of July 2004, Junichiro Koizumi (b. 1942) had served for over three years as prime minister and president of the Liberal Democratic Party (LDP), the largest party in the ruling coalition.

The prime minister appoints and dismisses ministers of state, with the caveat that the majority of the ministers must come from the diet. In January 2001, the existing ministries and ministry-level agencies were consolidated into twelve organizations. Each ministry has one minister, two senior vice ministers, and three parliamentary secretaries, many of whom also serve as diet members. In 2001, the Cabinet Office was also created to oversee cabinet plans and provide comprehensive policy coordination, particularly in the areas of economics, science and technology, central disaster management, and gender equality.

The cabinet has traditionally possessed exceptional power. The cabinet issues regulations and orders that apply to laws passed by the diet. The cabinet also drafts legislation, prepares the national budget, and manages domestic and external affairs. To effectively fulfill its duties, the cabinet **delegates** many tasks to various underlying administrative organs and committees within the central government. These administrative arms comprise the bureaucracy.

Japan is notorious for its strong bureaucracy. With their technical expertise and access to vital information, Japanese bureaucrats have held enormous power over the past fifty years, particularly compared to civil servants in other democratic countries. Bureaucrats are selected based on national public servant examinations. Prestige and stability draw many of the brightest minds into the bureaucracy. Dating back to the Meiji period, the bureaucrats have maintained a sense of

**bloc:** a group of countries or individuals working toward a common goal, usually within a convention or other political body

**delegate:** to assign power to another, or, one who represents another

confidence, power, and importance in society. They tend to serve the government's interests as opposed to the will of the people. Bureaucratic positions are not political appointments. In fact, stringent civil service laws and traditions against political interference generally protect bureaucrats. At the end of fiscal 2002, about 1.1 million national public servants worked in the central government.

The bureaucracy often exercises its power over private entities through informal administrative guidance or *gyosei shido*. Informal guidance can take the form of instructions, warnings, cautions, recommendations, requests, or advice. In strict legal terms, the private party receiving the administrative guidance cannot be compelled to abide by this guidance. Compliance is voluntary, but failure to comply could result in import quotas on necessary materials, the denial of government financing, restrictions on construction permits and city services, or similar restrictions.

The bureaucracy continued to maintain significant control in the early twenty-first century. However, a stagnant economy and electoral volatility produced uncertainty and a sense that policy-making processes require reform. Also, the bureaucracy's competent and incorruptible image had been irreparably damaged since the early 1990s because of policy failures, bureaucratic scandals involving kickbacks, and public health fiascos related to HIV-tainted blood and mad-cow disease.

The judicial system is modeled primarily after the German and French civil code systems. The major laws are compiled into a six-volume collection known as the *Roppo Zensho*. These laws include the constitution and civil, commercial, and criminal codes, as well as codes of civil and criminal procedure. Japanese attorneys rely on the codes to analyze and respond to legal issues. Notwithstanding these codes, Japan does maintain a distinct common-law influence in its law and court system as a result of the U.S.-drafted constitution and the influence of U.S. law on the judicial system.

The court system is responsible for reviewing civil, administrative, and criminal disputes. Although Japanese courts may review the constitutionality of legislative acts, proactive remedies are rarely granted even when a **statute** is deemed unconstitutional. Generally, litigants have access to an initial trial and two possible appeals within the five-tier court structure. The number of courts at each level is as follows: summary courts (575), family courts (50), district courts (50), high courts (8), and the Supreme Court. The summary and family courts are limited to small claims and family matters, respectively. The Supreme Court is the court of last resort. Fifteen justices sit on the Supreme Court, ten of whom must be judges, prosecutors, lawyers, or law professors. The remaining five judges need not be **jurists**. The chief justice is designated by the cabinet and appointed by the emperor. This gives prestige to the judiciary that is comparable to the other branches of government. It is important to note that, unlike the federal and state court systems in the United States, Japan maintains a single national court system.

**Litigation** rates are relatively low in Japan in part due to an undersized pool of judges and trial attorneys. As of April 2003, there were approximately 3,139 judges and assistant judges. Before 2004, only 1,200 applicants passed the national bar examination each year (for a passage rate of 3%). The lack of judges and lawyers causes significant court backlogs and hinders litigants seeking to enforce their rights.

**statute:** a law created by a legislature that is inferior to constitutional law

**jurist:** a person learned in legal matters; most often, a judge

**litigate:** to bring a disagreement or violation of the law before a judge for a legal decision

## WAVE OF GOVERNMENTAL CHANGE AND LEGAL REFORMS

In the 1990s, Japan experienced a political and economic transformation unlike anything seen since World War II. By 1991, confidence in the diet and bureaucracy had fallen to single digits as measured by opinion polls. Fueled by

the domestic economic slowdown, collapse of artificial stock and land prices, distrust in government, and international political forces, Japan entered into its third political revolution.

For nearly forty years, the LDP enjoyed uninterrupted power and unparalleled voter support, particularly in rural regions. However, in 1993 the LDP was ousted from its one-party dominance in the diet. Although the LDP remained the largest party in the diet, it was forced to assemble a seven-party coalition led by Prime Minister Morihiro Hosokawa (b. 1938). Since the mid-1990s, the LDP has been resigned to coalition-building in the diet, often partnering with political parties with opposing policies and ideals. In 2004, the major political parties in Japan were the LDP, the Democratic Party of Japan, the New Komeito Party, the Social Democratic Party, and the Japanese Communist Party.

Many theories, ranging from unfavorable domestic developments to intra-party **factionalism**, are used to explain the abrupt political change. At minimum, the LDP suffered from key politicians defecting to new or existing parties. Unlike in the past, politicians perceived fewer political and monetary benefits to staying affiliated with the LDP. Furthermore, except for the communists, all parties began to operate within the same **ideological** sphere. This newfound mobility resulted in coalitions, party mergers, splinter political groups, defections among

**factionalism:** a separation of people into competing, adversarial, and self-serving groups, usually in government

**ideology:** a system of beliefs composed of ideas or values, from which political, social, or economic programs are often derived

**THE NATIONAL DIET BUILDING IN TOKYO, JAPAN.** After taking sixteen years to complete, the National Diet Building opened in November 1936 and is home to the two houses of parliament. (SOURCE: © CARL & ANN PURCELL/CORBIS)

parties, and general uncertainty in party politics. Moreover, voter turnout and support for the LDP fell. Before 1990, voter participation rates hovered around 75 percent nationwide and surpassed 90 percent in some rural areas. Since that time, the turnout rate has fallen to levels between 45 and 60 percent. Voters who are relatively satisfied—or at least not passionately dissatisfied—with the government's performance seem to be less likely to vote than in the past, whereas dissatisfied voters choose to make their opinions felt at the polls.

Riding the new political tide, Japan embarked on a mission to reassess and reform its governmental structure and law. Under Prime Minister Hosokawa, a new diet electoral system was created in 1994 based on single-member districts and proportional representative blocs. Soon thereafter, the Administrative Reform Council was formed to evaluate the effectiveness of the central government. Under the direction of Prime Minister Ryutaro Hashimoto (b. 1937), the Council recommended and the diet passed legislation that restructured the cabinet, reorganized the national administrative organs, privatized over sixty special public corporations, and streamlined the central government. Also, by passing laws related to the openness of administrative procedures (Administrative Procedures Law) and information disclosure (Disclosure of Information Act), the diet strived to increase the accountability and transparency of the central government.

Many other legal reforms took hold during this third political revolution. Japan deregulated and privatized several key industries, particularly under the direction of Prime Minister Koizumi. Japan also endeavored to reduce public-works spending and improve access to government. A prime example of these reforms is the Nonprofit Organization Law of 1998, which gave nonprofit groups the right to organize and enter into contracts without bureaucratic interference. This law led to the **proliferation** of non-governmental organizations and increased political activism. Another monumental reform was the overhaul of the Japanese judicial system. In July 1999, the cabinet established the Justice System Reform Council, which advocated reforming the legal profession and revamping the justice system to meet public expectations. By 2004, Japan had revised century-old procedural rules, formed U.S.–style professional law schools, created a public jury system for certain criminal trials, and amended rules governing the activities and number of Japanese and foreign attorneys. Given the achievements produced by Japan's first and second political revolutions, Japan and its people should benefit from these and other changes in the third political and legal revolution.

*See also:* Bicameral Parliamentary Systems; Judicial Independence; Judicial Review; Taiwan; Thailand.

**proliferate:** to grow in number; to multiply at a high rate

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## Jewish Law

*See* Halakhah.

## Jordan

Located in the Middle East, Jordan has a landmass of 89,200 square kilometers (34,440 square miles). With Amman as its capital, it is bordered by Syria on the north, Iraq on the east, Saudi Arabia on the south, and the West Bank and Israel on the west, with only a small window on the Red Sea. Jordan's population number some 5.8 million in 2005 not including the many Palestinian refugees living there. The population is mostly concentrated in urban areas due to the harsh nature of the countryside: Most of Jordan (75 percent) is desert. Its peoples are 92 percent Muslim, 6 percent Christian, and 2 percent other religious minorities. These religions may be further divided into ethnic
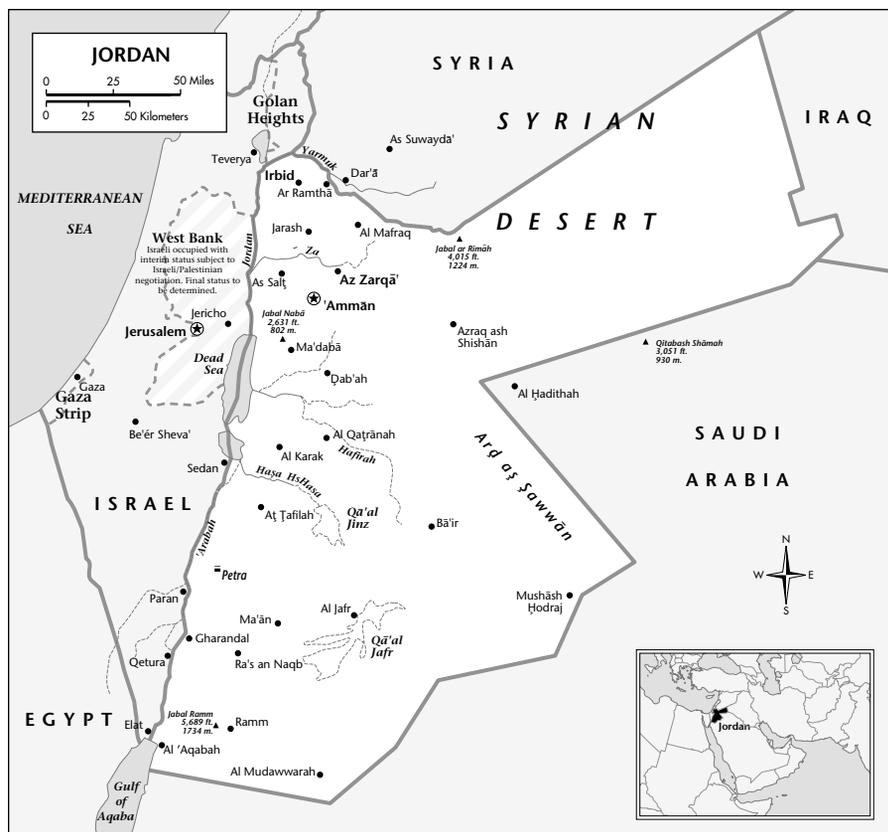
(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

groups: Arabs account for 98 percent, Circassians 1 percent, and Armenians 1 percent. The country is rich in phosphate, potash, and shale oil. However, it is generally poor in natural resources and also lacks water sources.

## BRIEF HISTORY

After World War I, in 1920, France and Britain convened a conference in San Remo, Italy, where Abdullah Ibn Hussein (1882–1951) was appointed the **emir** of Transjordan (known since 1949 as the Hashemite Kingdom of Jordan). In 1946, Transjordan gained its independence as a kingdom, and Emir Abdullah was declared King Abdullah I. After his assassination in 1951 in Jerusalem, his son Talal became king, only to **abdicate** the throne a year later because of his alleged mental illness. Talal's son Hussein (1935–1999) succeeded him in 1953, and upon Hussein's death in 1999, his son became King Abdullah II (b. 1962).

The Hashemite Kingdom of Jordan became involved in several conflicts, which in turn jeopardized its existence. It entered the 1948 Arab-Israeli War and was one of the two Arab nations to come away with increased territory. However, in 1967, when it participated with Egypt in a second war against Israel, the kingdom lost the West Bank to Israeli occupation. Moreover, in 1970 Jordan entered into an armed struggle with the Palestinian Liberation Organization (PLO) that led to the exile of Yasser Arafat (1929–2004), head of the PLO, and his **guerrilla** fighters to Lebanon. In 1987 King Hussein called an end to the representation of the West Bank in Jordan's parliament and its role as representative of the Palestinian people in the West Bank. Three short years later King Hussein had to then take a stand in the First Gulf War (which unleashed a full-scale military conflict between Iraq and the United States

**emir:** a ruler in a country with a government based on Islamic religious beliefs

**abdicate:** to renounce or give up power, usually referring to royalty

**guerrilla:** a soldier engaged in non traditional methods of warfare, often separate from any structured military group

and its allies when the former invaded oil-rich Kuwait) and grapple with that decision's consequences on the economic and political stability of his country.

In 1994 Jordan signed a peace treaty with Israel following negotiations in Madrid. This accord ended a forty-six-year conflict between the two countries and reestablished diplomatic relations between them. The peace treaty also restored the Jordanian status of the lands it had previously occupied, except for the West Bank, and confirmed Jordan's share of the Yarmouk and Jordan Rivers. Since the U.S. invasion and occupation of Iraq in 2003, Jordan's King Abdullah II has had to cope with the mounting economic and political consequences of that war.

## THE PLAYERS

From the day of Jordan's formation, the king has remained the major player in the country's political process. However, in 1970 Arafat and the PLO increased their power base in Jordan and were on the verge of overthrowing the king. This situation led to a military confrontation between the two sides, with the king finally able to defeat the PLO, exiling it to Lebanon. King Hussein thus managed to dominate political life throughout his reign; he replaced prime ministers and other officials to reflect his will and sometimes that of the dominant political parties. His power was supreme and he could not be removed from office.

During his reign, King Hussein faced a number of challenges from different Arab leaders. President Gamal Abdel Nasser (1918–1970) of Egypt had a powerful influence on political life in Jordan. He persuaded King Hussein to sign a common military defense agreement with Egypt; it obligated Jordan to enter the Arab-Israeli War of 1967 and resulted in the loss of the West Bank. After that King Hussein had to respond to the aggressions of President Hafiz Assad (1930–2000) of Syria, who tried to attack Jordan in order to protect the PLO in 1970. Perhaps most important of all, from 1985 until 1999, Jordan maintained good relations with Saddam Hussein (b. 1937), as reflected in Jordan's support of Iraq in the 1990 Gulf War. This had drastic economic consequences for Jordan, but King Hussein, through skillful diplomacy, managed to preserve his nation's essentially good relations with the West after Saddam's initial defeat.

## SOCIOECONOMIC CONDITIONS AND QUALITY OF LIFE

**per capita:** for each person, especially for each person living in an area or country

Because of its lack of valuable natural resources, Jordan has faced huge problems in developing its socioeconomic situation. It developed at a high rate of growth until 1996 when the economy slowed down once again. Jordanians only attained a **per capita** income of U.S. $1,760, compared to $2,070 in other parts of the Middle East and most of North Africa. Jordan also continues to face a chronically high unemployment rate. The some 500,000 Palestinian refugees subsisting in refugee camps without their basic needs being met further aggravates this situation and has resulted in growing pressure on the Jordanian government for more action and greater services. Add to this the huge economic crisis that Jordan had to face after the First Gulf War when 300,000 of its citizens returned home from different Gulf states, thus creating an even higher unemployment rate, at 30 percent, and added pressures on the government. Such high unemployment and poverty combined to create a virtual **schism** in society, with 30 percent of the population living below poverty.

**schism:** a separation between two factions or entities, especially relating to religious bodies

In addition, Jordan has one of the highest debt burdens. It is ranked number sixteen in the world, with foreign debt constituting nearly 95 percent of its gross domestic product (GDP). However, Jordan ranks number twenty-three in the world in terms of foreign aid received, with approximately $552 million

disbursed to its government per year. Such aid has contributed to Jordan's development and allowed it to survive some harsh economic realities.

Jordan's most valued resource is its human capital, especially the high percentage of educated and skilled workers. The rate of illiteracy is low compared to that of other Middle Eastern countries, standing at 14 percent for women and 4 percent for men in 2003. Jordan is also number sixteen in the world in terms of primary school enrollment. It has additionally made great strides in the provision of health services (which constitute 9% of the nation's GDP), as reflected in the high life expectancy of 77.7 years for the entire population and a low infant mortality rate of 2.7 percent. In 2003 female life expectancy was 80 years, with that of the male population at 75 years. With its skilled workforce Jordan ranks number seventy-four in Internet service among nations, boasting some 212,000 end-users.

### GOVERNMENT STRUCTURE

The Hashemite Kingdom of Jordan is a constitutional monarchy. The government is based on a constitution written in 1947 and amended in 1952; it remains the basic legal document of the kingdom. The constitution provides the king with vast powers and allows the creation of a **bicameral** system. This system of government is a remnant of tribal structure whereby the emir leads all tribes; however, the emir (before Jordan's formation as a **sovereign** nation) had a consultative council that helped him govern. Thus, the Jordanian system is based on that concept and the continuous authority of the king to dominate political life while allowing the Jordanian people to express their own points of view.

**bicameral:** comprised of two chambers, usually a legislative body

**sovereignty:** autonomy; or, rule over a political entity

According to the constitution, the reigning monarch is the head of state, the chief executive, and the commander in chief of the armed forces. The king exercises his executive authority through the prime minister and a Council of Ministers. The Council of Ministers is responsible to the elected House of Deputies, which along with the House of Notables constitutes the legislative branch of the government. The judiciary is an independent body.

Political life under the Hashemite monarchy has undergone continuous change. King Hussein implemented **martial law** when he perceived a threat to his rule and captured a number of the opposition's leaders, only to release them when they would publicly acknowledge his supreme authority. Thus, Jordan has been in continuous turmoil for most of its history. Political parties may participate in the political process so long as they accept and recognize the Hashemite as Jordan's legitimate rulers. The country's leading Muslim parties range from **nationalist** to **fundamentalist** in their views. All have gained seats in the lower chamber of the legislature, but no representative of these parties has ever been named prime minister or dominated the country's political life.

**martial law:** rule by military forces in an occupied territory or rule by military officials declared during a national emergency

**nationalism:** the belief that one's nation or culture is superior to all others

**fundamentalism:** a philosophy marked by an extreme and literal interpretation of religious texts and an inability to compromise on doctrine or policy

### DIVISION OF POWER

Rule in the Hashemite Kingdom of Jordan is divided between the legislative and executive branches. The judiciary does not play an important role. Similar to the British system, the legislature is made up of two chambers: the lower chamber or parliament (the House of Deputies), called *Majlis el Nouwab,* and the upper chamber (the House of Notables) called *Majlis el Aayan.* The lower chamber is popularly elected, and until 1967 half its deputies hailed from the West Bank. From 1967 to 1987 King Hussein suspended the operations of parliament, replacing it with three appointed National Consultative Councils and claiming that free elections could not be held while Israel occupied the West Bank.

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## THE ROLE OF JORDANIAN TRIBES IN GOVERNMENT

The relationship between the King of Jordan and the Jordanian Bedouin tribes is historically close, as the Hashemite monarchy has obtained most of its political support from the tribes. The Jordanian Bedouin tribes of the early twentieth century were mostly nomadic, although some of these nomads adopted a settled way of life as early as the 1920s. By the late 1970s, fewer than 3 percent of Jordanians were still nomads; nevertheless tribal membership is an important aspect of Jordan's social structure even in the early 2000s.

In spite of the persistence of tribal loyalties, however, some observers think that the ties between King Abdullah and the tribes may be weakening. One reason is the spread of higher education in Jordan; educated Jordanians tend to consider their immediate families more important than their tribe. Another reason is the growing size of the urban Palestinian population in Jordan, which resents the way the country's political districting allows rural areas to be over-represented in Parliament at the expense of the cities. (Roughly half of Jordan's population is of Palestinian origin.) The competition between the Bedouins and the Palestinians has led to a split between secularists who favor the monarchy and Muslim fundamentalists opposed to it. In addition, King Abdullah's moves toward reform, including his acceptance of a larger number of Palestinians in the government as of early 2005, may cost him the support of tribal leaders in the future.

After parliament was reconvened, the number of seats in the lower chamber of the Jordanian legislature was increased from 60 to 110 in 1989. There have been several national elections since 1989—in 1993, 1997, and 2003 (after King Abdullah II suspended the 2001 elections). Elected deputies serve for four years. The king appoints members to the upper chamber; they also serve for four years and may be reappointed. He uses these appointments to ensure that the largest tribes, including the Bedouin, and the most prestigious families (all those with high levels of loyalty to the king) are represented. Tribes play an essential role in the political life of the kingdom. Since a sizable segment of the Jordanian population is of Palestinian origin, the king is dependent on the tribes to solidify his power and ability to control the country. Tribe members hold key military positions. They, in fact, played a pivotal role in the PLO's forced exile to Lebanon in 1970.

The bureaucracy is mainly dominated by Transjordanians (not of Palestinian origin); this has increased their power within the political system. Moreover, their domination extends to the military. The bureaucracy, as is typical of most bureaucracies in developing countries, has long been accused of inefficiency and overly long procedures at a time when higher performance is critical to address the nation's many pressing problems and ensure its growth.

As for the judiciary, it is considered an independent branch of the state. However, it does not enjoy total independence; thus, it has not played an important role in the country. It mainly addresses issues related to the day-to-day life of Jordan's citizens. It was not until 1991 that King Hussein repealed martial law and allowed the country to operate under its civil laws.

### CITIZEN PARTICIPATION AND HUMAN RIGHTS

The Jordanian constitution specifically guarantees the rights of Jordanian citizens, including the freedoms of speech, association, academic pursuit, membership in a political party, religion and the right to participate in the election of parliamentary and municipal representatives. In the 2003 election 58.8 percent of the population voted. Six seats in the lower chamber have been allocated for women deputies. After the king legalized the formation of political parties in 1991, numerous parties

with wide-ranging **ideologies**, from **liberalism** to fundamentalism, sprang up in Jordan: the Jordanian Ba'th Arab Socialist Party, Jordanian Communist Party, Islamic Action Front, Jordanian People's Democratic Party (HASHD), Al Mustaqbal (Future) Party, Jordanian Democratic Popular Unity Party, and many others.

Despite these positive developments, evidence does suggest that Jordan has sometimes violated the rights of its citizens. The government strictly controls the press. The 1998 Press and Publications Law and 1999 revisions to it restricted the operations of the country's newspapers, essentially imposing complete censorship. Accusations of police abuse and the gross mistreatment of detainees persist, as do allegations of arbitrary arrest, secret investigative procedures, interference in the judicial process, infringements on citizens' rights of privacy, and the detention of members of opposition political parties. All raise serious questions about the government's respect of human rights.

*See also:* Palestine; West Bank.

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# Judicial Independence

Judicial independence is generally regarded as crucial to the rule of law and to stable economic and political change. Both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights list judicial independence as central to safeguarding human rights. The United Nations (UN), the Council of Europe (CoE), and organizations such as the American Bar Association promote judicial independence.

There is wide agreement that an independent judiciary has three basic elements, even though no consensus exists on a definition. First, the judicial system must be publicly perceived as impartial in rendering decisions. Judges should not have a personal interest, whether due to bribery and corruption, or as a result of political pressures, in the outcome of disputes between private

**ideology:** a system of beliefs composed of ideas or values, from which political, social, or economic programs are often derived

**liberalism:** a political philosophy advocating individual rights, positive government action, and social justice, or, an economic philosophy advocating individual freedoms and free markets

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**federalism:** a system of political organization, in which separate states or groups are ruled by a dominant central authority on some matters, but are otherwise permitted to govern themselves independently

**judicial review:** the ability of the judicial branch to review and invalidate a law that contradicts the constitution

**impeach:** to accuse of a crime or misconduct, especially a high official; to remove from a position, especially as a result of criminal activity

**enumerate:** to expressly name, as in a list

parties and the government. Second, judicial decisions must be accepted and respected by the contesting parties and the larger public. Third, judges need to be free from undue interference from the parties in a case, other branches of government, and higher courts within a national judiciary.

Judicial independence, according to some studies, varies depending on the degree of party competition in a political system. Courts are often accorded little independence in single-party-dominated political systems, because the governing party expects to continue winning elections and to remain in power. Competitive two- and multi-party systems tend to favor greater judicial independence in order to preserve a party's legislative gains when out of office. In Japan, J. Mark Ramseyer (1994) argues, the dominance of the Liberal Democratic Party for most of the last half-century gave it control over judicial appointments and resulted in a deferential and dependent judiciary. But other scholars counter that the Japanese judiciary has a high degree of institutional independence, while individual judges enjoy little independence, because its career judiciary is overseen by an elite judicial bureaucracy. Still, in such constitutionally designated single-party states as the Lao People's Democratic Republic and Vietnam, courts and judges are closely monitored by the ruling political party, which may reverse or reprimand judges for their decisions.

Other scholars find a strong association between **federalism** and the strength of **judicial review** in countries such as Australia, Canada, India, and the United States. These countries are among the geographically largest and have decentralized judiciaries that share a common law heritage. By contrast, one of the smallest and strongest federal states, Switzerland, prohibits judicial review; in the United Kingdom, which has no constitution and until recently no supreme court, individual judges are nonetheless considered independent.

It is often assumed that constitutional provisions for judicial independence must be made, such as those in the U.S. Constitution stipulating that federal judges' salaries may not be diminished, and that they may not be removed from office except through **impeachment** by the House of Representatives and conviction by the Senate for high crimes and misdemeanors. Most Central and Eastern European countries, along with South Africa, have similar constitutional provisions. According to some scholars constitutions that provide for more than one of several guarantees—guaranteed terms in office, fiscal autonomy, **enumerated** judicial qualifications, the finality of judicial decisions, and the separation of powers—tend to strengthen judicial independence and protection for human rights. But, other scholar found that actual (in contrast with formal provisions for) judicial independence also increases the probability of human rights protection.

Constitutional provisions for judicial independence, however, do not necessarily ensure an independent judiciary, as evident in the experiences of Third World and a number of Central and Eastern European countries. Constitutional provisions are no guarantee because they are subject to interpretation and manipulation. Moreover, Israel, Sweden, and New Zealand do not have constitutionally entrenched provisions for judicial independence, yet their courts exercise considerable autonomy.

Measuring judicial independence remains difficult for a number of reasons. In the first place, judicial independence is a relative, not an absolute, concept. It is not an unqualified goal. Since judges and courts provide public services, their independence always must be balanced with competing demands for accountability and responsiveness.

Judicial independence is, therefore, a relative ("more or less"), not a dichotomous ("yes or no") variable. Measuring judicial independence and comparing judicial independence around the world would require combining different elements into a composite index. But those elements are not easy to classify and do not necessarily move in the same direction. Assigning relative weight to each thus remains difficult. Research has found that raising judicial salaries for judges in South America, for instance, did not necessarily increase judicial independence. Moreover, the degree of judicial independence in most countries varies considerably between higher- and lower-court judges. It also may vary depending on the type of litigation, from routine traffic cases and other civil suits, to criminal cases, and to fundamental issues of constitutional law.

In addition, measurements are difficult due to the fact that judicial independence is multidimensional and multifaceted. There are, in turn, multiple sources and targets for strengthening or weakening judicial independence. As a result, no agreed upon model or precise set of institutional arrangements for ensuring judicial independence exists.

## INSTITUTIONAL AND INDIVIDUAL JUDICIAL INDEPENDENCE AND SOURCES OF DEPENDENCY

It is generally agreed that judicial independence has two broad dimensions. It embraces the institutional independence of the judicial system as a whole, on the one hand, and the independence of individual judges in their decision making, on the other. There is no necessary correlation, though, between a high or low degree of institutional independence and a high or low degree of individual judicial independence.

Judges in countries as diverse as Australia and Russia have confronted considerable, if not almost overwhelming, political pressures on their judicial systems, yet continued to maintain their independence. In contrast, in Japan and some other countries, the judiciary enjoys a high degree of institutional autonomy, but the independence of individual judges is constrained by controls within the judiciary itself.

In general, individual judges' dependency appears more likely in civil law countries with career judicial systems, as in France, where a legal bureaucracy oversees the training, promotion, and remuneration of judges. Individual judicial independence appears to be greater in common law countries, where generalist judges are appointed from a range of legal backgrounds and a decentralized judicial structure exists.

The extent of a judiciary's institutional independence and individual judges' independence depends on the sources of control and influence brought to bear on each. There are both external and internal sources of control and influence over courts and judges.

External sources of dependency are other branches of government and the forces of non-governmental organizations (NGOs). They may exert a variety of pressures on courts, judges, and judicial administration. Obviously, courts are vulnerable to governmental bodies that create and may modify, even destroy, them. Judges everywhere are subject to political forces aimed at influencing the outcome of adjudication.

However, no necessary relationship exists between judicial independence and the external sources and mechanisms of influence and dependency. Governmental and non-governmental forces, such as the media, interest

**litigate:** to bring a disagreement or violation of the law before a judge for a legal decision

**adjudicate:** to settle a case by judicial procedure

**FLORIDA CIRCUIT JUDGE GEORGE GREER HEARS THE TERRI SCHIAVO CASE ON FEBRUARY 9, 2005.** Pinellas County Circuit Judge George Greer was one of twenty judges from state and federal courts who withstood heavy political pressure in the right-to-die case of Terri Schiavo, a severely brain-damaged woman. The fifteen-year struggle between Schiavo's husband and her parents over whether Schiavo should be kept alive or allowed to die expanded to a struggle between executive and legislative powers and the judiciary at both the state and federal levels. (SOURCE: TIM BOYLES/GETTY IMAGES)

groups, and legal and civic organizations, may present threats to, but also provide support structures for, judicial independence. In many countries, non-governmental forces, especially the media, have increasingly targeted judges and courts. Judges have resigned or been forced into early retirement due to high-pressure media campaigns, in developing courts and even well-developed democracies like Australia, Germany, Israel, and England. However, in Italy, Nepal, Spain, and some other nations, courts have been strengthened by the support of the media, bar associations, and judicial councils, which have staunchly opposed judicial and governmental corruption.

Within a national judiciary, internal mechanisms of influence and control may be brought to bear on individual judges. Lower-court and even high-court judges' promotion, salaries, and resources for caseload management may be manipulated by the country's highest court or judicial bureaucracy. Internal sources of dependency are especially prominent in civil law countries with career judiciaries, as in Japan and Western Europe, as well as in countries where the judiciary is part of the civil service. Internal sources of judicial dependency are generally less influential, although not always, in more decentralized, common law judicial systems, particularly where judges are recruited from outside the judiciary and there are relatively strong external political controls over courts.

In short, the dependency and manipulation of judges and courts may arise either from external pressures (whether political, economic, or institutional) or from forces operating internally within a national judiciary. Some form or combination of external and internal influence is present in all judiciaries. Furthermore, some kinds of external control are considered unacceptable in some countries but not in others, and likewise with internal mechanisms of influence and

control. Judges in common law countries, for instance, generally consider judicial independence to be compromised by the manipulation of judicial promotions, resources, and salaries in civil law career judiciaries. In any event, it is unrealistic to expect courts and judges to be "totally uninfluenced." Judicial independence is nevertheless most at risk when either external or internal forces undermine a judge's or judiciary's capacity to adjudicate as an impartial third party in a fashion acceptable to the contesting parties and to the general public.

### TARGETS OF INFLUENCE AND JUDICIAL DEPENDENCY

Courts and judges may be targeted by external and internal sources in multiple ways. The principle targets are:

1. The structure and **jurisdiction** of courts
2. The selection, appointment, and promotion procedures
3. **Tenure** and removal mechanisms
4. Remuneration and resources for court administration.

Each of these dimensions conditions the relative independence of judges, collectively and individually, from other institutions and from other judges.

The structure and jurisdiction of courts reflect each country's unique political and legal histories. Common law countries tend to have more decentralized judicial structures than those in the continental civil law tradition. Many countries in Africa and Asia, due to colonization, combine elements of one or both traditions with socialist and indigenous legal cultural traditions. Vietnam, Cambodia, and Laos, for instance, combine elements of the French civil law system with socialist and culturally indigenous elements, while Indonesia bears the imprint of Dutch colonization. Indonesia, Israel, and most countries in the Middle East also have separate religious courts, along with specialized courts for the military and other kinds of disputes.

Judicial independence varies with the jurisdiction of courts and access to judges, litigation rates and caseloads, the ratios of judges and lawyers to the general population, and the transparency of a judicial system. Obviously, judicial independence is compromised when courts are abolished, reorganized, or have their jurisdiction altered by other political branches in retaliation for their rulings.

Recruitment and promotion procedures are important for both securing judicial independence and balancing it with demands for judicial accountability, as well as for promoting public confidence in the courts. Judicial independence and accountability, however, may be secured through a variety of institutional arrangements for recruiting judges. In general, countries with career judiciaries tend to promote the institutional independence of courts. At the same time, career judicial systems usually lodge a great deal of control in the chief justice, judicial service commission, or legal bureaucracy, which in turn may constrain and punish individual judges.

Within unitary judicial systems, the degree of judicial independence may also vary with the level of court and, regardless of the prescribed constitutional or legal guidelines, the actual practice in selecting, appointing, and promoting judges. In some constitutional monarchies, such as Nepal and Cambodia, for instance, the king appoints judges but, in fact, only on the recommendation of the chief justice, bar leaders, or political parties. There are also basically two different kinds of career judiciaries, and each affects the independence of judges differently. On the one hand, most countries in Western Europe, along with countries such as Japan and Thailand, have separate and independent career judiciaries. On the other hand, in other countries, such as Bangladesh,

**jurisdiction:** the territory or area within which authority may be exercised

**tenure:** the right to hold land, position, or status over the long term, or the act of doing so

Singapore, and Indonesia, lower-court judges are part of the national civil service system and rotated to other positions within the government. Thus, they are rendered dependent on not only hierarchical relations within the judiciary but also those externally within the government and civil service.

Noncareer judicial selection and promotion procedures—whether through appointment by the executive, legislature, or some combination, as well as by partisan and **nonpartisan** elections—tend to promote judicial accountability to external forces. But they may do so at the price of limiting the independence of courts as a whole and of individual judges. In China and other single-party states, studies have nonetheless found that lower-court judges presiding over routine minor disputes may exercise considerable independence.

Judicial tenure and the mechanisms for disciplining and removing judges are as important as the judicial recruitment process for securing judicial independence. Tenure on the bench contributes to insulating judges from external pressures. Apart from career judiciaries, very few judicial systems give judges basically lifetime tenure, as enjoyed by federal judges in the United States. However, judicial independence need not be threatened by term limits or mandatory age retirements, as the independence asserted by constitutional courts in Western and Eastern Europe, and the European Court of Justice, illustrates. Indeed, such requirements may strike a better balance between judicial independence and democratic accountability than lifetime appointments. Very limited fixed terms for judicial office and mandatory early retirement ages may nevertheless undermine judicial independence, as appears to be the case in many countries in South and Southeast Asia, where in some countries judicial terms are limited to five to seven years.

Mechanisms for disciplining and removing judges are necessary for ensuring judicial accountability and preventing the miscarriage of justice due to impairments and disabilities on the bench. But, the standards and procedures range widely and in many countries lack transparency. In some countries, judges may be disciplined and removed only after conviction for a criminal offense, whereas elsewhere judges may be disciplined for political reasons and punished for their decisions. The authority for disciplining and removing judges varies as well. In some countries, the chief justice or judicial council has responsibility, while in others the executive or legislative branch is responsible. Judges in different countries are therefore exposed to different combinations of internal and external mechanisms of influence and accountability.

Judicial independence presupposes adequate and competitive remuneration. If not, the quality of the bench suffers and invites judicial corruption. Likewise, there must be adequate resources for the operation of courts—for courthouses, caseload management, record keeping, and making judicial decisions publicly available. If not, access to justice is delayed, often denied, and courts may be publicly perceived to be inefficient, ineffective, and lacking in prestige. Problems with providing adequate salaries and resources for court administration are most severe in developing nations in Africa, Asia, and Central and South America. Yet, even in more affluent countries, judicial independence may be compromised if judicial salaries, benefits, and budgets are not regularized and protected from reductions and retaliation from other political branches.

In sum, judicial independence is relative, multidimensional, and multifaceted. It varies widely around the world, but everywhere remains in tension with demands for judicial accountability.

*See also:* Civil Law; Common Law; Human Rights; Judicial Selection; Universal Declaration of Human Rights.

**nonpartisan:** not relating to a political party or any division associated with the party system

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## Judicial Review

In its most sweeping form, judicial review is the power of a court of law to nullify laws passed by legislatures and administrative decisions made by government agencies. Generally, courts review and assess the laws and decisions made by other government policymakers with reference to higher principles defined in a political system's constitution. Because a constitution is considered the fundamental law of a specific polity, judicial review allows courts in that political system to determine whether laws and policies fit with constitutional principles.

Judicial review was first consistently, and perhaps effectively, put into practice in the United States. In 1803 the U.S. Supreme Court declared in the famous *Marbury v. Madison* case that the U.S. Constitution is a fundamental and higher law, and as such, it governs all subsequent laws and government action. As Chief Justice John Marshall (1755–1835) wrote in *Marbury*, "Those who have framed written Constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be that an act of the Legislature repugnant to the Constitution is void. This theory is essentially attached to a written Constitution" (*Marbury v. Madison* 1803). Chief Justice Marshall further noted that since the Constitution is the fundamental law of the American political system, and it is "emphatically the province and duty of the Judicial Department

to say what the law is," courts therefore have the power to declare laws and government policies unconstitutional.

The U.S. Constitution and the Supreme Court did not create judicial review out of thin air, however. It had its genesis in an understanding of a constitution as a higher law that established the basic political principles governing a society. Edwin S. Corwin traces this "higher law" conception of a constitution from Greek and Roman political thought through the Magna Carta in England in 1215, which established limits on the power of the English monarch, to the development of the common law in England, and finally to Enlightenment political thinkers such as John Locke. Thus, judicial review in the American context builds on centuries of political and legal thought in which the notion that government is limited by higher constitutional principles was slowly developed. Although judicial review was not explicitly written into the Constitution of 1787, the Supreme Court's announcement in 1803 that it did have the power of judicial review has essentially been accepted as a basic tenet of American constitutionalism. Approximately two hundred years of political and constitutional history indicate that judicial review is now deeply ingrained in American constitutional law and practice, regardless of its absence in the text of the Constitution itself.

"Other nations have adopted judicial review, and in some instances have used the American model as either something to imitate and copy, or as something to avoid."

Other nations have adopted judicial review, and in some instances have used the American model as either something to imitate and copy, or as something to avoid. Indeed, the power created by the Supreme Court in 1803 is now very evident 200 years later in other industrialized (or modernizing) democracies around the world. For example, Mauro Cappelletti recounts that judicial review was added to the Austrian Constitution in 1920, the post–World War II (1939–1945) German, Italian, and Japanese constitutions, and in the modern Australian, Indian, and Canadian constitutions of the twentieth century. France adopted a type of judicial review in its Constitutional Council with the Fifth Republic. The adoption of judicial review in West Germany and Japan after World War II was heavily influenced by the American oversight of drafting new constitutions for the two defeated powers, the former Nazi regime of Germany, and the **imperial** government of Japan. But the example of judicial review in *Marbury v. Madison* was not exactly followed by other nations, many of whom opted to spell out the power of judicial review in their respective constitutional documents. Article 93 of the German Basic Law, for instance, states that the Federal Constitutional Court will decide "on the interpretation of the Basic Law" in several different types of cases, from those concerning the constitutional powers of the German federal government to cases concerning the constitutional rights and liberties of German citizens. That the German Constitution locates constitutional judicial review solely in the Federal Constitutional Court points to yet another difference in judicial review among nations: that of **centralized** or decentralized review.

**imperialism:** extension of the control of one nation over another, especially through territorial, economic, and political expansion

**centralize:** to move control or power to a single point of authority

### DECENTRALIZED JUDICIAL REVIEW

Decentralized review is often called the "American model" of judicial review. In essence, judicial review can be exercised by all federal and state courts in the United States, and is not limited to the Supreme Court. Although the Supreme Court is the highest court in the judicial system, and thus its pronouncements in judicial review cases are the final word, all courts are equally capable of deciding judicial review claims concerning the constitutionality of government action at the federal, state, and even local levels. Thus, the power of courts to decide

constitutional cases is diffused throughout the United States, and no one court has sole authority over constitutional questions. Judicial review over constitutional issues is thus seen as one of many types of legal disputes that courts can decide. In that sense, courts in the United States are "generalist" and do not specialize in certain types of cases. With decentralized review, courts throughout a political system may exercise review and decide constitutional disputes concerning governmental laws and power. A court's constitutional decisions may progress up through several levels of review by **appellate** courts. In the American political system, constitutional disputes may ultimately be appealed to the Supreme Court, and if the high court accepts a case for review, its interpretation of the Constitution in that dispute will be considered final and authoritative, so that all lower courts will be bound by it.

Other countries have judicial review similar to the American model. Canadian courts, for instance, are generally capable of addressing judicial review and constitutional issues. The Canadian Supreme Court serves as the final court over constitutional matters, similar to the U.S. Supreme Court. Sweden and Norway have decentralized judicial review systems, too, with their Supreme Courts also having the final say on constitutional issues.

The adoption of judicial review has become common among new democracies (nations that were not democratic in 1986, but had become democratic by 2000). Thirty-two new democracies had adopted new constitutions that provided for decentralized judicial review (eight of the thirty-two also adopted some form of centralized judicial review) and six more had adopted a limited form of judicial review by judges.

## CENTRALIZED JUDICIAL REVIEW

Centralized review is sometimes referred to as the Austrian model of review, because it was first put into place in the Austrian Constitution of 1920. Austrian legal scholar Hans Kelsen proposed locating judicial review in one specific court, instead of several courts, and centralized judicial review is also often called the Kelsenian model of review. The main distinction between decentralized and centralized judicial review is that in decentralized systems most, if not all, courts exercise judicial review under the watchful eye of one supreme court, and in centralized systems only one specific court addresses constitutional disputes under judicial review. Centralized judicial review is mainly found in European legal systems that are based on Roman, or civil, law. In such systems courts are often specialized and **adjudicate** only certain types of legal disputes. For example, labor law disputes are adjudicated by labor courts, family law disputes by family law courts, and so forth. Courts in Roman law systems tend not to be generalist.

In centralized judicial review systems the court with the exclusive power to decide constitutional disputes is commonly termed a constitutional court. For example, the German Federal Constitutional Court has exclusive power over constitutional disputes. Whenever a constitutional dispute is raised in a lower German court, that dispute will be sent up to the Federal Constitutional Court for a decision; the lower court will not decide the dispute itself. Centralized review generally means that the court charged with deciding constitutional disputes will normally be a highly specialized court that devotes all its attention to constitutional issues. In decentralized systems courts exercising constitutional judicial review are generalist and decide all types of legal disputes, including all those related to the constitution. Other European nations have constitutional courts similar to the German Constitutional Court that exercise centralized judicial review. The Italian Constitutional Court was created in the 1947 Italian
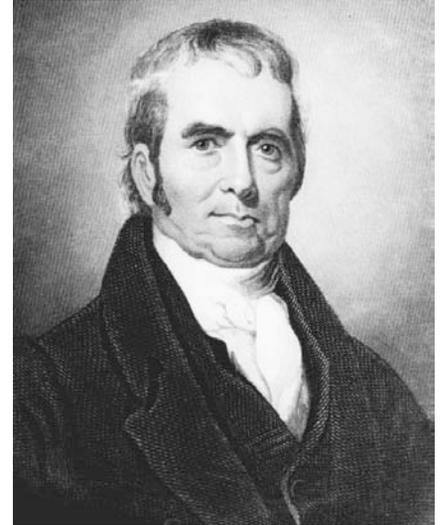
**CHIEF JUSTICE JOHN MARSHALL.** A lawyer and former captain in the American Revolution, John Marshall was appointed to the U.S. Supreme Court by President John Adams in 1801. Serving until his death in 1835, Marshall shaped the course of constitutional law when, two years after taking the bench, he presided over the landmark case, *Marbury v. Madison,* which strengthened the court's position of judicial review. (SOURCE: THE LIBRARY OF CONGRESS)

**appellate:** a court having jurisdiction to review the findings of lower courts

**adjudicate:** to settle a case by judicial procedure

Constitution and began operation in 1956. The Spanish Constitutional Tribunal was created in the post-Franco 1978 Constitution and started operating in 1980. The French Constitutional Council was established in the 1958 Constitution of the Fifth Republic.

Thirty-one new democracies adopted constitutions providing for centralized judicial review by a constitutional court (eight of the thirty-one also provided for some forms of decentralized judicial review) and thirteen more had adopted limited centralized judicial review.

## CONCRETE AND ABSTRACT JUDICIAL REVIEW

Yet another distinction among courts with the power of judicial review concerns concrete and abstract judicial review. Concrete judicial review is exercised only in the context of a genuine, adversarial legal dispute. Abstract judicial review occurs when a court gives its advice on the constitutionality of a specific law or government policy at the request of another government agency or other entity in a political system. That advice is usually not legally binding; it is essentially that court's answer to a question on how a constitution should be interpreted within a specific context.

Concrete judicial review is part and parcel of the American model of review. Article III of the U.S. Constitution mandates that federal judges shall decide "cases and controversies" arising under the Constitution, and the Supreme Court early in its history determined that cases or controversies mean adversarial legal disputes in which two or more parties present a contentious legal dispute to a court for resolution. Concrete judicial review arises in the context of a lawsuit in which one party sues another party in a court of law and asks a court to render a decision based on the law to settle the dispute.

Abstract judicial review, conversely, allows courts to address hypothetical constitutional quarrels. By way of example, Article 93 of the German Basic Law instructs the Constitutional Court to decide constitutional questions "in case of differences of opinion or doubts on the formal . . . compatibility of federal law . . . with the Basic law." The Court's review can be requested by the federal government, a *Länder* (state) government, or one-third of the members of the *Bundestag,* the national parliament. Abstract constitutional review allows government agencies to ask a constitutional court for its advice on the constitutionality of a law or government policy, and in some political systems that advice can be sought while a bill is still pending in a legislature and not yet formally a law. When a court exercises abstract review of a law, the legislature may often go through a "corrective process" through which the constitutional problems with the law are corrected. In some instances in Germany, for example, the *Bundestag* has been known to simply rewrite legislation by directly incorporating the Constitutional Court's abstract opinion on that law, thus allowing the court to effectively write the law in constitutional form. As some scholars note, when constitutional court judges exercise abstract review, especially in the context of reviewing pending legislation in a national parliament, they effectively become legislators themselves. Indeed, abstract judicial review requires courts and judges to become participants in the political process in a way that judges exercising concrete review do not.

## JUDICIAL REVIEW AND THE PROBLEM OF DEMOCRACY

Alexander Bickel, noted scholar of the U.S. Supreme Court, argued that judicial review "thwarts the will of representative[s] of the . . . people" and is thus a "counter-majoritarian force" in our political system and will "have a

tendency over time to seriously weaken the democratic process" (Bickel 1962, pp. 16–17). Bickel was one of many who identified that judicial review may be antidemocratic. Lawmaking and policy making in democracies are premised on popular sovereignty and the will of the people, and allowing unelected judges to overturn acts of the people interferes with democratic governance.

Systems of judicial review respond differently to the antidemocratic nature of the power of courts to declare democratically passed laws unconstitutional. In the American context, the Supreme Court historically maintains that the Constitution is a "higher law" under which all other laws and policies are to be governed. Judges interpret and apply the higher law, as that is part of their job. The higher-law logic of judicial review guides and justifies, at least in the eyes of judges, the antidemocratic nature of judicial review.

Nations adopting judicial review in the modern era have often created safeguards to dampen its antidemocratic nature. With the Charter of Rights and Freedoms in 1982, Canada added an entrenched bill of rights to its constitution that judges could interpret and apply against government laws and policies. However, Section 33 of the Charter mandates that the national or provincial legislatures "may expressly declare" that a national or provincial law "shall operate notwithstanding a provision included" in the Charter of Rights and Freedoms. Thus, national and regional legislatures in Canada can in principle override certain constitutional provisions by regular legislation, at least for a period that cannot extend beyond five years. Judicial decisions on the Charter can also be overridden by legislatures under Section 33. Not all rights and freedoms in the Charter can be superseded, but what Section 33 does is allow the democratic lawmaking process to supplant the higher law and judicial interpretations of it in judicial review cases.

In the German Basic Law, the ability of the Constitutional Court to override political majorities in national or regional legislatures was factored into the structure of the Court itself. Although the German Constitutional Court's sole function is to interpret the constitution, its judges are not insulated from the political process. German Constitutional Court judges are elected by the two houses of the national Parliament: the *Bundestag*, which is popularly elected, and the *Bundesrat*, which represents the *Länder* or the states. Political parties in the *Bundestag* and state governments through the *Bundesrat* play a significant role in electing judges. Thus, the democratic process elects judges who exercise judicial review and in a real sense legitimizes the Constitutional Court's ability to say no to the will of the people. Moreover, unlike U.S. federal judges who are appointed for life, German Constitutional Court judges serve fixed terms of twelve years. The term limit safeguards the democratic political process from overzealous judicial review.

The Dutch constitutional system offers yet another solution to the antidemocratic problem of judicial review. In Dutch constitutional law courts interpret and apply domestic and international law. The courts of the Netherlands, a member of the European Union (EU), are responsible for applying EU laws and regulations at the most local level. When Dutch government policies conflict with EU laws and regulations or international treaties, Dutch courts will prefer and apply the **transnational** law over the domestic policy. The Dutch Constitution specifically prohibits courts from reviewing the constitutionality of acts of parliament. Thus, the democratic process is free to enact any law, and courts are confined to reviewing how government agencies implement policy under those laws.

**transnational:** extending beyond the jurisdiction of one single nation

*See also:* Kelsen, Hans.

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# Judicial Selection

The variety of methods used for selecting judges in different countries reflects the different approaches adopted to determine the role of the judiciary in each particular system of government. The use of direct elections in the United States at the state level, for example, is an indication of the fact that judges in the United States are viewed as powerful agents of the state in a system of government that has a strong historical commitment to direct elections at state level. More commonly in democratic systems, particularly those based on an Anglo-U.S. common law system, the democratic input is less direct, leaving the choice of judge to the executive, with or without the involvement of a judicial appointments commission of some form.

Judicial appointment by a government minister is intended to ensure a degree of political accountability in the process while removing the danger that judicial independence might be undermined if judges are required to campaign and win majority public support in a direct election. In most civil law systems, on the other hand, in which judges have traditionally been seen less as a branch of government than a part of the civil service, the judiciary is normally recruited from among law graduates who complete an examination-based judicial training course.

Thus a variety of approaches to the role of the judiciary in the governmental system has led to wide differences in selection methods even among states that can broadly be termed liberal democracies. A common factor present in these different systems is that—with the notable exception of the

United States—the way in which judges are chosen has traditionally been regarded as relatively uncontroversial compared to the appointment of legislators or the executive. However, as the role of judges has grown around the world, particularly in the highest **appellate** and constitutional courts, debate about judicial selection has intensified, and many countries have introduced significant changes in the way they choose their judges. These reforms have been intended to address concerns about the independence, accountability, and composition of judiciaries in the light of their expanding roles.

**appellate:** a court having jurisdiction to review the findings of lower courts

### INDEPENDENCE AND ACCOUNTABILITY

It is widely accepted that a good judicial selection system promotes and protects judicial independence. The link between judicial independence and judicial appointments is a recurring theme in the growing body of international treaties and declarations on judicial independence. These documents stress the need to prioritize freedom from executive pressure in the appointments process to ensure that judicial impartiality in decision making is maintained.

Yet in practice most judicial selection systems do involve the executive in some way. Even in the United States, where the constitutional separation of the functions of the legislature, executive, and judiciary is relatively strict, the federal judiciary is appointed by the president, and governors are often involved in the appointment of state judges. Critics of this type of system argue that when judges owe their office to a politician, there is an inevitable threat to the impartiality of their decision making.

However, whether this is the case in practice depends on a number of other factors, such as the culture of independence in the legal profession, the status of the judiciary in the particular society, and the nature of the judges' **tenure** arrangements. If judges have security of tenure and do not look to the executive for reappointment, they are not under pressure to curry favor through their decision making. As a result, even in countries in which appointments are made that are overtly political, those chosen may, in practice, disappoint the expectations of the politicians who appoint them. U.S. President Dwight D. Eisenhower (1890–1969), for example, claimed that the appointment of Earl Warren (1891–1974) to the U.S. Supreme Court was the worst mistake of his presidency because once appointed, Justice Warren was responsible for a number of notably liberal judicial decisions. Once appointed, the judicial culture of independence can be stronger than the previous political allegiances.

**tenure:** the right to hold land, position, or status over the long term, or the act of doing so

Despite examples of judicial independence surviving the politicization of the appointments process, there is a justified concern that executive-appointed judges may be improperly influenced in their decision making. The explanation for the widespread involvement of the executive in judicial selection, despite the potential threat that it poses to judicial independence, is found in the competing demands of democratic accountability. If judges are required to exercise their discretion in interpreting the law in ways that have political and policy implications, then a strong argument exists for representative election. In the light of the global expansion in judicial power, the tension between these two competing principles of judicial independence and accountability is a dominant, probably irresolvable, and arguably healthy feature of most judicial selection processes.

One example of this tension is the controversial question of whether the views of judges should be scrutinized in public on appointment either by a judicial appointment commission or legislative committee. The argument for some sort of pre- or postappointment scrutiny grows stronger the greater the role of

**absolute:** complete, pure, free from restriction or limitation

**neutrality:** the quality of not taking sides, as in a conflict

the judges. Supporters of scrutiny argue that the belief that judges can interpret constitutional principles or human rights with **absolute** political **neutrality** is a myth and that those who select the judges, as well as the public at large, have a right to know something about the views and values of the judges who will be making decisions of profound political significance. Critics of this form of scrutiny, in contrast, argue that questioning judges about their politics undermines their independence and brings the judiciary into disrepute. The U.S. Senate confirmation hearings of federal judicial appointments are widely condemned in many countries for this reason—although it is arguable that the reputation of the U.S. confirmation process has been unfairly tarnished by a few high-profile failures and that not all such hearings need become unacceptably politicized. The public interviews that are carried out by the Judicial Service Commission in South Africa, for example, have generally been credited with introducing greater openness and accountability to the selection process without undermining the privacy or independence of the judges.



**SANDRA DAY O'CONNOR AT HER SENATE CONFIRMATION HEARING ON SEPTEMBER 10, 1981.** In September 1981 Texas jurist Sandra Day O'Connor was confirmed by the Senate Judiciary Committee as the first female associate justice on the U.S. Supreme Court. The committee is a small group of senators who must approve of the selection in order for the full Senate to vote to confirm the nominee by a majority. (SOURCE: AP/WIDE WORLD PHOTOS)

## COMPOSITION AND DIVERSITY

Another growing concern in many judicial selection processes is the awareness of the need for greater diversity in the composition of judiciaries. In common with all public institutions of power, the need for a degree of diversity is increasingly recognized as a prerequisite to securing public confidence and legitimacy. Two generalizations can be made about the composition of judiciaries around the world. First, the more activist the judiciary, the less representative in terms of gender, ethnicity, and social background of the community as a whole it tends to be. Second, the higher the rank of the judiciary, the less representative that rank will be. Women and members of minority ethnic groups tend to feature in greater numbers in those judicial systems in which judges have less power and prestige. In France, for example, where women make up nearly half the judiciary, judges are regarded as civil servants rather than a branch of the government and do not generally enjoy the equivalent status of many common law judges. Moreover, it is notable that even in France the ratio of men to women changes at the higher, more powerful ranks, where men outnumber women two to one.

It is increasingly common for judicial selection criteria to reflect concern about the need for greater diversity by stating that appointments will be made based on qualifications and regardless of such factors as ethnic origin, gender, marital status, sexual orientation, political affiliation, religion, or disability. In some countries, however, the need for greater diversity has been recognized as requiring a positive inclusion into the selection criteria. In Canada, for example, the broad statutory criteria applied by the Ontario Judicial Appointments Advisory Committee in selecting judges are spelled out in the 1990 Courts of Justice Act and include "assessment of the professional excellence, community awareness, and personal characteristics of candidates and recognition of the desirability of reflecting the diversity of Ontario society in judicial appointments" (Chapter 43, Section 9).

Similarly, in South Africa, the constitution states that judicial appointments must be made taking into account "the need for the judiciary to reflect broadly the racial and gender composition of South Africa" (Section 174). Although there is a widespread consensus that increasing diversity in the judiciary is inherently positive, it is also acknowledged that there are real problems in reconciling the goal of appointing a more representative judiciary with the principle of judicial impartiality. If judges are to decide each case without "fear or favor," as most judicial oaths require, they cannot be selected as representatives of any particular group in the same way as a member of a legislator can be.

In recognition of this difficulty, an alternative approach to the question of the composition of the judiciary is gaining popularity in many jurisdictions. This replaces the concept of representativeness with the doctrine of "fair reflection." This more flexible principle holds that the judiciary should reflect through its composition the interests of the community that it serves. It moves away from the effect of the particular backgrounds of individual judges on particular decisions toward a broader approach that seeks to link the judiciary as a group to the society in which it operates. In so doing, it reduces the danger posed to the principle of individual impartiality.

## JUDICIAL APPOINTMENTS COMMISSIONS

The growing pressure around the world to ensure the selection of more diverse judiciaries and to strike a better balance between judicial independence and accountability has led to substantive reform of many selection processes. One of the most common changes has been the move to establish a judicial

**FAST FACTS**

The Code of Conduct for United States judges notes that a judge's integrity and independence are entirely dependent on whether a judge acts without "fear or favor."

appointments commission. In North America the use of commissions increased significantly in the late twentieth century so that thirty-three states and the District of Columbia created some form of commission. These are often termed "merit plans" because they are intended to remove politics from the appointment process and replace it by appointment on merit alone. In Canada, appointment committees have grown in popularity since they were first introduced in the 1980s. Likewise, many African systems also now use commissions. The best known and highly regarded is the Judicial Service Commission set up in South Africa in 1994 under the new post-apartheid constitution. In the United Kingdom all three jurisdictions have recently moved to a commission-based system, and debate has grown on the desirability of such reform in India, Australia, and New Zealand.

These developments are not limited to the common law world; a similar trend occurred in European civil law countries in the early years of the twenty-first century. Although these countries employ a formalized judicial career structure, a growing number have introduced commissions in the form of higher judicial councils to appoint and promote judges. These have been identified as both a consequence and a cause of increasing judicial power.

As more commissions are established around the world, the variety of models grows. Each system adopts a form of commission that suits its own legal and political culture. Some have complete control over the judicial selection process, whereas others are recommending bodies that put forward the names of suitable candidate to the executive. The extent of executive influence in the system ranges from extensive discretion to select from a long list of names to that of rubber-stamping the commission's choice of candidate.

In addition, there are many variations of commission and different types of selection processes for different ranks of judges. In South Africa, for example, a distinction is drawn between the procedure for appointing constitutional judges and ordinary judges of the High Court and Court of Appeal. For the latter, the Judicial Service Commission advises the president of its choice of candidate, who is required to appoint the Commission's choice. However, in relation to the Constitutional Court, the Commission submits a list of nominees, which must include three names more than the number of judges to be appointed. The president then makes a selection from this list. The president may also reject, with reasons, unacceptable candidates and require supplemental ones, although this has never occurred.

In almost all U.S. states in which commissions are used, the appointing authority (usually the governor) is obliged to choose one of the commission's nominees, although not necessarily the first on the list. The Judicial Appointments Advisory Committee in Ontario similarly provides the attorney general with a ranked shortlist of at least two recommended candidates with accompanying reasons for its decision. The attorney general must appoint a candidate on the list, although as in South Africa the entire list can be rejected and a new one requested.

It is often claimed that the makeup of a commission is a determining factor in its effectiveness. Who the members are, how long they serve, and, equally important, who appoints them are relevant because they have a bearing on the degree of independence and accountability of the commission. Just as the independence of judges is affected by their appointment and tenure arrangements, so too is that of the people who appoint the judges. Here as well, the details differ significantly from one commission to another.

The makeup of the commissions is partly dependent on their size, which ranges from twenty-three members in South Africa to as few as five in many U.S.

states. Most commissions include a diversity of members including lay people, lawyers, judges, academics, and, sometimes, elected politicians. Commissions that have gained strong reputations as independent and effective bodies tend to be those that have a high degree of diversity among their members who do not see themselves as having been appointed as representatives of an interest group, but who are first and foremost committed to the collective goal of appointing the highest quality judges from the widest possible range of backgrounds. The lesson that should be learned from the experiences of commissions is that the independence of the commission (both cultural and structural) and the diversity of its membership are the keys to ensuring that appointment commissions select high quality judges and command confidence in the selection process.

*See also:* Civil Law; Common Law; Judicial Independence.

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*Kate Malleson*

## Juries

Trial by jury is one of the most controversial yet enduring modes of dispute resolution that the world has ever known. Over the centuries juries have been praised, parodied, and pilloried. The institution of jury trial seems under constant threat—from intellectual ideologues, from crass dictators, and from cost-cutting bureaucrats who see it as an expensive anachronism in a modern world. Some states that once made use of juries discarded them, only, like Russia and Spain, to reintroduce them later.

At the beginning of the twenty-first century, jury trial existed in some form in over fifty countries. It would be a daunting exercise to analyze each and every one of these systems, as the variations among them are many. Indeed, given the myriad of variations, identifying the core of what constitutes a jury is itself a challenge. In some countries, in particular the United States, juries decide both civil and criminal cases, but in most countries the civil jury has fallen into disuse.

The size of the jury that hears a case varies from six to fifteen, depending on the law of the jurisdiction. Likewise, the qualifications for jury service differ among countries and may be revised from time to time within the same country. In some jurisdictions lawyers may question and challenge prospective jurors, both for-cause and peremptorily (i.e., without the challenger having to supply a reason), whereas in other countries, the requisite number of persons who are needed to hear the case are empanelled with no questions asked of them. Although in most areas, a jury verdict, especially in a criminal case, must be unanimous, in others a supermajority (e.g., two-thirds, three-fourths) or even bare majority verdict may be permissible.

■ ■ ■

These and other variations in jury systems throughout the world may be attributable to the social, political, and cultural context of the particular country, as well as its substantive and procedural laws and whether it employs an adversarial (i.e., convict the guilty) or inquisitorial (i.e., seek the truth) mode of trial. Although analyzing the numerous variations and their relative merits is a daunting task, core common characteristics of the jury can be identified and used, not simply for definitional purposes, but to understand both why the institution of jury trial has endured as long as it has and to appreciate the case for its continued existence.

### HISTORY OF TRIAL BY JURY

England is generally credited as being the birthplace of the jury, and indeed, most states that utilize juries have the British to thank for introducing jury trial into their country. However, many European strands can be traced into the formation of the English jury system, and jury trial long predates the English model. In ancient Greece Socrates (470–399 B.C.E) was tried by a jury of 500 men (women not being allowed to participate in civic affairs at that time), who were chosen by lot, in a "People's Court." There were no witnesses (Socrates's accusers first argued their case, then Socrates, in his own defense), and no judge to instruct the jurors. Nor were the jurors given the opportunity to discuss the merits of the case amongst themselves. Rather, they simply voted, and, by a majority of 280 to 220 (note that a bare majority vote was all that was needed to convict), found Socrates guilty of corrupting the youth of Athens. The jury was subsequently charged with fixing the penalty, a practice that is alien to most modern jury systems (the United States is the primary exception, and there only when the death penalty is in issue).

As is obvious and unsurprising, the jury trial of ancient Greece is distinguishable in many respects from its modern counterpart. Ever since its inception, the jury has been in a constant state of evolution. In England, for example, whereas the jury originally consisted of the accused's neighbors who were chosen because of their knowledge of the facts, now the objective is to have jurors who come to their task ignorant of the facts. And, whereas once a unanimous verdict was required to convict a criminal defendant, now a ten-to-two verdict suffices in some instances.

### KEY FEATURES OF A JURY

In general terms, the jury consists of a small group of ordinary citizens summoned at random from the community and brought together to decide a legal controversy. The jurors rarely have any formal legal education nor do they generally receive any training for the task for which they have been summoned. Jurors are amateurs rather than professionals. They listen to witnesses, hear arguments of opposing counsel, receive instructions from the court, and then retire to **deliberate** amongst themselves until they have reached a verdict. While acting in their formal capacity, jurors comprise a vital organ of the state justice system. Yet, after returning their verdict, they return to their community and regain their ordinary civil status and anonymity.

■-■-■

**deliberate:** to present contradicting arguments and choose a common course of action based upon them, or, characterized by such careful discussion

The jury is a quintessentially democratic institution. Class, race, gender, and other barriers that once restricted jury service to property-owning men find no place in the contemporary jury, having been invalidated by either the legislature or the highest courts of the land. On a jury, all are equal. Every juror, regardless of background, education, or accomplishments in life, is entitled to only one

vote, and each vote counts equally. Furthermore, in the deliberations each juror may contribute to the discussion; no one is barred from speaking. Jurors derive the respect of their fellow jurors on the basis of the persuasiveness of their arguments and analyses. As is evident, the jury is a **meritocracy** (i.e., governed by ability or competence), and it is only fitting that its members bear collective responsibility for the verdict.

At the same time that jurors perform a public service, jury service provides a major benefit to the jurors. French political thinker Alexis de Tocqueville (1805–1859), looking at the United States through European eyes, appreciated the point:

> The jury contributes powerfully to form the judgment and to increase the natural intelligence of a people; and this, in my opinion, is its greatest advantage. It may be regarded as a gratuitous public school, ever open, in which every juror learns his rights . . . and becomes practically acquainted with the laws, which are brought within the reach of his capacity by the efforts of the bar, the advice of the judge, and even the passions of the parties. . . . I do not know whether the jury is useful to those who have lawsuits, but I am certain it is highly beneficial to those who judge them; and I look upon it as one of the most efficacious means for the education of the people which society can employ. (Tocqueville 1945, pp. 295–296)

### NATURE OF THE JURY'S DECISION

The accepted dogma among academics, lawyers, and judges alike regarding the nature of the jury's decision is that issues of fact are for the jury to decide and issues of law are for the court. But why, then, is the jury's task not completed once it has determined the facts of the case? Why does the jury not simply report those facts to the judge for the judge to then apply the law to the facts? The **heretical** answer, one might hazard, is because the jury's role is not confined to determining the facts. Part of the jury's responsibility, albeit a rarely acknowledged part, is to temper the rigor of the law with the community's sense of justice.

Some of the most celebrated trials of history involved juries that spurned the "correct" legal verdict in favor of one that accorded with their sense of justice. For example, during Bushell's Case (1670) in England, the jury ignored the judge's admonitions and refused to return a verdict of guilty despite being ordered on more than one occasion to do so. Similarly, during the sedition trial of John Peter Zenger (1697–1746) in colonial America in 1735, Zenger's attorney, Andrew Hamilton (1676?–1741), urged the jurors to look to their consciences in judging their fellow man. And, these two examples are not historical anachronisms. In England in 1985, Clive Ponting, an assistant secretary for the Ministry of Defense, was charged with violating the Official Secrets Act after he leaked classified information to parliament. There was no question that, as a factual matter, Ponting had violated the act. Yet the jury acquitted. For supporters of the jury system, cases such as these represent the jury in its finest hour, dispensing justice in the face of iniquitous laws and unmerited prosecutions. But even in more mundane trials, jurors often resolve factual ambiguities to accord with their view of the equities of the case.

The jury forms the link between ordinary citizens and the state. It is the community's protection against out-of-touch legislators, corrupt prosecutors, and biased judges. The jurors bring common sense and the lay person's sense of right and wrong into the formal legal system. Jurors represent the voice of the people and, in turn, provide assurance to the people that their values and perspectives will not be ignored in the decision-making process. Whereas judges

**precedent:** an established ruling, understanding, or practice of the law

may be bound to follow **precedent**, even when the precedent would represent a hardship or injustice, jurors can focus on the case before them and strive to do justice in that case.

## ARRIVING AT A VERDICT

Jury verdicts are the result of a deliberative and participatory form of democracy. On a typical jury of twelve, where the selection process is nondiscriminatory, one can expect to find persons with a diversity of backgrounds, experiences, and perspectives. Ideally, a further screening process is applied so that only those jurors who are able to be fair and impartial are chosen to sit. In the jury room this open-mindedness, absence of bias, and wide range of perspectives combines to enable jurors to see the evidence from every possible angle. According to English philosopher and political economist John Stuart Mill (1806–1873):

> The only way in which a human being can make some approach to knowing the whole of a subject is by hearing what can be said about it by persons of every variety of opinion, and studying all modes in which it can be looked at by every character of mind. No wise man ever acquired his wisdom in any mode but this; nor is it in the nature of human intellect to become wise in any other manner. (Mill 1910, p. 82)

Mill was not writing about decision making on the jury, but he easily could have been. In the jury room, jurors, at the outset, apply their individualistic perspectives to the evidence to see which side's story makes better sense in light of their own experiences. Each juror's analysis is then assessed, evaluated, and critiqued by other jurors who may have a different take on events. If the jurors are open- and fair-minded, they will be prepared to concede the inadequacy of their own analysis when it has been shown to be flawed and to accept analyses that are more compelling and persuasive.

Although the case in which a single holdout is ultimately able to convince the others may be the apocryphal repository of fiction (e.g., the 1957 film *Twelve Angry Men*), jurors in the minority play a critical role in the deliberations. They force those in the majority to rethink and justify their analysis, they act as a stimulant to group thinking, and they prevent an unseemly rush to judgment. Likewise, in the jury room individualistic prejudices that may distort a juror's thinking are exposed by others who do not share the particular juror's biases. Subconscious prejudices either cancel each other out or are submerged in a jury's deliberations. As there are no time limits on deliberations, jurors can persevere until all are satisfied that the right decision has been reached. It is in these ways that the process of jury decision making promotes reflective and just verdicts.

## CHALLENGES TO JURIES

Despite its many virtues, the jury process finds itself under attack. Politicians are concerned about the financial and administrative costs of maintaining a jury system and for this reason many countries, including England, no longer employ juries in civil cases and in an ever-diminishing number of criminal trials. Economic issues aside, there are also concerns of principle. Despite the numerous victories over discriminatory selection processes, minorities still find themselves underrepresented on jury panels, a defect that is in glaring contrast to the fact that minorities are statistically overrepresented among criminal defendants.

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### *TRIAL BY JURY*

Each jury is a little parliament. The jury sense is the parliamentary sense. I cannot see the one dying and the other surviving. The first object of any tyrant in Whitehall would be to make Parliament utterly subservient to his will; and the next to overthrow or diminish trial by jury, for no tyrant could afford to leave a subject's freedom in the hands of twelve of his countrymen. So that trial by jury is more than an instrument of justice and more than one wheel of the Constitution; it is the lamp that shows that freedom lives. (Devlin 1956, p. 164)

What can be done to ensure the greater participation of minorities in the jury system? What should be done about jurors, such as those who have their own business to run, who seek excusal from service on hardship grounds? Their absence, as well as that of persons disqualified by law from serving, detract from the representativeness of the jury and the multiplicity of perspectives that is desirable for its deliberative processes to function effectively. How is the legal system to preserve juror impartiality in high profile cases when potential jurors can access news twenty-four hours per day from a wide variety of sources, including a largely unregulated Internet? Do ordinary citizens have the capacity to understand cases involving complex, specialized, or highly technical issues? In a multiracial, multicultural society, can jurors ignore their defining traits and decide cases on their merits; or, as some fear, will jurors identify with parties of the same background as themselves and "hang" the jury regardless of the merits of the case?

These concerns do not make the case for discarding jury trial, but only point out some of the challenges that lie ahead. Reforms may be needed, but that is nothing new. Throughout its history, the institution of the jury has adapted, evolved, survived, and prospered.



**JURY FOREMAN JOE COLLINS, RIGHT, SPEAKS AT THE JAMES BYRD JR. MURDER TRIAL.** In particular cases in the United States a death sentence is permitted and the decision is left to the jury. In February 1999, a white supremacist named John William King was convicted of kidnapping and murdering James Byrd Jr., an African American. The jury only took three hours of deliberating to find him guilty of the hate crime and later imposed the penalty of death by lethal injection. (SOURCE: AP/WIDE WORLD PHOTOS)

*See also:* Judicial Independence; Judicial Review; Judicial Selection.

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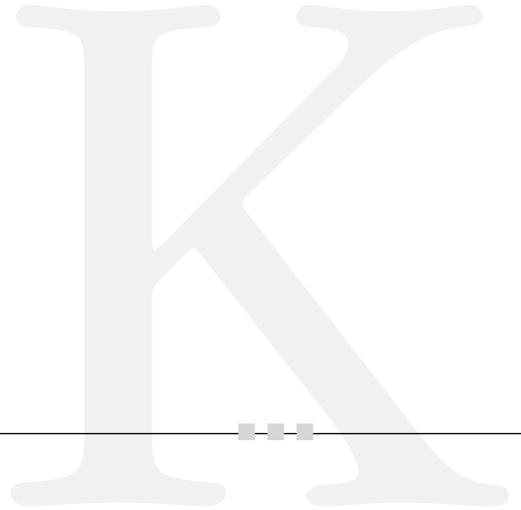
## Kazakhstan

Kazakhstan is a landlocked country located in Central Asia that is bordered by Russia on the north, China on the east, Turkmenistan on the west, and Uzbekistan and Kyrgyzstan on the south. By size, it is the ninth-largest nation in the world at 2.7 million square kilometers (1 million square miles).

As of July 2003, Kazakhstan's population was estimated at 16.7 million. The prominent ethnicities are Kazakh (56%) and Russian (28%). The major religions are Sunni Muslim (47%) and Russian Orthodox (44%).

Kazakhstan, which had a nomadic tradition, was annexed by Russia in the late nineteenth century. In 1917, secular nationalists briefly established an independent national government which lasted from 1918 to 1920. The country then rejoined Russia as the Kazakh Autonomous Soviet Socialist Republic, part of the Union of Soviet Socialist Republics (USSR). After the fall of the Soviet Union in the early 1990s, Kazakhstan declared full independence in December 1991 after a failed coup attempt in Moscow.

As Kazakhstan evolved from a communist Soviet republic, it developed an **authoritarian** form of government centered around the president, Nursultan Nazarbayev (b. 1940). Nazarbayev initially came to power in 1989 as the head of the Kazakh Communist Party and was later elected president in 1991.

**authoritarianism:** the domination of the state or its leader over individuals

Formally, Kazakhstan is a constitutional republic. The constitution was approved on August 30, 1995, by a national referendum. The president is the highest-ranking state officer and is responsible for naming the government and all other officials with the approval of the parliament. The president, who is directly elected for a seven-year term, has a great deal of authority. He or she may introduce or veto legislation and annul any existing law and is the only government official who can initiate constitutional amendments. The president may dissolve parliament and order new parliamentary elections, as well as declare states of emergency during which the constitution can be suspended. In the absence of a parliament, the president rules by direct decree. The president also controls the currency, appoints the constitutional court and other judges, names the prosecutor general, and serves as the commander in chief.

(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

The legislative branch consists of a bicameral parliament consisting of the upper house, the Senate, and the lower house, the *majlis*. The Senate has thirty-nine members, and the *majlis* has seventy-seven members. All legislators serve six-year terms. The parliament passes legislation and may override a presidential veto. The Kazakhstan parliament may pass a vote of no-confidence, which disbands the government. The parliament can remove the president from power only in circumstances of sickness or treason.

The judicial branch of government is not independent of the executive branch. It is susceptible to bribery and corruption is rampant.

Political parties have played little role in local politics, as the government has imposed an increasing number of restrictions on them. The international community has deemed previous elections as lacking in freedom and fairness.

Freedom of the press has been severely suppressed in Kazakhstan. The government has repeatedly harassed journalists, and many media outlets have been shut down. It is also illegal for the press to criticize the president or the presidential family. Freedom of religion is allowed for the most part, except for some nontraditional faiths which are targets of government harassment. Religious groups must register with the government to be recognized legally. In short, Kazakhstan has an authoritative, nondemocratic government.

*See also:* Ukraine.

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*Cara Richards*

# Kelsen, Hans

**LEGAL THEORIST**
**1881–1973**

Hans Kelsen was a legal theorist, best known for his writings on international law and for his creation of the concept of a Constitutional Court. Kelsen was born in Prague in 1881, but his Jewish, German-speaking family soon moved to Vienna, Austria, where he completed his education through his doctorate in law. His interests were always broad, encompassing the humanities and classics, particularly philosophy. Early in his academic career, he became interested in public law and was appointed as an instructor in public law and philosophy of law at the University of Vienna, eventually rising to full professor of public and administrative law.

Kelsen's explorations in philosophy of law led him to reject the theory of natural law and that of **legal positivism**. Rather, he adopted a theory of law that argued that the legitimacy of law relied on universal accepted truths. His significant contributions to how rights and responsibilities of citizens are defined relied on his articulation of the hierarchy of laws and the primacy of the constitution. In Europe in the early twentieth century, parliamentary sovereignty—the notion that popular sovereignty was expressed through an elected parliament—was counter to any suggestion that a law could be invalidated as contrary to the constitution. In his book *The General Theory of Law and State*, he explained that a country's constitution is the ultimate source of law; it is a solemn document that can be changed only with difficulty.

**legal positivism:** a philosophy that laws have no moral standing, being merely man-made

The Vienna in which Kelsen was raised was central to the Austro-Hungarian Empire, but in 1918 Emperor Charles I (1887–1922) **abdicated**, and the empire was dismantled. The portion of that empire that became Austria held elections in 1919, and a new republican constitution was required. Although Kelsen was asked to serve as advisor to those writing the new constitution, the entire document is generally agreed to be his handiwork.

**abdicate:** to renounce or give up power, usually referring to royalty

Perhaps his most significant contribution was the institution of a Constitutional Court, separated from the ordinary judiciary. He rejected the system used in the United States, in which laws could be declared unconstitutional by any court, even though the U.S. Supreme Court stood as the ultimate arbiter. He argued for a special court that would be the only body that could determine if a law passed by parliament was consistent with the higher law, the constitution. Austria was the first country to establish a Constitutional Court, and it served as the model for the post–World War II (1939–1945) Constitutional Courts in Italy and Germany and later in Spain and the European Union.

**bicameral:** comprised of two chambers, usually a legislative body

**suffrage:** to vote, or, the right to vote

The constitution that Kelsen drafted established a parliamentary democracy and included a **bicameral** legislature and a head of state and a head of government, the federal chancellor. Notably, the constitution also called for universal **suffrage**, including for women. The constitution was amended in 1925 and in 1929, but a parliamentary crisis ensued in 1933 with the success of Austrian fascism. The constitution was suspended in 1938, when Austria was occupied by Nazi Germany. Kelsen was removed from his academic position in 1933 and left for Geneva and in 1940 moved to the United States, where he served as a visiting professor of political science at the University of California at Berkeley.

After World War II, Austria reinstated the 1920 constitution that Kelsen had written, together with the 1926 and 1929 amendments. That constitution remains intact, although it was amended to enable Austria to enter the European Union. Kelsen died in Berkeley in 1973, but his legacy remains in Europe.

*See also:* Austria; Constitutions and Constitutionalism.

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*Mary L. Volcansek*

## Kenya

Occupying 582,650 square kilometers (224,900 square miles) and located on the Indian Ocean coast of East Africa—bordered by Tanzania, Uganda, Sudan, Ethiopia, and Somalia—Kenya had an estimated population in 2004 of 32 million. As with nearly all African states, none of which existed in their present form before European powers established colonial territories across the continent at the end of the nineteenth century, Kenya first emerged as a modern state between 1895, when it was carved out as part of the British East Africa protectorate, and 1902, when it was brought under the Colonial Office. Amalgamating a diverse set of peoples carrying varied histories and forms of self-government, the ensuing colonial experience was to have a fundamental effect on the form of government that was established at independence on December 12, 1963, and, importantly, on the substance of challenges that have animated politics ever since. Most easily recognizable are the formal institutions that were inherited at independence, such as parliamentary democracy patterned after the **Westminster** system, a common law tradition, and the colonial administrative structure. How much these institutions have changed (e.g., the mutation to a presidential system) and continue to change demonstrates both the limits of the "colonial imprint" and the lively, sometimes tragic, internal and external forces beyond colonialism that shape governance in Kenya.

**Westminster:** a democratic model of government comprising operational procedures for a legislative body, based on the system used in the United Kingdom
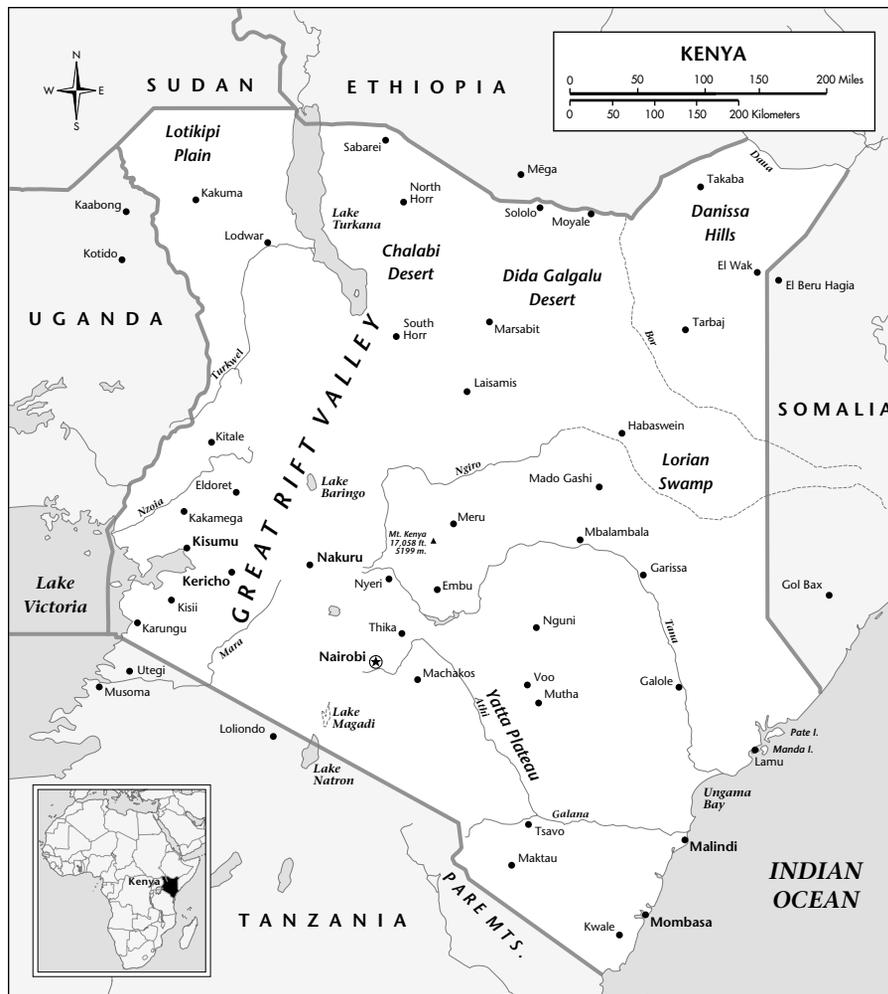
(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

## AUTHORITARIANISM AND ENDURING CHALLENGES

In both colonial and postcolonial times, authoritarianism has been the dominant style in which governments in Kenya have deployed state power to manage civic and economic affairs. To be sure, they have faced formidable challenges and have offered various justifications, often seemingly acceptable in their time. However, these justifications often later exhibited sufficient contradiction to allow the emergence of a countermovement to democratize state power and to expand economic benefit to a broader population beyond the ruling elite privileged by race, ethnicity, or class.

The foremost challenge faced by successive governments in Kenya is ethnic diversity—especially how to forge a cohesive state and how to manage competition or threats from identities older than the modern state. The colonial government developed a policy of "indirect rule," which first evolved in northern Nigeria. This approach involved allowing local traditional authorities—who were often persons of doubtful character who served as "chiefs," drawing an imperial salary and protection—to govern their own peoples on behalf of the understaffed colonial authority.

These rulers was mainly focused on enforcing colonial tax, labor, and economic laws rather than on representing their subjects. This policy redefined

**authoritarianism:** the domination of the state or its leader over individuals

ethnic identities that were historically more fluid rather than fixed. The new alliances formed the basis for economic, social, and political policies.

By the time the state gained its independence, ethnic identity had become more concrete; for example, censuses and registration records listed official ethnic categories. These groups and the estimates of the percentages of the 2005 population are the Kikuyu (22%), Luhya (14%), Luo (13%), Kalenjin (12%), Kamba (11%), Kisii (6%), and Meru (6%), with other African groups comprising 15 percent and non-African (Asian, European, and Arab) groups 1 percent. Political parties and personalities arose along these ethnic lines, encouraged by colonial policies that allowed Africans to form regional parties as a way of delaying **nationalist** politics that were already heating up across the continent after the World War II (1939–1945). (Africans who had fought on the side of Allied forces for democracy and against Hitler's fascism were beginning to question the racial colonialism they faced at home.)

Confronted by this diversity and its increasingly politicized nature, the newly independent government, reflecting a liberal optimism that was practically and ideologically necessary for the anticolonial struggle, sought to remodel the nation into one overarching supra-ethnic identity. This effort was more successful in theory than in practice, however, as parties continued to align and draw votes ethnically rather than ideologically. The subsequent government also made numerous efforts to balance ethnic representation in state institutions, for example, by allocating ministerial and subministerial posts to assure broad representation of different ethnic and regional groups. This led to sizeable cabinets and a disconnected government structure, a situation that got worse as Kenya moved from a **de facto** to a **de jure** one-party state in the 1970s and 1980s. Even with such efforts at ethnic balance, ethnic dominance was unmistakably present, held first by the Kikuyu and related groups under founding president Jomo Kenyatta (1889–1978) and subsequently by the Kalenjin under Daniel arap Moi (b. 1924), the second president.

Along with balancing ethnic identity, the second challenge faced by successive governments in Kenya has been managing the economy. Invariably, in conditions of colonial advance and anticolonial nationalism, economic policies have been either combined with or subordinated to political goals rather than to market forces. Thus, the Kenyan colonial government, although introducing new economic activities such as cash-crop agriculture (e.g., tea and coffee) and integrating the economy into the global market, was narrowly focused on making a profit for white settlers and the British Empire. It therefore favored white settlers by allocating the best agricultural lands to them, passing labor laws to encourage them to use the African workforce in European enterprises, and limiting economic opportunities for Africans and Asians.

Given that the most productive land was under European control and that Africans were excluded from cash cropping, land became the critical economic resource around which the independence movement was propelled. After independence, the government attempted to redistribute economic assets and opportunities to the majority Africans. The most effective redistribution program was the Million Acres Scheme, which lasted from 1962 to 1971. Financed in large part by the British government, it allowed the Kenyan government to purchase over 1 million acres of land owned by eight hundred white farmers and distribute it to over thirty-five thousand African families. By the 1980s, over seventy thousand families had settled on over 2 million acres of land that had been previously owned by white farmers. Africans who were allocated land were required to pay a nominal fee, contribute yearly repayments, and put the land to continuous productive use. (Typically, new landowners would grow at least

**nationalism:** the belief that one's nation or culture is superior to all others

**de facto:** (Latin) actual; in effect but not officially declared

**de jure:** (Latin) by right

one cash crop which was marketed through the government or government-sponsored cooperatives and which helped pay the nominal fees over time.)

A parallel Africanization policy provided employment and entrepreneurial opportunities for Africans through a growing state-owned enterprise sector as well as other forms of state-sponsored economic growth (e.g., expansion of



**A KENYAN WOMAN SITS INSIDE HER HUT WITHIN KIPAO VILLAGE.** Twenty-four years of oppressive economic tactics by Daniel arap Moi and the Kenya African National Union (KANU) and led to great hardships, particularly in the poorer rural areas. Village women were forced to bear much of the burden as men left for urban areas to find work. (SOURCE: DAVID JOHNSON. REPRODUCED BY PERMISSION.)

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## KENYAN PRESIDENTS

Jomo Kenyatta, Kenya's first president, ruled the country for fifteen years until his death in 1978. By absorbing or ruthlessly suppressing opposition parties, he also oversaw the rise of the one-party state by establishing a de facto one party. Kenyatta was succeeded by his vice president, Daniel arap Moi, who ruled for twenty-four years. Becoming increasingly repressive through the 1980s, Moi constitutionally outlawed opposition parties in 1982 but was forced by internal and external pressure to revert to multiparty politics in December 1991. He nevertheless survived two subsequent elections. On December 27, 2002, Kenyans elected the country's third president, Mwai Kibaki (b. 1931), ending KANU's political monopoly.

■ ■ ■

**socialism:** any of various economic and political theories advocating collective or governmental ownership and administration of the means of production and distribution of goods

**market economy:** an economy with little government ownership and relatively free markets

**bureaucracy:** a system of administrating government involving professional labor; the mass of individuals administering government

**sovereignty:** autonomy; or, rule over a political entity

**republic:** a form of democratic government in which decisions are made by elected representatives of the people

administrative services, armed services, and social services to the public). The state also invested in enterprises ranging from trading houses, manufacturing, and cooperatives to services such as banking, transport, and telecommunications. At a time when **socialism** was popular across the continent but had yet to be economically proven, Kenya's government professed a pursuit of African Socialism, as expressed in its cornerstone policy document, Sessional Paper No. 10 (1965), titled *African Socialism and Its Application to Planning in Kenya*. In both theory and practice, however, the government's policy called for a guided **market economy**, which supported capitalist growth and the consolidation of an African political and economic elite.

The successful management of the economy masked a growing authoritarianism, however, which over the next two decades would begin to unravel the state's economic, social, and political achievements. Initially, Kenya benefited from a rapidly expanding economy, with an average gross domestic product (GDP) growth rate of 6.5 percent during the first decade and over 5 percent during the next. The tourist and agricultural export sectors were especially robust.

Moreover, the political environment in Kenya was very stable compared to its neighbors: in Uganda, a military government wreaked havoc, and in Tanzania, a strident socialist experiment impoverished and isolated the country. But the lack of downward accountability that defines authoritarianism bred vices such as corruption, **bureaucratic** failures, and massive misallocation of state resources. These faults infiltrated the government's management of economic affairs, and economic needs were often subordinated to political goals. The limits of such a model first became apparent in the first decade following independence; they were noted by Kenyans who were ideologically repulsed by developments or who were being excluded from the increasingly ethnically exclusive ruling class. Finally, the flaws became evident nationally and internationally when egregious examples of corruption were reported. According to Transparency International's annual rankings between 1999 and 2003, Kenya ranked among the ten most corrupt countries in the world. Such state decay devastated economic growth and government services; the formerly robust GDP growth rate shrank to an average of 2.2 percent in the 1990s.

### INSTITUTIONS AND FLUIDITY

Kenya's independence in 1963 followed a series of tutored steps toward **sovereignty**, including the gradual expansion of African representation in the Legislative Council, negotiated constitution making, and supervised inaugural elections. This British tutelage extended a year into the independence period, during which time the Queen of England served as a ceremonial head of state until the country declared itself to be a presidential **republic** on December 12, 1964. (It remained in the British Commonwealth, however.) The excitement surrounding independence masked massive challenges that would constrain the effectiveness of democratic institutions imposed at the last minute on a people who had long been governed autocratically.

The main institutional focus in the new state was on constitutional restraint of state power, primarily for two reasons. First, the new African government needed to respond to concerns among the Europeans who still controlled the economy and the critical farming sectors and were fearful of collapse and chaos. Their fears were well-founded; the colonial government had long vilified the incoming Kenya African National Union's (KANU) prime minister, Jomo Kenyatta, when he served as leader of the radical Mau Mau independence movement, arresting and jailing him for seven years from 1952 to 1959 under the emergency rule regulations. Second, the political competition among Africans

that had occurred prior to independence had revealed the deep ethnic divisions that had solidified under colonial rule; these rifts would destabilize democratic rule in a winner-take-all parliamentary system.

The first concern was allayed by a significant deradicalization of the economic policies of the KANU government. KANU elites—hardly any of whom had actually been in the trenches of the Mau Mau **insurgency**—distanced themselves from the forceful rhetoric of the Mau Mau and promised not to repossess forcefully any land from European settlers nor dismantle the civil service. Kenyatta delivered his oft-repeated exhortation to "forgive but not forget" to audiences across the country, including white farmers in the Rift Valley's agricultural heartland. He backed up his promise with the managed land reform that took place under the Million Acres Scheme, among other initiatives.

The second problem was addressed by constitutional arrangements; this partial solution did not last long, however. At independence the constitution provided for a **federal** (*majimbo*) framework, with a local executive prime minister and the British monarch as head of state. The constituent regions would have significant **decentralized** authority, including policing and taxing powers, to give different ethnic groups preponderance in certain regions and limit the feared Kikuyu dominance. The new state was also grounded in institutions such as a bill of rights, separation of powers, and fiscal balance between regional and central governments. In 1964, however, KANU dismantled the federal constitution, eliminated the powers of regional governments, and established a unitary republic with an executive president. The party viewed federalism as an unnecessary and expensive constraint on its rightful power deriving from clear supremacy in the independence elections.

Even as the country slid into authoritarianism after independence, however, the symbolism of constitutionalism persisted: Over the next thirty years, the constitution was amended over thirty times. Except for the 1991 repeal of a previously adopted prohibition against political parties other than KANU and a set of reforms enacted prior to the 1997 elections, all these amendments restricted the liberties of individuals and groups and enhanced the power of the executive branch at the expense of parliament and the judiciary.

Even the amendment ushering in a multiparty system in 1991 did not fully restore constitutional rule, as it left in place a number of laws that collectively undermined liberal principles necessary for a functional democracy. These laws included legal and administrative restrictions on free assembly, sedition laws, and party registration mechanisms that were controlled by the executive branch. Largely in response to these enduring constraints, constitutionalism became integral to the struggle to deepen democracy. In an effort to secure democratic gains, in 1999 the government launched a process to review and rewrite the constitution, but it immediately became embroiled in controversy over the process of reform and then over the substance of the proposals offered. This conflict would persist for five years. As of February 2005, over a decade since the return to electoral democracy, a new constitution had yet to be adopted.

