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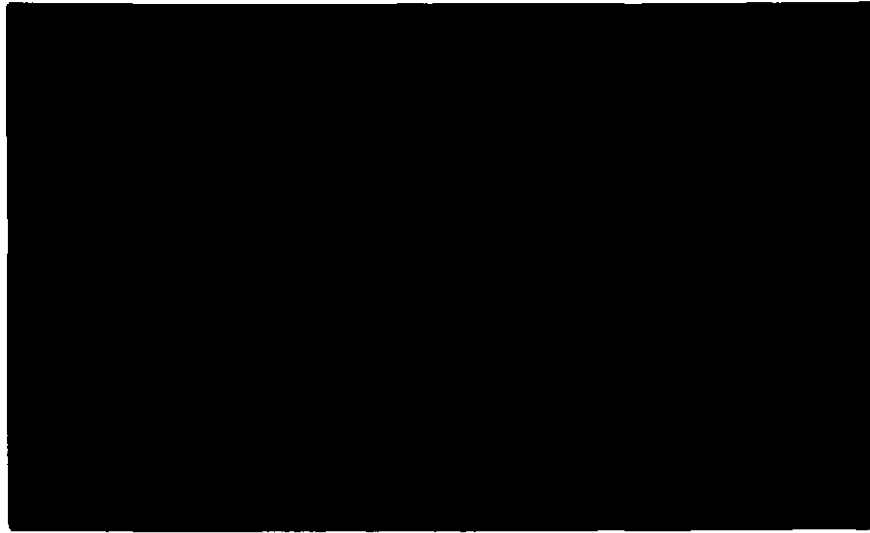


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ELECTIONS • RULE OF LAW • GOVERNANCE • CIVIL SOCIETY



MAKING DEMOCRACY WORK



# **IFES MISSION STATEMENT**

The purpose of IFES is to provide technical assistance in the promotion of democracy worldwide and to serve as a clearinghouse for information about democratic development and elections. IFES is dedicated to the success of democracy throughout the world, believing that it is the preferred form of government. At the same time, IFES firmly believes that each nation requesting assistance must take into consideration its unique social, cultural, and environmental influences. The Foundation recognizes that democracy is a dynamic process with no single blueprint. IFES is nonpartisan, multinational, and interdisciplinary in its approach.

# **Governance, Citizenship and Participation:**

*The Role of a Kyrgyz Citizen in the 21st Century*

**For Secondary Schools of Kyrgyz Republic  
10-11 grades**

**(Pilot edition)  
Part I**

The given edition which consists from two parts contains information for high school students, the tasks and the methodical aids for teachers.

The textbook will be published in Kyrgyz, Russian and Uzbek languages. This is a pilot edition, so will be very glad for commentaries from teachers, students and their parents.

The edition is not for sale and distributed for free.



**Bishkek - 2001**

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### Authors:

1. Juliana Pilon
2. Lester M. Salamon
3. Anthony Bowyer
4. Ched Flego
5. Lamar Cravens
6. Chris Chuepp
7. Vladislav Pototski
8. Yuri Podkuiko
9. Bolot Malabaev
10. Altynai Karasaeva
11. Irina Yachnik
12. Anatoli Makarov
13. Akjol Berdiev
14. Kanat Sydykov
15. Svetlana Osaulenko
16. Eleonora Proyaeva
17. Natalia Kuznetsova

### Translators:

1. Oxana Koroleva
2. Eugene Sinelschikov
3. Aleksey Kashpur
4. Svetlana Podkuiko

### IFES Kyrgyzstan:

Editor: Simon Jenkins

1. Galina Sergunina
2. Alfiya Fattakhova
3. Chinara Kumenova
4. Keneshbek Sainazarov
5. Tamara Toktonalieva
6. Ainura Kudaibergenova
7. Vera Vigovskaya
8. Dmitry Shevkun
9. Svetlana Melnikova

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1. Anatoli Romashko
2. Elena Koreneva
3. Natalia Avdeeva
4. Lyudmila Sinepostol
5. Larisa Marchenko
6. Liliya Faldina
7. Koba Kobrava
8. Adahan Madumarov

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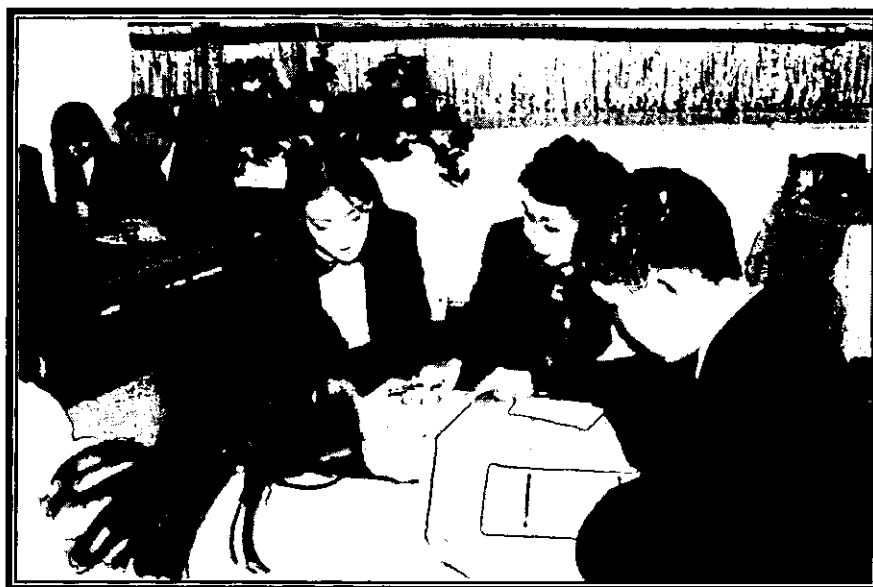
## Part II will contain the following topics:

Chapter 13 Local Government	
Chapter 14 Election Systems and Political Parties	
Chapter 15 Election System in Kyrgyz Republic	
Chapter 16 Women in Politics	
Chapter 17 Women in Kyrgyz Republic	
Chapter 18 Public Opinion. Mass Media – “the fourth power” in the State.	
Chapter 19 Civil Society – Definition and History	
Chapter 20 Rise of non-profit sector	
Chapter 21 NGOs in Kyrgyz Republic.	
Chapter 22 How to be active?	