Even without a new constitution, however, important strides toward constitutionalism had been made by establishing clear tenets related to the substance and process of constitution making. For example, consensus was reached on separation of powers, term limitation, and decentralization; controversy arose only when politicians sought temporary exemption from the laws that they had agreed ought to be universally binding. Despite slow progress toward substantive

**insurgency:** a rebellion against an existing authority

**federalism:** a system of political organization, in which separate states or groups are ruled by a dominant central authority on some matters, but are otherwise permitted to govern themselves independently

**decentralize:** to move power from a central authority to multiple periphery government branches or agencies

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### KENYA'S ECONOMY

Like most other African economies, Kenya depends upon a narrow band of activities. Most workers are employed in agriculture, which contributes 20 percent of GDP. Kenya is the world's third largest exporter of tea, which, together with coffee and horticultural products, contributed over 50 percent of total merchandise exports in 2002. The industrial sector accounts for 18 percent of GDP and services account for 60 percent. Tourism, once a major economic sector, has been adversely affected by the instability of transition politics; however, it still contributes over 15 percent to the GDP.

reforms, restraining state power through a broadly owned constitution remains a priority for Kenyan political leaders.

## CONCLUSION

How Kenyans have experienced their government and the way it has managed the country's politics, society, and economy has changed significantly through the colonial and postcolonial periods. Some challenges endure, even as Kenyans have pursued universal goals and values such as **democratization**, civil society expansion, and a developmentalist state. The benefits (or woes) that successive governments have brought their citizens seem to depend on a combination of leadership and institutions, fortune and history. Increasingly, support for democratization underscores Kenyans' preference for the promise of the former; yet occasional lapses such as the antigovernment riots in July 2004 underscore the inescapable weight of the latter.

*See also:* Transitional Political Systems.

**democratization:** a process by which the powers of government are moved to the people of a region or to their elected representatives

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*Stephen N. Ndegwa*

# King Jr., Martin Luther

**AMERICAN CIVIL RIGHTS ACTIVIST AND MINISTER**
**1929–1968**

Martin Luther King Jr., was born on January 15, 1929, the eldest son of a family deeply rooted in the African-American social gospel tradition. His father and maternal grandfather, both of whom were prominent Baptist ministers in Atlanta, Georgia, viewed religious beliefs, social values, and political action as the core of day-to-day living. Born Michael King Jr., King became known as Martin Luther when his father, inspired by the Lutheran movement in Germany, took that name. Early in life Martin struggled with his religious beliefs, and he entered the ministry only after his exposure to a combination of theology and social action while a student at Morehouse College. King attended Crozier Theological Seminary in Pennsylvania and received a Ph.D. from Boston University in 1955. In Boston, he met Coretta Scott (b. 1927), a student at the New England Conservatory of Music, and they married on June 18, 1953.

King became pastor of Dexter Avenue Baptist Church in Montgomery, Alabama. There, following Rosa Parks's well-publicized refusal to relinquish her seat on a city bus, King began to translate his religious beliefs into social action. Heading the Montgomery Improvement Association, King mobilized black churches in support of Parks. Parishioners boycotted buses and protested in public, using nonviolent civil disobedience, a tactic King had adopted from India's **nationalist** leader Mahatma Gandhi (1869–1948). The success of the boycott catapulted King to prominence. In 1957 he assumed a national role in the movement for black equality, serving as the founding president of the Southern Christian Leadership Conference (SCLC). Through this group, King would become the inspirational focal point of the civil rights movement.

**nationalism:** the belief that one's nation or culture is superior to all others

Early in 1960 King moved his young and growing family—eventually he and his wife would have four children—to Atlanta to manage the SCLC and become co-pastor, with his father, of the Ebenezer Baptist Church. As the civil rights movement evolved, King continued to put his leadership and dedication to civil disobedience to the test. He was arrested at a protest during the summer of 1960, and his release following the intervention of then-presidential candidate John F. Kennedy (1917–1963) became national news. In the 1963 Birmingham, Alabama campaign, King led the largest civil rights protest in American history. Televised coverage showing the use of guard dogs to quell the demonstrations caused national outrage. On the heels of this coverage, President Kennedy proposed a broad civil rights act that Congress later passed during the administration of President Lyndon B. Johnson.

The height of King's influence came with his famous pronouncement at the historic 1963 March on Washington: "I have a dream . . . that one day this nation will rise up and live out the true meaning of its creed—we hold these truths to be self-evident, that all men are created equal." He proclaimed that true equality would allow all Americans to sing, in the words of an old African-American spiritual, "Free at last, free at last, thank God Almighty, we are free at last." King was named *Time Magazine*'s Man of the Year in 1963, and he received the Nobel Peace Prize in 1964. Shortly thereafter, Congress passed the Civil Rights Act of 1964 and the Voting Rights Act of 1965; King earned recognition throughout the world as the principal civil rights leader in the United States.

Throughout the 1960s King worked to alleviate the plight of impoverished African Americans in northern ghettos and opposed U.S involvement in the

**IN OCTOBER 1960 DR. MARTIN LUTHER KING JR. (CENTER) IS SURROUNDED BY HIS FAMILY AFTER HIS RELEASE FROM GEORGIA'S STATE PRISON IN REIDSVILLE.** Sentenced for four months in prison following a traffic violation in 1960, Dr. Martin Luther King Jr. was freed after eight days with the aide of then-presidential candidate John F. Kennedy. By that time, King had become well-known for his civil rights work using nonviolent tactics. (SOURCE: AP/WIDE WORLD PHOTOS)

Vietnam War (1964–1975). At times King found himself opposed by militant black leaders who eschewed nonviolent action and by moderates who objected to his melding of civil rights with the war issue. On April 4, 1968, King was assassinated by James Earl Ray in Memphis, Tennessee, where he had traveled to lead a sanitation workers' protest march.

King's legacy as leader of the modern civil rights movement resulted in, among other honors, the creation of a Martin Luther King Jr. Center in Atlanta and the establishment of a national holiday in his honor in 1986.

*See also:* Civil Rights Movement in the United States; Racism.

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*James W. Riddlesperger Jr.*

# Kiribati

Kiribati (pronounced kee-ree-bas) is a far-flung nation of islands in the Pacific that straddles the Equator. It also straddled the international date line until Kiribati passed legislation moving it to the country's eastern border. Moving the date line allowed Kiribati to become the first nation to greet the coming of the new millennium in 2001.

Kiribati is approximately halfway between Australia and Hawaii. Its thirty-three coral atolls stretch 3,870 kilometers (2,360 miles) across, from the easternmost of the Line Islands (Caroline) to its westernmost island (Banaba), and 2,050 kilometers (1,250 miles) from north to south. The land area of Kiribati is only 719 square kilometers (266 square miles), out of a total of about 3.3 million kilometers (1.3 million square miles) of national territory, so most of the country's area is ocean. The capital of Kiribati is Tarawa, in the Gilbert Islands group. Kiribati's estimated population in 2003 was 98,549. Historically, Kiribati derived much of its national income from phosphate mining on Banaba, but the phosphate deposits were depleted by the time Kiribati gained its independence from British rule in 1979. The principal sources of wealth for the country in the early twenty-first century are fishing and copra exports, along with tourism. Its per capita income in 2001 was estimated to be U.S. $800, making Kiribati one of the poorest nations in the Pacific region and, indeed, the world.

Kiribati became an independent nation and a full member of the Commonwealth of Nations on July 12, 1979. Its constitution provides for a president, a unicameral parliament (consisting of forty-two members in 2003), and an independent judiciary. Presidential candidates are nominated from among the members of parliament to be elected in a national presidential election by universal suffrage for a four-year term. However, the president may be (and has been) removed from office by a vote of no-confidence and replaced by a Council of State until a new president is elected. The president is both chief of state and head of government. The president appoints a vice president and, from the membership of parliament, a cabinet of twelve members. The country's first president was Ieremia Tabai (b. 1950), the chief minister during the colonial regime. Anote Tong (b. 1952) was elected president in July 2003.

The judicial branch consists of a Court of Appeals, a High Court, and Land and Magistrates courts at the bottom of the judicial hierarchy. Residents of Banaba may appeal Court of Appeals rulings to the Privy Council in London. The judiciary
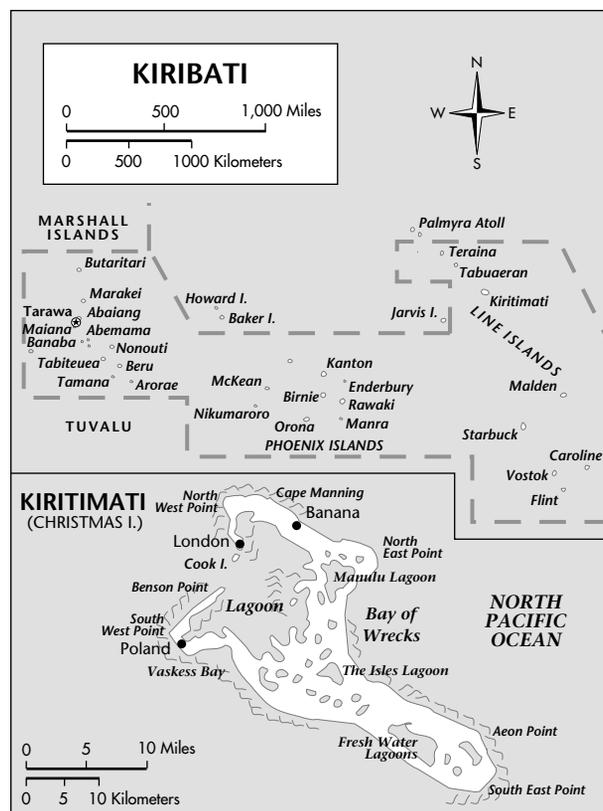


(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

**rule of law:** the principle that the law is a final grounds of decision-making and applies equally to all people; law and order

has the reputation of being independent and the country generally enjoys the rule of law.

Freedom House's 2003 analysis classified Kiribati as a free nation with the highest levels of support for civil and political rights. The U.S. State Department human rights report in 2003 also concluded that Kiribati's government generally respects its citizens' rights. It did mention, however, some limits on freedom of the press, a lack of economic opportunities for women, and the problem of abuse directed at women and children in urban areas.

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*C. Neal Tate*

# Korea, North

The Democratic People's Republic of Korea (DPRK), or North Korea, occupies the northern half of the Korean Peninsula, which juts out between the Yellow Sea (also known as the Korea Bay) and the Sea of Japan. To the north, the DPRK shares a 1,416-kilometer (880-mile) border—along the Yalu and Tumen Rivers—with the People's Republic of China, and a very short 19-kilometer (12-mile) border with Russia. North Korea's most conspicuous neighbor, however, is South Korea, which sits across a 238-kilometer (148-mile) border running from east to west. The border between North and South Korea, it is important to note, is no ordinary one. Known as the Demilitarized Zone, or DMZ, it is one of the most intensely guarded and heavily militarized borders in the world. Almost no human activity and development exists within the 4-kilometer- (2.5-mile-) wide zone, but nearly 2 million military personnel and a vast array of weaponry are positioned on both sides of it. The DMZ symbolizes the long-standing hostility and distrust between the two Koreas, which engaged in a brutal and highly destructive conflict (the Korean War) from 1950 to 1953.

North Korea's total area is 120,540 square kilometers (46,538 square miles), which is a little larger than Cuba and slightly smaller than Greece. The country has an estimated population of about 22.4 million, which is less than half of its rival to the south. Population density in North Korea is a moderately high 184 persons per square kilometer, which ranks fifty-seventh among the world's 236 countries and dependencies. However, because of its mountainous topography (about 80 percent of North Korea's land area is composed of mountains and uplands), the population density is slightly understated.

Pyongyang is North Korea's capital and, with a population estimated at 3.08 million at the end of 2003, it is the country's largest city (for many years, Pyongyang's population was below 2.5 million, but it suddenly surged by 500,000 in the later half of 2002).

North Korea is an ethnically and linguistically homogenous society. Only a few Chinese and a handful of Japanese live in North Korea, some of whom were forcibly abducted by North Korean agents in the late 1970s and early 1980s. For most of its short history, emigration and immigration were virtually non-existent, although in the past few years North Korea's borders have become increasingly porous, especially along the Yalu River, which separates North Korea from China.

## BRIEF POLITICAL HISTORY

Although Korea has a long and complex history, including thirty-five years of far-reaching occupation by Japanese colonial authorities from 1910 to 1945, North Korea's formal existence dates back only to 1948, when, after three years of provisional governance under "People's Committees" (which were also set up in South Korea but outlawed by the U.S. occupation authorities) and relatively light-handed guidance on the part of Soviet occupation authorities, an indigenous communist regime was established. The new regime was led by Kim Il Sung (1912–1994), who used his background as a leader of the only "independent" anti-Japanese movement (i.e., a movement not dependent on outside assistance) and his immense political skills to gradually build an unchallengeable power base after the division of the country in 1945.

The DPRK was formally established on September 9, 1948. Kim Il Sung was named premier, and, after a constitutional change in 1972, became president, a position he held until his death in 1994. During his time in power, Kim Il Sung oversaw an immense amount of change in North Korea, much of which has turned out to have profoundly negative consequences. In particular, Kim attempted to construct a "self-reliant" communist system with uniquely Korean characteristics. This effort is epitomized in the concept of *juche*, which, according to the DPRK Constitution, is "a revolutionary **ideology** with a people-centered view of the world that aims to realize the independence of the masses, the guiding principle of its actions" (Handbook 1996, p. 11).

Unfortunately, the policies of self-reliance, much of which involved the adoption of independent economic and military strategies, had largely the opposite result; namely, North Korea became increasingly dependent on the outside world, and particularly on other communist countries, for vital resources (especially fuel), foodstuffs, and capital goods. The collapse of the Soviet Union in 1989 unequivocally exposed the weaknesses of the *juche* system, but, significantly, it did not immediately destabilize the North Korean political system. Indeed, since 1989 and despite chronic shortages of fuel and electricity, long-term economic stagnation, and, most important, periodic bouts of famine, the regime has remained firmly in control. This is partly due to the DPRK's disproportionately large military and security apparatus, which has been thoroughly integrated in North Korean society, but also partly due to



NORTH KOREA
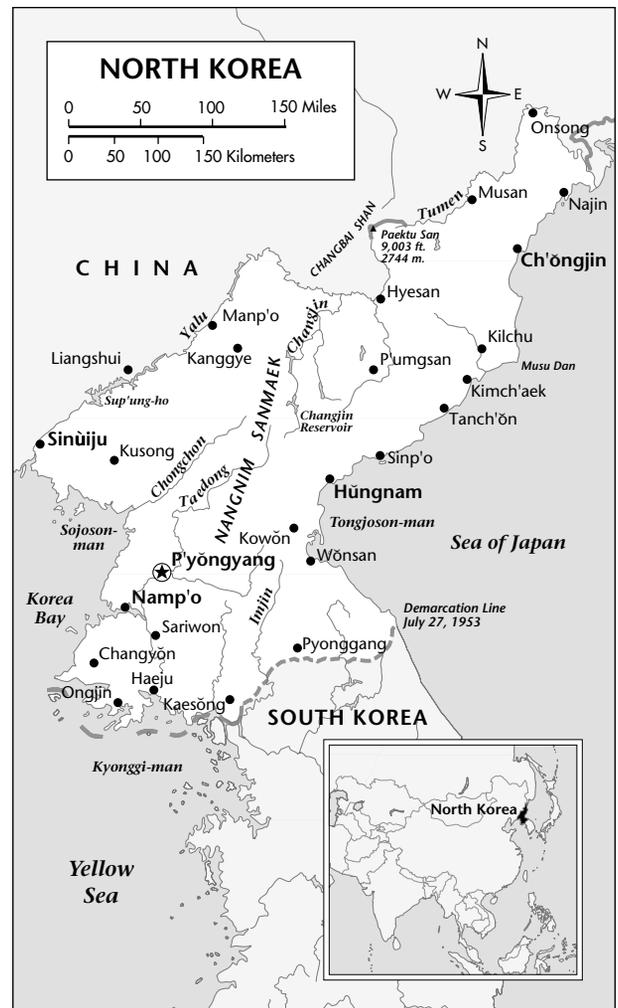
(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

**ideology:** a system of beliefs composed of ideas or values, from which political, social, or economic programs are often derived

ideological indoctrination and insular policies that have isolated the North Korean people from the rest of the world.

Following Kim Il Sung's death, which was due to natural causes, Kim's son, Kim Jong Il (b. 1942) took power. The younger Kim was named General Secretary of the Korean Workers' Party (KWP) in October 1997; a year later, he was reconfirmed as chairman of the National Defense Commission, the highest office of state in North Korea. The accession of Kim Jong Il was no accident. The elder Kim, according to most observers, began preparing his son to succeed him as early as 1971. Over two decades, the younger Kim was given positions of increasing importance and authority, culminating with his designation as supreme commander of the Korean People's Army in December 1991. When Kim Jong Il finally assumed formal control of North Korea, it marked the first dynastic succession ever in a communist regime. It should be noted, however, that Kim Jong Il's accession was not a foregone conclusion. In fact, it took three years after his father's death until he assumed complete control.

With only one major leadership transition in its first fifty years of existence, North Korea's political system is tightly controlled. Indeed, North Korea in practice has been a **totalitarian** dictatorship. Accordingly, political, social, and economic power in North Korea is highly **centralized**, although due to the extremely opaque nature of the North Korean regime, it is difficult to say exactly how power and authority is distributed and exercised. What is clear, however, is that the military and the KWP have been the two key political institutions in North Korea since the country's inception.

In the early years, the KWP played an instrumental and more autonomous role in North Korean politics as various leaders, including Kim Il Sung, vied for control of the **party apparatus**. By 1960, Kim had succeeded in purging all his rivals, and thereafter he was able to completely dominate the KWP. Since then, the KWP has served as the primary vehicle of policy making in North Korea. It operates through the national party congress, which is the supreme party organ. The party congress approves reports of the party organs, adopts basic party policies and tactics, and elects members to the KWP Central Committee and the Central Auditing Committee. Although North Korea also has a formal governmental structure—with a prime minister, a cabinet called the Central People's Committee, and a parliament (the Supreme People's Assembly)—most observers agree that none of the officials besides Kim Jong Il has real power. To a certain extent, the same can be said of the KWP, whose core membership has been handpicked by Kim Jong Il and a few loyal lieutenants.

The sheer size of North Korea's military—the fourth largest standing army in the world with an estimated 1.2 million soldiers—makes it a pivotal political and institutional force. Even more important, the North Korean army has, from the country's inception, been tightly integrated into the North Korean political system. It served as the essential base of power for Kim Il Sung and was a cornerstone of Kim's concept of *juche*, which was based as much on military self-reliance as economic self-reliance.

Since Kim Jong Il assumed power, moreover, the military has become even more entrenched. This is reflected in the status of the National Defense Commission, which not only exercises direct control over North Korea's armed forces, but is also, in practice, the highest state body in the country. As chairman of the National Defense Committee, therefore, Kim Jong Il became vested with supreme executive power. In this regard, it is worth noting that, unlike many other military-dominated dictatorships, the autonomy of the North Korean army has, for the most part, been held in check. In fact, there has never been

**totalitarianism:** a form of absolute government that demands complete subjugation by its citizens

**centralize:** to move control or power to a single point of authority

**party apparatus:** the process used by a political party to make decisions, nominate candidates, choose leaders, or win elections; the manpower, expertise, or money needed to accomplish those goals

a successful military **coup** in North Korea, although a planned coup was uncovered and derailed by secret police in 1995.

## SOCIOECONOMIC CONDITIONS

North Korea's isolation and extreme secretiveness make it difficult to assess accurately its level of **socioeconomic** development. The economy has fared very poorly, both in relative and absolute terms, since the early 1970s. Of course, many developing countries experienced economic difficulties during the 1970s, when oil prices rose sharply, but North Korea had not yet recovered by the beginning of the twenty-first century.

North Korea's economy was not always so depressed, however. After the Korean War (1950–1953) North Korea embarked on an ambitious reconstruction plan, which resulted in relatively rapid economic growth and the development of a heavy industrial and agricultural base. Much of this growth, however, was based on the ability of the regime to quickly and effectively marshal hitherto underutilized resources (especially labor and land) in a process scholars call "extensive economic growth." By the 1960s, North Korea, like many of its centrally planned counterparts, had largely exhausted this process, and economic growth slowed significantly. Still, the economy appeared robust, especially compared to South Korea's, which grew very slowly after the Korean War. Indeed, to many observers at the time, North Korea was considered the miracle economy, whereas few held out much hope for South Korea.

Beginning in the 1970s, the North Korean leadership attempted to reinvigorate the economy with a large-scale **modernization** program, and for the first time the government turned to major Western countries for technology and financial capital. The program was largely unsuccessful. Part of the blame can be attributed to the oil crisis of the 1970s, which negatively affected almost all developing countries. Scholars also blamed North Korea's excessive military spending and its inefficient and ill-advised economic strategies, which were based on central planning and a rejection of free-market principles. Although these criticisms are valid, the South Korean government from the 1960s through the 1980s also had a disproportionately large military budget and engaged in centralized and heavily bureaucratized economic planning but it did not suffer the same setbacks.

In any case, North Korea was unable to finance its debts through exports, and the government ultimately defaulted on its loans from Western countries—becoming the first communist country to do so. In 1979, the country renegotiated its international debts, but a year later it defaulted again (except on loans from Japan). Beginning in 1980, North Korea has generally been excluded from international capital markets and has relied on "creative" methods to finance consistent trade deficits (e.g., arms sales, drug trafficking, counterfeiting, overseas remittances, and humanitarian aid).

By the 1980s, North Korea's **per capita** gross domestic product, which had once been higher than South Korea's, was only one-third of that of its rival. Kim Il Sung began to initiate several economic reforms. In 1982, Kim proposed a plan to increase agricultural production through land reclamation and development of the country's **infrastructure**. Two years later, in September 1984, he announced a joint venture law designed to attract foreign capital and technology. This reform proved to be largely unsuccessful, however; only sixty joint ventures were developed between 1986 and 1992. In 1991 the North Korea government created a Special Economic Zone, or SEZ, in the northeast regions of Najin, Chongjin, and Sonbong.

**coup:** a quick seizure of power or a sudden attack

**socioeconomic:** relating to the traits of income, class, and education

**modernization:** the act of incorporating new ideas or technology

**per capita:** for each person, especially for each person living in an area or country

**infrastructure:** the base on which a system or organization is built

More seriously, the reforms failed to avert a severe food crisis, which hit North Korea in the 1990s. Some observers contend that this was the worst humanitarian disaster of the decade. According to one estimate, from 1994 to 1998, 2 to 3 million people died of starvation and hunger-related illnesses (as with other data related to North Korea, however, this figure is not completely reliable). Although the proximate cause of the food crisis was severe flooding, another contributing factor was the sharp reduction in imports of heavily subsidized food, equipment, and crude oil from the former Soviet Union and China in the early 1990s. At the same time, however, North Korea's heavy reliance on external sources—and its inability to respond adequately to the crisis—was exacerbated by deep and pervasive flaws in the country's economic and political systems.

### NORTH–SOUTH RELATIONS

Relations between North and South Korea have overshadowed virtually every aspect of political, economic, and social development in the two Koreas. Since the end of World War II (1945), and particularly following the end of the Korean War, the two countries have faced off as bitter and seemingly implacable rivals. Since the 1990s, however, the relationship has shown some signs of improvement, albeit in a very unpredictable and erratic fashion.

The most significant developments have been economic. In January 1992, for example, the chairman of the South Korean company Daewoo visited North Korea as the first officially invited business leader and reached an agreement on building a light industrial complex at Nampo. In other negotiations, Hyundai Asan, another major South Korean conglomerate, obtained permission to bring tour groups by sea to Kumgang-san on the southeast coast of North Korea, and, in August 2000, to construct an 800-acre industrial complex at Kaesong, near the DMZ, at a cost of more than $1 billion. This significant project could possibly serve as an essential building block for inter-Korean economic cooperation.

North Korea's embrace of economic cooperation with South Korea is driven primarily by its increasingly dysfunctional economy. It has led to important developments between the two states, including an historic summit meeting in Pyongyang between Kim Jong Il and then-South Korean President Kim Dae-jung (b. 1925) in June 2000. Whether or when there will be a permanent improvement in North–South relations, fundamental reform within North-Korea, or even reunification of the two countries is very much open to debate. But, unlike previous "breakthroughs," North and South Korea remained engaged in a continuous series of meetings and exchanges during the early twenty-first century. Moreover, large-scale projects, including the Kaesong project, continued to move forward.

At the same time, North Korea pursued an increasingly aggressive stance vis-à-vis its nuclear weapons program. In January 2003 the country withdrew from the Nuclear Non-Proliferation Treaty and in August of the same year, it announced that it possessed nuclear weapons and the means to deliver them. This issue held the potential to destabilize the Korean peninsula and the entire region for decades.

*See also:* Dictatorship; Korea, South; Totalitarianism.

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## Korea, South

The Republic of Korea, or South Korea, occupies the southern half of a peninsula in the northeastern part of the Asian continent. Directly to the west of South Korea, and across the Yellow Sea, is China; the islands of Japan lie to the east. The Democratic People's Republic of Korea (i.e., North Korea) shares the rest of the peninsula, which is divided at the thirty-eighth parallel. South Korea's total area is 99,237 square kilometers (38,305 square miles), which is slightly larger than Hungary or Portugal and a little smaller than Iceland or Bulgaria. Overall, South Korea is ranked 107th in terms of geographic size out of 192 countries in 2003. Although geographically small, South Korea's population of 48.3 million in 2002 ranks it as the twenty-fifth largest country in the world. Not surprisingly, South Korea has a very high population density of 491 persons per square kilometer, which ranks eleventh among all countries (nineteenth when dependencies are included).

South Korea is an ethnically and linguistically homogenous society, although since the late 1980s, there has been increasing international migration. Still, in 2004, immigrants accounted for less than 1 percent of South Korea's population. Despite ethnic and linguistic homogeneity, there are strong cleavages in South Korean society. The strongest of these rifts derives from regional and provincial differences, and the most pronounced is between Kyongsang province in the southeast and South Cholla province. This cleavage is partly a result of overt discrimination and political favoritism, which was very strong prior to 1987. Into the twenty-first century, discrimination (in general) and regional disparities lessened, but South Korea continued to struggle from problems associated with regionalism.

In addition to regional differences, South Korea is also divided along religious lines. Religious differences, however, have not been a major source of conflict. About 32 percent of South Koreans are Christian (mostly Presbyterian, followed by Roman Catholics, Pentecostals, and Methodists),

and close to 24 percent are Buddhist. There are also smaller numbers of Shamanists (those who practice traditional spirit worship), followers of *Cheondogyo* (an indigenous religion that combines elements of Buddhism, Taoism, Confucianism, and Christianity), and Islam.

Seoul is South Korea's capital and business center. Although it covers only 0.6 percent of the country's total area, its population of 10,276,968 (at the end of 2003) constituted almost a quarter of the national population.

## A SHORT POLITICAL HISTORY

Although Korea has a long, complex history, *South* Korea is a wholly modern entity, created in the aftermath of World War II (1939–1945), when the Soviet Union and the United States struggled to develop spheres of influence throughout the world. In February 1945 during negotiations at Yalta, the United States, the Soviet Union, and Britain agreed in principle to put Korea under an international trusteeship, an arrangement meant to stabilize Korea before granting the country full independence (from 1905 to the end of the war, Korea had been under the colonial control of Japan).

The actual decision to divide Korea into two occupation zones, however, was made in extreme haste. Shortly before the Japanese surrender, the Soviet army had begun to sweep into Korea and Manchuria (another colonial possession). Unable to physically stop the Soviets from occupying the entire peninsula, the United States proposed dividing the country roughly in half at the thirty-eighth parallel, a decision made in only thirty minutes. Surprisingly, the Soviet leadership accepted the American proposal. Unfortunately, this proved to be one of the last signs of cooperation between the United States and the Soviet Union during the Cold War. In fact, neither the Soviets nor the Americans were willing to **cede** control of Korea. Instead, both sides concentrated on building separate **regimes** within their respective occupation zones. In South Korea, this process led to the establishment of the Republic of Korea on September 9, 1948. South Korea's "First Republic" was based on democratic principles and a presidential system. The country's first elected president was Syngman Rhee (1875–1965), who held on to the presidency until 1960.

A watershed in South Korea's history was the Korean War, which broke out on June 25, 1950 and lasted until July 27, 1953 (although technically it never ended). The war was not merely or even primarily a war between North and South Korea. Instead, it was the first major conflict of the Cold War, pitting the United States and its allies against "international **communism**," led by the Soviet Union. Although scholars engage in spirited debate about the reasons why the war began, the conflict set the tone for South Korean political and economic development for decades afterward. The unresolved nature of the war, in particular, justified the establishment of a national security state in South Korea. This military presence would prove to be an extremely important aspect of South Korea's postwar development.

Following the war, South Korea remained mired in poverty and corruption, and the legitimacy of the Rhee regime quickly eroded. To stay in power, President



(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

**cede:** to relinquish political control of lands to another country; surrender

**regime:** a type of government, or, the government in power in a region

**communism:** an economic and social system characterized by the absence of class structure and by common ownership of the means of production and subsistence

Rhee increasingly relied on dictatorial and repressive means. During the 1960 elections, events came to a head. President Rhee's blatant election-rigging sparked nationwide protests, most of which were led by students. The student movement ultimately forced Rhee's resignation. His downfall, in turn, led to a constitutional amendment providing for a parliamentary as opposed to presidential system. Under this system, a president was selected through a vote by the two houses of the legislature, but the prime minister was to be the key political leader. The first person to fill the more powerful position of prime minister was Chang Myon (also known as John M. Chang). Less than a year later, however, Chang's Second Republic was overthrown in a military **coup** led by Major General Park Chung Hee (1917–1979).

**coup:** a quick seizure of power or a sudden attack

General Park, through the Revolutionary Committee (later renamed the Supreme Council for National Reconstruction) quickly established control of the economy and political system. For nearly three years, Park ruled with an iron fist, but in 1963, a new constitution, which reintroduced a presidential system, was **promulgated**. From 1963 to 1972, a semblance of electoral democracy was restored in South Korea. In fact, Park and his newly formed political party, the Democratic Republican Party (DRP), won several generally fair elections. The success of Park and the DRP, however, was based as much on a divided opposition as it was on popularity and genuine support.

**promulgation:** an official declaration, especially that a law can start being enforced

Thus, when the opposition began to develop more strength and unity, galvanized by the emergence of two outspoken critics of the Park regime— Kim Young Sam (b. 1927) and Kim Dae-jung (b. 1925)—Park's "tolerance" for democracy began to wane. A changing international environment, one in which U.S. power and commitment seemed on the decline, also contributed to Park's growing intolerance. Finally, in December 1971 Park abruptly declared a state of emergency, and on October 17, 1972, suspended the constitution, dissolved the National Assembly and all political parties, forbade "political activity," and imposed restrictions on civil liberties. Subsequently, the new *Yushin* ("revitalizing reform") Constitution was announced, which, among many important changes, transformed the presidency into a legal dictatorship.

The return to **authoritarianism** sparked widespread protest and discontent, which included one unsuccessful assassination attempt on Park in 1974 (although Park escaped, his wife was killed). In 1979, however, Park was not so lucky. On October 26, he was fatally shot by the director of South Korea's Central Intelligence Agency. The assassination led to another period of intense political instability, punctuated by a second military takeover and an extremely bloody **insurrection** in the city of Kwangju, capital of the South Cholla province. In 1980, a new military leader, Chun Doo Hwan (b. 1931), assumed control.

**authoritarianism:** the domination of the state or its leader over individuals

**insurrection:** an uprising; an act of rebellion against an existing authority

A year later, after engineering a transition from military to civilian rule (which ensured his election as president for a seven-year term), Chun attempted to follow the path set by Park, but his authoritarian regime met with constant resistance. Near the end of his term, the situation for democratic change looked bleak. Chun handpicked a successor, Roh Tae Woo (b. 1932), and suspended public debate on a constitutional revision for a direct presidential election, which would have given opposition candidates a stronger chance to win.

In an unexpected, even shocking, turn of events, however, Roh Tae Woo announced that he would not run unless the Chun regime accepted an eight-point program of reform, which included an endorsement of direct presidential elections. Facing a great deal of domestic and international pressure (some deriving from the upcoming Seoul Olympics in 1988), Chun accepted the reform program in June 1987, thus ushering in a new, albeit imperfect, period of democracy.

In the 1988 presidential election (held on December 16, 1987), Roh Tae Woo won with only 37 percent of the vote. His victory was due in large part to the failure of the two main opposition candidates, Kim Young Sam and Kim Dae-jung, to forge an alliance. The two Kims split the opposition vote, with the former receiving 27 percent and the latter 28 percent (the voting pattern also reflected the previously discussed deep-seated regional cleavages).

The parliamentary elections of 1988, on the other hand, ended with surprising results. Not only was Roh's ruling party, the Democratic Justice Party, unable to win a working majority in the Assembly, but Kim Dae-jung's Party for Peace and Democracy became the largest opposition party, with Kim Young Sam's Reunification Democratic Party placing third. Significantly, this did not result in a return to authoritarianism, but instead marked the first step in the consolidation of democracy in South Korea. Ironically, it also led to a political compromise between the erstwhile opposition leader Kim Young Sam and the ruling party; in 1990 Kim Young Sam merged his party with the governing party. This alliance was instrumental in allowing him to win the 1992 presidential election over Kim Dae-jung, his main rival. In winning the election, Kim Young Sam became the first civilian to be elected president in South Korea since the coup in 1961.

Since Kim Young Sam's presidency, presidential and legislative elections have proceeded with few problems. Indeed, in 1998, Kim Dae-jung finally became president, becoming the first chief of state elected from the opposition party in South Korea's constitutional history. Although Kim Dae-jung experienced some serious difficulties—including the arrest of his two sons for accepting bribes and charges that he secretly paid $100 million to North Korea to agree to a summit—the democratic process remained strong.

In 2003, South Korea's third successive civilian president, Roh Moo-hyun (b. 1946), took office. Barely a year after taking office in March 2004, however, Roh was **impeached** for breaking a minor election law. Although many South Koreans saw this as a blatant partisan maneuver by a legislature dominated by conservatives, the Constitutional Court subsequently restored Roh (a progressive human rights lawyer by trade) back to his office. The decision by the Court helped to avert a crisis, but it also demonstrated quite clearly the increasing strength of democracy in South Korea, both in principle and in practice.

### SOCIOECONOMIC CONDITIONS

The story of South Korea's economic rise from desperate poverty to relative prosperity has been the subject of extensive press coverage and analysis as well as intense scholarly debate. Although no consensus exists, this much is clear: South Korea's economic rise began in the 1960s after the military coup. From 1945 to 1961, South Korea was one of the poorest countries on earth. In 1962, **per capita** income was still only $87, but by 1983 this had increased by almost 2,000 percent to $1,709. In 2003 (using **purchasing power parity**, a different basis for calculating income), per capita income had increased to $15,090. Income equality, as measured by the United Nation's Gini Index, is relatively high in South Korea, at 0.31 (which is better than all Asian countries except Japan and substantially better than that of the United States). According to the United Nations Development Program, moreover, South Korea's level of "human development" is considered high and is comparable to the most economically prosperous countries in world.

South Korea's economic development came at a very high price, however. Between 1961 and 1987, in particular, labor movements and strikes were often met with brutal violence. Not surprisingly, working conditions were generally

**impeach:** to accuse of a crime or misconduct, especially a high official; to remove from a position, especially as a result of criminal activity

**per capita:** for each person, especially for each person living in an area or country

**purchasing power parity:** a way of measuring the buying power of countries' currencies based on the cost of identical goods

extraordinarily oppressive. Indeed, South Korea has long had one of the worst records for industrial safety in the world. In 1986, nearly 3 percent of Korea's entire industrial workforce suffered injuries requiring at least a four-day hospital stay, and 1,660 workers were killed in industrial accidents.

In addition, South Korean workers routinely worked the longest hours among workers in all industrializing and industrialized countries, and wages were kept artificially low to increase South Korea's industrial competitiveness. The focus on rapid industrialization also reflected the government's equally strong obsession with national security. This combination created fertile ground for human rights abuses and political repression, both of which were serious problems in South Korea prior to 1987.

At the same time, South Korean firms (most of which were family-owned) had access to heavily subsidized loans through government-controlled banks and were protected from international competition in the domestic market. A few favored firms were also protected from domestic competition, which encouraged them to diversify into a wide range of products and services. This enabled many firms, called *chaebol*, to grow with blinding speed and develop immense economic and social power. By the 1990s, some of these firms had developed into major international players, including Hyundai, Samsung, LG (originally known as Lucky-Goldstar), and Daewoo. The extreme concentration of economic power has long been considered a danger to the country's political, social, and even its economic development.

## PROSPECTS

South Korea's authoritarian past, combined with its particular pattern of **socioeconomic** development, has helped to create a vital and dynamic civil society. Indeed, citizen organizations, both secular and religious, grew exponentially following the establishment of democracy in 1987. Many of the largest, such as the Citizens' Coalition for Economic Justice, have played an important role in ensuring meaningful citizen participation and in protecting and promoting civil and human rights and social justice. The party system continued to evolve into the early twenty-first century, with many reconfigurations and realignments, but

**socioeconomic:** relating to the traits of income, class, and education

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### THE YUSHIN CONSTITUTION

When Park Chung Hee (1917–1979) won a third presidential term over New Democratic Party (NDP) candidate Kim Dae Jung in 1971, Park and his Democratic Republican Party (DRP) radically changed the system of government. Declaring martial law in October 1972, Park proceeded to remove both the 1962 constitution and members of the legislature. In November the new constitution, known as the Yushin constitution, or Revitalizing Reform constitution, was put in place.

In effect, the Yushin constitution kept Park as president indefinitely, granted his party a majority in the legislature, and outlawed many activities that were perceived to be opposed to the goals of the DRP. While the country made

rapid strides in industrialization and self-sufficiency, civil rights were stifled.

Growing dissatisfaction with the government came to a head in 1979, and Park was assassinated. Under the electoral college that had been set up by the Yushin constitution, the National Conference for Unification, Prime Minister Choi Kyu-hah became acting president, but his brief term was marked by violent antigovernment demonstrations. In August 1980 Chun Doo Hwan was elected president, and within two months he spearheaded a revision to the Yushin constitution which limited the presidency to one term of seven years' duration.

it remained strong. The judiciary has demonstrated increasing independence and social power, as suggested previously.

South Korea's past, however, also means that a great deal of power has been concentrated in two key institutions: the state and big business. The apparatus of South Korea's national security state has not disappeared, and the bureaucracy remains a powerful force. From the end of the twentieth century, on the other hand, big business felt freer to "flex its muscles," and corruption, long a problem, continued to plague South Korean politics. Overall, though, South Korea has seen a greater balance of power than ever before, strengthening prospects for democracy.

*See also:* Korea, North.

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## Kosovo

**imperialism:** extension of the control of one nation over another, especially through territorial, economic, and political expansion

**Ottoman Empire:** an empire centered in Turkey (and defeated in World War I) that once spanned northern Africa, the Middle East, and parts of southeast Europe and contemporary Russia

**indigene:** a person who has his origin in a specific region

Long a center for competing **imperial** ambitions, Kosovo in the twentieth century endured a long and bloody process of transformation. Its history is one of subordination, ethnic conflict, and economic deprivation, which took on its early-twenty-first-century coloration when the majority Albanian population in 1910 revolted against the **Ottoman Empire** (1299–1922). These revolts led to the Balkan Wars of 1912, the military conquest of Kosovo by forces loyal to the Kingdom of Serbia, Montenegro, and Bulgaria, and the formal annexation of Kosovo by Serbia and Montenegro in 1914.

Since both states viewed the non-Slav Albanian, Turkish, and Roma (gypsy) populations as alien and a threat, Montenegro and Serbia established administrations in Kosovo that encouraged Slav migration and settlement while eliminating **indigenous** communities and institutions. Such tactics, reminiscent of the

United States' policies in its efforts to settle the West at the turn of the twenti-
eth century, continued after the creation of the Yugoslav kingdom and also in
**socialist** Yugoslavia after World War II (1939–1945). Despite its socialist rhetoric,
nationalist ambitions to sanitize Yugoslavia of non-Slav populations continued
under Josip Broz Tito (1892–1980) through "population exchange" programs
signed with Turkey in the 1950s. As a result of these policies, hundreds of
thousands of Albanians and Turks **emigrated** from the Balkans.

These policies of social engineering ended when Serbian Interior Minister
Alesander Rankovic was removed from power in 1966. Rankovic's removal led
to Kosovo's slow integration into greater Yugoslav society. The 1974 redrawing
of Yugoslavia's constitution represented a serious effort by Tito's regime to
dilute the entrenched power of Serbian interests in the federal government and
army, opening the door for Kosovo to enjoy formal political and economic
autonomy from the Serbian Republic that claimed full sovereignty over it.
Importantly, this period offered Albanians and Turks the opportunity to rise
within the Communist Party.

Following the constitutional challenges in 1974 to Serbian **hegemony** in
Kosovo, Albanian members of the Communist Party began to rise in the ranks
and take on key administrative roles inside Kosovo. Among the most visible
were Azem Vllasi, Veli Deva, Mahmut Bakali, Sinan Hasani, Kaqusha Jashari,
Rahman Morina, and Husamedi Azemi. It is important to note that power was
always firmly in the hands of the Yugoslav Communist Party, yet several interior
security agencies became staffed by ambitious Albanians. Men like Tahir Zemaj
(who was assassinated in 2002) became high-ranking officers in the secret mili-
tary intelligence service (*Kontra Obavjestajna Sluzba,* the KOS) and would
prove to be the real power holders in Kosovar society. This **hierarchy** still existed
in the early twenty-first century. Although public figures such as Ibrahim Rugova,
Hashim Thaci, and Ramush Haradinaj among Albanians; Oliver Ivanovic, Rada
Trajkovic, and Archbishop Artemije among Serbs; Muamir Kandic and Numan
Balic among Bosnians; and Nebehat Erdogan among Turks appear before the
public as their respective communities' leaders, the real power lies in the hands
of men who operate anonymously, away from public scrutiny. As in all postcom-
munist countries in the Balkans, the legacy of forty years of communist rule has
been debilitating.

By the mid-1980s a nationalist backlash within Serbia led to the ascendancy
of a new politicization of ethnicity and history. The rise of the political career of
Slobodan Milosevic (b. 1941) most noticeably resulted in Kosovo becoming the
primary target for nationalist reactionary politics. By 1989 Serbian nationalists
hijacked the Yugoslav federal system and eliminated Kosovo's constitutionally
protected autonomy from Serbia. The subsequent ten-year **persecution** of
Albanians created the conditions that led to an armed **insurgency** in 1996 and
ultimately to intervention by the North Atlantic Treaty Organization (NATO) in
1999. Belgrade's organized persecution of Albanians in Kosovo left perhaps
1.5 million Albanians homeless and upwards of 10,000 dead by the spring of
1999. In response to these tactics, the international community imposed a
UN–mandated administration in June 1999. When Serbian military forces and
militias withdrew from Kosovo and NATO forces entered the province, many
Serb residents left, a large number of them resettling in areas bordering Serbia
proper. As a result, much as in Bosnia, Belgrade created an ethnically pure
region that has since June 1999 been militarily sealed from the rest of Kosovo.

The UN administration, formally called the United Nations Mission in Kosovo
(UNMIK), was mandated to run Kosovo until the parties involved reach an agree-
ment on the region's "final status." In the early 2000s, UNMIK was working with

**socialism:** any of various economic and
political theories advocating collective or
governmental ownership and administration
of the means of production and distribution
of goods

**emigration:** the migration of individuals out
of a geographic area or country

**hegemony:** the complete dominance of one
group or nation over another

**hierarchy:** a group of people ranked
according to some quality, for example,
social standing

**persecute:** to belittle, harass, injure, or other-
wise intimidate, especially those of a different
background or group

**insurgency:** a rebellion against an existing
authority

coalition: an alliance, partnership, or union of disparate peoples or individuals

infrastructure: the base on which a system or organization is built

interim: for a limited time, during a period of transition

the Organization for Security and Cooperation in Europe (OSCE), a **coalition** of NATO forces, the Kosovo Force (KFOR), the United States, and the European Union (EU) to oversee the reconstruction of Kosovo's **infrastructure** and civil institutions. A tense relationship existed between the stewards of Kosovo's **interim** administration and its population, who remained the poorest and most isolated in Europe. Some observers believe that the UN's administrative elite failed to fully appreciate the history of the region and underlying forces behind the persistent tensions between Serbs, who demand that Kosovo be returned to Serbia, and Albanians, who seek independence. This lack of understanding may be explained in part by the high turnover of administrative staff, including the frequent changes in UNMIK's chief administrative position, the Special Representative of the Secretary General for Kosovo (SRSG). Since 1999 the following individuals have served as SRSG in Kosovo: Bernard Kouchner (hailing from France), July 1999 to January 2001; Hans Haekkerup (Denmark), February 2001 to December 2001; Michael Steiner (Germany), January 2002 to July 2003; Harri Holkeri (Finland), July 2003 to June 2004; and the SRSG named in July 2004, Soren Jessen Petersen (Denmark).

## GEOGRAPHIC AND DEMOGRAPHIC FACTS

Spanning an area of 10,686 square kilometers (4,126 square miles), Kosovo shares land boundaries with Albania, Serbia and Montenegro, and Macedonia. Kosovo is surrounded along its southern and western frontiers by high Alpine mountain ranges, while the interior has hilly, fertile, and forested valleys. The main cities of Kosovo other than the capital are Prizren, Peja (Pec), and Mitrovica. The country is rich in natural resources, especially lead, zinc, pyrite, gold, nickel, and brown coal, but the government has not invested in these sectors since the war of 1998 and 1999. Kosovo's climate is continental, resulting in warm summers and cold winters, with temperature extremes ranging from 35°C (95°F) in the summer to -20°C (-4°F) in the winter.

As of 2004, Kosovo's population was 1.9 million, and its capital Prishtina had an estimated 750,000 inhabitants, more than triple the population prior to 1999. According to the Statistical Office of Kosovo, among the recognized ethnic groups living in Kosovo, Albanians (both Muslim and Catholic) make up 88 percent of the population, Serbs represent 7 percent, and smaller numbers of Turks, Roma, Slav Muslims (Bosnians), Ashkhali, Egyptians, and Catholic Slavs (Croats) comprise the rest. The main languages spoken in Kosovo are Albanian, Serbo-Croatian, and Turkish, with English serving as the administrative language of the UN and OSCE.

Kosovo, ravaged by war and decades of economic exploitation, is the poorest region in Europe. Its population reportedly suffers from over 60 percent unemployment, with 50 percent living in poverty and 15 percent in abject poverty. Kosovo is heavily polluted as a result of industrialization and persistent war, with little or no long-term plans having been made to address the problem. The educational system is inadequate; more than fifty thousand young adults enter the labor market each year without any skills. The health-care system is barely functional. The long-term uncertainty over the final status of Kosovo and its failed economy have resulted in continuing violence, crime, and the radicalization of its youth.

In the early twenty-first century, crime remained a major problem in Kosovo. Competition over smuggling and other illegal activities led to the criminalization of many parts of Kosovo. Ethnic violence occasionally surfaced, and very little freedom of movement existed for Albanians in Serbian-populated

regions in the north, most notoriously at Mitrovica. Contrary to media depictions of Kosovo since 1999, Serbs walked the streets of Prishtina freely in 2004, and despite the mid-March riots that year which left nineteen dead, tensions are low in many parts of Kosovo, especially for non-Serb minorities who share no open animosity with Albanians. However, tensions between Serbia and Kosovo's Albanians are likely to increase, as unrepentant nationalist parties in Serbia retain a hold on the country's policies and Kosovar Albanians feel threatened by any proposal to allow Kosovar Serbs full access to the region's civil and governmental institutions.

## KOSOVO'S GOVERNMENT AND INSTITUTIONS AFTER 1999

Viewing the tumultuous history of the region through the prism of Kosovo's ethnic, religious, and economic diversity perhaps best helps explain the rationale behind the international community's response to the conflict in 1998 and 1999. The origins of the early-twenty-first-century government in Kosovo may be traced back to June 10, 1999, when the UN Security Council mandated in Resolution 1244 that an interim administration be established to run postwar Kosovo. The spirit of the **mandate** was that 93 percent of the region's inhabitants would concede their long-term goals of independence in exchange for immediate improvements to their lives. Among the improvements were the promise of immediate security, economic development, and a scheme whereby Albanians living in Kosovo would be permitted to enjoy substantial autonomy within the confines of Serbia and Montenegro, the successor state to Yugoslavia.

**mandate:** to command, order, or require; or, a command, order, or requirement

Since June 1999, as a result, a number of incongruent and often conflicting agencies from the international community have adopted a provisional self-governing framework in Kosovo. In 2004 Kosovo operated under a constitution drawn within a Provisional Framework for Self-Government that preserved sweeping powers for the UNMIK administration, including veto power of all legislative action. The building of local institutions in this context has been a slow process. In January 2000, for example, the Joint Interim Administrative Departments were created to help set up local elections that first took place in Kosovo's thirty **municipalities** in October 2000. In May 2001 the new Constitutional Framework of Kosovo was adopted; it allowed province-wide elections to take place in November 2001, and in early 2002 resulted in the establishment of a provisional government. Kosovo's Serbs have resisted participating in OSCE–administered elections in Kosovo, while loyally voting in Serbian national elections. Among Kosovar Albanians, the first elections resulted in widespread enthusiasm, and participation levels were above 70 percent. In the last municipal elections, however, less than 50 percent of the electorate voted. The three major Albanian political parties dominating Kosovo politics are the Democratic League of Kosova (LDK), the Democratic Party of Kosova (PDK), and the Alliance for the Future of Kosova (AAK). Numerous smaller parties (twenty-six in all) have little influence in the assembly. Kosovo Serbs have flirted with the idea of participating in formal Kosovar institutions, but they have ultimately elected to create their own institutions, in defiance of UN resolutions declaring such a parallel government illegal. All minority communities have at least one political party.

**municipality:** local governmental units, usually cities or towns

UNMIK formally handed over key governing responsibilities to the Kosovo parliament in 2002 amid the underlying tensions between the majority of the population and Serbs whom UNMIK hoped to reintegrate into daily political life. Despite gestures to grant Kosovars greater responsibilities, UNMIK still controls Kosovo's key institutions. The unelected SRSG presides over the work of the

**absolute:** complete, pure, free from restriction or limitation

**democratization:** a process by which the powers of government are moved to the people of a region or to their elected representatives

**sanction:** economic, political, or military reprisals, or, to ratify

**nepotism:** favoritism for one's own family in the appointment to positions or granting of other benefits

main arms of Kosovo's government, has full control over Kosovo's budget, may intervene and veto any initiative drawn up by the elected Kosovo Assembly, and has **absolute** control over Kosovo's foreign relations.

To implement its mandate, UNMIK initially brought together four "pillars" under its leadership. At the end of the emergency stage, Pillar I (humanitarian assistance), led by the Office of the United Nations High Commissioner for Refugees (UNHCR), was phased out in June 2000. In May 2001 a new Pillar I was established. As of 2004, the pillars are:

Pillar I: Police and justice, under the direct leadership of the UN
Pillar II: Civil administration, under the direct leadership of the UN
Pillar III: **Democratization** and institution-building, led by the OSCE
Pillar IV: Reconstruction and economic development, led by the EU

In this matrix, the four pillars have considerable power to overstep elected officials associated with the Kosovar government. The government includes an assembly with 120 seats, ten of which are guaranteed to Serbs and ten to other minorities, which far exceeds their actual percentage of the population. The assembly elects a president (in 2004, Ibrahim Rugova), who in turn nominates the prime minister (in 2005, Ramush Haradinaj) who proposes a list of ministers to fill the ten ministry portfolios. In another attempt to guarantee minority rights, Serbs have a permanent hold on the Ministry of Agriculture, and a rotating portfolio in the Ministry of Health has been given to other minority communities. Each ministry is expected to draft laws relevant to their fields of authority. The assembly then undertakes a review of proposed laws, mitigated by the prime minister's office, and if the assembly approves a law, it seeks final **sanction** by the SRSG.

Much as with the legislature, politics also dominates the selection and staffing of government bureaucracies, with European and U.S. governments wrangling over the appointment of key executive positions. As for the positions held by Kosovars, **nepotism** is rampant, resulting in a highly ineffective, corrupt bureaucracy. In addition, ethnic quotas have been established, creating tensions within these bureaucracies over the extent to which Serbs are given concessions. The prospects of any serious reform seem unlikely as long as salaries remain low, with top bureaucrats making less than 250 euros a month.

In regard to Kosovo's judiciary, the SRSG appoints all judges and prosecutors in Kosovo, a process that has resulted in many public battles between the Kosovar government and the international community. The courts are structured into four divisions—minor offense courts, municipal courts, district courts, and the Supreme Court of Kosovo—and, much as with all other governmental institutions, Kosovo's Serbian population has been able to successfully circumvent participating in the system. The creation of Pillar I is UNMIK's structural response to not only counter organized crime but also contain interethnic violence.

As far as Kosovo's once thriving, if largely illegal, civil society is concerned, much of the activism that had historically existed in Kosovo has dissipated as the result of the war and postwar changes. Many former civic leaders have found a niche in either political parties or non-governmental organizations (NGOs). The Serb community has been particularly adept at drawing from resources provided by Belgrade to maintain parallel structures that keep the pressure on UNMIK. Albanian organizations, especially veteran groups, have come under increasing scrutiny as growing violence between some Albanian groups has taken place. UNMIK and KFOR forces have resorted to breaking up demonstrations with antiriot forces imported from Pakistan and Jordan. This

**PRESIDENT IBRAHIM RUGOVA VOTES WITH WIFE FANA IN THE CAPITAL CITY OF PRISTINA IN GENERAL ELECTIONS HELD IN 2004.** As one of the founding members of the Democratic League of Kosovo (LDK), Ibrahim Rugova became Kosovo's first post-war president in 2002 after the 1999 Kosovo War. (SOURCE: AP/WIDE WORLD PHOTOS)

does not promise a stable short-term future for Kosovo. Its institutions have consistently been weakened by open challenges from Serbia regarding the legitimacy of Kosovo's existence and the international community's inability to directly address Albanian demands and concerns. As witnessed in the outbreak of violence on March 17 and 18, 2004, Kosovo's government failed to address the most basic needs of its population, resulting in simmering tensions on the brink of explosion.

*See also:* Albania; Ethnic Cleansing; Serbia and Montenegro; Turkey; United Nations.

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*Isa Blumi*

## Kuwait

The state of Kuwait, with Kuwait City as its capital, is a small country of 17,820 square kilometers (6,879 square miles) located in the Middle East at the top of the Persian Gulf. It is bordered by two large and powerful neighbors: Saudi Arabia to the south and Iraq to the north. Kuwait's population is 2.5 million, mostly concentrated in cities on the Persian Gulf coast. Eighty-five percent of the population is Muslim (70 percent Sunni and 30 percent Shia). The remaining 15 percent are Christian, Hindu, and other religious groups. Foreign workers make up 55 percent of the population. Kuwait's land area is almost entirely desert. Its dry desert climate alternates between extremely hot summers and short, cool winters.

### HISTORY

In the eighteenth century several groups migrated from the interior of the Arabian Peninsula and settled on the site of present-day Kuwait. In 1756 Kuwait came under the control of the al-Sabah family, who established themselves as

rulers, and the country enjoyed semiautonomy from the Turkish **Ottoman Empire** (1299–1922). In 1899, fearing direct rule by Turkey, Sheikh Mubarak "the Great" (1896–1915); signed a treaty with Britain whereby Kuwait became a British **protectorate**. Under this agreement Britain assumed control of Kuwait's foreign and defense affairs, while the al-Sabahs were allowed to rule over internal matters. This state of affairs continued until Kuwait's independence on June 19, 1961. At independence the sheikh was renamed an **emir**.

At that time Iraq renewed its claims that Kuwait was part of its territory, but British intervention forced Iraq to renege on these claims. In 1962 a constitution was approved and promulgated; it called for election of a National Assembly. During the 1980s Kuwait supported Iraq—both strategically and financially—in its war against Iran. Soon after the conflict ended, however, Iraq turned its attention back to Kuwait and, in addition to claiming Kuwait as part of its territory, alleged that the latter was stealing oil reserves from a field near its border. In 1990 Iraq invaded Kuwait. The emir fled to Saudi Arabia during the war, where he established a government in exile.

In early 1991 an international military coalition led by the United States invaded Kuwait to liberate it from the Iraqi forces that had infiltrated the country a year before. The coalition operated under the United Nations (UN) flag and it numbered more than fifty countries (Western, Asian, and Middle Eastern), including Arab nations such as Syria, Egypt, and Saudi Arabia, who believed that the Iraqi invasion was a violation of international law and that the sovereignty of Kuwait must be restored. The Kuwaiti government returned to its homeland in March 1991, after an Iraqi withdrawal; it soon imposed a three-month period of martial law.

The Gulf War had severely damaged or destroyed much of Kuwait's infrastructure, industry, and buildings, and extensive rebuilding commenced. Kuwait's relationship with neighboring Iraq continued to be tense. Kuwait demanded an official apology from its former aggressor and compensation for the destruction caused by the invasion, but both requests were ignored. In 2003 Kuwait again hosted the soldiers of a U.S.–led campaign aimed at disarming Iraq and ousting its twenty-four-year leader Saddam Hussein, with the tiny country serving as a launching point for such attacks. In initiating its so-called preemptive strikes, the United States claimed to have received intelligence indicating the presence of weapons of mass destruction (WMDs) in Iraq and a connection between Iraq and the terrorist attacks of September 11, 2001. Furthermore, the United States feared that Iraq's possession of such weapons would disrupt the already tenuous balance of power in the Middle East, a geopolitically important region.

## RULERS

The al-Sabah family has governed Kuwait since the eighteenth century. After Mubarak's death, Kuwait was ruled by his sons: Jabir al-Sabah (r. 1915–1917) and Salim al-Sabah (r. 1917–1921). Since 1921, succession to power usually has alternated between the two sides of the family: the lines of Jabir (1860–1917) and Salim (1864–1921). Ahmad al-Jabir al-Sabah (1885–1950) ruled Kuwait for nearly three decades, starting in 1921. He was succeeded by his cousin Abd Allah As Salim al-Sabah, who ruled from 1950 until

**Ottoman Empire:** an empire centered in Turkey (and defeated in World War I) that once spanned Northern Africa, the Middle East, and parts of Southeast Europe and contemporary Russia

**protectorate:** a territory or country under the protection of another sovereign country's military

**emir:** a ruler in a country with a government based on Islamic religious beliefs



(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

1965. During the latter's reign Kuwait started to liberate itself gradually from British dominance, which ultimately led to the country's independence. Upon his death, Abd Allah As Salim al-Sabah (1899–1965) was succeeded by his brother Sabah As Salim al-Sabah (1913–1977), who governed for twelve years. His reign witnessed tremendous economic growth but little political freedom.

In December 1977 Sabah As Salim al-Sabah was succeeded by his cousin Jabir al-Ahmad al-Jabir al-Sabah (b. 1928), who continued to serve as the emir of Kuwait as of 2004. His government has had to contend with dramatic events, both locally and internationally. On a local level, there were increased calls for the **democratization** of Kuwaiti society and freedom of the press, an assassination attempt on the emir in 1985, and economic instability. On an international level, the most important event was Iraq's invasion in 1990. The crown prince and deputy emir in 2004 was Sheikh Sa'd al-Abdallah al-Salim al-Sabah (b. 1930).

## SOCIOECONOMIC CONDITIONS

Kuwait is a wealthy oil-producing sheikhdom. After World War II (1939–1945), the country began exporting large quantities of oil. Oil continued to dominate the economy into the twenty-first century and accounted for approximately 90 percent of export revenues. Petroleum wealth led to large-scale construction, economic development, and the transformation of Kuwaiti society. The government owns the oil industry and thus controls most of the economy (75% of the gross domestic product, or GDP). The country's considerable oil revenues are distributed throughout the population via wide-ranging social services, such as free and **compulsory** education and a comprehensive health-care system. Health services meet high standards and are provided for free to all residents. With a population growth rate of almost 3.5 percent, life expectancy of seventy-seven years, and literacy rate of 84 percent, Kuwait has, as of 2003, a **per capita** GDP of U.S.$19,000. Kuwaiti citizens enjoy one of the highest standards of living in the world, often receiving, for instance, **subsidies** for housing and child care.

Kuwait's climate and desertlike conditions limit agricultural development, so Kuwait depends on food imports, except fish. Although fishing is a viable industry, it has not been fully exploited and still makes only a minor contribution to the overall economy. The government's efforts to diversify the economy have faced many obstacles and grown very slowly. The first real push for industrialization occurred in 1964 with the establishment of the Al-Shuaybah Industrial Zone, which comprised electricity and water distillation plants. It expanded port facilities, metal works, and manufacturing plants that produced chlorine, asphalt, cement, pilings, and prefabricated housing. The government also provided a range of incentives to private manufacturers who were predominantly Kuwaiti nationals (frequently with foreign partners).

## GOVERNMENT

Kuwait is a constitutional monarchy. It is governed according to the 1962 constitution, even though the emir has suspended some of the constitution's articles over the years. The emir and his family essentially control the political system. Kuwait is divided into five governorates, three of which are ruled by members of the royal family. The constitution, drafted by an elected constituent assembly, permits the people some role in the government while guaranteeing the al-Sabahs' dominance. It declares Kuwait an independent sovereign Arab

**democratization:** a process by which the powers of government are moved to the people of a region or to their elected representatives

**compulsory:** mandatory, required, or unable to be avoided

**per capita:** for each person, especially for each person living in an area or country

**subsidy:** a government grant used to encourage some action

state, with Islam being the official state religion and Shari'a (Islamic law) the main source of legislation. It further specifies that Kuwait is a hereditary emirate and mandates succession among male descendants of Mubarak al-Sabah.

In 1963 the first elections for the legislative body were held, but during two separate time periods (1976–1981 and 1986–1992) the emir, who still controls the entire political system, suspended the electoral process. He has also suspended the constitution and National Assembly several times without offering any clear reasons. In 1992 national elections were permitted, but the emir suspended the resulting National Assembly, which was dominated by opposition forces, in 1999. Elections were held again in 2003. Although the al-Sabah family dominates political events, a few other prominent families also play a powerful role in the system.

## DIVISION OF POWER

The emir enjoys considerable control over the three branches of the government, which renders them not very independent from one another. The emir holds executive power in the country and exercises it through a Council of Ministers. He appoints the prime minister (who traditionally was the crown prince or heir apparent to the emir) and deputy ministers, and approves members of the Council of Ministers, who are appointed by the prime minister. The power of the ruling family is apparent in that its members hold all major ministerial posts such as defense, foreign affairs, and the interior.

The legislative branch is made of a unicameral National Assembly or *Majlis al-Umma*, numbering some sixty seats—fifty elected by popular vote and ten appointed by the emir—for four-year terms. The assembly has the right to issue a no-confidence vote of the cabinet or of individual ministers, but it has rarely done so. Although the National Assembly's influence has been limited, due to the narrow electorate and the emir's right to dissolve it, the assembly, nevertheless, does have the exclusive right to pass laws and has displayed independence from the government in this area. For example, in 1999 it defeated the sheikh's attempts to change the male-dominated political structure and give women the right to vote and hold public office. The final vote was 32 to 30 against the decree of granting women full political rights. In 2005 the sheikh's attempt proved successful, and women were granted national suffrage.

The judiciary is composed of three courts: primary, **appellate**, and supreme (the High Court of Appeal). Even though the constitution and law provide for a degree of judicial independence, the emir appoints all judges and renewal of most judicial appointments is subject to government approval. Kuwait's legal system is modeled on European law and based on the system of civil law, with Islamic law retaining ultimate significance in personal matters, even when these cases are brought before regular courts. Although the majority of judges are Kuwaitis, the government has occasionally had to resort to hiring judges from other Arab countries due to a shortage of qualified attorneys. The judiciary branch does not have any tangible influence on the political process. Its rulings are limited to the day-to-day affairs of the state and do not affect the work of the bureaucracy or government.

The substantial oil revenues in Kuwait led to the emergence of a large bureaucratic state. Kuwait has several autonomous agencies and public corporations, whose employees, in addition to those of the various ministries, comprise the bulk of the nation's civil servants. The civil service grew tremendously in the years after

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### THE SHIA MINORITY

The Shia Muslim minority, which is about 10 percent of the world's Muslim population, comprises between 15 and 25 percent of the Kuwaiti national population. The Shia are largely descendants of Arab Iranians, Saudi Arabians, or Bahrainians. The strain between the Shia minority and the Sunni majority, always present, rose in the 1980s, and much political and military activism continues to occur between the two sects.

While the Sunni majority adheres to a strict orthodox understanding of the Qur'an and obedience to the teachings of the prophet Mohammed, with a belief that all four caliphs were the rightful successors, the Shia minority believes that a leader must be directly descended from Ali, the fourth caliph and Mohammed's son-in-law and cousin. Because the members of the Shia minority hold to the belief that Ali was Mohammed's true successor, they also believe that only his direct descendants can serve as political and spiritual leaders of the nation of Islam.

▬ ▬ ▬

**appellate:** a court having jurisdiction to review the findings of lower courts

independence as the state developed a large bureaucracy devoted to spending oil revenues. A second factor contributing to the growth of the bureaucracy is the government's guarantee of jobs to all citizens. Hence, the government is the largest employer in the country, which has sometimes resulted in overstaffing.

### RIGHTS AND LIBERTIES

Individual freedom is guaranteed to all Kuwaitis. The constitution protects individual rights such as personal liberty, freedom to hold beliefs and express opinions, freedom to form associations and trade unions, and freedom of the press. The torture and deportation of Kuwaiti citizens are prohibited.

Kuwaiti participation in the political process is limited to the election of the unicameral National Assembly. However, this participation is not open to all citizens: Before 2005 only 10 percent of all citizens were eligible to vote. Voting was limited to male voters, twenty-one years of age or older, who were naturalized for thirty years or more or who had lived in Kuwait for more than twenty years. With the passage of legislation allowing women voting rights, political participation has increased. Police and military personnel, however, are excluded from voting.

Formal censorship of the press ended in 1992, and freedom of the press was subsequently restored. Kuwait has some of the most outspoken newspapers in the Arab world, often aggressive in their coverage of politics and the government. Television and radio remain under the government's control, and the Ministry of Information censors all imported publications deemed morally offensive. The Internet is easily accessible, and in 2004 8.5 percent of the total population was reported to use it regularly. In 2002, however, the Ministry of Communications issued new directives to Internet service providers to block certain sites judged immoral as well as some political sites.

While in theory freedoms are respected, in practice, the government does impose restrictions on freedom of speech and the press, freedom of assembly and association, and freedom of religion and movement. The formation of political parties is illegal. Although formal political parties have no legal standing, the government does tolerate umbrella organizations with strong ideological tendencies and many different views.

Women are treated differently than men under Kuwaiti law: they experience legal and social discrimination. Even though 33 percent of women of working age are employed, there are a number of professions where it is unusual to find women serving as part of the work force, such as the army, the parliament, senior government positions, the diplomatic corps, or the judiciary. In addition to women, the government discriminates against the Shia minority, also underrepresented in government positions.

*See also:* Constitutional Monarchy; Iraq; Shari'a.

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# Kyrgyzstan (Kyrgyz Republic)

Kyrgyzstan (Kyrgyz Republic) is a landlocked country located in Central Asia. Bordered by Kazakhstan to the north, China to the southeast, Uzbekistan to the west, and Tajikistan to the south, it is 198,500 square kilometers (76,620 square miles) in area.

As of July 2003, Kyrgyzstan's population was estimated at 4.9 million. The prominent ethnicities are Kyrgyz (52%) and Russian (18%). The prominent religions are Muslim (75%), followed by Russian Orthodox (20%).

Kyrgyzstan has a history of being inhabited by nomadic clans and ruled by tribal leaders. It was annexed by Russia in the late nineteenth century. In 1926, Kyrgyzstan became the Kyrgyz Autonomous Soviet Socialist Republic. It declared full independence from the Union of Soviet Socialist Republics (USSR) in August 1991.

Kyrgyzstan moved from a communist Soviet republic into an increasingly **authoritarian** regime under President Askar Akayev (b. 1944), who was initially elected to office October 28, 1990. Akayev, perceived as corrupt and authoritarian, was deposed in a popular uprising in March 2005. He fled the country and tendered his resignation from office on April 4 while in exile.

**authoritarianism:** the domination of the state or its leader over individuals

Kyrgyzstan is formally a **constitutional republic** with a strong executive branch. In 2003 a national referendum greatly increased the president's powers. As both head of state and of government, the president appoints the prime minister along with the cabinet of ministers. Directly elected for five-year terms, the president is nominally limited to two terms. Akayev was allowed to run again in 2000, however, as the Constitutional Court ruled that his first term began in 1995 rather than in 1990 when he took office.

**constitutional republic:** a system of government marked by both a supreme written constitution and elected officials who administer the powers of government

The president can implement policies along with constitutional amendments through a national referendum, which may be scheduled without the approval of the legislature. Presidential power also includes the ability to veto legislation and remove regional and local judges.

The original constitution put into place a unicameral legislative branch, but in 1996 a second chamber was established by a national referendum. The legislative branch consisted of a bicameral parliament including the Assembly of People's Representatives, which has seventy members, and the Legislative Assembly, which has thirty-five members. All legislators are directly elected and serve five-year terms. In 2005 the country reverted to a unicameral legislative body with seventy-five members. The legislative branch is charged with conducting the day-to-day business of the legislature.

The judiciary is headed by a Supreme Court and a Constitutional Court. The Supreme Court is appointed by parliament on the recommendation by the president. The judges of the Supreme Court serve ten-year terms. Constitutional Court judges serve fifteen-year terms. Both lack independence from the executive branch, and corruption is widespread.

After independence, political parties were allowed to participate in the political process. In 1999, however, legislation was introduced giving the government power to declare political parties illegal if they were perceived to pose a security threat. The international community has deemed past elections in Kyrgyzstan as having serious and extensive irregularities.

The media has been subject to harassment by the government; individuals with close ties to the government own many of the media outlets. Freedom of religion is mostly permitted, with religious groups required to register with the government. The government of Kyrgyzstan into the early 2000s continued to be nondemocratic and authoritarian.

*See also:* Russia; Ukraine.

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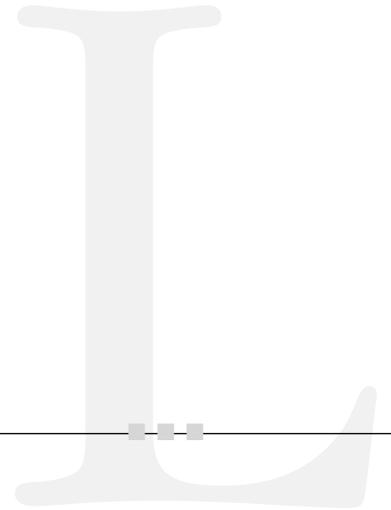
## Laos

Laos (the Lao People's Democratic Republic or PDR) is a small, landlocked country located in mainland Southeast Asia surrounded by Thailand and Myanmar on the west, China on the north, Vietnam on the east, and Cambodia on the south. Transportation has always been difficult within the mountainous country. Historically, people have relied heavily on the Mekong River and its many tributaries for transportation and also for food. The Mekong River and the annual monsoon rains sustain abundant rice-based agriculture in the valleys of Laos. The monsoons also support fields of rice, fruits, and vegetables in the mountains.

Vientiane, the capital city of Laos, sits alongside the Mekong River. By far the largest city in the country, Vientiane is small and underdeveloped compared to most other capital cities. Of the total population of less than 6 million people in the country, approximately 80 percent practice subsistence-level farming. Laos is inhabited by the majority Lao ethnic group (around 60% of the population) who live in the river valleys. Numerous minority groups, residing mainly in the mountains, make up the balance of the population. Life in Laos is difficult for most people, as the country ranks among the world's least developed nations in nearly every category according to statistics available from the United Nations (UN).

Laos has one of the few remaining **communist** governments in the world. It came to power on December 2, 1975, following nearly thirty years of civil war with the Royal Lao Government (RLG). Until then, the RLG had run the country since July 19, 1949, when Laos gained its independence from France. Prior to that, Laos had been under French control since 1893.

**communism:** an economic and social system characterized by the absence of class structure and by common ownership of the means of production and subsistence

The structure of the government has remained roughly the same since its formation in 1975, even though the constitution was not promulgated until August 15, 1991. The prime minister and council of ministers run the central government. They are appointed by the president every five years. The president, elected every five years by the National Assembly, acts as head of state. The legislative branch of the government is the National Assembly, whose members

(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

are elected by popular vote for five-year terms. The highest court of the judicial branch is the People's Supreme Court, which the National Assembly appoints directly. Only one political party officially exists in Laos, the Lao People's Revolutionary Party (LPRP). The LPRP controls real political power in Laos and its leadership also holds the highest offices in the government.

The general population has the right to vote at eighteen years of age; however, their choices are limited because only members of the LPRP or independent candidates approved by the LPRP may run for political office. Therefore, popular elections serve only to legitimize decisions made previously by the LPRP. The freedoms of religion, speech, assembly, and the press are guaranteed by the constitution, yet severely limited in practice. Accusations against the government regarding infringements on these rights commonly surface in the international press, although most are difficult to confirm and thus remain an unresolved issue.

*See also:* Dictatorship.

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## Latvia

The Republic of Latvia, with a population of 2.35 million people, lies on the eastern shores of the Baltic Sea between Lithuania and Estonia. It also shares borders with Russia and Belarus. Latvia's strategic location between Scandinavia, Russia, and Europe resulted in many territorial wars on its soil, which divided Latvians for many years. Border agreements continue to be a source of debate with Russia and Lithuania. Latvia's population contains a large minority of Russians and other ethnicities. This is one of the issues underlying the border dispute with Russia.

After centuries of German, Lithuanian, Polish, Swedish, and Russian rule, the movement for Latvian independence in Russian territories grew in the mid-1800s. A group called the New Latvians promoted a national identity for Latvians with the same rights afforded other Europeans. On November 18, 1918, disarray in Russia following World War I (1914–1918) finally provided Latvians with their first opportunity to declare independence. Their independence lasted until July 1940 when Latvia was occupied by the Nazis; it became part of the Union of Soviet Socialist Republics (USSR) at the end of World War II (1939–1945). Finally on August 21, 1991, Latvia declared the restoration of its de facto independence.

The Constitution of the Republic of Latvia, modeled after the British constitution, was adopted on February 15, 1922, and reinstated on August 21, 1991,

with amendments to address human rights issues. The Constitution prescribes the *Saeima,* or parliament, to be the highest authority in Latvia. The *Saeima* is comprised of 100 representatives of the people and is elected in general, equal, and direct elections by secret ballot based on **proportional representation**. The *Saeima* elects the president and endorses the president's choice for prime minister. The prime minister, in turn, appoints ministers to the cabinet. The prime minister heads the parliament, while the president represents the state in international relations and implements the decisions of the *Saeima* concerning the **ratification** of international agreements. Although the *Saeima* is the highest authority in legal principle, the prime minister wields more influence in practice. Evidence of this can be extrapolated from accounts of prime ministers stripping the *Saeima* or cabinet members of their positions.

The Constitution explicitly states certain rights for all people, including equality before the law and courts and the right to vote. All Latvian citizens eighteen and older have the right to vote; however, citizenship requires that ethnic minorities be able to converse in the Latvian language. This requirement restricts minority participation in the role of government. Other rights include self-expression, practice of ethnic customs, social services for certain groups, choice of employment, housing, and free education. Discrimination, torture, and censorship are explicitly condemned.

The transition from occupation to **sovereignty** has made the full implementation of these rights difficult. The attitudes and practices of police, bureaucrats, and judges have not adapted to the change in government ideology. The lack of progress by these agents is evident in reports citing the excessive use of force by the police, the acceptance of bribes by civil service workers, and the inequitable application of laws and sentences by judges. This evidence reinforces Latvian attitudes of mistrust toward public officials.

*See also:* Estonia; Lithuania.

**proportional system:** a political system in which legislative seats or offices are awarded based on the proportional number of votes received by a party in an election

**ratify:** to make official or to officially sanction

**sovereignty:** autonomy; or, rule over a political entity



(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

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## Lebanon

Located in the Middle East, Lebanon is a small country with an area of 10,452 square kilometers (4,035 square miles). Beirut is the capital city. Syria borders it to the north and the east, Israel to the south, and the Mediterranean Sea to the west. It does not have any abundance of natural resources except water, a significant commodity in an area facing scarcity of that resource.

Lebanon's population is estimated to be around 3.7 million, although no census has been administered since 1932. The population is thought to be equally divided between Muslims and Christians. However, this claim has been challenged, and some researchers have put the percentage of Muslims (Sunnis, Shiites, Druze, and Alawite) at 60 percent and Christians (Maronites, Greek Orthodox, Catholics, and Christian minorities) at 40 percent. What makes the division between Muslims and Christians more complicated is the fact that there are seventeen different officially recognized religious sects in the country, each of which is represented in some way in state political and bureaucratic positions.

Each of the major religious groups is given a share in the Lebanese state of approximately: Maronites, 27 percent; Shiites, 21 percent; Sunnis, 21 percent; Greek Orthodox, 11 percent; Druze, 6 percent; and Catholics, 6 percent. This "confessional" distribution of political seats and positions was thought to be necessary due to the different perceptions regarding Lebanon's identity: Whereas the Sunni Muslims saw Lebanon as an Arab state, the Christians saw it as a non-Arab state, closer to Western civilization. This representational democracy system, through which Lebanese **pluralism** could be safeguarded and "unity in plurality" promoted, was reflected in an accord between the leaders of the Maronites and the Sunnis, known as the National Pact of 1943.

The National Pact governed the relation among the different communities and distributed powers in the state according to sects, giving the Christians—considered a majority at the time—the biggest share. The National Pact was successful in maintaining peaceful relations among Lebanese but failed to take into account the demographic changes that took place throughout the subsequent years. In addition to the change in demographics, the concentration of power in the hands of a few leaders, the arrival of the leaders of the Palestine

**pluralism:** a system of government in which all groups participate in the decision-making process

Liberation Organization (PLO) in 1970 to Lebanon, and external interventions from Arab and Western countries rendered Lebanon's already weak unwritten agreement ineffective and unrepresentative of reality.

All these factors, in turn, led to the eruption of a civil war, which started in 1975 and lasted for fifteen years. The Taef Agreement, brokered in late 1989 by the surviving members of the last Lebanese elected parliament in 1972 with the help and support of Saudis, Syrians, and Americans in Taef, Saudi Arabia, ended the civil war and brought about peace. The agreement amended the existing distribution of power formula and introduced the equal allocation of seats to replace the previous ratio of six Christian deputies to five Muslims. To have such equality, the parliament's membership was increased from 99 to 128.

After the end of the civil war in 1990, the reconstruction of Lebanon and the rebuilding of its economy led to a 9 percent growth between the years 1990 and 1998. However, the burden of such endeavors after a devastating war caught up with the country in 1998, and it entered into a recession.

Lebanon is a constitutional democratic republic. The ruling players are the president, the legislatures, the council of ministers, and the prime minister. Lebanon's legislative institution is unicameral composed of 128 deputies divided equally between Muslims and Christians and directly elected by the people for four-year terms. The parliament elects the president for a six-year term and elects the speaker for a four-year term. The bureaucracy in Lebanon is also a reflection of the society and its composition; it plays an important role in providing favors to the different sects. The judiciary is an independent branch but still faces strong pressures from the different political players.

From the time of the civil war until 2005, Syria maintained troops in Lebanon, resulting in some power over Lebanese political affairs and decisions by Syria. Despite the pullout of Syrian troops from Lebanon in 2005, Syrian influence—especially in the struggle between pro- and anti-Syrian Lebanese—remained strong, albeit controversial.

(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

Liberty and freedom of speech are respected in Lebanon, and the Lebanese people have assured that by the many demonstrations that have taken place to protect them. Moreover, the people are free from torture, imprisonment, and disappearance in obscure ways. However, the Lebanese security forces sometimes violate these rights and are challenged by a number of different organizations and leaders who fight to keep all human rights respected.

*See also:* Syria.

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## Lesotho

The Kingdom of Lesotho is a small enclave of mountainous territory of 30,355 square kilometers (11,720 square miles) surrounded by the Republic of South Africa. Most of its population, estimated at approximately 2.2 million in 2002, dwells in the southwestern and southeastern lowlands and in the capital, Maseru.

### PREINDEPENDENCE HISTORY

Lesotho was known during colonial times as Basutoland. The country's founder, Moshoeshoe I (1786?–1870), succeeded by the mid-1830s in establishing his authority as king over the Basuto people, whose area of settlement extended to the north and west of the Caledon River, as well as to the southwest of Lesotho's modern boundaries. Other tribes migrating into the Basuto-dominated area were brought into a vassal relationship. However, from the late 1830s, the Basuto were affected by the migration of Boer farmers from the south, who were seeking to remove themselves from British rule over the Cape Colony. The Cape responded by signing a treaty with Moshoeshoe that recognized his sovereignty in 1843.

Clashes over cattle and land culminated in the First Basuto (or Senekal's) War between Basutoland and the Boers' Orange Free State between 1856 and 1858. This ended inconclusively, but as a result of further hostilities during the Second Basuto (or Sequiti) War from 1865 to 1866, the Basuto were forced to become subject to the Free State and to cede part of their territory. After the third Basuto War in 1867, however, the British governor of the Cape proclaimed Basutoland British territory. Basutoland was part of Cape Colony between 1871 and 1884, but was thereafter administered as a British High Commission Territory until it gained independence on October 4, 1966. Under British rule, Basutoland's primary function was to serve as a reserve of male migrant labor for the South African mines.

### POST-INDEPENDENCE HISTORY

The nationalist movement had been spearheaded by the Basutoland Congress Party (BCP) of Ntsu Mokhehle (1918–1999), which won the first (indirect) general election in 1960. However, the BCP lost power in 1965 when Leabua Jonathan's (1914–1987) conservative Basotho National Party (BNP), which received the overt support of the powerful Catholic Church and was quietly favored by the **apartheid** government of South Africa, won the first universal **suffrage** election in 1966. Jonathan subsequently became prime minister and adopted a policy of cooperation with South Africa, whose backing proved vital in 1970 when, after losing a general election, the BNP declined to hand over power to the BCP. After a failed coup attempt in 1974, the principal leadership of the BCP fled into exile.

Jonathan's subservience to South Africa had left him isolated internationally. From 1975 he sought to overcome this by adopting a strategy of diplomatic

**apartheid:** an official policy of racial segregation in the Republic of South Africa with a goal of promoting and maintaining white domination

**suffrage:** to vote, or, the right to vote

opposition to apartheid. From 1976 onward, Lesotho became a haven for South African refugees, and Jonathan struck up a quiet but effective friendship with the African National Congress, the principal South African liberation movement. South Africa responded with a series of pressures, including an armed raid on Maseru in 1982, and by manipulating internal dissent. This culminated in a South African-backed coup in 1986 and a period of military rule, which was brought to a close with democratic elections in 1993 that resulted in a landslide victory for Mokhehle's BCP.

The BCP was unconstitutionally dismissed from power by the king (who was supported by the BNP and a mutinous army) in mid-1994 but was rapidly restored to power by pressure from the now-democratic South Africa and other southern African states. Subsequently, to defeat an internal party revolt, Prime Minister Mokhehle formed the Lesotho Congress for Democracy (LCD) in 1997. The LCD proceeded to win all seats in parliament under Pakalitha Mosisili (b. 1945), the aging Mokhehle's chosen successor, in an election in May 1998.

However, although the 1998 election had been fairly conducted, opposition parties refused to accept the LCD's landslide victory and responded by bringing the country to a standstill. Failure of intense talks to bring a resolution resulted in armed intervention by the South African National Defence Force, acting on behalf of the South African Development Community, in September 1998 after a plea for assistance from Mosisili. South Africa subsequently encouraged intricate negotiations between the LCD and the other political parties, which resulted in the adoption of a new mixed-member proportional electoral system and new elections in 2002. These were again won by the LCD, but the opposition parties gained fairer representation in parliament through seats they won through **proportional representation**.

### GOVERNMENT AND SOCIETY

Lesotho is a constitutional monarchy, under which the government is led by a prime minister, who is head of the party commanding a majority in the National Assembly. Since 2002 the army has been subordinated to constitutional authority, and there have been no further explicit challenges to democracy. Although controversy has always attended the conduct of elections, the new electoral system has introduced greater stability by providing for appropriate representation of opposition parties in parliament. The LCD dominates the political arena, but opposition parties can operate unhindered. Freedom of speech is encouraged by a variety of newspapers, competing trade unions movements, and a multiplicity of non-governmental organizations. The judiciary retains independence from government and has recently won international plaudits for finding international companies guilty of corruption during the construction phase of the Lesotho Highlands Water Project.

The United Nations ranked Lesotho 132nd out of 173 countries on its Human Development Index for the year 2000. Although the decline of the mines in South Africa has resulted in the reduced absorption of migrant labor from Lesotho (down from nearly 127,000 in 1989 to around 75,000 by 2004), migrant remittances continue to provide approximately 45 percent of the country's gross domestic product (GDP). Subsistence farming provides from 10 to 15 percent of the GDP, and the remaining 40 percent is provided by a significant secondary sector that

**proportional system:** a political system in which legislative seats or offices are awarded based on the proportional number of votes received by a party in an election



(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

includes the sale of water to South Africa from the Lesotho Highlands Water Project and earnings from a rapidly expanding textile sector. Lesotho remains one of the poorest countries in Africa; although the proportion of people living in poverty has declined, these gains are now threatened by continuing fears of political instability, the decline of migrant labor, and the impact of HIV/AIDS.

*See also:* Constitutional Monarchy; South Africa.

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## Liberal Democracy

Liberal democracy is generally understood to be a system of government in which people consent to their rulers, and rulers, in turn, are constitutionally constrained to respect individual rights. However, widely divergent views exist regarding the meaning of consent and individual rights, of the particular forms of government that are best suited to the preservation of popular rule and the protection of rights, and of the types and effectiveness of constitutional constraints within particular forms of government. Nonetheless, liberal democracy is common throughout most of the developed world. At a minimum, liberal democracy is characterized by the following:

1. Widespread political participation by adult citizens, including members of minority groups that include racial, ethnic, religious, linguistic, and economic minorities;
2. Secret ballots and frequent regular elections;
3. Broad freedom of individuals to form and support political parties, with each party free to present its views and form a government;
4. Governments that can alter, interpret, and enforce laws to suit (within limits) the majority's preferences;
5. Effective guarantees of individual and minority rights, especially in areas such as freedom of speech, press, conscience, religion, assembly, and equal treatment before the law; and
6. Limited governmental powers, which are kept in check by constitutional guarantees including separation of powers (so that all executive, legislative, and judicial powers are not, in effect, exercised by the same person or institution).

Because of the importance of rights guarantees and limitations on power, liberal democracy is often understood to be synonymous with constitutional democracy. Constitutional guarantees can take the form of widely shared and practiced understandings or formal written rules.

The phrase *liberal democracy* also points to something beyond government. It is a way of describing a kind of culture or civil society, including economy and

lifestyle, which is as much a necessary condition of liberal democracy as it is a product of it. In addition to the governmental norms, liberal democracy is characterized by cooperative, consensual relationships among individuals and groups on a broad range of matters that extend beyond politics or government. Voluntary exchange and social interaction, along with confidence or trust on the part of people to engage in such interaction with those otherwise unknown to them, are essential elements and preconditions of liberal democracy.

## INTELLECTUAL ORIGINS OF LIBERAL DEMOCRACY

Democracy—literally meaning "rule by the people"—has historically taken many forms. In ancient Athens, democracy meant direct rule by free male citizens. In the twenty-first century democracy is generally understood to mean indirect rule, that is, popular rule through elected representatives.

Liberal democracy owes its origins to particular philosophic doctrines and constitutional developments, which arose especially in England and the United States. The adjective *liberal* points to a set of philosophic doctrines emphasizing human equality that were developed in the early modern period, beginning roughly in the seventeenth century. The English philosopher John Locke (1632–1704) argued that legitimate government arises only from consent and the right to consent, in turn, stems from a fact of nature: human equality.

For Locke, writing in his *Second Treatise of Government* (1690), the state of nature that predates all government is a state wherein "Creatures of the same species and rank . . . should also be equal one amongst another without Subordination or Subjection." (Locke 1988, p. 269) According to Locke, because human beings are by nature political equals (although not equal in all respects), the only way in which anyone gains legitimate political authority over another is through the other's consent. Government remains legitimate only so long as it protects the **natural rights** of individual citizens (i.e., those who have entered the social compact by consenting, explicitly or tacitly, to the particular government). Natural rights include some things to which individuals are entitled in the state of nature, such as life, liberty (including freedom of conscience), and property. A strong conception of rights of the person thus existed at the dawn of modern **liberalism** and continues to inform the practice of liberal democracy worldwide.

Understanding rights is different, however, from preserving and protecting them in practice. Even majorities can only legitimately consent to pursue the common good. As Locke maintained, no one is all-wise or all-powerful, and human reason is influenced by passion. A rudimentary separation of powers doctrine appeared in Locke, who argued that government by nature consists of the legislative, executive, and judicial power, and that danger exists in combining these powers in one set of hands. Such concern for separation also appears in the French philosopher Montesquieu (1689–1755), who, like Locke, was sympathetic to the relative moderation and tolerance embodied by English constitutionalism. Both of these philosophers would influence the thinking of the American founders.

## HISTORICAL MILESTONES

The constitutional history of England is often understood as the unfolding of liberal institutions and practices largely through the gradual limiting of royal power, from the Magna Carta (1215), to the Petition of Right (1628), through the growth of the common law and independent courts. Perhaps the most significant events surrounded the Glorious Revolution of 1688 and 1689, of which Locke gave, in part, a theoretical account. The Revolution centered on the flight of the

**natural right:** a basic privilege intrinsic to all people that cannot be denied by the government

**liberalism:** a political philosophy advocating individual rights, positive government action, and social justice, or, an economic philosophy advocating individual freedoms and free markets

Roman Catholic King James II (1633–1701) on the approach of the army of William of Orange (1650–1702). When parliament gave the crown to William of Orange and his wife Mary (1662–1694), it did so along with a Declaration of Right (1689), which, among other things, ended the royal power to suspend laws and required free and frequent elections for parliament. These moves, coupled with the barring of future Roman Catholic accession to the British throne, were seen in accordance with Locke's theory that legitimate **sovereign** power only exists as a result of a social compact between the people—in the form of their representatives in parliament—and the monarch.

By the mid 1760s, Lockean social compact theory was exercising considerable influence in British North America. Preachers, statesmen, and political activists in the American colonies argued that the king and parliament ruled America without the consent of the governed and concomitantly failed to protect the rights of colonists. Lockean doctrine found perhaps its most succinct expression in America in the Declaration of Independence (1776). In that document Thomas Jefferson (1743–1826) wrote, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain inalienable, rights, that among these are life, liberty and the pursuit of happiness."

Despite relatively widespread agreement on the principles of just government, the Americans faced the practical problem of implementing these principles. Between the Declaration and the Constitutional Convention (1787), Americans realized that individual rights were being violated due to the weaknesses of state governments and the even greater weaknesses of the national government created by the Articles of Confederation (1781). Under the Articles, states retained their sovereignty, and the federal government had no real power. Within states, laws lacked stability, and the executive and judicial branches were enfeebled because they were subservient to the legislative branches. The U.S. Constitution (1789) provided what its defenders called an "energetic" national government that was, however, constrained through numerous institutional mechanisms, including especially separation of powers.

The constitution provided the institutional framework for liberal democracy in the United States, although by contemporary standards participation was limited and minority rights were ill protected, especially by the states. However, widespread consensus existed among America's founders that the natural rights principles of the Declaration of Independence made slavery illegitimate, even though it could not immediately be eliminated. During the U.S. Civil War (1861–1865), President Abraham Lincoln (1809–1865) claimed that America must remain a "government of the people, by the people, for the people." A liberal democratic core is the center of this definition of American republicanism, for it does not reduce to simple **majoritarianism**. In Lincoln's terms, following Locke, no person is good enough to rule another person without the other's consent.

Even after the Civil War, however, black citizens could not reliably exercise rights to which they were entitled under the constitution, including the right to vote. The grandest rhetoric of the civil rights movement of the 1950s and 1960s, as expressed by Dr. Martin Luther King Jr. (1929–1968), was premised on universal liberal understandings of natural rights. Likewise, the right to vote could be denied on the basis of sex prior to passage of the Twenty-ninth Amendment (1920). This eventual enshrinement, like much of the civil rights movement, was itself premised on embedded liberal understandings. Prior to women's **suffrage**, women were often understood to be "virtually represented" by their husbands. A common view of America's founders was that women, as human beings, possessed natural rights, and the lack of suffrage was not necessarily thought to be a reflection of innate intellectual or moral disability.

**sovereignty:** autonomy; or, rule over a political entity

**majoritarianism:** the practice of rule by a majority vote

**suffrage:** to vote, or, the right to vote

The French Revolution (1787–1799) followed closely on the heels of the American Revolution. Throughout the eighteenth century, many members of the French intellectual classes had found inspiration in the Glorious Revolution, and the American Revolution gave further impetus to democratic sentiments. The French Revolution, which overthrew the French monarchy, did promote democratic reforms, but it could hardly be called liberal insofar as individual rights were notoriously insecure throughout the revolutionary period. By reducing democracy to a sense of the popular will, the French Revolution seemed remarkably unconcerned—even in principle—with liberal rights. Nevertheless, France has, since the revolution, enjoyed a steady if uneven march toward liberal democracy. In its twenty-first century incarnation, French government is characterized by separation of executive, legislative, and judicial powers and guarantees of individual rights.

Many modern, apparently stable liberal democracies are of recent constitutional vintage. Few constitutional orders (with the notable exceptions of England and the United States) date back prior to the twentieth century. For example, Germany, Italy, and Japan owe their contemporary liberal institutions to their defeats on the battlefield in World War II (1939–1945). Spain and Portugal



**WEST BERLINERS WATCH EAST GERMANS DISMANTLE THE BERLIN WALL ON NOVEMBER 12, 1989.** After the end of World War II in 1945, Germany's capital, Berlin, was divided into the Soviet-controlled East Berlin and Western-occupied West Berlin and, in 1961, the East German government constructed the Berlin Wall to stop the mass exodus of its citizens to West Germany in search of a better life. (SOURCE: AP/WIDE WORLD PHOTOS)

autocracy: a political system in which one individual has absolute power

had highly **autocratic** forms of government (which were neither liberal nor democratic) as recently as the 1970s. The countries of Eastern Europe and those composing the former Soviet Union only began moving toward liberal democracy with the fall of the Berlin Wall in 1989. With this historic event, some—including the American political theorist Francis Fukuyama (b. 1952)—argued forcefully that the liberal democratic idea had triumphed in world history. That is to say, when the Berlin Wall fell, so did the most serious remaining intellectual alternative to liberal democracy, namely, Marxist communism. Like other challengers that had fallen by the wayside, communism denied human beings equal recognition at the level of both government and civil society.

India is the world's largest democracy, having imported parliamentary institutions from England in a constitution of 1950. Yet India's society is sometimes too traditional in nature to be truly liberal. Communal loyalties (often in opposition to official state policy) stand in the way of a smoothly functioning civil society. Not only does serious religious strife between Hindus and Muslims continue, but also certain traditional religious beliefs prevent the development of a culture of trust and voluntary cooperation. From the mid- to late twentieth century, India experienced serious problems at the government level in maintaining separation of powers and of preserving individual rights.

All liberal democratic nations today recognize, explicitly or implicitly, the inseparable philosophic principles of human freedom and political equality and their significance for government and society. Liberal democratic principles might be universal, but this does not imply they can be implemented universally or immediately. That many nations remain outside the family of liberal democracies is a testament to the enduring importance of cultural, religious, political, and moral traditions that cut against liberal democracy.

### ENDURING PROBLEMS AND PROSPECTS

For the newest liberal democracies and those nations that aspire toward liberal democracy, some problems seem obvious, including lack of experience with liberal democratic institutions and the remnants of sometimes hostile political cultures. Even in the longest established and most powerful liberal democracies, theoretical and practical problems abound, both from within and from without.

ideology: a system of beliefs composed of ideas or values, from which political, social, or economic programs are often derived

Of the obvious problems from within, protecting minority rights is a perennial concern, because of the basic tension between the claims of liberalism on the one hand and democracy, or majority rule, on the other. Of the obvious problems from without, liberal democracies have from their earliest days been challenged on the battlefield and in the world of ideas. At first, resistance came from clerical establishments and then later from powerful illiberal **ideologies** such as Nazism and communism.

centralize: to move control or power to a single point of authority

Less obvious challenges from within have to do with the status of the consent principle itself. At least partly from the French Revolution came a version of liberalism that opposes traditional moral and social authority but not the overall power of the state. The French political thinker Alexis de Tocqueville (1805–1859) in his work *Democracy in America* (1840) warned of the dangers of governmental power and **centralization** coupled with a weak civil society. He suggested that people who crave or acquiesce to such government power for the sake of immediate comfort lose the capacity for self-government. As government takes over the traditional workings of the marketplace and civil society, people are expected to do less for themselves and for the common good and so less can be expected of them politically. It is "difficult to imagine," he claimed, "how

people who have entirely given up managing their own affairs could make a wise choice of those who are to do that for them. One should never expect a liberal, energetic, and wise government to originate in the votes of a people of servants." (Tocqueville 1988, p. 694.) In this view, liberal democracy needs freedom in the form of spontaneous, non-governmental activities and organizations, which also provide social cohesion. In the absence of such activities and organizations, hyperindividuality and moral libertinism necessitate more and more state control, which encourages still less active citizenship.

In the twenty-first century, those on the liberal right (or "classical liberals," as they are sometimes called) are inclined to share de Tocqueville's concerns and support the market and limited government not simply for economic reasons but also as a check on state power and as a means of developing citizenly virtues. On the other hand, those on the liberal left often see state power in its modern, administrative incarnation to be a positive good. In their view, such power is necessary for social justice and to tame the worst effects of the marketplace.

Whatever the merits of these arguments, it is clear that liberal democracy requires freedom to be political in a meaningful consensual way but also necessitates freedom *from* politics, that is, freedom to engage in one's own pursuits. Democracy would be **totalitarian** rather than liberal if citizens were constantly occupied by obligations to the state and were able without constraint to impose on other citizens similar obligations.

**totalitarianism:** a form of absolute government that demands complete subjugation by its citizens

The ability to impose nonconsensually one's views on matters of fundamentally contested moral and constitutional principles raises yet another challenge to liberal democracy. Such impositions are invariably linked to questions of overall government power, who exercises it, and the manner in which it is exercised. In the United States this problem has taken the form of concern over the limits of judicial power. Of all branches of government, the judiciary is, by design, the least consensual. It is subject to popular control only very indirectly. To the extent modern liberalism exalts the individual qua individual, certain conceptions of rights might well be in tension with conceptions of the common good. The power of the state in the form of nonconsensual courts can be used to overturn laws that might be seen as legitimate consensual decisions of the popular branches of government.

*See also:* Democracy.

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*Bradley C. S. Watson*

## Liberia

Liberia is located on the western tip of Africa. It is bordered on the east by Côte d'Ivoire, on the west by Sierra Leone, on the north by Guinea, and the south by the Atlantic Ocean. Liberia has a total land area of 69,187 square kilometers (43,000 square miles), encompassing fifteen political subdivisions called counties. Liberia as a nation was founded in the nineteenth century by the American Colonization Society as a refuge for liberated slaves from the United States.

The population was estimated at 3.4 million in July 2004. Due to two civil wars (1989–1997 and 1999–2003), about half of the population is in Monrovia, the capital city. Prior to the war, Monrovia had an estimated population of 250,000. About 1 million people are internally displaced throughout the country and about another 1 million are living abroad, including in various refugee camps in the West African belt.

Facing the Atlantic Ocean, the coastline is characterized by lagoons, mangrove swamps, and major river-deposited sandbars; the inland grassy plateau supports limited agriculture. There are also dense forests rich in various tree species.

Four major periods can be used to examine the history of Liberia: precolonial (before 1820), colonial (1820–1839), **commonwealth** (1839–1847), and independence (1847–present). During the precolonial era, Liberia was known as the "Grain Coast." The name was given to the area by Portuguese explorers to reflect the abundance of grain on the territory. Various **indigenous** ethnic groups occupied the area, each with its own political system.

When the settlers from the United States arrived at the beginning of the colonial period, their indigenous kin initially greeted them warmly. However, conflict ensued between the settlers and the various indigenous ethnic groups when it became apparent that the settlers were not interested in forging a partnership with the indigenes in the state-building project. The attitude of the settlers was conditioned by their belief that because they were **repatriated** from the United States, they were therefore superior to the indigenes. The settlers attempted to recreate the American Southern plantation system under which they would be the overlords and the indigenes would be the serfs. The ideological foundation for the settlers-indigenes divide was provided by a caste and class system. Under this system, social groups were defined by two theoretically

**commonwealth:** a government created to advance the common good of its citizens

**indigene:** a person who has his origin in a specific region

**repatriate:** to return to the country of one's birth or citizenship

distinct, but in reality overlapping, characteristics. Very often obvious caste distinctions, based on skin color and ancestral origin, coincided with differences defined by the relationship of each group to the means of production.

However, there was a major conflict among the settlers between the light-skinned and the dark-skinned settlers. The former espoused the idea of being superior to the latter on the basis of skin pigmentation; hence, the light-skinned settlers wanted to dominate the polity. There was also conflict between the settlers and the American Colonization Society, which governed Liberia from 1820 to 1837. The central issue revolved around the control of the colony. The Liberian Colony was controlled by a bureaucracy headed by the agent of the American Colonization Society, who served as the governor. The dynamics of the political system reflected a typical colonial situation in which the colonizers suppressed and dominated the colonized.

By 1837 the American Colonization Society had delegated some authority over most domestic matters to the settlers (especially the light-skinned settlers), except in judicial matters. The emergence of the light-skinned settlers as the colonial agents further fueled the conflict between them and their dark-skinned kin in the settler stock.

In 1847 the light-skinned settlers led the efforts to declare Liberia an independent and sovereign state. The indigenes, who constituted the overwhelming majority of the population, were denied citizenship under the 1847 Constitution of Liberia but were forced to pay taxes and to perform sundry public works tasks.

The post-independence period was marked by various epochal events. In 1926 the intervention of the Firestone Plantations Company as a private investor introduced wage labor and the subsequent establishment of a modern class system in the Liberian political economy (the ruling and worker classes). The "Open Door Policy" enunciated in 1944 by the regime of President William V. S. Tubman (1895–1971) spurred the influx of multinational corporations and other foreign businesses into the Liberian economy. Also during the Tubman presidency (1944–1971), the indigenes were granted citizenship, and women were granted the right to vote.



(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

Despite its laudable pioneering efforts, the Tubman era is remembered for the suffocation of democracy as reflected, among other things, in the creation of a **de facto** one-party state after the purging of opposition parties and politicians in 1955. President Tubman died in office in 1971, after ruling Liberia for twenty-seven consecutive years. His vice president, William R. Tolbert (1913–1980), replaced Tubman as president. On his ascendancy, President Tolbert pledged to reform the **authoritarian** political system in Liberia. In this vein, he eliminated several of the dreaded security services and took measures to liberalize the political system. However, amid the rise of various reformist political interest groups, like the Movement for Justice in Africa and the Progressive Alliance of Liberia (later the Progressive People's Party, which was banned in 1980), the Tolbert regime betrayed its political liberalization agenda by taking measures to restrict political participation and criticism of the regime. For example, various draconian and antidemocratic laws such as the Sedition Law were enacted. At the core of the retreat to authoritarianism during the Tolbert era was the pressure from

**de facto:** (Latin) actual; in effect but not officially declared

**authoritarianism:** the domination of the state or its leader over individuals

### FAST FACTS

The Sedition Law provides for the arrest of citizens charged with speaking out against the government's actions or policies, especially involving criticism of the president.

the oligarchs in the ruling True Whig Party, who feared that political liberalization would undermine their stranglehold on state power.

The efforts by the Tolbert regime to restrict democratic participation did not deter the fledging political reformist groups. This was reflected in the well-organized protest against the Tolbert regime on April 14, 1979, over the issue of the Liberian government's decision to increase the price of rice, Liberia's staple food. Scores of demonstrators were killed and maimed, and the leaders of various reform groups were arrested, detained, and subsequently released after intense domestic and international pressure. A year later, on April 12, 1980, seventeen noncommissioned officers overthrew the Tolbert regime and the True Whig Party oligarchy that had ruled the country for 133 years.

The military coup initially received overwhelming popular support. A new military **junta**, the People's Redemption Council, was established with Master-Sergeant Samuel K. Doe (1951?–1990) as chairman. Barely a year after, it became clear that the military regime was no better than the regime it deposed, as it stepped up political repression. In 1985 Doe hijacked the presidential election in which he was the loser, coercing the Special Elections Commission to declare him the winner. In 1989, after almost a decade of misrule by the military and civilianized regimes, Liberia was plunged into a civil war in 1989 that led ultimately to the capture and murder of Doe in the summer of 1990 by the forces of rebel leader Prince Johnson.

In the wake of Doe's murder, the principal rebel leader, Charles Taylor (b. 1948), claimed to be leader of Liberia. A West African peacekeeping force was sent in under the auspices of the Economic Community of West African States to moderate the civil war. Amos Sawyer (b. 1945) was elected head of Interim Government of National Unity by the First Liberian National Conference, held in Banjul, Gambia in 1990. Sawyer remained in this position for four years while the forces of Charles Taylor controlled 90 percent of the country outside the capital city of Monrovia. Three other interim leaders were installed as Chairman of the Council of State between 1994 and 1997 as Liberia went through several unsuccessful agreements to end the conflict.

The civil war officially ended in 1997, with the holding of democratic elections, in which Taylor, the principal **warlord** and his National Patriotic Party, won a landslide victory. However, barely two years after Taylor's ascendancy to the presidency, Liberia was again embroiled in another civil war, which was started by the Liberians United for Reconstruction and Democracy and later joined by the Movement for Democracy in Liberia, against the Taylor regime. After the intensification of fighting within Monrovia in May 2003 and the resultant humanitarian crisis, the international community intervened and brokered a peace accord. Under the arrangement, President Taylor was forced to leave Liberia for exile, after the expiration of his term of office in August 2003. Thereafter, a broad-based transitional government consisting of representatives of the belligerents, the eighteen registered political parties, and civil society, was organized. The transitional government is mandated to govern Liberia for two years, organize democratic elections in October 2005, and turn over power to a newly elected government in January 2006.

**junta:** a group of individuals holding power, especially after seizing control as a result of a coup

**warlord:** a leader, usually over a small region, who governs by military force

### SOCIOECONOMIC CONDITIONS AND QUALITY OF LIFE

Since the Tubman era, the socioeconomic conditions and the quality of life for the majority of Liberians have been horrendous. As the consequence of two civil wars, these conditions have become worse. For example, 80 percent of the population lives below the poverty line. The poverty rate is exacerbated by an unemployment rate of almost 76 percent. Life expectancy at birth is 47.9 years; similarly, the literacy rate for age fifteen and over is 57 percent.

**THE GOVERNMENT**

From 1847 to 1980, the Liberian government was based on the 1847 Constitution. Under the constitution, Liberia was a unitary **republic** with a presidential system of government based on the American model and a liberal democratic form of government. The constitutional order—although discriminatory against the indigenes and women—provided the legal framework for the political system. However, from 1955 to 1980, the Tubman and Tolbert regimes ignored the democratic basis of the constitution and ruled within a de facto authoritarian framework.

As a result of the 1980 military coup, a new constitution was written as part of the so-called transition to civilian rule. The new constitution ushered in the Second Republic on January 6, 1986. The 1986 Constitution remained in effect in the early 2000s, although some sections have been suspended to accommodate the special arrangements under the Comprehensive Peace Agreement, or Accra Peace Accord. The Accra Peace Accord provides the other legal pillar of the current National Transitional Government of Liberia. This specific type of government was adopted as part of the internationally brokered peace accord that ended Liberia's second civil war in 2003.

Since 1945 Liberia has been governed by a small ruling class that has consistently ignored the country's 1847 and 1986 liberal democratic constitutions, the formal legal bases for governance. In legal principle, the Liberian government was run by the three branches of government: legislative, executive, and judicial. In actual principle, Liberia was ruled by an **imperial** presidency and a ruling class consisting of state managers and an amalgam of foreign-based and local business people.

Under the 1847 and 1986 constitutions of Liberia, the legislature was given tremendous powers. However, because the members of the legislature were handpicked by the president, they were therefore subordinated to him. Hence, from 1945 to 2003, the National Legislature of Liberia was a "rubber-stamp" body that was subservient to executive dictates.

The executive branch subordinated and dominated the legislative and judicial branches from 1955 to 2003. Under a system of de facto one-party rule and authoritarianism, the presidency was deified and played the role of the **suzerain**. As a result, it was quite rare for the legislature to reject a proposal from the executive branch.

As for the judiciary, like the legislature, it lost its independence after the purges of 1955. From then on, the executive routinely interfered with cases and even dictated verdicts, especially in cases with political ramifications. For example, it is widely known that President Tubman directed the Supreme Court of Liberia to find Ambassador Henry B. Fahnbulleh Sr. guilty of treason in 1968 (for not displaying a miniature Liberian flag on his desk while he was serving as the ambassador to Kenya).

From 1945 to 1955, Liberia had a multiparty system, with the True Whig Party as the ruling party. The principal opposition party was the Reformation Party. However, in 1955, the Tubman regime banned all opposition political parties and made Liberia a de facto one-party state. In 1980 Liberians were stunned when the Progressive People's Party (PPP) became the first legally registered opposition party in more than two decades. But barely a month after its legal registration as an opposition party, the National Legislature of Liberia banned PPP on the charge that the party was engaging in subversive activities. When the ban on political activities was lifted by the military regime in 1984 as part of the transitional process that culminated in the holding of presidential and legislative elections in 1985, several political parties—including the National Democratic Party of Liberia, the Liberian

**republic:** a form of democratic government in which decisions are made by elected representatives of the people

**imperialism:** extension of the control of one nation over another, especially through territorial, economic, and political expansion

**suzerain:** a state that dominates the foreign affairs of a subordinate state, while allowing it autonomy in domestic affairs

Action Party, Liberian People's Party, United People's Party, Liberian Unification Party, and Unity Party—were organized. However, the Liberian People's Party and the United People's Party, the two most popular parties at the time, were banned from participating in the 1985 elections by the Doe regime. The Doe regime was fearful that the two political parties would have made it difficult for Doe and his National Democratic Party of Liberia to win the 1985 elections.

Doe's National Democratic Party of Liberia was the ruling party from 1986 to 1989. In 1997 several new political parties—All Liberian Coalition Party, Liberian



**YOUNG REBELS TRAIN IN GBORPLAY, LIBERIA FOR CHARLES TAYLOR'S NATIONAL PATRIOTIC FRONT OF LIBERIA (NPFL) IN 1990.** In 1989 Charles Taylor and his National Patriotic Front of Liberia (NPFL) led a successful revolt against dictator Samuel Doe. When Doe was killed by a splinter group in 1990, Liberia plunged into a seven-year civil war that killed 200,000, while one million more fled to neighboring countries. (SOURCE: © PATRICK ROBERT/SYGMA/CORBIS)

National Union, Progressive People's Party, Labor Party, People's Democratic Party, Free Democratic Party, National Reformation Party, Reformation Alliance Party, and the Liberian Equal Rights Party—were organized as part of the post–civil war transitional process. Also, the True Whig Party reemerged after being banned during the Doe regime. In 2002 the New Democratic Alternative for Liberia Movement (The New DEAL Movement) became Liberia's eighteenth registered political party. The New DEAL Movement is unique because it is Liberia's first and only social democratic political party. Ideologically, the other seventeen political parties can be classified as conservative, moderate, and liberal.

Several independent interest groups made their debut on the Liberian political stage in the 1970s as a result of the Tolbert regime's policy of political liberalization. The Movement for Justice in Africa and the Progressive Alliance of Liberia were the two major national reform groups. Also, there were student, youth, and worker groups that transcended the boundaries of the sectional agendas of their constituencies and were active in national politics. For example, the Student Unification Party, the principal party at the University of Liberia during the 1970s and 1980s (except 1981), was very active in national parties. The Student Unification Party and the University of Liberia Students Union routinely addressed various national issues and served as societal watchdogs.

The 1990s saw the **proliferation** of non-governmental organizations concerned with various issues, including human rights, civic education, gender equality, and basic human needs. The proliferation of interest groups was precipitated by the first civil war, especially the imperatives to address an assortment of issues. The burgeoning increase in the number of interest groups continues in the early 2000s.

**proliferate:** to grow in number; to multiply at a high rate

In 1952 Liberia had multiparty elections. However, following the 1955 purges, noncompetitive elections were held under the direction and control of the ruling True Whig Party through 1980. The candidates for legislative and municipal offices were handpicked by the president and the barons of the ruling True Whig Party. In 1985 multiparty elections were held, but President Doe **perpetrated** fraud and declared himself the winner of the presidential elections. During the 1997 special elections, thirteen political parties contested. The National Patriotic party of Charles Taylor won the elections by more than 75 percent of the votes. Citizens' participation in the 1985 and 1997 elections was quite high.

**perpetrate:** to commit a crime or injustice

From the Tubman to the Taylor regime, political repression was the foundation of the authoritarian political systems established by the ruling presidents. Freedom of speech was suppressed, and those who dared criticize the government were harassed, imprisoned, tortured, forced into exile, and murdered. Particularly during the Doe and Taylor regimes, political disappearances and deaths were common. The Doe regime used the Special Anti-Terrorist Unit and the Taylor regime employed the Anti-Terrorist Unit as death squads. In its yearly assessment of human rights in the world, Freedom House has routinely classified Liberia as "not free."

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# Libya

The Great Socialist People's Libyan Arab Jamahiriya, better known as Libya, is located in central North Africa. It is bounded on the north by the Mediterranean Sea, on the east by Egypt, on the west by Algeria and Tunisia, and on the south by Chad, Niger, and Sudan. With a surface area totaling 1.76 million square kilometers (680,000 square miles), it is the fourth largest country in Africa and the fifteenth largest in the world.

An arid state, there is not a single permanent river or stream in the entire country, and only 2 percent of Libya receives enough rainfall for settled agriculture. Although the desert predominates in Libya, the country offers surprising geographical diversity. Less than 20 percent is covered by sand dunes, notably the Awbari and Marzuq Sand Seas in the southwest and Kalanshiyu and Rabyanah Sand Seas in the southeast, with much of the remainder covered by rocky or gravel plains.

With the exception of a few oases, the most productive agricultural areas are located on the coastal strip and the highland steppes behind it. The discovery of petroleum deposits in commercial quantities in 1959 dramatically altered the Libyan economy. Libya began exporting high-quality crude oil in 1961, and by 2004 some 90 percent of the country's revenues came from hydrocarbons. Libyan petroleum reserves are estimated to be between 30 billion to 35 billion barrels.

More than two-thirds of the Libyan population, which numbered only 5.6 million people in 2004, lives along the Mediterranean coast with approximately 50 percent of this number residing in Tripoli. The ethnic composition of the country's population is diverse and has changed considerably over the last fifty years. Most of the 30,000 Italians living in Libya at the end of World War II (1939–1945) were expelled by the government in 1970, although some of them later returned to work in the petroleum and related industries. Similarly, a Jewish population estimated to number 35,000 in 1948 had shrunk to almost nothing by the late 1970s. Of the Libyans remaining, more than 95 percent are of Arab or Berber stock with many of them descendants of the Arab tribes that occupied Libya more than nine centuries ago.

## NATURE OF GOVERNMENT

Situated at a crossroads of Africa, Europe, and the Middle East, Libya's strategic location has played a major role in its historical and modern development. Early African trade routes, many of which transited parts of Libya, ran from Central Africa through the Sahel—the western stretch of the Sahara Desert

(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

bordering on the Atlantic Ocean—to the North African coast. These trade links, coupled with Libya's location well into the Sahara Desert, help explain its long-time involvement in the affairs of central and eastern Africa. A tongue of land of the Libyan Desert, reaching almost to the Mediterranean Sea, has long divided Libya with its eastern half looking to the Mashriq (Eastern Islamic world) and the western part focused on the Maghrib (Western Islamic world).

At the conclusion of World War II, the Big Four powers (France, Great Britain, Soviet Union, and United States) recognized Libya's strategic importance both as a link to the Arab states of North Africa and the Middle East and as a springboard to other African states. Unable to agree after 1945 on a future course for Libya, they referred the issue to the General Assembly of the United Nations (UN). Under the terms of a 1949 General Assembly resolution, the United Kingdom of Libya, the first North African state to achieve statehood and the first state to emerge under UN auspices, was granted independence on December 24, 1951, under the reign of Muhammad Idris al-Mahdi al-Sanussi (1890–1983), a traditional religious leader.

The constitution adopted in 1951 established a hereditary monarchy with a **federal** state divided into the three provinces of Tripolitania, Cyrenaica, and Fezzan. Criticized from the outset, this arrangement was eventually replaced in

**federalism:** a system of political organization, in which separate states or groups are ruled by a dominant central authority on some matters, but are otherwise permitted to govern themselves independently

1963 with a unitary system that joined the three provinces into a united kingdom with a parliamentary legislature. Under the reign of King Idris, Libya could best be characterized as a conservative, traditional Arab state. In a period of mounting turmoil and radicalism throughout the Arab world, socioeconomic and political forces inside and outside Libya steadily increased the gulf between the traditional ruling elite and emerging new social forces and groups.

On September 1, 1969, with aging King Idris abroad for medical treatment, a group of young army officers, calling themselves the Free Unionist Officers Movement, overthrew the monarchy in a bloodless **coup** d'etat, initiating what became known as the One September Revolution. The Free Unionist Officers were led by a central committee of twelve men who later designated themselves the ruling Revolutionary Command Council (RCC). The members of the RCC shared similar backgrounds, motivations, and worldviews. Largely drawn from the lower middle class and minor tribes, most of them graduated from the Libyan Military Academy at a time when a military career offered excellent opportunities for upward socioeconomic mobility.

The composition of the RCC remained anonymous for a period of time, but within days, it announced that Muammar al-Qaddafi (b. 1942) had been promoted to commander in chief of the Libyan armed forces. Born near Sirte in northern Libya, Qaddafi was the only surviving son of a poor Bedouin family. First educated in Muslim schools, he later graduated from the Libyan Military Academy in 1965 and completed advanced military training in the United Kingdom. The RCC remained a relatively closed organization, but it was soon apparent that Qaddafi was its chairman and the **de facto** head of state.

### BASIS FOR GOVERNMENT

The RCC replaced the 1951 constitution with a constitutional proclamation in December 1969. The proclamation described the RCC as the highest authority in the land with both executive and legislative functions. It was empowered to take whatever measures it deemed necessary to protect the regime or the revolution. The 1969 constitutional proclamation also empowered the RCC to appoint a Council of Ministers to run the government. The council's function was to implement state policy as defined by the RCC. Initially intended to remain in force until the completion of the so-called national democratic revolution, the 1969 constitutional proclamation was expected to be replaced later by a permanent constitution. In the early 2000s this had not yet occurred, and the political system bore no resemblance to the one outlined in the proclamation. The RCC also continued a ban on the organization and operation of political parties first imposed by King Idris in 1952. Like many contemporary Islamic thinkers, Qaddafi rejected the political party system, not because it was incompatible with the Qur'an or Islamic law (Shari'a), but because he was unimpressed with party organization and competition.

On April 15, 1973, Qaddafi proclaimed a nationwide popular revolution based on a five-point program. Core elements of the program called for all existing laws to be replaced by revolutionary enactments, an administrative revolution to eliminate all forms of **bourgeoisie** and bureaucracy, and a **cultural revolution** to rid Libya of poisonous ideas. To consummate the revolution, Qaddafi urged the Libyan people to seize political power through people's committees, which were to be elected throughout the country on either a geographical and or a functional basis. Geographically, the creation of people's committees through direct popular elections began at the lowest level of government, the zone. The RCC also authorized the election of selected people's committees on a functional basis, for

**coup:** a quick seizure of power or a sudden attack

**de facto:** (Latin) actual; in effect but not officially declared

**bourgeoisie:** the economic middle class marked by wealth earned through business or trade

**cultural revolution:** a radical change in a culture usually caused by new ideas, events, or technology

example, in public corporations, universities, and hospitals; however, concerned that anarchy might develop, it prohibited the election of people's committees in government ministries.

Qaddafi began to give his radical approach to government a theoretical underpinning in 1972 with the development of what he termed the Third Universal Theory. In so doing, he attempted to develop an alternative to capitalism and communism, both of which he found unsuitable to the Libyan environment. Condemning the two as monopolistic, Qaddafi characterized communism as a state monopoly of ownership and capitalism as a monopoly of ownership by capitalists and companies. Initially, he grouped the Soviet Union and the United States together as **imperialist** countries intent on obtaining spheres of influence in the Arab world. Later, Qaddafi developed extensive cultural, economic, military, and political ties with the Soviet Union, but ideological affinity never played a significant role in their relationship.

**imperialism:** extension of the control of one nation over another, especially through territorial, economic, and political expansion

Qaddafi outlined the major tenets of the Third Universal Theory in the three volumes of *The Green Book* published after 1975. In the first volume, *The Solution to the Problem of Democracy*, he developed the political basis for the system of congresses and committees implemented throughout Libya in the first decade of the revolution. In the second volume, *The Solution of the Economic Problem "Socialism,"* he explored the economic dimensions of the Third Universal Theory, relating them to the new political system. The final volume, *The Social Basis of the Third Universal Theory*, focused on the social aspects of his theory of government.

On September 1, 1976, Qaddafi announced the creation of the General People's Congress (GPC), a national-level representative body. **Delegates** to the GPC are normally the chairpersons of the basic people's congresses, members of the municipal and branch people's committees, and the representatives of the people's committees elected on a functional basis. The number of delegates varies from session to session but generally approximates one thousand persons. Scheduled to meet annually, the GPC is the principal forum in which the plans, programs, and policies of the government are discussed and **ratified**. Formal ratification carries with it responsibility for policy implementation at the people's congress and people's committee levels. The general secretary of the GPC is the chief executive, and the general secretariat of the GPC is the chief executive's staff and advisory body.

**delegate:** to assign power to another, or, one who represents another

**ratify:** to make official or to officially sanction

On March 2, 1977, the revolutionary government issued the "Declaration of the Establishment of the Peoples Authority," which stated that direct popular authority would be the basis for the new Libyan political system. The declaration was not a constitution, as some observers suggested; nevertheless, its central principles related to the people's authority fundamentally revised the governmental structure outlined in the 1969 constitutional proclamation. The March 1977 declaration also changed the official name of Libya to the Socialist People's Libyan Arab Jamahiryia. *Jamahiriya* was a newly coined Arabic word that had no official meaning but was translated unofficially to mean "people's power" or "state of the masses." The revolutionary government used the term to convey the idea that the Libyan people rule themselves without interference from state institutions. After 1986 Libyan officials began to refer to Libya as the Great Socialist People's Libyan Arab Jamahiriya, but no official explanation was given for this slight change in nomenclature. Qaddafi became the general secretary of the GPC in 1977, and the remaining four members of the RCC composed its general secretariat. A General People's Committee was formed at the same time to replace the former Council of Ministers. Members of the General People's Committee were referred to as secretaries rather than as ministers.

## FAST FACTS

The Lockerbie Affair was a turning point in the worldwide response to terrorism; afterwards, many nations came together to form a joint resolution, marking the first time separate nations worked as one to effectively suppress international terrorist activities.

Revolutionary committees were another new **echelon** of government created in 1976 and 1977. Their existence was not widely known until 1979 when the GPC first described their official functions. The revolutionary committee system was established to raise the political consciousness of the Libyan people. Reporting to Qaddafi, members of the revolutionary committees were self-proclaimed zealots who became the true **cadre** of the revolution. As Qaddafi repeatedly emphasized, the people's committees were responsible for administrative matters, but it was the revolutionary committees that exercised revolutionary control.

Qaddafi remained the general secretary of the GPC until 1979 when he resigned to concentrate on what he described as revolutionary activities, adopting the new title, Leader of the Revolution. The former RCC members constituting the GPC general secretariat resigned their positions at the same time. Nevertheless, Qaddafi and his inner circle continued to control and direct the Libyan government after 1979. Despite the facade of popular participation in the system of congresses and committees, the Leader of the Revolution selects the members of the general secretariat of the GPC, all of whom serve at his convenience.

From the outset, the RCC had stressed that it planned to reform the Libyan judicial system within an Islamic context. In October 1971, the RCC formed a legislative review committee, composed of leading legal experts, to ensure existing laws conformed with the Shari'a. Two years later, it **promulgated** a law merging the existing civil and Shari'a courts into a single judicial system, consisting of four levels of **jurisdiction**. The partial court, which exists in most villages and towns, is the lowest level court with the court of first instance serving as a court of appeal for the partial court. Appeals courts in Benghazi, Sabha, and Tripoli hear cases referred from the court of first instance but have limited original jurisdiction. Finally, a Supreme Court, consisting of five chambers, sits in Tripoli.

The GPC appoints all judges. The U.S. Department of State Human Rights Reports consider Libyan courts to be under governmental control and note that security forces have the power to pass sentences without trial. Amnesty International continues to note the existence of unfair trials in partial courts. However, there is some evidence that, with the exception of political cases, judicial independence and due process are generally respected in ordinary **litigation**.

### POLITICAL LIFE UNDER THE REGIME

After more than three decades of revolution, over half the Libyan population knows no government other than that of Qaddafi. He is the oldest leader in the Arab world, in terms of years in office, and the oldest leader in the world, excepting Cuba's Fidel Castro. With a large percentage of the population sharing a vested interest in the status quo, political apathy is often the norm with many Libyans accepting an implicit trade-off between a lack of social and political freedom and a relatively high standard of living.

In addition, many Libyans have viewed Qaddafi's handling of the Lockerbie affair—in which Libya accepted responsibility for the actions of Libyan officials in the 1998 bombing of Pan Am flight 103 and agreed in 2003 to pay $2.7 billion in compensation to the families of the victims—as something of a diplomatic triumph. Others have remained optimistic about the positive economic results expected to come after 2003 when both the international **sanctions** imposed by the UN in 1991 and the bilateral sanctions imposed in 1986 by the United States were lifted. Much of the remaining domestic opposition, which was dealt

with harshly by the regime in the 1990s, came from Islamic **fundamentalist** organizations. International human rights groups in 2003 and 2004 documented hundreds of political prisoners or prisoners of conscience in Libya, some held without charge or trial for over a decade. Opposition outside Libya to the Qaddafi regime is located mainly in Europe and has been mostly limited to remote, ineffective criticism of the regime.

In short, Qaddafi's quixotic personality masks a relatively stable political system in which external policies are often linked to issues of domestic legitimacy. Frequent ministerial reshuffles continue to characterize the Libyan system of government, but changes to the government line-up seldom herald a substantive shift in the domestic political environment. On the contrary, they serve to underscore the continuing stability of the power balance in Libya and the dominant position of Qaddafi. Despite occasional signs of public discontent over issues like official corruption or the uneven distribution of resources, the vast majority of Libyans remain either generally supportive of Qaddafi or politically apathetic.

*See also:* Chad; Shari'a.

**fundamentalism:** a philosophy marked by an extreme and literal interpretation of religious texts and an inability to compromise on doctrine or policy
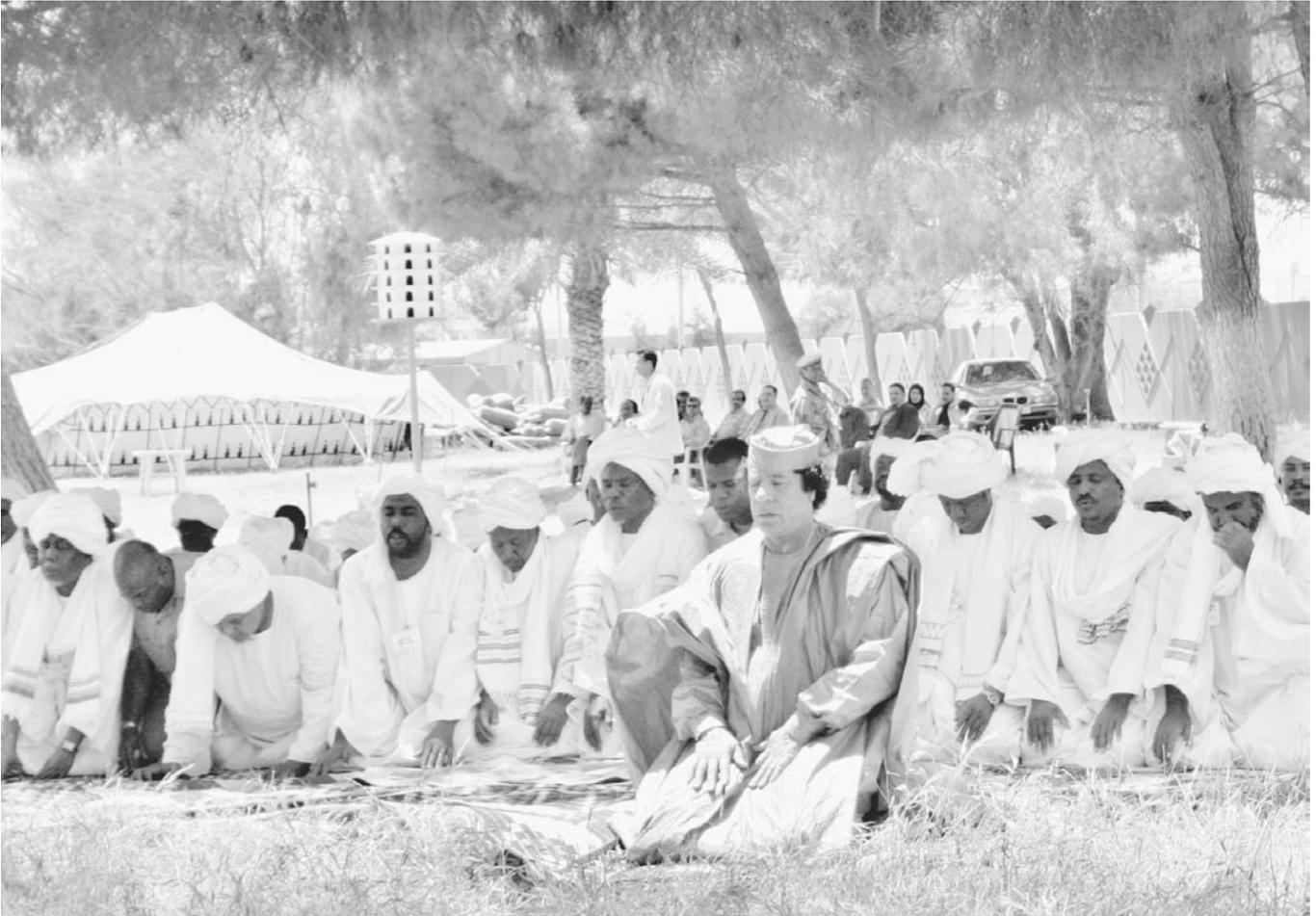


**DELEGATES FROM SUDAN GATHER IN TRIPOLI, LIBYA TO MEET WITH LIBYAN RULER MUAMMAR AL-QADDAFI, WHO LEADS THEM IN PRAYER ON MAY 9, 2005.** Socialist Libyan leader Muammar al-Qaddafi began his rule that has been marked with rabid Islamic nationalism and the institution of *Jamahiriya* ("state of the masses") along with his vilification of the West and backing of extremist terrorist groups. (SOURCE: AP/WIDE WORLD PHOTOS)

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## Liechtenstein

*See* European Microstates.

## Lithuania

The Republic of Lithuania, with a population of 3.5 million, is situated on the Baltic Sea. It has borders with Latvia, Belarus, Poland, and Russia. Maritime border issues continue to be a source of contention with Latvia.

Lithuania first organized as an independent state in the 1230s. By 1795 most of Lithuania had been incorporated into Russia. Attempts to restore a Lithuanian state (1794, 1830–31, and 1863) resulted in stricter Russian control.

After German occupation in World War I (1914–1918), Lithuania declared independence on February 16, 1918. Lithuanian independence continued until 1940, when the country was occupied by Russian troops after the Hitler-Stalin pact of 1939 and declared a constituent republic of the Union of Soviet Socialist

Republics (USSR). A proclamation of independence was reissued in 1990. The USSR demanded a repeal of the decree and attempted to overthrow the new Cabinet of Ministers in 1991 but failed.

A new constitution was **ratified** on October 25, 1992. The constitution is built on the foundation of the Lithuanian codes of law from the late sixteenth century and splits authority in Lithuania between the legislative, executive, and judicial branches of government. The split of authority provides a system of checks and balances for the branches. Lithuanians exercise supreme power either directly or through representation by elected officials as stated in the constitution. Any Lithuanian eighteen and older may vote in elections.

The legislative branch of government consists of the *Seimas*, or parliament. The *Seimas* is composed of 141 members who are elected to a four-year term on the basis of universal, equal, and direct voting by secret ballot. The *Seimas* enacts laws, announces presidential elections, approves presidential appointments, debates state issues, supervises government programs, appoints judges to the court system, and creates and abolishes government programs as necessary, among other tasks.

The president heads the executive branch of government. Lithuanians elect the president in free, direct, secret ballot elections. The president's primary roles include all matters related to foreign policy, the appointments of the prime minister and Cabinet of Ministers, and the signing of international treaties. The government of the republic is headed by the prime minister and the Cabinet of Ministers. Their duties include organizing the administration of the ministries, administering the affairs of the country, protecting the territory of the Republic of Lithuania, and ensuring state security and public order. The *Seimas* approves

**ratify:** to make official or to officially sanction

(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

appointments to prime minister and the Cabinet of Ministers as a check on the president's authority.

Like many Western European systems, the Lithuanian judiciary has several divisions: a constitutional court that hears only constitutional challenges to laws, judicial rulings, and executive decrees; a regular judicial hierarchy headed by a Supreme Court for ordinary civil and criminal cases; a Senate of Judges drawn from the membership of the Supreme Court that overturns court decisions that conflict with the European Convention on Human Rights; an administrative courts system for disputes about government actions and benefits; and a set of **arbitration** boards to hear various other disputes. The judiciary is independent, and Lithuanian citizens are able to exercise a full range of political and civil rights.

Lithuania entered the European Union (EU) on May 1, 2004. The transition to the EU highlighted problems of government corruption. A land-planning scandal in 2003 started a chain of wide-scale investigations, which led to the conviction of public officials and judges as well as the **impeachment** of the president in 2003. According to the Special Investigation Bureau in Lithuania, corruption occurs in 70 percent of public procurements. The **proliferation** of corruption affects many differing aspects of society, including education, health services, and economic development. Lithuania continues to work with the EU and the North Atlantic Treaty Organization (NATO) to address these concerns.

*See also:* Estonia; European Union; Latvia.

**arbitration:** a method of resolving disagreements whereby parties by agreement choose a person or group of people familiar with the issues in question to hear and settle their dispute

**impeach:** to accuse of a crime or misconduct, especially a high official; to remove from a position, especially as a result of criminal activity

**proliferate:** to grow in number; to multiply at a high rate

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## Luxembourg

The Grand Duchy of Luxembourg sits historically, politically, and linguistically at the intersection of the Romance and Germanic language and cultural communities, bordering the countries of France, Germany, and Belgium.

Luxembourg is a constitutional monarchy with a parliamentary system of government, although the Grand Duke retains somewhat more influence than do many other constitutional monarchs. In 1951 Luxembourg became a founding member of what eventually became the European Union (EU). In 2004 Luxembourg City was one of the three capitals of the EU and home to many of its institutions, including the European Court of Justice.

Luxembourg is landlocked and is 2,586 square kilometers (1,034 square miles) in area. Its estimated population in 2001 was 441,300. Traditionally, Luxembourgers have been a homogeneous people. In modern times, however, because citizens of the EU can live and work in any of its member nations, almost one-third of the labor force is made up of foreign workers. Luxembourg has a nearly 100 percent literacy rate and one of the highest standards of living in Europe.

Owing in part to its location, Luxembourg frequently has been subject to invasion. The country began a four-century period of foreign rule after the Duke of Burgundy conquered the area in 1443. The modern nation of Luxembourg traces its origins to 1815, when the Congress of Vienna created a buffer state from the region that now contains the modern countries of Luxembourg, Belgium, and the Netherlands. To appease Prussia, Luxembourg was separated from that state and transformed into an independent grand duchy and a member of the German Confederation of the Rhine. In 1867 Prussian occupation ended, and Luxembourg became a neutral and truly independent nation. In 1890 control of the Grand Duchy passed from Dutch kings to Adolphus, Duke of Nassau-Weilburg, from whose family the reigning Grand Duke still descends. In 1919 Luxembourg declared itself a parliamentary constitutional monarchy.

Luxembourg's Constitution was enacted on October 17, 1868. There is compulsory voting in parliamentary elections for all citizens over the age of eighteen.

The national parliament is known as the Chamber of Deputies; it has sixty deputies who are elected for a five-year term by means of universal suffrage and a system of proportional representation. After the June 2004 elections the Chamber of Deputies included members from five different political parties, although the nation's cabinet was formed by a coalition of the two largest parties, the Christian Social People's Party and the Socialist Workers' Party. Jean-Claude Juncker (b. 1954), leader of the Christian Social Party, became prime minister in 2004. In addition to the Chamber of Deputies, the Grand Duke appoints a Council of State (composed of twenty-one members) that advises the Chamber on all proposed legislation and has a very limited veto power.

The courts are separate and independent in Luxembourg and are based on the French model. The highest court is the Supreme Court of Justice. There are also two district courts, which serve as the courts of first instance (i.e., the entry court into the court system). In American usage the district courts would be called trial courts. In 1996 a constitutional court was

**FAST FACTS**

The ancient Saxon name of both the country of Luxembourg and its capital city means "Little Fortress," symbolizing its important strategic position as the so-called Gibraltar of the north.



(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

created. Although Luxembourgish is the language spoken at home, the language of the courts and the rest of the government is French.

*See also:* European Union; Parliamentary Systems.

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## Macau

*See* Hong Kong and Macau.

## Macedonia

Macedonia (officially called the Former Yugoslav Republic of Macedonia) is a mountainous country situated on the Balkan Peninsula of Europe. Macedonia borders Serbia and Montenegro, Bulgaria, Albania, and Greece and is home to just over 2 million people. Like several other Balkan countries, Macedonia has a substantial Muslim population (approximately 30%) with a remaining 70 percent identifying as Christian. Macedonia is ethnically diverse; Macedonians and Albanians are the two largest ethnic groups (64% and 25% of the population, respectively) and Macedonian and Albanian are the most widely spoken languages.

The 1913 Treaty of Bucharest partitioned the territory known as Macedonia among Serbia, Bulgaria, Albania, and Greece. The Serbian-controlled area of Macedonia became part of the newly formed state of Yugoslavia in 1919. Macedonia proclaimed independence on September 8, 1991, following the disintegration of Yugoslavia. International recognition of Macedonia's independence was delayed because of objections from Greece, due to the new country's use of what Greece considered a Hellenic name and symbols. Although Macedonia was admitted to the United Nations in 1993, the dispute between Greece and Macedonia has continued into the twenty-first century.

Macedonia has been plagued by continued ethnic tension, fed in part by the status of neighboring Kosovo. An armed insurgency by ethnic Albanians demanding greater civil rights ended with a cease-fire in 2001. The cease-fire agreement provided for the government coalition to expand and include the major opposition parties and called for constitutional and legislative changes that improved civil rights for minority groups.

At the time of its independence, Macedonia was the least-developed of the Yugoslav republics. Unemployment remains a critical economic problem, with an estimated one-third of the workforce unemployed in 2003. Although the country's leadership has shown commitment to economic reform, free trade, and regional integration, these issues have been overshadowed by the fragile political situation.

The Macedonian government is described as a parliamentary democracy. The government is based on the constitution adopted on November 17, 1991. In November 2001 the parliament approved a series of new constitutional amendments that strengthened minority rights.

The Macedonian government is divided into the legislative, executive, and judicial branches. The Macedonian legislature, called the Assembly, has one house with 120 seats. Eighty-five members are elected by popular vote within constituencies, and thirty-five members are chosen based on the percentage that a political party gains from the overall vote. Members of the Assembly hold four-year terms. Citizens of Macedonia are allowed to vote at the age of eighteen, and the right to vote is universal.

The executive branch is composed of a president and a prime minister. The president is elected by popular vote for a five-year term and serves as commander-in-chief of the armed forces. The prime minister is the head of government and is elected by the Assembly along with the cabinet, called the Council of Ministers.

The judicial branch is composed of a Supreme Court, a constitutional court, and the Republican Judicial Council. The judges for all courts are appointed by the parliament.

Personal security is a concern in Macedonia, where shootings, bombings, and kidnappings occasionally occur. Other problems include threats and attacks on journalists, human trafficking, organized crime, and police abuse (particularly of Roma, or Gypsies). Thus the implementation of constitutional and legal protection of individual rights remain problematic. Nevertheless, Freedom House rates the condition of citizen rights in Macedonia as improving, while still rating the country as "partly free."

*See also:* Greece; Kosovo; Serbia and Montenegro.

**regional integration:** the movement of economic or political power to a central authority from regional centers of power

(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

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## Madagascar

The Republic of Madagascar is located about 400 kilometers (250 miles) off the west coast of southern Africa in the Indian Ocean, east of Mozambique. It has a tropical climate along its narrow coastal plain and a temperate climate in its mountainous center. The country is the world's fourth largest island, slightly smaller than Texas. Among its modest natural resources are graphite, chromite, coal, bauxite, salt, mica, some semiprecious stones, and fish. The economy is overwhelmingly agricultural, with 85 percent of the population employed in farming of some sort. According to the *CIA World Factbook,* Madagascar had a population of nearly 17 million in 2003.

Once an independent kingdom, Madagascar became a French colony in 1885, before reestablishing its full independence in 1960. These negotiations for independence were led by President Philibert Tsiranana (1912–1978), who was firmly committed to maintaining positive relations with the West. In consolidating power just after independence, Tsiranana saw to it that his party, whose main source of support was the middle class, maintained political control of the country. This suppression of opposition parties combined with extended economic stagnation eventually led to high levels of political instability, with nationwide protests that included students, workers, and peasants.

These circumstances caused President Tsiranana to dissolve the First Republic and surrender control of the country to the Malagasy military in 1973. Didier Ratsiraka (b. 1936), a military officer and dedicated Marxist, took power and was elected president by referendum in 1975, receiving 95 percent of the vote. However, both the suppression of civil liberties and Ratsiraka's willingness to make capitalist economic adjustments eroded his base of support, until he was forced to hold new national elections in 1993. He lost to chief opposition leader Albert Zafy (b. 1927). Ratsiraka was then reelected in 1996 following allegations of Zafy's abuse of power and an economic crisis. Nonetheless, Ratsiraka was defeated again in a contested election, where after a brief electoral dispute Marc Ravalomanana (b. 1949) was declared the winner and Ratsiraka left the country.

Madagascar is a multiparty republican form of government based on French civil law and Malagasy traditional law, with universal suffrage for every citizen eighteen or older. Its constitution, adopted in 1992 and revised in 1998, gives extensive powers to the president, although in theory it divides power between the branches of government. The executive branch consists of the president, a prime minister chosen by the National Assembly and
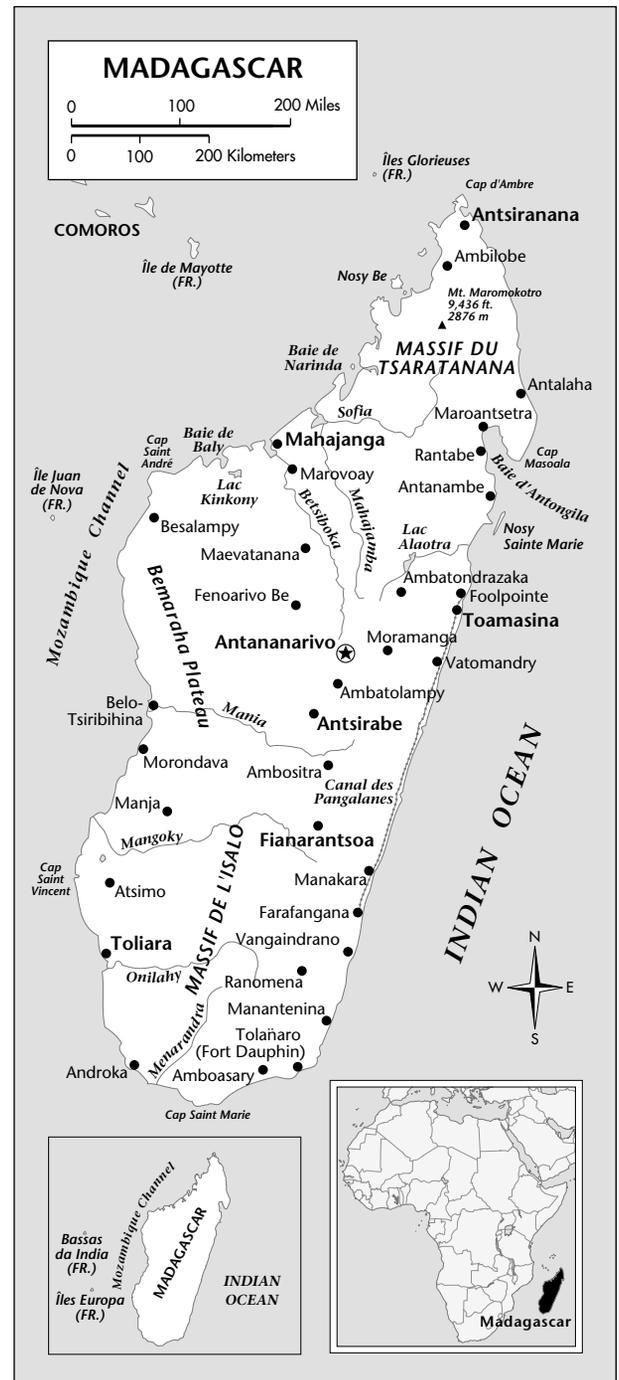


(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

approved by the president, and a Council of Ministers chosen by the prime minister. The legislative branch is bicameral, consisting of the National Assembly, which is directly elected, and the Senate, two-thirds of which is elected with the remaining third appointed by the president. As of 2004 the legislative bodies were dominated by a coalition of left-of-center political parties. The judicial branch features a Supreme Court, which has broad powers of judicial review. Several other lower courts also exist, reflecting a complex legal system stressing the importance of the rule of law. Built into the constitution of Madagascar are guarantees of freedom of the press and freedom of speech.

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## Magna Carta

There are few documents in Anglo-American constitutional history more sanctified than the Magna Carta. On its face, the document is a medieval charter commonly used to convey land, authorized in 1215 by King John of England (1167–1216) under threat of civil war from his barons. Since that date, significant constitutional principles have been attributed to the Magna Carta, even though it was a document drawn up in the midst of a violent political crisis by selfish men gifted neither with prescience nor political genius. Yet for many centuries historians and politicians have celebrated the date of its creation, and the venerable American Bar Association has erected a monument in England in its honor. Understanding the document's true importance depends on appreciating its historical context and limitations.

The nobles and others who met with King John and secured his agreement to sign the Magna Carta on June 15, 1215, were desperate men frustrated by repeated royal abuses and failures. Indeed, by that year King John had outraged virtually all of his most literate and important subjects, including the clergy, nobility, and merchants. He had insulted Rome by confiscating church lands, insisting that clerics accused of crimes be tried in royal courts, and resisting the selection of a new Archbishop of Canterbury in 1204. Successive popes responded to these actions by placing an **interdict** on England that denied the populace any sacraments except baptism and last rites. The interdict remained in effect for seven years, finally reaching a crisis point when John himself was excommunicated from 1209 until 1213. Never before had any English king allowed relations with Rome to degenerate into such a lengthy impasse.

John's barons were angry because he had abused traditional feudal contracts in numerous ways. Too frequently, he had charged them fees known as feudal aids and reliefs, which had previously been limited to occasional moderate assessments. To make matters worse, the military campaigns by which John justified these exorbitant charges were uniformly unsuccessful, including the loss of Normandy, which had been held by English kings since the conquest of 1066. He tried and failed repeatedly to reclaim it, and ultimately his rival,

**interdiction:** a prohibitory decree, especially to halt trade between two nations

King Phillip of France, forced John's barons, who for generations had held land in both England and Normandy, to choose between loyalty to one country or to the other, causing them to lose land and wealth. Furthermore, John had continued the policy of his grandfather, Henry II (1133–1189), requiring that most civil disputes be tried in royal courts superseding baronial courts.

Merchants were upset that the king's poor diplomacy and unsuccessful wars had not only cost them tax revenue, but also had inhibited their business dealings abroad. They were further offended at his constant interference in the self-governance of London and other cities. John's inept administration, his perceived tyrannies, and his excessive taxation burdened many and resulted in such a loss of prestige that the powerful and wealthy joined forces against him. Their alliance was fragile and might not have endured lengthy royal resistance to their terms, but John signed the document they proposed. Although he immediately repudiated it, his signature did save the nation from internecine war. He died soon thereafter on October 19, 1216. At his infant son's succession, his regents felt it prudent to reissue the Magna Carta. Over the following century its main principles were absorbed into statutory laws.

The document that emerged from these **dissident** groups reflected each of their complaints and, most remarkably, forced the king to acknowledge error. The original text was written in Latin as a solid block of run-on clauses that were not divided into convenient chapters or subjects. Contemporaries named it "magna" not because of its significance, but because of its great length. Later versions divided the text into sixty-three randomly ordered headings falling into four major categories. The first assured the liberties of the English Church, the second stipulated that land tenures were secure, the third modified the administration of royal justice, and the fourth contained a variety of provisions for merchants, townspeople, and others.

John promised the church that he would not interfere with its elected officials, their duties, and their lands. He acknowledged to his barons that he had violated the restraints of the feudal contract by which they held their land, and he swore that he would respect the **reciprocal** nature of the feudal relationship by convening them to consider extraordinary revenues. John agreed to locate his major civil court in a single place rather than require it to follow him. He also promised to make proceedings of the king's court, known as assizes, available by a regular circuit of justices. Curiously, at the very moment when the barons might have destroyed royal justice and asserted their **hegemony**, they maintained its viability. The barons also wrung from John's reluctant hand an agreement whereby they might not be legally prosecuted without the common consent of their "peers," a phrase subsequently interpreted by many as the root of the jury system and parliamentary government. Finally, the king promised to respect the rights and privileges of urban charters and royal forests.

The Magna Carta might have declined into obscurity had it not been for the violent constitutional conflicts that erupted in the seventeenth century. Beneath the surface of its sixty-three provisions is an implied bond between lord and vassal that some later observers argued created a new relationship between the king and society. In 1628 Sir Edward Coke (1552–1634), Chief Justice of the Common Pleas, maintained that the Magna Carta had established restraints on royal power, and Anglo-American polemicists asserted that it had introduced cherished individual freedoms such as trial by jury, the assurance of swift **adjudication** according to recognized law, and "no taxation without representation." Furthermore, some have credited the Magna Carta with planting the seeds of constitutional government replete with representative institutions

**dissident:** one who disagrees with the actions or political philosophy of his or her government or religion

**reciprocity:** mutual action or help that benefits both parties

**hegemony:** the complete dominance of one group or nation over another

**adjudicate:** to settle a case by judicial procedure

**redress:** to make right, or, compensation

that protect individuals and private property against arbitrary rule. Other scholars, however, acknowledge that the Magna Carta represented a dynamic seed from which much has grown, but make more circumspect claims regarding its influence. What is indisputable is that a medieval document established royal error, promised **redress** under the law, and did so in writing. Without question, this document created a dramatic political symbol for the future.

*See also:* Juries.



**REPRODUCTION OF THE MAGNA CARTA.** Latin for "Great Charter," the Magna Carta contains sixty-three clauses originated by King John of England who sealed it on June 15, 1215. Originally created to restrict the powers of the English monarchy, the charter set a foundation for not only England's government but also later for the U.S. Constitution. (SOURCE: © BETTMANN/CORBIS. REPRODUCED BY PERMISSION.)

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# Majoritarian Party Systems

Majoritarian party systems seem to organize the best links between people and government. They provide a choice to citizens in elections, unlike single-party systems in which decisions may be made rapidly and efficiently, but in an authoritarian manner by an elite group. Majoritarian party systems are able to function efficiently without the obligation of cutting complicated deals, as occurs in multiparty systems in which no one party has a clear majority. One danger of multiparty systems may be the slowness with which decisions are made; another is the fact that the people may play little part, if any, in the deals that party leaders have to make to achieve needed compromises. Majoritarian party systems thus appear to avoid the drawbacks inherent in either of the other two systems.

The majoritarian party system exists in Great Britain, where it was, so to speak, invented or, perhaps more accurately, "stumbled on." It spread to many Commonwealth nations as well as other countries, such as the United States. The formula is not always pure, however, and the system has often degenerated, for instance, in many African Commonwealth countries, to a single-party system (as seen in East Africa), to military rule (witness West Africa), or to a mixture of both, jointly or successively.

Nevertheless, it was not entirely by accident that Great Britain first, and many Commonwealth countries subsequently, adopted the majoritarian party system. This development resulted from the reinforcement, at times brutal, of a rather simple—indeed dichotomous—structure of **social cleavage** through the "first past the post" electoral system, in which a candidate wins by simply having more votes than the others. In Great Britain the original structure dictating social cleavage between the Tories and Whigs was almost tribal, but it eventually took on an **ideological** slant in the late seventeenth century when loyalty to a particular branch of the royal family came to be at stake. A certain conception of the role of the monarch in the political system was then associated with such a distinction: This naturally evolved into opposition between conservatives and liberals in the nineteenth century. The distinction was, in turn, superseded by the division between conservatives and labor, the rapid industrialization in England during that century having contributed to the strong rise of trade unions and demands for social change.

Nevertheless, passage to this last cleavage would not have taken place had it not been markedly helped by the electoral system. Under the first past the post system, a split is lethal to a party, and yet this is precisely what the Liberal Party did, partly on personal grounds, during World War I (1914–1918). The

**social cleavage:** a division of membership in or voting for a political party, based on social class

**ideology:** a system of beliefs composed of ideas or values, from which political, social, or economic programs are often derived

**proportional system:** a political system in which legislative seats or offices are awarded based on the proportional number of votes received by a party in an election

Labor Party was formed, and as early as 1923, it became the only realistic alternative to the Conservative Party. In contrast, on the European continent, **proportional representation** enabled traditional liberal parties and other "centrist" forces to remain significant: proportional representation was indeed introduced in Belgium to specifically prevent the demise of the Liberal Party and stem the rise of the Socialist Party.

Great Britain exported to the Commonwealth and other countries, including the United States, the notion that a majoritarian party system, ideally a two-party model, would provide the most "responsible" form of government. It was believed that such a system would enable voters to have a say in which party wielded power. It was also expected that such a system would ensure that government policies at least broadly represented the desires of the majority of voters: If this turned out not to be the case, citizens could use the ballot box to replace one party by the other. Those parties that did not follow the "line" of the majority of the electorate would therefore pay a price. It was believed that the fear of having to pay such a price would induce all parties to behave in the "correct" manner.

However, even in the Commonwealth and the United States, this idealized model did not always result in such a responsible two-party system. This was so even when the British electoral system was adopted. First, only one main cleavage could exist, and that cleavage had to be the same across the nation: If there was more than one major cleavage and if in some areas the cleavage was different from that which was relevant in other areas, the party system would not be majoritarian, even with a first past the post electoral system. This was the case when profound cultural differences existed, as in Canada. The result would be not a two-party system, but a party system fragmented geographically. As a matter of fact, the two-party system could exist in name only, if attitudes and the political culture differed sharply from one part of a country to another: This was traditionally the case in the United States, with the Democratic Party divided between North and South. It has even been suggested that at times, in the United States, almost as many parties existed as there were states.

Not surprisingly, the "textbook" two-party model has tended to take roots more easily in relatively small countries, like those of the Caribbean, rather than larger countries. Nevertheless, exceptions do exist, such as Australia, if the **coalition** formed between the Liberal Party and the National Party is regarded as being, at the federal level at least, one party only.

**coalition:** an alliance, partnership, or union of disparate peoples or individuals

Significant variations from the British model, even in the Commonwealth, have thus occurred if cleavages are numerous and so profound that the system itself cannot give rise to two sizeable parties only. Variations in the other direction have also transpired, that is to say, toward a party system in which one party is so dominant that no alternative may exist. This phenomenon occurred rather widely, either when the single-party system was on the way out, as has been the case in some African countries, both within and outside the Commonwealth, or when the dominant party does not even need to impose total control, as was the case in Mexico for decades with the Institutional Revolutionary Party (PRI). In fact, a similar circumstance existed for decades in eighteenth-century England when the Whigs exercised almost total dominance.

Majoritarian party systems may thus not always have the "balanced" characteristics that come to be expected in an ideal two-party system. Perhaps more troubling is the fact that the two-party system, even in its near-ideal form, does not always have, and perhaps has had less and less frequently, the consequences it was expected to have in terms of the relationship between rulers and the ruled. Scholar Anthony Downs suggested that a pure two-party system would lead to both parties proposing the same centrist policies, as each would wish to

attract the support of key middle-of-the-road voters in order to obtain a majority. However stylized this approach seems to be, it has corresponded to the dynamics of party policy development in many two-party systems and even in party systems in which the two main parties did not occupy the entire political spectrum, as in Germany, or in those systems in which two coalitions, rather than just two parties, presented themselves to the electorate, as in France.

Such an interpretation of the political dynamics of two-party systems may be somewhat one-sided in that, since the 1980s, right-wing parties have been able to move further to the Right with electoral **impunity**, while left-wing parties have had to move to the Right to "catch up." This occurred in Great Britain, the United States, and parts of the European continent. Thus, both parties or coalitions are fairly similar to each other, but as part of a common movement, in this case to the Right.

It seems reasonable that in a majoritarian party system, the two parties or coalitions should remain close to each other. However, this has serious implications for the role of elections and for the part that voters can play in elections. On the one hand, the majoritarian system as it develops in the Downsian interpretation becomes more open to issues than the majoritarian party system based on a neat cleavage between voters and their party. On the other hand, if there is little

**impunity:** an exemption from punishment



**HOUSE OF COMMONS IN LONDON, ENGLAND.** Great Britain, the first country to institute the majoritarian party system, is the home of the House of Commons. The House of Commons is the meeting place of the 646 members of the United Kingdom's lower house of parliament, all of whom are elected officials representing a specific electoral district. (SOURCE: © JAN BUTCHOFSKY-HOUSER/CORBIS)

choice between the parties, it is no longer clear whether voters are likely to be satisfied with the outcome of elections: The superiority of the responsible party system will therefore fall into question.

The saving grace of the majoritarian party system may be that it never fully operates in practice along the lines of the Downsian model, partly because voting remains tied to both loyalties and issues—that is to say, voters are never truly rational. In addition, there is never, or almost never, just one cleavage and key personalities, whatever their limitations, further complicate the equation. This makes it possible to claim with some justification that majoritarian party systems are the best—or least bad—means of rendering rulers at least partly accountable and of inducing these rulers to pay some attention to the views of the ruled.

*See also:* Political Party Systems; United Kingdom; United States.

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## Malawi

Located in southeastern Africa, the landlocked country of Malawi remained in the early twenty-first century one of the poorest in the world. In addition to constraints imposed by relatively limited endowments and high population density, Malawi has one of the highest rates of HIV infection in the world, with upwards of 15 percent of its 15 million people infected as of 2004. The country also faces the challenge of sustaining and deepening the democratic system of governance inaugurated in 1994.

The British formally took control of colonial "Nyasaland," as Malawi was then known, in 1891. Anticolonial agitation began in earnest in the mid- to late 1950s. During this period Hastings Kamuzu Banda (1898–1997), a wealthy doctor, returned to his native country to lead the struggle against British rule. Malawi became an independent country in 1964. Although the new country inherited a constitutional framework that imposed limits on government officeholders, Banda crafted an authoritarian regime ensuring his political dominance. By 1970 he was constitutionally named President-for-Life, the Malawi Congress Party (MCP) was the only political party, and all institutional checks on the president's power had been removed. A highly repressive political system developed in which dissent was ruthlessly suppressed, but stability endured until the early 1990s.

In the early 1990s Banda's authoritarian regime came under pressure for reform from both international and domestic actors. In the wake of calls for political change made by the Catholic Church in 1992, two internal groups, the United Democratic Front (UDF) and Alliance for Democracy (AFORD), surfaced and pushed for democratic reforms. In 1993 a referendum was passed that moved the country from a single- to multiparty system. In the 1994 election Bakili Muluzi (b. 1943) of the UDF assumed the presidency under a new constitution.

Under the 1994 constitution, power is divided between a popularly elected president and a legislature consisting of a National Assembly with members elected from single-member constituencies. Constitutional provisions for a senate were removed in 2001. Passage of legislation requires the cooperation of both branches of government. Although in practice most power lies in the hands of the president, since 1994 the governing party has at times lacked a clear majority in the Assembly. This has occasionally made it difficult for that party to pass legislation and, more important, garner the two-thirds legislative support needed for constitutional amendments. The constitution also provides for an independent judiciary. The president appoints judges to the Supreme Court on the recommendation of a Judicial Service Commission. The president can remove judges only on charges of incompetence or misbehavior and with the support of the legislature. As of 2004 the courts have displayed a willingness to exercise their authority independent of other powerbrokers.

Malawi's success as a democracy has been somewhat mixed. The country has undergone three multiparty elections, and in 2004 it witnessed the handover of power from Muluzi to his successor, Bingu wa Mutharika (b. 1934), also of the UDF. Civil groups are very active in national political issues, although their presence and impact at the grassroots level of society are more limited. Other important players include foreign donors who have at times been critical of government actions that appear to threaten the young democracy. These actions have raised real questions about the prospects of the long-term survival and deepening of democracy in Malawi. Efforts to amend the constitution to allow Muluzi to seek a third term in office in 2004 (which were ultimately unsuccessful) generated some political violence and the intimidation of government opponents. Further, losers in the last two elections have lodged challenges in court shortly after their defeats. Although this suggests some faith in judicial institutions, it also indicates that faith in the outcomes of balloting is limited.



(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

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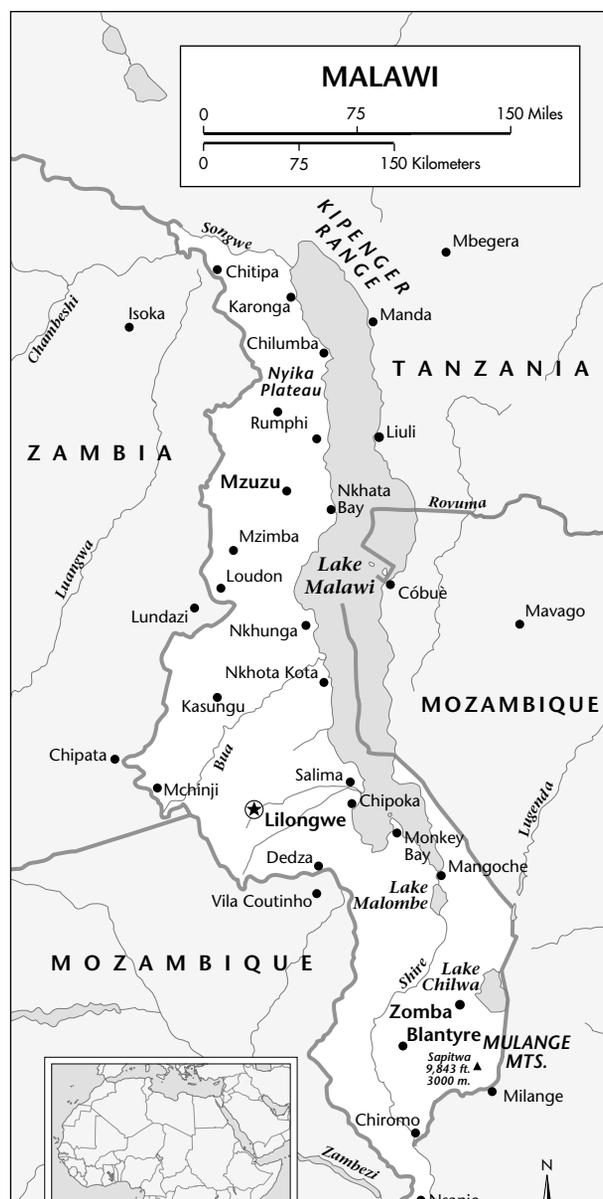
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# Malaysia

Malaysia consists of a peninsula, which makes up the southernmost portion of the landmass of Southeast Asia, and the northern quarter of the island of Borneo, apart from Brunei. It extends south nearly to the equator, and the climate is tropical. Its closest neighbors are Singapore and Indonesia to the south and Thailand to the north. The Straits of Malacca, which connect the Indian Ocean to the South China Sea, constitute Malaysia's most important geographical feature.

The Straits have long been a strategically important and commercially valuable waterway and have attracted traders, settlers, and colonists and have contributed to Malaysia's multiethnic population. With approximately 25 million citizens in 2005, Malaysia's ethnic composition is 65.1 percent Malays (the dominant ethnic group) and other indigenous peoples, 26 percent Chinese, 7.7 percent Indians, and 1.2 percent other ethnic backgrounds, according to its national census.

Language and education issues have been divisive in the past but are no longer contentious except occasionally over the issue of Chinese primary education. The economic disparity among the groups, with the minority groups holding a share of the wealth disproportionate to their numbers, has been a major source of friction. However, that disparity has been largely eliminated by a policy of ethnic economic preferences (akin to affirmative action). The primary remaining division between the groups is religious. All Malays and a few others are Muslims, and in the 2000 census they comprised 60.4 percent of the total population. Other religions practiced include Buddhism, Christianity, Hinduism, Confucianism, and Taoism.

## HISTORY

Although the peninsula was under the nominal influence of the Sultanate of Malacca from the 1400s, control was loose, and the peninsula was divided into a number of territories run by various feudal rulers and chiefs. When the British decided to exert control over the peninsula, which was divided into the Federated and Unfederated Malay States, they ruled indirectly behind the nine hereditary rulers. This approach made British rule more acceptable, and in fact, the Malay rulers and **aristocracy** remained loyal to the British until the twilight of colonial rule. For the strategically important Straits Settlements (Singapore, Malacca, and Penang), British rule was direct. Meanwhile in Borneo, the British North Borneo Chartered Company controlled present-day Sabah from 1882 to 1946, and the Brooke family (the "White Rajahs") ruled Sarawak from 1841 to 1946. Britain then took responsibility for these territories until their incorporation into Malaysia in 1963.

The British, with the collusion of the Malay aristocracy, were responsible for creating the multiethnic composition of the country by facilitating the recruitment of Chinese laborers for the tin mines and Indians as tappers for the rubber

**aristocracy:** a ruling financial, social, or political elite

(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

plantations. A policy was instituted to "protect" the feudal way of life of the Malays, with the result that at independence, the Malays were the least educated, most rural, and poorest of the ethnic groups.

World War II (1939–1945) and Japanese occupation served to awaken Malay nationalism and set in motion a process of gradual self-government leading to independence. The Federation of Malaya (1948) combined the nine Malay states with Penang and Malacca. Singapore, with its large Chinese population, was made a separate colony. In 1957, Malaya became independent in a peaceful transition of power. The first prime minister was Tunku Abdul Rahman (1895–1960), the leader of the United Malays National Organization (UMNO), the dominant Malay political party.

Between 1948 and 1960, the British and Malayans fought "the Emergency" against a mainly Chinese communist guerrilla insurgency, which directly cost about eleven thousand lives before the insurgency was defeated. By the early 1960s, the British were eager to disengage from Singapore and their responsibilities in Borneo. In 1963 Malaysia came into existence, comprising Malaya, the Borneo states of Sabah and Sarawak, and Singapore (oil-rich Brunei opted out). However, relations between Malaya and Singapore soured over ambiguities in the federation agreement. After two serious race riots in Singapore in 1965, Singapore was abruptly expelled from Malaysia.

## MAJOR POLITICAL LEADERS

Tunku Abdul Rahman remained as prime minister until 1971, although after devastating ethnic clashes in May 1969 that led to a state of emergency, effective power resided with Tun Abdul Razak (1922–1976), his deputy and then successor. Tun Razak was responsible for realigning politics by forging a nearly grand coalition, the *Barisan Nasional* (BN), which, led by UMNO, still ruled in 2005. He also initiated the New Economic Policy (NEP), designed to redistribute wealth in the country by providing preferential opportunities for Malays to eliminate the identification of race with economic function. A key feature of the NEP was that redistribution would only take place in a growing economy, so that while the Malays would catch up relatively, all groups would enjoy an expanding economic pie.

**nationalism:** the belief that one's nation or culture is superior to all others

**insurgency:** a rebellion against an existing authority

**coalition:** an alliance, partnership, or union of disparate peoples or individuals

The next leader to have a major impact on Malaysia was Mahathir Mohamed (b. 1925), who served as prime minister from 1981 until 2003. Mahathir was noted for his vision and determination in pushing an industrialization policy and guiding Malaysia toward developed country status. Under Mahathir, Malaysia enjoyed rapid economic growth, rising standards of living, and extensive modernization. Mahathir was also able to institute a moderate Islamization policy that helped counter the appeal of the fundamentalist Partai Islam Se-Malaysia (PAS). Unfortunately, Mahathir is also responsible for consolidating executive power, destroying the independence of the judiciary, allowing extensive corruption, and for undermining **democratization**, the **rule of law**, and civil society.

**democratization:** a process by which the powers of government are moved to the people of a region or to their elected representatives

**rule of law:** the principle that the law is a final grounds of decision-making and applies equally to all people; law and order

### THE NATURE OF THE GOVERNMENT

In form, Malaysia is a federation, like the United States, but the powers given to the states are very limited. Malaysia has a parliamentary system of government nominally headed by a constitutional monarch. There are two houses

**SULTAN ABDUL SAMAD BUILDING IN MERDEKA SQUARE IN KUALA LUMPUR, MALAYSIA.** The Sultan Abdul Samad Building is home to Malaysia's highest court, the Federal Court. Nine judges, including a chief justice and a Court of Appeals president, embody the court as chosen by the country's head of state, the Yang di-Pertuan Agong (Paramount Ruler, named by sultans to a five-year term). (SOURCE: © PAUL RUSSELL/CORBIS)

of parliament: an elected lower house and an appointed senate (which, like Canada, has few powers). The role of parliament is to pass laws. Parliament is led by the party or parties that control a majority in parliament, as decided in periodic elections, and forms the government. Party discipline, which is strictly enforced in Malaysia, ensures that the government maintains its majority. In this system, with a consistently large majority, most power in fact resides with the executive, and the nature of the government would most accurately be described as "prime ministerial government."

Government in Malaysia is based largely on the Malayan Constitution of 1957, along with the amendments enacted with the formation of Malaysia in 1963. Although Malaysia's political system was modeled after Britain, where parliament is supreme, the constitution proclaims that it is supreme. Further, the constitution established a modified separation of powers in that certain powers, including judicial review, were allocated to the courts.

**judicial review:** the ability of the judicial branch to review and invalidate a law that contradicts the constitution

Most clauses in the constitution in Malaysia may be amended by the approval of at least two-thirds of the members of each house. There are some exceptions that have been "entrenched" in the constitution, for example, those concerning the powers of the rulers, which require the approval of the Conference of Rulers to amend. Because the same dominant parties of the governing coalition have ruled Malaysia since before independence and have always controlled more than two-thirds of the seats in both houses, amending the constitution has been simple, and Malaysia has one of the most frequently amended constitutions in the world.

There are two rather unique features of the constitution, both of which grew out of Malaysia's history. First, it was decided at independence that Malaysia should have a king, rather than just the nine separate state Malay rulers. Accordingly, the Conference of Rulers decide among themselves who should be king for a five-year term, and the kingship rotates among the rulers.

The second unusual feature of the constitution are the explicit provisions protecting Malay rights and privileges, which developed out of colonial policy. There are articles protecting the national language (Malay), Islam, the position of the rulers, and, for the Malays, a proportion of the civil service jobs, certain reserved occupations, scholarships, and land reservations. These were part of the bargain struck with the non-Malays in return for the granting of jus soli (i.e., citizenship in a country by right of birth).

## POLITICAL LIFE: WHO GOVERNS?

In legal principal, the constitution, which is supreme, defines the parameters and mechanisms of government and the division of powers and responsibilities between levels of government and between the government and the people. The courts act as the guardian of the constitution. The constitution designates parliament as the law-making body of government, whose acts are sanctioned by the royal assent of the monarch, based on the advice of the elected government.

In actual practice, Malaysia has always had a strong executive, because of the electoral dominance of the ruling coalition and rigid party discipline. Parliament has correctly been viewed as a rubber-stamp institution: With little discussion it automatically passes the bills put forward by the governing executive. Early on it provided a forum for the opposition, but increasingly the opposition has been stymied by rule changes limiting its time, and government control of the media has muted its parliamentary voice. Parliament is held in such low regard that members of parliament, and especially ministers, constantly have to be reminded that they must attend sessions.

Despite a strong tilt in favor of the power of the executive, when Mahathir became prime minister in 1981, he felt threatened by the monarch and hemmed in by the judiciary. He thus engaged in two quite controversial contests for power between 1983 and 1989.

The constitutional monarch is expected to take the advice of the government and not withhold his assent to bills, except in cases involving the rulers, in which his consent is necessary. However, the constitution assumed but nowhere stated that the monarch must accept advice and must not withhold royal assent. Faced with the likelihood that the next king would be the Sultan of Johor, widely viewed as unpredictable, the government decided to close all the ambiguities allowed by convention through a constitutional amendment. However, the outgoing king opposed the amendment and, with the approval of the Conference of Rulers, withheld his assent, thus creating the very constitutional crisis that was feared.

After months of tensions, with the rulers **intransigent** and the government attacking them with exposés of royal extravagance and threats to end the feudal system, a compromise was reached that filled most of the legal loopholes, but left the royal houses with some face-saving measures.

A more serious crisis occurred with Mahathir's destruction of the independence of the judiciary in 1987 and 1988. Mahathir, who could impose his will over the cabinet and parliament, became increasingly frustrated at having his actions blocked at times by the courts, and he accused the courts of **infringing** on executive power, trying to usurp power, and thwarting the will of the majority. When his political party, UMNO, split and its vast corporate assets were up for grabs, Mahathir began to shear away the powers of the courts.

In March 1988, with little publicity, parliament quickly passed the Federal Constitution (Amendment) Act 1988. This far-reaching amendment changed the political system. Henceforth, the powers of the judiciary would no longer be embedded in the constitution but rather conferred by parliament through **statutes**. Further, the High Courts were stripped of the power of judicial review (the power to pronounce on the constitutionality and legality or otherwise of executive acts). When the Supreme Court still seemed noncompliant, the Lord President was dismissed and five (of nine) Supreme Court judges were suspended. The revamped Court then voted to give the UMNO assets to Mahathir's "New UMNO" faction. Members of the Bar Council expressed shock at how easily the judiciary's constitutional protection was stripped.

### ELECTIONS AND POLITICAL PARTIES

Parliamentary elections must be held at least every 5 years but can be called earlier by the government. State elections are normally held at the same time. National elections have been conducted regularly in Malaysia since 1955. Although there are significant obstacles put in the path of the opposition, including severe restrictions on campaigning and a lack of fair access to the media, the conduct of elections has generally been without intimidation of voters or balloting fraud.

Malaysia has a dominant party system: Many parties legally compete, but the same one wins every time. There are two unusual aspects to the party system in Malaysia. First, all the major parties are ethnically based, and multiethnic parties have enjoyed virtually no electoral success, yet the country has been ruled since independence by a permanent coalition of ethnic parties (the Alliance/BN), always including the primary Malay, Chinese, and Indian parties. A second unusual feature is that one party, the Malay-based UMNO, clearly dominates the ruling coalition, has provided every prime minister and deputy prime minister, and controls all of the important ministries. Except following the 1969 elections, when

**intransigent:** an inability compromise or to deviate from principle

**infringe:** to exceed the limits of; to violate

**statute:** a law created by a legislature that is inferior to constitutional law

Malaysia's worst ethnic riots led to the suspension of the constitution and a state of emergency, the Alliance/BN coalition has always had at least a two-thirds majority in parliament. In March 2004, the BN won a landslide victory: 90 percent of the seats with 64 percent of the popular vote.

The two major opposition parties are the Islamic Party of Malaysia (PAS), a Malay party, and the Democratic Action Party (DAP), multiethnic but overwhelmingly Chinese. PAS, which is becoming increasingly conservative and theocratic, campaigns for Islamic law and the creation of an Islamic state and competes directly against UMNO. The DAP, which seeks more ethnic equality and democratization, competes primarily against the BN's Chinese and Indian parties. Neither has been able to make much headway against the BN, which controls the entire political center with its support for civil law, religious moderation, political stability and economic growth.

### PARTICIPATION, INTEREST GROUPS, AND CIVIL SOCIETY

Relatively high voter participation in elections (in 2004, some 72.77% of registered voters cast their ballots for the seats contested) is partly due to the existence of strong party machinery. There are numerous restrictions on participation. The Societies Act requires that all associations of seven or more members be registered and approved, and this approval can be revoked. The government has tolerated, albeit ignored, most domestic non-governmental organizations, including those focusing on human rights. International non-governmental organizations, however, have usually not been allowed to set up offices in Malaysia.

### PERSONAL SECURITY AND HUMAN RIGHTS

For most people, personal security, meaning freedom from torture, imprisonment, disappearance, or death, is protected by the state. People do not disappear in the night, and politics is mostly nonviolent. Generally, the human rights of Malaysians are respected. There are concerns about the impartiality of the judiciary and restrictions on various freedoms, and in two areas there are serious problems. The first problem is police abuse—there are consistently unexplained deaths in apprehending suspects and while in custody and cases of mistreatment of detainees. The second problem is the repression of political opponents through the use of the Internal Security Act (ISA), which allows for detention without charge or trial of persons. Former Deputy Prime Minister Anwar Ibrahim (b. 1947), who challenged Mahathir for political power, was originally arrested under the ISA and remained in prison until September 2004. The leader of the opposition in parliament in 2004 spent several years in detention, and the son of the leader of PAS in 2004 was in detention under the ISA.

Thus, although Malaysia has made considerable progress as an economically dynamic, progressive, and moderate Muslim-majority state, democratization is incomplete and authoritarian tendencies remain.

*See also:* Constitutions and Constitutionalism; Singapore.

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## MALAYSIAN DEVELOPMENT AND GLOBALIZATION

From the 1980s until the Asian financial crisis in 1997 and 1998, Malaysia enjoyed rapid economic development, with its gross domestic product (GDP) growth averaging almost 8 percent a year. Manufacturing increased from 14 percent of GDP in 1970 to 30.4 percent in 2002. The GDP grew by an average of 4.7 percent between 1999 and 2003 (pulled down by 0.4% growth in 2001), and estimates for 2004 were 6 percent.

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## Maldives

The Republic of the Maldives is located in the Indian Ocean, the south-southwest of India. The Maldives comprises approximately 1,200 coral islands, grouped into twenty-six atolls, and covers an area of 300 square kilometers (116 square miles). The capital and most populated city of the Maldives is Male.

The Maldives long lived independently, with the exception of the period between 1556 and 1578, during which the Portuguese ruled. In 1887, the country

became a British protectorate, which ended when it became a fully independent state on July 26, 1965. After independence, Ibrahim Nasir (b. 1926) served as president from 1968 to 1978. He was succeeded in 1978 by Maumoon Abdul Gayoom (b. 1937), who has since been reelected as the president of the Maldives five times, in 1983, 1988, 1993, 1998, and 2003.

The economic life of the Maldives relies heavily on tourism and fishing. The gross domestic product per capita in 2003 was $2,027. The total life expectancy is approximately 63 years, and the literacy rate for the total population is over 97 percent. Sunni Islam is the dominant religion, which profoundly shapes the social and political life of the Maldives. The common language is Dhivehi. The population of 339,330, as estimated in July 2004, is a blend of the ethnic groups that include Sinhalese, Dravidian, Arab, and African.

Historically, the Maldives were long ruled by sultans, although the sultanate regime became constitutional with the promulgation of the 1932 constitution. The Maldives experienced a very short period of republican form of government in 1953 and 1554, but the country remained a sultanate until 1968 when a republican form of government was instituted. The first constitution of the Republic of the Maldives was promulgated on June 4, 1968.

The government of the Maldives has three branches: executive, legislative, and judiciary. The executive power is held by the president and cabinet, with political power highly centralized in the office of the president, who is both chief of the state and head of the government. The president is elected by the parliament (*majlis*) and has to be approved by the public in a yes-or-no referendum. The president is aided by the Council of Minister, which comprises the ministers of atolls. Ministers are appointed by the president and do not have to be members of the *majlis*.

The legislative power lies in the *majlis*, a unicameral parliament. The *majlis* consists of forty-eight members, forty of whom are elected for five-year terms, with eight appointed by the president. The judiciary is divided into courts of general and limited jurisdiction and includes a high court, civil court, criminal court, family and juvenile court, and 204 general courts. The legal system is based on a mixture of Islamic law and the English common law in commercial matters. Administratively, the country is divided into nineteen atolls and the capital city.

The political life of the Maldives is characterized by the absence of political parties and interest groups to organize citizen participation in political life. Parties and groups are discouraged due to the emphasis on unity and homogeneity. Despite the general and formal appreciation of human rights and freedoms, there are some restrictions and occasional violations of freedoms and rights, especially speech, press, and religion, and Freedom House rated the Maldives in 2004 as "not free."

*See also:* Shari'a.



MALDIVES

0       50       100 Miles
0    50    100 Kilometers

Ihavandiffulu Atoll
Tiladummati Atoll
Malcolm Atoll
Miladummadulu Atoll
North Malosmadulu Atoll
Fadiffolu Atoll
South Malosmadulu Atoll
Kardiva Channel
Horsburgh Atoll
Malé Atoll
Arabian Sea
Malé
Ari Atoll
South Malé Atoll
Felidu Atoll
Nilandu Atoll
Mulaku Atoll
Kolumadulu Atoll
Veimandu Channel
Haddummati Atoll
One and Half Degree Channel
Suvadiva Atoll
Equatorial Channel
Addu Atoll

Maldives

(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

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*Isa Camyar*

## Mali

Mali, in the heart of West Africa with a population of approximately 12 million, has a surface area roughly equal to that of California and Texas combined. The northern half of the country is arid and forms part of the Sahara Desert. To the south, Mali has an expanse of Sahelian plain and the internal delta of the Niger River, which serves as a vital economic and cultural link. Mali has over a dozen ethnic groups including Bambara (35% of the population), Peuhl or Fulani (15%), Moore and Toureg (9%), Songhai (8%), Soninke (8%), and Dogon (4%). Eighty-five percent of Malians are Muslim, and small minorities are Christian or practitioners of indigenous religions.

Mali takes political inspiration from a succession of historic empires (the Ghana Empire, the Mali Empire, and the Songhai Empire), which were largely based within the modern boundaries of the country. By the mid-1500s, the Songhai Empire, based in Timbuktu, had fallen into decline as the slave trade with Europe shifted major economic power to groups along the ocean coast to the south and west. The French took colonial control over this area by the late 1800s, and by 1920 the French had largely established the state's current international boundaries. Colonial rule provided some economic development mixed with oppressive and racist policies. The population, united in opposition to French colonialism, saw their demands fulfilled when the newly named Republic of Mali gained its independence on September 22, 1960.

Modibo Keita (1915–1977), a former schoolteacher and union leader, served as Mali's first president. Keita embraced **international socialism** and had close ties with China during the 1960s. However, economic growth proved elusive and the Keita regime became increasingly heavy-handed, jailing its political opponents and allowing its political allies to take advantage of state resources. In 1968, a military coup brought to power Moussa Traoré (b. 1936), a young lieutenant whose corrupt

**international socialism:** a movement to expand socialism worldwide, advocating greater economic cooperation between countries for the benefit of all people

leadership ultimately undermined his initial popularity and quickly eroded the military's reformist reputation.

After over two decades of military rule, pro-democracy agitation surged in 1990. By March 1990, the "People's Revolution" had gained unstoppable momentum and when the military began shooting protestors, a reform-minded **faction** of soldiers arrested Traoré and brought calm to the country. A new transitional government of national unity, led by Amadou Toumani Touré (b. 1948), guided the country through a national conference, a constitutional **referendum**, and the founding elections of a multiparty political system. These elections brought former university professor Alpha Oumar (b. 1946) to the office of the president. After serving two five-year terms that were marked by important political and economic gains, Oumar left office and was replaced by his predecessor, Touré.

In the early twenty-first century Mali remained one of the poorest nations in the world. Nonetheless, Mali's citizens enjoyed national unity and a largely peaceful mosaic of ethnic, religious and regional tolerance. Economic growth in Mali was stable through the late 1990s and early 2000s. However, population growth continued to outpace economic growth and thus standards of living continued to decline.

Mali is a **constitutional republic**, with leaders at all levels elected by universal adult suffrage. The president of the republic is also the head of state and appoints a prime minister to lead the government. The prime minister provides day-to-day management of the various ministries of government, and the president sets general policy. The legislative arm of government is the National Assembly. The prime minister and other government ministers present proposed laws to the National Assembly for their consideration. Mali's legal system is based on French civil code as well as customary law, and judicial review of legislative acts is permitted in the constitutional court.

**factionalism:** a separation of people into competing, adversarial, and self-serving groups, usually in government

**referendum:** a popular vote on legislation, brought before the people by their elected leaders or public initiative

**constitutional republic:** a system of government marked by both a supreme written constitution and elected officials who administer the powers of government

(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

Citizens are free and encouraged to participate in the political process at all levels. Freedoms of expression, organization, religion, and the press are granted in the constitution and widely respected.

*See also:* Civil Law.

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*Zeric Kay Smith*

# Malta

Malta is a semiarid limestone archipelago of three inhabited islands (Malta, Gozo, and Comino) strategically located in the center of the Mediterranean Sea, 100 kilometers (62 miles) south of Sicily and 140 kilometers (87 miles) east of Tunis. With a 2004 population of 400,000 on a land area of just 316 square kilometers (122 square miles), the islands are the second most densely populated state in the world, after Singapore. The Maltese are a mixed stock of Southern European, North African, and other Mediterranean ethnicities.

Given its location and excellent harbors, the Maltese Islands have been a tempting prize to all would-be Mediterranean empire builders. Carthaginians, Romans, Arabs, Normans, Angevins, Aragonese, and Castellans followed each other as rulers over Malta for sixteen centuries. In 1530, the islands were passed over by Charles V (1500–1558) of Spain to the Knights Hospitaller Order of Saint John. Malta was then run by a **theocracy** until 1798, when the islands were invaded by Napoleon Bonaparte (1769–1821). The French ran Malta until 1800 at which time the British intervened. In 1814 the islands were formally **ceded** to Britain by the Treaty of Amiens.

The constitution is the highest law of the land. Malta was granted its first constitution in 1835 and a self-governing constitution in 1921; it became an independent sovereign state on September 21, 1964. The Independence Constitution, which recognized Queen Elizabeth II (b. 1926) of the United Kingdom as head of state, was amended effective December 13, 1974 with the enactment of a republican constitution, which made the president the formal head of state and gave executive power to the prime minister.

A division of powers is respected in principle. However, only two political parties have been represented in a unicameral legislature since the 1971 elections: the Malta Labour Party on the democratic socialist left and the Nationalist Party on the socialist democratic–Christian right. Because the opposition has been from just one to five seats shy of the government since the 1970s, strong internal party discipline has been crucial; thus the parliament almost always endorses government policy. The judiciary is independent but slow in its operations.

Public life is strongly dominated by the Roman Catholic Church: Malta is the only European country that has not legalized either divorce or abortion.

**theocracy:** a state governed by its religious leaders

**cede:** to relinquish political control of lands to another country; surrender

Meanwhile, partisan politics pervades most social affairs: Municipal government is riddled with party-nominated candidates. A system of proportional representation elects five members of parliament from each of thirteen districts and certifies candidates and voters, which facilitates clientelism and patronage—and ensures the world's consistently highest voter turnout for national elections of around 96 percent.