Dear Friends!

It's impossible to build a democratic society without citizens who take an active part in society's life. This course on civic education is directed to educate such citizens who will live in future in a society, where human rights are respected, every person is valued and everyone cares about the common good. To be a real citizen means to take a responsibility for his own country, which in its turn means understanding of how the systems work. The purpose of this civic education book is to help the youth to understand the mechanisms of governance and participate productively in it. It's necessary also to reconsider the educational system from the position of critical thinking and new methods of teaching that are being introduced.

K.D. Sharshekeeva, Ministry of Education and Culture of Kyrgyz Republic



# Chapter 1 What is the Purpose of Civic Education?

## Pre Reading activities

### Task 01 Word Definition Match 5 min

Working in pairs, match words with its definitions by using the arrow. For example: "Democracy → the power of people." Please, do not write in the book. Make notes in your notebooks. The book is meant only for reading.

Word	Description
1. Democracy	a) Legal standing, position
2. Status	b) Universal principle of democracy that allows to solve and predict the conflicts and reduce the tension within the society
3. Consensus	c) The power of people

### Task 02 What is education for? 10 – 30 min

With a partner look at the following opinions about why we go to school. Which one best fits what you think?

- Aigul:** We go to school to get knowledge. The teachers and the books have all the knowledge and we have to learn it all.
- Bakyt:** I've never really thought about that. I go because my parents tell me to go. I suppose we go to learn something. Anyway, it's a good question and I want to think about it more.
- Nurjigit:** We go to school, as it is the one of the places we can learn. We get knowledge and we learn skills like how to think and how to discuss. Well, that's what I think school should be for.
- Elvira:** I go to school to study for my exams so I can get a good job. The teacher can give us a lot of knowledge.

### Task 03 Working Together 30 min – 60 min

Most of the activities in this book require you to work in pairs or in larger groups. Do not forget that you shouldn't make any marks in the book, because other students will read this book after you. Look at the list of statements below and decide, using the scale below the table, to what extent you agree.

Statements	I think
1. In this book we will work together a lot.	
2. Working together means that it is more difficult for the teacher but it can also be more interesting.	
3. Working together can be fun and interesting for students.	
4. Working together means that we learn about what other students think.	
5. Working together requires more self-discipline of students.	
6. Working together is sometimes difficult if we do not respect each other's rights to speak.	
7. We have to work just as hard when we work together.	
8. Working together means that we share our ideas and that we are all equal.	
9. One of the most important skills in working together is learning how to listen.	
10. We learn faster if we have double or more brainpower and experience.	
11. Being a good citizen means being able to work together as equals.	

1 2 3 4 5  
I strongly agree I agree I don't know I don't agree I strongly disagree

### Task 04 Where are we starting from? 15 min

In groups of three or four write what you think it means to be "a good citizen" and what you think "civic education" might include.

## Text for reading

In every other course, students learn specific subjects: literature, history, and science. This course however is fundamentally different. Although it does offer facts, its principal function goes beyond the presentation of information: Its main purpose is to foster a certain attitude toward oneself and others. Briefly put, it seeks to create a political culture



that promotes self-government, individual creativity and incentive, tolerance, and an appreciation of democratic values. It seeks to inspire the student to be all that he or she can be; not simply promoting an understanding of the structure of political governance of Kyrgyzstan. The text is also intended to teach how every citizen must strive to be a part of civil society, and must seriously take the challenge of participating in the political process.

In addition, the text seeks to help you appreciate the role of each person in creating prosperity and a vibrant private sector, not only in economic but also in social and cultural terms. It is not always easy to motivate people to take charge of their own life; yet that is the idea behind this text. Its underlying premise is that in a democracy, everyone is important. The students of Kyrgyzstan are the voters and leaders of tomorrow. This text is designed to help you not only to understand what that means, but give you some of the tools necessary to make it a reality.

The book starts out with a discussion of the family as this is the basis of society. The book goes on to explain the concept of rights as ideally, each grown-up person should have the right to decide for himself what to do with the important proviso that each person also needs to respect everyone else's right to do the same.

Equally basic to an understanding of human society and behavior is economics: from the moment we are born, we all have to eat and be clothed, so everyone is aware of the fact that property and exchange, cooperation and production, must take place in order for us to survive.

Political organization is based on the need for some order. The text therefore deals next with the origin, structure, and function of government, not only in general but also specifically, as it exists today in Kyrgyzstan. All government is supposed to protect the people; ideally, a government is supposed to punish those who violate people's rights, those who hurt others, who kill, rape, or steal from others. Ideally, again, a government is supposed to promote individual liberty, it is supposed to make it possible for each of us to live in such a way that we are prosperous, happy, and fulfill our potential.