Civil society is hardly present, except in a religious sense as the parish is the only active community. Many non-governmental organizations exist either to support religious activities or specifically to lobby government. The largest and best organized secular bodies are two trade unions: the General Workers' Union (with 47,000 members) and the Union of United Workers (with 26,000). No religious or ethnic persecution takes place, but the arrival of undocumented migrants is a sore sociopolitical issue.

The Maltese economy has been geared over millennia to provide military and defense capability to successive colonial powers. After 1957, the islands switched successfully to other economic mainstays, particularly export-driven manufacturing fueled by foreign investment and technology, as well as all-year tourism. Malta has been a neutral and nonaligned country since the closure of the British military facilities on March 31, 1979. Malta has been a member of the European Union since May 1, 2004.

*See also:* European Union.

**clientelism:** a system of personal relations in which clients exchange services, money, or votes for protection or favors



(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

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*Godfrey Baldacchino*

## Mandela, Nelson

**SOUTH AFRICAN POLITICAL ACTIVIST AND PRESIDENT
1918–**

A life-long anti apartheid activist in South Africa who eventually rose to become the first democratically elected, and first black, president of South Africa, Nelson Rolihlala (meaning troublemaker) Mandela was born on July 18, 1918, into a home composed of three mud huts in the village of Mvezo. Mandela, descended from Thembu (an important people in South Africa) royal blood, was intended to become a councilor to the Thembu king and spent many of his early years in school. Suspended from Fort Hare University in 1940 for leading a student protest against bad food and facing the unwelcome prospect of an arranged marriage, Mandela and a friend fled to Johannesburg, where he soon started working in a law firm, hoping eventually to become a lawyer.

During the 1940s Mandela became active in the political struggle against **apartheid**, helping to organize the Youth League, on whose executive committee he sat. The Youth League, which was more militant and racially exclusive than the African National Congress (ANC), propelled the anti-apartheid movement toward more direct confrontation with the apartheid system. Though initially racially exclusivist, it began cooperating with anti-apartheid organizations of other races in 1947. In 1949 Mandela, along with others, led the Defiance Campaign, a program promoting the deliberate disobedience of apartheid laws, even to the point of intentionally allowing oneself to be arrested—and indeed, Mandela was among the first to be arrested. Released fairly quickly, Mandela and a close friend became the first blacks in South Africa to open their own law firm in 1956.

The Sharpeville Massacre (in which the police fired on a peaceful demonstration against apartheid, killing sixty-seven and wounding over one hundred) convinced Mandela that nonviolent opposition to apartheid, given the violent lengths to which the South African government was willing to go, was no longer enough. He helped form the Spear of the Nation, a militant group within the ANC devoted to sabotage. Captured by South African forces in 1962, Mandela was put on trial, and, following a dramatic four-hour speech, later reproduced around the world, in which he pledged his willingness to die for his principles, he was sentenced to life imprisonment in 1964. Even while in prison, Mandela remained a vigorous political activist and advocate of justice, helping to organize prisoners and protest for better treatment by prison authorities.

As apartheid began to disintegrate under increasing internal and international pressure, Mandela was moved from the notorious Robben Island Prison to a prison on the mainland. Eventually, in 1990, at seventy-one years of age, Mandela was freed as a result of the reforms of South African President F. W. de Klerk

**apartheid:** an official policy of racial segregation in the Republic of South Africa with a goal of promoting and maintaining white domination

**NELSON MANDELA SPEAKS TO LOYALISTS IN SOWETO, SOUTH AFRICA IN 1990.** A historic figure in the crusade against apartheid in South Africa, Nelson Mandela was convicted of sabotage and sentenced to life in prison in 1964. Once apartheid came to an end Mandela was released from prison in 1990, and in 1994 easily won the general election to become the country's first black president. (SOURCE: AP/WIDE WORLD PHOTOS)

(b. 1936). His freedom was greeted with loud applause and celebration both within South Africa and around the world.

Mandela would prove instrumental in paving the way for a peaceful transition from the system of apartheid to democratic government, an effort for which he received the Nobel Peace Prize, along with de Klerk, in 1993. The first democratic elections in South Africa in 1994 swept Mandela into the presidency with an overwhelming majority. In true ecumenical fashion, Mandela named de Klerk a deputy president, and in Mandela's only term as president, he proceeded to confront the enormous problems and challenges produced by forty years of apartheid. Mandela's skill as a consensus builder helped him to form a coalition

cabinet representing diverse interests, transitioning South Africa to a majority democracy. Mandela's initiatives and policies also were designed to build up the South African economy.

Mandela retired to the village of Qunu, where he was raised, in 1999.

*See also:* Apartheid; Racism; South Africa.

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*Andrew Costello*

# Marshall Islands

The Republic of the Marshall Islands consists of 180 square kilometers (70 square miles) of atolls and coral islands spread over 1.9 million square kilometers (733,500 square miles) of Pacific Ocean. Two roughly parallel chains of atolls, the Ratak (sunrise) and Ralik (sunset) groups, run along a northwest to southeast axis around 3,200 kilometers (2,000 miles) west of Hawaii. In the northern part of the group, the Bikini, Rongelap, Enewetak, and Utrik Atolls were affected by sixty-seven U.S. nuclear tests between 1946 and 1958. Further south, Kwajalein Atoll, which encircles the world's largest lagoon, is the site of a sizeable U.S. military base and missile testing facility. Nearly 50 percent of the population, estimated at 58,000 in 2005, resides on Majuro, the national capital, and another 21 percent live on Kwajalein. The rest are dispersed across the remaining twenty-two inhabited atolls or coral islands.

The Marshallese are a Micronesian people, believed to have originally settled the islands from Southeast Asia around three thousand years ago. Claimed by the Spanish in 1874, the Marshall Islands fell under German rule after 1885 and then under Japanese rule following the outset of World War I (1914–1918). After Japan was defeated by Allied forces at the end of World War II (1939–1945), the United States administered the islands as part of the United Nations Trust Territory of the Pacific Islands, including also the neighboring Caroline Islands, Palau, and the Northern Marianas.

In 1964, a bicameral Congress of Micronesia was established, but Marshallese objections to the centralization of revenues secured from the United States for occupation of the Kwajalein base led to a breakaway from the rest of Micronesia in 1978, and a separate Marshall Islands constitution was ratified in 1979. In 1983, a plebiscite backed a "Compact of Free Association" with the United States. As a result, the country has had fully functioning internal government and significant authority over foreign affairs since 1986, while the United States remains responsible for
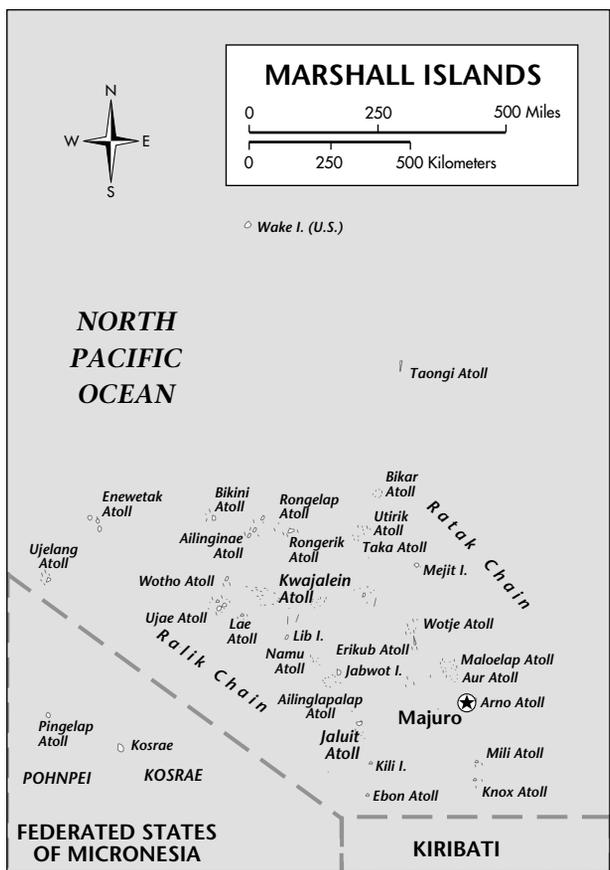


(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

defense and retains rights to deny military access to other nations. In return, the United States provides substantial financial assistance, equivalent on average to more than half of government expenditure.

The 1979 constitution provides for a **unicameral** parliamentary system, but with a president elected by members of the *Nitijela* (parliament), who serves as the head of state. A consultative chamber for traditional leaders, the Council of Iroij has an advisory role but no veto powers. The *Nitijela* is comprised of thirty-three members elected from twenty-four constituencies for four-year terms. Amata Kabua (1928–1996), the *iroijlaplap* (paramount chief) for Majuro, became the first president of the Marshall Islands in 1979. He was returned to office after elections in 1983, 1987, 1991, and 1995.

After Amata Kabua's death in 1996, his first cousin, Kwajalein chief Imata Kabua (b. 1943), was selected by the *Nitijela* as the new head of state. In November 1999, Imata Kabua was defeated at the polls by the newly formed and reform-oriented United Democratic Party. For the first time a commoner, Kessai H. Note (b. 1950), was elected president. The United Democratic Party retained office at the subsequent election in November 2003.

The 1979 constitution provides a strong bill of rights with substantial citizen freedoms and protections. According to the U.S. State Department, there are no recent reports of arbitrary arrest or detention, torture, or politically motivated execution.

**unicameral:** comprised of one chamber, usually a legislative body

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## Mauritania

Mauritania is located in West Africa and shares its frontiers with Senegal, Mali, Algeria, and Western Sahara. Its population of under 2.3 million inhabitants is an ethnic mosaic because of the country's situation between North Africa and

sub-Saharan Africa. The Maur (Arab-Berber or "Moorish") community and the black African communities (Haalpulaaren, Soninke, and Wolof) were gathered together by the French colonial administration. There is a controversy as to which group is dominant, and there is no data available after the 1958 census which estimated that black Africans represent only 20 percent. The demographic weight of this latter community is now stronger, and the U.S. Central Intelligence Agency estimated that 30 percent of the population is Maur, 30 percent black African, and 40 percent mixed black-Maur.

Moktar Ould Daddah (1924–2003), a Maur, led the country to independence November 28, 1960. He founded a dominant single party, the *Parti du Peuple Mauritanien*, in 1964 and was overthrown by a military **coup** in July 1978. Mauritania has since had a succession of military leaders. Colonel Maaouya Sid'Ahmed Ould Taya (b. 1943), army chief and prime minister from April 1981 to March 1984, seized power December 12, 1984. The political situation had then dramatically deteriorated: Ethnic conflicts intensified because of the increasing influence of the **pan-Arabists** movements that favored a pro-Arab

**coup:** a quick seizure of power or a sudden attack

**pan-Arabist:** an advocate for the unity of the Arab world



(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

state. A part of the African community decided to organize itself and created the *Forces de Libération Africaines de Mauritanie* (FLAM) to claim greater political and social rights.

FLAM's clandestine activism caused the government, influenced by baathists and Nasserists, to react through a wave of arrests and imprisonments of the African activists and the execution of three African officers. Later, the 1989 conflict with Senegal led to mass deportation of African Mauritanians declared to be Senegalese. Subsequently, the international pressure due to this conflict and the country's support to Iraq during the first Gulf Crisis forced Ould Taya to begin a **democratization** process in 1991.

On April 12, 1991, a new constitution was adopted. The executive is dual: The president is elected for six years and appoints the prime minister and his ministers. The president holds the power to make regulations, promulgate law, sign and ratify treaties, organize a **referendum**, and dissolve the National Assembly.

The legislature is composed of a National Assembly and a Senate. The deputies are elected for five years by universal suffrage. Senators are elected for six-year terms via indirect suffrage. The Constitutional Council is composed of six members, each of whom serves for nine years. Islam is, in principle, the unique source of right.

Since 1992 the ruling party has been the *Parti Républicain Démocratique et Social* (PRDS), which is led by Ould Taya, who was elected in 1992 and then twice reelected, on December 12, 1997 and November 7, 2003. The opposition parties are in disarray and suffer seriously from repression. The elections are not really free and fair, the press is often censured, torture is used against opponents, and racial discrimination and slavery still remain, especially in the Moorish community. Former slaves and Mauritanian human rights associations fight the lack of human and political freedom and lead campaigns to denounce the regime inaction in Europe and in the United States.

*See also:* Colonies and Colonialism; Shari'a.

**democratization:** a process by which the powers of government are moved to the people of a region or to their elected representatives

**referendum:** a popular vote on legislation, brought before the people by their elected leaders or public initiative

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*Marianne Marty*

## Mauritius

The Indian Ocean island state of Mauritius, some 965 kilometers (600 miles) east of Madagascar, is 2,045 square kilometers (790 square miles) in area, with an ethnically heterogeneous population of 1.2 million. Hindus account for 52 percent of all Mauritians, with the next largest group, Roman Catholic Creoles of mixed African and European or Asian ancestry, at 27 percent. Muslims make up 16 percent of the population, Chinese about 3 percent, and finally Catholic Franco-Mauritians at 2 percent. English is the official language, but French is the main spoken and written language. Despite the lack of a common culture and religion, relative ethnic collaboration and political stability have existed.

Mauritius is a democratic state based on the **Westminster** model, with a unicameral parliament elected every five years by universal adult suffrage, and the country has a competitive multiparty system. The main island is divided into twenty three-seat constituencies, and the three candidates with the most votes in each constituency win. Another two seats are allocated to the smaller island of Rodrigues. In addition, upwards of eight additional seats are allocated to so-called best losers, defeated candidates in the multiseat electoral districts, by ethnic and religious affiliation, in order to correct any imbalance in the representation of the various communities. The president is head of state, but constitutional power is vested in a prime minister and cabinet. A six-person Supreme Court is the highest judicial authority. Civil liberties remain fairly secure and the rule of law prevails.

The Mauritian Labour Party (LP) was formed in 1936 and its leader, Sir Seewoosagur Ramgoolam (1900–1985), a Hindu, became the first prime minister of an independent Mauritius in 1968. Soon afterwards Paul Bérenger (b. 1945) helped found the *Mouvement Militant Mauricien* (MMM). Ramgoolam governed until 1982, when he lost to an alliance of the MMM and a breakaway from the LP formed by Anerood Jugnauth (b. 1930). Jugnauth, who became prime minister, would rule until 1995, forming his own party, the *Mouvement Socialiste Mauricien* (MSM). In 1995 Jugnauth went down to defeat to an LP-MMM alliance, headed by Navin Ramgoolam (b. 1947), the son of Sir Seewoosagur. In mid-1997 the MMM severed its connection with the coalition, leaving Ramgoolam to govern alone.

In the 2000 election the main contenders were two electoral blocs: the ruling LP and its ally, the *Parti Mauricien Xavier Duval* (PMXD) faced off against an MSM-MMM alliance. Reflecting the ethnic balance of power, both coalitions were led by Hindu politicians. Ramgoolam was challenged by Jugnauth, whereas two Franco-Mauritians, Xavier-Luc Duval of the PMXD and Bérenger of the MMM, played the role of "junior partners."

The MSM-MMM carried fifty-four of the directly elected parliamentary seats. When another eight "best loser" seats were distributed, the MSM-MMM gained four, for a final total of fifty-eight, and the LP-PMXD an additional two, bringing up their number to eight.

**Westminster:** a democratic model of government comprising operational procedures for a legislative body, based on the system used in the United Kingdom



### MAURITIUS
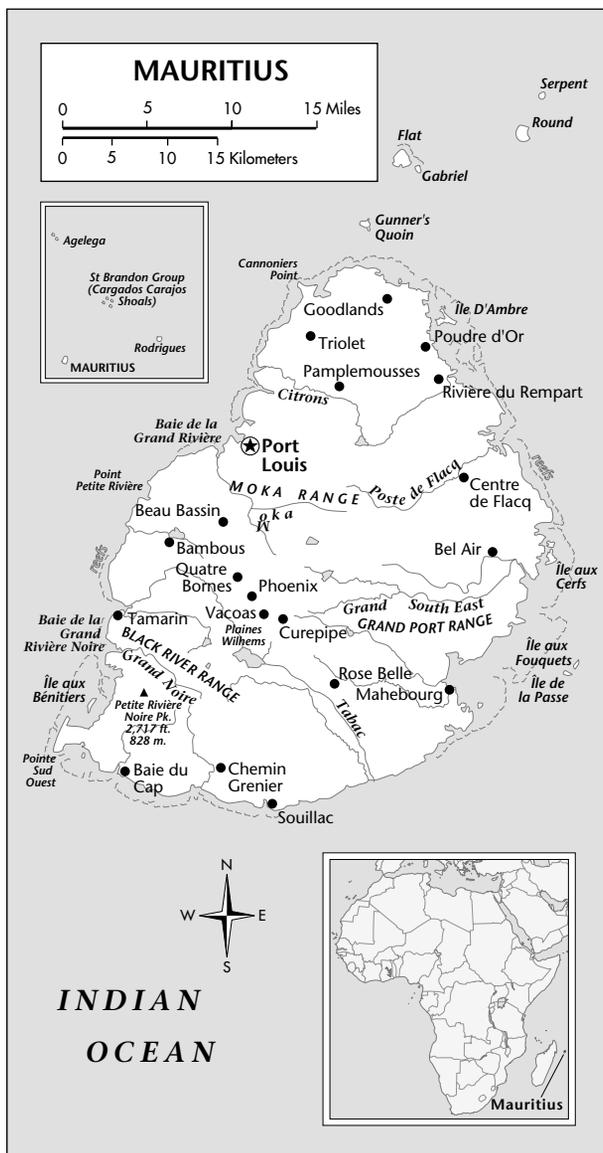
(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

The two opposition leaders had agreed that they would take turns as prime minister, with Jugnauth governing until 2003, followed by Bérenger, who thus became the first non-Hindu prime minister.

Tourism, the sugar industry, and manufactured goods from factories are the country's main sources of income. The gross domestic product in 2003 stood at U.S. $5.5 billion, or over $4,484 per capita.

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## Mexico

Mexico is a country of approximately 1,972,550 square kilometers (764,000 square miles, almost three times the state of Texas) located in North America. It shares a 3,141-kilometer (2,000-mile) border with the United States and southern borders with Guatemala and Belize. Geographically, Mexico is very diverse, with two large mountain ranges, active volcanoes, and high plateaus, in addition to several freshwater lakes, arid desserts, low coastal plains, jungles, and rain forests. Mexico's population of approximately 105 million is as diverse as its geography. Roughly 60 percent of Mexicans are mestizos of mixed European and Amerindian heritage. Thirty percent of the population is from one of the country's nearly sixty different indigenous groups. The remaining 10 percent is made up principally of people of European descent, with smaller numbers from Asia, Africa, and the Middle East.

Spanish is the official language of Mexico, although Mayan dialects and Náhuatl are commonly used in indigenous communities. In 2003 the vast majority of Mexicans (89%) identified themselves as Roman Catholic. Life expectancy in Mexico was sixty-nine years for men and seventy-six years for women. The median age was 23.8 years. Although 92 percent of all adults were literate, 53.1 percent of Mexicans fifteen years and older had less than an eighth-grade education.

Mexico is a **federal** republic with thirty-one states and a federal district (*Distrito Federal*), which is home to Mexico City, the nation's capital. The constitution establishes a presidential system with three branches of central government: the executive, a bicameral legislature, and the judiciary. Formally, each branch has the ability to check and balance the activities of the others. In addition,

**federalism:** a system of political organization, in which a separate states or groups are ruled by a dominant central authority on some matters, but are otherwise permitted to govern themselves independently
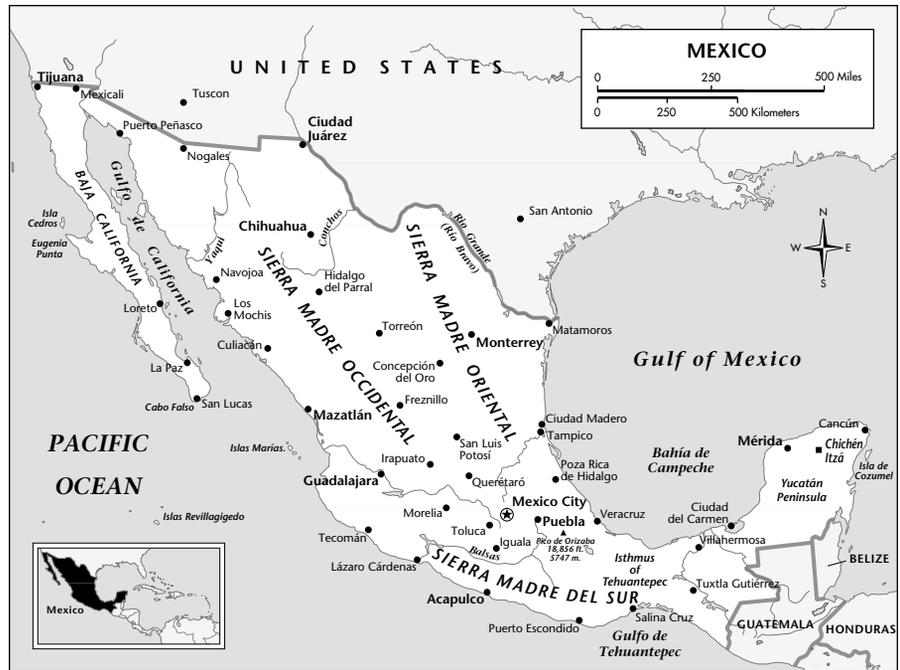
(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

there are three levels of government: central (federal), state, and local (munici-pal). State and local governments have constitutionally granted powers. On paper, the Mexican government looks very much like that of the United States, but for most of the twentieth century it functioned quite differently because the president and a single political party dominated nearly all aspects of political life.

### EARLY HISTORY

Mexico began as the Spanish colony of New Spain. However, before the arrival of Spanish explorers, Mexico was home to several indigenous civilizations including the Olmec (800–400 B.C.E.), Monte Alban (250 B.C.E.–C.E. 900), Teotihuacan (100–600), Maya (325–925), Mixtec (900–1300), Toltec (900–1300), and the Aztec or Mexica, who reigned from 1325 until the arrival of Hernándo Cortés (c. 1485–1547) in 1519. Cortés landed with several hundred men in search of gold, silver, and other riches for the Spanish Crown. Despite the fact that Cortés and his men were outnumbered at least 1,000 to 1, the Spaniards were able to defeat the Aztecs because they possessed superior weaponry and brought with them smallpox, typhoid, and measles that decimated the indige-nous populations who had no immunity to such diseases.

Mexico's colonial period, which would last until 1810, was characterized by the imposition of Spanish institutions and customs. Indigenous groups were not permitted to carry on their native political, social, and religious practices. They were forced to accept Spanish rule and convert to Christianity by the Roman Catholic Church. The government was established as an extension of the Spanish Crown. Local **viceroys** were the highest political authority, although they were directly accountable to the Spanish monarchs. Society was highly strati-fied, with the vast majority of wealth and power controlled by the relatively small group of European-born elite (*peninsulares*). Mexican-born individuals of direct European ancestry (*criollos*) occupied upper-middle-strata jobs (working as government bureaucrats, lawyers, bankers, merchants, etc.). Mestizos had

**viceroy:** one who governs a territory as the representative of the monarch

some social mobility, but most remained at the bottom of the social pyramid along with the indigenous and African peasants and slaves.

Over time tight control by the Spanish government caused resentments in the colony. In particular, the *peninsulares* grew weary of wielding limited power and raising revenue for the Crown rather than for themselves. The *criollos* resented their lack of access to positions of economic and political power, which were overwhelmingly controlled by the *peninsulares.* Meanwhile the mestizos and indigenous people became increasingly frustrated over their low social status and mistreatment at the hands of the ruling classes. These resentments, combined with the weakened power of the Spanish monarchs, created the motivation for an independence movement. After eleven years of struggle (1810–1821), Mexico won its independence from Spain. Once independent, Mexico endured several years of political and economic turmoil. There was no national consensus about who should lead or what form of government should be adopted. Between 1821 and 1857, over fifty separate governments ruled. It was during this time that Mexico and the United States went to war over the status of Texas, which had already won a tenuous independence a decade earlier. In 1848 the dispute was settled in the Treaty of Guadalupe Hidalgo, which **ceded** over a third of Mexico's territory (including what is now California, Nevada, Colorado, Arizona, New Mexico, and Texas) to the United States.

**cede:** to relinquish political control of lands to another country; surrender

The 1850s ushered in a new era in Mexican political life. Known as *La Reforma*, or the reform, the period between 1855 and 1876 was characterized by political competition between two elite groups, the Liberals, who favored republican government and a clear separation between church and state, and the Conservatives, who favored more **authoritarian** forms of government and maintaining the political and economic rights of the Roman Catholic Church. The Liberals, led by Benito Juárez (1806–1872), a Zapotec Indian from the state of Oaxaca, dominated political life for twenty years and were instrumental in expanding political rights beyond the elite classes. They drafted Mexico's first constitution in 1857, which established a republican government with a presidential system.

**authoritarianism:** the domination of the state or its leader over individuals

The Liberal **regime** was not without it detractors. Upset by the repeated re-election of Juárez, challengers began to call for term limits and political change. One such challenger, General Porfirio Díaz (1830–1915), organized an armed revolt to seize power and began what would essentially be a thirty-five-year term of office known as the *Porfiriato.*

**regime:** a type of government, or, the government in power in a region

The *Porfiriato* (1876–1911) was notable for some important economic and political accomplishments. Under Díaz, Mexico was opened to massive amounts of foreign investment, which was instrumental in developing the country's agriculture, mining exports, and **infrastructure**. Politically, the Díaz regime was able to maintain political stability by using military force to ensure that potential detractors did not have **recourse** to challenge his power. Nevertheless, Díaz's dictatorial form of rule created resentments that would come back to haunt him. Within the elite, there were many who believed that his government favored foreign interests over domestic priorities. Many in the middle class felt excluded by a regime and economic model that provided them with few opportunities to get ahead. Among the peasantry, thousands had been forced from their traditional lands by large foreign-owned companies and had few alternatives but to work for the new landowners under miserable conditions.

**infrastructure:** the base on which a system or organization is built

**recourse:** a resource for assistance

These resentments coalesced around the 1910 presidential election in which a member of the northern elite, Francisco Madero (1873–1913), tried to unseat Díaz. Rather than accept the possibility of being voted out of office, Díaz had Madero thrown in jail. This action sparked uprisings throughout the

country and set off the Mexican Revolution (1910–1916). United in their effort to remove Díaz from power, various revolutionary leaders succeeded in forcing the dictator into exile. But with their immediate goal achieved, the leaders found it difficult to agree on what should happen next. Elite leaders such as Madero, Venustiano Carranza (1859–1920), and Alvaro Obregón (1880–1928) wanted limited democracy, whereas peasant leaders such as Francisco (Pancho) Villa (1878–1923) and Emiliano Zapata (c. 1879–1919) were more concerned about the political and economic inclusion of the working and peasant classes. In the end, the elite groups carried the day and set about institutionalizing their goals in the Constitution of 1917. This marked the beginning of the modern Mexican political system.

### POSTREVOLUTIONARY PERIOD

The 1920s and 1930s were a time of regime consolidation. Most members of the elite class had finally reached a consensus that Mexico's political future should be characterized by political parties and elections, rather than by the use of violence and strong-arm tactics. Leaders such as Plutarco Elías Calles (1877–1945) and Lázaro Cárdenas (1895–1970) **centralized** power in the hands of the president and made it a priority to unite the nation's most influential interest groups (e.g., organized labor, the military, and the peasantry) with the elites in a single political party. The organization of what would become the country's most dominant party, the Institutional Revolutionary Party (PRI), gave groups that formerly had little influence a direct line to the highest levels of government in exchange for their unconditional support for the president and the party.

The Mexican model of bringing together disparate interests under the umbrella of the PRI proved to be one of the secrets of the regime's stability from the 1930s until the late 1980s. Most of the groups incorporated in the party were satisfied because membership and recognition gave them access to resources like jobs, housing, and health benefits that otherwise would not have been forthcoming. The party and the government benefited from this **hierarchical** arrangement because PRI leaders determined which groups would be given official recognition and which would be excluded. Also very important to the regime's success and stability were consistent economic growth, which provided the resources to give supporters, and the use of electoral fraud to ensure that the PRI

**centralize:** to move control or power to a single point of authority

**hierarchy:** a group of people ranked according to some quality, for example, social standing

■ ■ ■

### NEO-LIBERAL ECONOMIC POLICIES

Neo-liberal economic theory is rooted in a classical political economy, which asserts that only a free market without government intervention can allocate resources efficiently and rationally, and that this is the best way for countries to achieve macroeconomic health and stability. The three most common types of neo-liberal economic policies are stabilization, structural adjustment, and free trade. Stabilization refers to the act of reducing inflation by freezing wages, reducing government spending, devaluing the national currency, and otherwise tightening money supply. Structural adjustment is the process of reducing the government's role in the economy by privatizing state-owned companies and allowing the private market to allocate the nation's resources. Adopting free trade policies requires countries to reduce trade, such as tariffs, subsidies, and regulations, so that foreign products are more affordable on the domestic market. During the 1980s and 1990s, the United States and international lending institutions like the World Bank and International Monetary Fund (IMF) were such strong advocates of these policies that they became known as the "Washington Consensus."

was always reelected. In the event that cooptation or fraud failed to produce the desired outcome, the government was also willing to use threats, harassment, and force to intimidate detractors. The result was that the PRI successfully controlled nearly all aspects of the political arena, from interest representation and elections to resource allocation and access to positions of power. No wonder it was called by some "the perfect dictatorship."

Gradually, the PRI's authoritarian nature and abuses of power began to chip away at the party's popularity and legitimacy. In 1968 the regime showed its ruthlessness when it used excessive force to put down public demonstrations in Mexico City. The most notorious event was the massacre of several hundred unarmed demonstrators in the Plaza of Tlaltelolco at the hands of the army and government **paramilitary** squads. In addition, Mexicans became increasingly fed up with the party's use of fraud to ensure victory in electoral contests and PRI politicians' penchant for tolerating and even benefiting from widespread corruption. Another blow to the PRI was the severe economic crisis that hit Mexico in 1982. A decade of stagnant economic growth and overborrowing led Mexico to default on its foreign debt and jeopardized the country's economic stability. As part of the rescue effort orchestrated by the international financial community, the government was forced to adopt a set of neo-liberal **macroeconomic** policies that severely limited government spending on public programs and services. These policies hit Mexicans, especially those from the middle and lower classes, extremely hard. Furthermore, they hampered the PRI's ability to deliver resources (jobs, wage increases, food subsidies, etc.) to its supporters and further damaged their legitimacy.

These events created an opportunity for the opposition to mount more serious challenges to the PRI and prompted Mexicans to consider their alternatives. By the late 1980s the PRI found it increasingly difficult to hold onto power. At no time was this more apparent than in the 1988 presidential election. The PRI candidate Carlos Salinas de Gortari (b. 1948) faced two formidable challengers. From the left he was challenged by Cuauhtémoc Cárdenas Solorzano (b. 1934), a former member of the PRI and founder of what would become the Party of the Democratic Revolution (PRD). From the right Salinas faced Manuel Clouthier (1934–1989) from the socially and fiscally conservative National Action Party (PAN). Salinas claimed victory, even though it was widely known that the PRI blatantly used electoral fraud to help its chances. Upon taking office, Salinas quickly showed himself to be a shrewd and charismatic politician who recaptured support for the PRI by simultaneously deepening Mexico's commitment to neo-liberal economic policies, especially with the North American Free Trade Agreement (NAFTA), and reaching out to the poor and underprivileged communities that had suffered during Mexico's economic crisis.

The PRI managed to stay in power in the 1994 election, but shortly after the presidential inauguration, another serious economic crisis hit Mexico. This time the government was forced to devalue the national currency and Mexicans saw their purchasing power cut nearly in half over a two-week period. The political fallout severely damaged the PRI. In the 1997 congressional elections the party lost its majority in the Chamber of Deputies and for the first time Congress had the authority to check the power of the president. The dominance of the PRI continued to decline when Ernesto Zedillo Ponce de Leon (b. 1951) broke with the tradition of his predecessors and refused to either designate his successor or to use electoral fraud to reelect his party. This created an opening for the popular and charismatic PAN candidate, Vicente Fox (b. 1942), to win the 2000 election. For the first time in over seventy years, a party other than the PRI ruled

**paramilitary:** modeled after a military, especially as a possible supplement to the military

**macroeconomics:** a study of economics in terms of whole systems, especially with reference to general levels of output and income and to the interrelations among sectors of the economy

Mexico, and many observers believed that the country had finally established itself as a democracy.

## MEXICO IN THE TWENTY-FIRST CENTURY

At the beginning of the twenty-first century Mexico was still a relative new-comer to democracy, and some important challenges to political stability remain ahead. Institutional obstacles, such as the prohibition on re-election and short term limits (three years for members of the Chamber of Deputies), make it difficult for politicians to develop meaningful experience and govern effectively in the interests of their **constituents**. In the economic realm, the Mexican government must pay attention to deepening poverty and the growing disparities between rich and poor. In 2003 more than half of all Mexicans lived at or below the poverty line. Furthermore, the poorest 10 percent of the population earned only 2 percent of the nation's resources, whereas the richest 10 percent earned 41 percent of the nation's income. Failure to address these issues has the potential to threaten the country's transition to democracy and long-term political stability, as people lose faith in the government to provide job opportunities, living wages, and access to basic public services.

Another important challenge is to continue the task of creating a free society. Although administrations in the late twentieth and early twenty-first centuries helped to provide greater transparency of government activities with a freedom of information act and the establishment of a human rights unit within the Ministry of the Interior, the fact remains that Mexico ranks among the world's more corrupt countries and one in which human rights violations are still prevalent. **Arbitrary** detention, "disappearance," torture, and **extrajudicial** executions are common, especially among indigenous and human rights activists. More must be done to strengthen and reform the judiciary and the police forces in order to reduce such abuses of power and guarantee the basic rights of Mexican citizens. Nevertheless, the progress that Mexico has made in this regard is indicated by its 2003 Freedom House rating: It is listed as one of the world's eighty-nine free countries and received a score of 2 (on a scale of 1 to 7, where 1 is best) on political rights and civil rights and liberties. As late as 2000 Freedom House had rated Mexico as only "partly free," giving it middling scores of 3 or 4.

Mexico has a way to go before it will be universally considered a full-fledged democracy, but its future is hopeful; few countries have made such great strides toward democracy in such a short space of time. With the help of the independent, **nonpartisan** Federal Electoral Institute, elections have become free and fair rather than plagued by the myriad forms of fraud that were common in the past. Important electoral victories by the PAN and PRD have put an end to the PRI's dominance. No single party can rule without consulting or negotiating with the others, and the legislature and judiciary have begun to function as independent bodies that check and balance the executive's power. Equally important, Mexicans are increasingly convinced that their votes matter and that they can use their voting power to hold politicians accountable for their performance in office. Voter turnout has been consistently high in national elections since the early 1990s, and Mexican citizens are politically active in other ways (e.g., labor unions, civic and community organizations, social movements, and neighborhood associations). Moreover, the Mexican economy continues to grow stronger, and the country is more competitive on the international market than ever before.

*See also:* Federalism; Political Corruption; Presidential Systems; Voting Rights.

**constituency:** the people who either elect or are represented by an elected official

**arbitrary:** capricious, random, or changing without notice

**extrajudicial:** outside the legal system; lacking the legitimating authority of the government

**nonpartisan:** not relating to a political party or any division associated with the party system

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*Emily Edmonds-Poli*

# Micronesia, Federated States of

The Federated States of Micronesia (FSM) is a nation-state composed entirely of small islands lying just north of the equator, and extending across the Pacific Ocean for 1,000 miles midway between Hawaii and the Philippines. The islands are grouped into four states: Yap, Chuuk (Truk), Pohnpei (Ponape), and Kosrae (Kusaie). The population of approximately 110,000 speaks what are for the most part closely related Micronesian and Polynesian languages. All the states except Kosrae include both larger volcanic islands, which serve as population and administrative centers, and smaller coral atolls.

The islands were originally settled about two thousand years ago by voyagers traveling from eastern Melanesia (now the Solomon Islands and Vanuatu); their earliest ancestors were Southeast Asian in origin. The islands traded extensively with whalers and were Christianized by American missionaries in the mid-nineteenth century; claimed by the Spanish, although not occupied by them until the 1880s; sold to Germany in 1899; seized by the Japanese in 1914 and ruled as a League of Nations Mandate; then occupied by the United States at the close of World War II (1945) and administered as a United Nations (UN) Trusteeship.

Following prolonged negotiations, the FSM became self-governing in 1979, entered into a relationship of "free association" with the United States in 1986, and joined the UN in 1991.

The Constitution of the FSM was drafted at a constitutional convention in 1975 and is modeled on that of the United States, with largely autonomous

legislative, executive, and judicial branches. There is universal adult suffrage. The FSM Congress is unicameral, but has two kinds of members. Each state is represented by one four-year senator, while the number of two-year senators for each state is apportioned according to that state's population statistics. Congress elects a president from among its four four-year members; according to an informal agreement the presidency rotates among all four states. Although the executive branch is nominally independent of the legislative, the fact that the president is not popularly elected gives the Congress disproportionate influence over national affairs. Subsequent constitutional conventions in 1990 and 2001 attempted to revise this formula but arrived at no broadly acceptable alternative. The president appoints, with congressional approval, the justices of the Supreme Court, who serve for life. State and local governments are largely modeled on the national government.

The are no political parties in the FSM. Political fault lines lie instead between the states; the state congressional **delegations** effectively function as **caucuses** and tend to vote en bloc (as a whole). Because the population of the Chuuk state constitutes virtually half that of the national total and its delegation is proportionately large, the state wields enormous influence in Congress. The other states tend to find this objectionable, but no acceptable alternative has been arrived at.

The Constitution of the FSM permits creation of a national "Chamber of Chiefs," but the federal government has never established it. Micronesia's chiefs remain vital to the organization of everyday life in the islands and they are held in the highest regard by their peoples. Their **jurisdiction** is limited in scope— they reign over relatively small areas and populations—and their authority is entirely informal. Foreign visitors are often told that the chiefs wield enormous power in their communities, but their actual influence is largely a product of their individual personalities and political skills. They have no official means of enforcing **sanctions**. It appears that resistance to the establishment of a Chamber of Chiefs derives primarily from a fear that the overwhelming political

**delegate:** to assign power to another, or, one who represents another

**caucus:** a group of individuals with common traits or goals, or a meeting of such a group

**jurisdiction:** the territory or area within which authority may be exercised

**sanction:** economic, political, or military reprisals, or, to ratify
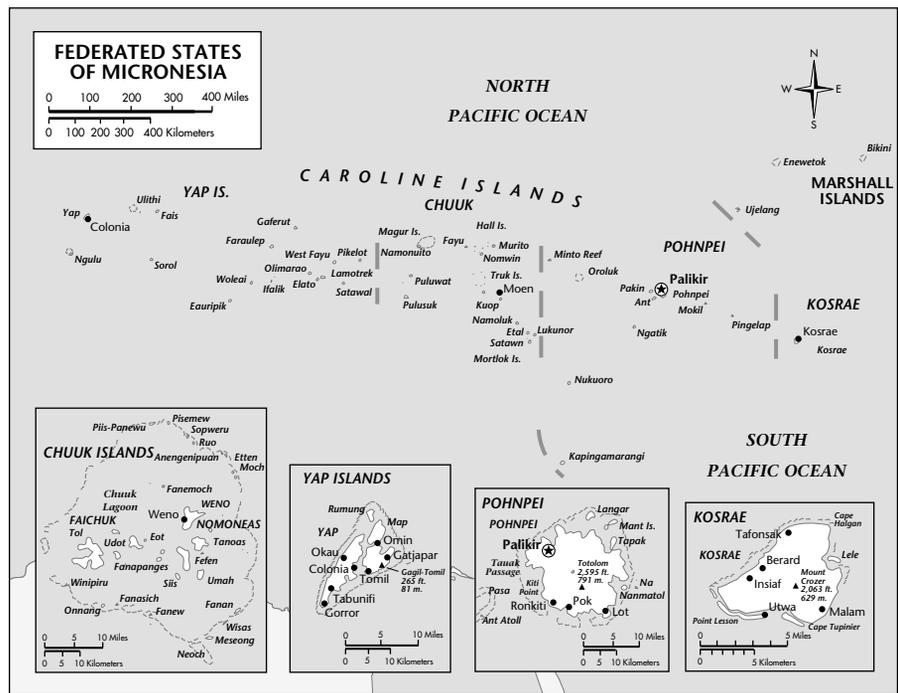


(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

strength of the FSM Congress would be likely to undermine the chiefs' cultural authority if they were to be incorporated into the national government.

The FSM's economy is almost entirely dependent on American aid, nearly all of which is channeled through the national government. Despite the country's formal structuring as a federation, then, the national government's control of finances makes it vastly more powerful than the states. Competition for financial resources drives most rivalries between the states. Although local tensions are often portrayed as ethnic in origin, they derive for the most part from political and economic competition. And because government at all levels, national, state, and local, is overwhelmingly the largest employer, efforts to streamline bureaucracy and reorganize the political economy have been met with strong resistance. Starting in 2000 large-scale **emigration** to the United States began to reduce unemployment issues. Because of American financial support, the FSM remains peaceful, but currents of potential cleavage nevertheless lie below the surface.

**emigration:** the migration of individuals out of a geographic area or country

*See also:* Federalism.

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*Glenn Petersen*

## Moldova

The second smallest of the former members of the Union of Soviet Socialist Republics (USSR), Moldova is a landlocked country measuring 33,843 square kilometers (13,063 square miles). In 2004 the country had an estimated population of almost 4.5 million people. Moldova's neighbors include Ukraine to the north, northeast, and east and Romania to the west. The country was part of Romania prior to the USSR, which it joined after World War II (1939–1945), and ethnic Moldovans are generally recognized as descended from the same peoples as ethnic Romanians. Almost 65 percent of the country's population is ethnic Moldovan, and ethnic Russians and Ukrainians each comprise about 13 percent of the population. Many citizens still closely identify with Romanian language and culture. The people of Moldova are overwhelmingly Eastern Orthodox, which is practiced by 98 percent of the population.

Along with other former Soviet Republics, Moldova declared independence from the USSR in 1991. Immediately people in the geographic region known as Transnistria declared an independent republic as well, due to political disagreements based on ethnic tension. The ethnic Russian and Ukrainian citizens of the region faced concerns over a political effort advocating re-unification with Romania. The Transnistria region is separated from the rest of Moldova not only by this ethnic dispute but also by natural geography, which has resulted in a literal and political divide from the rest of the country. Transnistria was the cause

## MOLDOVA

of a brief war over this secessionist movement from Moldova in the early 1990s. The area remains plagued with political conflict.

In 1992 Moldova joined the United Nations. In 1994 a new constitution was formally adopted, establishing the country as a republic. Moldova is a poor country struggling to maintain a free market economy. In 2001, when Vladimir Voronin (b. 1941) was elected, Moldova became the first former Soviet nation to elect a member of the Communist Party to the position of president post-independence.

All citizens eighteen years old and older can vote. Political power in the country is shared among the president, cabinet, parliament, and judiciary. The president is elected by parliament, rather than by popular vote, for four-year terms. To win, a candidate must receive a clear majority of votes, and thus political support, from parliament, a unicameral body of 101 members who serve four-year terms. In 2004, President Voronin as well as a majority of parliament were members of the Communist Party.

The prime minister is chosen by the president and appointed on parliamentary approval. The prime minister serves as head of government and appoints a cabinet, the Council of Ministers, which must also be approved by the parliament. The government, led by the Council of Ministers, carries out domestic and foreign policy for the country. Under this system, the president is the dominant political figure.

The judicial system is based on a civil law system. A constitutional court reviews government policies to determine and maintain constitutional consistency. A system of general courts leads to the Supreme Court, the highest court for nonconstitutional actions. According to the U.S. Department of State, the political independence of the judicial system is questionable.

Amnesty International has reported cases of human rights abuses in Moldova, including torture, withholding legal representation from political detainees, and the trafficking of women. Politically motivated arrests, detentions, and disappearances have also been reported. These and other problems led Freedom House to rate Moldova as a 3 and 4 on its 7-point scales for political rights and civil liberties, respectively, and summarized Moldova as a "partly free" nation.

*See also:* Romania; Ukraine.

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(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

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## Monaco

*See* European Microstates.

## Mongolia

Mongolia is a landlocked country in central Asia, located between Russia and China. It is vast and sparsely populated, with a population of 2,751,314 (according to 2004 estimates) living on territory roughly twice the size of Texas. Until the 1960s, the majority of the population was engaged in traditional nomadic herding activities, but since then there has been a shift toward urban centers, in particular the capital of Ulaanbaatar.

### BRIEF HISTORY

Mongolia is best known for its conquests in the thirteenth century under the tribal leader Genghis Khan (c. 1167–1227), who unified the Mongol tribes in 1206 and led them in a series of conquests that established the largest land empire the world has ever known. Genghis Khan's grandson Kublai Khan (1215–1294) conquered China, and the Mongols were eventually absorbed into the Chinese system of government. Their empire disintegrated, and Mongolia was ultimately subjected to rule by China's Manchu Empire. After the Chinese Revolution of 1911, a period of turmoil ensued, but eventually an independent country was established in 1921 as the Mongolian People's Republic, the world's second communist country.

Soviet influence was great, and Mongolia's leaders followed their Soviet counterparts for nearly seventy years, with little de facto independence. A single political party, the Mongolian People's Revolutionary Party (MPRP), held a monopoly on power. The party presided over periods of brutal Stalinist repression in the 1930s under Horloogiyn Choybalsan (1895–1952) and a long period of stagnation in the 1970s under Yumjaagiyn Tsedenbal (1916–1991), known as Mongolia's Brezhnev—referring to Leonid Brezhnev (1906–1982), who ruled the Soviet Union from 1964 to 1982.

In 1989, in response to similar events in Eastern Europe, a group of intellectuals led a series of protests in the main square of Ulaanbaatar, calling for **democratization**, human rights, and market reforms. The MPRP, deciding to reform itself rather than repress the demonstrators, amended the existing socialist constitution to allow for multiple parties and a bicameral parliament. The MPRP also appointed a new head of the party, Punsalmaagiyn Ochirbat (b. 1942), who was subsequently elected in a democratic election. In the summer of 1990, elections to the new parliament led to a multiparty **coalition** in the lower house of parliament, the Baga Hural. The reforms also established a constitutional drafting commission,

**democratization:** a process by which the powers of government are moved to the people of a region or to their elected representatives

**coalition:** an alliance, partnership, or union of disparate peoples or individuals

and within eighteen months a draft was adopted, with some modification, by both houses of parliament. The new constitution took effect on February 12, 1992, establishing a democratic form of government.

## THE GOVERNMENT

The 1992 constitution calls for a single unicameral parliament, the State Great Hural, consisting of seventy-six seats. A directly elected president shares executive authority with a prime minister, who is appointed by the parliament. The president has the power to veto legislation (subject to a **parliamentary override**) and also has powers over national security and foreign affairs. This post was held by Natsagiin Bagabandi (b. 1950) from 1997 to 2005; however, in accordance with the two-term limit set by the constitution, a new president, Nambaryn Enkhbayar (b. 1958), was elected in 2005. The prime minister heads the day-to-day management of government.

There is a three-level court system, headed by the Supreme Court, which is responsible for deciding civil, criminal, and administrative cases. In addition, a nine-member Constitutional Court has the power to review legislation and government action for conformity with the constitution. However, a decision by the court that legislation is unconstitutional can be rejected by the parliament, in which case the full court must hear the case again to uphold the decision.

A major constitutional crisis occurred between 1996 and 2002 after the Constitutional Court held that members of parliament could not serve as ministers in the government. Parliament subsequently tried to legislate rules that would allow this, but this legislation was also rejected by the court. Eventually constitutional amendments were passed, but these too were struck down by the court. A stalemate ensued, but ultimately the court decided to uphold revised constitutional amendments.

## CITIZEN PARTICIPATION, RIGHTS, AND FREEDOMS

Citizens have a wide range of constitutional freedoms and liberties, including rights to free speech, freedom of religion, political participation, and protection of the accused in the criminal justice system. The constitution guarantees the right to be free from torture and imprisonment. Although claims of outright torture or abuse are few, human rights groups have criticized conditions in the prison system as inadequate, particularly for juvenile offenders. There is good access to the court system, although there are complaints about the quality of the judiciary and corruption.

Mongolia's vigorous multiparty democracy has seen alternation in power between two major **blocs**: the formerly communist MPRP, which has adjusted its political program to social democracy, and an array of opposition parties that are loosely tied together in a democratic coalition. The MPRP has ruled for most of the democratic period but lost control of parliament for the first time in 1996. The MPRP regained power with an overwhelming victory in 2000 and held it until 2004, when the two parties split the parliament. A grand coalition was formed, and prominent democrat Tsahiagiyn Elbegdorj (b. 1963) selected as prime minister.

In addition to political parties, citizen participation occurs through a wide array of organized interest groups, including non-governmental organizations. Most of these have arisen since 1989 and range from advocacy to providing social services as their core activities. Several groups monitor the status of human rights protection and call attention to abuses when they occur. The media also enjoys

**parliamentary override:** the ability of a parliament to override decisions of other government bodies

**bloc:** a group of countries or individuals working toward a common goal, usually within a convention or other political body

(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

constitutional protection of freedom of the press but in recent years has allegedly been subject to pressure from the government in the form of moral legislation and selective tax laws. Still, the press is generally free and citizen participation quite active. Citizens also participate in local parliaments, called *hurals*, elected in each of the eighteen provinces and three major cities of Ulaanbaatar, Darhan, and Erdenet.

Mongolia's peaceful transition to democracy beginning in 1990 has been a model. By any measure, citizen participation is active, with voter turnout in national elections consistently above 80 percent, and an array of other channels for participation. It has a more vigorous democracy and better protection of human rights than any Central Asian country and at least as robust as any country in East Asia.

*See also:* China; Parliamentary Systems.

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*Tom Ginsburg*

## Montenegro

*See* Serbia and Montenegro.

# Morocco

Morocco is an example of an Arab country that is in the process of trying to reform and liberalize its political system. A survey by *The Economist* magazine in 2004 placed Morocco at the top of "A League Table of Democracy in the Arab World." The country, nevertheless, continues to face challenges associated with poverty, terrorism, and the difficulties of reforming a political system dominated by a centuries-old hereditary monarchy.

## LOCATION AND TERRITORY

Morocco is located in the far northwest corner of Africa and separated by just 16 kilometers (10 miles) of water from Spain and the European continent. To the east and south it borders the states of Algeria and Mauritania. Geographically the country is divided by four main mountainous ranges—the Rif mountains in the far north, the Middle and High Atlas range across the middle of the country, and the Anti-Atlas in the south. Between and beyond these mountainous areas there are significant areas of **arable land** as well as desert and steppe land. In 2004 Morocco had an estimated population of 32 million people of mostly Berber and Arab ethnic origin. This population is split roughly equally between the rural and urban areas but with the balance tipping progressively toward the cities and towns. Morocco also counts as an integral part of its national territory the disputed area known as the Western Sahara. Formerly controlled by Spain, Morocco's claim to the territory is contested by a liberation movement called the Polisario Front. Most states, including nearly all those in Western Europe and North America, recognize neither side's claim but officially await the outcome of a **referendum** being organized by the United Nations in the territory. This referendum, however, had not taken place as of early 2005 because of disagreements about who is entitled to vote.

## HISTORICAL EVOLUTION

Morocco has one of the longest histories of any of the states in the Arab world. Most Moroccans date the establishment of Morocco from 809 when Moulay Idriss II—the son of Moulay Idriss I, a refugee from the Arabian Peninsula—established a **proto state** based in the newly founded city of Fez. A relative of the Prophet Muhammad (c. 570–632)—the founder of the religion of Islam—Moulay Idriss I arrived in the wake of Arab armies that had reached the region earlier in the century bringing the Arabic language as well as the religion of Islam. Moulay Idriss II expanded his nascent state beyond the environs of Fez to include most of the territory of the modern state of Morocco.

Following the Idrissids, a series of royal dynasties rose and fell over the following centuries until the establishment of the Alawite dynasty in the seventeenth century, the descendants of whom still hold the Moroccan throne in the twenty-first century. From 1912 until 1956 Morocco was under the colonial rule of both the French and Spanish. The Sultan (later King) Mohammed V (1910–1961) played a central role in uniting the country in the struggle to win independence from European control in 1956. Following independence, Mohammed V successfully politically out-maneuvered the nationalist Istiqlal (Independence) Party, with whom he had worked to achieve independence for Morocco, to take full and effective control of the kingdom. Upon his death in 1961, Mohammed V was succeeded by his son Hassan II (1929–1999), who ruled the kingdom for thirty-eight years until his own death in 1999, when he was, in turn, replaced by his son Mohammed VI (b. 1963).

**arable land:** land suitable for the growing of crops

**referendum:** a popular vote on legislation, brought before the people by their elected leaders or public initiative

**proto state:** an entity that adopts most of the characteristics of a state but does not have complete sovereignty, such as an interim government or the European Union

## SOCIOECONOMIC CONDITIONS

Morocco is one of the poorest countries in the Arab world because it possesses neither oil nor gas. **Per capita** income per year is estimated at $4,000 on a **purchasing power parity** index. Cities such as Casablanca and Rabat are modern and developed, but significant areas of the countryside, where nearly half the population still live, are very poor, and many rural communities still lack access to water and electricity. Migration from the rural areas to the cities over last decades of the twentieth century has led to the development of significant shanty towns on the edges of cities such as Casablanca.

## GOVERNMENT AND CONSTITUTION

Morocco is a constitutional monarchy, which means that the king's powers are defined by the constitution. All the constitutions since independence have given overwhelming power to the person of the king, who serves as the head of state, the symbol of the nation and the commander of the faithful—a term that recognizes his religious authority owing to his claimed descent from the Prophet Muhammad. Under the constitution, the king has the power to appoint and dismiss the prime minister and the cabinet and dissolve the national legislature. He can also issue his own laws (*dahirs*) without the approval of the legislature. Constitutional revisions in the 1990s placed some small, largely symbolic

**per capita:** for each person, especially for each person living in an area or country

**purchasing power parity:** a way of measuring the buying power of countries' currencies based on the cost of identical goods

(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

restrictions on the power of the king. All meaningful decisions in the country continue to be taken by the king and his powerful team of advisors.

A national legislature was created by the first post-independence constitution in 1962. Elections occurred sporadically in the early decades after independence but eventually conformed to a more regular timetable. Elections to the lower House of Representatives take place every five years. A second legislative chamber was created in 1996 and is elected indirectly by members of local government and representatives of professional associations and trade unions. It has become convention that the prime minister and cabinet of ministers are drawn from the party or parties controlling a majority of the seats in both chambers. The king, however, is under no constitutional obligation to follow this convention and regularly appoints key ministers, including the prime minister, who have no link to the parties in the legislature.

The king consults with the prime minister and cabinet but, again, is under no obligation to act on the advice he receives. Morocco has a supreme court, half of whose judges are appointed by the king, with the other half appointed by the two legislative chambers. Neither the national legislature nor the Supreme Court are permitted to pass any motion or ruling that is critical of the king, whose person and actions are deemed by the constitution to be sacred.

Political power in Morocco is often described as belonging more generally to the *Makhzen*—the term given to the complex network of individuals, institutions, and families that grow from and around the king and the Royal Palace and that dominate political and economic life in the kingdom.

## POLITICAL PARTIES AND CIVIL SOCIETY

Morocco is one of the few countries in the Arab world to have retained a multiparty political system since independence and the principle of multipartism is enshrined in the constitution. There are nearly thirty legal political parties in the country. Parties are nominally representative of an ideological spectrum ranging from socialist to free market liberal. In reality, however, many parties are little more than patron-client networks built around a prominent leader. One ideological cleavage that did exist among some of the main parties was among parties that allied themselves with the Royal Palace and those of the opposition, which pushed for further constitutional and political reform. The formation, however, of **coalition** governments formed from parties of both orientations after 1998 has served to blur this distinction and reduce its significance. In 1997 a recognizably Islamist political party contested elections for the first time.

From the 1980s, there was also a significant expansion of associational life with the creation of large numbers of non-governmental organizations. Many of these associations, however, have strong links to the Royal Palace, the government, and the political parties. The establishment of a political party or an association needs official approval from the government, and applications for official recognition are periodically rejected. One of the largest organizations in the country, the religious group Justice and Spirituality, is not officially recognized, but its activities are largely tolerated by the authorities.

## PRESS FREEDOM AND HUMAN RIGHTS

Morocco also has one of the most free and independent presses in the Arab world, with a very large number of newspapers and magazines publishing predominantly in Arabic and French but also in Berber and Spanish. Press

**coalition:** an alliance, partnership, or union of disparate peoples or individuals

freedom expanded significantly in the 1990s, although critical treatment of certain topics—specifically the monarchy, religion, and the Western Sahara—is periodically censored and journalists and newspapers punished with fines, closures, and occasionally imprisonment.

Human and civil rights in Morocco have improved markedly since the early 1990s when nearly all existing political prisoners were released. Those political prisoners that remain are largely members of Islamist organizations who have been imprisoned since the attacks against the United States on September 11, 2001, and a series of bomb attacks that took place in Casablanca in May 2003. Many of these prisoners are believed to have been tortured while in custody. Harassment and intimidation of individuals advocating independence for the Western Sahara occurs regularly, and questioning Morocco's claim on the territory in this way remains a legal offense. Women enjoy the same political rights as men in Morocco and, following a series of significant reforms to Family Law passed in 2004, have near equal rights in terms of marriage, divorce, and inheritance. A reform to the electoral law in



**BEDOUINS IN THE SAHARA DESERT TRADE GOODS AT A MARKET.** Most of the inhabitants of the Western Sahara, a territory claimed by Morocco, are nomadic. While the entire area is rural, rainfall is too sparse to sustain a living from agriculture. (SOURCE: PENNY TWEEDIE/ CORBIS. REPRODUCED BY PERMISSION.)

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## THE JUSTICE AND SPIRITUALITY MOVEMENT

Known as al-Adl wal-Ihsane, the Moroccan radical Islamist Justice and Spirituality Movement was begun by Sheikh Abdessalam Yassine (b.1929). While the group's charitable and social activities are allowed, Justice and Spirituality is officially banned from political activity. Sheikh Yassine spent some years in jail and eleven years under house arrest under the late King Hassan II (d. 1999), and is still under close surveillance by the government. Spokesperson for the group, and one of the most prominent women in Morocco, is Yassine's university-educated daughter Nadia.

The Justice and Spirituality Movement, which rejects violence, is adamantly opposed to the monarchy, which it regards as un-Islamic and corrupt. The group is estimated to have one million members, of whom 20 percent are women.

A number of its activists are imprisoned. The movement severely criticizes the government for human rights abuses and advocates the formation of a democratic Islamic state, which would be tied to traditional religion and supportive of oppressed and suffering people.

In 2002 the government denied the Justice and Spirituality Movement's demand to be allowed to participate in parliamentary elections. The movement's rival, the more moderate conservative Islamist Party for Justice and Democracy (PJD), was extremely successful in those elections. Most observers believe that if Islamists contested parliamentary elections in the entire country rather than only in half, as did PJD in 2002, they would easily form a majority. They do not do so in order to avoid following in Algeria's footsteps toward civil warfare.

the run-up to the 2002 legislative elections reserved thirty seats in the lower house for women.

*See also:* Constitutional Monarchy; Shari'a.

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## Mozambique

Mozambique experienced almost five centuries as a Portuguese colony before it became independent in 1975. The country has had a difficult time in developing, largely due to economic dependence on South Africa, a severe drought, and a prolonged civil war. The ruling party, the Front for the Liberation of Mozambique (FRELIMO), formally abandoned Marxism in 1989 and a new constitution the following year provided for multiparty elections and a free market economy. Political stability and sound economic policies have encouraged recent foreign investment.

Mozambique is in southeastern Africa, bordering the Mozambique Channel, between South Africa and Tanzania. It is slightly less than twice the size of the state of California. Indigenous ethnic groups such as the Makhuwa, Tsonga, Lomwe, and Sena comprise 99.6 percent of the approximately 18.8 million people living in Mozambique. The remaining population comprises Europeans, Euro-Africans, and Indians. Approximately half of the population adhere to indigenous religions; 30 percent are Catholic and 20 percent are Muslim. Portuguese is the official language but is spoken by only 27 percent of the population; the vast majority of the population speak various indigenous dialects. Mozambique is a **republic** with ten provinces. The legal system is based on the Portuguese civil law system and **customary law**.

Portugal, whose control began as early as the fifteenth century, officially colonized Mozambique at the Berlin Congress in 1884 and 1885. World War II (1939–1945) brought about a rise in anticolonialism in Africa, climaxing in Mozambique in the late 1960s and early 1970s and dominated by FRELIMO. Although the Portuguese moved to quash the independence movement, a decade-long war erupted accompanied by a storm of United Nations criticism. In response, Portugal altered its policies, implemented long-overdue reforms, and moved Mozambique toward independence. Independence was declared in 1974 and became official in 1975. FRELIMO, led by Samora Machel (1933–1986), became the dominant political party and established the Republic of Mozambique based on Marxist-Leninist principles. Following Machel's death in an airplane accident in 1986, Joaquim Chissano (b. 1939) was appointed president.

Moving away from its Marxist roots, Mozambique adopted a new constitution in 1990. The first multiparty elections were held in October of 1994. The executive branch of Mozambique consists of a president. Chissano was reelected in 1999 for a five-year term with 52.3 percent of the vote over Afonso Dhlakama (b. 1953), who received 47.7 percent of the vote. The president appoints a prime minister: Luisa Diogo (b. 1958) was named to that office in February 2004. Mozambique has a **unicameral** assembly containing 250 seats, and members are directly elected by popular vote on a secret ballot to serve five-year terms. The judicial branch consists of a Supreme Court, appointed by the president and some elected by the assembly. Other courts include an Administrative Court, customs courts, maritime courts, courts marshal, and labor courts.

At independence in 1975, Mozambique was one of the world's poorest countries. Socialist mismanagement and a brutal civil war from 1977 to 1992 exacerbated the situation. In 1987, the government embarked on a series of **macroeconomic** reforms designed to stabilize the economy. The World Bank has helped to fight poverty and improve the living standards for the people of Mozambique through loans, credits, and grants totaling approximately $2.75 billion through 2004. Although its economic growth rate has improved, 70 percent of Mozambicans continue to live below the poverty line.

Although the 1990 Constitution is committed to democracy and equal rights for its citizens with fundamental rights, duties, and freedoms, the country

**republic:** a form of democratic government in which decisions are made by elected representatives of the people

**customary law:** a law created by the traditions of a community but never officially declared in force

**unicameral:** comprised of one chamber, usually a legislative body

**macroeconomics:** a study of economics in terms of whole systems, especially with reference to general levels of output and income and to the interrelations among sectors of the economy

**MOZAMBIQUE**

0    100    200    300 Miles

0   100   200   300 Kilometers

(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

continues to struggle toward democratic governance. However, Mozambique's move to **economic liberalization** has gained praise, although the distribution of its economic progress has yet to reach its isolated rural communities.

*See also:* Portugal.

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## Myanmar (Burma)

Myanmar (also known as Burma) occupies a geographically strategic position where south, southeast, and northeast Asia meet. It shares borders with the world's two largest nations—China and India—and shares a long border with Thailand and smaller ones with Laos and Bangladesh. In terms of land mass, Myanmar is slightly smaller than Texas, making it the largest nation on mainland Southeast Asia. Myanmar is also strategically located near major Indian Ocean and Southeast Asian shipping lanes through which almost one-half of the world's trade passes. Myanmar has magnificent geography consisting of mountains, a long seacoast, fertile valleys, and picturesque cities and towns, but it is susceptible to destructive earthquakes, cyclones, flooding, and landslides during the rainy season (June to September) as well as periodic droughts.

The government of Myanmar has reported the country's population at just over 50 million people. However, other estimates suggest that the population is more accurately estimated at 47 or 48 million due to the government's failure to take into account the effects of excess mortality caused by the AIDS epidemic. The ethnic breakdown of Burma's population is Burman, 68 percent; Shan, 9 percent; Karen, 7 percent; Rakhine, 4 percent; Chinese, 3 percent; Mon, 2 percent; and other, 5 percent. However, it has been decades since a census in Myanmar was last taken; therefore, the number of minorities as part of Myanmar's total population may understate the non-Burmese proportion of the country's population.

Approximately 89 percent of Myanmar's population practices some form of Buddhism. Smaller segments of the population practice Christianity (4%) and Islam (4%), with the remainder practicing Hinduism or animism. However, given the nebulous nature of statistics in Myanmar, these statistics may be inaccurate and potentially understate the non-Buddhist proportion of the population. Although Myanmar has no state religion, governments since independence have shown a preference for Theravada Buddhism. History has shown that being a conspicuous supporter of Buddhism has helped ensure the legitimacy of both military and civilian governments.

### HISTORY

Burma (as Myanmar was then known) was colonized by Britain in 1824 and accorded a limited form of self-government only in the late 1930s, when it was separated from the administration of India against the background of a **nationalist** challenge. Burma was occupied by the Japanese during World War II (1939–1945) with the support of Burmese nationalists, who in 1943 were accorded a nominal independence. When it became apparent that Japan was going to lose the war, the Burma National Army rebelled against its Japanese mentors in support of the Allied cause. Burma attained full independence in 1948, after Great Britain had revised its timetable in light of the support enjoyed by the Anti-Fascist Freedom People's League, the nationalist movement headed by Aung San (1915–1947). But in 1947, just before independence, Aung San was assassinated along with six cabinet colleagues in a plot mounted by a political rival. Removed from the political scene at the zenith of his influence, Aung San became a legend and a martyr for Burmese independence.

From independence, ethnic peoples in Myanmar have fought or are still fighting for various degrees of autonomy ranging from maintenance of their own states within a federal union to outright independence. Since 1989, the military

**nationalism:** the belief that one's nation or culture is superior to all others

government has signed fifteen cease-fire agreements with ethnic groups. Despite this perceived accomplishment, these cease-fires are fragile as they are not formal settlements and are contingent on the Myanmar government's ability to provide social services such as health care and education. Three ethnic groups—the Karen, Karenni, and Shan—remained in rebellion against Myanmar's government into the twenty-first century.

From 1948 to 1958, Burma's parliamentary government was headed by U Nu (1907–1995). By 1958 the political condition of Burma was so chaotic that U Nu voluntarily turned the nation's administration over to a caretaker military government led by General Ne Win (1911–2002), who once worked for Aung San during the independence movement. Ne Win's government restored a semblance of law and order, reorganized the bureaucracy to make it more efficient, and stabilized the cost of living. In 1960 the electorate chose to return U Nu to leadership, but the government was weak and ineffective. On March 2, 1962, Ne Win led a coup d'etat that deposed U Nu and began an era of military rule, which continued into the early 2000s.

## MAJOR POLITICAL LEADERS AND SOCIOECONOMIC CONDITIONS

Myanmar has been ruled since September 18, 1988 by a military **junta** that succeeded the brutal and **autocratic** 26-year rule of General (later President) Ne Win. The junta, originally named the State Law and Order Restoration Council (SLORC), declared **martial law** and suppressed pro-democracy demonstrators, killing thousands of people, but on May 27, 1990, held the first multi-party election in three decades. The country's main opposition party—the National League for Democracy, which was established one year earlier—won 392 (82%) of the parliament's 485 seats. SLORC nullified the results, saying the military was the only institution able to keep the country together, maintain order, and promote economic development. Since the 1990 elections, the government has suppressed civil liberties and jailed thousands of political prisoners. Burma's most prominent political **dissident**, Nobel Prize winner Aung San Suu Kyi (b. 1945), the daughter of Aung San, has been either under house arrest or otherwise restricted in her movements since the early 1990s. As of July 2005, Aung San Suu Kyi remained under house arrest where she has been since 2003.

In 1997 SLORC dissolved itself and announced the country would be ruled by a State Peace and Development Council (SPDC). The change in the junta's name was in many respects reflective of the military's refusal to cede power. Whereas restoring law and order is a temporary assignment, promoting peace and development are permanent duties. Despite the SPDC's unpopularity at home and condemnation by Western nations, Myanmar's military finds itself as strong as any time in the country's history. The junta dominates the nation's politics and economy. Meanwhile Myanmar's relations with China, India, Pakistan, Bangladesh, and the countries of Southeast Asia have been either strengthened or expanded.

When Burma achieved independence, it was the most well-endowed nation in Southeast Asia in terms of natural resources and human capital. Unfortunately, economic mismanagement and political oppression under a succession of military governments since 1962 have denied the peoples of Myanmar the quality of life they deserve. Initially this was due to a set of political and economic policies called the "Burmese Way to Socialism," which effectively isolated Burma from the rest of the world and destroyed the country's economy. In 1988 and 1989, Myanmar's

**junta:** a group of individuals holding power, especially after seizing control as a result of a coup

**autocracy:** a political system in which one individual has absolute power

**martial law:** rule by military forces in an occupied territory or rule by military officials declared during a national emergency

**dissident:** one who disagrees with the actions or political philosophy of his or her government or religion

military leaders discarded these policies, pursued an open-door policy, and introduced economic reforms with the hope of lifting the country out of its economic morass by enticing foreign investment.

Despite such reform, political stagnation in Myanmar has left the country in a dire state as the economic growth Myanmar has achieved has not translated into improvements in employment, human development, and poverty reduction that are needed if the country is to ever reach its potential. Myanmar has been unable to achieve monetary or fiscal stability, resulting in an economy that suffers from serious macro-economic imbalances, including a high inflation rate and an official exchange rate that overvalues the Burmese currency (*kyat*) by more than 150 times the market rate. In addition, most overseas development assistance ceased after the SLORC refused to recognize the results of the 1990 election. Economic sanctions against Myanmar by the United States and the European Union have contributed to the weakening of the economy.

Myanmar's gross national product per capita is approximately $300 per year, making it one of the world's "least developed countries," according to the United Nations and World Bank. World Bank surveys show approximately 25 percent of the population live below the subsistence levels (less than $1 per day). Life expectancy is short (sixty years), and little is invested in the country's health care and educational systems. The government spends only 50 cents per person, per year on health care, and malnutrition affects four out of every ten children under five years of age. Thirty percent of children never attend school, despite compulsory education (kindergarten to fourth grade). From 1988 to 2000, universities were closed for nine of the twelve years to preempt student protest. Consequently, hundreds of thousands of former university-age students did not receive their degrees.

### NATURE OF GOVERNMENT

Myanmar's government is a military **regime** that controls the entire political and economic apparatus of the country. The country's largest company, the Myanmar Holdings Company, Ltd., is owned by the military. The administration of the nation is divided into seven divisions (Ayeyarwady, Bago, Magway, Mandalay, Sagaing, Tanintharyi, and Yangon) and seven states, where the great majority of Myanmar's ethnic minorities live (Chin State, Kachin State, Kayin State, Kayah State, Mon State, Rakhine State, and Shan State).

On September 18, 1988, when SLORC (later the SPDC) came to power, Burma's 1974 constitution was **abrogated**. Since then the military has ruled by decree. On January 9, 1993 a national convention was convened and tasked with writing a new constitution. Opposition groups including the National League for Democracy boycotted the convention due to the ongoing detention of Aung San Suu Kyi as well as other dissidents. A largely on-again, off-again process, the convention was scheduled to reconvene in May 2005 after adjourning in March of the

(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

**regime:** a type of government, or, the government in power in a region

**abrogate:** to abolish or undo, usually a law

## WHAT TO CALL THE COUNTRY: BURMA OR MYANMAR?

In 1989, Burma's military government, then known as the State Law and Order Restoration Council (SLORC), changed the name of the country from Burma to Myanmar, a written form of the official name in Burmese. Burma's political opposition and some countries, including the United States, do not recognize this name change because of the military government's human rights abuses and its refusal to hand over power to an elected civilian government. The official name of the country at the United Nations is Myanmar. Thus, the use of either term for the country has taken on political connotations.

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**unicameral:** comprised of one chamber, usually a legislative body

**marginalize:** to move to the outer borders, or to move one to a lower position

same year but was then postponed to the end of 2005. However, any constitution that might be drafted will lack legitimacy both within and outside of Myanmar as it lacks representative government and a modicum of protection for self-expression. The SPDC tries to give the impression that some sort of transition is in process to help spur the country on a democratic path, but any such process is largely invisible.

The legislature in Myanmar is a **unicameral** body known as the Pyithu Hluttaw (People's Assembly), but it has never convened since SLORC came to power in 1988. Ostensibly, members of the People's Assembly are elected by popular vote to serve for four-year terms. The SPDC has said once the new constitution is passed a new election for the People's Assembly will be held. There is no timetable for the next election.

Myanmar's legal system and judiciary are remnants of the British legal system, but the judiciary is not independent of the executive branch (i.e., the military), and no guarantees for a fair and public trial are in place.

### POLITICAL LIFE: WHO GOVERNS?

Myanmar's military (*tatmadaw*) permeates the country's political, economic, and social life. Defense spending over the years has increased in real terms as a share of legal (nondrug related) gross domestic product and central government expenditures. The World Bank estimates that 40 percent of Myanmar's government budget is spent on the military. Including support for inefficient state enterprises (many run by the military), this accounts for 75 percent of total government expenditures. Since 1989, no official public record has provided details on how the government of Myanmar is spending its citizens' money.

Because the military controls all avenues of social mobility, the *tatmadaw* itself has become the only real avenue of opportunity in Burma. Although the universities were closed for much of the 1990s, educational and medical institutes run by the military never shut their doors. The health-care system for soldiers and their dependents is considered the best in the country whereas the nation's health-care system overall is ranked one of the world's worst by the World Health Organization.

### ELECTIONS AND POLITICAL PARTIES

Only one free, fair, democratic election has been held in Myanmar since 1960, that of May 27, 1990. Despite formidable impediments to free campaigning erected by SLORC, voting procedures went smoothly and the National League for Democracy, Myanmar's major opposition party, won 392 of the 485 seats in the People's Assembly. The political party most closely aligned with SLORC, the National Unity Party, took only ten seats. Nevertheless, SLORC and the SPDC adamantly refused to relinquish government control. The refusal by Myanmar's military leaders not to acknowledge the results of the 1990 election has been widely condemned by Western nations, particularly the United States. In 1997 and 2003 the United States imposed broad economic sanctions that ban the United States from trading with and investing in Myanmar.

The military's iron-grip rule has rendered institutions (i.e., the legislature, judiciary) that have the propensity to be democratic and independent largely dysfunctional. The SPDC's strategy has been to **marginalize** and destroy the National League for Democracy's party structure and its supporters through detention, intimidation, and, in a number of instances, torture, despite international condemnation of the regime's abuses.

## PARTICIPATION, INTEREST GROUPS, AND CIVIL SOCIETY

Civil society in Myanmar is largely nonexistent. The government refers to organizations such as the Maternal Health and Childcare Association as non-government organizations (NGOs), but they mostly receive funding from the government. In many instances, these organizations are headed by relatives and close associates of senior military leaders. Moreover, the junta has created and sanctioned its own "civic" organization known as the United Solidarity and Development Association (USDA). Created in 1993, the USDA is a social organization under the Ministry of



**SHWEDAGON PAGODA HOLDS INITIATIONS FOR YOUNG MONKS IN 1996.** Located in Myanmar's capital city of Yangon (formerly Rangoon, Burma), the majestic gold-leaf-covered Shwedagon Pagoda is vital to the country as the vast majority practices Buddhism. (SOURCE: © ALISON WRIGHT/CORBIS. REPRODUCED BY PERMISSION.)

Home Affairs but is not considered a political party. Civil servants and military personnel are not prohibited from joining the USDA; to the contrary, government workers are expected to join. The USDA's patron is Senior General Than Shwe (b. 1933), chairman of the SPDC and head of the country. The USDA has approximately 17 million members, or 38 percent of Myanmar's population. In essence, every family in state-controlled areas has been touched by the central government through this organization.

International NGOs do very good work in Myanmar. However, there are fewer than 50 in total, and they work under very difficult circumstances as the SPDC views all international NGOs with suspicion. Moreover, Aung San Suu Kyi does not favor international NGOs working in Myanmar because seeking approval from the SPDC only serves to legitimize an illegitimate regime in her eyes. This hurdle serves as an additional impediment for international NGOs that consider undertaking projects in Myanmar.

## PERSONAL SECURITY AND HUMAN RIGHTS

By all accounts, Myanmar has one of the world's worst human rights records. It has forced civilians (including children) into military service as porters and was suspended from the International Labor Organization in November 2000 for its failure to cease its policy of forcing civilians to work on economic projects without compensation. Freedom House has annually given Myanmar its lowest possible rating for denying citizens their political rights and civil liberties, including freedom of expression, association, assembly, and movement. Both the print and electronic media are tightly controlled by the government and are unable to serve as channels to express popular opinion. Amnesty International and Human Rights Watch have both declared that human rights violations in Myanmar are systematic and widespread.

*See also:* Aung San Suu Kyi.

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## Namibia

Namibia lies in southwestern Africa. Although two-thirds of the size of neighboring South Africa and twice the size of California, most of the country is extremely arid, which helps explain the small population, estimated in 2004 to be between 750,000 and 1.5 million. The Namib Desert lies along the coast, and the Kalahari Desert in the east. Much of the southern two-thirds of the country is not suitable for arable agriculture. The only well-watered area is the relatively narrow northern strip, where over half the country's population live, the Ovambo-speaking people.

The boundaries of the country were demarcated in the late nineteenth century and early twentieth century. The German government established a protectorate in 1884, some six years after the British had annexed the only significant port on the coast, Walvis Bay. The Germans sought an outlet to the Zambezi River in the northeast, which explains the very unusual Caprivi Strip. The other boundaries were agreed on, with the Portuguese in the north and the British in the east, and in the south the Orange River formed a natural boundary between German South West Africa and the Cape Colony. With German settlers encroaching on their lands, the Herero people in the central part of the territory rose in rebellion in 1904, and the Germans suppressed them in a genocidal war that resulted in perhaps two-thirds of the Herero and half the Nama people of the south losing their lives.

In World War I (1914–1918) the Germans were ousted from Namibia by the South Africans, allies of the British, and South African occupation then continued from 1915 until the independence of Namibia in March 1990. For this extended period the territory was ruled as a de facto colony of South Africa, which would have annexed the territory had it been allowed to do so. Instead, Namibia became a mandate under the League of Nations in 1921, and from 1946, when the new United Nations (UN) refused to allow South Africa to incorporate the territory, the UN assumed some responsibility for it.

**FAST FACTS**

The Caprivi Strip is a finger of land in northeast Namibia that was annexed to the country to allow the German rulers to access to the Zambezi River.

NAMIBIA
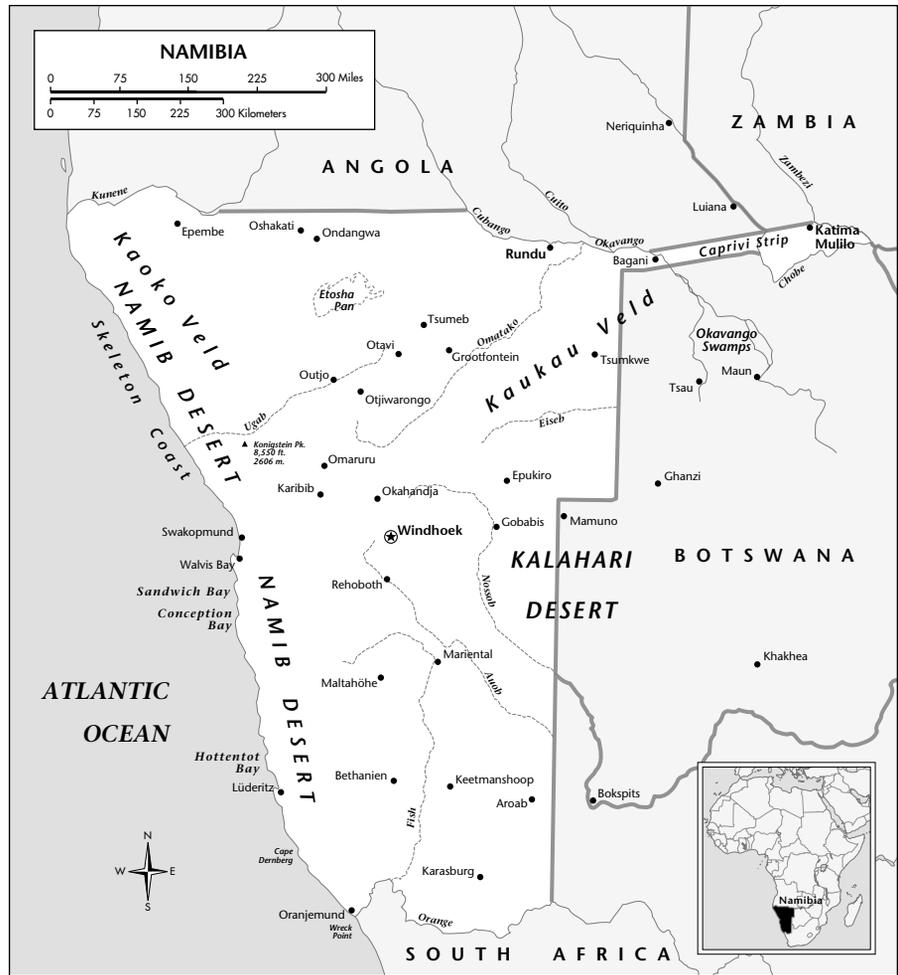
(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

When South Africa refused to withdraw, the issue went to the International Court of Justice (ICJ) in The Hague. When the court there did not find in favor of South Africa's withdrawal, the UN General Assembly terminated the mandate in 1966 and began a process that led to the Namibian issue being taken up by the Security Council, which referred the matter back to the ICJ. In 1971 the ICJ ruled that South African rule was illegal and South Africa must withdraw. It took almost two decades for that to be accomplished, during which a major liberation war was fought by the South West African People's Organization (SWAPO).

Not only was the South African rule extremely oppressive and brutal, and its last phase highly militaristic, but the majority of the population lived in great poverty. In 1978 South Africa was persuaded to agree to a plan for a transition to independence involving the UN, and a decade later—by which time the war with SWAPO had extended far into Angola—finally agreed to its implementation. A UN presence helped ensure that the first democratic election held in the territory in November 1989 was reasonably free and fair.

When a SWAPO government took office at independence, it faced the problems left by over a century of colonialism and decades of **apartheid** rule and war. The main port, Walvis Bay, remained under South African rule until it was incorporated in 1994. Although SWAPO was not known for commitment to democratic practice, under the influence of the international community, which

**apartheid:** an official policy of racial segregation in the Republic of South Africa with a goal of promoting and maintaining white domination

had played a very important role in bringing Namibia to independence, the constitution approved by the elected Constituent Assembly prior to independence was a liberal democratic one, providing for an elected president and multiparty system. However, after taking office, the SWAPO government has tended to rule in an **authoritarian** manner, in part a legacy of the years of exile and armed struggle. SWAPO has not been challenged by any effective opposition because the main opposition party, the Democratic Turnhalle Alliance, was regarded by many as having been a South African puppet, and the great majority of the Ovambo-speaking people support SWAPO.

**authoritarianism:** the domination of the state or its leader over individuals

Although the original constitution limited the presidency to two terms, the first president, the founder of SWAPO, Sam Nujoma (b. 1929), persuaded his party to allow him to continue for a third term, and the constitution was changed to permit this. In March 2005, Hifikepunye Pohamba (b. 1935), also a founding member of SWAPO and Nujoma's handpicked successor, was sworn in as the country's second president.

The opposition remains small and divided between the Democratic Turnhalle Alliance and the Congress of Democrats, and parliament is ineffective. A group of people from the northeastern Caprivi region who tried to stage an uprising in 1998 in support of **secession** was quickly detained and in 2004 remained on trial for treason. Some allege that they were tortured.

**secede:** to break away from, especially politically

Although its mineral wealth brings the country considerable revenue, the bulk of the population remains very impoverished and the prevalence rate of HIV/AIDS is one of the highest in the world. Nevertheless the country is known for its free press, which has recently criticized aspects of the government's policy to **redress** the unequal land distribution by embarking on a land reform program involving **expropriation** of white-owned farms. The judicial system remains independent of government and committed to the upholding of the basic freedoms enshrined in the constitution. Whether a democratic culture is taking root among the mass of the people remains to be seen, but compared to the repression and lack of freedom under the apartheid regime, the country since independence has enjoyed an era of great stability in which citizens have by and large enjoyed a large measure of freedom.

**redress:** to make right, or, compensation

**expropriate:** to take property from its owner and give it to another, especially oneself; usually accomplished through government decree or legal procedures

*See also:* Peacekeeping Forces; South Africa; United Nations.

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*Christopher Saunders*

# National Association for the Advancement of Colored People (NAACP)

*See* Civil Rights Movement in the United States.

# Nationalist Movements

A nationalist movement is a social and political movement for obtaining and maintaining national identity and autonomy among a group of people that some of its members consider a nation. The underlying principle of its motivating ideology, nationalism, is to uphold national interest or national identity as the primary basis on which political decisions are made.

Most historians agree that, as an ideology, nationalism became prevalent in North America and Western Europe in the latter half of the eighteenth century, and shortly thereafter in Latin America. The first wave of nationalist movements reached its peak during the 1848 revolutions in Europe, which led to the unification of Germany and Italy. Toward the end of the nineteenth century a second wave swept Eastern and Northern Europe, as well as Japan, India, Armenia, and Egypt. Soon nationalist movements spread to most of Asia and parts of Africa. In the twentieth century nationalist movements became a global phenomenon. In many instances, such as the anticolonial struggles in Latin America, Asia, and Africa, nationalist movements were a progressive force. However, nationalist movements also led to some of the darkest moments in modern history, such as the rise of fascism in Europe during the 1930s and **ethnic cleansing** in the former Yugoslavia during the 1990s.

The early theorists of nationalism highlighted the crucial role of sentiments in modern politics as well as the importance of preexisting traditions such as race, language, and culture. Later European nationalists reacted to industrialization and linked the economic aspect of a nation's life to its culture and politics, thus making nationalism a more powerful ideology. Nationalism's appeal is based on the perception of individuals as an integral part of a community who cannot be defined in isolation from this community, rather than as independent and self-sufficient people. Such a viewpoint provides ample justification for a nationalist movement and its perceived uniqueness.

## THEORIES AND DEBATES

Nationalism and nationalist movements did not become the subject of historical enquiry until the mid-nineteenth century, or of social scientific analysis until the early twentieth century. In the wake of the widespread nationalist movements of decolonization in Africa and Asia in the 1950s and 1960s, many models and theories of nationalism emerged with the premise that nations and nationalism are intrinsic to modernity. These theories perceive the nation as the creation of a distinctively modernizing, industrial, and capitalist West, and the product of specific social, economic, bureaucratic, and technological innovations.

During the decades that followed, the "**modernist**" view of nationalism was further developed and refined as scholars redefined the nation as a purely intellectual construct. The fundamental premise of this kind of theory is challenged by "**primordialists**," who point to modernism's failure to grasp the recurring nature of ethnic ties and to ground its understanding of modern nations in history and earlier traditions. They argue that the power of ethnicity and ethnic history is crucial to understanding the modern nation-state, and the modern nation-state would simply not exist without ethnic foundations, even though such foundations are often idealized. These theorists hold that ethnicity, although mutable and constantly evolving, limits the degree to which a given cultural identity may be transformed. In this sense, it is not a mere fiction and cannot be expected to vanish gradually as a result of modernization.

**ethnic cleansing:** the systematic murder of an entire ethnic group

**modernism:** a philosophy advocating ideas and elements specific to modern times, or the integration of those ideas into preexisting cultures or beliefs

**primordialism:** a way of studying nationalism that advocates looking at familial and ethnic connections and their relation to underlying conflicts

**FILING PAST THE HO CHI MINH MAUSOLEUM, BUDDHIST MONKS TAKE PART IN VIETNAM'S INDEPENDENCE DAY PARADE IN HANOI ON SEPTEMBER 2, 2000.** Reunification Day is a national holiday commemorating the day North Vietnamese took control of Saigon on April 30, 1975, bringing the Vietnam War to a close. (SOURCE: © AP/WIDE WORLD PHOTOS)

Over the years the differences between the modernists and primordialists seem to have narrowed, at least among leading voices. At the same time, some argue that both intellectual camps have adopted a perspective emphasizing historical progress and the necessary development of nation-states that has, in fact, become an impediment to understanding non-Western national consciousness and new forms of modern community.

### CONTEMPORARY CHALLENGES

It is widely recognized that nationalism has both a positive and negative side. A nation may be democratic, inclusive, **secular**, and forward-looking, or **authoritarian**, exclusionary, religious, and backward-looking. Similarly, nationalist movements may be progressive, such as many anticolonial struggles, or virulent, such as ethnic cleansing. Well-known leaders of nationalist movements include not only the chief proponent of nonviolence, India's Mahatma Gandhi (1869–1948), but also Nazi Germany's Adolf Hitler (1889–1945), brutal Romanian dictator Nicolae Ceausescu (1918–1989), and the former Yugoslavia's strongman, Slobodan Milosevic (b. 1941).

**secularism:** a refutation of, apathy toward, or exclusion of all religion

**authoritarianism:** the domination of the state or its leader over individuals

Some scholars believe that Western European nationalism began as predominantly liberal and democratic, whereas Eastern nationalism has fundamental and pervasive tendencies toward "authoritarianism." According to this binary view of nationalism, nationalism can be divided into two categories: civic nationalism and ethnic nationalism. Civic nationalism defines national membership in terms of adherence to democratic principles, whereas ethnic nationalism defines national membership in terms of the more exclusionary categories of ethnicity and culture. In practice, however, these types are often closely intertwined, and sometimes it is not difficult to move from one version to another as circumstances change. Moreover, diffusion of a common language and national culture occurs even in the most liberal democracies.

Many have suggested that there is little intellectual content behind nationalism, and hence its historical manifestations cannot be fully understood unless placed in the context of major political traditions such as **liberalism**, conservatism, and Marxism. Despite the fact that most of these political traditions relegated nationalism to a secondary position, nationalism has demonstrated astounding resilience through centuries of political turmoil. Many philosophers, such as Karl Marx and John Stuart Mill, have tried to explain away nationalism and failed. This makes the relationship between nationalism and liberalism, the political ideology on which the ideas of liberal democracy and universal human rights are based, a particularly important theoretical and practical issue in the contemporary world.

**liberalism:** a political philosophy advocating individual rights, positive government action, and social justice, or, an economic philosophy advocating individual freedoms and free markets

"... nationalism has demonstrated astounding resilience amidst centuries of political turmoil."

Liberalism's core ideas, such as the beliefs that the individual is the primary political actor, that the state is the exclusive arena for civic identification, and that individuals should be granted a set of rights guaranteeing freedom and equality which the state must not take away, seem radically incompatible with nationalist movements that demand complete loyalty and partiality, and prioritize national interests over individual rights. Liberalism's universalist outlook has always made the matter of national and other boundaries problematic: Liberals tend to either assume the nation-state exists as an arena for justice and democratic principles without properly theorizing it, or try to justify particular boundaries from universal premises. Thus, many liberals have long regarded nationalism as "irrational" and hence a subject unworthy of serious scholarly attention.

Nevertheless, liberal institutions and practices developed within the framework of the nation-state. Even during the early days of nationalism, liberal political thinkers advocated nationalist movements to achieve political unity in countries such as Germany and Italy, and invoked nationalist sentiments whenever they perceived that the interest of their country was at stake. In his Fourteen Points of 1918, submitted at the conclusion of World War I, U.S. President Woodrow S. Wilson (1856–1924) offered the principle of national **self-determination** as the liberal answer to the question of national **sovereignty**. This principle was further institutionalized in the Universal Declaration of Human Rights, formulated by the United Nations (UN) in 1948. It provided a standard for nation building after both world wars, as well as during the process of decolonization in the Third World. Although its language is somewhat abstract and ambiguous, the declaration's core meaning remains incontrovertible and simple to grasp: "the belief that each nation has a right to constitute an independent state and determine its own government." The liberal principle of national self-determination became one of the most influential ideas of the twenty-first century.

**self-determination:** the ability of a people to determine their own destiny or political system

**sovereignty:** autonomy; or, rule over a political entity

During much of the Cold War, nationalist movements were often overshadowed by the power struggles between the United States and the former Soviet Union. The end of the Cold War once again pushed the question of national

sovereignty into the foreground of international politics. From 1991 to the end of 1992 three former communist multiethnic states—Yugoslavia, the Soviet Union, and Czechoslovakia—disintegrated, producing more than twenty successor states. With communism no longer a viable political force across the globe, it appears that the entire postcommunist world is experiencing a revival of nationalist movements. Such movements in the Middle East, Asia, and Africa pose serious threats to regional stability and security. These developments challenge the notion that liberalism is the only game in town and have resulted in a burgeoning literature on "liberal nationalism."

Acknowledging that the nation-state is here to stay, liberal nationalists offer a variety of reasons why nation-states are the appropriate outgrowth of liberal political theory. They argue that the liberal state is, in fact, critically dependent for its unity and stability on civil bonds, which existed before political ties, that can only be provided through national attachments. When citizens assume a national identity, it serves to both legitimize the state's protection of citizens' rights and provide the cultural environment in which liberal rights might be exercised. In general, liberal nationalists advocate political and cultural tolerance. They oppose coercive means to promote a common national identity and are tolerant of political activities that might yield a different national character.

Liberal nationalism typically entails a more open definition of the nation, with the membership of the nation being more inclusive. Giving explicit recognition to the fact that the bonds between individuals are rooted in a social context, liberal nationalism has had significant implications for politics in contemporary multinational liberal states, as it provides justification for the rights of some groups and the preservation of minority cultures.

In broader theoretical and political terms, however, liberal nationalism provokes more questions than it answers. Although it accepts the notion that a person is part of a multiplicity of communities and collectives, liberal nationalism assumes that the same individual can always distance him or herself from any such label, and in that sense endorse or criticize it. This perception of an individual's sense of national identity as the outcome of rational and critical reflection clearly contradicts most nationalists' view of national identity as a product of cultural or historical factors. Moreover, for liberal nationalists, national identity is only one of

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## SLOBODAN MILOSEVIC (B. 1941)

Slobodan Milosevic is the former president of Serbia as well as the former president of Yugoslavia. Both his parents committed suicide during his early years. Milosevic joined the Communist Party in 1959 and started his career as a banker. In 1987 he became the political leader of Serbia and was elected to the presidency by the country's National Assembly in 1989.

Milosevic is often described as a nationalist even though he opposed Serbian nationalism in favor of hard-line Marxism during his early years in power. A speech he made in Kosovo in 1989 is commonly regarded, however, as the opening of a Serbian nationalist campaign. Milosevic is probably best understood as an opportunist who took advantage of the wave of nationalism that surged throughout Yugoslavia following the collapse of Communist rule.

Milosevic's popularity rose after the NATO bombings of 1999, but he fell from power as a result of contesting election returns in 2001. The Serbian government arrested Milosevic on April 1, 2001, and handed him over to the UN's International Criminal Tribunal for the Former Yugoslavia, which charged him with genocide and crimes against humanity. The trial was a landmark event because Milosevic is the first former head of state in history to stand trial for war crimes before an international court.

an individual's overlapping identities, and not necessarily the most determining or the most prominent. But for nationalists, national identity is the most important facet of an individual's overall identity, and national solidarity is valued more highly than individual choice. Consequently, liberal nationalists have great difficulty understanding why national minorities are eager to form or maintain political units in which they are a majority and often tend to favor the status quo.

Most important, the literature on liberal nationalism is almost purely philosophical and normative, rather than based on empirical observations. Liberal nationalists often treat the existence of nation-states as a given while overlooking the fact that nation building is, in many instances, a contingent and ongoing process. In reality, nationalism often takes on virulent forms and produces political systems that do not even slightly resemble liberal nationalists' idealized vision. The twenty-first century manifestations of nationalist movements in the Middle East, such as the Palestine-Israeli conflict, and those in the post-Soviet states, such as the terrorism in Chechnya, have led to much violence and bloodshed.

The contemporary political world is divided by many boundaries, with nations featured prominently among them. For any given country, nationalism could play a state-building role as a cohesive force bringing together the state and society. It could also assume a state-destroying role as a **separatist** force fragmenting the society. It is impossible to generalize and conclude whether nationalist movements play a "positive" or "negative" role. Nevertheless, a common national identity does facilitate economic development and democracy building. Historically, nation building in the West often took many decades or even centuries. In the early twenty-first century many non-Western societies, especially those with colonial legacies, face the triple challenges of simultaneous economic development, **democratization**, and nation building. The competition for scarce political and economic resources only makes the creation of a common national identity a more difficult process, which in turn leads to political instability and economic stagnation. Although the West has not relented in its attempts to pressure such societies into upholding universal human rights, few signs exist that this trend is reversing in a fundamental way. It is thus likely nationalist movements will continue to play a significant role in world politics.

*See also:* Colonies and Colonialism; Democracy; Dictatorship; Ghandi, Mahatma; Hitler, Adolf; Oligarchy; Romania; Universal Declaration of Human Rights.

**separatism:** a belief that two regions should be separated politically

**democratization:** a process by which the powers of government are moved to the people of a region or to their elected representatives

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*Cheng Chen*

# Naturalization

Naturalization is the process by which a citizen of one nation obtains citizenship in another country. In the early twenty-first century, the naturalization process was entirely within the control of the various nation-states comprising the international system. Each state determined for itself the requirements it would utilize to permit foreigners to join its citizenry. Consequently, there was considerable variation from country to country.

Under this system, each state must first determine the number of immigrants it will permit to enter its land, for each immigrant is a potential citizen. The laws establishing immigration quotas are based on a prior determination of the national interest, and that policy can change over time or with different political leaders. For example, throughout the nineteenth century the United States placed virtually no restrictions on immigration from Europe because the American leadership wanted to populate the country with people from those lands. Simultaneously, United States's policy excluded Asians (except for contract laborers) because Americans wanted to create a European-oriented society.

Because the United States is no longer an underpopulated country, American policy in the early 2000s imposed a numerical quota on yearly immigration, and within that quota priority was given to those individuals who possessed skills most useful to the American economy and to those who sought to be reunited with their families. Given these basic objectives, U.S. immigration policy no longer had a geographic emphasis; it was essentially available to anyone who met the stated criteria. Other countries maintain an open-door (unlimited) immigration policy for those individuals they wish to attract; that is how, for example, Estonia, Latvia, and Lithuania encourage the return of people who can trace their ancestry to those countries.

Naturalization occurs within the context of a country's immigration policy. Those nations that conceive of citizenship in ethnic terms have a virtually automatic naturalization process for immigrants who share their common group identity. Thus, countries such as Germany, Israel, and the Baltic States bestow citizenship on individuals who are perceived as returning to their native land. Nations that have a territorial conception of citizenship bestow citizenship on those immigrants who can demonstrate allegiance to their new homeland and are likely to make a positive contribution to its welfare. These characteristics are usually shown by residence in the country for a period of time, knowledge of the nation's basic institutions and practices, and a personal history devoid of criminal activities. In the United States, for example, an individual must live in the country for five years, demonstrate an understanding of the constitution and the principles of American government, and show the absence of a criminal record.

Because naturalization entails the bestowal of citizenship on those who satisfy specified criteria, controversy can arise about either the meaning of those

criteria or whether a particular individual has truly satisfied them. In Israel, for example, the perennial issue of "who is a Jew" revolves around different understandings of that ethnic and religious grouping. In the United States, the government periodically seeks to expatriate (i.e., denaturalize) individuals who are believed to have lied about their pasts.



**CITIZENSHIP DAY ON ELLIS ISLAND.** Storied Ellis Island in New York hosts 102 new citizens from 44 countries at a naturalization ceremony on Citizenship Day, September 17, 2004. The event began in 1952 to mark the 1787 signing of the U.S. Constitution. (SOURCE: © SETH WENIG/REUTERS/CORBIS)

Despite variations among countries, naturalization processes always have the same objective: Each nation seeks to have a citizenry with shared attachments and common loyalties.

*See also:* Citizenship; Immigration and Immigrants.

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*Martin Edelman*

## Nauru

Located 4,023 kilometers (2,500 miles) southwest of Hawaii, the island of Nauru has an area of 21 square kilometers (8.11 square miles)—about six times the size of New York's Central Park. In 2004 the population was estimated to be 12,809. At one time it was perhaps the world's richest nation on a per capita basis. In the mid-1970s, Nauru's per capita income was about $50,000 per person; however, in 2001, it was estimated at about one-tenth that amount, or $5,000—about the same as that of Macedonia, Peru, Lebanon, and China.

Nauru's great wealth came from mining the huge phosphate deposits that covered the center of the island, and the decline in its wealth came from the depletion of these deposits, the apparent failure of the investment strategy Nauru developed to compensate for the inevitable exhaustion of the phosphate deposits, and the inability of the country to develop effective alternative economic ventures. Ninety years of phosphate mining also have made a wasteland of Nauru's central plateau. Growing economic difficulties led to efforts to develop an unregulated **offshore banking** industry, which has been plagued by apparent money laundering activities by allegedly criminal sources.

**offshore banking:** banking that takes place in a foreign country, usually to escape domestic taxation

Nauru became an independent nation on January 31, 1968 and has been a full member of the Commonwealth of Nations and of the United Nations since 1999. Nauru's constitution, adopted January 29, 1968, establishes a presidential form of government with an eighteen-member unicameral parliament elected by popular vote for 3-year terms. The first president of Nauru was Hammer DeRoburt (1923–1992), the former head chief of Nauru and "father of the Nauruan nation," who served until 1976, was reelected in 1978, and served, with two brief interruptions, until 1989. DeRoburt was defeated in 1976 by Bernard Dowiyogo (1946–2003), who subsequently served as president on six additional occasions before his death. In August 2003 Rene Harris (b. 1948) became president.

The president serves as both chief of state and chief of government and is elected by parliament for a 3-year term. The president appoints a cabinet from the members of parliament. The president and the cabinet can be removed from office by a vote of no-confidence in the parliament. This has happened frequently in Nauru's history as an independent **republic**: The country has had changes in the presidency on twenty-four occasions since its independence. Often, votes of no-confidence and changes of president have resulted from disputes between an **incumbent** president and parliament over budgetary matters and policies to deal with Nauru's "phosphateless" future.

**republic:** a form of democratic government in which decisions are made by elected representatives of the people

**incumbent:** one who currently holds a political office, or, holding a political office
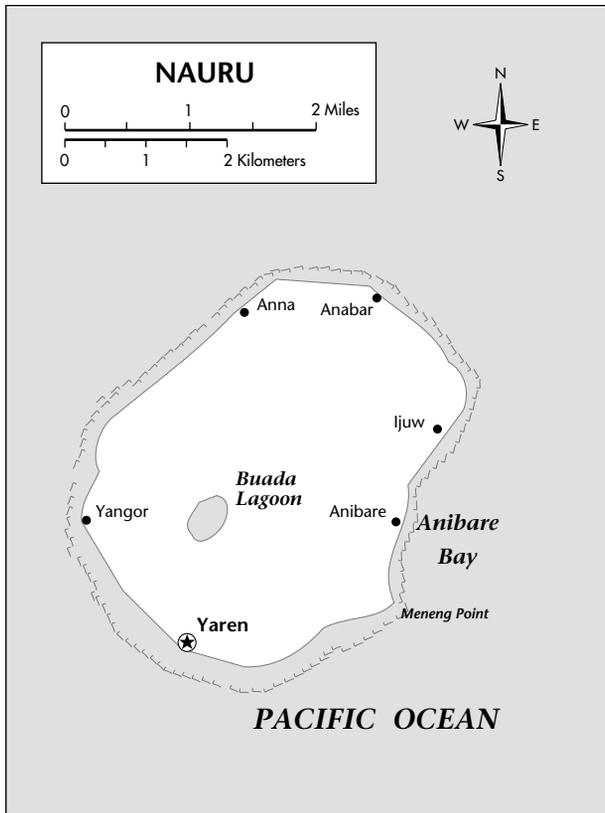
Nauru's judicial system consists of a Supreme Court (in 2001, a single sitting justice), a district court, and a family court. The constitution allows appeals from the Supreme Court of Nauru to the High Court (the top court) of Australia. The judiciary has a reputation for independence.

Freedom House includes Nauru among the world's "free" nations, giving the country a top rating for the exercise of democratic political rights. Its rating for observance of citizen civil rights and liberties is somewhat lower due to attempts to interfere with press efforts to investigate purported money laundering schemes by government officials.

*See also:* Australia.

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*C. Neal Tate*



(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

# Nepal

Nepal is a small and mountainous kingdom wedged between the two great Asian powers of India and China, and this geographical location has been a determining factor in shaping Nepal's history and politics. Nepal is the only Hindu kingdom in the world, yet a significant number of Nepali living in the Hills region trace their origins to Tibet and adjacent regions that are a part of China. Nepal's ethnic, linguistic, and regional heterogeneity has generated a great deal of political and social strife in modern times. Remote Nepal escaped colonial exploitation but missed out on the modernizing influences that integration into larger colonial markets brings.

Landlocked Nepal cannot ignore the interests of its larger neighboring states and must depend on their good will for trade and transit connections to the outside world. With a population of 27 million in 2004, Nepal is one of the poorest countries in the world. Its estimated per capita income of $1,400 in 2003 tied it with Cape Verde, Côte d'Ivoire, and Uganda for the rank of 191 among the 231 nations and territories listed in the U.S. Central Intelligence Agency's 2003 *World Factbook*. Fifty percent of the adult population is illiterate, and 80 percent of the illiterates are rural women.

(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

## HISTORICAL BACKGROUND

Nepal achieved statehood—defined boundaries and a single legal-political order—well before India and Pakistan became modern nation-states. Nepal was unified in the mid-eighteenth century. In the nineteenth century, Prithvi Narayan Shah (1829–1881) expanded Nepal's boundaries toward the west, bringing Nepal directly into conflict with the British **imperial** interest. These conflicts ended in treaties that defined Nepal's modern boundaries and forced it to accept the status as a buffer state between British India and China. In 1846 the ruling Shahs were displaced by the powerful Rana family. Jung Bahadur Rana (1817–1877) proclaimed himself the prime minister, which became a hereditary position after that. The Rana family ruled for over a century, although the Shahs remained the nominal monarchs.

The political climate changed in 1947. India had become independent and King Tribhuvan Bir Bikram Shah Dev (1906–1955) of Nepal, who had sympathizers among Indian leaders, persuaded India's new prime minister, Jawaharlal Nehru (1889–1964) in 1950 to depose the Ranas and restore Nepal to a monarchy. In turn, King Tribhuvan promised that Nepal would be a democracy. The **coup** against the Ranas was successful, and in 1950 Nepal was restored to the Shahs. In 1955 King Tribhuvan passed away and was succeeded by his son, Mahendra Bir Bikram Shah Dev (1920–1972). King Mahendra yielded to popular pressure and promised to install a constitutional democracy. The first elections, held in 1959, saw the Nepal Congress, a powerful political movement and a political party under the leadership of G. P. Koirala (b. 1925), emerge triumphant.

This first experiment with democracy rapidly ended in 1960, when King Mahendra dissolved the parliament, placed the entire cabinet under arrest, and resumed total control. He then introduced a **decentralized** democratic system based on a pyramid of layered councils (*panchayats*) beginning at the village and ending at the national level. Political parties remained banned. The villages nominated members for the district *panchayats*, which in turn elected members to the *Rashtriya Panchayat* (National Council). The party-less *panchayats*

**imperialism:** extension of the control of one nation over another, especially through territorial, economic, and political expansion

**coup:** a quick seizure of power or a sudden attack

**decentralize:** to move power from a central authority to multiple periphery government branches or agencies

system lasted for the next thirty years until it was dismantled under the rising tide of popular demand for political democracy in the 1990s.

## SECOND EXPERIMENT WITH DEMOCRACY IN NEPAL

In April 1990, the king capitulated and dissolved the *panchayat* system, permitting the formation of an interim government headed by Krishna Prasad Bhattarai (b. 1924) as the prime minister. The new government drafted and **promulgated** a constitution in November 1990, which enshrined fundamental human rights and established Nepal as a parliamentary democracy under a constitutional monarch. According to the 1990 constitution, Nepal has a **bicameral** legislature, independent judiciary, and a ban on political parties based on an exclusively ethnic or religious platform. In the May 1991 election held under the new constitution, the Nepal Congress won the popular vote and formed the government. The largest opposition group, the Communist Party of Nepal/United Marxist Leninist Party, won 69 seats. For the next decade, election victories alternated between two broad **coalitions**, one led by the Nepal Congress and the other by the United Marxist Leninist Party.

The revolution in the 1990s was a turning point in Nepal's political history. However, Nepal's passage to democracy has been anything but smooth. Elections have been held between 1991 and 2000, but no government completed its full term in office. By the time Koirala, the head of Nepal Congress Party, became the prime minister in 2000, Nepal had changed governments nine times.

Political instability led to popular disillusionment, and radical Maoists launched an **insurgency** in mid-1990s that rapidly gained momentum. Tragic events in 2001 dealt a further blow to what little remained of the processes created under the constitution of 1991. On June 1, 2001, Crown Prince Dipendra, reportedly in a drunken rage, killed ten members of the royal family, including his father King Birendra and his mother Queen Aishwariya, and then fatally shot himself. Gyanendra Bir Bikram Shah Dev (b. 1947), brother to the murdered monarch, was crowned king, but the relationship between the monarchy and political parties had been fundamentally altered.

Since 2001, King Gyanendra has usurped more and more power while the political parties have remained deadlocked on who should rule and how to cope with the Maoist insurgency that had by 2004 claimed close to 9,500 lives and established **de facto** control over vast regions of Nepal. Instead of building civilian institutions, King Gyanendra sought to **marginalize** political parties by proposing direct talks with the rebels. These negotiations had borne no fruit by late 2004.

Since the end of the state of emergency in August 2002, freedom of speech and freedom of the press, guaranteed under the constitution, have been officially restored, but exercising these freedoms is severely impeded because of antiterrorist legislation, as well as intimidation and interference by the parties to the conflict. The number of civilian deaths has steadily mounted and human rights violations by both the security forces and the Maoists have become routine. The Maoists have demanded a new constitution and the dismantling of the liberal parliamentary system. Thus, in the early twenty-first century, Nepal was paralyzed by three contending forces: the political parties that want the 1990 constitution restored and parliament functioning, the king who seeks more power, and the Maoists who want to abolish both monarchy and liberal democracy and gain control of the state. The state in Nepal was near collapse and life for ordinary Nepali had become unsafe, violent, and with few good prospects.

*See also:* China; Constitutional Monarchy; India.

**promulgation:** an official declaration, especially that a law can start being enforced

**bicameral:** comprised of two chambers, usually a legislative body

**coalition:** an alliance, partnership, or union of disparate peoples or individuals

**insurgency:** a rebellion against an existing authority

**de facto:** (Latin) actual; in effect but not officially declared

**marginalize:** to move to the outer borders, or to move one to a lower position

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*Maya Chadda*

## Netherlands, The

The Netherlands is a small country in the middle of Western Europe, bordering Germany, Belgium, and the North Sea. One of its best-known geographic characteristics is that one-third of the flat country lies below sea level. The Dutch waterworks are famous throughout the world, which is not surprising if one considers that the Netherlands had already started to impolder (drain) land in the 1600s. Although the Netherlands has only 16 million inhabitants, it is one of the most densely populated countries in the world. It measures approximately 300 kilometers (185 miles) north to south by 200 kilometers (125 miles) east to west. The most densely populated area in the midwest of the country, *de Randstad,* has approximately 1,000 inhabitants per square kilometers. This area, revolving around the capital Amsterdam, the political center at The Hague, and Rotterdam with its seaport at the Rhine delta, is also the hub of economic activity.

In socioeconomic terms the Netherlands can best be described as a social **welfare state** with a high standard of living. In 2002, with a gross domestic product (GDP) of approximately U.S.$26,000 per capita, it was one of the fifteen wealthiest countries in the world. Only 20 percent of the working population of 7 million are employed in production and agriculture. The economy depends largely on trade and services, which together provide almost half of all jobs. The remaining 30 percent are employed in public services, health care, and education. Because of the funding systems for health care and education, about one-third of the working population is, in effect, directly or indirectly paid by the government. The post–World War II (since 1945) ideal of state care "from the crib to the grave" has resulted in an extensive Social Security system, providing unemployment, sickness, and disability benefits and a state pension.

**welfare state:** a political state that assumes liability for the wellbeing of its people through government-run social programs

These socioeconomic and geographical circumstances have made the Netherlands dependent on international trade, and this trade has been facilitated by its good relations with surrounding countries. It was one of the founding members of the European Economic Community, the predecessor of the European Union (EU), in 1957. Its strong economy has furthermore made the Netherlands into a "netto-payer," which means that the (obligatory) amount of money the Netherlands contributes to the EU exceeds the amount it gets back by way of subsidies and grants. These factors have resulted in the Netherlands often being regarded as the biggest of the small countries within the EU.

### THE POLITICAL SYSTEM

Historically, the Dutch state has been the result of a process of evolution rather than revolution. The Netherlands became a unified state with a **centralized** government in 1798. After an unstable beginning, in which **regimes** and constitutions followed each other quickly, and a brief incorporation in the French Empire, the monarchy was instituted in 1813. However, fear of the unstable situation in surrounding countries, especially France, soon provided a climate for change in a more democratic direction. This change came in 1848, when the constitution was completely revised by a well-known statesman, the liberal Johan Rudolf Thorbecke (1798–1872). This constitution introduced the concepts of the sovereignty of parliament and ministerial responsibility for the monarch. Ministers are responsible for the acts of government. The last pillars of the Dutch constitutional system, **proportional representation** and universal **suffrage**, were introduced in the early part of the twentieth century, with men receiving the right to vote in 1917 and women in 1919.

In the early twenty-first century the Netherlands remained a democratic constitutional monarchy in which the power of the monarch was, to a large extent, ceremonial. From 1890 until 2004 the head of state has been female. Queen Wilhelmina (1880–1962), who reigned from 1890 until 1948 and was known as the "mother of the nation," guided the country through Nazi occupation (1940–1945) during World War II. Her daughter Queen Juliana (1909–2004), the monarch between 1948 and 1980, was well known for her kindness and unassuming nature, and the reputation of Queen Beatrix (b. 1938), who ascended the throne in 1980, is grounded in her competence and professionalism in matters of state. The heir to the throne as of 2004, Prince Willem Alexander (b. 1968), will be the first king in over a century. Traditionally, there has been a high level of support for the monarchy among the population. Some 85 percent of the population favor the Netherlands remaining a monarchy.

After World War II the most prominent prime ministers were Willem Drees (1886–1988), Ruud Lubbers (b. 1939), and Wim Kok (b. 1938). Drees, a member of the Social Democratic Labour Party, guided the postwar reconstruction of the Netherlands between 1948 and 1958 and was the force behind the development of a welfare state with the introduction of state pensions. The Christian Democrat Lubbers, who served as prime minister from 1982 until 1994, is well known for his involvement in building Dutch consensus politics, called the "polder model." Kok, who held the office between 1994 and 2002, was the first prime minister of a government not formed by Christian Democrats since the introduction of universal suffrage in 1917. In 2002 the Christian Democrats regained control, with Jan Peter Balkenende (b. 1956) serving as prime minister.

The Netherlands has a multiparty system; between ten and twenty-five political parties participate in elections. Elections are usually held every four years, although it should be noted that only seven out of twenty-four governments

**centralize:** to move control or power to a single point of authority

**regime:** a type of government, or, the government in power in a region

**proportional system:** a political system in which legislative seats or offices are awarded based on the proportional number of votes received by a party in an election

**suffrage:** to vote, or, the right to vote

since World War II have managed to complete their term. Following national elections, the king appoints an *informateur*, a person who investigates the possible makeup of a new government after consulting with the leaders of the parties elected to parliament. A **coalition** government (composed of ministers and state secretaries) will be formed from the candidates advanced by the coalition parties. No single party has ever had an overall majority in parliament, so a coalition government is inevitable. Usually, the leader of the main party in parliament is assigned the task of forming a government and will become prime minister.

The Dutch parliament consists of two chambers. The 150 members of the Second Chamber of parliament are directly elected; the 75 members of the First Chamber are indirectly elected by the provincial states, the directly elected regional level of government. The Second Chamber essentially controls the government. It has a number of powers, among them the rights to submit written questions to ministers, to summon ministers to the chamber to answer questions, and to form investigative committees. Both chambers play a role in the legislative process: The Second Chamber, involved in the political process that leads to the drafting of laws, has the right to amend proposed legislation. The First Chamber has veto power over all proposed legislation, but it does not have the authority to amend legislation. Rather, its function is to review legislation, and for this reason it is sometimes referred to as the "chamber of review."

**coalition:** an alliance, partnership, or union of disparate peoples or individuals



(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

**POLITICAL CULTURE**

The Netherlands is a relatively calm society. It is one of the oldest and most stable modern nation-states. When change has occurred, it generally transpired fifty years later than elsewhere. Dutch society has become somewhat more dynamic in the early twenty-first century, but systemic change is still highly incremental. Sessions of the Second Chamber of parliament are usually orderly and without significant emotion. For decades the Christian Democrats dominated Dutch politics. With the exception of the period of occupation (1940–1945) during World War II, they have been represented in every government since 1917. Sometimes they have formed coalitions with the Social Democrats, sometimes with the Conservative Liberals. In 1994 this spirit of cooperation changed. Liberals (both Conservative and Progressive groups) formed a coalition with the Social Democrats and forced the Christian Democrats into the opposition. This melding of Liberal "blue" factions with Social Democratic "red" ones gave rise to the so-called purple coalition that existed from 1994 to 2002.

The high degree of stability and slow pace of change have had a significant impact on society as a whole. Dutch society is a consensus society. Many institutions have been largely transformed since the successful appeasement of tensions between Protestantism and Catholicism. Until the 1960s society was organized along religious lines. These religious groups, as well as the socialist movement, formed their own political, economic, cultural, educational, and recreational associations such as political parties, trade unions, newspapers, schools, children's homes, hospitals, broadcasting organizations, and sports clubs. And, although religion does not continue to play an all-important role in society in the early twenty-first century, there still are, for instance, Protestant, Catholic, Jewish, and Islamic schools, which are entirely funded by the state. This, of course, enhanced the complexity and costs of the welfare system.

Dutch culture bridges innumerable contradictions. Many mechanisms exist for diffusing conflict and drawing extremes into the mainstream. In the words of the historian Han Van der Horst, Dutch society is "non-exclusivist"; all points of view will be considered and included, albeit under the condition that parties to the dialogue remain reasonable and willing to participate in the open discussions that lead to rational consensus. Such a culture of consensus has uncontested status in society. In Dutch culture, strong criticism and opinions are frequently kept hidden.

This consensus society with its polder model (or Dutch model) incorporates not only the consensus between political parties and religions, but also that between employers and trade unions. According to this model, the discussion among differing factions will continue for as long as it takes to reach an agreement, and no final decision will be made until a general consensus develops. It also implies *gedogen,* which means to openly allow, as a policy, what is legally prohibited. For example, the use of recreational drugs is prohibited, but their sale is tolerated.

In the early twenty-first century the political climate dramatically changed. In response to growing public discontent about the nation's consensus culture and the growth of immigrant groups, including their attempts at integration, Pim Fortuyn (1948–2002) formed a new political party in 2001. "New politics" and immigrants became his major issues in the 2002 elections. According to the pre-election polls, his party was poised to become the largest national party, expected to capture over 25 percent of the vote. The political establishment

and most of the media reacted very strongly, characterizing the party, List Pim Fortuyn, as racist, or at the very least as a one-issue party. Ten days before the elections Fortuyn was murdered. Subsequently, the List Pim Fortuyn won twenty-six seats in parliament and forged a coalition with Christian Democrats and Liberals. The party fell apart quickly, however, and the coalition collapsed after three months. In the next elections, the List Pim Fortuyn garnered only 8 of the 150 seats in parliament.

## LEGAL CULTURE

Legal culture is no exception to the Dutch model. The dissenting opinions of judges are never published, and judges are obliged to maintain the secrecy of their deliberations. In order to reach a common decision (or verdict), judges must negotiate and compromise. Moreover, the judiciary has a limited political role in society. Although the legal system is based on a written constitution, there is no court that has the power to strike down legislation as unconstitutional. Article 120 of the constitution disallows the judicial review

**judicial review:** the ability of the judicial branch to review and invalidate a law that contradicts the constitution



**IN THE CENTER OF THE SQUARE OF AMSTERDAM, OR DAM SQUARE, SITS THE NATIONAL MONUMENT WITH THE ROYAL PALACE IN THE BACKGROUND.** Completed in 1665, the Royal Palace (*Koninklijk Paleis*) originally served as a city hall. While it is regarded as the official royal home, the royal family resides at The Hague, though state functions are often held at the palace. The National Monument was erected in 1956 to commemorate those killed during World War II. (SOURCE: © RICHARD T. NOWITZ/CORBIS)

of acts of parliament. However, a judge can declare acts of parliament to be at variance with international treaties.

Judges are not elected and no political associations exist within the judiciary. In the Dutch version of the doctrine of the separation of powers, conflict models are abhorred; in late-twentieth-century publications on the subject one finds titles such as "Co-operating Powers," "Constitutional Partners," and "Balancing Powers." Decision making by the judiciary is informal, pragmatic, and consensus-oriented. For instance, a judge will feel bound by **precedents**, but when an earlier decision has not resulted in the desired solution or has been heavily critiqued in legal periodicals, he or she will frankly acknowledge it and reconsider the legal issues involved. The objective is reaching a fair decision, without **polarization** or the introduction of **extrajudicial** motives. Sometimes, judges tend toward activism, thereby strectching the limits of the separation of powers, for example, when trying to counterbalance parliamentary decisions. Arguments in such cases are never **partisan**, however, and the court is largely nonactivist in politically sensitive cases.

Citizens' legal rights vis-à-vis the national and local government are fairly strong. The General Administrative Law Act provides for appeals against most government decisions except the most general rules. Citizens may also seek compensation for (nongeneral) acts of government under **tort** law. Large projects that require the cooperation of the authorities in the form of permits, such as industrial development, home construction, and road-building projects, are usually accompanied by a large number of court cases directed against government decisions.

The Netherlands has recognized the legal authority of the European Court of Justice and the European Court of Human Rights. The rulings of the European Court of Justice are directly binding and individuals have the right to individually bring a case before the European Court of Human Rights. Even more important is the direct applicability of the European Convention on Human Rights and Fundamental Freedoms; citizens can invoke the Convention before a national judge. In combination with the constitutional provision forbidding judicial review of acts of parliament, this has resulted in the European Convention becoming the de facto bill of rights in many court cases.

### EARLY TWENTY-FIRST-CENTURY DEVELOPMENTS

The popular image of the Netherlands is that of a quiet, stable, consensus-oriented welfare state. Certain early twenty-first century developments have indicated a shift in character, albeit a small one. Three factors illustrate this shift. First, the circumstances surrounding the 2002 elections have hardened the political climate, both in parliament and outside it. In particular, views on immigrants and criminals have become harsher across the entire political spectrum, including among Social Democrats and smaller left-wing parties. Traditionally, these groups were protectors of the rights of immigrants and criminals; in the early 2000s they have instead emphasized the importance of the viewpoints of ordinary citizens and victims. This change in the political climate, together with the second factor, an economic **recession**, has also had its effect on the consensus model. Whereas the consensus model was accepted as the general way to cope with all kinds of problems, for example, the country's recession in the 1980s, in the early twenty-first century it was often thought to be a problem itself. Employers' organizations and the government have become less willing to negotiate with unions, and have called for hard measures rather than talks. Also, many regard the high level of social security programs and the massive bureaucracy as untenable in the

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**precedent:** an established ruling, understanding, or practice of the law

**polarize:** to separate individuals into adversarial groups

**extrajudicial:** outside the legal system; lacking the legitimating authority of the government

**partisan:** an ideologue, or a strong member of a cause, party, or movement

**tort:** a civil crime for which the law provides a remedy

**recession:** a period of negative economic growth associated with high unemployment

long run, and as a consequence, measures have been taken to limit benefits and to downsize government institutions. A third factor has been the worldwide war against terrorism declared after September 11, 2001. In most countries antiterrorist laws have been introduced, and the Netherlands is no exception. Nevertheless, these factors play a relatively small role in the Netherlands, and the nation is still best described as a quiet, stable, consensus-oriented welfare state.

*See also:* European Convention on Human Rights and Fundamental Freedoms; Parliamentary Systems; Political Parties.

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## Netherlands Antilles and Aruba

The Netherlands Antilles and Aruba consists of six islands in two widely separated groups located in the Caribbean Sea. All six islands are well-known to North Americans and Europeans as tourist destinations. Although internally self-governing, all are officially subdivisions of the Kingdom of the Netherlands. The Netherlands Antilles consists of Curacao, Bonaire, Sint Maarten, Saba, and Sint Eustatius. Aruba obtained full internal governmental autonomy when it separated from the Netherlands Antilles in 1986.

Curaçao, Bonaire, and neighboring Aruba are located in the southern Caribbean, near the northwestern coast of Venezuela, outside the Caribbean hurricane zone. Sint Maarten occupies the southern part of the island called St. Martin in English—the other part of the island is St. Martin, a French territory. Saint

Maarten and its tiny neighbors, Saba and Sint Eustatius, are located in the eastern Caribbean, due east of Puerto Rico and the Virgin Islands.

The five islands of the Netherlands Antilles have a total area of 940 square kilometers (363 square miles; five times the area of Washington, D.C.) and a total population of 218,126 in July 2004. A majority of the population of the five islands lives on Curaçao. Aruba, a flat sandy island known for its brilliant white beaches, has a total area of 193 square kilometers (75 square miles; about the size of Washington, D.C.) and a July 2004 population of 71,218. The islands of the Netherlands Antilles and Aruba are heavily dependent on tourism, but because of their proximity to Venezuela, the economies of Curaçao and Bonaire also have components dedicated to the oil service industries. The per capita income of the Netherlands Antilles in 2003 was estimated at $11,400. The per capita income of Aruba, estimated at $28,000 in 2002, was considerably higher.

Because the Netherlands Antilles and Aruba are officially parts of the Kingdom of the Netherlands, that nation is responsible for their external security and diplomatic relations and its Queen Beatrix (b. 1938), represented by appointed governors-general, is their official chief of state. Internally, the government of the Netherlands is a parliamentary democracy with a twenty-two seat legislature with at least one seat allocated to each constituent island. Prime Minister Etienne Ys (b. 1962), who was serving in early 2005, headed a coalition government formed in June 2004. Sint Maarten voted to become a separate country within the Kingdom of the Netherlands in 2000, but, as of the early twenty-first century, this had not happened.

Aruba is a parliamentary democracy with a twenty-one seat legislature. Its chief of government, Prime Minister Nelson O. Oduber (b. 1947), was elected on October 30, 2001 for a four-year term. Its judiciary consists of a Joint High Court of Justice, appointed by the queen.

The judicial systems of the Netherlands Antilles and Aruba consist of courts of first instance located in the capitals of Curaçao and Aruba. The Curaçao court has jurisdiction over the other four islands of the Netherlands Antilles. A joint court of appeal hears appeals from the courts of first instance of both the Netherlands Antilles and Aruba. Appeals from this court may be taken to the Supreme Court of the Netherlands.

*See also:* Caribbean Region.



(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

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*C. Neal Tate*

# New Zealand

New Zealand is a South Pacific island nation, located some 2,000 kilometers (1,250 miles) to the southeast of Australia. The country consists of two main inhabited islands (the North and South Islands) and a number of smaller islands. New Zealand covers a total area of 268,680 square kilometers (103,737 square miles; about the same size as Colorado) and has a population of 4 million people. The main ethnic groups as of the last general census in 2001 were European (70.1%), Maori (14%), Asian (6.4%), and Pacific Islander (6.2%).

The first inhabitants of New Zealand were the Maori people, believed to have reached New Zealand from Polynesia in about C.E. 800. Europeans began settling in the country in a somewhat haphazard manner following the first European landing in 1769 by British explorer Captain James Cook (1728–1779). The authority of the various Maori tribes over New Zealand (or Aotearoa, as Maori termed the land) continued to be recognized until 1840, when tribal leaders signed the Treaty of Waitangi with Britain. This document ceded sovereignty to the British, while guaranteeing Maori continued territorial and cultural rights.

Following the signing of the Treaty of Waitangi, the British began the first organized colonial settlement. Tensions over the colonists' demand for land led to a series of wars involving some Maori tribes and the British, which flared up sporadically between 1843 and 1872. Although these conflicts had an inconclusive military outcome, the sheer growth in the numbers of European inhabitants meant that Maori tribal authority largely had faded away by the end of the nineteenth century.

The British colony of New Zealand became an independent dominion in 1907, although it remained closely tied to the United Kingdom, supporting that country in both World War I (1914–1918) and World War II (1939–1945). Full political independence was only gained in 1947.

New Zealand is reasonably prosperous by global standards. It has a per capita gross domestic product of $22,300, equivalent to 73 percent of that of the United States. The country has a relatively low infant death rate (5.96 deaths/1,000 live births), a relatively high average life expectancy (78.5 years), and a serious crime rate that is lower than most other Western societies. However, social indicators for European New Zealanders generally are better than for Maori and Pacific Island inhabitants, who tend to be poorer, die younger, and be incarcerated at a higher rate.

In the 1930s, New Zealand adopted an extensive system of social welfare, much of which remains in place in the twenty-first century. Free health care and education (up to the age of 18), as well as a wide range of social benefit payments, are provided by the government.

## THE GOVERNMENT

New Zealand has a stable democratic system of government based on the **Westminster** system. The settled nature of New Zealand's democratic system is

**Westminster:** a democratic model of government comprising operational procedures for a legislative body, based on the system used in the United Kingdom

underlined by the fact that no elected government has been subject to a violent or extra-constitutional overthrow. Locally elected representatives were first chosen in 1853, although the original right to vote was restricted to male property owners. All Maori men were given the vote in 1864, fifteen years before this right was extended to all European men. Women were granted suffrage in 1893, making New Zealand the first nation in the world to enfranchise its entire adult population.

New Zealand has an "unwritten" constitution in the sense that no single document sets out how the country's government is to operate. The basis for the exercise of governmental power instead lies in a mix of statutory law and "convention"—established practices not written into the law, but nevertheless regarded as binding by all political actors. Therefore, the expectations and under-standings of New Zealand's political actors about how the country's constitutional system is meant to operate are as important as the formal legal rules.

The principal actors in New Zealand's system of government are the **governor-general** (representing the Sovereign of New Zealand), the prime minister and cabinet (the effective executive), and a 120-seat **unicameral** parliament (the House of Representatives) whose members are directly elected. The various relationships among these political actors are outlined in the following sections.

## THE TREATY OF WAITANGI IN NEW ZEALAND'S CONSTITUTIONAL ORDER

New Zealand's historical genesis in the signing of the Treaty of Waitangi has invested that document with a quasi-constitutional significance. Technically the treaty is not a part of New Zealand's law, but in the early twenty-first century it has been interpreted as requiring the government (or "the Crown") to act in a part-nership role with Maori. The exact meaning of this relationship is the subject of a great deal of controversy. It has been claimed that it ought to entitle Maori to exercise full *tino rangitiratanga* (tribal authority) over all matters which con-cern Maori. To this end, there are suggestions the treaty should be enshrined as a form of higher law, guaranteeing some form of **devolved** governmental power to the Maori tribes. This position is rejected by others who see it as resulting in a divided nation and who believe the treaty ought to be regarded as no more than an historical document with little relevance for today.

Whatever the future outcome of this ongoing debate over the meaning or status of the treaty, New Zealand's system of government already recognizes the special position of the Maori in a number of other ways. Along with English, *te reo* (the Maori language) is an official language of the country. Seven seats in Parliament are reserved for those voters of Maori descent who choose to register on a separate Maori roll. The obligation for governmental actors to consult with the Maori before carrying out their statutory duties is routinely written into Acts of Parliament. In this sense, New Zealand has made steps toward creating a bicul-tural system of government, even though final lawmaking power over all areas of society still lies in the hands of the generally elected parliament representing all New Zealanders.

## GOVERNMENTAL POWER IN NEW ZEALAND

New Zealand's system of government broadly reflects its colonial heritage. When local representation was first established in the nineteenth century, the Westminster style of government used in the United Kingdom was imported as a matter of course. This system was retained when New Zealand became a fully independent state in 1947, and the basic structure remained in place in the early

**governor-general:** a governor who rules over a large territory and employs deputy governors to oversee subdivided regions

**unicameral:** comprised of one chamber, usually a legislative body

**devolve:** to move power or property from one individual or institution to another, especially from a central authority

2000s. However, some changes to New Zealand's system of government have occurred (including the increased prominence given to the treaty just described). Most important, perhaps, was the adoption of a **mixed-member proportional voting** system in 1996, which has had a major impact on how governments are formed and operate. The exact nature of this change is outlined below, in the discussion of legislative power.

In theory, governmental power emanates downward from the sovereign, in 2005 Her Majesty Queen Elizabeth of New Zealand (who is actually the Queen of England, wearing a different crown). The sovereign is represented in New Zealand by a governor-general, who may exercise the powers allocated to the sovereign in New Zealand's constitutional framework. Holding quite extensive formal authority, the governor-general serves as the head of the armed forces, signs into law all bills passed by the country's parliament, has the power to appoint and dismiss all government ministers, and can dissolve parliament and call new elections.

However, actual governmental power in New Zealand lies in the hands of the prime minister, along with the cabinet. The prime minister is supported in that role by a majority of elected members of the country's parliament. The cabinet is the body that coordinates overall government policy. It consists of those individuals chosen by the prime minister to serve as ministers of the crown and

**mixed-member proportional voting:** an electoral system in which some representatives are elected from first-past-the-post districts and some are appointed through proportional representation
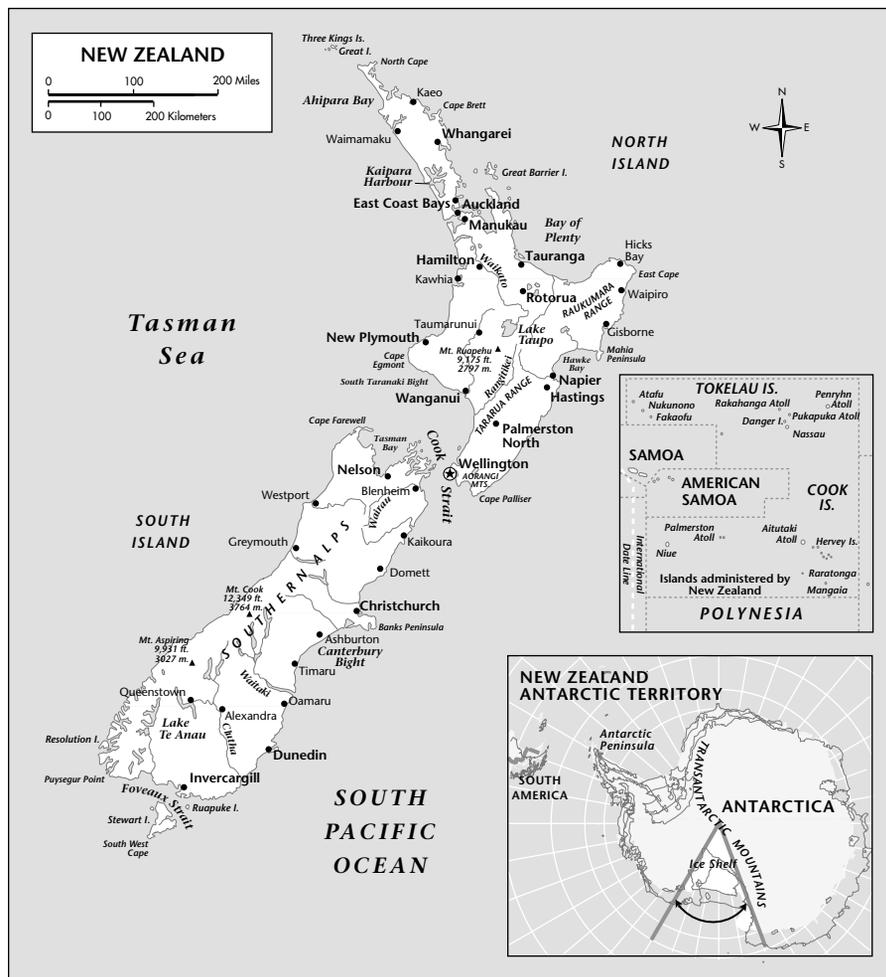


(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

to hold governmental decision-making power over a particular policy area. Only elected members of parliament are eligible for appointment as prime minister or minister of the crown.

This entire system of government is underpinned by a binding convention that the queen (and her representative, the governor-general) must always follow the advice of the prime minister when wielding the powers assigned to her under New Zealand's constitutional framework. Although it is conceivable that the queen might one day refuse to do so, such an event would trigger a major constitutional crisis and would likely end with New Zealand declaring itself a republic.

Locating real governmental power in the office of the prime minister, along with the ministers who form his or her cabinet, follows basic democratic principles. The citizens directly elect members of parliament at each election, and the individuals supported by a majority of these members are then entitled to wield governmental power. This ensures that those wielding governmental power can be held accountable for their actions—both as individual members of parliament to the public at the next election and as government ministers to the parliament on whose ongoing majority support the government depends.

New Zealand's legislature, or parliament, consists of 120 elected members who sit in a single House of Representatives. This body has a dual role under New Zealand's constitution. It is the supreme lawmaking institution for society, with competency to pass legislation regarding any topic. In addition, parliament makes (and unmakes) governments. To govern, the prime minister and his or her ministers must be able to demonstrate that they have the support of a majority of parliament (at least, they must show this majority support exists in relation to certain important "issues of confidence or supply" that arise at various times throughout the year). If a government were to lose a vote on an issue of confidence and supply, then by convention the prime minister and cabinet must resign from office. And if no one else can secure the support of a majority of parliament to form a new government, then the governor-general dissolves parliament and calls a new election.

In 1996, New Zealand adopted a mixed-member proportional voting system for parliamentary elections. Voters get two votes under this system: one for the candidate they wish to see elected to represent their local electoral district (a "constituency vote"), and one for their preferred political party (a "party vote"). The candidate who receives the most constituency votes in each electoral district is thereby elected to parliament.

The central characteristic of the mixed-member proportional system is that once all of the sixty-nine constituency members have been identified, fifty-one additional parliamentary seats are distributed to all political parties that received more than 5 percent of the party vote so that the total number of seats in parliament held by each party is proportionate to its total, nationwide share of the party vote. Thus, a political party that receives 10 percent of the party vote across the country is entitled to 10 percent of the total number of members of parliament, irrespective of whether that party won any seats through the constituency vote. These additional party list seats are then filled from a ranked list of candidates drawn up by each party before the election is held.

The consequence of moving to this mixed-member proportional voting system has been to increase the number of political parties represented in parliament and to effectively stop any one party from winning a majority of the seats in parliament. Therefore, following each election, two or more parties have had to enter into a **coalition** arrangement to form a government with majority support in parliament. The advent of a mixed-member proportional

**coalition:** an alliance, partnership, or union of disparate peoples or individuals

system (along with coalition government) has been a mixed experience for New Zealand. Although it undoubtedly has led to a more representative parliament and required governments to consult more widely before trying to enact new laws, it has also created a greater level of instability in government.

Bureaucrats in New Zealand are called "public servants." As this title indicates, their role is to act in a **neutral**, **nonpartisan** manner to carry out the instructions of the government of the day. Any perceived political bias or partiality by public servants is treated as a matter of serious concern by both the public and the public service itself.

The judiciary has no constitutional power to override legislation passed by parliament and is meant simply to interpret and apply the law as passed by parliament. Judges are appointed by the government of the day, after consultation with the legal fraternity, but by convention such appointments are expected to be nonpartisan.

**neutrality:** the quality of not taking sides, as in a conflict

**nonpartisan:** not relating to a political party or any division associated with the party system

### CITIZEN PARTICIPATION, RESPONSIBILITIES, FREEDOMS, RIGHTS, AND LIBERTIES

As mentioned, New Zealand has no written constitution, and so the country has no equivalent to the U.S. Bill of Rights, nor does it have any judicial rights-based review of legislation. Nevertheless, New Zealand's citizens continue to enjoy all the rights and liberties one expects in a truly democratic nation,



**THE PARLIAMENT HOUSE (IN FOREFRONT) AND "THE BEEHIVE" IN WELLINGTON.** Several buildings in Wellington comprise the New Zealand Parliament Buildings including "The Beehive," with offices for the prime minister and cabinet ministers. Sitting where a planned south wing of the neo-classical Parliament House (active since 1918) was to be built, "The Beehive" was sketched in 1964 by British architect Sir Basil Spence and it was finished in 1981. (SOURCE: © RICHARD KLUNE/CORBIS)

and the country has a strong individual rights culture which is (on the whole) respected by the government.

***Political Parties and Interest Groups.***  Any person may form (or join) any political party. There are no restrictions on the kinds of political parties that may be formed or the aims that they may pursue. Similarly, there are no restrictions on the kinds of interest (or pressure) groups that may operate in New Zealand. The major limit on how political parties and interest groups may operate is that overtly partisan political advertising is banned from the country's televisions, a move designed to ensure some equality of voice amongst all the different political actors.

***Elections, Voting, and Citizen Participation.***  All New Zealand citizens over the age of eighteen may vote, as well as stand for parliament. It is a legal requirement that all eligible voters register to vote, although voting itself is not **compulsory**. Participation rates in New Zealand elections are relatively high; 73 percent of the population took part in the 2002 general election.

**compulsory:** mandatory, required, or unable to be avoided

***Personal Security.***  New Zealand's police force and armed services are nonpartisan, professional organizations with operational independence from the government of the day. They are subject to the **rule of law**, which the courts enforce by requiring that all arrested persons either be charged with a crime and presented before a judge or released from custody. Procedural safeguards—such as the right to open justice, the right to an attorney, and the right to a fair trial—are incorporated into the courts' practices. In addition, an independent Police Complaints Authority is empowered to investigate any accusation of wrongdoing on the part of the police force. New Zealand does not apply the death penalty to any offense.

**rule of law:** the principle that the law is a final grounds of decision-making and applies equally to all people; law and order

*See also:* Australia; Constitutional Monarchy; Elections; Indigenous Peoples' Rights; Ombudsmen; Suffrage.

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*Andrew Geddis*

## Nicaragua

Nicaragua is located in the geographic heart of Central America and is the region's largest country at 128,410 square kilometers (49,579 square miles), which makes it slightly larger than Iowa. With 5.3 million inhabitants (2002) and abundant arable land, Nicaragua theoretically faces less population pressure than its neighbors. The country displays a striking topography that includes a vast tropical lowland to the east, a central mountain range that runs across the country northwest to southeast, stunning volcanoes, and two of the region's largest natural lakes. The presence of significant volcanic activity has endowed Nicaragua with rich agricultural lands and the potential for abundant geothermal energy. Nicaragua's climate is influenced by altitude, with high temperatures in the lowlands and coastal areas and moderate temperatures at higher elevations. The extraordinary Lake Nicaragua, which empties into the Río San Juan on the southern border with Costa Rica, provides Nicaragua with the potential to construct a trans-isthmus waterway between the Atlantic and Pacific Oceans.

Approximately 70 percent of Nicaraguans are mestizo (of mixed European and Indian ancestry), less than 20 percent are white, and the rest are black or indigenous. These last ethnic groups have long been relatively isolated from the rest of Nicaragua by geography. The people of the Atlantic coast are likely to speak an Indian language (primarily Miskito or *Sumo*) or English, as with the descendants of black slaves who were introduced to the country by Britain in the eighteenth century. Cultural traditions and Protestant religion further differentiate the Atlantic coast population (called *costeños*) from the Spanish speaking Pacific region, which is largely Roman Catholic. Literacy rose sharply in Nicaragua during the 1980s but had settled at about 75 percent by the early twenty-first century. Traditionally, Nicaragua has been an exporter of agricultural commodities, especially coffee, beef, sugar, and seafood. According to 2002 World Bank figures, agriculture accounts for 18 percent of the country's gross domestic product (GDP), followed by industry (25%) and services (57%). Due to high levels of unemployment and underemployment, 46 percent of Nicaraguans live below the national poverty line. Nicaragua is the second poorest country in the Western Hemisphere.

Nicaragua achieved independence in 1838 following the disintegration of the Central American Federation. The early years of nationhood were marred by intense regional conflict and threats of foreign intervention, which set a pattern in Nicaraguan politics that endured well into the twentieth century. An **aristocratic** conservative **faction** based in Granada favored the vested interests of a rural **agrarian** elite, while a liberal faction based in León favored **free trade** and commercial development These factions often tread close to civil war until the liberals invited an American adventurer, William Walker (1824–1860), to lead a military campaign against the conservatives that led to Walker's declaring himself president in July 1856. After he legalized slavery and made English the official language, Walker's dictatorship generated a campaign to drive him out of the country. September 14th is still celebrated as "independence day" because Nicaraguan troops defeated Walker and his U.S. forces on that date in 1857. The William Walker episode discredited liberals and led to thirty-six years of conservative rule.

Throughout the twentieth century Nicaraguan politics was often dominated by the country's shifting relationship with the United States. In the early decades, the United States was eager to protect its investment in the Panama Canal by preventing construction of a rival interoceanic transit system in Nicaragua. This concern led to U.S. intervention in Nicaragua and lengthy occupations lasting until the early 1930s. During much of this period, U.S.-backed conservative presidents,

**aristocracy:** a ruling financial, social, or political elite

**factionalism:** a separation of people into competing, adversarial, and self-serving groups, usually in government

**agrarian:** having to do with farming or farming communities and their interests; one involved in such a movement

**free trade:** exchange of goods without tariffs charged on importing or exporting

such as Emiliano Chamorro Vargas (1871–1966), governed Nicaragua. The Bryan-Chamorro Treaty, ratified in 1916, gave the United States what it wanted, which was the ability to prevent construction of an interoceanic canal in Nicaragua.

The figure that would exert the most lasting influence was a liberal general named Augusto César Sandino (1893–1934), who led a **guerrilla** campaign that harassed U.S. troops and raised the cry of Nicaraguan **nationalism** in the late 1920s. The betrayal and assassination of Sandino by Anastasio Somoza Garcia (1896–1956) in 1934 enabled the latter man to use the U.S.–created Nicaraguan National Guard as a vehicle to achieve power. Somoza Garcia became president in 1936 and created a dictatorship that remained under the control of the Somoza family until the overthrow of Luis Anastasio Somoza Debayle (1922–1967), Somoza Garcia's son, in 1979 by guerrillas who were inspired by the legacy of Sandino. The Sandinista revolution set Nicaragua on the course that led to the development of its present governmental system.

### THE GOVERNMENTAL SYSTEM

Formally, Nicaragua was a constitutional republic throughout the twentieth century. In fact, many administrations came to power extra-constitutionally. During the era of the Somoza dynasty, the constitution was amended at the convenience of the Somozas by a pliant congress to enable the family to maintain its dominance in the political system. Even during the brief **liberalization** under Luís Somoza, elections merely produced "puppet administrations," which had no independence from Somoza control. Using the National Guard as an instrument of political intimidation, together with generous patronage for those groups willing to collaborate with the regime, the Somozas gave Nicaragua an **authoritarian** government that defied the **rule of law**, suppressed the political opposition, and routinely violated human rights. In short, Somoza rule made a mockery of constitutional government.

The Somoza regime came to an end on July 19, 1979, as a result of a popular insurrection that was led by the Sandinista National Liberation Front (FSLN). The Sandinistas initially governed the country through a five-member **junta** and a corporatist style council of state. However, after their electoral victory in 1984 the Sandinistas initiated the writing of a new constitution that was adopted in 1987. That constitution established four interdependent branches of government: an executive headed by a president, a legislature based on election through **proportional representation**, a judiciary headed by the Supreme Court of Justice, and an electoral branch headed by the Supreme Electoral Council. Following the electoral defeat of the Sandinistas in 1990, the two succeeding administrations amended the constitution (in 1995 and 2000) aiming primarily to reduce executive power vis à vis the other branches. Thus, as the new century dawned Nicaragua was being governed under a reformed Sandinista constitution.

As of 2004 Nicaragua was a constitutional republic with a modified presidential system in which the legislature enjoyed significant authority in budgetary matters and could override a presidential veto with a simple majority vote. FSLN leader Daniel Ortega (b. 1945) was Nicaragua's first elected president in the post-Somoza era (1985–1990). Violeta Chamorro (b. 1929), widow of Nicaragua's martyred journalist Pedro Joaquín Chamorro (b. 1924 and assassinated in February 1978), was the victorious presidential candidate of the National Opposition Union (UNO) and held office from 1990 to 1997. Her successor was Arnoldo Alemán (b. 1946) of the Liberal Constitutionalist Party (PLC), who was succeeded by the PLC's Enrique Bolaños in 2001.

**guerrilla:** a soldier engaged in nontraditional methods of warfare, often separate from any structured military group

**nationalism:** the belief that one's nation or culture is superior to all others

**liberalization:** the process of lowering trade barriers and tariffs and reducing government economic regulations

**authoritarianism:** the domination of the state or its leader over individuals

**rule of law:** the principle that the law is a final grounds of decision-making and applies equally to all people; law and order

**junta:** a group of individuals holding power, especially after seizing control as a result of a coup

**proportional system:** a political system in which legislative seats or offices are awarded based on the proportional number of votes received by a party in an election

Nicaragua's 1995 constitutional reforms were designed not only to curb presidential power, but also to increase the independence of the judiciary, and the autonomy of key executive branch agencies such as the controller general. The president and vice president are elected concurrently for five-year terms with legislative elections. The president is not permitted to run for re-election. The National Assembly is a **unicameral** legislature consisting of ninety deputies elected from party lists drawn at the provincial and national levels. The legislature elects Supreme Court justices to seven-year terms and also elects the members of the Supreme Electoral Council, which organizes and conducts elections and referendums, to five-year terms. Nicaragua's constitution guarantees the right of free speech and a free press, and in practice diverse viewpoints are freely discussed in the media. It also guarantees workers the right to join unions and engage in collective bargaining. However, Freedom House has ranked Nicaragua as only "partly free" because, despite Nicaraguan workers' sometimes vigorous attempts to exercise these rights, the government has declared strikes illegal and the courts have failed to uphold worker rights.

**unicameral:** comprised of one chamber, usually a legislative body

## POLITICAL HISTORY

The dynastic dictatorship of the Somozas rested on three pillars of support, including the co-optation of Nicaragua's political elite, the image of strong U.S. support, and most importantly, the political use of the National Guard to intimidate opponents. The first two of these pillars were seriously eroded by the extravagant misrule of Somoza Debayle in the 1970s. When the political elite largely abandoned Somoza and the United States withdrew its support, reliance
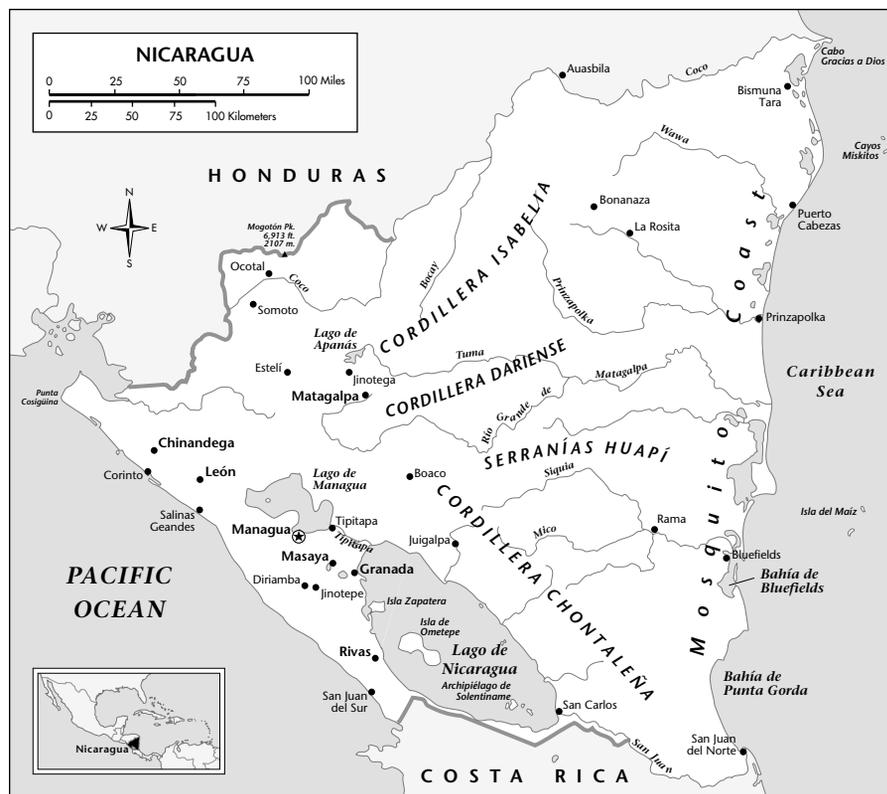
(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

on repression alone through the National Guard failed to keep the regime in power. In 1979 Somoza Debayle was overthrown by a mass-based insurrection, which was led by the FSLN and supported by much of the middle class. A distinctive feature of the popular insurrection was the mobilization of the churches and professing Christians. Even the FSLN leadership included Christian activists and, unlike Cuba twenty years earlier, the churches broadly supported the revolution at its outset. Because they had defeated the dictatorship militarily (destroying the National Guard) and because they had established strong links to peasants, workers, women's organizations, and **grassroots** religious organizations, the Sandinistas were in a strong position to govern a post-Somoza Nicaragua.

**grassroots:** at the lowest level, often referring to support from members of the public rather than from political elites

Broadly speaking, the Sandinista government pursued a mixed economy, extensive social reforms designed to redistribute wealth and opportunity to Nicaragua's working class, and a nonaligned foreign policy. The United States cautiously supported the government by offering $75 million in loans. However, the 1980 election in the United States resulted in a change for Nicaragua; President Ronald Reagan (1911–2004) came to office openly hostile to Nicaragua's new government. The administration quickly terminated all U.S. aid to Nicaragua and undertook steps to mount a covert war against the country.

Based on the view that the Sandinista government was "Marxist-Leninist" and a threat to U.S. interests in Central America, the Reagan administration organized, trained, and supported a military force known as the "Contras" (counterrevolutionaries) to wage a "low-intensity war" against Nicaragua. That war, coupled with an economic and credit blockade that severely limited Nicaragua's access to credit among Western nations, imposed enormous challenges on the Sandinistas as they attempted to carry out the aforementioned policy initiatives. Funds that were available for investment in social programs, such as education and health care, or to provide credit to small farmers during the early Sandinista years, began to be absorbed by the costs of national defense. By 1985 defense costs consumed half of the national budget.

Over the first four years of Sandinista rule, Nicaragua achieved an average of 7 percent annual GDP growth. However, during the second half of the 1980s the economy, which sustained billions of dollars in damage, declined sharply. Inflation reached intolerable levels of more than 30,000 percent by 1988, and the government undertook strong austerity measures, such as removing price controls, reducing government investment in the economy, layoffs of public sector employees, and sharp reductions in social spending. These policies added to the hardships that war brought to the populace.

The Contra war in Nicaragua elicited strong international efforts in Latin America to forge a peace settlement. During the early 1980s Mexico, Panama, Venezuela, and Colombia initiated the "Contadora Process," through which they labored to bring the nations of Central America to agree to mutual nonaggression pacts, and to accept the withdrawal of all military advisors. The Contadora Process eventually had the backing of Brazil, Argentina, Peru, and Uruguay, but was unable to achieve its objective of ending the war in Nicaragua and demilitarizing Central America. However, after the 1986 Iran-Contra scandal broke in Washington, in which arms were traded for hostages and funds were illegally diverted to support the Contras, Costa Rican President Oscar Arias (b. 1940) initiated a new peace initiative based on Contadora. The Arias Peace Plan was signed by the Central American nations in 1987 and the Sandinista government used the political opening to negotiate directly with the Contra opposition to bring an end to hostilities and pave the way for peaceful elections in 1990.

## CONTEMPORARY POLITICAL LIFE

The 1990 election signaled disenchantment with the country's downward economic spiral, and also the electorate's keen desire to restore peace. It also demonstrated the degree to which elections had become more meaningful as democratic mechanisms for the transfer of power. During the Somoza era elections were relatively meaningless due to fraud and intimidation, and political parties were stunted institutions lacking a popular base. One effect of new election laws passed by the Sandinistas and greater openness in society was a **proliferation** of "micro-parties." The UNO coalition, which won the 1990 elections, consisted of fourteen small parties united only in their opposition to the Sandinistas. The proliferation of small parties continued in the early 1990s so that thirty-five parties participated in the 1996 elections. However, a pact between the PLC and the FSLN in 2001 redrew election rules to discourage third-party efforts, essentially establishing the foundations for a two-party system in Nicaragua.

When President Chamorro assumed office in April 1990 her overriding concern was to restore peace to her war-torn country. This task implied finding ways to bring about reconciliation among Nicaraguans, and especially between former combatants on either side of the conflict. Both Contra soldiers and government soldiers had to be reintegrated into society as military demobilization took place. In other words, not only did Nicaragua need a democratic transfer of power through elections, which it achieved, but the country also needed to consolidate the peace process. This latter goal proved elusive. A decade later, in 2000, irregular groups of armed former combatants were still threatening or engaging in acts of violence to press their demands on the government.

The Chamorro government had few ties to the rank-and-file Contra soldiers and was more focused on demobilizing them than trying to discern and articulate their interests. Under the supervision of the Organization of American States, a body established in 1948 to promote security and cooperation among the states of the Western Hemisphere, more than 22,000 troops were demobilized during the first three months of the Chamorro administration. This demobilization was accompanied by pledges of support (for access to land and credit, for example) that the government, fundamentally lacking in resources, was unable to fulfill. Two years later, in the face of the government's failed promises to provide practical support for their effective reintegration into society, Nicaraguan officials estimated that 22,835 irregular troops (some Contras and some demobilized government soldiers) had remobilized. Some used the threat of armed force to demand **redress**, while others sank into banditry. The latter encouraged a sense of lawlessness that threatened government legitimacy and the former encouraged a confrontational style of politics that threatened stability and undermined the long-term continuity of policy. When the government was seen to make a side deal with one group, others were encouraged to resort to the same tactics.

In this respect Nicaragua's internal peace process was seriously flawed, both in terms of restoring political stability and of meeting pent-up social demand. These conditions were exacerbated by the size of Nicaragua's external debt ($11 billion in 1994) and the degree to which it rendered the country vulnerable to the demands of international financial institutions. The price of gaining fresh credit was to slash government payrolls and services to the bone. Credit for small and medium-sized farms and businesses virtually dried up. Under these conditions the social gains achieved in the 1980s, such as access to education and health care, were severely eroded and rising unemployment was accompanied by a shocking rise in crime, domestic violence, homelessness, and similar social ills.

**proliferate:** to grow in number; to multiply at a high rate

**redress:** to make right, or, compensation

### ■ ■ ■
### WILLIAM WALKER
### (1824–1860)

Born in Nashville, Tennessee, William Walker received a medical degree from the University of Pennsylvania in 1843. Bored with the practice of medicine, he turned to law, which he later gave up for journalism. Walker moved to California in 1850 and became the associate editor of the *San Francisco Daily Herald*. After quarreling with a local judge, Walker became a military adventurer, or filibuster. He first attempted to establish an American colony in the Mexican territory of Baja, California. In 1853 Walker proclaimed himself the president of the Republic of Lower California but had to flee in 1854 when the Mexican government sent troops.

Walker then traveled to Nicaragua. With the help of a few dozen supporters from America, Walker captured the city of Granada in 1855. He named himself president of Nicaragua and head of its army. Walker's government was recognized by the United States in 1856.

Walker eventually lost American as well as popular Nicaraguan support, however, because of his insatiable demand for absolute power. After surrendering to the U.S. Navy in 1857, Walker was tried in New Orleans in 1858 for violating U.S. neutrality laws. After he was acquitted, he led an expedition to Honduras in 1860. Walker was captured by the British navy and turned over to Honduran officials, who had him executed by a firing squad on September 12, 1860.

**lumpenproletariat:** the lowest stratum of the working classes, consisting of those who are poor and undereducated

Late in the Chamorro presidency, the major opposition FSLN party experienced a split that took much of the middle-class leadership out of the FSLN. With the FSLN weakened by this split, the Liberal Alliance created by Managua mayor Arnoldo Alemán waged a strong campaign based on anti-Sandinista attacks and neo-populist appeals to the unorganized Nicaraguan **lumpenproletariat** (unemployed or underemployed urban and rural workers). Alemán won 51 percent of the vote and the Liberal Alliance took forty-two congressional seats, compared to thirty-six for the FSLN. Despite conducting a neo-populist campaign, however, Alemán continued his predecessor's neoliberal economic policies. These policies kept inflation low and encouraged foreign investment, but left the government with little leverage to strengthen public institutions or provide needed social services. Thus, whereas Nicaragua ranked sixtieth on the UN's Human Development Index in 1990, it had fallen to 121st by 2001. Furthermore, government institutions critical to the effective functioning of democracy, such as the judiciary, remained weak, inefficient, and underfunded. Indeed, the tendency of the Alemán administration to engage in pact making with the Sandinistas threatened to weaken democratic institutions by packing the Supreme Court, the Supreme Electoral Council, and other national institutions with party loyalists.

**money laundering:** to cause illegally obtained money to appear legitimate by moving or converting it

The Alemán government ended on a spectacularly sour note, with the president being charged with corruption. His successor, Enrique Bolaños (b. 1924) of the PLC, appeared to be taking matters in a more positive direction, inasmuch as the new president strongly supported investigations into charges of embezzlement and **money laundering** against Alemán, which led to the former president's conviction in a court of law. In a country where impunity for high officials has been the norm, these developments suggest that serious steps are being taken toward the rule of law and the consolidation of democracy.

*See also:* Constitutions and Constitutionalism; Dictatorship; Presidential Systems.

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*Michael Dodson*

# Niger

The Republic of Niger covers 1.27 million square kilometers (489,000 square miles) of arid and semi-arid territory in West Africa, spanning the transition zone from the Sahara Desert to the Southern savannas. Most of the landlocked country's huge northern region is a sandy and rocky desert, sparsely populated by semi-nomadic populations. The bulk of the 11 million Nigeriens reside in the southern strip, where agriculture is possible during the mid-year four-month rainy season.

Niger's economy is essentially rural, a definition that includes a sizable group of pastoralists. **Subsistence farming** dominates agricultural activities, but the country exports considerable quantities of hides and skins to surrounding countries, along with livestock, cowpeas, and onions. The majority of the urban population is employed in the informal economy, with the formal sector being made up of a small civil service body and a nascent private sector.

Infrastructures are notoriously inadequate not only to sustain economic activities of a formal or modern type but also to cope with social needs. Niger's poor health infrastructure accounts for an exceptionally high infant mortality rate and the very low life expectancy figure (42 years). Nonetheless, a high fertility rate of 7 percent produces a juvenile population, only a modest portion (34%) of which benefits from formal state schooling.

The government of Niger rests on a constitution adopted by national referendum in 1999, the third in a decade. In 1991, Niger ended military and single-party rule through a National Conference that was to prepare for the democratization of the country. The process was comparable to what was happening in neighboring countries, in particular Benin and Mali. But the Nigerian process was marred by a series of setbacks and gridlocks, including two

**subsistence farming:** farming which does not turn a profit, providing only enough food for the farmers themselves
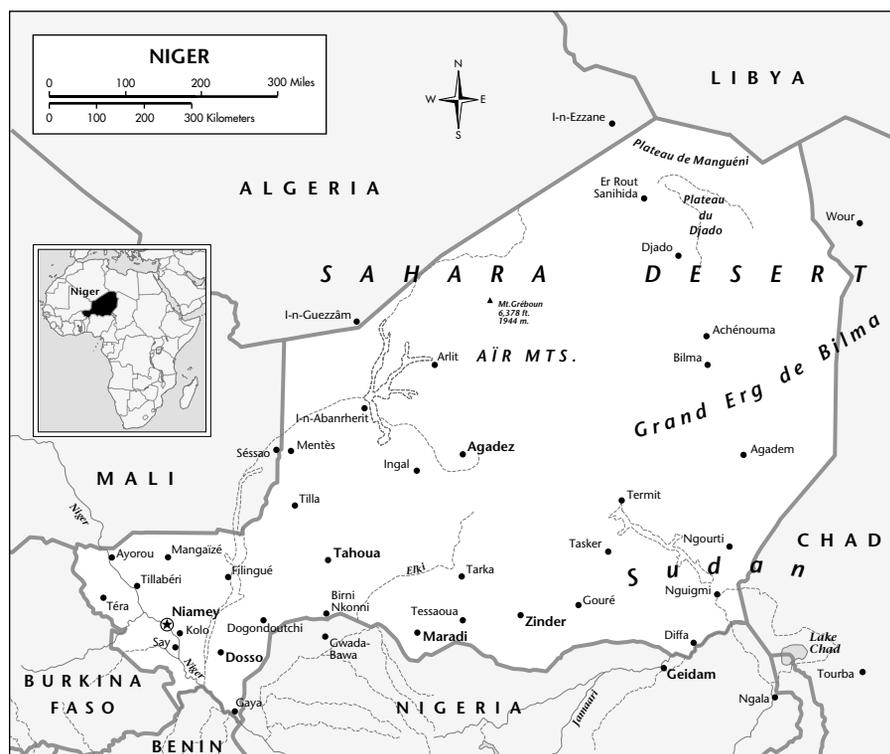


(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

military coups in 1994 and in 1999. A short transition period reinstated a civilian government in 1999 by way of free and fair elections.

The Nigerian government system is roughly tailored on that of its former colonizer, France. It is a semi-presidential system, which means that the executive has, in fact, two heads—a president, who is elected by universal **suffrage**, and a prime minister, who is appointed from the majority party by the president after legislative elections. The cabinet is also appointed by the president but is led by the prime minister. Decisions are made in cabinet meetings presided over by the president. Although appointed by the president, the prime minister is responsible before a **unicameral** (one chamber) parliament, the National Assembly, which has 113 seats. When both president and prime minister are from the same party, this system runs smoothly. Otherwise, collaboration is often difficult. Among the four higher-level judicial bodies, the Supreme Court plays a political role as an interpreter of constitution.

Niger has a vibrant civil society, animated by human rights and social rights associations and non-governmental organizations, a sprawling and biting written press (in French), and Islamic associations. This helps explain why citizen rights and freedoms are better protected in Niger than in many of its equally poor neighbors: Freedom House rated Niger as "partly free" in 2003. The main concern is about political participation, as despite the fairness of elections, voting rates have dwindled election after election.

*See also:* Benin; Mali.

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*Abdourahmane Idrissa*

## Nigeria

Nigeria is a federal republic consisting of thirty-six states and a federal capital located in Abuja. The country lies on the west coast of the African continent and has a land mass of 923,768 square kilometers (356,700 square miles), making it slightly larger than California. It is bordered to the north by the Republic of Niger, to the south by the Atlantic Ocean, to the east by the Federal Republic of Cameroon, and to the west by the Republic of Benin. On the country's northeast border is Lake Chad, which also extends into the Republic of Niger and Chad and touches the northernmost part of Cameroon. Nigeria's location between the equator and Tropics of Cancer places it entirely within the tropical zone, but climatic conditions vary from equatorial on the coast, to tropical in the middle, to arid in the north.

The World Bank estimated Nigeria's population in 1990 at 119 million with an estimated annual growth rate of 3.3 percent, making the country the most
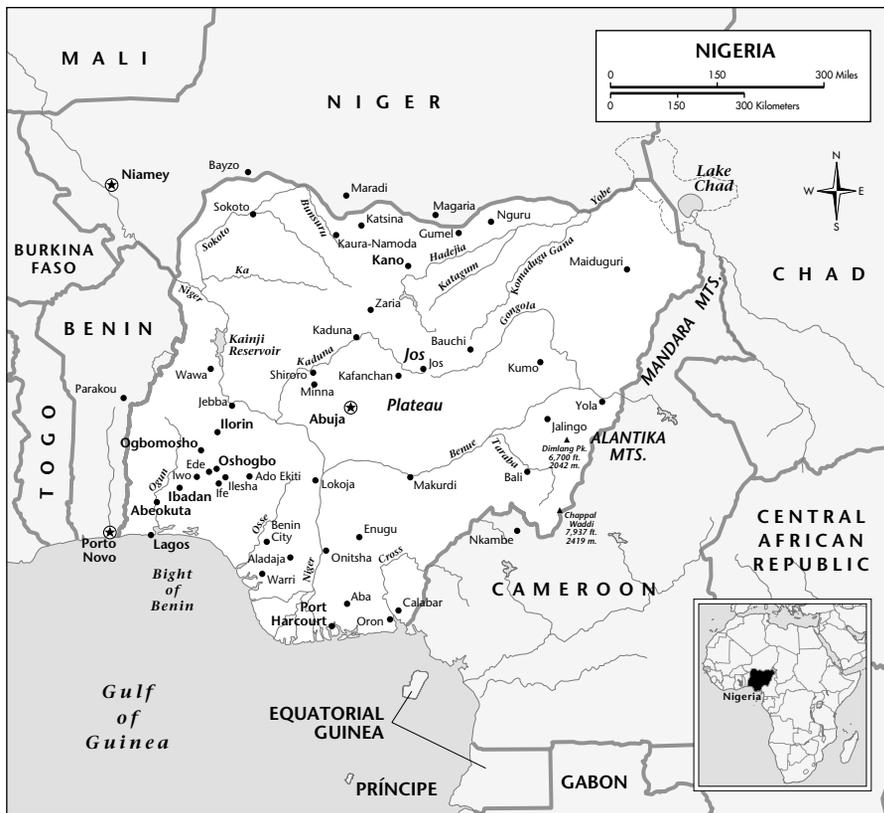
(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

populated state in Africa and the tenth most populated nation in the world. Although Nigeria's population is comprised of over 250 ethnic groups, three major ethnic groups account for over 66 percent of the total population and primarily reside in three geographical regions: the Hausa/Fulani in the north, the Yoruba in the southwest, and the Igbo in the southeast.

These regional-ethnic alignments also correspond closely with religious cleavages in the country. The north, dominated by the Hausa/Fulani, is predominantly Muslim. The southwest, dominated by the Yoruba, is religiously mixed between Christians, Muslims, and worshippers of traditional Yoruba religion. In the southeast, where most Igbo live, Christians are the majority, although observance of traditional rites and ceremonies remains strong. Among these three ethno-regional and religious identities lie a sizable number of smaller ethno-religious groups, such as the Tiv in the Middle Belt and the Ogoni and Ijaw in the Niger Delta area.

## BRIEF HISTORY

As with many of the other nations of contemporary Africa, Nigeria is a colonial construct. The amalgamation of its ethnically and culturally diverse population into a political entity was the result of British conquest and control of much of Nigeria between 1861 and 1897. This fact is central to understanding Nigeria's growing pains since independence. In creating a largely artificial state, the British left several enduring legacies that have shaped the government and politics of the country since its inception.

▄ ▄ ▄

**protectorate:** a territory or country under the protection of another sovereign country's military

**Westminster:** a democratic model of government comprising operational procedures for a legislative body, based on the system used in the United Kingdom

**suffrage:** to vote, or, the right to vote

Nigeria came into existence on the eve of World War I (1914–1918) when the British colonial rulers merged the two British **protectorates** of Northern and Southern Nigeria into one entity. The new Nigeria, as defined by the British, placed numerous and distinct ethnic populations under one administrative system. Of this large number of groups, the northern-based Hausa-Fulani, the Yoruba in the southwest, and the Igbo in the southeast have traditionally been the most politically active and dominant. In recognition of their strength and political power, the 1960 Independence Constitution established Nigeria as a federation comprising three regions—Northern, Western, and Eastern—and a federal territory (Lagos), and instituted a **Westminster** model of parliamentary democracy at the national and regional levels. A fourth region was later added.

Institutions and powers of government at both regional and federal levels were divided into three areas: legislative, executive, and judicial. Detailed provisions were made for entrenched fundamental rights, and elections based on universal **suffrage** were to be held regularly. The federation received political independence on October 1, 1960, after about seven decades of British colonial rule.

## THE NATURE OF THE GOVERNMENT

Since 1999 Nigeria has had a democratic, civilian government. The 1999 constitution under which the government is constituted is essentially a remake of the 1979 constitution that was the basis of the Second Republic. Like the American presidential system, it sets up a three-tier federal structure of democratically elected national, state, and local systems of government. At the national level, an independently elected executive is balanced against a two-house National Assembly and an appointed and independent judiciary. The same pattern exists at the state level.

The electoral system is multiparty-based, but the ruling party, the People's Democratic Party (PDP), has used its control of state resources to maintain its dominance at the national level. Opposition to PDP has come mainly from two parties with mostly regional support: the All Nigeria People's Party and the Alliance for Democracy. In the 2003 national elections, President Olusegun Obasanjo (b. 1937) was reelected to a second four-year term. His ruling PDP also won 70 percent of the seats in the national legislature and 75 percent of the state governorships. Allegations of political intimidation and vote-rigging were raised, especially in southeastern states, but a majority of Nigerians appear to have accepted the result.

The institutional performance of the National Assembly has not been impressive. From its inception, this legislative body has been tainted by charges of bribery and misappropriation of funds. Relations among members have been characterized by political and personal rivalries and intrigues, even among members of the same party. Disputes with the president are common, and twice since 1999 factions within the president's party in both chambers have threatened to start **impeachment** proceedings against him.

**impeach:** to accuse of a crime or misconduct, especially a high official; to remove from a position, especially as a result of criminal activity

The court system is very similar to that of the United States. The Supreme Court of Nigeria sits at the apex of the country's judiciary and is the highest court of the land. An intermediate court of appeal sits between the Supreme Court and federal state high courts and other subordinate courts. The judiciary is subject to political influence and susceptible to corruption, but the Supreme Court and federal **appellate** courts have shown a great degree of independence and provided arguably the only element of stability and consistency in the often-chaotic

**appellate:** a court having jurisdiction to review the findings of lower courts

Nigerian politics. The legal system is based on English common law, modified by codifications of **customary law** and Islamic law.

## CIRCUMSTANCES LEADING TO THE ADOPTION OF THE GOVERNMENTAL SYSTEM

From the time of independence in 1960 to mid-1999 when another civilian rule was initiated, Nigeria had only ten years of democratic government; the rest was spent under military rule. The pervasiveness of military rule in Nigerian politics is partly a consequence of the breakdown of party politics in the First Republic and partly as a result of centrifugal forces dating back to colonial rule.

Unlike many African countries that came under the control of a single party after independence, Nigeria entered nationhood as a multiparty state. By the time of independence, three major parties had emerged, all regional based: the National Council for Nigeria and Cameroons (NCNC), an eastern region dominated party led by Herbert Macaulay (1864–1945), and Nnamdi Azikiwe (1904–1996), and the Northern Peoples Congress (NPC) led by Ahmadu Bello (1909–1966) and Abubakar Tafawa Balewa (1912–1966).

Nigeria's first post-independent civilian government was a **coalition** between the NPC and NCNC. Balewa, the titular head of NPC, was named the prime minister, and Azikiwe, the NCNC leader, became the **governor-general**, succeeding the pre-independence governor-general James Wilson Robertson (1899–1983). Under a new constitution in 1963, Nigeria became a republic, and Azikiwe was named the country's first president, although this was a largely ceremonial post.

**coalition:** an alliance, partnership, or union of disparate peoples or individuals

**governor-general:** a governor who rules over a large territory and employs deputy governors to oversee subdivided regions

The Balewa government found itself confronted by many problems. Among the difficulties of the republic were widespread political corruption at the national level, regional and ethnic tensions generated by both the 1963 census and the 1964 national elections, and the breakdown of political order in the western region. Unable to control these problems effectively, the Balewa government was overthrown in a military **coup** in January 1966 by a group of junior army (predominantly Igbo) officers.

**coup:** a quick seizure of power or a sudden attack

The junior officers surrendered to Major-General Johnson Aguiyi-Ironsi (1924–1966), commander in chief of the armed forces, who immediately suspended the constitution and instituted a Supreme Military Council. The Ironsi **regime** was itself overthrown on July 29, 1966 by northern officers who felt that the earlier coup was a plot to establish Igbo rule on Nigeria. Ironsi was killed in the coup, along with many Igbo officers. A northerner, Lieutenant Yakubu Gowon (b. 1934), was installed as the commander in chief and head of state.

**regime:** a type of government, or, the government in power in a region

The Gowon regime quickly restored discipline in the military, made political concessions to the Western Region by releasing Chief Obafemi Awolowo (1909–1987), who had been jailed for treason by the Balewa regime and vowed to return Nigeria to civilian rule. Civil war erupted in 1967 when Gowon proposed a twelve-state structure, intended to produce larger representation for ethnic minorities other than the major groups. Afraid that the Igbos might be **marginalized** at the national level and in their own region, and with reports of Hausa massacre of Igbo traders and residents in the north, Lieutenant-Colonel Odumegwu Ojukwu (b. 1933), the military governor of the Eastern Region, refused to recognize the legitimacy of Gowon's regime, declared **secession** of the region from the country, and proclaimed its independence as the Republic of Biafra in May 30, 1967. The war lasted until Biafra surrendered in 1970.

**marginalize:** to move to the outer borders, or to move one to a lower position

**secede:** to break away from, especially politically

Gowon designed a transition plan for civilian rule but reneged on its implementation and was himself overthrown on July 10, 1975 by yet another military

coup, led by Brigadier General Murtala Mohammed (1938–1976). Although General Mohammed had a popular following, he was killed in an abortive military coup six months into his regime. Lieutenant-General Olusegun Obasanjo, his deputy and chief of the armed forces, escaped and was immediately installed as the head of state.

Aside from increasing the number of Nigerian states to nineteen, the Obasanjo government embarked on and successfully executed a transition program that included the lifting of prohibition on political parties and political activities and the **promulgation** of a new constitution in 1979. The regime formally handed power to a civilian government on October 1, 1979, ending thirteen years of military rule that began in 1966.

The Second Republic began with the controversial elections of 1979. The National Party of Nigeria, led by Alhaji Shehu Shagari (b. 1925), won a third of the seats in the house, senate, and state assemblies. A legal controversy erupted when it obtained the mandatory 25 percent of the vote in twelve rather than thirteen of the nineteen states. The Unity Party of Nigeria, led by Chief Obafemi Awolowo, and other smaller parties launched a legal challenge to Shagari's victory, but the Nigerian Supreme Court upheld the election.

Shagari was deposed in a bloodless military coup, led by Major-General Muhammadu Buhari (b. 1942)—a former military governor of Borno and federal commissioner for petroleum during Obasanjo's regime—on December 31, 1983. With this coup, Nigeria began another sixteen years of military rule that witnessed coups and countercoups, programs and unfilled promises of civilian rule, and political repression and abuse of human rights unprecedented in Nigeria's history.

The most notorious of the military regime during this period was the regime of Sanni Abacha (1943–1998) who seized power on November 17, 1993, following the resignation of General Ibrahim Babangida (b. 1941). Abacha deposed the civilian caretaker government that Babangida had set up to replace him following the controversial 1993 national election, and he arrested and jailed Moshood Abiola (1937–1998), a southerner and the declared winner of the election. During Abacha's six years in office, repression and political assassinations escalated to unprecedented levels, culminating in the execution of environmental activist Ken Saro-Wiwa (1941–1995) and his colleagues in November 1995.

Abacha died mysteriously in 1999. His successor, General Abdulsalam Abubakar (b. 1942), quickly set a transition process that led the country back to democratic rule. After a series of elections, retired General Olusegun Obasanjo, a former head of state who himself had been a political prisoner under Abacha, was declared the new democratically elected president, and he took his place as the new civilian president on May 29, 1999.

## POLITICAL LIFE

Nigeria continues to be racked by social and religious strife. The country actually saw a sharp upsurge in political violence after the Third Republic was created, including riots over the imposition of Islamic Shari'a law in Muslim-dominated northern region and violent attacks in the Niger Delta area by communities demanding an equal share of the nation's oil wealth. The government's response to these events, which have claimed hundreds if not thousands of lives, has been equally harsh. Freedom House, an independent advocacy foundation, has ranked Nigeria as "partially free" since 1999 based on continuing reports of serious violations by the security forces, political assassinations, and **extrajudicial** killings by vigilante groups.

**promulgation:** an official declaration, especially that a law can start being enforced

**extrajudicial:** outside the legal system; lacking the legitimating authority of the government

**DURBAR FESTIVAL DANCERS IN KADUNA, NIGERIA.** Dating back hundreds of years, the traditional Nigerian Durbar (military parade) festival is the finale to the Muslim festivals *Id el Fitri* (End of Ramadan) and *Id el Kabir* (Feast of Sacrifice) and celebrates the emir with time-honored dances and a parade of ornate horsemen that travel to the emir's palace in Kano. (SOURCE: © HULTON-DEUTSCH COLLECTION/CORBIS)

## SOCIOECONOMIC CONDITIONS

Poor macroeconomic management, inadequate infrastructure, corruption, and political instability have continued to make Nigeria's living standards and quality of life among the lowest in the world. Economic stoppages and strikes are common, and unemployment and inflation have remained high. The 2003 report of the Index of Economic Freedom ranked the Nigerian economy the sixteenth lowest in the world and placed the county in the 140th position out of 156. Despite rich natural resources—Nigeria is the world's seventh largest oil exporter with huge reserves of mineral and agricultural resources and abundant manpower—poverty is widespread, and the nation's ports, roads, and water and power systems are in extreme disrepair.

Nigeria's pervasive poverty and dilapidated infrastructure have occurred in spite of an estimated $320 billion earned from oil export between 1970 and 1999. In the early 2000s much of the nation's wealth continued to be concentrated in the hands of the elites through corruption and inflated government contract prices. According to Transparency International, in 2004 Nigeria was the third most corrupt country in the world.

For the average citizen, the extreme difficulty of living day-to-day is made more difficult by a high incidence of armed robberies and lack of personal safety.

Nigeria in 2002 ranked at the near bottom among the nations of the world (155 out of 177) in the United Nation's Human Development Index, which combines three measures of human development: living a long life, being educated, and having a decent standard of living.

## PROSPECTS FOR NIGERIA

At the dawn of independence, Nigerians and outside observers alike thought that Nigeria, black Africa's richest and potentially powerful state, was destined to play a leadership role on the African continent. More than half a century after independence, the country has been unable to live up to its promise. Decades of **autocratic** rule, economic mismanagement, official corruption, and regional and sectarian conflicts have weakened the Nigerian state and rendered it incapable of delivering even the most minimal services.

Yet, there are signs that Nigeria may yet achieve the status that many, at independence, expected. The emergence of democratic government has brought about restructuring programs and policies designed to improve the nation's economic health. And, despite the pervasiveness of military rule in Nigeria's independent history, many of the fundamental building blocks of a democratic state have remained: a relatively free and vocal press, a well-established legal system, active and courageous human rights organizations, numerous centers of learning and research, a very vibrant intellectual and artistic life, and a relatively well-educated citizenry.

*See also:* Cameroon; Dictatorship; Federalism; Transitional Political Systems.

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*Ayo Ogundele*

**autocracy:** a political system in which one individual has absolute power

# Non-governmental Organizations

Non-governmental organizations (NGOs) can best be understood as part of the spectacular growth in the past few decades of "third-sector" organizations, so called because they are different from the first sector (government) and the second sector (business). Instead of being formed primarily for profit-making purposes or brought into being simply by a government decision to extend its reach, third-sector organizations reflect the organized efforts of citizens motivated by social, religious, or ideological concerns for action.

## DEFINITION AND CHARACTERISTICS OF NGOS

This broad family of third-sector organizations is active across a vast spectrum of activities from welfare services to leisure pursuits, from political pressure groups to arts and hobby societies. Third-sector organizations have come to play a significant role in many, if not all, areas of public life. In the matters of foreign affairs and international relations, they serve as powerful nonstate actors and activists within international politics and development policy around the world. Whether they are providing services, forming the basis for community self-help initiatives, or campaigning on public issues, a range of different types of third-sector organizations have a high profile in most countries of the world.

Perhaps the best-known subgroup of the third-sector organizational family is that of the NGOs. Although they form a diverse and wide-ranging group, NGOs are usually understood to be organizations engaged in humanitarian, human rights, or environmental activities at local, national, or global levels. Well-known NGOs include Greenpeace, Amnesty International, Oxfam, and CARE. The profile of NGOs has increased steadily among policy makers, activists, and researchers in both the rich industrialized countries of the North (usually taken to mean North America and Europe) and among the lower income, lesser developed countries of the South (a common shorthand for Asia, Africa, Latin America, and the Caribbean).

NGOs therefore include many organizations funded by international aid agencies such as the United Nations (UN) and the U.S. Agency for International Development. The NGO category also includes the growing numbers of public interest groups funded by government or private sources or dependent simply on volunteers engaged in a wide range of activities such as service delivery, policy advocacy, and campaigning work. The category of NGO is also sometimes taken to include the self-help efforts of organized local community groups to improve their conditions of life or solve **grassroots** problems.

The term *NGO* first achieved prominence within the UN system established after World War II (1939–1945). The designation of NGO was awarded to international nonstate organizations that were given consultative status within UN activities. Since then the term has become more and more commonly used, and the numbers of NGOs active at the international level has continued to grow.

What explains the recent rise of NGOs within international governance and politics? Likely reasons include: (a) the growth of **intergovernmental** negotiation around domestic policy brought about by integration of the world economy; (b) the end of the Cold War, which eliminated the **polarization** of global politics around the two superpowers of the United States and the Soviet Union; (c) the emergence of a global media system, which provides a platform for NGOs to express their views; and (d) the spread of democratic norms, which may have increased public expectations about participation and transparency in decision making.

**grassroots:** at the lowest level, often referring to support from members of the public rather than from political elites

**intergovernmental:** between or involving multiple governments, with each government retaining full decision-making power

**polarize:** to separate individuals into adversarial groups

**AN ITALIAN RED CROSS FIELD HOSPITAL IS GUARDED BY AN IRAQI POLICE OFFICER IN BAGHDAD, IRAQ IN MAY 2004.** The International Red Cross and Red Crescent Movement is represented in 181 countries with its headquarters in Geneva, Switzerland, and maintains about 115 million volunteers worldwide whose humanitarian mission includes providing medical assistance during armed conflict along with ensuring public health after natural disasters. (SOURCE: © CEERWAN AZIZ/REUTERS/CORBIS)

NGOs have also come to be seen as part of an emerging civil society in many countries, generally taken to mean the public arena in which people come together to act collectively about something because they care enough to do so. Civil society is therefore often seen by many people as a useful counterweight to the excesses of the state and the market and one that can help balance interests in institutional life by providing a form of citizen power.

This role has grown because there is a common perception at the international level that the "old order" of international governance primarily through states is changing to one in which governments are increasingly challenged by nonstate actors. First, private for-profit corporations are eager to take advantage of the new opportunities provided by an increasingly integrated global market. Second, NGOs increasingly are seeking to contribute to or challenge international policy against the backdrop of the processes of economic, technological, and cultural change that have together become loosely referred to as "globalization."

In the sphere of international relations and politics, nonstate networks of environmental, gender, and human rights campaigning organizations have become increasingly active. Within the international development field, NGOs began to make their presence felt at the series of UN summits held on key issues such as environment, population, and women during the 1990s.

## NGOS, ENVIRONMENT, HUMAN RIGHTS, AND CONFLICT

NGOs have long been active in the international arena, contributing to such causes as the abolition of the slave trade in the nineteenth century, the rise of international humanitarianism in the form of the Red Cross movement, and more recently to the establishment of the UN convention on the rights of the child. These international roles are set to grow even more. These changes in global governance increasingly mean that no one framework of international law can be exercised through a single global authority. Instead, there are different levels of regulation and forms of authority negotiating around common goals, the resolution of disputes, and the balance of conflicting interests. Some therefore see a new model of international governance emerging, which—although untidy and less predictable than regimes that went before—may offer a stronger voice for local and global citizens.

This trend is apparent in the global environmental arena. NGOs have played important roles in the emergence of the international environmental agenda, from the "green" perspectives of the 1970s to the sustainable development paradigm that gained momentum in the 1990s. The emergence of codes of conduct for national and international business is one strategy pursued by NGOs in conjunction with social movements, religious groups, and investors.

For example, in 1989 the Coalition for Environmentally Responsible Economies established a ten-point environmental code of conduct for corporations based on what were termed the Valdez principles, named after the Exxon Valdez oil tanker disaster of that year. These principles related to minimizing pollutant releases, the conservation of nonrenewable resources, and the use of sustainable energy sources. Companies that subscribe to the code are obliged to report annually on their compliance. Progress with cooperative and voluntary strategies for engagement with the corporate sector has been dealt a severe blow by the failure of some countries, and in particular the United States, to endorse the Kyoto Protocol on climate change.