Throughout the world, people have created different types of states. They have elected or selected representatives, who have written laws to promote freedom and prosperity. Those laws have needed to be enforced; otherwise, they would not mean much. And they needed to be enforced in an equitable fashion: no one, no matter what age, ethnic group, or financial status, is exempt from the law. This is called 'the rule of law'. It means not only that the law must apply equally but also that it must be enforced by judiciaries that are fair, treating everyone the same. Not all laws are good; and if people find that laws should be changed, they take the necessary steps to change them. This means urging their representatives to change the laws, or if that does not happen, select new representatives in the next election. A free and independent media should help keep the citizens informed.

It is important to understand the structure of your own government, at both the national and the local level - so that you can participate in the political life of your country. If you do not vote, as well as pay attention to the activities of your government officials even after election, and let them know what you think about what they are doing, you cannot expect to have a democracy that is responsive to your needs. If you do not become active, you will be at the mercy of others. A vibrant democracy requires that each person, each citizen, take seriously the proposition that his government is meant to serve his interests. In order to make sure that you understand the political process, in this course you will undertake a 'mock' election. But the political life of a democracy goes on long past Election Day; it takes place every single day.

Indeed, life extends beyond politics. Finally, this text will explain the meaning and significance of the civil society, the activity that takes place outside the political sphere. Everyone has many needs, there is a great deal that people can and must do to make their own life better, and they do it by getting together and making it happen - not waiting for someone else to do it for them. For this purpose, people cooperate not only through various types of commercial enterprises, producing and trading goods; they also cooperate in ways that do not necessarily involve financial transactions. People get together to help one another in countless ways, and all of this activity is known as 'the civil society'. It is what makes civilization possible.

In addition to listing some examples of such activities, this text also addresses the question: why and how to be active? Ultimately, you will each have to answer for yourselves. The question reflects the fact that you are in charge. This is not easy to fully appreciate, especially since Kyrgyzstan is a new democracy. Many people are still not used to doing things for themselves but expect the government or some other outside source to solve their problems. But in order for Kyrgyzstan to become a true democracy not only in theory - by adopting, for example, a Constitution designed to create democratic political structures - but also in reality, it will take the efforts of each one of you to take initiative and take charge.

Under the communist system, many aspects of life were centrally controlled. Democracies are more complex, more diverse, since they are predicated on the fact that there are many opinions in society, which should be heard and respected. Diversity is sometimes more confusing than hearing one voice. But it is also interesting and can lead to

creative ways of living and learning. This text should help the student not only appreciate the need for pluralism in society but also even appreciate and welcome it. It should help the student be more open to other people's opinions. It underscores the value of respecting others, but also the need to express oneself and persuade others in an orderly fashion, without resort to violence. In a word, civic education is meant to promote a culture of tolerance and peace, which is the essence of true civilization.

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### Post Reading Activities

#### Task 01            Questions            15 min

In pairs think about what questions this book may ask you and what questions it might answer.

#### Task 02 Your turn...            30 min

Read the following text on conflict and then answer the questions that follow it.

#### Conflict

A result of having an increasing number of people participate in the way society develops is that conflicting viewpoints are more openly expressed. For this course to work and for you to become an active citizen we need you to develop the skills to listen and respond to opinions you may sometimes strongly disagree with. Therefore being an active citizen is a key to preventing violent conflicts and contributing to the development of your society. Below are some of the features of conflict.

- ❖ Conflict is a natural process, which occurs in all societies every day. It is a process, which can have both positive and negative outcomes for some or all of those involved. The form of outcome will depend on how the conflict is managed and the skills of the people involved.
- ❖ Conflict usually arises where there is a serious disagreement about the distribution of power, ideas or resources and may take many forms ranging from strong difference of opinion, to children fighting, to warfare. The resolution of the conflict often results in one or both sides giving away some rights. We should try to resolve conflicts in ways, which avoid violence and also unnecessary loss of rights by those involved.
- ❖ There are situations where no satisfactory solution can be found immediately, but this does not necessarily mean that violence is the only or inevitable solution.
- ❖ Conflict does not necessarily arise from misunderstanding. Two children fighting over a toy understand each other perfectly. Their problem is more likely to be their lack of skill in finding acceptable compromise.
- ❖ Conflict may not always be expressed. It often remains unresolved and sometimes invisible to the observer. Equally conflicts can be resolved so peacefully, that others may not notice their existence.
- ❖ It is better when conflicts are not regarded as "contests" to be won or lost. Otherwise, "winning" often becomes more important than the "real" issues the conflict is actually about. Successful conflict resolution should result in both "sides" winning. This is a situation where the solution is acceptable to all.
- ❖ Conflicts often result from people disagreeing with the way authority is gained or where power is used without authority.
- ❖ Societies that have experienced violent conflict often apply conflict avoidance strategies. That means they do not want to become involved in the issues in society. Conflict avoidance can be a dangerous strategy, as the pressures build beyond the point where they can easily be dealt with through non-violent means. As a public citizen you have the duty to discuss issues that might lead to more violent forms of conflict if they are not resolved.

In pairs discuss the following questions and be prepared to share your answer with the rest of the class.

- How can we prevent conflict leading to violence?
- Are all conflicts bad? Why?
- When can conflict have a positive result for all concerned?
- What are the signs that indicate that conflict has lead to a positive outcome for all involved?

#### Task 03 Discussion and Status            40 min

Read the following text:

### Different Views

The exercises in this book require a lot of discussion. When there is discussion there is usually different opinions. There are some cultural aspects that should be considered in any society, which will determine the way we speak to each other. In many cultures some people will consider their status before giving their opinions.

Typically these factors are considered:

**Age / Sex / Race / Professional status / Family relations / Education /**

**Physical ability / Economic Power**

- of the person they are talking to.

With your partner, now look at a short section of two conversations and then answer the questions.

### Conversation A:

**Doksai:** I hear that some people want to increase the number of women in elected positions in government.

**Relos:** In some countries there are quotas. There at least 35% of candidates have to be women.

**Doksai:** That's ridiculous! The number of women representatives in the US Congress doubled at the last election and they didn't have quotas. And anyway, do we do this at the expense of the quality of the candidates? Surely they should be chosen just on merit. That's one of the basics of democracy.

**Relos:** Yes, that's true, but still the chance of women getting chosen as candidates is fairly small.

**Doksai:** So, how did they double the number of women in the US Congress in the last election?

**Relos:** I don't know. We should consider the positions they hold. They are all minor.

**Doksai:** But in New Zealand the Prime Minister and the Leader of Opposition are both women.

**Relos:** Yes, but as a percentage...

**Doksai:** Don't argue with me.

### Conversation B:

**Bradley:** So what can be done to increase the number of women in elected positions in government?

**Maggie:** Well I think we should introduce quotas. At least 35% of candidates should have to be women.

**Bradley:** That's ridiculous! The number of women representatives in the US Congress doubled at the last election and they didn't have quotas. And anyway, do we do this at the expense of the quality of the candidates. Surely they should be chosen just on merit. That's one of the basic tenets of democracy. You are a democrat, aren't you?

**Maggie:** So your country is a perfect place? Get real, Bradley. You know that the chance of women getting chosen as candidates are going to be fairly small when most party members are men.

**Bradley:** So how did they double the number of women in the US Congress at the last election? [Voice raised.]

**Maggie:** Okay they did, but look at the positions they hold. They are all minor, aren't they, Bradley? [Standing up.]

**Bradley:** But in New Zealand the Prime Minister and the Leader of Opposition are both women.

**Maggie:** Yes, but as a percentage...

### Questions:

1. Who has the highest status of the two people?

A

B

2. What factors determine the status in this case?

A

B

03. How did the people feel about each other before, during and after the discussion?

A

B

### Task 04 Other Cultural Viewpoints on Discussion

10 min

Look again at your answers to the questions in the previous task and then compare them with Eric's who is from Australia.

<b>1. Who has the highest status of the two people?</b>	
<b>A</b>	Well, I would guess that Doksai has a higher status than Relos, because Relos never actually says Doksai is wrong.
<b>B</b>	Actually we do not know. Once the two people entered into the conversation I would assume that they both understood that any status differences were temporally suspended during the discussion.
<b>2. What factors determine the status in this case?</b>	
<b>A</b>	I guess Doksai is male and Relos is female.
<b>B</b>	Not applicable.
<b>3. How did the people feel about each other before, during and after the discussion?</b>	
<b>A</b>	Relos clearly fears Doksai's reaction if he feels that his status or authority is questioned. Relos clearly believes that Doksai at least thinks that status and level of knowledge are linked.
<b>B</b>	They enjoyed the discussion. They probably were feeling a bit annoyed at the time but there was no change in respect for each other.

Eric could see that in conversation B the issue was not personalized to the extent that respect for each other did not really change. This is crucial if people are going to be able to give opinions openly and without any fear.

The ability to separate issues from the person is dependent on:

- being able to avoid criticizing the person and focus on the logic;
- your ability to give constructive criticism.

To avoid personalizing an issue both sides must understand that they have the obligation to treat each other as equals during the discussion.

There are three main aspects to constructive criticism:

- making positive comments that recognize the other person's logic;
- making negative comments;
- suggesting solutions/compromises;

### Reaching a Decision When Opinions Differ

A very common approach is consensus building. This approach relies on the following factors:

- All viewpoints are accepted without criticism.
- All sides have an obligation to work towards a compromise.
- This process takes time.
- A shared opinion can be valid even if in some ways there are contradictions.
- Each person can interpret a shared opinion as he wishes.

### Task 05 Decision making 20 min

We can classify decision-making methods into three types. All of these are used in democracies at different times.

**Voting** (When we choose our leader)

**Consensus** (See the box above for a description)

**Imposed** (Where one person has power through authority to impose a decision on another)

Below is a table of principles that describe what should happen in three different methods of reaching a decision. With a partner decide which principle goes with which method. Note that some principles can go with more than one method.

Principles of Different Methods of Reaching a Decision	Vote	Consensus	Imposed
1. Each person has a vote.	✓		
2. One person decides for all others. His or her decision is usually final.			
3. Everybody has a chance to express their opinion, and a decision is reached that is acceptable to everyone, although it may not be exactly what they wanted.			
4. You give your opinion by raising your hand or writing it and putting it into a box, so it remains secret.			
5. It is possible that the decision does not reflect the wishes of any of the people except the leader. However the decision is accepted as the decision maker has legal power.			

6. The decision that is made reflects the view of the majority. The minority accepts the decision because they believe the process of reaching the decision was fair.			
7. Somebody with authority decided that a rule has been broken and forces one group to take actions to punish for them that.			
8. People keep talking until they find a compromise acceptable to everyone.			
9. Everyone talks about the problem but the oldest person makes the final decision.			
10. A company decides which product they should keep making, depending on which products customers buy most.			
11. An aid agency decides in which country to work in.			

#### Task 06 Advantages and Disadvantages

40 min

The two dialogues below give examples of different approaches to conflict solutions.