NGOs have long been associated with conflict, from the Red Cross work with relief and humanitarianism to newer agendas of conflict resolution and mediation support. In the field of disarmament, the International Campaign to Ban Landmines was a coalition of NGOs that mobilized campaigning across the world that led to a 1997 convention banning antipersonnel landmines, Signed by 122 states, this convention was later adopted as a treaty within the UN. The speed with which this movement achieved tangible results demonstrated the growing power of NGOs in international politics. This example also demonstrates the diversity of interests among the NGO,' or third-sector community.

**globalization:** the process of expanding regional concerns to a worldwide viewpoint, especially politics, economics, or culture

**regime:** a type of government, or, the government in power in a region

### FAST FACTS

The Kyoto Protocol is a legally binding international treaty that requires countries that have signed to cut their emissions of carbon dioxide and other greenhouse gases in an attempt to reduce global warming.

For example, the National Rifle Association in the United States strongly resists the attempt to control international arms flows.

Demonstrations outside the meeting of the World Trade Organization in Seattle in 1999 brought to center stage both the growing movement against globalization—variously defined by protestors as the rise of **neo-liberalism**, the growth of **free trade**, and the expansion of industrialized country production at the expense of developing country markets—and the role of NGOs as key actors within this movement. Since the terrorist attacks on the United States in September 2001 the position of the international NGO community has become polarized around different positions in relation to the "War on Terror." There are concerns that some NGOs are becoming drawn into roles that make them merely subcontractors in relation to foreign policy interests, particularly in the conflict zones of Afghanistan and Iraq. Challenges have also been made to the spirit of pluralism that exists among the NGO community in the form of attacks on NGOs by organizations such as the conservative American Enterprise Institute.

## NGOS AND POLICY ADVOCACY

The role of NGOs in international politics is largely dominated by the idea of NGOs as **policy advocates**. Whether NGOs are effective as policy advocates is often very difficult to judge. It is possible to assess the effectiveness of an NGO advocacy effort not just in terms of achieving the desired policy impacts but also in terms of the process of advocacy itself, which is seen as making a contribution to a healthy civil society and increasing levels of trust, political participation, and stability in society. NGOs can help to build these relationships at the local level, and they can also act within wider networks to balance power in multiorganizational alliances serving as a bridge that links the grassroots level with national or international action, or forming connections between different kinds of organization.

Advocacy work by NGOs of the North has been part of the post–Cold War development policy agenda that has aimed to help build **democratization** processes within both the developing and post-communist worlds. There have been some notable NGO-driven successes at the level of health and economic policies, such as the baby milk marketing code, drafting essential drugs list, and the removal of restrictions on international trade for some items from poor countries (e.g., the textile quotas from Bangladesh that helped create new women's employment during the 1990s). Advocacy has also become an important activity for developing countries and NGOs of the South, where environmental campaigns such as that against the Narmada Dam in India have been built by local organizations with international links. The efforts of NGOs from both North and South at the UN global summits such as the Rio Environment or Beijing Women's Conferences indicated growing NGO influence through lobbying work on policy issues such as environment, gender, and poverty.

However, many problems have arisen with these strategies. For example, less has been achieved by NGOs in relation to the more politically and economically sensitive issues of military spending, human rights, and economic reform. The intensive work by Western donors to build and strengthen the NGO sectors and train local NGOs to undertake Western-style advocacy work in many former communist countries has proved difficult. It has been all too easy to create weak, financially dependent organizations and to create false expectations that advocacy work will be successful in the face of unaccountable or repressive states. There have also been criticisms that too many active NGOs can delay or prevent important public decision making and create interest group gridlock, particularly when a strong civil society meets a weak state. The more successful advocacy strategies

**neo-liberalism:** a belief in economic liberalism with a willingness to compromise on some ideological points in order to advance liberal goals

**free trade:** exchange of goods without tariffs charged on importing or exporting

**policy advocate:** a lobbyist

**democratization:** a process by which the powers of government are moved to the people of a region or to their elected representatives

by NGOs tend to be based on good links with the grassroots, a relatively stable and responsive government with which they can develop a dialogue, and a set of concerns that do not threaten the existing interests and structures on their most sensitive issues.

## NGOS AND INTERNATIONAL DEVELOPMENT

For many people, the concept of NGOs is inseparably linked with the world of international development and to multilateral institutions such as the World Bank and the UN or bilateral donors such the U.S. Agency for International Development. These agencies became very interested in funding NGOs for development work during the 1990s partly because they were seen as alternatives to working through government, making them more flexible, closer to communities, and less prone to corruption.

In many developing countries, the donor predilection for NGOs has helped create a situation in which aid organizations greatly enlarged both the size of local NGOs and the numbers of organizations in the NGO community. Official funding for NGO projects and programs has followed several different routes. In one funding model, both local and international NGOs put forward proposals for projects and programs to receive funding from donors in a given country. In another, NGOs become contracted partners within larger government or donor programs to undertake relief work or provide social services. This can lead to the creation of new NGOs specifically for the purpose of receiving the funds that are being made available and has sometimes led to the highly uncomplimentary view of NGOs in some quarters as vehicles for unscrupulous individuals to "get rich quick."

However, the donor view of NGOs, although definitely part of the story, presents a somewhat incomplete and oversimplified picture of the world of NGOs. Although clearly a great many NGOs are dependent on international development assistance, others seek to remain independent, relying instead on the voluntary labor of their staff or members, on contributions from the local or the international community, or on using the market for other sources of income. For example, Educare Trust in Nigeria, a small local organization engaged in education work with secondary school children, has refused numerous offers of funding from donors because it prefers to stay small, local, and personal.

## CONCLUSION

NGOs have been seen by some as agents of virtue, tirelessly working to improve the state of the world. Others see NGOs as naive **idealists** unaware of the **Realpolitik** of the modern world or as dangerous radicals seeking to impose minority perspectives through unaccountable processes on majority interests. The reality is that NGO motivations and approaches are highly diverse. Clearly, nonstate actors such as NGOs are here to stay, and they will continue to play stronger roles in both national and international politics in most parts of the world.

*See also:* American Civil Liberties Union; Amnesty International.

**idealism:** the theory that ideas larger than reality guide human actions

**Realpolitik:** policies or actions rooted in the practical rather than the abstract

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*David Lewis*

## Northern Ireland

Irish independence in 1921 resulted in partition. The six northeastern, largely Protestant counties became Northern Ireland, part of the United Kingdom. The territory's 1.5 million inhabitants may be divided into Unionists (largely Protestants), those who seek to maintain the union with the United Kingdom, and Nationalists (largely Roman Catholics), those who desire unification with Ireland. The terms Loyalist and Republican are frequently used to refer to (respectively) Unionists and Nationalists who would contemplate the use of force to achieve these goals.

Northern Ireland maintained its own government from 1921 to 1972. During this period the Unionist Party had exclusive power, and deep distrust existed between both communities. The system of a government with a single-party majority with no tradition of judicial protection for human rights could not accommodate this division. Religious and political discrimination against Catholics soon became widespread.

This "factory of grievances" provoked civil rights protests in the 1960s. The failure of the overwhelmingly Protestant police force to maintain peace in an impartial manner led to British Army forces being stationed on the streets in 1969. The Irish Republican Army (IRA) launched a war against British troops and the "Troubles" began. In 1972 the British government ended the **devolved** regime and replaced it with direct rule by a member of the London executive (the secretary of state for Northern Ireland) and the civil servants of the Northern Ireland Office.

Following cease-fires by **paramilitary** groups in the 1990s, talks mediated by U.S. Senator George Mitchell (b. 1933), and involving the U.K. and Irish governments and the political parties of Northern Ireland, led to the Belfast or Good Friday Agreement in 1998. The political parties active in formulating the agreement included two main Nationalist parties: the Social Democratic and Labour Party (SDLP), led by John Hume (b. 1937) and *Sinn Fein*, which has ties to the IRA, led by Gerry Adams (b. 1948). The main Unionist party was the Ulster Unionist Party (UUP), led by David Trimble (b. 1944), but there were also smaller Unionist parties linked to Loyalist paramilitaries. The second largest Unionist party in the late 1990s, Dr. Ian Paisley's (b. 1926) Democratic Unionist Party (DUP), boycotted the talks. Two parties that rejected the traditional labels were also involved: the Women's Coalition and the Alliance Party. The Good Friday Agreement established a system with three tiers of government: an internal one, a north-south office, and an office on relations between both islands.

**devolve:** to move power or property from one individual or institution to another, especially from a central authority

**paramilitary:** modeled after a military, especially as a possible supplement to the military

The Agreement provided that the people of Northern Ireland may decide on their allegiance to Great Britain or Ireland by **referendum**. The Agreement also established a political system where Unionists and Nationalists must share power (sometimes called "consociational"). There is a legislative assembly elected by **proportional representation**. Important decisions of the Assembly must be approved by a special majority vote (this majority being composed of a majority of Nationalists and a majority of Unionists voting). Members of the executive are selected from the Assembly, with each party represented and the number of its seats on the executive determined by its majority in the Assembly. The executive is headed by an Office of First Minister and Deputy First Minister (OFMDFM) that represents the largest Unionist and Nationalist parties.

The 1998 Good Friday Agreement also has strong human rights guarantees. The Assembly and all public authorities in Northern Ireland are bound by

**referendum:** a popular vote on legislation, brought before the people by their elected leaders or public initiative

**proportional system:** a political system in which legislative seats or offices are awarded based on the proportional number of votes received by a party in an election



**PROPONENTS OF THE ULSTER COVENANT ARGUE AGAINST THE "THIRD HOME RULE" BILL IN BELFAST, NORTHERN IRELAND ON SEPTEMBER 1, 1912.** Seeking to maintain their local authority from Dublin, citizens of Ulster, Northern Ireland protested against their inclusion in the "Third Home Rule" bill which sought for the creation of Ireland's own governing body separate from Great Britain. (SOURCE: HULTON ARCHIVE/GETTY IMAGES)

international human rights law. To promote equality and human rights, independent commissions have been created.

The Agreement also mandates institutions to deal with relations between Northern Ireland and the Irish Republic (a North-South Ministerial Council, where the executive and the Irish government can discuss points of mutual interest) and relations between Ireland and the United Kingdom (a Council of the Isles, where all the assemblies in the two countries are represented, and a British Irish Intergovernmental Conference where the British and Irish governments can meet). The system established has not functioned smoothly. Unionists have distrusted *Sinn Fein's* commitment to peaceful politics, and the DUP has rejected the entire system. Paramilitary groups have not completely suspended operations. As a result of these difficulties, the secretary of state has regularly suspended the Assembly and reinstituted direct rule.

In 2003 the DUP became the largest party in the Assembly and SF the largest Nationalist party. In 2005 elections for local government and for the Westminster Parliament confirmed the dominance of the DUP and SF as the leading Unionist and Nationalist parties, and provoked the resignation of David Trimble as leader of the UUP. As of mid-2005 the Assembly remained suspended while controversy continued over the ending of all paramilitary activity.

*See also:* Ireland; United Kingdom.

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# Norway

Situated between 57 and 71 degrees North, at the same latitudes as Alaska, Norway is Europe's northernmost country. With a 2,650-kilometer (1,656-mile) coastline, bordering the North Sea to the south, with the Atlantic Ocean to the west and the Arctic Sea to the north, Norway is a sparsely populated strip of land between high mountains and the sea. Its population of 4.5 million is 92 percent ethnic Norwegian, with an indigenous Saami (Lapp) minority of approximately 40,000 and 330,000 other residents of immigrant background.

Apart from fish, hydroelectricity, and offshore petroleum, Norway is poor in natural resources. Less than 3 percent of its total area is cultivable. By 1900 Norway was Europe's poorest country. Emigration to the United States was high, second only to that of Ireland. Between 1850 and 1920 some 800,000 people left Norway for opportunities elsewhere. In the early twenty-first century, however, Norway is among the best places to live, according to the United Nations Human Development Index (HDI). It is a well-functioning multiparty democracy with a comprehensive public

**emigration:** the migration of individuals out of a geographic area or country

**NORWAY**

0    75    150 Miles
0    75    150 Kilometers

*Barents Sea*
*Nordkapp*
Hammerfest
Børselv
Kirkenes
*Tana*
*Vesterålen*
Tromsø
*Finnmarks-vidda*
RUSSIA
Harstad   Innset
*Lofoten*
Narvik
*Muonio*
Bodo
*Norwegian Sea*
Mo i Rana
*Torne*
Strimasund
*Hornavan*
Luleå
Oulu
Kroken
Vågen
Namsos
SWEDEN
FINLAND
Steinkjer
Kristiansund
Trondheim
Östersund   Umeå
Molde
*Storsjön*
*TROLL-HEIMEN*
Ålesund
Elgå
*Galdhøpiggen 8,100 ft. 2469 m.*
*Gulf of Bothnia*
Hersvik
Urnes
*Glåma*
Lillehammer
Bergen
Gjøvik
Gävle
Turku
Kinsarvik
Oslo
*Åland*
Haugesund
Drammen
Arvika
Årdal
Skien
Fredrikstad
Stockholm
Stavanger
*Vänern*
*Baltic Sea*
Egersund
Kristiansand
Norrköping
*North Sea*
*Skagerrak*
DENMARK
Norway

(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

welfare sector and comparatively high levels of employment and private wealth and low levels of poverty and crime. Since 1948 Norway has been a member of the North Atlantic Treaty Organization (NATO). Twice, in **referendums** dating back to 1972 and 1994, a majority of its citizens rejected the notion of membership in the European Union (EU). In the international arena Norway pursues multilateral regime building and advocates for human rights and **free trade**. It is a significant financial contributor to the UN and allocates close to 1 percent of its gross domestic product (GDP) to assisting developing countries.

**referendum:** a popular vote on legislation, brought before the people by their elected leaders or public initiative

**free trade:** exchange of goods without tariffs charged on importing or exporting

### HISTORY

As a linguistic, cultural, and political unit Norway dates back to the late 800s. Since 1030 Christianity has dominated, with the Lutheran faith the most widely practiced after 1535. Its consolidation as an unchallenged political center by **autocratic** rule, with its monarch named through heredity, took place during the twelfth century. Neither the church nor the (economically insignificant) nobility posed a real threat to the state. From 1380 to 1814 Norway was governed as a province under the Danish Crown. Danish rule left two important imprints on Norwegian society, later to become significant factors behind the successful and

**autocracy:** a political system in which one individual has absolute power

peaceful evolution of a constitutional democracy in the nineteenth century. First, the nonestablishment of a Danish economic upper class—the country was too poor to be of any economic interest—preserved Norway's comparatively egalitarian social structure, with peasants maintaining property rights to their own lands. Second, a functionally differentiated, noncorrupt state bureaucracy developed, and Danish rule installed a system of strong local government (from 1741), compulsory basic education (from 1739), and even a scheme for social assistance.

When Napoleon was defeated, the Danish king, as an ally of France, lost the capacity to control Norway. In the power vacuum created during the spring of 1814 a nationalistic elite declared Norway an independent, **sovereign** state with its own constitution. The founding fathers of the new state were heavily inspired by the U.S. Constitution of 1776, the tenets of **jurisprudence** outlined by the French philosopher Montesquieu (1689–1755), and British liberal economic thought. On May 17, 1814, Norway became the first European nation-state to include in its constitution the **rule of law**, the separation of state powers, a provision for an elected legislature, and freedom of speech and religious expression. It also banned the notion of a nobility, or granting economic privileges by virtue of birth, and made military service compulsory for all men. Although restricted by certain economic criteria, voting rights were in principle universal for all men above the age of twenty-five.

As part of the reconstruction of Europe after the Napoleonic era, Norway was handed over to Sweden, one of the victorious states. However, Swedish supremacy left significant room for Norwegian home rule, and the basic institutions of the constitution were left intact. A liberal economic regime and growing export-dominated industrialization from the mid-1870s on gradually gave rise to more self-assured Norwegian opposition to Swedish rule and, more important, the initial formation of modern political parties, with the right favoring cooperation with the Swedes and the left taking a more confrontational stance. As an alliance of farmers and public sector employees, the left won the parliamentary election of 1883 and soon demanded that the cabinet appointed by the Swedish king be replaced by one backed by a majority of the legislature. The Swedish king accepted that demand, and with this event in June 1884 came the introduction of the constitutionally still functioning, unwritten parliamentary system: The prime minister shall resign if he or she does not have the support of a majority in Parliament. The monarch, though still a powerful figure according to the written constitution, in practice functions purely in a symbolic role as head of state.

In June 1905 the Parliament declared an end to union with Sweden. A public referendum produced 99.95 percent agreement on that decision. In a second referendum the same year a majority of 79 percent rejected a republican form of government. Instead, a Danish prince was installed by the Parliament as the first Norwegian monarch since 1379, but with symbolic functions only.

The introduction of a parliamentary system in 1884 and the constitutional monarchy from 1905 on provided Norway with what was to become a remarkably stable system of governance. A layer of local government regulated by ordinary legislation was already in place. Within that framework true universal **suffrage** was introduced, for men in 1898 and for women in 1913. The election rules also made it fairly easy for new political parties to be founded and represented in Parliament. The extension of political citizenship preceded modern and comparatively late Norwegian industrialization, thus explaining why new social demands and groups were incorporated into the political system without dramatic reforms or violence. Even the socialist movement, inspired as it was by the Bolshevik Revolution in Russia, agreed in the late 1920s to "democratize the class struggle." This stability of the democratic regime also must be understood as an effect of the way in which industrial relations became institutionalized. Both labor and business formed

**sovereignty:** autonomy; or, rule over a political entity

**jurisprudence:** the body of precedents already decided in a legal system

**rule of law:** the principle that the law is a final grounds of decision-making and applies equally to all people; law and order

**suffrage:** to vote, or, the right to vote

national peak associations in the early phase of industrialization, in 1899 and 1900, respectively. When Norway was hit by the Great Depression, the social partners managed in 1935 to form a main agreement serving as a "constitution for industrial relations." Wages, working conditions, and procedures for industrial conflict are negotiated at the national level in a system in which the organizational strength of the labor movement is balanced by the economic powers of business.

Norway remained **neutral** during World War I (1914–1918) but was occupied by Nazi Germany from 1940 to 1945 during World War II. Fascism never gained a significant foothold in the population, and most members of the political and economic elite were refugees in Sweden, Britain, and the United States during the war years. In the first postwar election to the Parliament, in 1945, the Labour Party won an overwhelming majority, holding that position until 2001, interrupted by only short periods of center-right **coalition** governments (1965–1971, 1972–1973, 1981–1985). In 1999 a coalition government was again elected, with Kjell Magne Bondevik (b. 1947) of the Christian Democratic Party as prime minister. In contrast to other parties, the Labour Party provided stable leadership in the late twentieth century; Einar Gerhardsen (1897–1987) served as prime minister for sixteen consecutive years, and Gro Harlem Brundtland (b. 1939) for thirteen consecutive years.

### STRUCTURE OF GOVERNMENT

According to Norway's written constitution of 1814, all executive powers rest with the monarch. However, the legally binding interpretation of the monarch is a prime minister subject to a constitutional obligation not to propose or pursue any policy or decision not in accordance with a simple majority in the legislature. The single-chamber, 167-member Parliament is elected for four years through a system of **proportional representation** (PR) by which twenty counties serve as constituencies with a constitutionally fixed number of representatives. The number of members of Parliament (MPs) from each county reflects the number of voters but is deliberately modified to give some priority to rural regions as well as the largest parties. Neither the Parliament nor the prime minister can call for a new election. Instead, any MP can make a motion of no-confidence, and if that motion succeeds in obtaining a majority in the Parliament, the cabinet has a constitutional obligation to resign. In fact, this has been a more frequent cause of new governments than have election outcomes, reflecting the fact that since 1965 no single party has had a majority of seats in the Parliament. Frequently, coalitions have to be formed, often shifting from one decision to the next. The combined effect of the parliamentary principle and a fragmented party structure thus implies that Norway has a weak executive and powerful legislature, a system often referred to as "parliamentary governance."

The Supreme Court has preserved the autonomy granted in the 1814 constitution. Its seventeen judges are appointed by the government. They cannot be removed from their posts but must retire at the age of seventy. The Court has very cautiously interpreted laws over the years and has remained traditionally hesitant to pass judgments that would interfere with the competencies of the legislature. Thus, appointments of new judges have never been controversial, and any attempt by an outside government or party to manipulate the composition of the Supreme Court would lead to strong reaction from the Parliament. However, since the mid-1990s signs of a more activist Court have emerged. In particular, its role has increased significantly regarding the interpretation of international conventions and obligations as they relate to existing domestic law. In addition to the ordinary three-level court system a special

**neutrality:** the quality of not taking sides, as in a conflict

**coalition:** an alliance, partnership, or union of disparate peoples or individuals

**proportional system:** a political system in which legislative seats or offices are awarded based on the proportional number of votes received by a party in an election

labor court exists to resolve disputes between unions and employers and to address conflicts over social security rights. Attached to the judiciary system, but with no formal competencies, are three ombudsmen, for children, women, and citizens. The objective of these institutions is to provide authoritative interpretations of citizens' rights.

The Norwegian system of parliamentary governance, in combination with the regulation of industrial relations, implies that the Norwegian state is not a top-down hierarchical chain of authority but in practice functions more like a bargaining arena with extensive participation. Norwegian society, in particular the economy, is densely organized. Approximately 60 percent of all employees are members of trade unions, and most private sector employers are organized by the Confederation of Norwegian Business and Industry. New public policies typically are initiated through pressure from organized interests within the state bureaucracy. The usual response of the government is to appoint a broad committee with representatives for the various interests, with a **mandate** to **deliberate** on the issue and then propose concrete actions. Normally, most of the bargaining and compromises occur in effect before proposals are forwarded to Parliament. Of course, direct pressure from organized interest groups on single MPs and the Parliament as a whole does take place, but this is regarded by the political culture as a less legitimate way of exerting influence on public policy.

As a result of the openness of the Norwegian economy, the interests of export industries enjoy a privileged position. Approximately 60 percent of the national income derives from exports. Thus, high levels of taxes, employment, and **welfare state** expenditures are contingent on the success of exporters in global markets. This in turn implies a structural imperative for, first, a continuous preoccupation with productivity improvements to sustain competitiveness; second, that industrial relations must be capable of rapid adaptation to shifting international business cycles; and third, that taxes and wages have to be determined to foster, or at least not undermine, the interests of export industries. Although these conditions foster tensions between the public and private sectors, it is widely assumed that the externally imposed imperatives of being a small, open, and vulnerable economy contribute significantly to the solidity of the corporatist system of policy making.

### CITIZENS

The Norwegian population enjoys high levels of social security, provided through a tax-financed public scheme granting social citizenship rights. The role of market-based income insurance is marginal. A significant proportion of social service obligations has shifted from the family to the public sector. Care for children, the disabled, and the elderly is organized by local authorities. Health care is universal and free and is administered by government-financed state enterprises. Education is free at all levels. Close to every third job in the economy is in the public welfare state sector. The wage structure is egalitarian, with top-level wages rarely exceeding four to five times the average in the enterprise. In combination with the extensive system of social income transfers (close to 20% of GDP), actual levels of purchasing power and living conditions are more equally distributed across social strata and household types than probably anywhere else except the neighboring Scandinavian countries.

The rapid expansion of the welfare state during the postwar period is the key to understanding the high level of integration of Norwegian women into economic and political life. First, the expansion of public services produced the number of jobs needed to increase the participation of the female labor force,

**mandate:** to command, order, or require; or, a command, order, or requirement

**deliberate:** to present contradicting arguments and choose a common course of action based upon them, or, characterized by such careful discussion

**welfare state:** a political state that assumes liability for the wellbeing of its people through government-run social programs

which as of 2004 was at the same level as for men. Second, a generous system of sickness and maternity leave, combined with child-care facilities, has made it possible for mothers to reconcile family and labor market obligations. Third, because the traditional family has been relieved from its social-care functions, the role of the family institution and social networks in general has undergone a dramatic change. A more liberal view on single mothers, divorce, cohabitation without marriage, and gay marriage has become widely accepted. Half of all children are born to unmarried mothers. These demographic changes, in addition to a decline in personal religious beliefs, have produced a civil society characterized by a **secular** individualism. Less that half the people regard themselves as having a religious affiliation, even though 90 percent are members of the Lutheran State Church.

The welfare state project is intimately tied to the role of the social democratic Labour Party. Based on a social alliance between workers, fishermen, and peasants, and attracting around 40 percent of Norway's voters, the Labour Party was the architect of the great reforms from 1935 to 1980. Its main opponent remains the Conservative Party, which mobilizes the interests of private business and represents approximately one-fifth of the electorate. Support for Labour, however, dwindled to

**secularism:** a refutation of, apathy toward, or exclusion of all religion



**NORWAY'S PARLIAMENT IN OSLO.** The 165 members of Norway's elected legislative branch serve four-year terms, with 41 in the upper house of *Lagting*; and 124 in the lower house *Odelsting.* Also referred to as "The Storting," the parliament building has been the site of Oslo's legislature since 1866. (SOURCE: © BJORN SIGURDSON/AFP/GETTY IMAGES)

**agrarian:** having to do with farming or farming communities and their interests; one involved in such a movement

**xenophobia:** a fear of foreigners, often leading to isolationism, reduction in immigration, and racism

a mere 2 to 5 percent in the early twenty-first century. It has been split on several occasions, and splinter groups have formed the **agrarian** Centre Party and the Christian Peoples Party, both usually winning 5 to 12 percent of the vote at elections. In addition, there is a Socialist Left Party, which attempts to galvanize the educated middle class and, a great success since the late 1990s, a populist Progress Party that promulgates nationalistic, antitax, **xenophobic**, pro-welfare state arguments. In the late 1990s traditional segments of educated voters began leaving Labour for the Progress Party, reducing the proportion of Labour votes to less than one-third, whereas votes for the Progress Party jumped to 20 percent. Consequently, the party system became more fragmented, adding to the problems of forming a majority in the legislature. In addition, voter volatility has risen, and party identification is less attached to individual social and economic characteristics. Also, participation in elections has declined substantially, from historical levels of well above 70 percent to under 60 percent.

*See also:* Denmark; Sweden.

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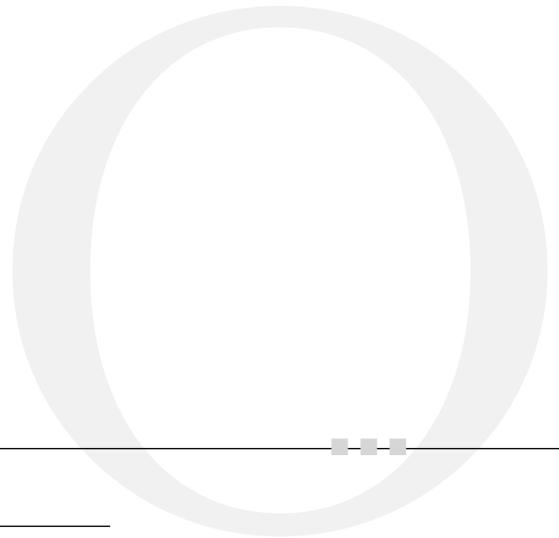
## Oligarchy

Oligarchy occupies a curious place in the political vocabulary. While oligarchies are largely predominant economic, social, and political life, few ruling groups would publicly use this word to describe themselves. Furthermore, unlike the word "democratic," few ruling groups would claim to be oligarchical as a way of justifying their rule as proper and legitimate. Conversely, if a political party, a political interest group, or a political regime is described as oligarchical, one invariably wants to refer to the fact that a small class or group is in charge and the vast majority of the party, group, or regime has been excluded from decision making.

The concept of oligarchy has its roots in Greek political vocabulary and literally means rule or political power of the few. The few, as the term was originally used, could be the wealthy, the powerful, or the nobility. In *The Politics*, Aristotle (384–322 B.C.E.) described oligarchy as one of those forms of political rule that does not aim to achieve justice or the public good as compared to monarchy, aristocracy, or a mixed republic, but in fact involves a small, cohesive political class ruling in its own interest. In contemporary society, oligarchy refers to any small, cohesive class or group that is in a position to make decisions or command others in either political or nonpolitical contexts. However, it also has a specifically political meaning, namely as a kind of constitutional arrangement or political regime in which political power is in the hands of a few individuals or a small class of rulers. Oligarchy also can be combined with other constitutional forms, such as democracy, monarchy, or aristocracy, in that all of these constitutions might contain an oligarchical element. Whatever the political arrangement, oligarchy always designates some cohesive group that rules a political community in its own interest, over and against democracy, the rule of the many or the common people.

Although oligarchies have existed in all civilizations, it was among the ancient Greeks that the term was first used explicitly to distinguish different kinds of political communities. From the eighth century B.C.E. on, most Greek **city-states** were oligarchies—ruled by well-connected, mostly aristocratic groups.

**city-state:** a system of government common in ancient Greece, marked by a city with authority over surrounding territory

The typical forms of political rule in ancient Greek city-states in were either oligarchies or democracies. For Aristotle oligarchies were notoriously unstable, tending to produce injustice and eventually revolutions of the lower classes that often led to tyranny. His proposed solution was a mixed constitution (a republic) that combined oligarchy with democracy. The great advantage of this solution was that each form of rule might balance the dangerous effects of the other.

During the later medieval period and through the renaissance (1400s–1500s), there was an ongoing debate among the Italian civic **humanists** over Aristotle's republican solution to the problem of oligarchy. Some sided with the model of the Venetian republic that was highly stable and ruled by an oligarchy based on birth. Others sided with the republic of Florence, which was far less stable, but incorporated the lower classes of craftspeople into the rule of the city. In 1513 Niccolò Machiavelli (1469–1527) attacked the model of a republic based on oligarchy as its ruling principle. Oligarchical republics are static and cannot defend themselves from enemies because they cannot rely on the common people. His solution was to construct a republic that encourages a constant but controlled conflict between the ordinary people and the few who desired to rule. By having the common people actively resisting the tendency toward oligarchy through protests and indictments of power-hungry political leaders, laws leading to republican self-government would be introduced and the people could be mobilized to fight on behalf of the republic. Machiavelli was one of the first political thinkers to recognize that even though there was an inherent tendency in all republics for an oligarchical political class to arise, a constant tension between the many and the few would result in political freedom as popular self-government.

**humanist:** one who places a great deal of importance on humankind and its experiences

## OLIGARCHIES AND ELITES

In the twentieth century a number of political sociologists—who, ironically, were often called Machiavellians—made the bold claim that oligarchy was inevitable in all aspects of political life. Indeed, they suggested that a new science of politics could be constructed based on studying the behavior of "elites." Often substituting the term elite for oligarchy, they claimed that all significant political changes consisted of changes among elites and that there is an inexorable logic as to why the political domination of elites, or oligarchy, is the rule rather than the exception.

One of the most influential of these theorists, the Italian political scientist Gaetano Mosca (1858–1941), argued that in every society there is a "political class"—a small minority that exercises power and influence—that always rules over the majority. In representative democracies this political class is subject to the votes of the majority, but all policy is shaped by political elites. Proposing an idea central to later political science, he argued that all social change arises from the circulation of elites. New elites arise as social forces undermine the resources of older political elites.

Italian economist and sociologist Vilfredo Pareto (1848–1923) radicalized this theory by arguing that each governing class has a certain quota of psychological vitality that eventually runs out. This vitality can be renewed only by recruiting individuals from the lower non-governing classes who possess the appropriate qualities.

Rather than focus on social forces or psychological qualities, the German economist and sociologist Robert Michels (1876–1936) focused on organization. Though not endorsing this fact, he argued that in modern times, all organizations were governed by an "iron law of oligarchy." All large organizations must **delegate** decision making, and in modern organizations these full-time decision

**delegate:** to assign power to another, or, one who represents another

makers monopolize resources and divide up work according to specialized skill. This tendency toward oligarchy is especially pronounced in organizations claiming to be democratic like political parties, which mobilize large multitudes for political conflict.

These ideas were taken up by a large number of political scientists who argued that a realistic theory of democracy always involved the competition of political party elites for public office and the rule of political elites between elections. According to this account, the masses mainly were not interested in political participation. Further, these "realists" maintained that all interest groups, whatever their popular following, would essentially be led by a small oligarchy of full-time professionals. Thus, the concept of oligarchy became attached to democracy. The collapse of oligarchy into democracy could occur because oligarchy, according to this theory, was not viewed as a distinctive form of political rule but arose from the requirements of "organization" in general. As part of the sociology of organizations, the concept ceased to refer to a political regime or constitution in contrast to other political forms such as democracy, aristocracy, or **authoritarian** government. Instead, it became a fact of all political life in large, complex societies.

However, the distinctive political usage of the term "oligarchy" has not disappeared. In the field of comparative politics (the study of different kinds of states), political scientists often speak of states as being ruled by oligarchies. For example, they analyze military dictatorships or states with **warlords** as regimes ruled by military oligarchies. They also describe nation-states in which the wealthy classes hold most of the governmental offices through manipulated elections and support of the military either simply as oligarchies or as authoritarian states ruled by economic and military oligarchies. In analyzing the transitions from dictatorship to democracy in Eastern Europe or Latin America during the 1990s, political scientists (and commentators) often absorb the term oligarchy into the concept of authoritarian regime. They do this even though some authoritarian regimes were in fact ruled by oligarchies of wealthy families and the military, as in some Latin American countries, while others were ruled by a political party that generated an oligarchy out of its party hierarchy, as in the communist countries of the Eastern bloc. Thus, political scientists sometimes

**authoritarianism:** the domination of the state or its leader over individuals

**warlord:** a leader, usually over a small region, who governs by military force

■ ■ ■

## THE COMMUNIST BLOC

Also known as the Soviet or Eastern bloc, the Communist bloc was the Cold War confederation of the Soviet Union and its Central and Eastern European satellites. Soviet control was determined by the presence of the victorious Red Army in these areas at the end of World War II, recognized and ratified by the "zones of influence" agreement at the 1945 Yalta Conference. Besides the USSR, the bloc included Albania, Bulgaria, Czechoslovakia, East Germany, Hungary, Romania, and Poland. Yugoslavia's communist government maintained its independence from the late 1940s, as did Romania's from the 1960s; Albania later came under the influence of Maoist China.

The countries of the Communist bloc were also associated in the Soviet-imposed Treaty of Friendship, Co-operation and Mutual Assistance. More commonly known as the Warsaw Pact, the treaty was an agreement signed in 1955 in response to the NATO alliance threat, in which the bloc countries pledged allegiance to and assistance for each other if one should be attacked. The bloc was effectively dissolved after the revolutions of 1989, in which Communist regimes collapsed in the face of massive popular opposition, and the Soviet Union, under the leadership of Mikhail Gorbachev—whose policy of *perestroika* had done much to create the revolutionary situation to begin with—did nothing to save them. The Warsaw Pact was officially dissolved in 1991 with the disintegration of the Soviet Union.

**ARISTOTLE.** One of the most prominent Greek philosophers, Aristotle authored *The Politics*, which asserted that oligarchy ("rule of a few") was actually "the rule of the wealthy" and resulted from aristocratic corruption, as rich men would obtain power for no other reason than their money. (SOURCE: © CORBIS)

speak of oligarchy as one kind of authoritarian regime and sometimes they speak of authoritarian regimes as a substitute for speaking about oligarchy. In either case, the contrasting regime form is always democracy.

Political scientists' ambiguous use of the term has a peculiar result, reminiscent of the ancient Greek distinction between oligarchy and democracy. Specifically, by attributing rule by the few privileged and well-connected to authoritarian regimes, it appears that the transition to a democratic regime based on fundamental democratic rights—with free elections, civil rights, contested parties, and peaceful changes of governments after elections—is free of oligarchy. However, as previously stated, in democratic regimes oligarchical rule is manifest in large firms, in political parties, in representative institutions, in governmental administration, and in military institutions. Perhaps these various oligarchies are not all centralized and coordinated. Nonetheless, they pose a challenge to these regimes' democratic claims. If democratic regimes expect to be obeyed because they realize popular sovereignty through constitutional rights, particularly the right of citizens to equally influence governmental decisions, then it would seem that having oligarchy in most of their major economic and political institutions would raise profound questions about their legitimacy. To overcome this dilemma, one must either agree with the elite theorists that oligarchy in the form of political elites is simply an irrevocable fact of political life and modern organization, or recognize that within democracies based on constitutional rights, the "transition to democracy" is still ongoing. In the latter case, the conflict between oligarchical rule and democratic rule that so preoccupied the ancient Greeks in one way and Machiavelli in another is still fundamental to society's attempt to achieve democratic rights.

*See also:* Constitutional Monarchy; Constitutions and Constitutionalism; Democracy; Dictatorship; Republic.

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*Peter Breiner*

# Oman

Located in the Arabian Gulf, Oman has an area of 212,460 square kilometers (81,715 square miles), with Muscat as its capital. It is bordered by Saudi Arabia, United Arab Emirates, Yemen, and the Arabian Sea. In 2005 its population numbered just over 3 million people. Oman is mainly composed of desert and some mountains, which is reflected in its hot and dry weather.

Oman is a rich country; oil, natural gas, cement, and copper are among its chief exports. Its economic situation has improved with the rise in oil prices. Purchasing power parity (an indicator used to measure the power to buy the same commodities in different countries) is U.S.$8,300. Life expectancy is good, estimated to be seventy-three for the entire population (seventy for males and seventy-five for females). Oman is not very diverse religiously: Ibadhi Muslims account for 75 percent of the population while the rest are Sunni, Shi'a, and Hindu.

Oman received its independence from the Portuguese, who controlled Mascat, in 1650 and signed a treaty of friendship and protection with the British in 1798. From 1744 until 2004 several sultans of Bin Tamur have governed Oman. Qaboos ibn Sa'id Al Bu Sa'id (b. 1940) ousted his father from power in 1970 and remained in power in 2004. During his rule Sultan Qaboos has dominated the political life of Oman without challenge, except in 1970 when Marxists staged a rebellion that Qaboos quickly supressed, thereby reasserting his authority.

The government in Oman is a monarchy. The country does not have a constitution; it essentially follows a royal decree that describes the principal duties of the state and citizens' rights. The sultan, who is equivalent to a king, is the ruler of the country. He is the head of the state and the cabinet. A bicameral legislature serves at his directive. The upper house, *Majlis al Dawla*, is composed of forty-eight seats, all appointed by the sultan to provide advice. The lower chamber, *Majlis el Shura*, has eighty-three seats; its members are elected directly by the people. However, the power of the lower house remains very limited, given the strong control that the sultan exerts over the state as a whole. The citizens that elect members to the *Majlis el Shura* are chosen by the state; thus, the electoral process is not open to all citizens. According to one estimate by the U.S. Department of State, voter turnout for the 2000 election to the lower chamber was approximately 74 percent. The government of Oman has not reported any official results.

Oman's bureaucracy does not play an important role in the country's political life; Oman's bureaucrats do not intervene in the political life of the country. Moreover, the judiciary is a separate branch with different divisions and areas of specialization that do not directly affect the political climate of the country, and the sultan retains the right to intercede in cases, although during his rule, Sultan Qaboos has not intervened to refute any court decision. Oman does not have political parties; the main loyalties in the country fall along tribal lines.



(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

In terms of human rights in Oman, there have been no public reports of religious prosecution in this multireligious society. Moreover, other human rights violations, including prosecution, torture, imprisonment, or forced disappearances, have not been reported. Freedom of speech is protected by royal decree, but the government does censor what it deems politically, culturally, and socially unsuitable.

*See also:* Shari'a.

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## Ombudsmen

An ombudsman is an official, independent investigator of citizens' grievances against public agencies. Because the Swedish word *ombud* can be translated into English as representative, agent, or delegate, a lawyer, union leader, or member of parliament may be legitimately called an ombudsman in Sweden. But a particular ombudsman—the Swedish Parliament's *Justitieombudsman,* established in 1809—was the direct progenitor of the governmental officials of other countries given the name of ombudsman. In a prebureaucratic age, the legislature created the *Justitieombudsman* as its watchdog over the executive and as a rival to an older institution, the *Justiekanzler,* or the King's Chancellor of Justice. As the scope of government expanded in the democratic era, Parliament's ombudsman evolved into an institution mainly concerned with resolving citizens' grievances against bureaucratic agencies. Because the institution came to be perceived as effective in performing this function, which seemed to be increasingly important, in the second half of the twentieth century a number of ombudsmen were created around the world.

## DEFINING THE OMBUDSMAN: FUNCTIONS AND POWERS

Finland created an ombudsman under Swedish influence in 1919, and Norway created a military ombudsman in 1952. But the institution only began to gain worldwide attention when the first Danish ombudsman, Dr. Stephen Hurwitz, began to speak and write about his function in English after his appointment in 1955. New Zealand's appointment of Sir Guy Powles as the first Anglo-Saxon ombudsman in 1962 and his subsequent lectures and articles also contributed to the institution's popularity. During the next two decades, at least fifty-five jurisdictions, including eighteen countries and many states (or provinces), counties, and cities, created ombudsmen. The concept of the ombudsman became so popular that authors began to write that "ombudsmania" was sweeping the world. Enthusiasm for the notion has continued, and many additional offices have been created—not all of which possess the essential characteristics that caused the original institution to be viewed as highly attractive.

As the Swedish Ombudsman evolved, it developed important characteristics, which were—at least in the first two decades of the office's **proliferation**— passed on to the newer offices that became, in turn, models for the creation of additional ombudsmen. Important features of these characteristics were captured in a 1974 resolution of the International Bar Association (IBA), which defined an ombudsman as:

> an office provided for by the constitution or by action of the legislature or parliament and headed by an independent, high-level public official who is responsible to the legislature or parliament, who receives complaints from aggrieved persons against government agencies, officials, and employees or who acts on his own motion, and who has the power to investigate, recommend corrective action, and issue reports. (SA Law Commission 1991, Vol. 3, P. 1222)

**proliferate:** to grow in number; to multiply at a high rate

The IBA definition mentioned that the ombudsman is independent, meaning that the office is not subservient to the executive. Thus, the Swedish *Justiekanzler* or a modern inspector general, whether military or civilian, would not qualify as an ombudsman. But the IBA did not mention three additional important characteristics of the ombudsman in its definition: the ombudsman is **nonpartisan**, impartial, and justice focused. First, a nonpartisan orientation means that the ombudsman is not a political tool used to conduct investigations that might discriminate between party and nonparty members, or either attack or apologize for the policies administered by public agencies. Second, the ombudsman is an impartial investigator. Sometimes authors describe the ombudsman as a citizens' advocate, but advocacy is, in fact, outside the ombudsman's role. Even though the office is oriented toward citizens and is intended to promote their interests in a broad sense, during investigations an ombudsman maintains a stance of impartiality, favoring neither the complaining citizen nor the accused agency. This stance helps the ombudsman maintain the cooperation of bureaucracies, which is needed because the ombudsman is a small office with little authority and would have difficulty conducting successful investigations if bureaucracies perceived it as an enemy. Third, rather than being an advocate for citizens or an apologist for bureaucracies, the ombudsman focuses on promoting administrative justice. Such matters as the righting of bureaucratic wrongs and the promotion of fairness are prominently mentioned in ombudsman **statutes** as justifications for creating the office. And when an investigation finds that an agency's action was correct, but the citizen did not understand the reason for it, the ombudsman is likely pleased to have the opportunity to vindicate the agency and educate the citizen.

**nonpartisan:** not relating to a political party or any division associated with the party system

**statute:** a law created by a legislature that is inferior to constitutional law

Although it may seem ironic, the ombudsman is established as a small bureaucracy. An office that hopes to have success over the long term in auditing large

**jurisdiction:** the territory or area within which authority may be exercised

**recourse:** a resource for assistance

bureaucracies must itself have a hierarchical institutional structure, operate by rules and standard procedures, keep good records, and so forth. The filing of complaints is made as inexpensive and risk-free as possible, and the office attempts to help citizens quickly. The **jurisdiction** of ombudsmen varies. Usually ombudsmen do not intervene until an administrative action has been completed, and many refuse to investigate a matter until a citizen has appealed to every available internal review body. Some ombudsmen have jurisdiction over all governmental levels; others are limited to certain levels. Some ombudsmen have jurisdiction over most governmental agencies within a given level; others are limited to certain agencies (e.g., prisons or the police). Some ombudsmen have jurisdiction over most actions of agencies within their purview; others are limited to allegations of "maladministration."

A central feature of the ombudsman is its power to examine virtually any files pertaining to a citizen's complaint and to interview administrators under oath. Although its investigatory powers are extensive, the ombudsman's dispositional powers are not. Unlike most other kinds of citizen complaint-handlers, ombudsmen typically conduct thorough investigations, hoping that the agency will be persuaded to comply with their recommendations. In fact, agencies normally do decide to accept the ombudsman's assessment of their actions. If the agency is not persuaded, however, the ombudsman's only **recourse** is to make a formal report to the legislature. As a result of the ombudsman's negative reports—which normally are highly publicized—politicians almost always reverse the position of the agency. Ombudsmen frequently resolve the problems of individual citizens; subsequent administrative reforms, which might affect many people in the future, also occur regularly.

### CHANGES IN THE OMBUDSMAN'S STRUCTURE

As various jurisdictions have attempted to create ombudsmen around the world, many changes have been made to the office's structure. Some of the transformations were minor; some were sufficiently noteworthy to raise the question of whether an ombudsman or some other kind of institution was being established. Changes concerning citizen accessibility are illustrative. The New Zealand legislation required that citizens pay a small fee to file a grievance with the ombudsman. The fee was intended to discourage frivolous complaints, but it probably has had little real impact on limiting the ombudsman's reach because the fee is small and the office waives it if the amount would cause hardship for the citizen. An example of a more serious institutional change limiting accessibility was the decision of two ombudsmen, Britain's Parliamentary Commissioner for Administration (in 1967) and France's Médiateur (in 1973), to require that citizens register their complaints with members of parliament, who would then forward complaints deemed worthy of investigation to the ombudsman.

The question of whether a supposed "ombudsman" qualifies as a true ombudsman arises with some of the human rights ombudsmen that were created in the last three decades of the twentieth century in the Iberian Peninsula, Latin America, Eastern Europe, and Asia. For example, the Philippines's Ombudsman (created in 1987) has the authority to direct public officials "to perform and expedite any act or duty required by law, or to stop, prevent, and correct any abuse or impropriety in the performance of duties" (Constitution of the Republic of the Phillipines, Article XI, Section 13). Such authority goes far beyond that of traditional, or classical, ombudsmen. In addition, these human rights ombudsmen were expected to help their countries' political institutions make the transition from dictatorship to democracy by protecting citizens. How effective these offices have been is unclear, and skepticism exists about whether

an ombudsman can succeed in changing a political culture and curing severe problems of institutional capacity in defending citizens.

## THE OMBUDSMAN IN THE UNITED STATES

Determining whether an office called an "ombudsman," in fact, meets the definition of that term is especially acute in the United States. Five states created classical ombudsmen: Hawaii (1969), Nebraska (1971), Iowa (1972), Alaska (1975), and Arizona (1996); a few local entities also created them. But most of the many hundreds of U.S. offices fit into a "quasi-ombudsmen" category, rather than the classical category. They are a type of "executive" ombudsman; that

**DANISH OMBUDSMAN HANS GAMMELTOFT-HANSEN (RIGHT) WITH DANISH CROWN PRINCE FREDERIK IN 2005 IN COPENHAGEN.** Since 1955 the members of Denmark's parliament, or *Folketing*, have selected an ombudsman after each general election to handle public complaints toward the government. The "Ombudsman Act" of 1996 requires that the representative be a law graduate. (SOURCE: KELD NAVNTOFT/AFP/GETTY IMAGES)

is, they process citizen complaints, but report to an executive—such as a governor, mayor, or university president. (Some higher education ombudsmen, however, do maintain a significant degree of independence from an executive because they have an additional reporting relationship to bodies representing students, faculty, or staff.) These offices may have comprehensive jurisdiction, or they may be single-sector offices with jurisdiction over such sectors as social services or mental health. But the vast majority of executive ombudsman offices belong to the category's weakest subtype: internal ones that report to an agency head. For example, several federal agencies—including the Environmental Protection Agency (EPA), the Customs Service, the Federal Drug Administration (FDA), and the Internal Revenue Service (IRS)—have internal executive ombudsmen.

A final type of executive ombudsman is the "advocate" ombudsman; rather than conducting impartial investigations, this official assumes that a complainant's charges against an agency are correct, which, in turn, fosters an adversarial relationship with the agency. Particularly at the state level, advocate ombudsmen have been created for such groups as consumers, businesses, and abused children. Federal law requires every state to appoint a long-term care ombudsman, which performs as an advocate for the elderly. Although executive ombudsmen help many citizens and a particular executive might give an executive ombudsman significant degrees of independence, this official's independence may be withdrawn at any time—as happened in 2002, when the administration of President George W. Bush debased the EPA's National Ombudsman because the office persisted in pursuing politically embarrassing investigations.

The mediator ombudsman, which is the type of American quasi-ombudsman farthest from the classical model, became popular toward the end of the twentieth century. The mediator ombudsman was an offshoot of the Alternative-Dispute-Resolution (ADR) movement. Many corporations—largely inspired by the desire to obviate lawsuits—began to create mediator ombudsmen in the 1970s, and many public agencies that had not previously devised some type of ombudsman with linkages to the classical model later created a mediator ombudsman. Mediator ombudsmen, which usually focus on an organization's personnel function and prefer to be called "organizational ombudsmen," are the weakest of the internal ombudsmen. Rather than striving for administrative justice for those citizens filing complaints, they are process-oriented and simply seek to resolve disputes through mediation. Bringing the parties together, facilitating, and "getting to yes" is the function of the mediator ombudsmen—some of which are contractors. Of course, quasi-ombudsmen often perform useful functions, but whether they belong to the executive, the advocate, or the mediator subtype, they lack crucial attributes of the classical office and could not be expected to perform its functions. Some examples of one or more of each subtype of the quasi-ombudsman office have emerged in several other countries, yet all the subtypes exist in luxuriant profusion only in the United States.

*See also:* Sweden.

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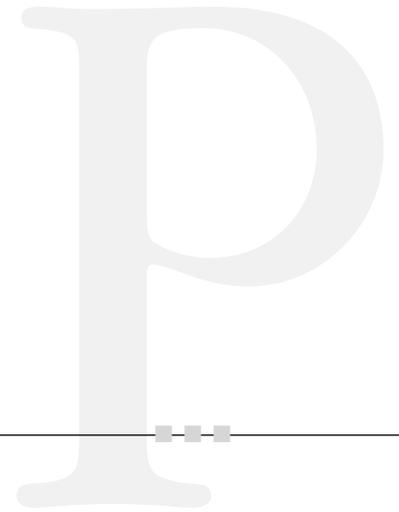
## Pakistan

Pakistan is part of South Asia. It is bounded by India to the east, China to the north, Iran and Afghanistan to the west, and the Arabian Sea to the south. Slightly less than twice the size of California, it features a variety of geographical regions. In the southeast, Sind is a semi-desert region whose main population clusters along the Indus River, and in the northeast, Punjab is fed by five major rivers and serves as the breadbasket of the country. Baluchistan in the west shares Sind's desert landscape in its eastern section but is mountainous in its western region. Finally, the Northwest Frontier Province is home to some of the highest mountains in the world. The boundary that divides Pakistan from Afghanistan is so difficult to navigate that the border, sometimes referred to as the Durand Line, has never been fully surveyed. In addition to these territories, Pakistan administers part of the disputed Indian state of Kashmir; the territory on the Pakistani side of the line of control is called Azad Kashmir. The current population of Pakistan, which is primarily clustered in Punjab and Sind, is 160 million.

Pakistan came into being during the most violent periods of a largely non-violent transition from colonial rule to independence in South Asia. During the independence movement against the British Empire, Indian leaders had been unable to agree on how power would be shared after independence, especially between the two major political parties, the Muslim League and the Indian National Congress. In the end, all parties agreed that British India should be divided into independent India and Pakistan. Unlike India, whose majority Hindu population established a formally **secular** state, Pakistan was conceived as a Muslim nation. Pakistan's name is an acronym of the territories originally proposed for the new state, and the word also means "land of the pure" in Urdu.

**secularism:** a refutation of, apathy toward, or exclusion of all religion

The new nation began under extremely difficult circumstances, which have influenced Pakistan's political, economic, and social development into the twenty-first century. Pakistan was originally created as two territories, East and West Pakistan, which were separated by northern India. The partition of the two countries was announced and carried out by the British government over several

(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

months in 1947, and two of the largest British Indian provinces were divided between the two new countries: Punjab on the west and Bengal on the east. Muslims in the Indian region who wanted to live in Pakistan and Hindus in Pakistani territory who wanted to live in India were given about twelve weeks to make the move. The resulting mass migration created millions of refugees and broke out in violent conflict; roughly 12 million people crossed the borders, and more than 1 million were killed during this period.

At independence, Pakistan's leaders and citizens had achieved their goal of a separate state but at a great cost. The country was divided into two parts with a more powerful and hostile nation between them, both regions were faced with the dilemma of incorporating millions of new inhabitants, and much of the institutional structure of the British Indian state remained in India. Many official records were left in cities that became part of India, and only a small minority of administrators, managers, and military officers in the previous governments of those cities chose to shift to Pakistan. The enormous difference between Bengali East Pakistan and the more heterogeneous West Pakistan was a continuous source of tension, and in 1971 East Pakistan, with the military assistance of India, **seceded** and became the new nation of Bangladesh.

**secede:** to break away from, especially politically

**federalism:** a system of political organization, in which separate states or groups are ruled by a dominant central authority on some matters, but are otherwise permitted to govern themselves independently

## WHO GOVERNS: THE FORMAL INSTITUTIONS

Pakistan is a **federation** with four provinces and two territories: the Islamabad Capital Area and the Federally Administered Tribal Areas. The constitution shares power between the central government and the provinces, with

residual powers assigned to the provinces. The Constitution of 1988 created a semi-presidential governmental system. The federal legislature is **bicameral**. The lower house, called the National Assembly, is elected directly on the basis of population. The upper house, called the Senate, is elected indirectly by members of the provincial assemblies and the tribal and federal units, and the distribution is weighted by province. The provincial assemblies vary in size but are elected according to the same formula as the central government.

The president is the head of state and is elected by the National Assembly, the Senate, and the provincial assemblies. The prime minister is the head of the central government and elected by the National Assembly. The president has the power to dissolve the National Assembly.

Pakistan has a dual system of secular and Islamic courts. The Supreme Court of Pakistan sits at the apex of an integrated judicial system that extends to the local level. It has original, **appellate**, and advisory **jurisdiction**. The Federal Shariat Court has original and appellate jurisdiction and retains the responsibility to decide whether existing and proposed laws are deemed repugnant to Islam.

## MAJOR POLITICAL LEADERS AND EVENTS SINCE 1945

When Pakistan gained its independence, it did so with a number of disadvantages. On the plus side, however, it began with a towering figure as its first leader: Mohammed Ali Jinnah (c. 1876–1948), who had led the fight for the creation of a separate nation, along with Liaqat Ali Khan (1896–1951), his loyal second-in-command.

Jinnah was one of the major figures of the fight for independence in India in the twentieth century and was justly named the father of the country. His leadership of the Muslim League organization and his negotiations with both the Indian National Congress and the British government were instrumental in creating Pakistan. Although not a charismatic figure, Jinnah commanded immense public respect. His death in 1948 was a blow to the prospects for continuity and stability. His successor, Liaqat Ali Khan, did not enjoy the stature of Jinnah, and he was unable to push forward the process of nation building. Nonetheless, his assassination in 1951 created a leadership vacuum from which Pakistan was unable to recover fully. The Muslim League was the most developed political party, but it had never engaged in building a grassroots organization that could provide linkages from the center to the local levels. Political actors had little experience with the mechanics of democratic processes and the day-to-day requirements of running a country, and they spent more time competing for resources and patronage benefits than establishing political institutions.

In 1958, after several years of ineffective political governance and increasing civil unrest, General Mohammad Ayub Khan (1907–1974) took power as **martial law** administrator and almost immediately assumed the position of president. Military rule under Ayub Khan was accepted by the country, but his prestige was severely shaken by Pakistan's defeat by India in the 1965 war. In 1969 he was forced out and replaced by General Muhammad Yahya Khan (1917–1980). The country was becoming increasingly unhappy with the military, however, and Yahya Khan had to fulfill his promise to hold democratic elections.

In 1970 the country held its first elections on the basis of adult franchise and one-person, one-vote; over 1,500 candidates from twenty-five parties competed. The results confirmed the continuing division between West and East Pakistan. In West Pakistan, the Pakistan People's Party (PPP), led by Zulfikar Ali Bhutto (1928–1979), won 81 of 130 seats, and in East Pakistan the Awami League, led by Sheik Mujibur Rahman (1920–1975), swept 160 of 162 seats. This result gave

**bicameral:** comprised of two chambers, usually a legislative body

**appellate:** a court having jurisdiction to review the findings of lower courts

**jurisdiction:** the territory or area within which authority may be exercised

**martial law:** rule by military forces in an occupied territory or rule by military officials declared during a national emergency

East Pakistan an absolute majority in the National Assembly, which was unacceptable to Bhutto and the PPP. Negotiations between the two sides collapsed into civil war in East Pakistan and soon spread to become the second Indo-Pakistan War. India's victory in 1971 was accompanied by the establishment of East Pakistan as the independent nation of Bangladesh.

The loss of East Pakistan temporarily ended the military's hold on Pakistan politics. Although Bhutto had been an important player in the conflict with East Pakistan and served as martial law administrator after Yahya Khan's ouster, he and the PPP had strong public support and were able to form the first civilian government in over a decade. Bhutto outlined an ambitious agenda that promised a program of Islamic **socialism**. These policies received widespread public support, but they failed to spur economic development, and the vast reach of the state increased opportunities for political corruption. By the time elections were due in 1977, discontent with the PPP was high outside the party's traditional strongholds, and the PPP's opposition was organized into parties that could challenge them in the elections. When the PPP won a landslide victory over the opposition Pakistan National Alliance, charges of vote-rigging and electoral fraud were brought. The resulting civil unrest helped create the conditions for a successful military **coup** led by Mohammad Zia ul-Haq (1924–1988), the chief of army staff. Soon afterward, Bhutto was arrested for his alleged role in the murder of a political rival and, after a trial that attracted worldwide attention, was hanged in 1979.

General Zia ruled under martial law for over a decade. Although the constitution was not discarded, it was suspended, and reforms were introduced to expand the scope of Islam in the political system. A new Federal Shariat Court was added to the judiciary to rule on matters falling under Islamic law, and existing laws were reviewed to determine whether they conformed with Islam. New ordinances were **promulgated** mandating punishments taken from Islamic law, such as stoning to death for adultery, amputation of the left hand for theft, and eighty lashes for alcohol consumption.

The constitution remained in suspension until 1988. In May 1988 General Zia promised to hold elections, but two months later he was killed in an airplane crash. Party-based general elections were held in November 1988. These elections ushered in the next period in Pakistan's political history, that of civilian-elected governments. Although each government was formed by parties who had won the majority of votes, they were unstable and the prime ministers were frequently at odds with the president. The government alternated between the PPP, led by Bhutto's daughter Benazir Bhutto (b. 1953), and the Pakistan Muslim League Party, led by Nawaz Sharif (b. 1948). Both prime ministers regularly found themselves in conflict with the presidents—first Ghulam Ishaq Khan (b. 1915) and then Farooq Ahmed Leghari (b. 1940)—who regularly used their power to dissolve the National Assembly.

In 1999, when Nawaz Sharif's Pakistan Muslim League had been in power for two years, General Pervez Musharraf (b. 1943) carried out a bloodless military coup. He suspended the constitution, declared martial law, and arrested Sharif on numerous charges. In 2001, Musharraf appointed himself president. Provincial elections were held in 2001 and parliamentary elections in 2002, and a **referendum** on the extension of Musharraf's rule for five years was held in April 2002. The government claimed a 50 percent turnout for the referendum with over 90 percent voting in favor. Opponents challenged the results as fraudulent, but on January 1, 2004, an electoral college consisting of the National Assembly, the National Senate, and the provincial assemblies gave the government a vote of confidence and extended Musharraf's presidency until 2007.

**socialism:** any of various economic and political theories advocating collective or governmental ownership and administration of the means of production and distribution of goods

**coup:** a quick seizure of power or a sudden attack

**promulgation:** an official declaration, especially that a law can start being enforced

**referendum:** a popular vote on legislation, brought before the people by their elected leaders or public initiative

## ECONOMY AND SOCIETY

Pakistan pursued market-based economic policies throughout the 1980s and 1990s. Although vulnerable to external shocks, the economy was able to sustain a 5 to 6 percent growth rate during much of this time. Cotton textile manufacturing and clothing production are the major export sectors. Despite its commitment to a **market economy**, however, many of Pakistan's businesses remain under state ownership.

Pakistan's economy depends heavily on agriculture, which employs about 50 percent of the workforce and provides about 24 percent of gross domestic product. The most important products are wheat, cotton, rice, and sugarcane. Remittances from foreign workers provide the second largest source of foreign exchange. Pakistan also depends on loans and aid from international donors such as the World Bank and International Monetary Fund, as well as bilateral donors including the United States. Loan repayments and debt servicing significantly exceed income from exports.

Although the separation of Bangladesh removed one of the major sources of social heterogeneity, Pakistan continues to be an ethnically and socially

**market economy:** an economy with little government ownership and relatively free markets



**MULANA ABDUL MALIK (CENTER), TRIBAL CHIEF AND MEMBER OF PAKISTAN'S NATIONAL ASSEMBLY, SPEAKS AT A *JIRGA* IN WANA, PAKISTAN ON APRIL 23, 2004.** Tribal areas of Pakistan continue to consult with a *jirga*, or tribal assembly, as a traditional means of resolving disputes within the Pashtun ethnic group. However, in 2004, the country banned the use of *jirgas* for their flagrant violation of women's rights. (SOURCE: © KAMRAN WAZIR/REUTERS/CORBIS)

diverse nation that includes five major ethnic groups: Punjabi, Baluchi, Sindhi, Pashtun, and Muhajirs. The last group, whose name is literally translated as "pilgrim," comprises refugees from India. In addition, since 1979, the Soviet invasion of Afghanistan and the civil war that followed it have resulted in a large refugee population from that country, primarily in the Northwest Frontier Province. These refugees have created security and societal stresses for communities along the border as well as for the nation in general.

Ethnic differences are reflected in the linguistic diversity of the country. Urdu and English are both recognized as official languages, and both are used extensively in government, education, and the media, but neither is the mother tongue of the vast majority of citizens. Although many Muhajirs and some urban residents claim Urdu as their mother tongue, most citizens speak the language of their province of origin: Sindhi, Punjabi, Baluchi, or Pashto.

Although Pakistan's regional and linguistic diversity is an important factor to consider when analyzing social relations, perhaps the most significant cleavage is between urban and rural citizens. The quality of life in Pakistan is heavily correlated with the urban-rural divide: On every important dimension, urban citizens are better off than their rural counterparts. Urban residents are more likely to be literate, their children are more likely to be enrolled in school, and they are more likely to have access to safe drinking water and reliable electricity. The majority of Pakistan's middle class lives in urban areas, whereas a disproportionate number of its poor live in the countryside. This urban-rural difference presents a major challenge to the government in formulating and implementing development policies. For example, although overall literacy in Pakistan is 44 percent, this figure masks a disparity of approximately 26 percent between urban and rural residents. Similarly, the overall poverty rate is 33 percent, but a 10 percent difference exists between urban and rural poverty rates.

### STATUS OF WOMEN

Women in Pakistan have equality of political rights under the constitution, and seats are reserved for women in the National Assembly, the provincial assemblies, and in local government. In many areas, however, great disparity exists between the status of men and women. Citizenship is determined by descent through the father's line, and the law of evidence measures women's evidence as worth only half that of men in most cases—and worth nothing without corroboration from a man in financial matters. In areas in which Islamic law prevails, gender inequality is marked. Family law for Muslims falls under the Shariat Court, and women have fewer rights than men in inheritance, termination of marriage, and child custody. **Polygamy** is legal, and few provisions ensure financial security for women whose husbands have divorced them. The most discriminatory provisions were introduced as part of Zia's Islamization strategy. The Hudood Ordinances exclude women's testimony in criminal cases. Charges of rape must be supported with either the confession of the accused or the testimony of four men.

**Socioeconomic** factors also point to gender inequalities that adversely affect women. There are only approximately ninety-nine women for every one hundred men, and the infant mortality rate for girls under five years of age is 66 percent higher than for boys. These statistics run counter to expectations because, all other things being equal, women have higher life expectancy rates than men and girls tend to be healthier than boys. Literacy rates are approximately 20 percent lower for women than for men, with rural women having a literacy rate of about 25 percent.

**polygamy:** the practice of having more then one mate or spouse at one time

**socioeconomic:** relating to the traits of income, class, and education

## POLITICAL LIFE IN PAKISTAN

In the early 2000s the instability of political institutions, concerns over security, and the conflict with India over Kashmir ensured that the military would continue to play a major role in governing Pakistan. Although political parties had become more vibrant, social conflict over the role and extent of Islamization created the potential for continued civil unrest, which reinforced the military's justification for intervention into the political arena. At the same time, the factors that precipitated military rule diverted energy and attention from economic development and social change.

*See also:* Bangladesh; Dictatorship; India.

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## Palestine

Palestine is the entity that has governed the Palestinian Arabs of the West Bank and the Gaza Strip since 1994 and is widely seen as a state-in-the-making for the Palestinian people. Previously, however, Palestine was a state in the area now occupied primarily by Israel.

## GEOGRAPHY AND PEOPLE

The West Bank lies to the west of Jordan. Occupying 5,862 square kilometers (2,263 square miles; slightly more than Delaware), the West Bank is surrounded to the north, west, and south by Israel. Mountains reaching elevations of 915 meters (3,000 feet) run north-south. The western slopes receive moderate winter rains, whereas the eastern slopes—which lead to the Jordan Valley and the Dead Sea some 400 meters (1,300 feet) below sea level (the lowest spot on the globe)—are arid.

The population of the West Bank is 2.3 million. Most are Palestinian Arabs and Muslims; a minority (10%) are Palestinian Christians. Almost 700,000 West Bank Palestinians are refugees from the areas of former Palestine, which became Israel in 1948. About one-third of this group lives in nineteen refugee camps administered by the United Nations (UN). Since 1967, a Jewish settler population has grown steadily and in 2004 totaled approximately 400,000.

The Gaza Strip comprises 360 square kilometers (139 square miles) along the Mediterranean coast between Egypt's Sinai Peninsula and Israel. Mostly sandy plains and low, rolling hills, with 1.3 million inhabitants, the Gaza Strip is one of the most densely populated regions of the world. The population is overwhelmingly Palestinian Arab and Muslim (98.7%), with a Christian Palestinian minority of about 1 percent. Approximately three-fourths of the Gaza population are refugees from Palestine. Until 2005 there was a post-1967 Jewish settler population of about 7,000 persons.

The economies of both the West Bank and Gaza Strip are primarily agricultural, with minimal industry. Remittances from migrant laborers—the vast majority working in nearby Israel—provide a vital source of income. In the last decade, employment within the emergent Palestinian **bureaucracy** has also grown.

**bureaucracy:** a system of administrating government involving professional labor; the mass of individuals administering government

## HISTORY

Prior to 1948, both the West Bank and the Gaza Strip were part of British "mandate" Palestine. Palestine was carved out of the former Turkish **Ottoman Empire** (1299–1922) after World War I (1914–1918) and placed by the League of Nations under a mandate system. The system was designed to assist new nations, still unequipped to self-govern, build toward democracy and independence under the "tutelage" of a European power.

**Ottoman Empire:** an empire centered in Turkey (and defeated in World War I) that once spanned Northern Africa, the Middle East, and parts of Southeast Europe and contemporary Russia

The Palestine mandate incorporated the Balfour Declaration, a 1917 statement by the British government of support for the Zionist movement's goal to create of a Jewish homeland in Palestine. The British were thus bound to incompatible goals: first, fostering the growth of democratic institutions in Palestine in preparation for independence and, second, assisting the Zionist movement in creating a Jewish homeland in Palestine. The goals were incompatible because the majority of the population was Muslim and Christian Palestinian Arab. They viewed Zionism as a foreign colonial movement aiming to force Palestinians from their land. Had government policy reflected their aspirations, establishing a Jewish state (as the Zionist movement sought) would have been impossible. Hence, England administered Palestine through an appointed High Commissioner, foregoing local representation.

Following World War II (1939–1945), Britain submitted the Palestine dilemma to the fledgling UN. In November, 1947, the UN General Assembly recommended partitioning Palestine into two states, one Jewish and one Arab. The recommendation was welcomed by the Zionist movement but rejected by the Palestinian Arabs, who saw it as giving away their homeland. **Intercommunal** violence ensued,

**intercommunal:** between or involving multiple communities

during which hundreds of thousands of Palestinians fled to the surrounding Arab countries. The cause of their flight is disputed, but Israeli and Palestinian historians now concur that many were expelled through Jewish military actions. British troops and administrators withdrew from Palestine, and on May 15, 1948, Israel declared independence. Five Arab states immediately declared war against it.

In fighting that lasted into 1949, more Palestinians were forced from their homes, and Israeli forces expanded outside the proposed borders of the Jewish state, seizing about 78 percent of Palestine. Jordanian forces controlled the West Bank, and Egyptian forces occupied the Gaza Strip (together comprising the remaining 22% of Palestine). About 750,000 Palestinian refugees settled in camps in the West Bank, Gaza Strip, Lebanon, Syria, Jordan, and Egypt. Jordan formally **annexed** the West Bank, and gradually enacted a program of legal unification with the East Bank. The courts and administrative departments were absorbed into their Jordanian counterparts.

**annex:** to incorporate; to take control of politically and/or physically

The Gaza Strip, meanwhile, was administered through an Egyptian military governor. Although political control was maintained by Egypt, the Gaza Strip was never annexed. Instead, it was held "in trust" for the Palestinian people, and its laws, court system, and bureaucracy were kept relatively unchanged.

## THE 1967 ARAB-ISRAELI WAR

The West Bank and Gaza Strip were among the territories conquered by Israel during the June 1967 Arab–Israeli war. Israel did not annex the West Bank or Gaza Strip but refused to acknowledge them as occupied territories under international law and suggested that it would lay claim to parts of the territories—a position condemned by the international community. Israeli military governments in the West Bank and Gaza Strip issued orders regulating Palestinians in virtually all phases of life and facilitated settlement of Palestinian lands by Israeli settlers. East Jerusalem was annexed and made subject to Israeli domestic law and administration. The UN has rejected both the annexation of Jerusalem and Israeli settlements in the West Bank and Gaza Strip as illegal.

Meanwhile, diaspora Palestinians (those living outside the borders of mandate Palestine) gained control of the Palestine Liberation Organization (PLO), an institution founded in 1964 by the Arab League. By 1969, Yasser Arafat (1929–2004), leader of the **guerrilla** organization *Fatah*, became chair of the executive committee of the PLO, a position he held until his death in 2004. The PLO was an **umbrella organization** that included the main Palestinian guerrilla organizations as well as trade, women, student, and professional unions. Its main policy-making and representative body was the Palestine National Council, with appointed members from around the world.

**guerrilla:** a soldier engaged in nontraditional methods of warfare, often separate from any structured military group

**umbrella organization:** a corporation that controls many smaller subsidiaries

The Palestinian guerrilla groups mounted armed attacks on Israeli military and civilian targets. They were denounced by Israel, the United States, and some other states as terrorist organizations. The PLO also engaged in diplomacy and achieved wide international recognition as the voice of the Palestinians in their quest for national **self-determination**.

**self-determination:** the ability of a people to determine their own destiny or political system

Palestinian resistance to Israeli military occupation of the West Bank and Gaza Strip was immediate, but initially was easily subdued. The Israeli military employed administrative detentions, banishments, home demolitions, collective punishments, curfews, restrictions on expression, and other forms of repression. These measures were enforced through military courts that provided minimal procedural safeguards. Palestinian complaints of torture during interrogation were initially dismissed, until an Israeli government commission confirmed widespread abuses in 1987.

## FROM THE FIRST *INTIFADA* TO THE OSLO ACCORDS

In late 1987, Palestinian agitation against Israeli occupation increased, with the outbreak of the first *intifada* ("shaking off," in Arabic)—a period of strikes, demonstrations, tax withholding, and low-level (but occasionally lethal) violence. Local activists affiliated with the PLO initiated this revolt within the Occupied Territories. The first *intifada* also witnessed the emergence of Hamas (the Islamic Resistance Movement), which sometimes cooperated with and sometimes competed with the nationalist, secular, and leftist Palestinian organizations. Hamas sought an Islamic state in Palestine and advocated violent struggle to end Israeli military occupation.

Middle East peace negotiations began in Madrid in 1991. The talks, sponsored by the United States and the Soviet Union, excluded the PLO, although Palestinians joined the Jordanian delegation. Negotiations shifted to Washington, DC, but soon stalled. Secret talks between the PLO and Israel, meanwhile, were being conducted in Oslo, Norway. These discussions yielded an agreement between Israel and the PLO in September 1993. This agreement, and subsequent others related to it, are commonly called the Oslo Accords.

**interim:** for a limited time, during a period of transition

The Oslo Accords provided for the end of violence between the parties and Palestinian recognition of Israel's right to exist. In return, Israel recognized the PLO as the representative of the Palestinians. The Accords outlined a five-year **interim** period during which a Palestinian Authority would administer the West Bank and Gaza Strip. Negotiations toward a comprehensive settlement of the Palestinian-Israeli conflict were to commence by the third year of the transitional period and conclude by May 1999.

## THE PALESTINIAN AUTHORITY

PLO leader Arafat returned to the Gaza Strip in 1994 to great regional optimism. Israeli troops withdrew first from Gaza and from the West Bank town of Jericho, where the Palestinian Authority took over civic responsibilities. Through subsequent agreements, the West Bank was divided into areas A, B, and C. In A areas, the Palestinian Authority controlled basic civic functions and also provided for security. In B areas, the Palestinian Authority exercised civic functions, but Israel was responsible for security. In C areas, Israel maintained full administrative and security **jurisdiction**. A areas eventually grew to encompass about 18 percent of the West Bank, including its most of population centers; B areas were about 24 percent; and the remaining 58 percent remained in C areas.

**jurisdiction:** the territory or area within which authority may be exercised

The agreements stipulated Palestinian elections for a *ra'ees* ("president") and members of a representative body. Voting occurred on January 20, 1996, leading to the elections of Arafat as president and eighty-eight members to the Palestine Legislative Council (PLC).

**sovereignty:** autonomy; or, rule over a political entity

The Palestinian Authority was not a **sovereign** state under the Oslo Accords, lacking full functional and territorial control of the West Bank or Gaza Strip. Yet the Palestinians sought to expand the powers of the Palestinian Authority (which, tellingly, they began to call the Palestinian National Authority, or PNA) toward statehood. The PLC, for example, acted as a full-blown legislature, not the oversight body as the Oslo Accords may have intended, and engaged in drafting a Basic Law, or interim constitution, for the PNA. The result combined elements of a strong presidential system with principles of democracy and human rights that were among the most progressive in the Arab world.

**authoritarianism:** the domination of the state or its leader over individuals

Ironically, the PNA under President Arafat exhibited **authoritarian** tendencies and a cavalier approach to law and procedure. These tendencies were abetted by

the ambiguity concerning Arafat's institutional roles, as both president of the PNA and chairman of the executive committee of the PLO. Presidential decrees were issued, often citing both roles as authority. PNA authoritarianism also reflected the need for the PLO leadership, returning from exile, to co-opt local leaders.

Public funds awarded the PNA by international donors for infrastructure were diverted to purchase political loyalty, leading to charges of corruption. In addition, the PNA faced international pressure to suppress Islamist opposition to the Oslo Accords that turned, particularly in 1995 and 1996, to a wave of suicide bombings against Israelis. Opposition figures were held in defiance of release orders issued by Palestinian courts, and some detainees faced torture



**A CROWD OF PALESTINIANS WELCOMES THE PRESIDENT OF THE PALESTINIAN AUTHORITY (PA), YASSER ARAFAT, IN HEBRON, PALESTINE IN 1997.** Yasser Arafat won the first presidency of the newly-formed PA in 1996, a post he retained until his death in 2004. While initially viewed as a terrorist for his activities, by the 1980s he had morphed into a diplomatic statesman. In 1994 he received the Nobel Peace Prize for his role in the 1993 peace settlement that created the PA and transferred control of parts of the West Bank to it. (SOURCE: AP/WIDE WORLD PHOTOS)

similar to that meted out in Israeli prisons. Journalists and human rights activists critical of the PNA leadership were occasionally threatened, and some were jailed after sham trials in state security courts that fell far short of international standards of due process. The legal system devolved toward chaos and inefficacy, jeopardizing individual rights.

Neither Israel nor the PLO strictly adhered to the Oslo Accords. For example, the Palestinians employed 40,000 security personnel, clearly exceeding specified limits, and Israel charged the PNA with inciting violence, organizing riots, and failing to curb terrorism. Israel delayed troop deployments and continued establishing settlements in the West Bank. Israel also closed Jerusalem to West Bank Palestinians and imposed stringent controls on movement in Palestinian areas, deepening Palestinian poverty.

### FINAL STATUS NEGOTIATIONS AND THE AL-AQSA INTIFADA

Comprehensive peace talks finally commenced in July 2000. Israeli Prime Minister Ehud Barak (b. 1942), PLO Chairman Arafat, and U.S. President Bill Clinton (b. 1946) met at Camp David. Negotiations collapsed, reportedly over Jerusalem, which both Israelis and Palestinians sought as their capital. Israel was publicly credited with having made a generous offer to the Palestinians, and the latter, with rejecting it and opting for violence. Yet the terms fell short of Palestinian aspirations for full sovereignty over a geographically contiguous Palestinian state. Still, the Palestinians did not reject further negotiations. Instead, talks resumed in Taba, Egypt, in January 2001, and ended with a joint announcement that a resolution was close but that outstanding issues demanded further negotiations.

By then, events had overtaken the negotiations. In September 2000, Ariel Sharon (b. 1928), a right-wing candidate for prime minister in Israel's upcoming elections, visited an area of Jerusalem enclosing holy Muslim shrines, including the al-Aqsa Mosque—accompanied by 1,000 security officers. Seen as an assertion of Israeli sovereignty over these sensitive areas, Sharon's visit sparked rock throwing and demonstrations by Palestinians. Israeli forces responded by killing fifteen in two days. Violence escalated rapidly, triggering the al-Aqsa Intifada. Palestinian security officers and Fatah activists known as

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## THE ZIONIST MOVEMENT

The Zionist movement takes its name from Zion, one of the Biblical names of Jerusalem. It originated in nineteenth-century Europe as one of many nationalist movements. Zionism, however, should not be equated with Judaism as a religion. Some religious Jews dislike its secular political aspects, and some early Zionists were atheists. The first World Zionist Congress met in Basel, Switzerland, in 1897. Its leader was an Austrian journalist named Theodor Herzl (1860–1904), who advocated the establishment of a Jewish state as protection from the anti-Semitic policies of European governments.

Before World War I (1914–1918), some Zionists were willing to consider settling in countries outside Palestine.

Herzl himself suggested Argentina, and the British government offered land for a Jewish state in Uganda in 1903. After 1917, however, Palestine became the focus of Zionist hopes for a Jewish homeland, largely because of the Balfour Declaration, in which Britain promised to help establish a Jewish state in Palestine.

The Zionist movement gained support after World War II (1939–1945) in response to the Holocaust. Since the establishment of the state of Israel in 1948, however, Zionists have generally focused on issues such as education, cultural activities, and encouraging immigration to Israel.

the *Tanzeem* used light arms against Israeli troops. Israel employed tanks, fighter jets, and armed helicopters and assassinated Palestinian leaders, often killing innocent bystanders. Palestinians answered with suicide bombings of Israeli public places, killing scores.

Sharon was elected prime minister of Israel in February 2001, promising an uncompromising military response to Palestinian violence. In April 2002, Israeli troops invaded the West Bank and trapped President Arafat in his compound in Ramallah (the West Bank administrative center of the PNA). Many PNA offices were damaged or destroyed, as were homes and businesses of private citizens. A curfew was imposed on many Palestinian areas; civilians could not reach health and other vital services.

International efforts to halt violence and resume negotiations foundered. In 2003, Prime Minister Sharon announced a plan of **unilateral** disengagement from the Palestinians and began construction of a separation barrier, justified as necessary to Israel's defense. The route of the barrier cut through parts of the West Bank, in some places surrounding Palestinian towns entirely. The barrier was declared illegal by the International Court of Justice in July 2004. Sharon later proposed evacuation of all Israeli civilian settlements in the Gaza Strip and of several in the West Bank.

In the four years following the al-Aqsa Intifada, nearly one thousand Israelis were killed, and over six thousand wounded, and Palestinian dead number over three thousand and wounded over twenty-six thousand. Damage to crops, buildings, roads, electricity, water, and other infrastructure in Palestinian areas was massive. The economies of both the West Bank and Gaza Strip were devastated by Israeli restrictions on Palestinian movement, enforced through some 750 checkpoints and other barriers. In June 2004, unemployment in the two regions stood at an average of 35 percent, about 40 percent of the population was dependent on food aid, and serious threats to child nutrition had developed.

**unilateral:** independent of any other person or entity

## AN UNCERTAIN FUTURE

The PNA continues to function in the West Bank and Gaza Strip at a diminished level. A series of reforms were undertaken in 2002 and 2003, including establishment of the post of prime minister. This was designed to satisfy Israeli and U.S. demands that President Arafat, who was seen as untrustworthy, be sidelined. President Arafat also signed the PLC's Basic Law, which had languished unenforced since its passage in 1997, and another law enhancing the independence of the Palestinian judiciary.

After Arafat's death in November, 2004, West Bank and Gazan Palestinians elected Mahmoud Abbas as president of the PNA. Abbas, a founding member of Fatah, and long time functionary of the PLO, was a principal architect of the Oslo Accords. Shortly after taking office, in February, 2005 Abbas announced a formal end to the armed *Intifada*, and called for a resumption of peace negotiations with Israel. Almost simultaneously, however, followers of Islamist movements won more than sixty percent of the seats in municipal councils in the Gaza Strip. While Palestinian Islamists have generally called for violent struggle toward the establishment of an Islamic state in all of former Palestine, some have pledged to end violence upon Israeli withdrawal from the West Bank and Gaza Strip in 2005. It remains to be seen whether their entry to electoral politics represented a moderating trend, or the establishment of a foothold in formal political authority that may ultimately support an Islamist challenge to the PNA. Thus, for many Palestinians, the question remained: Would the PNA achieve their goal of independent statehood, or would it instead be a partner in their continuing subjugation?

*See also:* Gaza Strip; Israel; West Bank.

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# Panama

Located between Costa Rica and Colombia, Panama connects Central America and South America. It has an area of 77,381 square kilometers (29,762 square miles). Approximately 3 million people inhabit the country. The majority live in the capital, Panama City. Seventy percent of Panama's population is mestizo (of mixed Indian and European ancestry). West Indians constitute 14 percent of the population, Caucasians 10 percent, and Indians 8 percent. Spanish is the nation's official language, although many professionals and businesspeople in the capital also speak English.

Rodrigo de Bastidas (1460–1526), who sailed to Venezuela in search of gold, became the first Spaniard to reach the isthmus in 1501. By 1502 Christopher Columbus (1451–1506) arrived in the region and established an ephemeral settlement known as Antigua del Darien. In 1513 Vasco Nuñez de Balboa (c. 1475–1519) trekked through the isthmus and discovered a path joining the Atlantic and Pacific Oceans. This path was later named El Camino Real (the Royal Road). With the continuous arrival of Spaniards, disease, murder, and enslavement threatened the native Indian populations. African slaves soon replaced Indian slaves, a circumstance that endured for approximately 200 years.

By 1538 the king of Spain appointed governors as authoritative **figureheads** and set up *audiencias* (courts), thus making Panama a Spanish colony. Panama remained a Spanish colony until its independence on November 28, 1821. Because it was already a part of the Viceroyalty of Colombia, the country became a part of Colombia. By 1903 Panama declared its independence from Colombia. That same year Panama and the United States signed the Hay/Bunau-Varilla Treaty, which gave the United States sovereign rights over a ten-mile-wide and fifty-mile-long zone, an area that became known by 1914 as the Panama Canal. The treaty, in fact, made Panama a **protectorate** of the United States.

Immediately upon its independence from Colombia, Panama became a constitutional democracy until 1968 when the military overthrew democratically-elected President Arnulfo Arias Madrid (1901–1988) and forced him into exile.

**figurehead:** an individual with a title of leadership, but no real authority or power

**protectorate:** a territory or country under the protection of another sovereign country's military
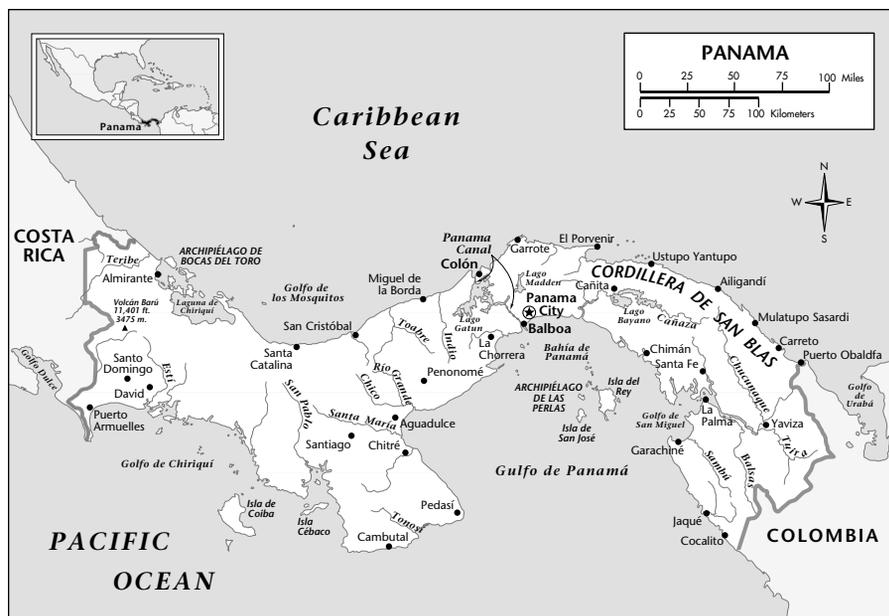
(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

Brigadier General Omar Torrijos Herrera (1929–1981) established a military junta. Torrijos led an oppressive and corrupt regime, but later gradually liberalized the political system toward democratic representation (a relatively mild dictatorship). Torrijos's populist domestic programs, which included reforming the agrarian system, attracted foreign investment, and his labor legislation received support from urban workers and small farmers. In 1977 Torrijos signed a treaty with the United States granting Panama full ownership and control of the Panama Canal on December 31, 1999.

After Torrijos's death in 1981, General Manuel Noriega (b. 1934) controlled the National Guard. Noriega's inherited military authority allowed him to become the de facto leader of Panama in 1985. Four years later Noriega's grip on Panama ended when the United States entered the country and arrested him on drug trafficking charges.

After Noriega lost power, Panama once again became a representative democracy. The executive branch consists of a president and two vice presidents who are democratically elected for a five-year term. The legislative branch is also elected by direct vote for a five-year term. The judiciary, which is appointed, is an independent branch of government. It consists of a nine-member Supreme Court and all tribunals and municipal courts. The Cabinet Council nominates the justices, and the Legislative Assembly confirms their nomination. Appointed justices serve a ten-year term.

*See also:* Colombia; Presidential Systems.

**junta:** a group of individuals holding power, especially after seizing control as a result of a coup

**agrarian:** having to do with farming or farming communities and their interests; one involved in such a movement

**de facto:** (Latin) actual; in effect but not officially declared

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## Papua New Guinea

Papua New Guinea (PNG) is in the southwest region of the Pacific Basin and lies immediately to the north of Australia. PNG shares the island of New Guinea with Indonesia, which lies to the west. The interior of New Guinea has one of the most rugged topographies in the world. The total land area of the country is 461,690 square kilometers (178,212 square miles), and its population in July 2004 was estimated at 5,420,280.

Papua New Guinea is diverse with regard to ethnicity, customs, traditions, and geography. Germany and Great Britain were the early colonizers of PNG. Great Britain relinquished control of Papua to Australia in 1906, which subsequently assumed control of New Guinea at the start of World War I (1914–1918). The League of Nations allowed Australia to continue its administration of New Guinea under a mandate in the interwar years. A joint administration of Papua and New Guinea began in 1946 and lasted until the 1970s.

The institutionalization of any system of government in Papua New Guinea was bound to be restricted by two natural characteristics of PNG: the deeply fragmented population and the rugged topography of parts of the country. The lack of uniformity in the existing political structures among the many native communities meant that the colonial powers found it difficult to exert firm control through traditional power structures. In addition, it was difficult to expand colonial control due to the rugged landscape and hostile inhabitants in many areas.

Second, many parts of the country experienced uneven exposure to the outside world during the colonial period. Although coastal areas often had experienced extensive contact with foreigners, the interior remained relatively untouched. Many communities in accessible areas were slowly imbued in the practices of modern political practices and administrative organizations, whereas others in more remote areas lived in traditional communities as they always had for hundreds of years with their own folklores and justice systems.

The third consequence was a lack of **nationalism**. What superceded nationalism were micronationalism, regionalism, and **separatism** as the fast-changing political environment ushered in uncertainty and confusion to different parts of PNG. In addition, the various colonial arrangements that PNG had had since the late 1800s failed to congregate or assemble the many social cleavages so that it would have been possible to recognize an overarching nation. In sum, the creation of PNG is one in which the concept of a modern state was superimposed on hundreds of **sovereign** traditional communities.

By the early 1960s pressing circumstances and repeated calls by the United Nations's Trusteeship Council cajoled Australia to start preparing PNG for independence. The first nationwide election was held in 1964; two more elections were held—in 1968 and 1972—before independence in 1975. The introduction

**nationalism:** the belief that one's nation or culture is superior to all others

**separatism:** a belief that two regions should be separated politically

**sovereignty:** autonomy; or, rule over a political entity
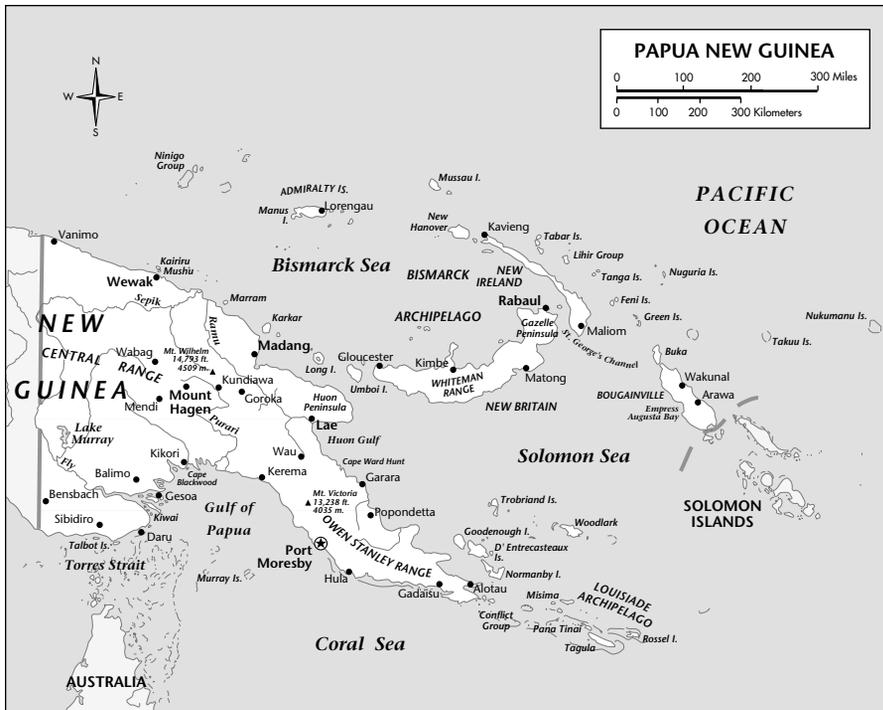
(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

of universal suffrage in the 1960s and the debate over the timing of independence encouraged the establishment of a party system after the 1968 national election. In April 1972, the first ever indigenous-led government took power under the stewardship of Michael Somare (b. 1936) and his party, Pangu Pati.

## A PARLIAMENTARY WESTMINSTER SYSTEM OF GOVERNMENT

During the first term of the House of Assembly (1964–1968), the Australian colonial administration was effectively the executive branch. By 1970 most Australian officials were leaning toward a **Westminster** system of government. What mattered most was a system of government that could facilitate the reconciliation of the diversity of the people with the unity of the country. A federal system was rejected in favor of a unitary system because a strong central government had proven useful in dealing with many intractable problems during colonial rule. Australia abdicated much of its day-to-day administrative responsibilities with the formation of the first national government. However, Chief Minister Somare was still responsible to Australia's Minister of External Territories on more significant matters.

In light of the existing micronationalist movements, the most delicate issue was how to balance power between the central government and the country's various regions. A debate regarding how "centrist" the national government should be under a unitary arrangement continued among indigenous members and in the wider community. The Constitutional Planning Committee (CPC), a parliamentary group established to design the national constitution, staunchly stood by its conviction that a **decentralized** provincial system of government was needed.

After **secession** threats by certain micronationalist movements and a careful evaluation by Somare, a provincial government system was initiated in 1976. By 1980, nineteen provincial governments and a city commission for Port Moresby had been established.

**Westminster:** a democratic model of government comprising operational procedures for a legislative body, based on the system used in the United Kingdom

**decentralize:** to move power from a central authority to multiple periphery government branches or agencies

**secede:** to break away from, especially politically

Overall, the legislative design and composition has gone through a number of important transitional phases since the early 1950s. Each phase reflected the state of political representation by the indigenous people in relation to the receding control of the Australian colonial administration. Three indigenous people were appointed to represent the national population in 1951. More nationals were awarded seats in parliament during elections in the 1960s and early 1970s. The pace by which foreign state institutions and a political system were introduced has been nothing less than astounding. It took a mere twenty-four years (1951–1975) for Papua New Guineans to take control of their destiny amid the lack of nationalism that made both state-building and national-building processes challenges from the start.