A village is having a meeting to decide whether they should cut down a tree to widen a road. Read through the dialogues and then work out what are the advantages and disadvantages of the three systems.

#### Voting

- Adilet:** Okay, so we have this tree and some people want to cut it down and some want to keep it. Does any one have a comment before we vote?
- Kanat:** Well I think this tree has historical significance, as that is where my great grandfather sat when he wrote the poem for which he is famous.
- Adilet:** Any other views?
- Ainure:** I think we should cut it down as it is blocking the road and we cannot move the road. It will die some day anyway.  
[Ten people speak, five giving good reasons for keeping the tree and five against.]
- Adilet:** Well we have heard both sides on this issue. Let us vote.  
[People raise their hands for and against the idea.]
- Adilet:** The result is 51 for and 49 against. The majority has decided to cut the tree down.

#### Consensus

- Adilet:** Okay, so we have this tree and some people want to cut it down and some want to keep it. We've heard different reasons for doing both. Now we have to find a decision that is acceptable to everyone. Would anyone like to suggest a solution?
- Ainura:** Why don't we just leave the question until next year and then look at the problem again?
- Nurjigit:** No, that is not acceptable, as it still remains a problem for another year. I have another suggestion. What about we cut the tree down and plant a new small tree at its place.
- Cholpon:** No, that will mean that I won't have the fruits or shade of the tree for many years. I think we should cut all the branches off the top of the tree and those branches on the side facing the road, but leave the other branches.
- Murat:** It would be very ugly, but it would mean that both the road users and the house owner would be happy.
- Adilet:** Would this suggestion of Cholpon be acceptable to everyone?  
[Everyone agrees.]
- Adilet:** Okay, we will cut some of the branches off.

#### Imposed

- Adilet:** So we have this tree and some people want to cut it down and some want to keep it. You may think I am making the wrong decision, but I have decided to cut it down for some reasons. Thank you for coming to the meeting.

Now work out what are the advantages and disadvantages of the three systems.

Advantages	Disadvantages
<b>Voting</b>	<b>Voting</b>
1.	1.
2.	2.
3.	3.
<b>Consensus</b>	<b>Consensus</b>
1.	1.
2.	2.
3.	3.
<b>Imposed</b>	<b>Imposed</b>
1.	1.
2.	2.
3.	3.

**Task 07 When should we use these methods? 30 min**

In groups of three or four look at the following situations and decide which method or methods would be the most appropriate way of reaching the decision. Be prepared to explain why you choose the method you did for each case. [If you don't agree then explain why not.] You may choose more than one method.

Situation Requiring Decision		Vote	Consensus	Imposed
1	Two people think they are the best person to be the president.	✓		
2	A 5-year-old son wants to watch TV but the mother wants him to go to bed.			
3	Two communities claim one piece of land.			
4	Citizens decide which of three groups with conflicting views about how the economy should be managed will be the government.			
5	A judge decides whether someone is guilty or not.			
6	A doctor has to decide which medicine to prescribe.			
7	A family chooses a new name for the baby.			
8	Deciding whom the daughter should marry.			
9	Deciding what color to paint the inner walls of your house.			

**Task 08 Which Principle? 10 min**

With a partner decide which principle is describing which method of decision making is described.

- The person who makes the decision should have the agreement of people to have this power and there needs to be a clear procedure to follow when making the decision.
- That the people accept the final decision even if it is not what they wanted. The decision should not breach the basic rights of the people.
- No decision is finally agreed upon until all those involved are in agreement.

**Task 09 In your city, town, village, ... 30 min**

In pairs think about the times when there were disagreements between groups in your town, village. Try to think of two examples for each decision making approach.

	Vote	Consensus	Imposed
Situation 1			
Situation 2			

## Chapter 2 Family

### Pre Reading Activities

#### Task 01 Family 10 min

In groups of three or four list functions of a family that you know.

#### Task 02 Word Match 5 min

In pairs match the word with the definition.

Word	Definition
1. inheritance	a) marriage between close relatives
2. incest	b) property which is given to a person after the death of the owner according to law

### Text for reading

The family is the first social unit. As soon as a person decides to combine his life with another human being, and perhaps raise children, a family unit is created. The family is thought to constitute the most basic building block of society. In this chapter we examine how members of families interact with each other and society and how these interactions vary across cultures. While this chapter predominantly quotes examples of ethnically Kyrgyz cultural traditions, which themselves vary from region to region, it is important to realize that these are only some of the culturally rich traditions of this multicultural country.

#### (1) Types of Families

While most common, the nuclear family – consisting of parents and their children – may also just consist of a husband and wife as a couple may not be able to, or want to produce children. In the countries of Western Europe and North America it is not uncommon for couples to decide not to have children.

Beyond the nuclear family there is the extended family, which includes relatives: married children and their wives and husbands and children. For a long time the ethnically Kyrgyz family remained a patriarchic (dominated by the father's line) extended family (till the first half of the 19th century) with highly hierarchical relationships.

The extended family is a very important concept particularly in cultures that place far greater trust in family ties than in any other social bonds. In Western countries with highly urbanized societies, and where education means that children are able to get well paid jobs and so are far less economically dependent on their parents, the links between extended families have weakened or disappeared almost entirely.

Not all nuclear families are monogamous (which is the pairing of one husband with one wife). While monogamy is definitely the most common form of marriage — there are other patterns of monogamy. For example, in cultures where divorce is relatively easy, it is possible to have what may be called “serial monogamy,” which involves several marriages in a “series.” People might, then, be married to many other people – but not at the same time.

One alternative to monogamy is polygamy. In this type of marital arrangement, a husband may take on several wives. In several Islamic countries polygamy appears to be allowed, but public opinion is not as much in favor of this type of family arrangement as was the case in earlier times. Although polygamy is sometimes sanctioned by religion or custom it can just result from a shortage of marriageable men. In one of the Polynesian islands, Tikopia, rather than polygamy there is mass suicide of women who cannot find partners by swimming out to sea. This occurs, as polygamy would in fact worsen the problems of an already small genetic pool.

The marriage of a woman with several husbands, (polyandry) as an accepted cultural practice is exceptionally rare. It usually occurs when there is a scarcity of women. Examples of polyandry can be found amongst the Nair people in South India and in some parts of Tibet. Other cultures such as found in Sri Lanka the customary laws allow for it but it would not appear to be practiced.

#### (2) The Function of the Family

The family has personal, social, and economic functions. The personal function of the family is to institutionalise the intimate relationship between men and women.

Perhaps the principal function of the family is to create a home, a shelter for its members, a place where they are physically as well as psychologically safe. This can be partly regarded as an economic function.

Equally important is the creation of the next generation. The human infant is known to be among the most helpless and most in need of nurturing among mammals. Throughout history, not only have children required to be fed and clothed for many years but also, most importantly, they have had to be given extensive education. The socialization of the child requires a great deal of effort from the family. People resolve the issue in various ways, even within one culture and one society.

A core part of socialization is teaching cooperation among people. It is normally learned at an early age through the family, where each member has to take into consideration the rights, the needs and interests of others. In this sense, the family serves a civilizing function.

### **(3) Family and Property**

The issue of inheritance varies throughout different cultures and historical times. In the past in England farms were inherited by the eldest son (a practice known as primogeniture), while in France and the Rhineland all children were supposed to have an equal right to the property. At the same time, in both these countries the eldest son generally represented the family in the village and was considered to be the decision-maker in matters of family disputes.

In traditional Chinese culture, the family system is strictly patrilineal: inheritance flows through males only and is shared equally by all of a father's sons. By contrast, a system of primogeniture is the rule in Japan. This practice has important implications for the distribution of property as well as the social structure. In many cultures the son must be genetically related. For example, in China, blood ties are crucial; it is actually very difficult to adopt a son. This is not the case in neighbouring Japan, or in Western Europe generally. In the Central Asia there is a practice of minorate when the youngest son stays with his parents and inherits their property whereas older children live separately. As a rule women were excluded from inheritance.

The Chinese Confucian family involves a five-generation extended family, rather than the small nuclear family consisting of parents and children. Moreover, wealthy Chinese men have traditionally taken on several wives and sometimes concubines, to the extent that they could afford to do so. So sometimes cultural and economic considerations go hand in hand: the wealthy have different behaviour patterns from the poor. This tends to be true in all cultures. There is no clear geographic division in this regard.

In some ways family relations in southern Italy are similar to those in China despite otherwise very wide cultural and religious differences. The strong emphasis on blood ties is accompanied by a correlated strong distrust of others outside the family, even within the immediate community. There appears to be a low level of trust in such societies. It is possible that this is the why reason there are relatively few large corporations in both China and southern Italy. Private firms there tend to be small, weak, and family based. Accordingly, in both China and southern Italy the pool of employees of family businesses involve sons, daughters, and other relatives. This is not always the most efficient way to staff a business; nor is it conducive to the formation of very large enterprises.

The bonds of the Japanese family are much weaker than those of either the Italian or the Chinese family, with important economic implications. Although Japan shares with China a Confucian religious background, for which duty to and respect for parents is an important consideration, and where women are very much subordinate to men, the differences between these two Asian cultures are truly great.

Most significant, in Japan the rules for adoption are much more lenient. Moreover, during the Middle Ages Japan initiated the practice that the family house and the family business would be inherited either by the oldest son or by the person designated by the family as the oldest son. This man, in turn, was not obliged to share the family wealth, as the younger sons were expected to go out and make a living on their own. This meant that the younger sons would pursue other occupations such as the military, the state bureaucracy, as well as the sciences and arts. It also meant that there were large estates belonging to one person, which could provide capital for large corporations. And since the family blood ties are less important in Japan, the large corporation – and the trust required to form such business enterprises – is common.

The strength of the family is often an important barometer of a nation's social and economic cohesion. There are often other social problems, such as increase in illegitimacy, promiscuity, drug use, and crime when there is increased pressure of family structure such as rising rates of divorce.

### **(4) Ethical Values and Family Law**



Ethical values are an important aspect of human behaviour. The way people act toward one another; the tolerance and respect they show toward each another, makes it possible for people to live together and to create civilizations that prosper. Should people be incapable of tolerance civilizations will inevitably fail to survive except in poverty and instability.

Ethical standards vary considerably, specifically in connection with family life and behaviour. While many people consider that affection or love among spouses is absolutely essential this is hardly a universal sentiment. Arranged marriages (where the parents choose the partner) have been traditional in many countries, including the Central Asian republics. In some legal systems, the consent of the woman for marriage is not required. This was particularly true in ancient times. Increasingly, however, voluntary consent of both parties is a necessary part of the marriage contract and is certainly required in current Kyrgyz law. In some cultures marriage is primarily an exchange of property and a social convention. Some marriages are arranged when the partners are infants; indeed, sometimes even before they are born. In cultures where the woman has no right to property, marriage simply establishes a transfer of dependence from her parents to her husband. This was specifically true for certain kinds of Roman marriages, the traditional Chinese marriage, and many present day Hindu and orthodox Jewish marriages, as well as in the Muslim tradition. The giving of a ring in most wedding traditions symbolizes the transfer of property.