A **unicameral** legislature with 109 single-member district seats was adopted for the new state. Eighty-nine of the seats were for open electorates; the remaining twenty seats represented each province. (The electoral boundaries have not been reviewed since the 1970s, so in the early 2000s many electorates have much bigger populations than the stated average.) After each election, a government is formed after a candidate is elected as speaker of parliament. From the remaining 108 members, an executive with at least fifty-five members is formed.

### NATIONAL ELECTIONS AND LEADERSHIP

Nine general elections have taken place since the 1960s. The elections have displayed a number of interesting trends, including a marked increase in the number of candidates and the competitiveness of the elections.

The emergence of the PNG state is synonymous with one national leader: Somare. He was a founding member of the Pangu Pati in 1967 and entered politics in 1968. He became the chief minister of PNG during the country's transitional phase in the early 1970s and became PNG's first prime minister in 1975. The other prime ministers of PNG are Julius Chan (1980–1982; 1994–1997), Paias Wingti (1985–1988; 1992–1994), Bill Skate (1997–1999), and Mekere Morauta (1999–2002). Somare, who served as prime minister from 1975 to 1980 and again from 1982 to 1985, was returned to the office of prime minister during the 2002 elections and remains the longest serving parliamentarian.

Since the 1977 national elections, the government has changed hands ten times. Five changes have come through elections, three by votes of no-confidence, and one each through a court ruling and a resignation. These numbers do not include numerous occasions when **coalition** partners changed but the main party remained at the helm, the number of unsuccessful and aborted no-confidence motions, or the frequent party jumping by members of parliament that was evident before the introduction of the Organic Law on the Integrity of Political Parties and Candidates (hereafter the Integrity Law). The last successful vote of no-confidence happened in 1988, but coalition instability has worsened since.

### PARTY POLITICS AND PARLIAMENTARY INSTABILITY

The formation of a new government would have been easier if there were a few dominant parties in PNG. The number of political parties has grown from five in 1975 to over twenty by the early 2000s. The most obvious result has been continuous coalition instability: No government has ever served out a full five-year term since independence.

Governments still break up in PNG for three key reasons. First, most parliament members and their voters enter into a fixed **reciprocal** relationship. Political survival is the main reason why parliamentarians are inclined to listen to

**unicameral:** comprised of one chamber, usually a legislative body

**coalition:** an alliance, partnership, or union of disparate peoples or individuals

**reciprocity:** mutual action or help that benefits both parties

voters. The turnover rate alone in PNG since the 1970s is well above 50 percent. Second, governments constantly change because they are caught in the politics of scarcity of resources. The high expectations from the electorates cannot be adequately met by limited resources at the government's disposal. Third, governments sometimes change because current parliament members in coalition governments are bribed, blackmailed, and so on to switch or terminate support for a prime minister.

The elevation of personal interests and weak parties has resulted in serious political instability that, in turn, has affected governance. The Integrity Law introduced in 2001 was designed to stabilize politics in the National Parliament. One of its key provisions prohibited members of parliament from switching political parties at will unless for reasons specified by the law. Some political developments since 2002 have tested the Integrity Law, but more time is required to see how effective it can be in dealing with PNG's instability problem.

## ECONOMY AND PEOPLE'S WELFARE

PNG had a relatively small economy when it gained independence in 1975, supported mainly by the exportation of raw **commodities**, particularly in cash crops and mineral resources. What has been conspicuously underdeveloped is the secondary sector. For one reason or another, the investment environment has not been conducive for the infusion of private capital into the manufacturing sector.

**commodity:** an article of trade or commerce that can be transported, especially an agricultural or mining product

An ongoing issue for PNG's key economic decision makers and advisers has been this lopsided economy that has depended on the mineral sector, and later the petroleum sector, for export revenue. The economy has been also heavily dependent on Australian aid, but this dependence was reduced significantly in the 1990s. The basic structure of the economy has hardly changed from that of independence.

At the start of the twenty-first century, PNG was rated as a low-income country. Its national poverty stands at 38 percent. The country's **per capita** income was $2,959 in 2001. The rapidly growing population has added pressure on the ability of the government to provide basic services, particularly in rural areas. Bearing the brunt have been the health and education sectors. Life expectancy and infant mortality statistics have improved only a little in the past decade, but the decline in illiteracy has been more encouraging. Overall, the women still fare worse than the men.

**per capita:** for each person, especially for each person living in an area or country

## PUBLIC SERVICE

PNG inherited a modern public **bureaucracy** from Australia; however, with barely a qualified national workforce to take over responsibility on independence, it proved extremely difficult for the bureaucracy to maintain its resilience. The professional culture of the bureaucracy began to dissipate by the mid-1980s as conflicts of loyalty occurred between public servants and other individuals and the state.

**bureaucracy:** a system of administrating government involving professional labor; the mass of individuals administering government

Forces that compromised the public service were also introduced through national politics, and parliamentarians have given themselves greater leeway to control the public service. Whatever the justification for this piece of legislation, what became obvious on hindsight was that the public service was to be severely politicized, and **cronyism**, **nepotism**, theft, and corruption have become endemic.

**cronyism:** favoritism for one's friends or supporters in the appointment to positions or granting of other benefits

**nepotism:** favoritism for one's own family in the appointment to positions or granting of other benefits

Unrestrained recruitment into the public services over the years had made it not only the biggest employer in the country but also extremely expensive. Efforts have been undertaken since the mid-1990s to strengthen the public service and to retrench, but there have been inadequate funds to pay off workers.

### PNG: THE CROSSROADS

Papua New Guinea at present is at a crossroads. It can take pride in its record of democratic governance since independence. There have been rumors of a **coup** d'etat at certain times, but they have never come to fruition. There have been constitutional crises, but the **rule of law** has always gained the ascendancy. The country has had to deal with separatist movements, but it has not faltered as a union. Many areas of the country are still largely unaffected by modernity, yet PNG remains one of the persevering democracies in the developing world.

*See also:* Australia.

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## Paraguay

Paraguay is located in the lowland sub-tropical interior of South America's Southern Cone. It is divided into two distinct regions by the Paraguay River. To the west of the river lies the Chaco, accounting for 60 percent of the territory but just 3 percent of the population, according to the 2002 census. Ninety-seven percent of the total population of 5.2 million lives in the rolling hills and grasslands east of the river.

Spanish **conquistadors** founded Asunción in 1537, establishing a colonial administration that governed Paraguay until 1811. When Buenos Aires declared its independence from Spain in 1810, it sent a military force to liberate Paraguay from the Spanish, but Paraguayan forces defeated the Argentines in battle. Paraguay declared its own independence from Spain in 1811 and then struggled for the next forty-five years to maintain its independence from Argentina. Argentina recognized Paraguayan independence only in 1856.

Paraguay has fought two major international wars: the War of the Triple Alliance, against Brazil, Argentina, and Uruguay (1864–1870), and the Chaco War against Bolivia (1932–1935). The War of the Triple Alliance resulted in the death

**coup:** a quick seizure of power or a sudden attack

**rule of law:** the principle that the law is a final grounds of decision-making and applies equally to all people; law and order

**conquistador:** one of the leaders of the Spanish conquest of Central and South America in the sixteenth century; derived from the Spanish for "conqueror"

(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

of more than half of Paraguay's prewar population and the loss of over one-quarter of its territory. Paraguay won the conflict over the Chaco and secured control of the bulk of the region as a result. The epic stories of struggle in these wars are important to Paraguayans' national identity.

Another important source of national identity for Paraguay is the Guaraní language, spoken by over 80 percent of the people. About one-half the population also speaks Spanish; thus, many Paraguayans are bilingual. Speakers of Guaraní consider themselves to be ethnically Paraguayan and not indigenous. (Only 1.6% of the population identified itself as indigenous in the 2002 census.) Because of this, Paraguayans have perhaps the strongest sense of ethno-national identity of any country in South America.

The Colorado Party has governed the country since 1947. General Alfredo Stroessner (b. 1912) took power in a military **coup** d'etat in 1954 and governed in alliance with the Colorado Party and the military until February 3, 1989. On that date he was overthrown by his son's father in-law, General Andrés Rodríguez (1923–1997), who moved quickly to establish a democratic political system. Formal democracy was established with the adoption of a new constitution in 1992 and competitive elections for president and the national legislature in 1993. These elections were marred by accusations that the nominee of the Colorado Party, Juan Carlos Wasmosy, stole the party primary from Luis María Argaña, and that the general elections were also fraudulent. Nevertheless, Wasmosy served out his five-year term.

**coup:** a quick seizure of power or a sudden attack

In 1997 retired General Lino Oviedo was declared the winner of the Colorado Party primary, defeating Argaña. However, Oviedo's candidacy was disallowed by the courts, due to his conviction by a military court just weeks before the election for attempting to overthrow the Wasmosy government in 1996. To replace him, his running mate in the primary, Raúl Cubas Grau (b. 1944), was elevated to the presidential nomination, and Argaña became the party's candidate for vice president. Cubas Grau and Argaña won the 1998 election. Cubas Grau's first action in office was to grant a presidential pardon to Oviedo, but the Supreme Court declared this pardon unconstitutional. Cubas Grau refused to abide by the Court's ruling, leading to **impeachment** proceedings against him in 1999. It was during these proceedings that, on March 23, 1999, Argaña was assassinated. During subsequent protests seven demonstrators were killed. Oviedo supporters were believed to have assassinated Argaña and killed the demonstrators. Cubas Grau was impeached, and both he and Oviedo fled the country. President of the Senate Luis González Macchi was sworn in as president to complete Cubas Grau's term.

In 2003 the Colorado Party candidate Nicanor Duarte Frutos (b. 1956) won the presidential election. This election was widely regarded as free and fair, and the political process leading to Duarte Frutos' inauguration was largely free of the dramatic conflicts that marked the previous elections under the democratic **regime**.

The World Bank considers Paraguay a middle-income developing country. Its major exports are soy, cotton, and electricity. Textile production and food processing are the most important local industries. Trans-border trade, much of it unregistered, is an important source of income, especially in Ciudad del Este on the Brazilian border.

In 2003 the United Nations (UN) Human Development Index (HDI) ranked Paraguay eighty-fourth of 175 countries. This represents an improvement from 1993, when the same index ranked Paraguay ninetieth of 173. Paraguay ranked ninety-first in 2003 in terms of gross domestic product (GDP) **per capita**, suggesting that the country performs relatively well on the human development index in spite of its poverty. However, by other measures the **socioeconomic** situation deteriorated after 1995. Political instability contributed to the government's inability to confront this deterioration. In 1998 the World Bank estimated Paraguay's GDP per capita to be about U.S$1,720, but by 2002 the GDP per capita had dropped to $934. Urban unemployment and rural landlessness remain serious problems for the country. Paraguay ranked tenth in the world in 2003 on the HDI measure of inequality in income distribution, with inequality worsening after 1998. By 2001 one-third of the population, or about 1.9 million people, lived in poverty. This, too, represented an increase in the percentage of the population living in poverty.

### THE NATURE OF THE GOVERNMENT

Paraguay has a democratic and republican form of government. National elections are held every five years. Municipal elections are also held every five years, scheduled 2.5 years after each national election. The political system is presidential, with a president, national legislature, and judiciary. The state is unitary. Administrative divisions include seventeen departments and the capital city of Asunción. Departments elect a governor and a departmental council at the same time as national elections. Over 230 **municipalities**, including Asunción, elect mayors and town councils.

**impeach:** to accuse of a crime or misconduct, especially a high official; to remove from a position, especially as a result of criminal activity

**regime:** a type of government, or, the government in power in a region

**per capita:** for each person, especially for each person living in an area or country

**socioeconomic:** relating to the traits of income, class, and education

**municipality:** local governmental units, usually cities or towns

## CONSTITUTION

The constitution was adopted in 1992. It is Paraguay's sixth and most democratic constitution. It replaced the constitution of 1967, which had been imposed by the Stroessner regime. The overthrow of Stroessner in 1989 took place at a time when most of the rest of Latin America was governed by democracies. This encouraged the new government under General Rodríguez to agree, at first reluctantly, to call a constitutional convention to rewrite the 1967 document.

## POLITICAL LIFE

The president of the **republic** is the most important position in the government. The president oversees the **bureaucracy** and is commander in chief of the armed forces. The constitution of 1992 considerably reduced the powers of the president. The president does not appoint judges and has a weak veto that Congress can override by an absolute majority vote. Nevertheless, control over appointments to executive branch jobs and the power of the Colorado Party give the president significant resources. President Wasmosy had 67 percent of his vetoes upheld, in spite of opposition-party control of Congress and the low threshold for a congressional override. Paraguay also has a strong tradition of looking to the president to provide leadership. Even congressional leaders from opposition parties expect the president to provide direction and help negotiate resolutions to conflicts.

The Congress is bicameral, with an eighty-member House of Deputies and a forty-five-member Senate. Members of the House of Deputies are elected by **proportional representation** from electoral districts that correspond to the seventeen departments and the city of Asunción. The number of representatives ranges from nineteen to one. The degree of **malapportionment** in favor of the smaller departments is modest, but it does contribute to a rural and conservative bias in the House that favors the two traditional political parties: the Colorado Party and the Authentic Radical Liberal Party (PLRA). Senators are elected by proportional representation from a single national list.

Throughout the Stroessner regime Congress was subordinate to the president and enjoyed few real powers. Since 1992 Congress has been a coequal branch of government, with significant power to legislate and investigate the actions of the executive branch. This power increases when the president does not enjoy firm support from his own party, as was the case during the Wasmosy, Cubas Grau, and González Macchi presidencies. Congress successfully impeached and removed President Cubas Grau, and nearly impeached President González Macchi near the end of his term in 2003. For several years in the mid-1990s, the congressional bicameral investigation committee led the way in investigating corruption and human rights abuses.

The public sector includes ten ministries of the central government, a variety of autonomous entities such as the public universities, state-owned enterprises, and public financial institutions, and the departmental and municipal governments. Efforts to reduce the size of the public sector have not been successful; indeed, the total number of public sector employees grew throughout the 1990s to over 150,000 in 2000. Central government expenditures as a percentage of GDP peaked at just over 10 percent in 2000. Privatizations of state-owned enterprises have been limited to the state airline, merchant marine, and alcohol plant. Analyses of the bureaucracy find that it is characterized by inefficiency, lack of professionalism and clear requirements for promotion, and in some cases massive corruption. Transparency International's Corruption

**republic:** a form of democratic government in which decisions are made by elected representatives of the people

**bureaucracy:** a system of administrating government involving professional labor; the mass of individuals administering government

**proportional system:** a political system in which legislative seats or offices are awarded based on the proportional number of votes received by a party in an election

**malapportionment:** the use of legislative boundaries to create districts that do not have approximately equal populations

Perceptions Index for 2003 rated Paraguay among the most corrupt states in the world, with only Bangladesh, Nigeria, and Haiti perceived as more corrupt. In spite of the transition to democracy, public employment has continued to be seen by Colorado Party politicians as a means to reward party members, regardless of their professional qualifications to work as civil servants.

During the Stroessner dictatorship the judicial branch was clearly subordinate to the president. The 1992 constitution introduced several mechanisms to create an independent judiciary. A nine-member Supreme Court of Justice heads the judicial branch. Justices of the Supreme Court are nominated by the Council of Magistrates and then appointed by the Senate with the approval of the president. The Council of Magistrates has eight members, including one Supreme Court justice, one representative named by the president, one senator, one deputy, two law professors elected by the law faculties, and two attorneys elected by the national bar association. Lower-court judges are nominated by the Council and appointed by the Supreme Court, and can only be removed by the Jury of Magistrates. Supreme Court justices can only be removed from office before the mandatory retirement age by impeachment.

These new institutions have not protected the judiciary from political interference. The first Supreme Court seated under the new constitution was chosen through a quota system negotiated by the political parties and President Wasmosy. This agreement granted five seats to the Colorado Party and four to the opposition. In 2003 President Duarte Frutos engineered the forced resignation of four justices and the impeachment of two others. The justices were widely believed to be corrupt, but the impeachable offenses were Supreme Court rulings that the justices enjoy **tenure** in office and that they applied **judicial review** to the laws themselves and not just to the cases before them. Tenure in office and judicial review are important features of an independent judiciary. The president and the political parties, in fact, negotiate the naming of new justices, and the Council of Magistrates merely **ratifies** that decision. The members of the Council, including its attorneys and law professors, are connected to political parties, which facilitates the Council's subordination to the accord reached by party leaders.

The military is no longer such an obvious presence in political and civil life, and there has been progress in disentangling the Colorado Party from the armed forces. The military does defend its corporate interests and retains its capacity to intervene in politics.

### CITIZEN PARTICIPATION AND CIVIL RIGHTS AND LIBERTIES

The transition to democracy in Paraguay has not resolved all, or even many, of the country's deep problems. However, some very significant improvements in the rights of citizens to participate in the political process, and to enjoy civil and political rights, have occurred. If one considers the very long period of **authoritarian** rule in Paraguay, progress in this area must be considered a fundamental change in the nation's history.

Political parties continue to be the primary actors for the organization of elections and the channeling of demands. There are two traditional parties, both founded in 1887. These are the National Republican Association-Colorado Party and the Liberal Party, in its current form the Authentic Radical Liberal Party. Long-standing and emotional affiliation with these parties remains very important to many Paraguayans, symbolized by the wearing of red, for the Colorados,

**tenure:** the right to hold land, position, or status over the long term, or the act of doing so

**judicial review:** the ability of the judicial branch to review and invalidate a law that contradicts the constitution

**ratify:** to make official or to officially sanction

**authoritarianism:** the domination of the state or its leader over individuals

and blue, for the Liberals. Newer parties have attracted support, especially in the cities, but have not created the same deep ties as exist between the traditional parties and their supporters. These new parties include the National Encounter Party, which opened up a "third" space in the political system with a very successful electoral performance in 1993. Nevertheless, this party was reduced to just one seat in Congress in elections held ten years later. The challenge then for other alternative parties is to avoid rapid declines in support.

Under Stroessner the Colorado Party was organized into sections and subsections, located in every corner of the country. This facilitated the maintenance of social control. The party no longer monopolizes the organization of civic life. Independent citizen organizations have grown in strength and number, and no longer need the Colorado Party's approval to make demands directly to public officials. Most dramatic has been the rise of peasant organizations as a significant force of pressure, although it cannot be said that the peasantry has been successful in reorienting the government's **agrarian** policies. Other actors include business associations, neighborhood groups, especially in Asunción, and human rights organizations. The impact of these groups on policy is somewhat limited by the politicians' preference for negotiated agreements between the president and party leaders.

**agrarian:** having to do with farming or farming communities and their interests; one involved in such a movement

One distinctive characteristic of the Paraguayan political system is the constitutional requirement that all political parties and all "intermediary" organizations in the civic sector select authorities through direct elections with proportional representation. This requirement fills the electoral calendar with contests of all sorts.

The media are very active in reporting on national politics. Unfortunately, Paraguay's daily newspapers are connected to various political and economic interests and thus often irresponsible and biased in their reporting. Television has grown in importance as a source of political news and is more credible than the print media.

The quality of elections has improved dramatically. Significant accusations of electoral fraud became rare after 1998. Voter turnout for elections in the 1990s averaged 73.4 percent, which according to the International Institute for Democracy and Electoral Assistance (IDEA), placed Paraguay tenth among the twenty Latin American republics. Voter turnout for national elections in 2003 decreased to 64 percent.

Significant human rights problems remain, including the excessive use of force and torture by the police, mistreatment of military recruits, and domestic violence against women. Peasant organizations and groups representing the urban poor are particularly subject to police repression.

*See also:* Presidential Systems.

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## Parliamentary Systems

Democracies usually incorporate a structure that divides governmental power. Some states—the United States is a frequent example—use presidential systems that have three separate centers of power: the executive, legislative, and judicial branches. Most other democracies (according to the CIA's *World Factbook* there are 53) use some variation of the parliamentary systems. Parliamentary systems embed primary governmental responsibility in the national assembly or legislature, the place where representatives "parler" or talk. In general, however, parliaments offer a way of organizing governmental power that does not separate the executive from the legislative body, that is, the executive and legislature branches are "fused." This means that these branches cannot check each other as in presidential systems. This may lead to these branches working cooperatively, enhancing effectiveness in policy creation and implementation.

The context within which parliamentary systems function, especially whether in two-party or multiparty states, greatly affects operations. In two-party, or **majoritarian**, states, one of two major parties typically wins a majority of legislative seats. This describes the British state, which many use to illustrate such a model. Conversely, in multiparty states such as Belgium, often no party wins more than a **plurality** of seats. Frequently, this results from the use of **proportional representation** (PR) voting. Under PR, parties gain seats based on the percentage of the total votes cast that each has won. This differs from "winner takes all" or first past the post voting, familiar to those in the United States, in which the candidate who gains the most votes wins the office. With PR voting, even parties with relatively few votes may win one or more legislative seats. If no party wins a legislative majority, members of two or more parties in the assembly with enough policy preferences in common to be able to compromise might agree to work in **coalition** to form a majority. The Italian state illustrates this well, regularly relying on coalitions in its national legislature. Which form of party politics states use greatly can affect parliamentary operations and legislative outcomes.

Another variation in parliamentary systems derives from whether the legislature has one house (unicameral), as does Sweden, or two houses (bicameral), as does the Netherlands. Generally, in bicameral structures, the houses represent different interests with one serving as an upper, the other as a lower, house. Often, upper houses represent a particular class (Britain's House of Lords) or political interest (Germany's *Bundesrat*, which gives subnational

**majoritarianism:** the practice of rule by a majority vote

**plurality:** more votes than any other candidate, but less than half of the total number of votes

**proportional system:** a political system in which legislative seats or offices are awarded based on the proportional number of votes received by a party in an election

**coalition:** an alliance, partnership, or union of disparate peoples or individuals

states direct representation). Lower houses generally represent a state's voters as a whole. Obviously, unicameral parliaments require less bargaining and negotiation than does obtaining the agreement of two legislative houses.

Structures of national leadership also may create variation. In many cases, leadership divides into two offices: head of state and head of government (generally, "government" refers to the prime minister and the cabinet of ministers). Often, heads of state are monarchs (Spain) or presidents (Germany). Typically, heads of state have little real authority and serve a symbolic function. In such cases as France, however, the head of state has important powers and functions. The influence of the president in France leads most to classify it as a semipresidential rather than a parliamentary state.

Selection of the head of government clearly illustrates differences with presidential models. In presidential systems, the voters elect the executive—who generally serves both leadership functions. Conversely, in parliamentary systems elected legislators select or validate elevation of one of their number to the executive office of prime minister (PM). In majoritarian states, PMs most often lead the political party that holds a legislative majority. In coalition states, generally executives serve as head of the largest political **faction** in the coalition, based on number of parliamentary seats. In a few cases, PMs lead a minority group within the legislature, but this is unusual, often reflecting the desire of nongoverning parties to avoid new elections. In such situations, parties outside a government support it through its election (vote of investiture).

As noted, parliaments (generally the lower house if bicameral) approve and install heads of government through votes of investiture. Such votes elevate a member of parliament to lead government. In two-party systems, votes of investiture are almost a formality. In multiparty systems, votes of investiture often follow intense bargaining among coalition members about the division of policy responsibilities in the new government. If unhappy with a PM, or his or her policy decisions, a coalition party may withdraw from the government to force a new round of bargaining or new elections. In such cases, governments seek another parliamentary party to serve in coalition and ensure a majority or, less commonly, seek the support of parties that remains outside of a formal coalition. If neither is possible, the head of government dissolves parliament and calls for new elections, hoping to win enough additional seats to ensure a legislative majority.

### ROLE OF THE PRIME MINISTER

Differing roles for prime ministers create another variation in parliamentary systems. PMs usually lead a majority political party or the largest faction within a coalition. In cases of bicameral parliaments, generally this refers to political divisions in the lower houses, as upper houses do not represent the voters directly.

Traditionally, PMs are primary or first cabinet ministers. In such cases, holders of the office serve simply as especially powerful members of a group of influential ministers. These other ministers, the senior members of government, often represent powerful interests, even competing factions, within a PM's party or coalition, which the executive must satisfy.

More commonly, however, prime ministers now enjoy influence and clout no other cabinet ministers have. Leading both the government and the majority political party or faction, PMs hold numerous formal and informal powers. As the country's dominant political figure, a head of government commands significant authority and attention. The executive representing the country at

**factionalism:** a separation of people into competing, adversarial, and self-serving groups, usually in government

meetings abroad enhances this role. Further, as most legislation comes from the government (versus the legislature in presidential systems), the executive maintains a high profile announcing and building support for proposed policies. Some prime ministers submit to regular parliamentary sessions to explain and defend policies to the political opposition and to voters (e.g., both Britain and Australia televise their PMs' "question time"). Additionally, as party head, the PM shapes party **platforms** and policy preferences and can rely on members to advocate these choices. Finally, in most parliamentary systems the executive can schedule elections early, that is, before the expiration of the government's term. Usually, when a PM calls early elections, it is to take advantage of a surge in favorable public opinion. This was Margaret Thatcher's (b. 1925) strategy following Britain's victory in the Falkland Islands/Islas Malvinas conflict with Argentina in 1983. First elected in 1979, Thatcher remained Britain's prime minister until 1990. Through election timing, the PM may enhance a party's political fortunes. In all, prime ministers enjoy significant traditional and new powers other ministers do not.

At the same time, continuing reliance on party support limits executives' ability to act single-handedly. As political parties, rather than voters, indirectly select PMs through party leadership elections, party members hold great power. Further, unlike in presidential systems, a PM's party, acting alone—even against the wishes of voters—can replace the country's executive if members decide to replace their party head. In such cases, party members (rather than voters) elect a new leader and, thus, a new national executive. For example, at its 1990 leadership election, Britain's Conservative Party failed to reelect Prime Minister Thatcher on the first ballot. She stepped aside and the party eventually elected John Major (b. 1943). By this leadership vote, Major replaced Thatcher as head of government as the Tories still enjoyed a majority (no parliamentary election took place).

Party members may limit executives in another way: If enough of the members of parliament from a PM's party refuse to vote for a major policy bill or any legislation the PM deemed a "vote of confidence," the government may fall. (Germany has a slightly different system, a so-called constructive vote of no-confidence, which brings down a government only by "investing" a new one.) Finally, with multiparty coalitions, members may decide that another political group should lead the government and can force change by ending support for the current executive.

### ROLE OF THE CABINET

In parliamentary systems, heads of government usually make cabinet-level or ministerial appointments. This is unlike presidential systems, in which executives often share appointment power with legislatures (usually, presidents nominate and legislatures **ratify**—or refuse to ratify—nominations). Also, in parliamentary states, cabinet appointees, often known as ministers or secretaries, usually come from legislatures and retain their parliamentary seats while simultaneously holding executive (ministerial) appointments. These dual roles reinforce the fusion of executive and legislature power.

Similar to presidential systems, ministers in parliamentary systems usually are responsible for specific portfolios, for example, the defense, treasury, or interior. Ministers not only serve as the PM's policy advisors in their areas, they also serve as chief administrators for their ministries. As do appointees in presidential systems, parliamentary ministers may find their freedom of action limited by long-term, professional civil servants within their ministries. These

**platform:** a statement of principles or legislative goals made by a political party

**ratify:** to make official or to officially sanction

**GERMAN PRESIDENT HORST KOEHLER SPEAKS TO THE *BUNDESTAG*.** Established in 1991, the legislative *Bundestag*, or parliament, is comprised of 603 members elected every four years who perform a variety of plenary functions. (SOURCE: SEAN GALLUP/GETTY IMAGES)

bureaucrats may have a longer view, a great investment in the status quo, and a remarkable ability to control the information available to their political heads. Depending on this relationship, unelected senior civil servants may limit governments' overall ability to create change.

Outsiders rarely understand the exact process of cabinet decision making. When PMs are limited to a "first among equals" role, collective decision making probably best captures the cabinet dynamic. In states with more presidential executives, many suppose that PMs, by chairing cabinet meetings and offering summaries of group decisions, can direct cabinet outcomes without exercising raw power. Even these leaders, however, seem to rely on the counsel of at least senior cabinet members. At the same time, PMs expect ministers to support any proposal the government advances. This doctrine of collective or cabinet responsibility means that any minister who wants to disagree publicly with the government must resign his or her executive post (but retains any parliamentary seat).

In many cabinets, some ministries are more powerful than others. "Power ministers" generally include defense, finance or treasury, state or foreign affairs, and interior. Those named to these posts often make up an elite subset within cabinets. Their opinions carry greater weight, and executives may rely on and meet with them more frequently than other ministers. In some states, holders

of these positions may be political rivals of the executive, either leading competing factions within their shared party or competing parties within the coalition. In such situations, ministers may become obstructionist, seeking to prevent outcomes they believe voters oppose and for which they wish to bear no responsibility.

As parliamentary systems concentrate power in governments, governments logically use that power to legislate. Thus, the vast majority of bills originate in cabinets and legislatures' contribution is granting approval. In majoritarian states particularly, governments reference a party platform, party papers, and campaign promises in drafting legislation. Since governments and senior ministry staff are main sources of legislation, they are also major targets for **lobbyists**. As a bill's proposal by the cabinet, especially in two-party systems, usually leads to routine approval by the parliament, the government is a valuable source of influence. The fusion of executive and legislative power and the absence of legislative checks found in presidential systems have led to situations in which those seeking specific outcomes have bribed members of government to propose legislation whose passage is almost then assured. Japan's Recruit scandal, in which legislators received stock for favors and which led to Prime Minister Noboru Takshita's 1989 resignation, exemplifies this. With coalition governments, membership of ministers from competing parties may limit such opportunities.

### ROLE OF MEMBERS OF PARLIAMENT

Usually, members of parliament (MPs) not in the cabinet have a reduced role compared to what they might enjoy in more adversarial, presidential systems. This is true even if they belong to the governing party. Further, MPs overall enjoy less independence than their counterparts in presidential states as parliamentary systems foster rigid party discipline. This is especially true in majoritarian states, as in multiparty systems MPs have additional options, which reduce any party's control.

**lobby:** to advocate for a specific political decision by attempting to persuade decision makers

**FAST FACTS**

Iceland has the oldest parliament in the world. The *Althingi* was created in C.E. 930.

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### MARGARET THATCHER

Margaret Thatcher (b. 1925), who served as prime minister of the United Kingdom from 1979 to 1990, was born Margaret Hilda Roberts on October 13, 1925. She studied chemistry at Somerville College, Oxford, and entered politics in 1950. She married Denis Thatcher, a businessman, in 1951 and gave birth to twins, Carol and Mark, in 1953. Elected to Parliament as a Conservative in 1959, Thatcher became secretary of state for Education and Science in 1970. She became Britain's first female prime minister in 1979.

Thatcher was first nicknamed "the Iron Lady" by a Soviet newspaper in 1976, and the phrase quickly became part of her public image. Her policies included reduction of the power of labor, reduction in government spending, privatization of government-owned industries, shrinking of social provision (the welfare state) and lowered taxation. She maintained Britain's historically close relationship with the United States—she was personally very close to President Ronald Reagan—and sent the Royal Navy to retake the Falkland Islands from Argentina in 1982. She won three successive general elections, becoming the longest-serving British prime minister in the twentieth century. Motivated by conservative market ideology, her overall goal, in which she was largely successful, was to change British political culture. In the process she became one of the most divisive figures in recent British politics; late in her term of service she became highly unpopular, and her leadership was eventually challenged from within the Conservative Party. She was forced to resign in favor of John Major in 1990.

Thatcher was titled Baroness Thatcher of Kesteven by the queen in 1992 and entered the House of Lords. In late 2001 she suffered a series of minor strokes. Her husband died in June 2003.

Reflecting this power, parties expect all MP party members to support all proposals. Failure to provide such support can lead to either expulsion from the party or exclusion from its candidate list for the next election. This gives parties the means for enforcing significant discipline, which they argue benefits all members by allowing parties to effectively promote their policies.

As noted earlier, most legislation, certainly all major policy, originates in governments and then moves to parliaments for approval. Governing party control, especially in two-party systems, means that parliamentary passage usually is pro forma. Parliamentary debate may be fiery; party discipline, however, ensures limited effects on outcomes. Even if legislatures hold hearings, their inability to amend bills in any significant way means that they have little reason to investigate topics deeply, interview witnesses or take testimony, common practices in more adversarial, presidential states. In many cases, this discipline extends to actual voting. In Britain, for example, "whips" alert MPs to the time and subject of votes, as well as to the party's position. Receipt of "three-line" whips (so called for the message's three underlines indicating its importance) obligates MPs to attend votes and endorses the party's preferences or suffer its discipline.

Another facet of party discipline derives from PMs' ability to reward loyalty with appointment to government. In return for members' loyalty, they may win governmental office. This increases discipline as a failure to support the government may lead to an MP's removal from executive position or even, in the case of a vote of confidence, to the government's fall. Both these scenarios individually punish errant MPs.

Further highlighting the weakness of legislatures in parliamentary systems, MPs in the minority have little ability to block governmental proposals as long as executives maintain majorities. Instead, the opposition uses parliamentary debates to explain to how it would handle issues and shape policy differently. In some cases, leaders of the opposition create "shadow" governments assigning cabinet positions. This allows the opposition to demonstrate differences. Additionally, through parliamentary debate the opposition can press governments about their choices, although it has little hope, ultimately, of halting passage of legislation.

## ASSESSMENT

Many who are accustomed to presidential states may see parliamentary systems as lacking the safeguarding checks and balances between executive and legislative branches. They might also question the democratic nature of a system that reduces the policy-making role of most of those whom voters have elected to assemblies. Alternately, those living under parliamentary systems often find that governments can act decisively and coherently, without the compromises and trade-offs required by presidential systems. Supporters of parliamentary systems also may see the primary role granted to majority parties as reflective of the will of the majority of voters. Voters elect parties based on their campaign platforms and policy pledges; under parliamentary systems, governments have few excuses for failure to fulfill those promises, ensuring greater accountability to the voters.

This discussion of parliamentary states, however, relies on a majoritarian model. With coalitions, the need for compromise may lead to situations of governmental stalemate and inaction as, to maintain coalitions, PMs must make decisions that satisfy all members. Thus, while coalition governments in parliamentary systems may most accurately reflect the will of the voters, they reduce member parties' ability to enact their campaign pledges. Finally, advocates of

parliamentary systems note that they promise the ultimate check: Legislators can bring down governments at any time. This offers protections against abusive governments that presidential systems, with only periodically scheduled elections, cannot.

*See also:* Bicameral Parliamentary Systems; Majoritarian Party Systems; United Kingdom.

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## Peacekeeping Forces

Peacekeeping, strictly speaking, is a noncombat military operation deployed with the consent of the major parties to a conflict to monitor or facilitate the implementation of a cease-fire agreement. The United Nations (UN) established its first peacekeeping mission in May 1948 to supervise the truce in Palestine. Since then, the term "peacekeeping operations" (or peace operations) has come to refer also to a wider variety of interventions. Peacekeeping operations more broadly understood are carried out by UN or multilateral forces (such as those of the North Atlantic Treaty Organization, NATO) with the purpose of facilitating the establishment and maintenance of peace in a situation of conflict. In the early twenty-first century peacekeeping missions might be deployed to maintain a cease-fire, to assist in the maintenance of a comprehensive settlement, or to protect the delivery of humanitarian assistance. Examples of peacekeeping forces include the United Nations Operation in Côte d'Ivoire deployed in April 2004, the NATO-led Kosovo Force deployed in June 2002 under a UN

mandate, the NATO-led International Security Assistance Force deployed in Afghanistan in January 2002, the United Nations Support Mission in Haiti established in July 1996, and the United Nations Assistance Mission for Rwanda established in August 1993. Although peacekeeping is most often carried out by UN forces or under UN authorization, regional organizations may also lead such operations. Examples include the intervention of the Ceasefire Monitoring Group of the Economic Community of West African States (ECOMOG) in Sierra Leone in 1997 and 1998 and efforts since 1996 to establish a peacekeeping force within the Southern African Development Community.

Peacekeeping can be separated into two eras, roughly divided by the end of the Cold War in 1989. In contrast to traditional peacekeeping, second-generation peacekeeping missions are characterized by broader mandates, sometimes in the absence of negotiated settlements, and often involve civilian and police components, as well as military forces. The post–Cold War **proliferation** of intrastate or civil wars, many between ethnic **factions**, also has marked second-generation peacekeeping operations, the majority of which have been deployed in intrastate conflicts. Another change has been a rise in the number of peacekeeping operations. Although the UN deployed just eighteen missions between 1948 and 1990, it established almost double that number in the 1990s alone. The trend toward more extensive demands on peacekeeping forces only seems to be increasing. Since the September 11, 2001 terrorist attacks, there has been intense international focus, especially by the United States, on reconstruction and nation building in weak states considered to be dangerous havens for international terrorists. Thus, 2001 and subsequent U.S.–led actions in Afghanistan and Iraq may mark another major era in postconflict peace building.

**proliferate:** to grow in number; to multiply at a high rate

**factionalism:** a separation of people into competing, adversarial, and self-serving groups, usually in government

### TRADITIONAL PEACEKEEPING

The UN deployed the first two peacekeeping observer missions in the late 1940s, to Palestine and to India and Pakistan, but it was not until the 1956 Suez Crisis that it deployed its first force-level peacekeeping operation. The role of the UN Emergency Force (UNEF I) was first to supervise the withdrawal of French, Israeli, and British troops from Egyptian territory, and then to supervise the cease-fire and serve as a buffer between Egyptian and Israeli troops. The principles of peacekeeping established in UNEF I by then UN Secretary-General Dag Hammerskjöld (1905–1961) and Canadian diplomat Lester B. Pearson (1897–1972) have marked all subsequent missions. These include the need for consent by the parties to the conflict; the use of force only in self-defense; impartiality and nonintervention; troop contingents composed of voluntary forces from small, **neutral** countries; and control of day-to-day operations by the secretary-general.

**neutrality:** the quality of not taking sides, as in a conflict

UNEF I's success in facilitating the withdrawal of French and British troops from Egypt set high expectations for future missions and marked the beginning of an "assertive" period in peacekeeping, which lasted from 1956 until 1967. During this period, the UN deployed missions in Lebanon, the Republic of Congo, West New Guinea, Yemen, Cyprus, the Dominican Republic, and India-Pakistan. Enthusiasm over peacekeeping, however, was not to last. Two events in the 1960s underscored its limits. The first was the Congo crisis. Responding to the new Congolese government's request for technical assistance and help with the establishment of law and order, the UN first deadlocked on the mission's authorization. The debate then turned to operational issues, and some member states—including the Union of Soviet Socialist Republics (USSR) and France—refused to pay their regular financial assessments. Citing Article 19 of

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## UN EMERGENCY FORCE (UNEF 1)

In the late fall of 1956, deteriorating relations between Egypt and Israel in the region of the Suez Canal gave rise to the first peacekeeping force in the history of the United Nations. The United Nations Emergency Force, or UNEF 1, was the brainchild of the Secretary-General of the United Nations Dag Hammarskjöld (1905–1961) and the Secretary for External Affairs of Canada, Lester Pearson.

Strictly accountable to either the General Assembly or the Security Council of the United Nations, or both—rather than to any one nation—and staffed by recruits from nations around the world, UNEF 1 was unlike any other peacekeeping force. While the force was initially designed only as a temporary measure necessary to secure peaceful conditions, the presence of UNEF 1 forces helped to stabilize one of the world's most volatile regions for over a decade. In 1967, however, Israel refused to accept the presence of UNEF forces on Israeli soil, and the Egyptian government also withdrew its consent, forcing the United Nations to cease peacekeeping operations in the area.

the UN Charter, the United States, in turn, attempted to put forward a motion disallowing the USSR's vote, a move that threatened the USSR's withdrawal from the UN. The Congo crisis thus highlighted the key problem of peacekeeping during the Cold War: the lack of agreement on security issues among the five permanent members of the Security Council (the United States, USSR, United Kingdom, Republic of China, and France).

A second key event was the withdrawal of UNEF I from Egyptian territory in May 1967. Following tensions in the region, the Egyptian government decided that it no longer wanted foreign troops in its territory and Gaza. Abiding by the principle of consent of the parties and failing to convince Israel to allow forces to be deployed on its side of the border, the UNEF withdrew. Shortly thereafter, on June 5, war commenced between Israel and its Arab neighbors, Egypt, Jordan, and Syria, highlighting the fragility of the peace that UNEF I had kept for the last decade without addressing the root causes of Israeli-Egyptian hostilities.

In the 1970s peacekeeping forces were deployed in only three UN operations (in the Middle East, the Golan Heights, and Lebanon). No new missions were deployed in the decade after 1978 until the 1988 deployment of forces in Afghanistan and Pakistan and in Iran and Iraq.

### SECOND-GENERATION PEACEKEEPING

In the late 1980s events in southern Africa called for peacekeeping both in Angola and Namibia. The mission in Namibia, in particular, was a milestone as the UN's first "multidimensional" peacekeeping operation. Established in 1989, the United Nations Transition Assistance Group (UNTAG) was charged with ensuring Namibia's independence from South African occupation and creating the conditions for free and fair elections. The mission was composed of civilian, military, and police components, whose work included dismantling the South African military structure in Namibia, monitoring a cease-fire between SWAPO and South African forces, negotiating a Code of Conduct for the elections, holding regular meetings with political actors at all levels, monitoring the South West African Police, and keeping Namibians informed of the transition process through radio and television broadcasts and other media.

The end of the Cold War also signaled a major change in attitudes toward peacekeeping. It was a time of both increased demands and expectations. On the one hand, the dismantling of the Soviet empire prompted new conflicts in the former Yugoslavia and elsewhere that called for international action. On the other, the end of the Cold War suggested an end to the debilitating divisions on security issues in the UN Security Council that had crippled pre-1989 peacekeeping efforts. In 1992 UN Secretary-General Boutros-Boutros Ghali's (b. 1922) *An Agenda for Peace*, mapped out a plan to strengthen and improve the UN's capacity for maintaining world peace. Most notably, the *Agenda* extended the range of peacekeeping, discussing not only traditional peacekeeping, but also preventive diplomacy, peacemaking, and postconflict peace building. That year the international community undertook three of the largest and most complex peace operations to date in the former Yugoslavia, Cambodia, and Somalia. The successes and failures of these missions have marked subsequent peacekeeping doctrine.

Initially established in March 1992 to ensure demilitarization in designated areas of Croatia, the mandate of the UN Protection Force (UNPROFOR) was later extended to include the delivery of humanitarian assistance in Bosnia and Herzegovina and preventive monitoring in the Republic of Macedonia. In 1994 UNPROFOR was joined by NATO forces that provided air support in Bosnia and

**A FRENCH PEACEKEEPER CONFERS WITH NORWEGIAN MEMBERS OF A UN-LED SUPPLY CONVOY IN SARAJEVO, BOSNIA AND HERZEGOVINA IN 1995.** During the Bosnian Civil War (1992–1995) the city of Sarajevo saw the deaths of about 10,500 residents along with thousands who were wounded. UN convoys delivering supplies to those in need faced dangerous conditions. At times, they were attacked, and their trucks were destroyed. (SOURCE: AP/WIDE WORLD PHOTOS)

Herzegovina, eventually breaking the four-year siege of Sarajevo by Bosnian Serb forces. Under the December 1995 peace agreement among Bosnians, Croats, and Serbs, authority for the peace operation was transferred from UN peace forces to the NATO-led Implementation Force (IFOR). Transfer of territory between Bosnian entities and demobilization were undertaken early the following year. IFOR also was charged with facilitating civilian and political reconstruction, including projects as extensive as the rebuilding of roads.

In Cambodia, peacekeeping forces were charged with ensuring the implementation of the Comprehensive Settlement on the Cambodian Conflict signed in October 1991. Under this settlement, the UN was granted unprecedented power in the establishment of the Transitional Authority in Cambodia (UNTAC). The four major Cambodian factions delegated to the UN all powers necessary for the implementation of the agreements, including the control and supervision of the civil administration and responsibility to organize the elections, through which the

country could choose its own leaders. Despite some questions raised about UNTAC's neutrality with regard to different political parties, the mission overall was successful. Established in February 1992, UNTAC withdrew on schedule in September 1993.

By contrast, the intervention in Somalia, a humanitarian success but a military and political failure, highlighted the problems associated with complex peace building. Following the ouster of Somali President Mohamed Siad Barre (1919–1995) in 1991, civil war had broken out. In April 1992 the UN Observer Mission in Somalia (UNOSOM I) was established to protect the delivery of humanitarian assistance and to monitor the cease-fire in Mogadishu. Continued fighting and insecurity, however, prompted enlargement of its mandate to include peace-building. In December, it was joined by the U.S.–led United Task Force (later, UNOSOM II), a force of over thirty thousand troops from twenty-four countries, charged with securing the environment for humanitarian assistance. After continued clashes with Somali militias, including an attack on a group of Pakistani peacekeepers, UNOSOM II began a sustained effort to capture and arrest **warlord** Mohamed Farah Aideed (d. 1996) for his role in the attacks. The "hunt for Aideed" raised questions about the neutrality of the occupying forces, prompting further hostility against the peacekeepers. On October 3, 1993, eighteen U.S. Rangers were killed in Mogadishu. The incident shocked Americans back home, precipitating U.S. withdrawal.

Escalating involvement in Somalia came to be known as "mission creep" or the "Somalia syndrome," and the legacy of Somalia has been a reluctance, especially on the part of the United States, to engage in further peacemaking operations. Many observers note this legacy as one reason for the UN's failure to act to prevent the Rwandan genocide in 1994. Prior to the genocide, UN peacekeeping forces were deployed in Rwanda in September 1993 to implement the Arusha Peace Agreement, but throughout the following months as UN officers warned of the impending violence, UN officials failed to extend the mission's limited mandate. There is a heated debate among observers over just how effective peacekeeping forces could have been in preventing the genocide, but the fact remains that the UN and the United States stood by, with the United States avoiding the use of the term "genocide" so that it would not be obliged to act, and the UN withdrawing forces even amidst the killing. The UN's own critical evaluation of its role in the Rwanda tragedy highlights many key failures.

In the 1990s peacekeeping forces also were deployed in other conflicts around the world, in Africa (the Aouzou Strip, Angola, Central African Republic, Democratic Republic of the Congo, Liberia, and Sierra Leone), Asia (Tajikistan and East Timor), Europe (Eastern Slavonia, Baranja and Western Sirium, Kosovo, and Prevlaka), and Latin America and the Caribbean (Haiti, Guatemala). Two of these operations, in particular, illustrate the new broader nature of post–Cold War peacekeeping: the UN **Interim** Administration Mission in Kosovo (UNMIK) and the Transitional Administration in East Timor (UNTAET). In Kosovo, the UN-led international civil operation established in June 1999 was vested with authority over legislative and executive powers, and over the administration of the judiciary, undertaking a massive effort involving humanitarian assistance, civil administration, **democratization** and institution building, and reconstruction and economic development. In East Timor, UNTAET was established in October 1999, to assist in the transition to independence following a UN-organized **referendum** ("popular consultation") on East Timorese status. In carrying out this task, UNTAET, like the Kosovo mission, exercised unprecedented **sovereign** authority.

As the responsibilities of peacekeeping continued to grow in the post–Cold War era, it became clear that demands were far outstretching organizational

**warlord:** a leader, usually over a small region, who governs by military force

**interim:** for a limited time, during a period of transition

**democratization:** a process by which the powers of government are moved to the people of a region or to their elected representatives

**referendum:** a popular vote on legislation, brought before the people by their elected leaders or public initiative

**sovereignty:** autonomy; or, rule over a political entity

capacities. In 2000, therefore, UN Secretary-General Kofi Annan (b. 1938) commissioned a group led by Ambassador Lakhdar Brahimi (b. 1934) to write a report on reform. The Report of the Panel on United Nations Peace Operations, the so-called Brahimi report, **enumerated** twenty-one broad recommendations, based on a "holistic" approach to conflict emphasizing the links between poverty, development, and war. Key among the recommendations were the need for more integrated responses and related organizational reforms, including better communication between the secretary-general and the Security Council. Echoing one of the oft-cited lessons of the Rwandan crisis, the report stated that "the Secretariat must tell the Security Council what it needs to know, not what it wants to hear, when formulating or changing mission mandates" (United Nations 2000).

**enumerate:** to expressly name, as in a list

As the implementation of the Brahimi report began, the international community was shaken by the terrorist attacks of September 11, 2001. In the aftermath U.S.-led military forces ousted the Taliban **regime** in Afghanistan, seen as a base for international terrorist operations. In December 2001 the process of rebuilding Afghanistan began with the signing of the Bonn Agreement, which established an Interim Afghan Authority. The interim authority in this case, however, in which Afghans would take the leading role, was much more minimal than in either the Kosovo and East Timor models. Under the Agreement, the UN also authorized the deployment of the International Security Assistance Force (ISAF) to maintain security in Kabul. The "light footprint" approach of the UN in Afghanistan also is evident in that peacekeeping forces were not deployed outside of the capital, even though many observers saw them as necessary to ensure the much-needed delivery of humanitarian assistance. Following U.S.-led military action in Iraq, the UN was again called on, this time to manage the transition to Iraqi self-government, beginning on June 30, 2004.

**regime:** a type of government, or, the government in power in a region

## CHALLENGES OF PEACEKEEPING

Peacekeeping forces face a variety of challenges. The first is the decision to intervene. Traditionally, peacekeeping operations have been deployed only in situations where the parties to the conflict have signed a cease-fire agreement and requested assistance. This rule was relaxed in the post–Cold War era as more extensive peacemaking and peace-building operations were undertaken under Chapter VII of the UN Charter. One of the lessons of the 1990s, underscored in the Brahimi report, is that peacekeeping operations, while they can be incredibly effective in some tasks such as ensuring the provision of humanitarian assistance, cannot be expected to build peace in all conflict situations. There are limits to peacekeeping imposed by the complexities and rigors of war, as well as by the resources available to specific missions. Financing is another key and related problem for peacekeeping, which has become more acute as the mandates of peacekeeping missions become more complex. The budget for UN peacekeeping in 2003 and 2004 reached U.S.$2.17 billion. While refusing to provide adequate funding for peacekeeping missions, some member states blame the organization for resulting failures.

"Imperfect as it is, the UN is a last hope in many conflicts. If it does not act, who will?"

In the Afghanistan and Iraq crises, the UN's response of recommending more minimalist UN involvement reflects these challenges. Yet while it makes sense for the UN to be cautious in undertaking peacekeeping operations for which it has insufficient support, this response is problematic. Imperfect as it is, the UN is a last hope in many conflicts. If it does not act, who will?

A related challenge is the construction of an appropriate mandate, the basis of any peacekeeping operation. A mandate must be both clear and realistic, specifying what the mission is to accomplish and the rules of engagement. It also must sometimes be adjusted to respond to the changing nature of a conflict, as the Rwanda crisis illustrates, while at the same time not falling victim to "mission creep."

The configuration and equipping of the peacekeeping force are a further challenge, especially important in missions involving combat. UN peacekeeping forces may be composed of contingents of troops from dozens of different countries with little experience working together. For this reason, regional contingents that are more rapidly deployed and better organized may be better placed to respond to crises, either directly or under UN authorization.

Finally, one of the most difficult challenges of contemporary peacekeeping is the maintenance of impartiality and legitimacy. The Somali case illustrates this issue well. It is no easy task, especially in weak or failed states such as Afghanistan where basic institutions are nonexistent or lack legitimacy. The importance of impartiality in peacekeeping further underscores why the United States, the occupying power in Iraq, was especially ill-equipped to oversee the transition back to self-government.

Given the increasing number and scope of peacekeeping operations since the Cold War, the burden of these challenges has only grown since 1989. If 2001 marked the beginning of a new era of nation building, they will grow further still.

*See also:* Somalia; United Nations.

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## Peru

Peru is located on the northern Pacific Coast of South America, bordered by Ecuador, Colombia, Brazil, Bolivia, and Chile. Its territory of roughly 1.3 million square kilometers (501,934 square miles) is divided into three regions: the more economically developed arid coast, the mountainous highlands (the center of the pre-Columbian civilizations), and the eastern tropical lowlands. The lowlands account for only about 10 percent of the population, but contain roughly two-thirds of the country's landmass. According to a 2002 estimate, the country's 26.5 million inhabitants included a mixture of European, Amerindian, Asian, and African ancestries. Amerindians and mestizos (mixed European and Amerindian) constituted 42 and 37 percent, respectively, of the population.

In Peru racial classifications are as much cultural as genetic. For much of the nation's independent history, individuals moved among categories, generally toward the more privileged mestizo or white classes, by improving their economic positions and adopting the lifestyle and language of the group to which they aspired. Movement in the other direction is less common. It reportedly occurred in the colonial period during times of economic hardship, and since the last decades of the twentieth century some mestizos have reasserted their indigenous identity.

### HISTORY

Peru was colonized by the Spanish in the sixteenth century. Its mineral wealth and ample supply of indigenous labor made it one of Spain's most valued **viceroyalties** in the New World. It had previously been the center of a series of dynamic and complex Amerindian civilizations. The last of these, the Incas, conquered an empire that extended into what, in modern times, is Ecuador to the north, and to the south, the northern reaches of Chile. Beset by internal conflicts, the Incas quickly fell to the Spaniards who replaced them as the masters of the **subjugated** peoples. Disease and harsh working conditions rapidly decimated the indigenous population and encouraged the adoption of still harsher policies to ensure access to the native workforce. Individual colonists received legal claim to much of the inhabited territory, thereby enhancing their control over the supply of labor located in the Andean highlands.

The principal Spanish settlements, including the new capital, Lima, were in the more hospitable coastal region. This facilitated communication with the outside world, but weakened contacts with the interior, forcing a dependence on intermediaries, indirect controls, and parallel institutions to link the old and new population centers. Thus, although the Spanish brought their formal institutions with them, outside the urban areas, traditional practices and the will of the local *cacique* (boss), either the large landowner or his resident manager, were the effective government until well into the twentieth century.

Peru achieved independence from Spain in 1824. Until the 1870s, when the first civilian president was elected, civil wars and a series of transitional governments left Peru in a state of turmoil. Periods of constitutional government then alternated with military and civilian dictatorships until the mid-twentieth century. Typically, the military intervened at the request of traditional elites to protect them from popular unrest. Economic growth during these decades followed a boom-and-bust pattern, with the booms based on international trade in single commodities (rubber, nitrates, oil, fishmeal, etc.). This heightened the economy's vulnerability to fluctuations in world markets and also contributed to an extremely unequal pattern of income distribution that persisted. As of 2003,

**viceroy:** one who governs a territory as the representative of the monarch

**subjugate:** to force into submission

(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

**interregnum:** the period of time between the reigns of two successive monarchs

**nationalization:** the process of giving control or ownership of an entity to the government

**coup:** a quick seizure of power or a sudden attack

**factionalism:** a separation of people into competing, adversarial, and self-serving groups, usually in government

50 percent of the population remained under the poverty line. The most severe poverty was concentrated among indigenous groups in the rural highlands and migrants to urban areas.

Peru's political history since the mid-twentieth century has been relatively chaotic. General Manuel Apolinario Odría Amoretti (1897–1974), who seized power in 1948 and was then elected to office, was followed by two civilian presidents: Manuel Prado Ugarteche (1889–1967) between 1956 and 1962, and Fernando Belaúnde Terry (1912–2002) from 1963 until 1968. A brief military **interregnum** between the two set the stage for a major military intervention in 1968. Remaining in power until 1974, the first "revolutionary" phase of government broke with the military's traditional identification with the elite. It attempted to transform the country through the **nationalization** of major industries and services, a massive land redistribution program, worker participation in industrial management, recognition of Indian rights, and elimination of traditional political structures (political parties, the Congress, all elections). After military leaders drove the country into economic collapse and debt, an internal **coup** replaced them with a more moderate **faction**. Under the leadership of General Francisco Morales Bermúdez (b. 1921), the second phase of government promised to return the country to civilian control under a new constitution (promulgated in 1979).

Civilian control resumed in 1980, but economic and political problems continued. They were aggravated by an internal terrorist movement, *Sendero Luminoso* (the Shining Path), the growing importance of drug trafficking, and the collapse of the fishmeal industry. Conditions worsened under the next three elected presidents: the reelected Belaúnde, Alán García Pérez (b. 1949), and Alberto Fujimori (b. 1938). In 1992, two years into his constitutional term, Fujimori staged a self-coup. He suspended the Congress, proposing to rule by executive decree until a new constitution could be instituted (which occurred in 1993). Fujimori's early successes in defeating the terrorist groups, ending hyperinflation, and restarting economic growth resulted in his general popularity and re-election in 1995. However, his repressive control, disregard for the constitution and the law, and the increasing evidence of his administration's corruption, human rights abuses, and financial mismanagement brought about the collapse of his third presidency in late 2000. Fujimori fled into exile in Japan, protected by his dual Japanese-Peruvian citizenship.

An **interim** government, headed by Valentín Paniagua (b. 1936), was followed by the election of Alejandro Toledo (b. 1946) in 2001. Toledo had a rocky first three years. He successfully managed the economy, producing one of the few positive growth rates in the region. Nonetheless, such accomplishments did not reduce the high rate of unemployment or meet the expectations of his supporters among the poor. By mid-2004, his popularity had plummeted to 6 percent, and observers wondered whether he would finish his term.

**interim:** for a limited time, during a period of transition

## STRUCTURE OF GOVERNMENT

Peru has a constitutional government, based on its fifth constitution in the last century. All governments have concentrated powers in the executive (president). The formerly bicameral Congress became **unicameral** with the 1993 constitution. The constitutions recognized three principal branches of government, with a series of other entities (Public Ministry, Human Rights **ombudsman**, Electoral Board, Comptroller) accorded autonomous status. The government is unitary, but since the early 1920s there have been repeated efforts to create elected departmental or regional governments. The reform underway in the early twenty-first century would make the regions coterminous with the nation's twenty-four departments and one constitutional province, each with an elected assembly and executive. The unresolved point of contention remained how much of the public budget these regions should manage. In 2003 Peru's public budget was among the most **centralized** in the region.

**unicameral:** comprised of one chamber, usually a legislative body

**ombudsman:** a government official that researches the validity of complaints and reports his findings to an authority

**centralize:** to move control or power to a single point of authority

Despite the dictatorial inclinations of Fujimori, its sponsor, the 1993 constitution added some theoretical limitations to the president's powers. He or she may still declare states of emergency, but there are now strict time limits for their duration, and any extension must be approved by Congress. The Congress can challenge sitting ministers and demand their resignation with a simple majority vote. Congress can also censure and force the resignation of the entire cabinet. After two such actions, the president must suspend the Congress and call for new legislative elections. Congress may **delegate** legislative powers to the executive, but must specify time limits and areas for their exercise. Once Congress has enacted a law, the president may request reconsideration, but Congress can override his or her objections with a simple majority vote. Although Congress must approve the budget, if it fails to do so, the executive budget goes into effect by default. The 1993 constitution also severely limits congressional ability to create or increase budgetary expenditures.

**delegate:** to assign power to another, or, one who represents another

**unilateral:** independent of any other person or entity

**judicial review:** the ability of the judicial branch to review and invalidate a law that contradicts the constitution

**ordinary court:** a court that hears civil cases, especially in the United Kingdom

**litigate:** to bring a disagreement or violation of the law before a judge for a legal decision

**compulsory:** mandatory, required, or unable to be avoided

**tenure:** the right to hold land, position, or status over the long term, or the act of doing so

The executive nonetheless remains the center of power. The president selects his or her own cabinet, and members serve at the president's pleasure, unless censured by the Congress. There is a prime minister, but he or she is selected by the president and lacks any special powers. The number and identity of ministries have changed frequently, reaching an all time high under the military **regime** that ruled from 1968 to 1980. Under Fujimori, government jobs and the number of ministries declined. During the 1990s two centers of executive power existed: the Ministry of the Presidency and the Ministry of Economy and Finance. At one point, they jointly controlled over half the budget. Under Toledo some effort was made to reverse this trend, but in 2005 it remained pronounced. Another result of the 1990s was the creation of a series of semiautonomous agencies (a tax agency, regulatory bodies, and social development funds) exempt from the usual rules for employment and oversight. As they were in the end used abusively, there has been some effort, not entirely successful, to reverse their exceptional status. One agency in particular, the National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI), assumed functions formerly held by the judiciary, in overseeing laws related to antitrust, antidumping, and other noncompetitive practices, bankruptcies, and consumer complaints. Although generally regarded as a success, it, like the tax agency, **unilaterally** exempted its rulings from **judicial review** except at the Supreme Court level.

Peru's legal system follows the civil law tradition, but has evolved in its own idiosyncratic fashion. The judiciary has grown and become considerably more complex since the 1980s. Continued political interventions, by both constitutional and de facto regimes, have kept its public image low and its performance unsatisfactory. The judiciary is made up of a Constitutional Tribunal, the **ordinary courts** headed by a Supreme Court also responsible for their governance; a National Magistrates Council, since 1993 charged with selecting judges and prosecutors; and a separate judicial academy (which trains prosecutors). After their elimination during the military regime, the court officials responsible for prosecution were reorganized into a separate Public Ministry. Government **litigation** is handled by legal offices affiliated with each ministry and other government bodies. Under the supervision of the Ministry of Interior, the police belong to a single national organization following the fusion of three separate forces in the mid-1980s. The Ministry of Justice manages the prison system; it also runs the small public defense service, finances popular legal clinics providing advice to poor clients, and oversees a new program of **compulsory** pretrial mediation of civil claims.

Public complaints about the justice system focus on corruption, delays, lack of access, and excessive formality. As access to the ordinary judiciary requires legal representation, most of the poor rely on the nation's 4,600 lay justices of the peace, since the mid-1990s elected by their own communities. These officials receive no salaries, but are technically under court supervision. Poor recordkeeping has made it impossible to accurately estimate delays. Corruption, a long-term problem, increased dramatically under the Fujimori government. Vladimiro Montesinos (b. 1945), a special advisor to the president, organized networks of judges to handle cases of interest to him or the government. Montesinos's hand was strengthened by the mass firing of judges and prosecutors conducted in 1992, and their replacement with temporary appointees who lacked secure **tenure**. Although the pretext for the dismissals was rampant corruption, the government also removed anyone likely to challenge its authority. In 2003 the courts and Public Ministry enjoyed significant independence, but questions as to the integrity of their members, many appointed during the Fujimori period, persisted. In terms of regional surveys of public confidence in the justice system, Peru has usually occupied one of the lowest rankings.

## CITIZEN RIGHTS, PARTICIPATION, AND ELECTORAL POLITICS

Peru's 1979 constitution was typical of the historical period in its inclusion of a multitude of first-, second-, and third-generation rights, and its definition of the state's duty to provide them. A more neo-liberal philosophy characterized the 1993 constitution. Political and civil rights include the right to life, security, and property; freedom of movement, association, religion, and expression; protection from unlawful searches; trial before an impartial judge; and the right to a defense. In the early twenty-first century social and economic rights are more commonly viewed as freedoms rather than tangibles guaranteed by the state. The constitution also recognizes the individual's right to his or her own ethnic and cultural identity, as well as the multiethnic and multicultural identity of the nation. It has granted official status to indigenous languages in addition to Spanish. Indigenous communities are afforded legal recognition and the right to maintain their own practices, including those related to legal issues, within their territories.

The constitution expands the mechanisms through which citizens may access their rights—adding to the traditional writs of **habeas corpus** (guaranteeing freedom of movement) and *amparo* (guaranteeing all other individual rights), *habeas datum* (ensuring access to information from public entities), the action of unconstitutionality (calling for the review of existing and proposed laws), the popular action (protesting regulations, administrative norms, and decrees), and the action of compliance (forcing an official to do something required by law). Individuals can initiate the first three kinds of legal proceedings, with a hearing before any judge with an optional final review by the Constitutional Tribunal. The other proceedings are reserved for the Constitutional Tribunal, and laws have limited who may request them. In general, the human rights situation has improved substantially since Fujimori's regime. However, given the delays incurred in most judicial proceedings, there has been a growing tendency to constitutionalize issues and resort to an *amparo* to make complaints.

**habeas corpus:** a written order to determine whether one's detention or imprisonment is lawful; Latin for "you shall have the body"

*amparo*: a legal action or law that offers protection of rights

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### ALBERTO FUJIMORI (B. 1938)

Alberto Fujimori was born on July 28, 1938 in Lima, Peru to Japanese Buddhist parents and raised as a Spanish-speaking Roman Catholic. He earned degrees from National Agrarian University and the University of Wisconsin, Madison. Although he had little political experience prior to the presidency, he was the host of a popular political television talk show.

Fujimori successfully ran for president of Peru with the Change Party in 1990 on a populist platform, the first Japanese to hold the highest political office in a country other than Japan. He took office in an economic recession and his presidency was successful for the first few years, particularly in reestablishing civil stability. Ultimately, however, his program of economic privatization and liberalization benefited few. Fujimori carried out what was called an *autogolpe* or "auto-coup" in 1992, dissolving the legislature and having a new constitution written that allowed him to rule in an increasingly autocratic manner. He was reelected to another five-year term in 1995. His estranged wife, Susana Higuchi, spoke out against his administration's corrupt practices, and their daughter Keiko, one of the couple's four children, took over many of the duties of first lady.

After the exposure of the corruption, drug trafficking and extralegal political activities of his closest associate, intelligence chief Vladimiro Montesinos (b. 1945), and corruption charges ranging from fraud to assault to kidnapping to murder were credibly leveled against him, Fujimori resigned in 2000 and fled to Japan, which granted him citizenship and has refused to extradite him. He was banned from political office in Peru in 2001, but announced in 2005 his intention to run for the presidency again in the 2006 elections.

Constitutional cases are also beginning to question many of the laws and actions dating from the Fujimori period, especially the mass dismissals of public servants, including judges and employees of state enterprises, and some economic policies. As the public was never fully supportive of the administration's neo-liberal bent, especially as it affected terms of employment and cutbacks in public services, there has been a push to reverse it under the post-Fujimori governments. The efforts to investigate corruption, current as well as under Fujimori, have been less successful. Two primary obstacles exist: the Public Ministry's lack of preparation and resources for the necessary investigations, and the resistance of many citizens, including some serving in government, to bringing the facts to light.

One positive legacy of the 1968 military coup was the mobilization of masses of citizens who had never enjoyed political rights. Literacy is no longer a requirement for the vote and, most important, citizens expect more from their government. The downside has been the severe restriction of political participation and political parties for most of the past forty years. With the exception of the Popular American Revolutionary Alliance (APRA), a party founded in the 1920s, but **persecuted** for much of its early history, none of Peru's traditional parties have survived. The new generation, including President Toledo's *Peru Posible*, has little in the way of base organization or control over membership. Electoral alliances among parties are wholly opportunistic and thus not a good foundation for sound governance. Peruvian citizens seem to have lost faith in their politicians and are increasingly inclined to vote for outsiders. Interest in elections and voter turnout nonetheless remain high, especially for national contests, if only out of a desire to replace the worst political offenders. Governability, as the capacity to transfer power to officials who will produce reasonable policies and programs, is Peru's challenge in the early twenty-first century. It will not be easily met in a country that has such a diverse population with so many different, but pressing, needs.

*See also:* Constitutions and Constitutionalism; Political Corruption; Presidential Systems.

**persecute:** to belittle, harass, injure, or otherwise intimidate, especially those of a different background or group

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*Linn A. Hammergren*

# Philippines

The Republic of the Philippines lies between the South China Sea and the Philippine Sea. It consists of 7,107 islands, with a total land area of 299,536 square kilometers (115,651 square miles). Seas and mountain ranges fragment the country geographically. It has a very tropical climate, and two seasons: wet and dry. In 2003 the Philippines had a population of 80 million people who largely resided on eleven major islands. Most of the inhabitants were Christian Malays (91.5%), with Muslims (4.0%) and Chinese (1.5%) comprising the other major groupings. The capital of the Philippines is Manila. At approximately $4,600, in 2003 the Philippines' per capita income was about the same as that of China and El Salvador.

## POLITICAL HISTORY

The Philippines' native sociopolitical system was organized around familial relations. The basis of leadership was the possession of certain attributes that were esteemed by the community: courage, wisdom, or strength. Political power essentially was personal leadership affirmed by the local community.

Communities were scattered all over the islands, and fragmentation made it easy for Spanish colonizers to take political control over the islands through a series of military offensives, begun by Ferdinand Magellan (1480–1521) in 1521. The Spaniards consolidated their rule through the power of the sword and the cross. They imposed the Hispanic sociopolitical structure on the natives, introduced Christianity, and eventually extended their domination over most of the archipelago.

**archipelago:** a chain of islands in close proximity to one another

Short on manpower, the Spaniards co-opted the local elite to fortify their political dominance. The ruling families were granted generous land grants, which dismantled the native notion that land could not be owned but only used and shared. In effect, the grants also divided society into the "haves" (landowners) and the "have-nots," a bitter division that still existed in the early twenty-first century.

Supportive native chieftains also were rewarded with political positions under the colonial order. This essentially shifted the basis of local political leadership, in that it was no longer based on the affirmation of the native community, but was now derived from the approbation of foreign authorities.

The Muslims in the southern part of the Philippines were more successful at resisting the foreign invaders. Filipino Muslims are proud of not being subjugated by the Spaniards, compared to their counterparts in the north. This Muslim-Christian divide became a considerable obstacle to Philippine nation building.

**subjugate:** to force into submission

An elite-led revolution challenged Spanish domination in 1896. It was driven by the realization of the Filipino middle class that effective political equality and social equity can never be realized in a colonial setup. On June 12, 1898, the revolutionaries proclaimed an independent Philippine Republic. A basic charter established a parliamentary system of government, headed by a president who was selected by an assembly.

However, the Philippine revolution was overtaken by global events. The uprising coincided with the Spanish-American War in 1898. The hostilities ended with the Treaty of Paris, which ceded the Philippines to the United States. The Americans had to subdue fierce local opposition in the Philippine-American War of 1899 to 1902 before they were able to have effective claim over the archipelago.

**cede:** to relinquish political control of lands to another country; surrender

**PHILIPPINES**

(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

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**governor-general:** a governor who rules over a large territory and employs deputy governors to oversee subdivided regions

**commonwealth:** a government created to advance the common good of its citizens

**ideology:** a system of beliefs composed of ideas or values, from which political, social, or economic programs are often derived

The country initially was placed under a military government. Shortly thereafter, the reins of power were transferred to a civilian **governor-general**. The Filipinos were allowed some representation in governing their own country through the formation of a unicameral Philippine Assembly in 1907 and a bicameral Legislature (Senate and House of Representatives) in 1916. Public education was introduced, giving the Filipinos a considerable degree of literacy, something denied to them by the Spaniards. Among other things, Filipinos received "instruction" on the benevolence of their colonizers and the excellence of American culture.

The transition to Philippine independence began with the adoption of a constitution in 1935 to serve as the basis of **commonwealth** government. The charter established a virtual copy of the American system of government. It provided for a presidential system with a unicameral Assembly (a bicameral system was eventually instituted in 1941). Manuel Luis Quezon y Molina (1878–1944) was elected president of the commonwealth on September 17, 1935. After the occupation by the Japanese during World War II, the Philippines was granted independence by the United States on July 4, 1946.

## POSTCOLONIAL POLITICS

The formal institutions and processes of presidential democracy were transplanted onto the Philippines' feudal economic structure. Land reform, employed by the United States to transform the economic underpinnings of the domestic political processes in occupied Japan, was not implemented in the Philippines. Due to the expenses involved in the voting process, the elections eventually degenerated into intra-elite competition for local domination and access to state resources: a battle of "bosses."

Two groups, the Nacionalista and Liberal Parties, which were devoid of any difference in terms of **ideology** or policy, dominated postcolonial politics. Philippine political parties simply reflected the interests of the elite and the volatility of their alliances. They were temporary structures devised by the dominant families to compete for political positions and related entitlements. Politicians conveniently transfer from one to the other in the pursuit of political advantage. Presidents Manuel Roxas Acuña (1892–1948), Ramón Magsaysay (1907–1957), and Ferdinand Marcos (1917–1989) captured the presidency after making such defections.

In the early 1970s, after nearly twenty-five years of electoral democracy, the Philippines was in turmoil. Leftist movements were channeling dissatisfaction with elite-dominated politics into a potent political opposition movement. Then-president Ferdinand Marcos, forbidden by the 1935 Constitution from pursuing a third term, took advantage of the increasing disorder to place the entire country under martial law. For sixteen years, Marcos subjected the Philippine polity to his dictatorial rule by deploying the military to consolidate his grip on political power and stifling countervailing power sources

by coercive force. Marcos **centralized** state rents and benefits. His allies and supporters got favorable concessions and contracts in a system referred to as "crony capitalism."

The United States increasingly pressured Marcos to restore the country to democratic rule. International civil society groups also took the **regime** to task for its flagrant violations of human rights. Domestic opposition to the dictatorship intensified with the assassination of one of Marcos' arch-critics, Senator Benigno Simeon Aquino Jr. (b. 1932), on August 21, 1983. Aquino's death was widely attributed to the administration. In an effort to silence some of his critics, Marcos called for presidential elections in 1986, confident of victory over a divided opposition. However, the anti-Marcos groups united around the candidacy of Corazon Aquino (b. 1933), the widow of the slain senator.

Turmoil over the elections led to Marcos being driven from power in 1986 by a civilian-led uprising, the "People Power Revolution," which began as a failed military **coup**. Civil society groups, encouraged by Corazon Aquino and Manila Archbishop Cardinal Jaime Lachica Sin (1928–2005), shielded the embattled soldiers from Marcos's military supporters. After four days of stand-off and eroding domestic and international support, Marcos was forced into exile in Hawaii.

## POST-AUTHORITARIAN POLITICS

After her ascent to power, Aquino's primary concern was to provide a legal foundation for her incumbency. A constitutional commission, composed of fifty legal and political experts, drew up a new charter. It was presented to the people in a **referendum** and was overwhelmingly **ratified** in 1987. The basic governmental structure followed the contours of the 1935 Charter: a popularly elected president, a bicameral legislature, and an independent judiciary operating under the principle of separation of powers.

Under the 1987 Constitution, the president of the Philippines is selected through a **plurality** system for a single, six-year term without re-election. The chief executive's power is magnified if his or her party also controls Congress. The president appoints the members of the Supreme Court. The framers believed that a "strong government" was necessary to tide the country over in the democratic transition process, and to set the conditions for economic development.

Three things militate against the emergence of an autonomous state capable of effectively leading the nation along a policy direction in the Philippines. First, Philippine executives are selected through a plurality or "first past the post" system. This means that a candidate wins by simply having more votes than the others. Thus, it is possible for someone to assume the presidency even when more than half of the electorate voted against him or her. For example, Fidel V. Ramos (b. 1928) was elected president in 1992 with only 24 percent voting in favor. All presidents elected thus far under the 1987 Constitution had only "plural" mandates. Presidents with such level of support begin and govern with very little political capital. Second, since the Philippines has no working party system, no mechanism effectively aggregates the preferences of a **constituency**. Thus, legislative elections do not produce a coherent policy **mandate**. Third, short electoral terms for most officials (three years for House Representatives and local executives) make the formation of a steady power **coalition** difficult and policy continuity almost impossible.

As a check against the predominance of the executive, the Constitution established a bicameral legislature. Twenty-four senators are chosen through

**centralize:** to move control or power to a single point of authority

**regime:** a type of government, or, the government in power in a region

**coup:** a quick seizure of power or a sudden attack

**referendum:** a popular vote on legislation, brought before the people by their elected leaders or public initiative

**ratify:** to make official or to officially sanction

**plurality:** more votes than any other candidate, but less than half of the total number of votes

**constituency:** the people who either elect or are represented by an elected official

**mandate:** to command, order, or require; or, a command, order, or requirement

**coalition:** an alliance, partnership, or union of disparate peoples or individuals

a plurality system, with the entire nation considered as a single constituency. Two hundred members of Congress's lower house are chosen through a single member plurality system. In a radical break from tradition, the basic law mandated that 20 percent of the lower house should be allotted for representatives selected through a party list system, the mechanism of which would be provided later by Congress.

The judiciary was strengthened as an additional safeguard against the reemergence of **authoritarian** rule. It was empowered not only to settle actual controversies, but also to take state agencies into account for "grave abuse of discretion." Furthermore, a president's employment of martial law powers became subject to factual scrutiny by the Supreme Court. To protect citizens from abuse during periods of national emergency, Art. VII, Section 18 of the 1987 Constitution proclaims that "a state of Martial Law does not suspend the operation of the Constitution or supplant the functioning of civil courts or assemblies, nor authorize the conferment of **jurisdiction** on military courts and agencies over civilians where civil courts are able to function" (Gupit and Martinez 1993, p. 891).

President Corazon Aquino was credited with restoring the people's rights and freedoms and reestablishing the country's democratic institutions. However, she was unable to lay down the proper conditions for **socioeconomic** reform. Her family was one of the biggest landowners in the Philippines and her administration unveiled an emasculated land reform program. Her leadership was destabilized by seven military coup attempts, and economic efforts were derailed by a very destructive 1991 volcanic eruption.

International organizations like the Human Rights Watch and Amnesty International generally have lauded the restoration of rights and liberties in the Philippines. However, institutional deficiencies impede their full exercise and enforcement. For most of the population, access to the courts is hampered by the high cost of **litigation** and procedural complexities. State support for protecting victims and witnesses is very limited. Penal facilities for holding the accused during and after trials are almost inhumane.

The prohibitive cost of seeing a case through the court system grants **de facto** advantage to the rich and powerful. In addition to employing the choicest lawyers, by filing one motion after another these individuals can effectively compel case termination through the draining of their adversaries' resources. Victims of crimes and human rights violations also are deterred from bringing their case to the court because the amount of security and other provisions provided by the government's witness protection program is limited by inadequate funding. Thus, aggrieved low-income families generally shun the courts and resort to extra-legal retribution, a phenomenon known in the Philippines as "salvaging."

Even more troubling are the conditions suffered by the accused in the hands of the police and penal institutions during litigation and after conviction. Due to budgetary constraints, juveniles are incarcerated together with adult inmates, and most suffer physical and sexual abuse. Penal facilities for women also are poorly maintained, and the raping of female inmates by prison guards has become a serious concern.

In 1992 Aquino was succeeded by her defense secretary, Fidel V. Ramos, whose presidency was characterized by **macroeconomic** stability and security. He was able to harness a "working coalition" within the legislature and govern effectively. His term of office showed how, given the proper personnel, the institutions of Philippine politics can be made to work. Unfortunately, the Asian financial crisis hit the country at the tail end of his administration in 1997.

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**authoritarianism:** the domination of the state or its leader over individuals

**jurisdiction:** the territory or area within which authority may be exercised

**socioeconomic:** relating to the traits of income, class, and education

**litigate:** to bring a disagreement or violation of the law before a judge for a legal decision

**de facto:** (Latin) actual; in effect but not officially declared

**macroeconomics:** a study of economics in terms of whole systems, especially with reference to general levels of output and income and to the interrelations among sectors of the economy

Running from a platform of "working for the poor," former actor Joseph Estrada (b. 1937) became president in 1998. Estrada's administration brought out the worst of the Philippine political system. Bereft of any formal economic or legal training, his administration had no general policy direction and was characterized by cabinet infighting. Estrada was charged with patrimonial plunder and for profiting from an illegal numbers game. He was impeached by the House of Representatives in 2000 and tried in the Senate.

In January 2001 legal motions employed by Estrada's lawyers led to the suppression of a piece of evidence that was critical to the prosecution. Massive demonstrations filled the streets once more, spearheaded by the main actors of anti-Marcos struggle: Aquino, Manila Archbishop Sin, and Ramos. After three days, the military declared its withdrawal of support from Estrada, and he was forced from office. Vice President Gloria Macapagal-Arroyo (b. 1947) succeeded Estrada as president. Estrada's supporters tried to reinstate him into power, but the effort failed in the absence of any support from the Catholic Church or civil society groups.

**patrimonialism:** a system of government in which the ruler personally controls all aspects of life, including politics and the economy, and personal wealth or power is a function of an individual's personal relationship to the ruler

**impeach:** to accuse of a crime or misconduct, especially a high official; to remove from a position, especially as a result of criminal activity



**FILIPINO PRESIDENT FERDINAND MARCOS AT THE PRESIDENTIAL PALACE IN MANILA ON FEBRUARY 23, 1986.** When elected into office in 1965, President Ferdinand Marcos's victory was celebrated by the international community. However, in 1972 his rule turned dictatorial as he declared martial law and disbanded the legislature in order to retain his post. (SOURCE: © REUTERS/CORBIS)

**hierarchy:** a group of people ranked according to some quality, for example, social standing

**grassroots:** at the lowest level, often referring to support from members of the public rather than from political elites

**rule of law:** the principle that the law is a final grounds of decision-making and applies equally to all people; law and order

These events provide ample proof of the powerful political influence in actual practice of the Catholic **hierarchy** and civil society groups. The Catholic Church has been very effective at employing moral persuasion and ascendancy over the population in order to have an impact on crucial political events. Civil society organizations also have emerged as powerful articulators of a vision of governance that is based on **grassroots** dialogue and direct interaction, as opposed to the traditional and elitist politics pervasive in the formal government institutions. The military remains a potential central player in determining who governs, though most Filipinos acknowledge that continuing military intervention erodes the legitimacy of the entire democratic system.

Gloria Arroyo Macapagal was reelected as president in her own right in 2004, but not before defeating action movie star Fernando Poe Jr. (1939–2004), a candidate strongly reminiscent of the deposed Joseph Estrada, who appeared to appeal to the same population elements that had supported Estrada.

It can be averred that democratic politics in the Philippines can never be consolidated if political actors turn every policy disagreement into a constitutional crisis. There is a very high economic and social cost when politics is conducted through extra-constitutional procedures. The primary challenge for the political actors is how to attain control of the political agenda within the ambit of the **rule of law**. There are no clear paths to success, but some roads clearly lead to failure. For a country that has a short memory, the critical challenge is to learn and to remember.

*See also:* Aquino, Corazon; Colonies and Colonialism; Democracy; Dictatorship; Political Corruption; Presidential Systems.

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# Poland

Poland, officially the Republic of Poland, is a Central European country, although it is often compared with Eastern Europe. The country borders on the Baltic Sea and Russia (*Kaliningrad Oblast*) in the north, Lithuania, Belarus, and Ukraine in the east, the Czech Republic and Slovakia in the south, and Germany in the west. It has a territory of 321,677 square kilometers (120,725 square miles) and population of 38.6 million. The capital and largest city is Warsaw.

## HISTORY

The name Poland (*Polska*) comes from *Polanie* (field dwellers)—the dominant group among the ancient Slavic tribes that founded the state in the tenth century and embraced Roman Catholicism. Poland rose to greatness in Europe under the dynasty of Jagiello in the fifteenth and sixteenth century, when, united with Lithuania, it controlled a huge empire from the Baltic to the Black Sea and championed the Christian cause against the invasion of the Ottoman Turks. At a time when most of Europe was caught up in fierce religious persecution, Poland was enjoying the rule of religious toleration and enlightenment in what is considered the "golden period" of its history. This was the age of the

(MAP BY MARYLAND CARTOGRAPHICS/THE GALE GROUP)

astronomer Copernicus and the culture of the Renaissance; it was also a time when new modern forms of governance received their early recognition. A legislative body, *Sejm*, comprised of a Senate and Chamber of Deputies, was formed and gained power in conducting the affairs of the royal state. The Senate, for example, had the authority to reprimand the king if he broke the laws, and at least theoretically, all Polish kings were elected by the nobility.

***Decline, partition, and rebirth.*** Poland's gradual decline in the next two centuries ended with the partition of the country between Russia, Austria, and Prussia in 1772, 1793, and 1795. It regained its independence as a sovereign state after World War I in 1918, only to be partitioned again for a fourth time between Nazi Germany and the Union of Soviet Socialist Republics (USSR) in the opening days of World War II (1939–1945). After the war, in which Poland suffered colossal losses—6 million civilians, half a million soldiers, and 38 percent of its overall national assets—a communist regime of the Soviet type was established. After a fraudulent campaign in 1947, Boleslaw Bierut (1892–1956), a citizen of the USSR, was elected president of Poland and in 1949 Soviet Marshal Konstantin Rokossovsky (1896–1968) assumed the post of a minister of defense and commander in chief of the Polish military.

Total Soviet control of Poland became a stumbling block in 1956, when workers' and students' riots in Poznan signaled a change of course for the Polish government. Wladyslaw Gomulka (1905–1982), former leader of the Polish Workers' (Communist) Party, imprisoned from 1951 to 1956 by the Polish Stalinists, was able to take over leadership of the Communist Party and the state, and to avoid Soviet military intervention of the kind Hungary suffered that same year. Gomulka steered a more independent political course until new civil unrest, caused by galloping food prices, led to his replacement by Edward Gierek (1913–2001) in 1970. Initial improvement in the living conditions of ordinary citizens, however, proved short-lived and by the mid-1970s Poland was once

again enduring a period of violent strikes and protests in the face of a deepening economic crisis.

In 1978 Karol Wojtyla (1920–2005), Cardinal of Krakow, became Pope John Paul II, and the pontiff's visit to his home country the next year further stirred **nationalistic** feelings. In 1980 the continuing shortage of food and affordable housing inflamed nationwide strikes. The spark came from the Lenin Shipyards in Gdansk, where a shipyard electrician, Lech Walesa (b. 1943), led the formation of a new labor union—Solidarity. The union quickly gained enormous popularity (it reached a membership of about 10 million), and even when the government granted the union legality, its continuous actions seriously undermined the legitimacy of the communist regime. The changes at the top of the ruling Polish United Workers (Communist) Party (PZPR)—Gierek was replaced by Stanislav Kania, who in turn was replaced by General Wojciech Jaruzelski—did not solve the growing problem of governability in the one-party communist system. In December 1981 a state of **martial law** was declared, Solidarity was banned, and its operatives were arrested and jailed.

***Demise of the communist system.*** Under international pressure, Lech Walesa was released from prison in 1982 and martial law was eventually suspended in 1984. In the more relaxed political atmosphere created by the Soviet *perestroika* of Mikhail Gorbachev (b. 1931), Solidarity was relegalized in January 1989 and its representatives entered into roundtable negotiations to share power with the communists. In the wake of the Solidarity's strong showing at the first partially free elections later that year, Tadeusz Mazowiecki (b. 1927) was named the first noncommunist prime minister in Eastern Europe and in 1990 Lech Walesa was sworn in as the first noncommunist president since World War II.

The Solidarity-led government embarked on a radical program of economic reforms (Balcerowicz's shock therapy) for transforming the country into a market economy but its results proved equivocal. Consequently, Poland, initially hailed as the pioneer in Eastern Europe's transition from communism to democracy, lagged behind countries such as Hungary and the Czech Republic in terms of the rate of socioeconomic improvement. President Aleksander Kwasniewski (b. 1954) took a stand in 2002 on the issue of sustained high unemployment (20%), for example, citing it as a threat to Polish democracy. Nevertheless, Poland is generally considered, in the early twenty-first century, a success story among the transition countries.

## GOVERNMENT

Poland is a presidential parliamentary republic. It is democratically governed under a constitution adopted by the national legislature and approved by **referendum** in 1997.

The system of government is based on the principles of separation of powers and checks and balances. Legislative power is vested in a bicameral parliament, executive power in a president and Council of Ministers, and judicial power in courts and tribunals. The initial imprecise allocation of those powers by the first transitional constitution, drafted in 1992, caused some confrontation between the president, prime minister, and legislature with regard to issues of defense and foreign policy.

A heated political debate on the relative merits of the presidential versus parliamentary model of governance continued to be characteristic of Poland's democratic transition until the most recent constitutional agreement was reached in 1997. Although a strong presidency was advocated as a safeguard

**nationalism:** the belief that one's nation or culture is superior to all others

**martial law:** rule by military forces in an occupied territory or rule by military officials declared during a national emergency

### FAST FACTS

Leszek Balcerowicz, the minister of finance in Tadeusz Mazowiecki's cabinet, designed a plan that called for radical macroeconomic restructuring and monetary stabilization. This approach has been often and commonly referred to as "shock therapy."

**referendum:** a popular vote on legislation, brought before the people by their elected leaders or public initiative

**coalition:** an alliance, partnership, or union of disparate peoples or individuals

**nascent:** new or recently created or brought into existence

**proportional system:** a political system in which legislative seats or offices are awarded based on the proportional number of votes received by a party in an election

**infringe:** to exceed the limits of; to violate

**statute:** a law created by a legislature that is inferior to constitutional law

against the woes of "excessive pluralism" (in 1993, 240 parties were officially registered in Poland) and its concomitant **coalition** politics, an institutional framework, called a semipresidential system, that reflected more evenly distributed prerogatives was eventually agreed on and subsequently credited with bringing stabilization to the **nascent** Polish democracy.

*Legislative.* The bicameral National Assembly (*Zgromadzenie Narodowe*) consists of a 460-seat *Sejm* (lower house) and 100-seat *Senat* (upper house), abolished by the communists in 1947 and reestablished in 1989. The members of both houses are elected for four-year terms under a system of **proportional representation** for the *Sejm* and by a majority vote on a provincial basis for the *Senat.* Poland is divided administratively into sixteen provinces or *wojewodstwa;* each province, based on population, elects by majority vote between two and four senators. Two seats are reserved for ethnic minorities' representation.

*Executive.* The president is the head of state and is elected by popular vote for a maximum of two five-year terms. He or she appoints a prime minister—usually the leader of the majority party or coalition, who is then subject to confirmation by the *Sejm* as head of government. On the advice of the prime minister, the president names and the *Sejm* approves a cabinet (Council of Ministers). Council members are politically accountable to the *Sejm.* The president can exercise a veto on legislation, but his or her veto can be overridden by a three-fifths majority in the National Assembly.

*Judiciary.* Common, administrative, and military courts, as well as the Supreme Court, which is Poland's highest court of appeal, carry out judicial administration. The Supreme Court is composed of four chambers: Administrative, Labor, and Social Insurance; Civil; Criminal; and Military. Supreme Court judges are appointed for an indefinite period by the president on recommendation of the independent National Council of the Judiciary.

For **infringement** of the constitution or a law, the president can be held accountable before a state tribunal, through a resolution passed by both chambers of parliament. The power to assess the constitutionality of legislative **statutes** is vested in a constitutional tribunal.

Judges are generally not removable; they are considered independent and bound only by the law. They are not allowed to belong to political parties or hold any other public posts that might interfere with the exercise of their duties. The courts, however, are notorious for their sluggish processing of cases. In 2000 Poland began the process of reorganizing the work of the judiciary to increase its effectiveness, and "steady progress" in this respect was reported in a 2002 report of the European Commission.

### POLITICAL PRACTICE

Although Poland was able to build a solid institutional basis for its political system in a relatively short period of time, actual political practice in the 1990s proved rather turbulent. The unleashed political energy of the population, contained for decades under the communist regime; the structure of social interests not yet crystallized in Poland; some very lenient 1990 legislation that allowed for the registration of a political party with only fifteen signatures; and the tendency toward personification of political goals (the formation of political parties around popular leaders rather than programs)—all contributed to a state of "anarchic multipartism." The nearly one hundred parties that participated in the 1991 general elections produced a fragmented, ineffective parliament.

Maneuvering and personal favors in coalition building substituted for real policy making. The very credibility of the political process was at stake. This explains the efforts of the then-president, Lech Walesa, to bypass the party system as a mediator of social interests by forming an organization called Non-Party Block for Support of Reforms.

Consequently, changes in the electoral law (introduction of an electoral threshold, 5% for parties and 9% for coalitions of parties) and consolidation of party formations brought about more responsible political representation, one responsive to key constituencies. As of 2004, Poland had the following main political groupings: Democratic Left Alliance (SLD), the successor to the Communist Party that has embraced a social democratic **platform**; Freedom Union (UW), a centrist successor to the first Solidarity formation; Polish Peasant Party (PSL), a left-of-center group representing farmers; Civic Platform (PO), a centrist movement with many former Solidarity members; *Samoobrona* (Self-defense), a far-right farmers' group that advocates antimarket measures; Law and Justice (PIS), a right-wing party; League of Polish Families (LPR), a right-wing nationalist and Roman Catholic party; Union of Labor (UP), a social democratic party. In addition, major interest groups that were politically active include the All Poland Trade Union Alliance (OPZZ), the Solidarity Trade Union, and the Roman Catholic Church.

**platform:** a statement of principles or legislative goals made by a political party

Poland had eight prime ministers from 1990 to 1997. Frequent resignations (Waldemar Pawlak in 1993 and Jyzef Olecky in 1996), no-confidence parliamentary votes (Hanna Suchocka, the first Polish woman premier, in 1992), and tensions in the party coalitions (Solidarity Electoral Action and UW in 2000, SLD and PSL in 2003) became characteristic of Polish political dynamics.

The presidency has been subjected to similar political tremors. Lech Walesa, the renowned Solidarity leader and winner of the 1983 Nobel Peace Prize who became the first democratic president of Poland in 1990, was discredited in his first presidential **mandate** by a series of scandals and charges of corruption and lost re-election in 1995 to a former communist, Aleksander Kwasniewski. In 2000 Kwasniewski secured a second term in office, while Walesa retired from active political life in the wake of a disastrous showing (garnering but 1% of the vote).

**mandate:** to command, order, or require; or, a command, order, or requirement

## LOCAL GOVERNMENT

Reorganization of the territorial (local) governments has been an indispensable part of the overall democratic reform of the political system. The intent to reverse the **centralized** decision-making process typical of the communist regime and to empower local communities has been the major drive behind the initiative launched in 1990 and finalized in 1998 by establishing a three-tier local government system: **municipality** (*gmina*), county (*powiat*), and region/province (*wojewodstwo*). According to the provisions of the new constitution, local government is the basic organizational form of public life. The municipality (*gmina*) is the primary unit of that governance. It is assumed that the *gmina* derives jurisdictional authority directly from the constitution—it is not "delegated" by the state but provided by law. Thus, *gmina* "constitutes a democratic community authorized by the people to perform its functions." The residents of the *gmina* elect a council by universal and secret ballot. The council is led by either an executive officer (*wojt*) or a mayor.

**centralize:** to move control or power to a single point of authority

**municipality:** local governmental units, usually cities or towns

Besides administrative autonomy, fiscal decentralization is another factor that ensures the enhanced functionality of local government in Poland. Approximately 40 percent of revenues collected locally, including a share of personal and corporate income tax, are allocated to the budgets of local authorities at different levels of government.