In some cases, brides require a dowry; yet in other cultures it is the bride's family that is compensated. Ethnically Kyrgyz people have both traditions. The family of a marriageable young man pays "kalym" for the marriageable girl. At the same time the family of a marriageable young girl has to give presents, the cost of which often corresponds to the cost of kalym. The kalym payment is very difficult for families with a low income. A brides' dowry (ke'et) is generally less than kalym, but over the three years after marriage the girl is given in portions (enchi) that together with a dowry balances kalym.

Less common in the past and extremely rare or unknown now are marriages as "barter" (where big families exchange fiancées), marriages arranged when the partners are still children, marriages where labour rent is given instead of kalym, and marriage which is initiated through as a kidnapping.

According to the tradition of ethnically Kyrgyz people the head of the family (almost always a male) had the right to scold and punish all family members. Family members were always under the threat of exclusion for failing to implement his orders and even contradicting him. The head of the family also had an absolute property right. In accordance with tribal principles every Kyrgyz man tried to have many children as possible because sons enlarged his tribe and influence and daughters extended relations. Children always were welcome especially boys that is why there was a wide spread tradition of adoption. The children of relatives' of the husband were the most frequently adopted.

During Soviet times women gained many rights and considerable equality with men. Although at independence there has been a tendency to revert to traditions. However, during recent years the rights of women have come under considerable pressure in ways that would not have been acceptable under traditional custom or laws. As a result many women and men in Kyrgyzstan have actively insisted that women's rights be protected. This requires a new understanding of the position of women and family duties and to change the thinking of men and women.

Although in Central Asia people normally have large families and marry young, the opposite is true in many of the rich Western democracies. In fact in some countries some couples choose not to have children and many people remain single throughout their lives.

Legal issues, of course, are part of a larger ethical universe, and customs are often very deeply influenced by religious beliefs. In predominantly Catholic countries, for example, divorce is difficult if not outright impossible. Different cultures have different points of view on extra-marital sexual behaviour. In some cases, adultery – defined as engaging in sexual behaviour outside of marriage – has been punished by death, whereas in many others there is nearly always some sort of exclusion, ranging from social disgrace to losing one's job and social position. Premarital relations may also be forbidden, although only around one fifth of cultures appear to do so in earnest. However, in some countries it is quite acceptable for couples to live together before marriage. Practically all societies, however, have imposed very strict incest taboos. Incest was quite a common event in ancient Egypt and with members of the royal families in Western Europe and often led to genetic problems. The majority of cultures today do not allow marriage to take place between people who are any closer than second or third cousins.

For ethnic Kyrgyz families the family relationships are based on male descent, the mother's relatives have always been considered as the closest. It is possible, for example, for marriages to occur between cousins on the mother's side in some parts of the country whereas in India it is mostly the other way around.

Divorce is usually regulated by law or custom or both. These customs or laws principally determine the division of family property but also legal relationships in connection with children. Upon the dissolution of a marriage, whether by

divorce, separation, or death, there are many decisions that need to be made regarding the rights and custody of family members.

Crucial to the institution of the family are two specific sets of ethical values: responsibility and trust. Responsibility is certainly at the basis of the relationship between parents and children. Parents are obliged to care for their children – and if in fact this duty is not respected for whatever reason, whether wilfully or by reason of inability, the state or the community may, and usually do, intervene. Conversely, children are expected to care for their ill or aging parents and even, though less often, for their siblings. These responsibilities are not always codified into law; but they are generally accepted norms of civilized behaviour.

A key to the successful functioning of a family is trust. All family members need to have trust in each other that they will have the necessities of life provided and that they are secure. The family, ideally, though not always in reality, is meant to strengthen each of its individual members. For this reason, some political philosophers have attempted to emulate the family when attempting to create political models on a larger scale.

### 5) How are families different to states?

Although there are some similarities between families and states they are very different. This idea is opposed in democracies like Tajikistan as it equates leaders like the presidents and citizens with children. Citizens like presidents are thinking and often well educated adults who need to be respected as such and take on all the responsibilities of life. Children do not choose their fathers whereas in a democracy citizens choose and change their leaders.

## Post Reading Activities:

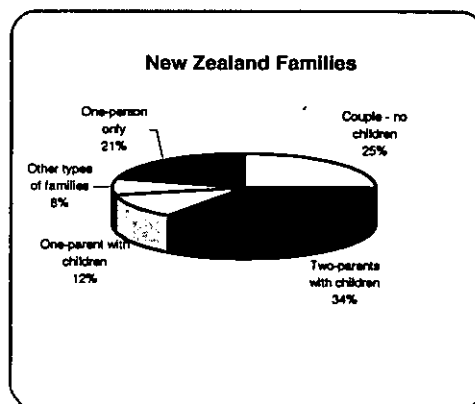
### Task 01 Graphing information about your community 50 min

Instructions:

1. Make a list of at least ten families living in your neighbourhood.
2. Categorize them into types as either nuclear, extended, single parent, or other types of families. (To do this you may need to visit the families. You must explain the purpose of your visit before you ask any questions. Note that if people live alone then you cannot call this a family.)

Ask: *Who lives in the house? How many children are there? Do grandparents live with them?*

3. Once you have collected this information combine it with the information of two other people in your class.
4. Check that you did not list any families twice.
5. Work out the percentages of each type of family.
6. Make a pie chart like the one for New Zealand.
7. Write at least three sentences comparing families in New Zealand with families in your community. You could even try to explain the reasons for the differences.
8. Ask people in your community how and why they think family structure has changed in the last ten years and during the soviet times.