## POLITICAL AND CIVIL RIGHTS

Freedom House, an independent advocacy foundation, has consistently rated Poland over the last ten years (1993–2003) as a "free country." The new Polish constitution of 1997 guarantees everyone equality before the law and includes a general antidiscrimination clause (Article 32). In addition, Article 79 ensures all citizens the right to **petition** the constitutional tribunal against administrative decisions in violation of any human rights and freedoms guaranteed in the constitution. Poland also has an **ombudsman** for humans rights.

The protection of minority rights emerged as an issue in Poland after the democratic changes in 1989. Violent attacks against Romani (or gypsies) in Mlawa (1991), Sandomierz (1995), Kielce (1996), and Bielsko Biala (1998) were recorded in the 1999 and 2000 reports of the European Commission Against Racism and Intolerance and provoked considerable public reaction. A Department for National Minorities' Culture within the Ministry for Culture and Art and a Parliamentary Commission for National and Ethnic Minorities have been established to address minority rights questions. Even though Poland is generally considered ethnically and religiously **homogeneous** (98% of its citizens identify themselves as Polish and 95% as Roman Catholic), national minorities are officially recognized by the constitution, as is the "multi-cultural character" of the Polish state. The 1991 Act on the System of Education provides minorities with equal access to education and the right to learn in their mother tongue.

Freedom of religion is respected and religious groups are not required to register in Poland. They also enjoy a reduced tax burden.

Polish citizens are guaranteed extensive political freedoms. All citizens age eighteen and older are eligible to vote. They can petition the government, organize associations, freely assemble, and participate in collective bargaining. Public demonstrations are permitted, but require the **sanction** of local authorities. Poland is famous for its strong labor movement, which remains influential.

The constitution guarantees freedom of expression. However, Poland's libel law treats insult as a criminal offense. Freedom House's annual survey reports that journalists in particular oppose the escalation of related lawsuits.

The constitution also outlines a range of personal rights and freedoms, including the right to privacy, freedom of movement, and a choice of residence, and the inviolability of private homes. Several rare breaches of these rights, including allegations of police violence, have been associated with the Roma.

A member of the European Union (EU) since May 2004, Poland appears to be on the road to economic stability, having reached political maturity.

*See also:* Ethnic Cleansing; European Union; Ombudsmen; Transitional Political Systems.

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**petition:** a written appeal for a desired action, or, to request an action, especially of government

**ombudsman:** a government official that researches the validity of complaints and reports his findings to an authority

**homogeneous:** simple; consisting of components that are identical or similar

**sanction:** economic, political, or military reprisals, or, to ratify

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# Political Corruption

Political corruption, otherwise known as government corruption, has been defined in numerous ways. Aristotle, the third-century Greek philosopher, defined it as the practice of leaders who rule with a view to their private advantage rather than the pursuit of the public interest. More recently, it has also been defined as behavior by government officials that violates publicly sanctioned moral standards. In the early twenty-first century the definition most commonly used among social scientists is that devised by Joseph S. Nye—the abuse of public office for personal enrichment. Such abuse occurs in many forms. The most common include bribery, extortion, embezzlement of government resources, violation of campaign laws, and electoral fraud.

Political corruption is often associated with regimes that are described as neo-patrimonial or kleptocratic. In these regimes, the ruler abuses public office by behaving as though all property in the country is his or her personal property. An example of a classic neo-patrimonial regime is that of Joseph Mobutu, known as Mobutu Sese Seko (1930–1997), in the Democratic Republic of Congo (Zaire). An example of an archetypical kleptocracy is that of Ferdinand Marcos (1917–1989) in the Philippines. Such regimes tend to be autocratic and less economically developed. But political corruption is found in all governments around the world, and it has been present throughout the ages. In his encyclopedic history of bribery, John T. Noonan provides examples of corruption from ancient Egypt to modern America. Contemporary political corruption appears prevalent in countries as diverse as Italy and India.

**neo-patrimonialism:** a system of government that outwardly delineates between the personal and the public realm, but in which political patronage by the ruler is the reality, with personal relationships defining one's wealth or power

**kleptocracy:** a government controlled by those seeking personal gain

**autocracy:** a political system in which one individual has absolute power

## CONSEQUENCES

Although the phenomenon of political corruption is an ancient one, only in the 1960s did social scientists begin to analyze it systematically. One much-debated issue centered on its consequences. The debate began when scholars,

**ZAIRE'S PRESIDENT, MOBUTU SESE SEKO, IN 1977.** After staging a coup in 1965, Mobutu Sese Seko swindled Zaire (now Democratic Republic of the Congo) out of billions of dollars. While he lived an extravagant lifestyle, the people endured financial hardships, enormous debts, and boundless inflation that essentially made their currency worthless. (SOURCE: AP/WIDE WORLD PHOTOS)

most notably Nathaniel H. Leff, questioned the prevailing view that corruption was harmful for economic development. The revisionists, as they came to be known, argued that bribery could be beneficial for less developed countries attempting to industrialize. Such countries require substantial investment, but their unstable governments make investors wary. Bribery, according to the revisionists, would provide investors with the means to ensure policy stability even as government officials changed. Bribery would also provide incentives for government officials to accomplish their tasks more quickly.

In 2004 the consensus among social scientists, based on numerous empirical studies, is that political corruption is detrimental to economic development. It lowers investment and leads to the misallocation of scarce government resources. It also increases income inequality within countries.

## SOURCES

Unlike the issue of the impact of corruption, questions regarding its sources remain unresolved. The main debate exists between scholars who argue that corruption primarily results from the moral values of a society, and those who argue that it is mainly due to a country's economic and political institutions. More specifically, the first group of scholars posits that some societies have moral codes that lead them to deem as acceptable behavior that other societies consider corruption. Unless these societies develop new value systems, they will continue to be plagued by corruption. In contrast, the second group of scholars argues that both a reduction in corruption and change in values will occur with appropriate transformations of a country's economic and political institutions. Such changes include, but are not limited to, reducing the discretionary powers of government officials over the allocation of economic resources and ensuring free and fair elections for public office.

It is likely that both cultural values, on the one hand, and economic and political institutions, on the other, affect the extent of political corruption in any country. More research is needed, however, to determine the relative impact of these sources of corruption, so that reformers can target scarce resources where they will be most effective.

## RESPONSES

The arguments of social scientists notwithstanding, policy makers around the world have long recognized the need to combat political corruption. Some common strategies that policy makers have implemented include increasing transparency in government transactions, requiring top public officials to disclose their financial interests, providing legal protection for individuals who expose corrupt government officials, and creating anticorruption commissions to coordinate the implementation of anticorruption policies. The results in countries that have adopted these strategies have been mixed. Successful cases tend to be distinguished by the degree of their policy makers' commitments to anticorruption reforms. Strong commitments are often sustained only under strong public pressure.

In 1997 a novel strategy to combat corruption was adopted by thirty-five countries, including the thirty members of the Organization for Economic Cooperation and Development (OECD) in addition to Argentina, Brazil, Bulgaria, Chile, and Slovenia. These countries signed a Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. Before the Convention was signed, these countries had no laws

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## FERDINAND MARCOS (1917–1989)

Born in Sarrat, Ilocos Norte, Philippines, Ferdinand Marcos was a brilliant student and attended the University of the Philippines on a scholarship. A few months before graduation, he was arrested for the murder of a political rival of his father. He passed the bar exam while on bail and later successfully argued his own appeal before the Supreme Court.

Marcos served in World War II, but was not the hero of the anti-Japanese resistance he later claimed to be—he was in fact a collaborator. Serving in the House of Representatives from 1949 to 1959 and in the Senate from 1959 to 1965, Marcos used his positions to make himself a millionaire. In 1965 he was elected president and in 1969 reelected. He maintained good relations with the United States and even sent Filipino troops to Vietnam. His main activity as president was self-enrichment (he is estimated to have amassed a personal fortune of $5 billion).

While the economy was strong and his public works program created jobs, his support remained high, but during his second term the economy slowed, and his promised land reforms never happened. Insurgent violence and crime increased, and political opposition escalated. Legally barred from running again, Marcos declared martial law in 1972 and had the constitution rewritten to allow him to stay in power. Thereafter Marcos ruled by decree, with much violence toward political opponents.

Marcos lifted martial law in 1981, and the opposition began preparations for the next election. In 1983 Marcos had the opposition leader, Senator Benigno Aquino, murdered as he returned from exile in the United States (Marcos had had him sentenced to death for "subversion" in 1977, but allowed him to leave the country). This caused an explosion of protest. A failing economy, plunging living standards, and growing popular insurgencies made the country nearly ungovernable. Marcos called an election for 1986, and Aquino's widow Corazon announced her candidacy for the presidency. Marcos officially won the vote, but the universal belief that he had rigged it brought on continuous demonstrations and strikes that brought the country to a standstill. At that point Marcos lost the support of the military and fled the country. He died in 1989 in Hawaii.

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**signatory:** one who signs an agreement with other parties and is then bound to that agreement

against bribing foreign government officials. Many of their multinational corporations were free to bribe developing country government officials to secure contracts or business licenses. The Anti-Bribery Convention requires **signatories** to criminalize the bribery of foreign public officials and to declare that individuals who bribe foreign public officials will be punished as harshly as those who bribe their own national officials. It is still too early to determine whether the Convention has reduced bribery in international business transactions, but it is a welcome addition in the arsenal against corruption.

***Transparency International.*** Much credit for heightened awareness of the damage caused by corruption should be given to an organization founded in 1994, Transparency International (TI). TI is a Berlin-based non-governmental organization (NGO) that mobilizes private sector actors in the fight against corruption. It has over ninety national chapters in both developed and developing countries. Since 1995 TI has published annually a Corruption Perceptions Index (CPI). The CPI is based on surveys that typically ask respondents to rank countries according to their level of corruption. CPI scores range from zero to ten, with zero characterizing countries whose governments are perceived to be totally corrupt, and ten for countries whose governments are perceived to be honest. The 2003 CPI reviewed 133 countries. Bangladesh ranked as the most corrupt with a score of 1.3, whereas Finland was least corrupt at 9.7.

*See also:* Congo, Democratic Republic of; Non-governmental Organizations; Philippines.

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## Political Parties

Political parties are key institutions in contemporary democracies. As E. E. Schattschneider famously asserted more than half a century ago, "Modern democracy is unthinkable save in terms of the parties" (Schattschneider 1941). With etymological origins dating back to the Latin *pars* (meaning "part"), parties naturally represent only part of the general interest. Because they unite people on the basis of different ideological principles and opposing interests, parties were initially viewed with suspicion because they were perceived as a threat to the rights of other citizens and the aggregate interest of the community.

The United States in particular has a long-standing tradition of distrust of parties, but antiparty sentiments also existed in Europe. Essentially, political parties when they first emerged were seen as incompatible with the liberal democratic tradition rooted in the political philosophy of John Locke (1632–1704) and the radical democratic tradition inspired by Jean-Jacques Rousseau (1712–1778). Both traditions are difficult to marry with partisan institutions, which by nature transcend individual interests and refute the existence of a general will.

The introduction of universal **suffrage** and the advent of mass democracy made direct links between the state and individual citizens increasingly unrealistic and thus served to legitimize the existence of parties as intermediary institutions. After World War II (1939–1945), beginning with the restoration of democracy in Italy and the Federal Republic of Germany, parties were increasingly given a formal place in liberal democratic constitutions as key institutions for democracy. Despite the recent challenges of declining party memberships and weakening levels of party identification, parties of the twenty-first century are firmly rooted in the established democracies and have also rapidly acquired relevance in the more recently established democracies in Eastern and Central Europe, Latin America, and elsewhere in the world. In most contemporary democracies, policies are decided within parties, legislative decisions are made by elected party officials, and these officials are recruited and held accountable through parties. Political parties have put such a strong mark on twentieth-century politics and democracy that it can be best described as party democracy.

**suffrage:** to vote, or, the right to vote

### PARTY FUNCTIONS AND GOALS

Political parties perform a number of functions essential to a healthy performance of democracy. On the one hand, these functions are procedural or institutional in nature. One of their key functions is recruitment, which means

that parties are responsible for the selection and nomination of potential candidates for public office. Their electoral function consists of proposing their candidates to the public, providing citizens with a choice between alternatives and thereby structuring the electoral process, and campaigning for popular support. Another crucial institutional function is that of the organization of government and parliament and of democracy as whole. Parties furthermore formulate and implement public policy and act as a channel of communication between politicians and the public. Parties also perform a number of representative functions. They are vehicles of interest representation and channels of interest articulation and aggregation (i.e., they articulate popular demands into the decision-making arena and aggregate these demands into more or less coherent policy packages). Parties also serve to integrate citizens into the political system and to mobilize political awareness and popular support. During the late twentieth and early twenty-first century, the representative functions of parties declined substantially, whereas their procedural role is still intact and might even have been enhanced.

Parties may pursue a variety of objectives. One common approach suggests that their principal goal is one of the three following: office-seeking, policy-seeking, or vote-seeking. That is, they are ultimately mainly interested in the spoils of office and government power, in implementing their preferred policies, or in acquiring as many votes (and seats) as possible. In practice, they may pursue multiple goals and a combination of these three primary objectives.

## PARTY FAMILIES

A commonly used approach in the comparative study of political parties is based on the notion of party families. Following common classifications, key examples of major party families can be said to include liberal parties, conservative parties, **socialist** and social democratic workers' or labor parties, Christian democratic parties, **communist** parties, **agrarian** parties, regional parties, right-wing extremist parties, and green parties. Parties belonging to the same family often carry the same party label. Parties may be members of the same family because of their shared origins, having first emerged and mobilized in similar historical circumstances with the intention of representing similar interests. Furthermore, parties belonging to one family tend to pursue similar policies and may profess similar ideologies. Finally, the members of a particular family can be identified on the basis of their international links, as they join together in organizations such as the Liberal International or the Socialist International. The cooperation between like-minded political parties in the European Parliament has stimulated the institutionalization of **transnational** party federations and "Europarties."

Social democratic parties are the strongest and most enduring of Western Europe's political families. The majority of social democratic parties first entered electoral politics in the last quarter of the nineteenth century. They were initially mobilized to represent the interests of the working class, and it was largely as a result of their intervention that most West European **welfare states** were expanded during the 1950s and 1960s. Although they were created as a challenge to the existing political and economic order, their radical impulse waned with time as they came to settle for a political role based on managing a mixed economy. Their drift toward moderation has become more accentuated from the 1990s onward, as social democratic parties throughout Europe have had to come to terms with the constraints of state intervention determined by the process of European integration and increased **globalization**. Despite their

**socialism:** any of various economic and political theories advocating collective or governmental ownership and administration of the means of production and distribution of goods

**communism:** an economic and social system characterized by the absence of class structure and by common ownership of the means of production and subsistence

**agrarian:** having to do with farming or farming communities and their interests; one involved in such a movement

**transnational:** extending beyond the jurisdiction of one single nation

**welfare state:** a political state that assumes liability for the wellbeing of its people through government-run social programs

**globalization:** the process of expanding regional concerns to a worldwide viewpoint, especially politics, economics, or culture

increasingly neo-liberal course, the policy emphasis of most social democratic parties maintains a commitment to welfarism and egalitarianism.

Most communist parties emerged as the result of a split in the socialist movement after the Russian Revolution (1917–1919). They established themselves as radical alternatives to the parliamentarism of social democracy, advocating Marxist-Leninist principles and favoring a revolutionary road to socialism. Because of their alliance with the Soviet Communist Party and their evident radicalism, communist parties were typically regarded as antisystem oppositions and mere transmission belts of Moscow. In part as a response to their electoral stagnation and decline and in part as an attempt to end their political isolation, many Western European communist parties began to elaborate a distinctively non-Soviet strategy during the postwar period. This shift caused the emergence of so-called Eurocommunism in the 1970s, which was especially strong in southern Europe. After the breakdown of communism in Eastern Europe communist parties effectively disappeared as independent political forces or engaged in a process of programmatic reform and dropped their ideological labels.

Liberal parties were the first to organize in Western European party systems, emerging in the nineteenth century. Historically, liberal parties have been associated with the promotion of individual rights, the impulse to extend the franchise, and the resistance to clerical influences on political life. Two basic strands of European **liberalism** can be distinguished. In the more right-wing strand, the emphasis on the individual has led to opposition to all but minimal state intervention in the economy. The more centrist, if not left-leaning, strand reflects a position in which a concern for individual rights and progressive politics has created an emphasis on social justice and egalitarianism.

**liberalism:** a political philosophy advocating individual rights, positive government action, and social justice, or, an economic philosophy advocating individual freedoms and free markets

Christian democracy has a basis in almost all established Western European democracies, although an ongoing process of **secularization** continues to erode its electoral support. The largest group within the Christian democratic family is Roman Catholic in origin. A second group comprises parties that draw cross-denominational support from both Catholics and Protestants, such as in post–World War II Germany and the Netherlands. The third and much smaller group is primarily Protestant and is typically found in the Scandinavian countries. The heritage of Christian democracy dates back to the second half of the nineteenth century, when Catholic mobilization took place in response to the secularizing tendencies of conservatives and liberals. This crystallized in an enduring conflict between the Church and the state over the question of the ultimate authority over policies of public morality and, above all, education. With regard to **socioeconomic** policy, Christian democratic parties have traditionally shared common ground with social democratic parties in their opposition to neo-liberal, and individualistic policies.

**secularism:** a refutation of, apathy toward, or exclusion of all religion

**socioeconomic:** relating to the traits of income, class, and education

Conservative parties generally emerged in opposition to political changes proposed by the early nineteenth-century liberals such as the extensions of the franchise. They emerged largely to protect the interests of those who had a stake in the existing economic and political order, such as the landowners and the clergy. The policies of conservative parties typically are consistent with their long-standing opposition to general social change. They tend to underline the need to support private business, encourage fiscal **austerity**, emphasize government efficiency, as well as issues related to law and order. In many countries, conservative parties stress the importance of traditional national values, the family, and moral values. They can also be quite ambiguous in their attitude toward European integration.

**austere:** extremely stern; simple and undecorated

Extreme right-wing parties have increased their electoral support considerably in the late twentieth and early twenty-first century. At the core, there are

**A WORKER FOR THE BHARATIYA JANATA PARTY (BJP) PREPARES FLAGS AND SCARVES FOR ELECTION RALLIES IN BOMBAY, INDIA IN APRIL 2004.** The largest and most influential political parties in India are the BJP, a Hindu nationalist party, and the Congress Party (formerly Indian National Congress). Founded in 1885, the Congress Party remained in control for many decades and was prominent during India's emancipation from British rule. (SOURCE: ROB ELLIOTT/AFP/GETTY IMAGES)

two principal appeals that characterize the extreme right. First, almost without exception, they mobilize against immigration and against those policies that are seen to promote multiculturalism. Right-wing extremist parties are often highly **xenophobic** (fearful of strangers and foreigners) and are sometimes extremely **nationalist** or racist. Second, as outsider and anti-establishment parties, they mobilize a **populist** appeal against what they see as the self-serving or corrupt character of the political class.

Green or environmental parties first emerged in the late 1970s and 1980s. Their policy emphasis is primarily on the need to protect the environment, which involves promoting policies that curb economic growth and require substantial regulation of industrial and commercial activity. Green parties also emphasize the need for international peace and disarmament and advocate an increase in the level of development aid. They often also call attention to social justice and the persisting political inequalities of women and ethnic minorities. Green parties also stress participation and democracy and sometimes attempt to structure their own organizations in such as way as to encourage maximum grassroots involvement. Typically "green" issues now rank high on the political agenda of all the parties, especially of the left.

## PARTY ORGANIZATION

The first parties to emerge were conservative and liberal parties, which appeared before the introduction of universal suffrage. These elite parties were primarily followings of the **aristocracy** or parties of notables, existing as federations of closed and relatively autonomous **caucuses** in which entrance tended to occur only through invitation or formal nomination. Until the extension of the franchise compelled them to create more permanent party structures, they were active only during periods of election and did not exist as organized associations between localities. Party cohesion existed only at the level of the parliamentary **delegates**.

In stark contrast with these *cadre parties*, *mass parties* are based on tightly organized and permanent party structures with dense and extensive networks of local branches and high levels of membership mobilization. Mass parties display a high level of vertical articulation, with a strong connection of the different organizational levels through the bottom–up representation of lower strata on the higher **echelons**. Their emphasis on internal cohesion has prompted concerns over their internal oligarchic structures and the lack of internal party democracy. Mass parties emerged on the eve of the franchise extension in the late nineteenth and early twentieth centuries and usually represented the economically and politically underprivileged working class.

Traditionally, the classic mass party is the typical model of organization for social democratic and socialist workers' parties and communist parties, as well as some religious (especially Catholic) parties. They are characteristically parties of civil society, pursuing strategies of mass mobilization and relying on large numbers of members and supporters. In contrast with the earlier elite parties, which sought to pursue the common or national interest, mass parties were the first parties that explicitly claimed to represent the interests of only one specific and relatively clearly circumscribed segment of society.

In the era following World War II, the ideological differences among parties started to diminish, and parties began to broaden their appeal to the electorate at large. Parties transformed themselves into *catch-all parties*, for which the moral and intellectual encapsulation into the party organization of the masses was becoming increasingly irrelevant. Parties drastically reduced their ideological

**xenophobia:** a fear of foreigners, often leading to isolationism, reduction in immigration, and racism

**nationalism:** the belief that one's nation or culture is superior to all others

**populist:** someone who advocates policies for the advancement of the common man

**aristocracy:** a ruling financial, social, or political elite

**caucus:** a group of individuals with common traits or goals, or a meeting of such a group

**delegate:** to assign power to another, or, one who represents another

**echelon:** from the French for "rung," one level of a hierarchical society or other institution

baggage and adopted offensive electoral strategies, attempting to appeal to a wider audience and aiming at more immediate electoral success. Parties strengthened the power of the top leadership groups and downgraded the role of the individual party member. From late 1960s and early 1970s, politics was seen to become increasingly about electoral competition among professional party elites rather than the mobilization and representation of socially distinct groups. Elections came to revolve primarily around the choice of leaders rather than the choice of policies or programs.

The late twentieth century saw the emergence of the *cartel party*, in which colluding parties become entrenched within the state and employ resources of the state (such as public funding and state-regulated media access) to facilitate their own survival. Parties have moved away from their traditionally strong linkages with society toward an intensification of their relation with the state, to the point that they have effectively become incorporated within the institutionalized structures of the state and have become agents of the state rather than the instruments of civil society. In the era of the cartel party, the goal of politics has become more self-referential, with politics itself having become a skilled profession. Electoral competition takes place on rival claims to efficient and effective management rather than representative capacity or policy effectiveness.

## PARTY SYSTEMS

The study of party systems is concerned with the patterns of interactions between parties and relates to the processes of electoral competition and government formation. Two-party systems such as the United Kingdom's feature competition between two parties more or less equal in size and tend to offer the prospect of single-party cabinets and complete alteration in government. Two-party systems are often seen to encourage center-seeking electoral strategies with the two parties converging toward one another in the center of the ideological spectrum.

In multiparty systems, government formation usually requires a **coalition** of parties, and a wholesale alternation in government is not always possible. Two varieties of multiparty systems can be distinguished based on the ideological distance between parties as well as the number of relevant parties. The relatively stable systems of *moderate pluralism* show a limited degree of party fragmentation, feature a relatively small ideological distance between parties, and are characterized by moderate centripetal competition. The more unstable systems of *polarized pluralism* are highly fragmented and ideologically polarized, with anti-system parties located at the extreme ends of the political spectrum contributing to centrifugal patterns of electoral competition. In systems of polarized pluralism, the lack of prospect of government office encourages irresponsible opposition parties to engage in a politics of outbidding or overpromising. Typical examples of polarized pluralism include the Italian First Republic (1946–1992) and the French Fourth Republic (1946–1958).

*See also:* Political Party Systems.

**coalition:** an alliance, partnership, or union of disparate peoples or individuals

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## Political Party Systems

Parties do not exist in isolation, but rather relate to each other: hence, the notion of a "party system" that assumes, justifiably, the characteristics and behavior of one party will have an effect on the others. Deeper down, however, the characteristics of party systems depend significantly on the structure of the societies in which they emerged and developed. A society that is primarily tribal or sharply divided in a number of ethnic or religious groups will not have the same party system as a society in which there has been massive industrialization and opposition between classes has been marked.

Nevertheless, the notion that parties emerge from or depend on basic social groups assumes opportunities exist for parties to develop freely. This is, of course, far from universal. In many countries parties have often been simply prohibited; in others only one party has been allowed. The extent to which competition is permitted or repression prevails is therefore at the root of the basic distinction to be made among party systems, that between single-party systems and systems of more than one party, to which the case of "no-party" states should be also added.

In the second half of the twentieth century the number of independent states doubled. Vast regime changes also occurred, with the surge and subsequent decline of both single-party systems (especially as a result of the fall of **communism**) and military regimes. One therefore needs to look at no-party and single-party systems before examining systems of more than one party. The number of parties is not the only element to be taken into consideration in this respect: Social bases, **ideology**, and structure play an important part in shaping the character of party systems.

### TWO TYPES OF SYSTEMS WITHOUT PARTIES

Some countries never have had any parties at all, if the **polity** is very traditional (Brunei, for instance, but also Saudi Arabia and other Persian Gulf states) or very small (some Pacific Island states). In such cases independents prevail in politics. In other cases a party-based regime existed but was toppled, for instance, by the military, as in Burma (Myanmar), and a nonparty regime established; or a civil war has occurred and the country has ceased effectively to

**communism:** an economic and social system characterized by the absence of class structure and by common ownership of the means of production and subsistence

**ideology:** a system of beliefs composed of ideas or values, from which political, social, or economic programs are often derived

**polity:** a form of government held by a specific country or group

**TABLE 1**

**Distribution of Party Systems Across the World, 2003**

| | No party | One-party | One party dominates | Two-party | Two and one-half- or three-party | Multiparties dominate | Multi-party | Total |
|---|---|---|---|---|---|---|---|---|
| Western | — | — | — | 5 | 9 | 3 | 6 | 23 |
| Eastern Europe | — | — | — | 1 | 2 | 10 | 4 | 17 |
| Former Soviet Union | 3 | 1 | — | 1 | — | 3 | 3 | 11 |
| Asia | 5 | 5 | 2 | 4 | 5 | 3 | 1 | 25 |
| Africa, South of Sahara | 8 | 1 | 21 | 8 | 6 | 4 | — | 48 |
| Middle East and North Africa | 6 | 5 | 2 | — | 1 | 2 | 3 | 19 |
| Latin America | — | 2 | 2 | 13 | 6 | — | 3 | 26 |
| Caribbean | — | — | 4 | 3 | — | — | — | 7 |
| Pacific | 6 | — | 1 | 4 | — | — | 1 | 12 |
| Total numbers | 28 | 14 | 32 | 39 | 29 | 25 | 21 | 188 |
| Percentages | 15 | 7 | 17 | 21 | 15 | 13 | 11 | 100 |

SOURCE: Courtesy of author.

function, as in the case of Afghanistan or Somalia. Altogether, no-party states are far from insignificant in number: Twenty-eight such states existed in 2003 or 16 percent of the total.

### SINGLE-PARTY SYSTEMS

Single-party systems have declined markedly in number since the 1980s, when two-fifths of the world polities belonged to that category. By 2003, even if one includes the states in which a single party, although in complete control, is not the only party allowed, single-party systems represent only a quarter of the total.

The success of single-party systems up to the late 1980s may be linked to the growth of communist systems in Eastern Europe and North Asia after World War II (1939–1945) and the subsequent emergence of leader-based single parties, often labeled **populist**, in the Middle East and North Africa as well as Africa south of the Sahara Desert, in the wake of the decolonization process. These populist single parties were often based, although in a disguised form, on tribes and ethnic groups. Unlike communist parties, which had a strong organization and an equally strong repressive apparatus, they typically depended on the personal charisma of leaders who had fought for independence. They were rather fragile and often at the mercy of military **coups**, as a result of which all parties were prohibited. Single-party rule did return in many cases, however, often because the military leaders themselves felt their legitimacy would increase, at home and abroad, if they created a party.

Not all single-party systems have been pure in this way. Some have been merely dominant, the Mexican Institutional Revolutionary Party (PRI) probably being the most successful example. They have survived by a mixture of repression, electoral fraud, and blandishment. At the beginning of the twenty-first century dominant one-party systems were twice as numerous as pure single-party systems. The collapse of communism in Europe unquestionably diminished the appeal and prestige of this last form of rule, as it showed that longevity of half a century and good organization accompanied by repression did not suffice. Nonetheless, single-party systems cannot be written off altogether. They are

**populist:** someone who advocates policies for the advancement of the common man

**coup:** a quick seizure of power or a sudden attack

likely to remain on the scene and perhaps even to reemerge if systems of more than one party, outside the West, prove unable to handle satisfactorily the huge social and economic problems that these countries face.

## SYSTEMS OF MORE THAN ONE PARTY

At the beginning of the twenty-first century three-fifths of nation-states were ruled by a system of more than one party. These can be based on two main parties, "two-and-a-half" parties, or multiparty systems with or without one large party. In principle at least, unlike single-party systems, all of them are characterized by open competition through elections: These are not symbolic as in single-party systems, but provide a real opportunity for choice. However, competition in elections or in a more general sense is not always entirely open.

Three distinctions need to be made in relation to competition. The first relates to its extent. Societal conflicts may or may not be freely reflected in the party system, as there may or may not be legal or **de facto** barriers. Competition can be restricted on grounds of class (by means of literacy requirements) or race (as in South Africa for decades). Some parties may not be constitutionally permitted or allowed to re-form, as the Peronist Party in Argentina for long periods, or the Democratic Party or Muslim-based parties in Turkey. Second, competition can also be limited by more subtle means, such as pressure on voters or electoral fraud. Third, the electoral system may make it difficult—at the limit impossible—for some parties to be represented. The electoral system always biases representation somewhat, although this is less the case in proportional systems than in majority systems, especially if the district magnitude, in proportional systems, is very large. In the Netherlands, for instance, the entire country is a single district.

Strong variations in the distribution of systems of more than one party exist across the world. While all Western and Eastern European countries have been ruled by a system of more than one party since the 1990s, the same has only been true in about 85 percent of Latin American countries, two-thirds of the countries previously part of the former Soviet Union, half the countries of Asia, and only a third of the countries of Africa south of the Sahara and the Middle East.

Moreover, truly continuous systems of more than one party are mainly drawn from the Atlantic area. The countries of Western Europe, North America, and Australia formed one-fifth of the countries ruled by a system of more than one party at the beginning of the twenty-first century, but accounted for two-thirds of the countries that had experienced an uninterrupted system of more than one party for four decades or more. The fact that systems of more than one party have tended to be durable primarily in Western Europe and North America confirms the view that liberal democracy tends to be associated with **socioeconomic** development.

## WESTERN PARTY SYSTEMS

There are also substantial differences in the party systems of the countries of Western Europe and North America, however. This is so primarily in terms of the configuration of the parties—from two-party to multiparty systems—but also, although to a lesser extent, in terms of social base, organization, and goals.

It has long been suggested that systems of more than one party depend markedly on social cleavages. This was particularly true in the early and middle part of the twentieth century in Western Europe and the nation-states of the "old" Commonwealth (Canada, Australia, and New Zealand) as well as in the

**de facto:** (Latin) actual; in effect but not officially declared

**socioeconomic:** relating to the traits of income, class, and education

**socialism:** any of various economic and political theories advocating collective or governmental ownership and administration of the means of production and distribution of goods

**coalition:** an alliance, partnership, or union of disparate peoples or individuals

**consociational:** belonging to an association, especially a church or a religious association

**platform:** a statement of principles or legislative goals made by a political party

**subsidy:** a government grant used to encourage some action

United States, although in a somewhat different manner. Such a view suggests that systems of more than one party replicate on the political plane the basic divisions of the existing social structure, such as class divisions (among conservatives and **socialists**), religious divisions (between Catholics and Protestants or between believers and nonbelievers), and ethnic or national divisions. In the United States the ethnic basis of parties has often been noted, with the Republican Party seen as the party of the gentry with long ancestral roots in America, and the Democratic Party the party of the working-class Irish or Italians, or minority groups such as Jews.

Thus, systems of more than one party were often composed of well-defined camps or pillars, each supported by a large network of organizations (including even sports organizations), each attracting large numbers of dedicated members, and each sustained by a clearly defined ideology, especially with respect to the distinction between workers and the bourgeois. At election times activists mobilized their supporters and attempted to convince the uncommitted.

While such battles took place at election time, the party that won then had to establish a government afterwards. When there was no clear majority, that is, if the election did not result in the straightforward victory of one party, deals had to be struck between political leaders, for instance, to build **coalitions**. These arrangements were typically labeled "**consociational**" to use the expression coined by Lijphart with respect to the Netherlands, across at least some of the pillars of the political system.

The result of these deals was to blunt the opposition between camps. Moreover, voters acquired gradually some independence vis-à-vis their party as a result of the decline in the intensity of divisions by "nationality" in the United States, religious divisions in Western Europe, and the class struggle throughout the Western world. The classical notion that party systems were based on social cleavages came to be, as the twentieth century drew to a close, less and less realistic. Especially in the United States but also in Western Europe and the former Commonwealth, the independence of voters led to volatility and an increased number of voters who stayed away from the polls during elections. The parties lost so much of their grip on the electorate that a different model of voting behavior began to prevail, one that resembled a market, with issues acquiring more importance than party loyalty. Party **platforms** became increasingly concerned with providing solutions to the problems of the day.

For such a development to occur and in particular for parties to respond to what seemed like the new way in which the electorate approached politics, a fresh set of links had to be created. Party organizations declined and contributions could no longer be obtained from members and even sympathizers. Soon state **subsidies** came to the rescue along with donations from private interest groups. As loyalty to organizations declined, the personalization of power increased, both in the older parties, whose leaders often insisted on fundamental changes in the party platform, and in new parties, in which political entrepreneurs used their personal appeal to make a breakthrough at the polls.

Whether parties in Western Europe will remain as stable in the twenty-first century as they were previously is therefore in question. Only in the United States do the two main parties continue to fully dominate the scene, perhaps because primaries enable all candidates to try their luck with voters. Such has not occurred in Western Europe, where, on the contrary, the control of nominations still lies, by and large, in the hands of party officials and active members.

Some ideological differences remain, but mostly on the fringes, among extremist parties. Communist parties have declined markedly in the countries

**POSTERS FOR THE PARLIAMENTARY ELECTIONS IN HARARE, ZIMBABWE IN 2005.** During the parliamentary elections held on March 31, 2005, all 120 of 150 seats were on the ballot, and the socialist Zimbabwe African National Union-Patriotic Front increased its victory percentage over the rival Movement for Democratic Change (MDC) party by winning 60 percent of the vote, though the MDC has claimed that the voting process was tainted. (SOURCE: ALEXANDER JOE/AFP/GETTY IMAGES)

where they were once strong, mainly France, Italy, Portugal, and Finland, but organizations of the radical right have emerged in these same places. They are typically small and often ephemeral, however.

## SYSTEMS WITH MORE THAN ONE PARTY: WORLDWIDE UNCERTAINTY AND FRAGILITY

In the ninety or so polities outside the West in which a system of more than one party is found to exist, parties and party systems are more fragile. This has occurred despite the great upsurge of such systems in the late 1980s and

early 1990s, or perhaps because the change was often too rapid. Only in about twenty countries outside the West have such systems been continuous since the 1940s, the main examples being Israel, Lebanon, India, Sri Lanka, Japan, South Africa (with severe restrictions), Brazil (with marked limitations), Colombia, and Costa Rica. Meanwhile, the countries that became independent following the 1950s and those in which the pluralistic system endures have tended to be small in population. They are often islands with a strong cultural identity; many belong to the "new" Commonwealth, with the traditions that such a membership implies. Thus, while it may be that in most former communist countries and over thirty other countries (especially but not exclusively Latin American) a system of more than one party has prevailed uninterrupted since the late 1980s or early 1990s, there is no assurance, except perhaps in Eastern Europe and some Latin American countries, that this situation will be maintained indefinitely.

Systems of more than one party—sometimes labeled "pluralistic"—outside the Western world have tended to be fragile as the parties that compose them have also been fragile. This has resulted, in part, because the parties involved do not have deep roots in the population, with the profound antagonism between traditionalists and those wishing to bring about rapid change rendering the shoring up of social and political structures difficult if not impossible. Thus, as in many single-party systems, parties in pluralistic party systems have often been based on—indeed created by—strong leaders. Not surprisingly, even in Latin America where they have had a longer time to develop, these parties have been described as "inchoate."

Overall, outside the West and probably outside parts of Eastern Europe and East and Southeast Asia, systems of more than one party are not truly consolidated. Even where the pluralistic party system is better established than it was previously, economic difficulties lead to social tensions and outright violence. In Peru, Colombia, even Venezuela, as well as in some Central American states, the military's return to power cannot be ruled out. This is even more likely to be the case in African countries that, sometimes under Western pressure, opted in the 1990s for a system of more than one party.

Western party systems have also become more fragile, but the gap is still large between parties and party systems in these countries and parties and party systems in the Third World. Old loyalties continue to play at least some part in the West, even if such occurs in association with the increased role of personalities in both traditional, large parties and newer parties that attempt to challenge established ones. In the United States, for example, such new parties have occasionally emerged (such as Ross Perot's third-party run for president in 1992 and Ralph Nader's in 2000) although they have had a less successful fate in Western Europe.

The opportunities for citizens to play some part in the political process depends on the party system being both sufficiently stable for these citizens to acquire a clear sense of their choices, and yet not so entrenched that many voters will feel powerless to exercise influence in an election. The latter kind of situation characterizes more single-party systems than systems of more than one party, to be sure. Meanwhile, the opportunities for citizens to intervene in politics in systems of more than one party can also be markedly limited by the restrictions resulting from the electoral system. For the citizenry, the extent to which it has a genuine influence, on both who runs the country and how that takes place, remains relatively small almost everywhere, even in systems of more than one party that are well-established and not in imminent danger of being overturned.

*See also:* Majoritarian Party Systems; Political Parties.

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*J. Blondel*

# Political Protest

Political protest involves attempts by individuals or groups to address or stop perceived injustices within a political system, without overturning the system itself. Unlike revolutionaries, political protesters maintain some level of conviction that the political system is capable of correcting and improving itself. Yet, political protesters do not rely exclusively on traditional ways of political participation, such as voting, either because they have no right or access to them or because they do not consider them effective.

## FORMS OF POLITICAL PROTEST

Political protest may take various forms. One major distinction is between non-violent and violent protest. Nonviolent forms include **petitions**, newspaper articles, works of art, sit-ins, strikes, and peaceful demonstrations, while violent forms include destruction of property, bodily harm, and acts of terrorism. Although violent means mainly target agents of a regime, they also may be random and occasionally self-inflicted, as in the case of Jan Palach, the Czech student who in January 1969 set himself on fire to protest the Soviet invasion of Czechoslovakia. Nonviolent protest may turn violent, often as a result of government responses to protesters.

**petition:** a written appeal for a desired action, or, to request an action, especially of government

## RESPONSES TO POLITICAL PROTEST

Responses to political protest vary, ranging from the harsh enforcement of bans on political protest, to attempts to calm it down by making partial concessions, to tolerance of the phenomenon. Any of the responses, whether harsh or soft, may or may not be sanctioned by law. Democratic thinkers often have called for the constitutional enshrinement of the right to protest as a way to guarantee those excluded from the **polity** to reenter it. Indeed, both democratic and non-democratic countries have recognized the advantages of allowing some political protest as a way to release economic and social tensions and avoid revolution. However, in many cases police or army forces facing legitimate acts of protest have used excessive power to subdue them, especially when the protesters belonged to minority races or ethnicities.

Political protest may be an individual act, as when French writer Emile Zola (1840–1902) stood up during the Dreyfus Affair in late nineteenth century France, writing *J'accuse* against the church, military, and political establishments that aligned to falsely accuse Jewish Captain Alfred Dreyfus (1859–1935) of treason. On the other hand, it may be the product of a social movement or the alignment of social movements. Famous examples include anticolonial movements in Asia, Africa, and Latin America, the civil rights movement in the United States, and women's movements all over the world. One characteristic of modern **globalization** is the shift from political protest confined to specific political regimes, as in China's Tiananmen Square (1989), to the formation of international protest movements. Examples of the latter include antiglobalization forces that have opposed international organizations such as the International Monetary Fund and the World Bank in Seattle, Washington; Genoa, Italy; Quebec City, Canada; and elsewhere.

## POLITICAL PROTEST THEORIES

Political protests have been fueled by various political theories, the consideration of which may highlight the wide range of causes, motives, and forms of political protest:

German political philosopher Karl Marx (1818–1883) attributed the causes of political protest to class struggle. Considering conflict between social classes as necessary and inevitable, he envisioned a perpetual clash between the **proletariat** and the **bourgeoisie**, which provided the **ideological** base for much of the mass protests of the modern era. Although Marx and his followers, especially Russian communist leader Vladimir Lenin (1870–1924), feared that protest may hinder rather than enhance the coming of an all-out revolution, Marxism gave a solid theoretical base to labor unrest on a mass scale and provided it with a repertoire of engaging promises, slogans, posters, and songs. Even after Marxism fell into disrepute and political protest focused largely on what became known as "post-material" concerns—exemplified in the antinuclear movement, environmental groups like Greenpeace, and animal rights activism—this repertoire continued to nourish the protesters' legacy.

Another set of theories empowering political protest is that associated with colonialism and "postcolonialism." While the struggle against colonialism in Asia, Africa, and Latin America involved the liberation from the powers—mostly European—that colonized these regions, postcolonial theory focuses on the elimination of the cultural elements believed to lie at the core of the colonial condition. Postcolonial theorists, especially Frantz Fanon (1925–1961) and Edward Said (1935–2003), pointed to the literary and political symbolism that has justified the power of the colonizers by marginalizing and excluding the colonized "other"

**polity:** a form of government held by a specific country or group

**globalization:** the process of expanding regional concerns to a worldwide viewpoint, especially politics, economics, or culture

**proletariat:** the lower class of workers and laborers in a society

**bourgeoisie:** the economic middle class marked by wealth earned through business or trade

**ideology:** a system of beliefs composed of ideas or values, from which political, social, or economic programs are often derived

from the political structure on grounds of race. Consequently, Fanon introduced one of the most radical forms of protest against colonialism and its cultural manifestations, calling for severe violence that would liberate the oppressed, thus bringing the notion of political protest to the verge of an all-out revolution.

On the other hand, India's Mahatma Gandhi (1869–1948) advocated nonviolent political protest. Gandhi called for the liberation of India through civil disobedience, which was to be carried out in accordance with *satyagraha* (truth and resolution). For example, on April 6, 1930, Gandhi arrived in the coastal village of Dandi after marching nearly 388 kilometers (241 miles) on foot to gather salt. This was a march of protest against the British Salt Tax used to generate revenue to support British rule. The march unleashed widespread disobedience of British laws throughout India, while employing relatively little hatred and violence toward the British authorities.

Inspired by Gandhi's non-violence, Martin Luther King Jr. (1929–1968) became a symbol of the civil rights movement in the United States. In his famous speech "I have a dream," King invoked American values in support of black Americans, drawing legitimacy for his cause directly from the American



**ON MAY 4, 1989, CHINESE STUDENTS PROTEST IN SUPPORT OF DEMOCRACY IN TIANANMEN SQUARE IN BEIJING.** After the government declared martial law, premier Li Peng sent troops on June 3 and 4 to remove the protestors. What followed was a horrific and bloody attack on the unarmed supporters, leaving hundreds if not thousands (estimates vary widely) dead and about ten thousand injured. (SOURCE: © PETER TURNLEY/CORBIS)

Declaration of Independence. His dream that "one day this nation will rise up and live out the true meaning of its creed: We hold these truths to be self-evident that all men are created equal," aimed not at overthrowing the American system but at exposing an inherent hypocrisy and at changing racial attitudes present within the American political culture.

Similarly, activists in the women's rights movement did not reject the American principles of equality, but rather invoked them for their own cause. In 1848, Elizabeth Cady Stanton (1815–1902), an activist in the movement to abolish slavery, drafted the Declaration of Sentiments, where she used the words from the Declaration of Independence and stated: "We hold these truths to be self-evident; that all men and women are created equal." Though the struggle for equal rights started in 1848, it was not until 1920 that women obtained the right to vote in the United States, and not until the 1960s that feminist protests succeeded in bringing about Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex, and national origin.

During the 1960s, known as "the decade of protest," many civil groups in the United States and Western Europe engaged in demonstrations, sit-ins, takeovers of university buildings, planting of "peoples' parks," and other forms of protest, inspired by resistence to the American war in Vietnam, and by general discontent with the modern industrial state. This era of protest was marked by a strong nexus between political protest and the arts. This nexus—the origins of which can be traced to artistic movements protesting World War I, such as "Dada"—came to bear in posters, drawings, photojournalism, displays, fringe theatre, films, music, and other artistic expressions depicting political protest. Nick Ut's 1972 photo of nine-year-old Kim Phuc fleeing a Napalm attack, Bob Dylan's (b. 1941) song "Blowin' in the Wind," or Andy Warhol's (1928?–1987) image of the Birmingham race riots of 1964 are well-known examples.

Political scientists have made various attempts to account for the causes of political protest. Ted Robert Gurr asserted that it springs from "relative deprivation," or the perception of people that they are deprived in relation to others. Of course, this theory does not account for protesters who are not deprived themselves but may engage in political protest in support of others who are. "Rational choice" theorists, who follow economic thinking in its assumption that individuals are maximizers of interests, explained participation in political protest as the outgrowth of a calculus that its benefits exceed its costs. This theory does not account for the many cases in which individuals and groups have been willing to risk costs exceeding any "cost-benefit" calculus in their protest against injustice.

### THE FUTURE

Many modern acts of political protest require a great deal of personal courage and sacrifice. Examples include nuns staging protests against military rule in Myanmar, students demonstrating against the ayatollahs of Iran, Israeli soldiers conducting acts of civil disobedience to protest the occupation of Palestinain lands, monks distributing materials calling for the independence of Tibet, and citizens marching on the streets of African cities to protest the lack of personal security.

Although many of these events go unnoticed, it can be expected that with increasing access to the Internet in many parts of the world, political protesters will make more and more use of the Internet as a means to make online appeals, raise funds, connect to each other, and raise awareness of their cause.

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## TIANANMEN SQUARE PROTESTS

From April 15 to June 4, 1989, a Chinese "Democracy Movement" held demonstrations for democratic and socialist reforms in Beijing's Tiananmen Square.

Largely made up of university students and urban workers, the originally peaceful demonstrations were timed to coincide with Mikhail Gorbachev's visit to the country, and involved around 100,000 people with different agendas and demands. Deng Xiaoping's (1904–1997) gradual reforms toward "socialism with Chinese characteristics" were not moving fast enough for some of the groups who decried the Communist Party's hold on the country, while others believed the reforms were going too far, putting them near the brink of economic disaster.

Ordered to end the demonstrations and disperse, the crowds remained as they were until June 3, when the People's Liberation Army rolled tanks into Tiananmen Square and began firing randomly into the crowd. The massacre shocked the world, and left hundreds or thousands dead or wounded. The exact number of casualties remains unknown, and estimates vary widely. The event marked a turning point for many nations' foreign policy regarding China well into the twenty-first century.

*See also:* Aung San Suu Kyi; Dalai Lama; Democracy; Freedom of Assembly and Association; Gandhi, Mahatma; King Jr., Martin Luther.

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# APPENDICES

**PRIMARY SOURCE
DOCUMENTS**

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## Constitution of the Iroquois Nations

*Source:* Text form prepared by Gerald Murphy (The Cleveland Free-Net—aa300). Distributed by the Cybercasting Services Division of the National Public Telecomputing Network. Rendered into HTML by Jon Roland of the Constitution Society. Available from <http://www.constitution.org/cons/iroquois.htm>.

*Introduction:* The constitution prepared by the Confederacy of the Iroquois Nations (also called the Five Nations) is estimated to have been written between 1450 and 1500; extracts are reproduced below. The Great Binding Law, as it is also known, is a written record of the rules used to govern the confederacy and represents perhaps the earliest form of nationalism and democratic government in what would become the United States. In fact, because the Great Law lays out a council-based form of government with checks and balances and also specifically protects the rights of the people, some historians feel that it directly influenced the writing of the American Constitution in 1776. Other historians dispute that claim, asserting that the differences between the Iroquois document and the U.S. Constitution are too vast.

### THE GREAT BINDING LAW, GAYANASHAGOWA

1. I am Dekanawidah and with the Five Nations' Confederate Lords I plant the Tree of Great Peace. I plant it in your territory, Adodarhoh, and the Onondaga Nation, in the territory of you who are Firekeepers.

I name the tree the Tree of the Great Long Leaves. Under the shade of this Tree of the Great Peace we spread the soft white feathery down of the globe thistle as seats for you, Adodarhoh, and your cousin Lords.

We place you upon those seats, spread soft with the feathery down of the globe thistle, there beneath the shade of the spreading branches of the Tree of Peace. There shall you sit and watch the Council Fire of the Confederacy of the Five Nations, and all the affairs of the Five Nations shall be transacted at this place before you, Adodarhoh, and your cousin Lords, by the Confederate Lords of the Five Nations.

2. Roots have spread out from the Tree of the Great Peace, one to the north, one to the east, one to the south and one to the west. The name of these roots is The Great White Roots and their nature is Peace and Strength.

If any man or any nation outside the Five Nations shall obey the laws of the Great Peace and make known their disposition to the Lords of the Confederacy, they may trace the Roots to the Tree and if their minds are clean and they are obedient and promise to obey the wishes of the Confederate Council, they shall be welcomed to take shelter beneath the Tree of the Long Leaves.

We place at the top of the Tree of the Long Leaves an Eagle who is able to see afar. If he sees in the distance any evil approaching or any danger threatening he will at once warn the people of the Confederacy.

3. To you Adodarhoh, the Onondaga cousin Lords, I and the other Confederate Lords have entrusted the caretaking and the watching of the Five Nations Council Fire.

When there is any business to be transacted and the Confederate Council is not in session, a messenger shall be dispatched either to Adodarhoh, Hononwirehtonh or Skanawatih, Fire Keepers, or to their War Chiefs with a full statement of the case desired to be considered. Then shall Adodarhoh call his cousin (associate) Lords together and consider whether or not the case is of sufficient importance to demand the attention of the Confederate Council. If so, Adodarhoh shall dispatch messengers to summon all the Confederate Lords to assemble beneath the Tree of the Long Leaves.

When the Lords are assembled the Council Fire shall be kindled, but not with chestnut wood, and Adodarhoh shall formally open the Council.

Then shall Adodarhoh and his cousin Lords, the Fire Keepers, announce the subject for discussion.

The Smoke of the Confederate Council Fire shall ever ascend and pierce the sky so that other nations who may be allies may see the Council Fire of the Great Peace.

Adodarhoh and his cousin Lords are entrusted with the Keeping of the Council Fire. . . .

5. The Council of the Mohawk shall be divided into three parties as follows: Tekarihoken, Ayonhwhathah and Shadekariwade are the first party; Sharenhowaneh, Deyoenhegwenh and Oghrenghrehgowah are the second party, and Dehennakrineh, Aghstawenserenthah and Shoskoharowaneh are the third party. The third party is to listen only to the discussion of the first and second parties and if an error is made or the proceeding is irregular they are to call attention to it, and when the case is right and properly decided by the two parties they shall confirm the decision of the two parties and refer the case to the Seneca Lords for their decision. When the Seneca Lords have decided in accord with the Mohawk Lords, the case or question shall be referred to the Cayuga and Oneida Lords on the opposite side of the house.

6. I, Dekanawidah, appoint the Mohawk Lords the heads and the leaders of the Five Nations Confederacy. The Mohawk Lords are the foundation of the Great Peace and it shall, therefore, be against the Great Binding Law to pass measures in the Confederate Council after the Mohawk Lords have protested against them.

No council of the Confederate Lords shall be legal unless all the Mohawk Lords are present. . . .

## ELECTION OF PINE TREE CHIEFS

35. Should any man of the Nation assist with special ability or show great interest in the affairs of the Nation, if he proves himself wise, honest and worthy of confidence, the Confederate Lords may elect him to a seat with them and he may sit in the Confederate Council. He shall be proclaimed a 'Pine Tree sprung up for the Nation' and shall be installed as such at the next assembly for the installation of Lords. Should he ever do anything contrary to the rules of the Great Peace, he may not be deposed from office—no one shall cut him down—but thereafter everyone shall be deaf to his voice and his advice. Should he resign his seat and title no one shall prevent him. A Pine Tree chief has no authority to name a successor nor is his title hereditary. . . .

## OFFICIAL SYMBOLISM

55. A large bunch of shell strings, in the making of which the Five Nations Confederate Lords have equally contributed, shall symbolize the completeness of the union and certify the pledge of the nations represented by the Confederate Lords of the Mohawk, the Oneida, the Onondaga, the Cayuga and the Senecca, that all are united and formed into one body or union called the Union of the Great Law, which they have established.

A bunch of shell strings is to be the symbol of the council fire of the Five Nations Confederacy. And the Lord whom the council of Fire Keepers shall appoint to speak for them in opening the council shall hold the strands of shells in his hands when speaking. When he finishes speaking he shall deposit the strings on an elevated place (or pole) so that all the assembled Lords and the people may see it and know that the council is open and in progress.

When the council adjourns the Lord who has been appointed by his comrade Lords to close it shall take the strands of shells in his hands and address the assembled Lords. Thus will the council adjourn until such time and place as appointed by the council. Then shall the shell strings be placed in a place for safekeeping.

Every five years the Five Nations Confederate Lords and the people shall assemble together and shall ask one another if their minds are still in the same spirit of unity for the Great Binding Law and if any of the Five Nations shall not pledge continuance and steadfastness to the pledge of unity then the Great Binding Law shall dissolve.

56. Five strings of shell tied together as one shall represent the Five Nations. Each string shall represent one territory and the whole a completely united territory known as the Five Nations Confederate territory.

57. Five arrows shall be bound together very strong and each arrow shall represent one nation. As the five arrows are strongly bound this shall symbolize the complete union of the nations. Thus are the Five Nations united completely and enfolded together, united into one head, one body and one mind. Therefore they shall labor, legislate and council together for the interest of future generations. . . .

60. A broad dark belt of wampum of thirty-eight rows, having a white heart in the center, on either side of which are two white squares all connected with the heart by white rows of beads shall be the emblem of the unity of the Five Nations.

The first of the squares on the left represents the Mohawk nation and its territory; the second square on the left and the one near the heart, represents the Oneida nation and its territory; the white heart in the middle represents the

Onondaga nation and its territory, and it also means that the heart of the Five Nations is single in its loyalty to the Great Peace, that the Great Peace is lodged in the heart (meaning the Onondaga Lords), and that the Council Fire is to burn there for the Five Nations, and further, it means that the authority is given to advance the cause of peace whereby hostile nations out of the Confederacy shall cease warfare; the white square to the right of the heart represents the Cayuga nation and its territory and the fourth and last white square represents the Seneca nation and its territory.

White shall here symbolize that no evil or jealous thoughts shall creep into the minds of the Lords while in Council under the Great Peace. White, the emblem of peace, love, charity and equity surrounds and guards the Five Nations. . . .

### RIGHTS OF FOREIGN NATIONS

73. The soil of the earth from one end of the land to the other is the property of the people who inhabit it. By birthright the Ongwehonweh (Original beings) are the owners of the soil which they own and occupy and none other may hold it. The same law has been held from the oldest times.

The Great Creator has made us of the one blood and of the same soil he made us and as only different tongues constitute different nations he established different hunting grounds and territories and made boundary lines between them.

74. When any alien nation or individual is admitted into the Five Nations the admission shall be understood only to be a temporary one. Should the person or nation create loss, do wrong or cause suffering of any kind to endanger the peace of the Confederacy, the Confederate Lords shall order one of their war chiefs to reprimand him or them and if a similar offence is again committed the offending party or parties shall be expelled from the territory of the Five United Nations.

75. When a member of an alien nation comes to the territory of the Five Nations and seeks refuge and permanent residence, the Lords of the Nation to which he comes shall extend hospitality and make him a member of the nation. Then shall he be accorded equal rights and privileges in all matters except as after mentioned.

76. No body of alien people who have been adopted temporarily shall have a vote in the council of the Lords of the Confederacy, for only they who have been invested with Lordship titles may vote in the Council. Aliens have nothing by blood to make claim to a vote and should they have it, not knowing all the traditions of the Confederacy, might go against its Great Peace. In this manner the Great Peace would be endangered and perhaps be destroyed.

77. When the Lords of the Confederacy decide to admit a foreign nation and an adoption is made, the Lords shall inform the adopted nation that its admission is only temporary. They shall also say to the nation that it must never try to control, to interfere with or to injure the Five Nations nor disregard the Great Peace or any of its rules or customs. That in no way should they cause disturbance or injury. Then should the adopted nation disregard these injunctions, their adoption shall be annuled and they shall be expelled.

The expulsion shall be in the following manner: The council shall appoint one of their War Chiefs to convey the message of annulment and he shall say, "You (naming the nation) listen to me while I speak. I am here to inform you again of the will of the Five Nations' Council. It was clearly made known to you at a former

time. Now the Lords of the Five Nations have decided to expel you and cast you out. We disown you now and annul your adoption. Therefore you must look for a path in which to go and lead away all your people. It was you, not we, who committed wrong and caused this sentence of annulment. So then go your way and depart from the territory of the Five Nations and from the Confederacy."

78. Whenever a foreign nation enters the Confederacy or accepts the Great Peace, the Five Nations and the foreign nation shall enter into an agreement and compact by which the foreign nation shall endeavor to pursuade other nations to accept the Great Peace.

### RIGHTS AND POWERS OF WAR

79. Skanawatih shall be vested with a double office, duty and with double authority. One-half of his being shall hold the Lordship title and the other half shall hold the title of War Chief. In the event of war he shall notify the five War Chiefs of the Confederacy and command them to prepare for war and have their men ready at the appointed time and place for engagement with the enemy of the Great Peace.

80. When the Confederate Council of the Five Nations has for its object the establishment of the Great Peace among the people of an outside nation and that nation refuses to accept the Great Peace, then by such refusal they bring a declaration of war upon themselves from the Five Nations. Then shall the Five Nations seek to establish the Great Peace by a conquest of the rebellious nation.

81. When the men of the Five Nations, now called forth to become warriors, are ready for battle with an obstinate opposing nation that has refused to accept the Great Peace, then one of the five War Chiefs shall be chosen by the warriors of the Five Nations to lead the army into battle. It shall be the duty of the War Chief so chosen to come before his warriors and address them. His aim shall be to impress upon them the necessity of good behavior and strict obedience to all the commands of the War Chiefs. He shall deliver an oration exhorting them with great zeal to be brave and courageous and never to be guilty of cowardice. At the conclusion of his oration he shall march forward and commence the War Song and he shall sing:

> Now I am greatly surprised
> And, therefore I shall use it—
> The power of my War Song.
> I am of the Five Nations
> And I shall make supplication
> To the Almighty Creator.
> He has furnished this army.
> My warriors shall be mighty
> In the strength of the Creator.
> Between him and my song they are
> For it was he who gave the song
> This war song that I sing!

82. When the warriors of the Five Nations are on an expedition against an enemy, the War Chief shall sing the War Song as he approaches the country of the enemy and not cease until his scouts have reported that the army is near the enemies' lines when the War Chief shall approach with great caution and prepare for the attack.

83. When peace shall have been established by the termination of the war against a foreign nation, then the War Chief shall cause all the weapons of war to

be taken from the nation. Then shall the Great Peace be established and that nation shall observe all the rules of the Great Peace for all time to come.

84. Whenever a foreign nation is conquered or has by their own will accepted the Great Peace their own system of internal government may continue, but they must cease all warfare against other nations.

85. Whenever a war against a foreign nation is pushed until that nation is about exterminated because of its refusal to accept the Great Peace and if that nation shall by its obstinacy become exterminated, all their rights, property and territory shall become the property of the Five Nations.

86. Whenever a foreign nation is conquered and the survivors are brought into the territory of the Five Nations' Confederacy and placed under the Great Peace the two shall be known as the Conqueror and the Conquered. A symbolic relationship shall be devised and be placed in some symbolic position. The conquered nation shall have no voice in the councils of the Confederacy in the body of the Lords.

87. When the War of the Five Nations on a foreign rebellious nation is ended, peace shall be restored to that nation by a withdrawal of all their weapons of war by the War Chief of the Five Nations. When all the terms of peace shall have been agreed upon a state of friendship shall be established.

88. When the proposition to establish the Great Peace is made to a foreign nation it shall be done in mutual council. The foreign nation is to be persuaded by reason and urged to come into the Great Peace. If the Five Nations fail to obtain the consent of the nation at the first council a second council shall be held and upon a second failure a third council shall be held and this third council shall end the peaceful methods of persuasion. At the third council the War Chief of the Five nations shall address the Chief of the foreign nation and request him three times to accept the Great Peace. If refusal steadfastly follows the War Chief shall let the bunch of white lake shells drop from his outstretched hand to the ground and shall bound quickly forward and club the offending chief to death. War shall thereby be declared and the War Chief shall have his warriors at his back to meet any emergency. War must continue until the contest is won by the Five Nations.

89. When the Lords of the Five Nations propose to meet in conference with a foreign nation with proposals for an acceptance of the Great Peace, a large band of warriors shall conceal themselves in a secure place safe from the espionage of the foreign nation but as near at hand as possible. Two warriors shall accompany the Union Lord who carries the proposals and these warriors shall be especially cunning. Should the Lord be attacked, these warriors shall hasten back to the army of warriors with the news of the calamity which fell through the treachery of the foreign nation.

90. When the Five Nations' Council declares war any Lord of the Confederacy may enlist with the warriors by temporarily renouncing his sacred Lordship title which he holds through the election of his women relatives. The title then reverts to them and they may bestow it upon another temporarily until the war is over when the Lord, if living, may resume his title and seat in the Council.

91. A certain wampum belt of black beads shall be the emblem of the authority of the Five War Chiefs to take up the weapons of war and with their men to resist invasion. This shall be called a war in defense of the territory.

### TREASON OR SECESSION OF A NATION

92. If a nation, part of a nation, or more than one nation within the Five Nations should in any way endeavor to destroy the Great Peace by neglect or violating its laws and resolve to dissolve the Confederacy, such a nation or such nations

shall be deemed guilty of treason and called enemies of the Confederacy and the Great Peace.

It shall then be the duty of the Lords of the Confederacy who remain faithful to resolve to warn the offending people. They shall be warned once and if a second warning is necessary they shall be driven from the territory of the Confederacy by the War Chiefs and his men.

### RIGHTS OF THE PEOPLE OF THE FIVE NATIONS

93. Whenever a specially important matter or a great emergency is presented before the Confederate Council and the nature of the matter affects the entire body of the Five Nations, threatening their utter ruin, then the Lords of the Confederacy must submit the matter to the decision of their people and the decision of the people shall affect the decision of the Confederate Council. This decision shall be a confirmation of the voice of the people.

94. The men of every clan of the Five Nations shall have a Council Fire ever burning in readiness for a council of the clan. When it seems necessary for a council to be held to discuss the welfare of the clans, then the men may gather about the fire. This council shall have the same rights as the council of the women.

95. The women of every clan of the Five Nations shall have a Council Fire ever burning in readiness for a council of the clan. When in their opinion it seems necessary for the interest of the people they shall hold a council and their decisions and recommendations shall be introduced before the Council of the Lords by the War Chief for its consideration.

96. All the Clan council fires of a nation or of the Five Nations may unite into one general council fire, or delegates from all the council fires may be appointed to unite in a general council for discussing the interests of the people. The people shall have the right to make appointments and to delegate their power to others of their number. When their council shall have come to a conclusion on any matter, their decision shall be reported to the Council of the Nation or to the Confederate Council (as the case may require) by the War Chief or the War Chiefs.

97. Before the real people united their nations, each nation had its council fires. Before the Great Peace their councils were held. The five Council Fires shall continue to burn as before and they are not quenched. The Lords of each nation in future shall settle their nation's affairs at this council fire governed always by the laws and rules of the council of the Confederacy and by the Great Peace.

98. If either a nephew or a niece see an irregularity in the performance of the functions of the Great Peace and its laws, in the Confederate Council or in the conferring of Lordship titles in an improper way, through their War Chief they may demand that such actions become subject to correction and that the matter conform to the ways prescribed by the laws of the Great Peace. . . .

## The Magna Carta

***Introduction:*** After leading a successful revolt against King John I, the English barons (supported by the clergy and townsmen) forced the king to sign a lengthy document that became known as the Magna Carta (or "great charter"). Signed by King John on June 12, 1215, the document was divided into sixty-three sections that served as the foundation for the British constitution

and forced the king to admit that he answered to the same community laws as his subjects did. As such, the document was the first to establish a degree of juridical equality between subjects and government, the first step toward acknowledgement of basic rights for all.

***Preamble***  John, by the grace of God, king of England, lord of Ireland, duke of Normandy and Aquitaine, and count of Anjou, to the archbishop, bishops, abbots, earls, barons, justiciaries, foresters, sheriffs, stewards, servants, and to all his bailiffs and liege subjects, greetings. Know that, having regard to God and for the salvation of our soul, and those of all our ancestors and heirs, and unto the honor of God and the advancement of his holy Church and for the rectifying of our realm, we have granted as underwritten by advice of our venerable fathers, Stephen, archbishop of Canterbury, primate of all England and cardinal of the holy Roman Church, Henry, archbishop of Dublin, William of London, Peter of Winchester, Jocelyn of Bath and Glastonbury, Hugh of Lincoln, Walter of Worcester, William of Coventry, Benedict of Rochester, bishops; of Master Pandulf, subdeacon and member of the household of our lord the Pope, of brother Aymeric (master of the Knights of the Temple in England), and of the illustrious men William Marshal, earl of Pembroke, William, earl of Salisbury, William, earl of Warenne, William, earl of Arundel, Alan of Galloway (constable of Scotland), Waren Fitz Gerold, Peter Fitz Herbert, Hubert De Burgh (seneschal of Poitou), Hugh de Neville, Matthew Fitz Herbert, Thomas Basset, Alan Basset, Philip d'Aubigny, Robert of Roppesley, John Marshal, John Fitz Hugh, and others, our liegemen.

1. In the first place we have granted to God, and by this our present charter confirmed for us and our heirs forever that the English Church shall be free, and shall have her rights entire, and her liberties inviolate; and we will that it be thus observed; which is apparent from this that the freedom of elections, which is reckoned most important and very essential to the English Church, we, of our pure and unconstrained will, did grant, and did by our charter confirm and did obtain the ratification of the same from our lord, Pope Innocent III, before the quarrel arose between us and our barons: and this we will observe, and our will is that it be observed in good faith by our heirs forever. We have also granted to all freemen of our kingdom, for us and our heirs forever, all the underwritten liberties, to be had and held by them and their heirs, of us and our heirs forever.

2. If any of our earls or barons, or others holding of us in chief by military service shall have died, and at the time of his death his heir shall be full of age and owe "relief", he shall have his inheritance by the old relief, to wit, the heir or heirs of an earl, for the whole barony of an earl by L100; the heir or heirs of a baron, L100 for a whole barony; the heir or heirs of a knight, 100s, at most, and whoever owes less let him give less, according to the ancient custom of fees.

3. If, however, the heir of any one of the aforesaid has been under age and in wardship, let him have his inheritance without relief and without fine when he comes of age.

4. The guardian of the land of an heir who is thus under age, shall take from the land of the heir nothing but reasonable produce, reasonable customs, and reasonable services, and that without destruction or waste of men or goods; and if we have committed the wardship of the lands of any such minor to the sheriff, or to any other who is responsible to us for its issues, and he has made destruction or waster of what he holds in wardship, we will take of him amends, and the land shall be committed to two lawful and discreet men of that fee, who shall be responsible for the issues to us or to him to whom we shall assign them; and if we have given or sold the wardship of any such land to anyone and he has

therein made destruction or waste, he shall lose that wardship, and it shall be transferred to two lawful and discreet men of that fief, who shall be responsible to us in like manner as aforesaid.

5. The guardian, moreover, so long as he has the wardship of the land, shall keep up the houses, parks, fishponds, stanks, mills, and other things pertaining to the land, out of the issues of the same land; and he shall restore to the heir, when he has come to full age, all his land, stocked with ploughs and wainage, according as the season of husbandry shall require, and the issues of the land can reasonable bear.

6. Heirs shall be married without disparagement, yet so that before the marriage takes place the nearest in blood to that heir shall have notice.

7. A widow, after the death of her husband, shall forthwith and without difficulty have her marriage portion and inheritance; nor shall she give anything for her dower, or for her marriage portion, or for the inheritance which her husband and she held on the day of the death of that husband; and she may remain in the house of her husband for forty days after his death, within which time her dower shall be assigned to her.

8. No widow shall be compelled to marry, so long as she prefers to live without a husband; provided always that she gives security not to marry without our consent, if she holds of us, or without the consent of the lord of whom she holds, if she holds of another.

9. Neither we nor our bailiffs will seize any land or rent for any debt, as long as the chattels of the debtor are sufficient to repay the debt; nor shall the sureties of the debtor be distrained so long as the principal debtor is able to satisfy the debt; and if the principal debtor shall fail to pay the debt, having nothing wherewith to pay it, then the sureties shall answer for the debt; and let them have the lands and rents of the debtor, if they desire them, until they are indemnified for the debt which they have paid for him, unless the principal debtor can show proof that he is discharged thereof as against the said sureties.

10. If one who has borrowed from the Jews any sum, great or small, die before that loan be repaid, the debt shall not bear interest while the heir is under age, of whomsoever he may hold; and if the debt fall into our hands, we will not take anything except the principal sum contained in the bond.

11. And if anyone die indebted to the Jews, his wife shall have her dower and pay nothing of that debt; and if any children of the deceased are left under age, necessaries shall be provided for them in keeping with the holding of the deceased; and out of the residue the debt shall be paid, reserving, however, service due to feudal lords; in like manner let it be done touching debts due to others than Jews.

12. No scutage not aid shall be imposed on our kingdom, unless by common counsel of our kingdom, except for ransoming our person, for making our eldest son a knight, and for once marrying our eldest daughter; and for these there shall not be levied more than a reasonable aid. In like manner it shall be done concerning aids from the city of London.

13. And the city of London shall have all it ancient liberties and free customs, as well by land as by water; furthermore, we decree and grant that all other cities, boroughs, towns, and ports shall have all their liberties and free customs.

14. And for obtaining the common counsel of the kingdom anent the assessing of an aid (except in the three cases aforesaid) or of a scutage, we will cause to be summoned the archbishops, bishops, abbots, earls, and greater barons, severally by our letters; and we will moveover cause to be summoned generally, through our sheriffs and bailiffs, and others who hold of us in chief, for a fixed date, namely, after the expiry of at least forty days, and at a fixed place; and in

all letters of such summons we will specify the reason of the summons. And when the summons has thus been made, the business shall proceed on the day appointed, according to the counsel of such as are present, although not all who were summoned have come.

15. We will not for the future grant to anyone license to take an aid from his own free tenants, except to ransom his person, to make his eldest son a knight, and once to marry his eldest daughter; and on each of these occasions there shall be levied only a reasonable aid.

16. No one shall be distrained for performance of greater service for a knight's fee, or for any other free tenement, than is due therefrom.

17. Common pleas shall not follow our court, but shall be held in some fixed place.

18. Inquests of novel disseisin, of mort d'ancestor, and of darrein presentment shall not be held elsewhere than in their own county courts, and that in manner following; We, or, if we should be out of the realm, our chief justiciar, will send two justiciaries through every county four times a year, who shall alone with four knights of the county chosen by the county, hold the said assizes in the county court, on the day and in the place of meeting of that court.

19. And if any of the said assizes cannot be taken on the day of the county court, let there remain of the knights and freeholders, who were present at the county court on that day, as many as may be required for the efficient making of judgments, according as the business be more or less.

20. A freeman shall not be amerced for a slight offense, except in accordance with the degree of the offense; and for a grave offense he shall be amerced in accordance with the gravity of the offense, yet saving always his "contentment"; and a merchant in the same way, saving his "merchandise"; and a villein shall be amerced in the same way, saving his "wainage" if they have fallen into our mercy: and none of the aforesaid amercements shall be imposed except by the oath of honest men of the neighborhood.

21. Earls and barons shall not be amerced except through their peers, and only in accordance with the degree of the offense.

22. A clerk shall not be amerced in respect of his lay holding except after the manner of the others aforesaid; further, he shall not be amerced in accordance with the extent of his ecclesiastical benefice.

23. No village or individual shall be compelled to make bridges at river banks, except those who from of old were legally bound to do so.

24. No sheriff, constable, coroners, or others of our bailiffs, shall hold pleas of our Crown.

25. All counties, hundred, wapentakes, and trithings (except our demesne manors) shall remain at the old rents, and without any additional payment.

26. If anyone holding of us a lay fief shall die, and our sheriff or bailiff shall exhibit our letters patent of summons for a debt which the deceased owed us, it shall be lawful for our sheriff or bailiff to attach and enroll the chattels of the deceased, found upon the lay fief, to the value of that debt, at the sight of law worthy men, provided always that nothing whatever be thence removed until the debt which is evident shall be fully paid to us; and the residue shall be to the executors to fulfill the will of the deceased; and if there be nothing due from him to us, all the chattels shall go to the deceased, saving to his wife and children their reasonable shares.

27. If any freeman shall die intestate, his chattels shall be distributed by the hands of his nearest kinsfolk and friends, under supervision of the Church, saving to every one the debts which the deceased owed to him.

28. No constable or other bailiff of ours shall take corn or other provisions from anyone without immediately tendering money therefor, unless he can have postponement thereof by permission of the seller.

29. No constable shall compel any knight to give money in lieu of castle-guard, when he is willing to perform it in his own person, or (if he himself cannot do it from any reasonable cause) then by another responsible man. Further, if we have led or sent him upon military service, he shall be relieved from guard in proportion to the time during which he has been on service because of us.

30. No sheriff or bailiff of ours, or other person, shall take the horses or carts of any freeman for transport duty, against the will of the said freeman.

31. Neither we nor our bailiffs shall take, for our castles or for any other work of ours, wood which is not ours, against the will of the owner of that wood.

32. We will not retain beyond one year and one day, the lands those who have been convicted of felony, and the lands shall thereafter be handed over to the lords of the fiefs.

33. All kydells for the future shall be removed altogether from Thames and Medway, and throughout all England, except upon the seashore.

34. The writ which is called praecipe shall not for the future be issued to any-one, regarding any tenement whereby a freeman may lose his court.

35. Let there be one measure of wine throughout our whole realm; and one measure of ale; and one measure of corn, to wit, "the London quarter"; and one width of cloth (whether dyed, or russet, or "halberget"), to wit, two ells within the selvedges; of weights also let it be as of measures.

36. Nothing in future shall be given or taken for a writ of inquisition of life or limbs, but freely it shall be granted, and never denied.

37. If anyone holds of us by fee-farm, either by socage or by burage, or of any other land by knight's service, we will not (by reason of that fee-farm, socage, or burgage), have the wardship of the heir, or of such land of his as if of the fief of that other; nor shall we have wardship of that fee-farm, socage, or burgage, unless such fee-farm owes knight's service. We will not by reason of any small serjeancy which anyone may hold of us by the service of rendering to us knives, arrows, or the like, have wardship of his heir or of the land which he holds of another lord by knight's service.

38. No bailiff for the future shall, upon his own unsupported complaint, put anyone to his "law," without credible witnesses brought for this purposes.

39. No freemen shall be taken or imprisoned or disseised or exiled or in any way destroyed, nor will we go upon him nor send upon him, except by the lawful judgment of his peers or by the law of the land.

40. To no one will we sell, to no one will we refuse or delay, right or justice.

41. All merchants shall have safe and secure exit from England, and entry to England, with the right to tarry there and to move about as well by land as by water, for buying and selling by the ancient and right customs, quit from all evil tolls, except (in time of war) such merchants as are of the land at war with us. And if such are found in our land at the beginning of the war, they shall be detained, without injury to their bodies or goods, until information be received by us, or by our chief justiciar, how the merchants of our land found in the land at war with us are treated; and if our men are safe there, the others shall be safe in our land.

42. It shall be lawful in future for anyone (excepting always those imprisoned or outlawed in accordance with the lawof the kingdom, and natives of any country at war with us, and merchants, who shall be treated as if above provided) to

leave our kingdom and to return, safe and secure by land and water, except for a short period in time of war, on grounds of public policy—reserving always the allegiance due to us.

43. If anyone holding of some escheat (such as the honor of Wallingford, Nottingham, Boulogne, Lancaster, or of other escheats which are in our hands and are baronies) shall die, his heir shall give no other relief, and perform no other service to us than he would have done to the baron if that barony had been in the baron's hand; and we shall hold it in the same manner in which the baron held it.

44. Men who dwell without the forest need not henceforth come before our justiciaries of the forest upon a general summons, unless they are in plea, or sureties of one or more, who are attached for the forest.

45. We will appoint as justices, constables, sheriffs, or bailiffs only such as know the law of the realm and mean to observe it well.

46. All barons who have founded abbeys, concerning which they hold charters from the kings of England, or of which they have long continued possession, shall have the wardship of them, when vacant, as they ought to have.

47. All forests that have been made such in our time shall forthwith be disafforsted; and a similar course shall be followed with regard to river banks that have been placed "in defense" by us in our time.

48. All evil customs connected with forests and warrens, foresters and warreners, sheriffs and their officers, river banks and their wardens, shall immediately by inquired into in each county by twelve sworn knights of the same county chosen by the honest men of the same county, and shall, within forty days of the said inquest, be utterly abolished, so as never to be restored, provided always that we previously have intimation thereof, or our justiciar, if we should not be in England.

49. We will immediately restore all hostages and charters delivered to us by Englishmen, as sureties of the peace of faithful service.

50. We will entirely remove from their bailiwicks, the relations of Gerard of Athee (so that in future they shall have no bailiwick in England); namely, Engelard of Cigogne, Peter, Guy, and Andrew of Chanceaux, Guy of Cigogne, Geoffrey of Martigny with his brothers, Philip Mark with his brothers and his nephew Geoffrey, and the whole brood of the same.

51. As soon as peace is restored, we will banish from the kingdom all foreign born knights, crossbowmen, serjeants, and mercenary soldiers who have come with horses and arms to the kingdom's hurt.

52. If anyone has been dispossessed or removed by us, without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty barons of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseised or removed, by our father, King Henry, or by our brother, King Richard, and which we retain in our hand (or which as possessed by others, to whom we are bound to warrant them) we shall have respite until the usual term of crusaders; excepting those things about which a plea has been raised, or an inquest made by our order, before our taking of the cross; but as soon as we return from the expedition, we will immediately grant full justice therein.

53. We shall have, moreover, the same respite and in the same manner in rendering justice concerning the disafforestation or retention of those forests

which Henry our father and Richard our brother afforested, and concerning the wardship of lands which are of the fief of another (namely, such wardships as we have hitherto had by reason of a fief which anyone held of us by knight's service), and concerning abbeys founded on other fiefs than our own, in which the lord of the fee claims to have right; and when we have returned, or if we desist from our expedition, we will immediately grant full justice to all who complain of such things.

54. No one shall be arrested or imprisoned upon the appeal of a woman, for the death of any other than her husband.

55. All fines made with us unjustly and against the law of the land, and all amercements, imposed unjustly and against the law of the land, shall be entirely remitted, or else it shall be done concerning them according to the decision of the five and twenty barons whom mention is made below in the clause for securing the pease, or according to the judgment of the majority of the same, along with the aforesaid Stephen, archbishop of Canterbury, if he can be present, and such others as he may wish to bring with him for this purpose, and if he cannot be present the business shall nevertheless proceed without him, provided always that if any one or more of the aforesaid five and twenty barons are in a similar suit, they shall be removed as far as concerns this particular judgment, others being substituted in their places after having been selected by the rest of the same five and twenty for this purpose only, and after having been sworn.

56. If we have disseised or removed Welshmen from lands or liberties, or other things, without the legal judgment of their peers in England or in Wales, they shall be immediately restored to them; and if a dispute arise over this, then let it be decided in the marches by the judgment of their peers; for the tenements in England according to the law of England, for tenements in Wales according to the law of Wales, and for tenements in the marches according to the law of the marches. Welshmen shall do the same to us and ours.

57. Further, for all those possessions from which any Welshman has, without the lawful judgment of his peers, been disseised or removed by King Henry our father, or King Richard our brother, and which we retain in our hand (or which are possessed by others, and which we ought to warrant), we will have respite until the usual term of crusaders; excepting those things about which a plea has been raised or an inquest made by our order before we took the cross; but as soon as we return (or if perchance we desist from our expedition), we will immediately grant full justice in accordance with the laws of the Welsh and in relation to the foresaid regions.

58. We will immediately give up the son of Llywelyn and all the hostages of Wales, and the charters delivered to us as security for the peace.

59. We will do towards Alexander, king of Scots, concerning the return of his sisters and his hostages, and concerning his franchises, and his right, in the same manner as we shall do towards our owher barons of England, unless it ought to be otherwise according to the charters which we hold from William his father, formerly king of Scots; and this shall be according to the judgment of his peers in our court.

60. Moreover, all these aforesaid customs and liberties, the observances of which we have granted in our kingdom as far as pertains to us towards our men, shall be observed b all of our kingdom, as well clergy as laymen, as far as pertains to them towards their men.

61. Since, moveover, for God and the amendment of our kingdom and for the better allaying of the quarrel that has arisen between us and our barons, we have granted all these concessions, desirous that they should enjoy them in

complete and firm endurance forever, we give and grant to them the underwritten security, namely, that the barons choose five and twenty barons of the kingdom, whomsoever they will, who shall be bound with all their might, to observe and hold, and cause to be observed, the peace and liberties we have granted and confirmed to them by this our present Charter, so that if we, or our justiciar, or our bailiffs or any one of our officers, shall in anything be at fault towards anyone, or shall have broken any one of the articles of this peace or of this security, and the offense be notified to four barons of the foresaid five and twenty, the said four barons shall repair to us (or our justiciar, if we are out of the realm) and, laying the transgression before us, petition to have that transgression redressed without delay.

And if we shall not have corrected the transgression (or, in the event of our being out of the realm, if our justiciar shall not have corrected it) within forty days, reckoning from the time it has been intimated to us (or to our justiciar, if we should be out of the realm), the four barons aforesaid shall refer that matter to the rest of the five and twenty barons, and those five and twenty barons shall, together with the community of the whole realm, distrain and distress us in all possible ways, namely, by seizing our castles, lands, possessions, and in any other way they can, until redress has been obtained as they deem fit, saving harmless our own person, and the persons of our queen and children; and when redress has been obtained, they shall resume their old relations towards us. And let whoever in the country desires it, swear to obey the orders of the said five and twenty barons for the execution of all the aforesaid matters, and along with them, to molest us to the utmost of his power; and we publicly and freely grant leave to everyone who wishes to swear, and we shall never forbid anyone to swear. All those, moveover, in the land who of themselves and of their own accord are unwilling to swear to the twenty five to help them in constraining and molesting us, we shall by our command compel the same to swear to the effect foresaid. And if any one of the five and twenty barons shall have died or departed from the land, or be incapacitated in any other manner which would prevent the foresaid provisions being carried out, those of the said twenty five barons who are left shall choose another in his place according to their own judgment, and he shall be sworn in the same way as the others. Further, in all matters, the execution of which is entrusted,to these twenty five barons, if perchance these twenty five are present and disagree about anything, or if some of them, after being summoned, are unwilling or unable to be present, that which the majority of those present ordain or command shall be held as fixed and established, exactly as if the whole twenty five had concurred in this; and the said twenty five shall swear that they will faithfully observe all that is aforesaid, and cause it to be observed with all their might. And we shall procure nothing from anyone, directly or indirectly, whereby any part of these concessions and liberties might be revoked or diminished; and if any such things has been procured, let it be void and null, and we shall never use it personally or by another.

62. And all the will, hatreds, and bitterness that have arisen between us and our men, clergy and lay, from the date of the quarrel, we have completely remitted and pardoned to everyone. Moreover, all trespasses occasioned by the said quarrel, from Easter in the sixteenth year of our reign till the restoration of peace, we have fully remitted to all, both clergy and laymen, and completely forgiven, as far as pertains to us. And on this head, we have caused to be made for them letters testimonial patent of the lord Stephen, archbishop of Canterbury, of the lord Henry, archbishop of Dublin, of the bishops aforesaid, and of Master Pandulf as touching this security and the concessions aforesaid.

63. Wherefore we will and firmly order that the English Church be free, and that the men in our kingdom have and hold all the aforesaid liberties, rights, and concessions, well and peaceably, freely and quietly, fully and wholly, for themselves and their heirs, of us and our heirs, in all respects and in all places forever, as is aforesaid. An oath, moreover, has been taken, as well on our part as on the art of the barons, that all these conditions aforesaid shall be kept in good faith and without evil intent. Given under our hand-the above named and many others being witnesses-in the meadow which is called Runnymede, between Windsor and Staines, on the fifteenth day of June, in the seventeenth year of our reign.

## Woodrow Wilson's Fourteen Points

***Introduction:*** On January 8, 1918, President Woodrow Wilson addressed the U.S. Congress and issued his famous Fourteen Points address, in which he outlined the American terms for peace that were required to end World War I. The speech outlined Wilson's ideas for national self-determination and sovereignty. The fourteenth point, which called for the establishment of "a general association of nations," led directly to the formation of the League of Nations, the precursor to the United Nations.

Given by President Woodrow Wilson

Delivered in Joint Session, January 8, 1918

Gentlemen of the Congress:

Once more, as repeatedly before, the spokesmen of the Central Empires have indicated their desire to discuss the objects of the war and the possible basis of a general peace. Parleys have been in progress at Brest-Litovsk between Russian representatives and representatives of the Central Powers to which the attention of all the belligerents have been invited for the purpose of ascertaining whether it may be possible to extend these parleys into a general conference with regard to terms of peace and settlement.

The Russian representatives presented not only a perfectly definite statement of the principles upon which they would be willing to conclude peace but also an equally definite program of the concrete application of those principles. The representatives of the Central Powers, on their part, presented an outline of settlement which, if much less definite, seemed susceptible of liberal interpretation until their specific program of practical terms was added. That program proposed no concessions at all either to the sovereignty of Russia or to the preferences of the populations with whose fortunes it dealt, but meant, in a word, that the Central Empires were to keep every foot of territory their armed forces had occupied—every province, every city, every point of vantage—as a permanent addition to their territories and their power.

It is a reasonable conjecture that the general principles of settlement which they at first suggested originated with the more liberal statesmen of Germany and Austria, the men who have begun to feel the force of their own people's thought and purpose, while the concrete terms of actual settlement came from the military leaders who have no thought but to keep what they have got. The negotiations have been broken off. The Russian representatives were sincere and in earnest. They cannot entertain such proposals of conquest and domination.

The whole incident is full of significances. It is also full of perplexity. With whom are the Russian representatives dealing? For whom are the representatives of the Central Empires speaking? Are they speaking for the majorities of their respective parliaments or for the minority parties, that military and imperialistic minority which has so far dominated their whole policy and controlled the affairs of Turkey and of the Balkan states which have felt obliged to become their associates in this war?

The Russian representatives have insisted, very justly, very wisely, and in the true spirit of modern democracy, that the conferences they have been holding with the Teutonic and Turkish statesmen should be held within open not closed, doors, and all the world has been audience, as was desired. To whom have we been listening, then? To those who speak the spirit and intention of the resolutions of the German Reichstag of the 9th of July last, the spirit and intention of the Liberal leaders and parties of Germany, or to those who resist and defy that spirit and intention and insist upon conquest and subjugation? Or are we listening, in fact, to both, unreconciled and in open and hopeless contradiction? These are very serious and pregnant questions. Upon the answer to them depends the peace of the world.

But, whatever the results of the parleys at Brest-Litovsk, whatever the confusions of counsel and of purpose in the utterances of the spokesmen of the Central Empires, they have again attempted to acquaint the world with their objects in the war and have again challenged their adversaries to say what their objects are and what sort of settlement they would deem just and satisfactory. There is no good reason why that challenge should not be responded to, and responded to with the utmost candor. We did not wait for it. Not once, but again and again, we have laid our whole thought and purpose before the world, not in general terms only, but each time with sufficient definition to make it clear what sort of definite terms of settlement must necessarily spring out of them. Within the last week Mr. Lloyd George has spoken with admirable candor and in admirable spirit for the people and Government of Great Britain.

There is no confusion of counsel among the adversaries of the Central Powers, no uncertainty of principle, no vagueness of detail. The only secrecy of counsel, the only lack of fearless frankness, the only failure to make definite statement of the objects of the war, lies with Germany and her allies. The issues of life and death hang upon these definitions. No statesman who has the least conception of his responsibility ought for a moment to permit himself to continue this tragical and appalling outpouring of blood and treasure unless he is sure beyond a peradventure that the objects of the vital sacrifice are part and parcel of the very life of Society and that the people for whom he speaks think them right and imperative as he does.

There is, moreover, a voice calling for these definitions of principle and of purpose which is, it seems to me, more thrilling and more compelling than any of the many moving voices with which the troubled air of the world is filled. It is the voice of the Russian people. They are prostrate and all but hopeless, it would seem, before the grim power of Germany, which has hitherto known no relenting and no pity. Their power, apparently, is shattered. And yet their soul is not subservient. They will not yield either in principle or in action. Their conception of what is right, of what is humane and honorable for them to accept, has been stated with a frankness, a largeness of view, a generosity of spirit, and a universal human sympathy which must challenge the admiration of every friend of mankind; and they have refused to compound their ideals or desert others that they themselves may be safe.

They call to us to say what it is that we desire, in what, if in anything, our purpose and our spirit differ from theirs; and I believe that the people of the United States would wish me to respond, with utter simplicity and frankness. Whether their present leaders believe it or not, it is our heartfelt desire and hope that some way may be opened whereby we may be privileged to assist the people of Russia to attain their utmost hope of liberty and ordered peace.

It will be our wish and purpose that the processes of peace, when they are begun, shall be absolutely open and that they shall involve and permit henceforth no secret understandings of any kind. The day of conquest and aggrandizement is gone by; so is also the day of secret covenants entered into in the interest of particular governments and likely at some unlooked-for moment to upset the peace of the world. It is this happy fact, now clear to the view of every public man whose thoughts do not still linger in an age that is dead and gone, which makes it possible for every nation whose purposes are consistent with justice and the peace of the world to avow nor or at any other time the objects it has in view.

We entered this war because violations of right had occurred which touched us to the quick and made the life of our own people impossible unless they were corrected and the world secure once for all against their recurrence. What we demand in this war, therefore, is nothing peculiar to ourselves. It is that the world be made fit and safe to live in; and particularly that it be made safe for every peace-loving nation which, like our own, wishes to live its own life, determine its own institutions, be assured of justice and fair dealing by the other peoples of the world as against force and selfish aggression. All the peoples of the world are in effect partners in this interest, and for our own part we see very clearly that unless justice be done to others it will not be done to us. The program of the world's peace, therefore, is our program; and that program, the only possible program, as we see it, is this:

I. Open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind but diplomacy shall proceed always frankly and in the public view.

II. Absolute freedom of navigation upon the seas, outside territorial waters, alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants.

III. The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance.

IV. Adequate guarantees given and taken that national armaments will be reduced to the lowest point consistent with domestic safety.

V. A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the government whose title is to be determined.

VI. The evacuation of all Russian territory and such a settlement of all questions affecting Russia as will secure the best and freest cooperation of the other nations of the world in obtaining for her an unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy and assure her of a sincere welcome into the society of free nations under institutions of her own choosing; and, more than a welcome, assistance also of every kind that she may need and may herself desire. The treatment accorded Russia by her sister nations in the months to come will be the acid test of their good will, of their comprehension of her needs as distinguished from their own interests, and of their intelligent and unselfish sympathy.

VII. Belgium, the whole world will agree, must be evacuated and restored, without any attempt to limit the sovereignty which she enjoys in common with all other free nations. No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the whole structure and validity of international law is forever impaired.

VIII. All French territory should be freed and the invaded portions restored, and the wrong done to France by Prussia in 1871 in the matter of Alsace-Lorraine, which has unsettled the peace of the world for nearly fifty years, should be righted, in order that peace may once more be made secure in the interest of all.

IX. A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality.

X. The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity to autonomous development.

XI. Rumania, Serbia, and Montenegro should be evacuated; occupied territories restored; Serbia accorded free and secure access to the sea; and the relations of the several Balkan states to one another determined by friendly counsel along historically established lines of allegiance and nationality; and international guarantees of the political and economic independence and territorial integrity of the several Balkan states should be entered into.

XII. The Turkish portion of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development, and the Dardanelles should be permanently opened as a free passage to the ships and commerce of all nations under international guarantees.

XIII. An independent Polish state should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant.

XIV. A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike.

In regard to these essential rectifications of wrong and assertions of right we feel ourselves to be intimate partners of all the governments and peoples associated together against the Imperialists. We cannot be separated in interest or divided in purpose. We stand together until the end. For such arrangements and covenants we are willing to fight and to continue to fight until they are achieved; but only because we wish the right to prevail and desire a just and stable peace such as can be secured only by removing the chief provocations to war, which this program does remove. We have no jealousy of German greatness, and there is nothing in this program that impairs it. We grudge her no achievement or distinction of learning or of pacific enterprise such as have made her record very bright and very enviable. We do not wish to injure her or to block in any way her legitimate influence or power. We do not wish to fight her either with arms or with hostile arrangements of trade if she is willing to associate herself with us and the other peace- loving nations of the world in covenants of justice and law and fair dealing. We wish her only to accept a place

of equality among the peoples of the world—the new world in which we now live—instead of a place of mastery.

Neither do we presume to suggest to her any alteration or modification of her institutions. But it is necessary, we must frankly say, and necessary as a preliminary to any intelligent dealings with her on our part, that we should know whom her spokesmen speak for when they speak to us, whether for the Reichstag majority or for the military party and the men whose creed is imperial domination.

We have spoken now, surely, in terms too concrete to admit of any further doubt or question. An evident principle runs through the whole program I have outlined. It is the principle of justice to all peoples and nationalities, and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak.

Unless this principle be made its foundation no part of the structure of international justice can stand. The people of the United States could act upon no other principle; and to the vindication of this principle they are ready to devote their lives, their honor, and everything they possess. The moral climax of this the culminating and final war for human liberty has come, and they are ready to put their own strength, their own highest purpose, their own integrity and devotion to the test.