Average age at marriage:	Male – 33,5	Female – 30,7
Average number of children per family:	1,95	

### Task 02 What Are Families For? 10 min

After reading the chapter, work in groups of three or more and list what you think are the main functions of families. Compare the answers that you gave before and after the reading the chapter.

### Task 03 Inheritance 30 min

What are the advantages and disadvantages of different ways families inherit property? Copy the following table into your notebook and fill it with your partner.

Advantages	Disadvantages
a) Inheritance through youngest son	
1.	1.
2.	2.
b) Inheritance through eldest son	
1.	1.
2.	2.
c) All children have an equal part	
1.	1.
2.	2.
d) All sons have an equal share	
1.	1.
2.	2.
e) Property is inherited through oldest or youngest daughter	
1.	1.
2.	2.
f) All property is returned to the state	
1.	1.
2.	2.
g) Property is not inherited as it belongs to the whole family	
1.	1.
2.	2.

#### Task 04 Different privileges 30 min

In groups of three or four list what you think are the difficulties and privileges:

- for unmarried girls in your society,
- for unmarried boys in your society,
- for married men in your society,
- for married women in your society,
- for widowed or divorced women in your society.

#### Task 05 Unregistered Marriages 30 min

In Kyrgyzstan some young people marry but they do not register the marriage due to different reasons. That might be because of the uncertainty in choosing a partner or some fear of family responsibility, property issues and many others.

In groups discuss the following questions:

- What rights does a girl lose if her marriage is not registered?
- What rights does a man lose if his marriage is not registered?
- What effect could it have on your community if large numbers of marriages are unregistered?
- What can be done to solve the problems of unregistered marriages?

Consider the advantages and disadvantages for women and men of unregistered marriages.

Advantages	Disadvantages

#### Task 06 Your Responsibilities in Your Family 15 min

In pairs list all your responsibilities for your sister/brother/mother/father/cousin/uncle/aunt.

For example in the Solomon Islands, a small country in the South Pacific, a teenage boy

- must protect the reputation of his sister;
- must help in food provision;
- if he earns money he must pay for his younger brothers' or sisters' education.

a teenage girl

- must help her mother prepare food;
- must look after her younger brothers and sisters.

## Chapter 3 Human Rights

### Pre Reading Activities

#### Task 01 What do you already know?

5 min

In pairs discuss what you think human rights are.

#### Task 02 Word Match

3 min

Working in pairs, match the word with the definition.

Word	Definition
1. Right	a) Regulates the legal relations between states, principles of general running and behaviour of international organizations as well as some relations of the state and individuals.
2. Natural human rights	b) Rights that regulate human's activity within a society (economic, political, and civic).
3. Acquired human rights	c) Rights that he/she has from the moment of birth (right to life and those rights that respond to physiological needs of a human being).
4. International right	d) An agreement between people about the rules of conduct.

### Text for reading

#### What are rights?

You have probably heard of human rights and you may have even seen a copy of some of the international documents that list rights. The purpose of this chapter is to explain what "human rights" are, and how they work.

Before explaining 'human rights' let's start with just "rights". A right is basically an agreement between humans about human behaviour towards each other and therefore it tells us what we can expect from others in relation to ourselves and what we are obliged to do. When you make an agreement with someone to do something, you are making an agreement to exchange rights. For example, if Farangiz asks Emir to look after her sheep and in exchange Farangiz will give Emir some of her apples then an exchange of rights has taken place. Farangiz has gained the right to expect Emir to look after her sheep and Emir has gained the right to expect Farangiz to give him some apples. We can also express this as an obligation. For example, after the agreement Emir has an obligation to Farangiz to look after her sheep. So a right is both something to expect and an obligation.

#### What are human rights?

The idea of human rights is quite different because with human rights there does not need to be an agreement about the value of what is being exchanged as by being human every person automatically has these rights. In fact there may not be obvious exchange at all. However, just as with other rights there is an obligation in that all humans are obliged to observe the rights of others and if they are abused it is our duty to protect the rights of others. To just observe the rights is not enough. We must actively protect each others' rights even if we endanger our own lives. This is because one person cannot resist a state or a mass of people. They must be aided by others to protect their own rights. The idea that every human has a duty to protect the rights of others is one of the key ideas behind human rights, because without such an idea they are valueless.

The following story demonstrates from Nazi Germany shows why this is so:

- They (the government) first came for the Jewish people. I think they took them away and killed them. I wasn't Jewish so I did nothing.
- Later they came for the Catholics and they took them away and killed them I think. I wasn't Catholic so I did nothing.
- Later they came for the Gypsies and they took them away and killed them I think. I wasn't a Gypsy so I did nothing.
- Last they came for me. There was no one left to help me.

Human rights, instead of guaranteeing the delivery of products or services, try to guarantee the basic essentials of life, such as life itself. A minute's thinking will show you that this is a very broad idea and clearly some rights are much easier to give than others. We can better understand human rights if we first categorize rights into negative rights and

positive rights with some examples that show the differences between the two. (Note that the examples given are probably too broad in meaning to be used in real life, but they are good examples to demonstrate the differences.)

## 1. Negative Rights

Negative rights describe your right to be live without interference by others. Negative rights can be further classified into protecting your rights to be free to do things and to be free from the actions of others.

a) You are free to do anything as long as it does not hurt anyone else.

This right is stating what you can do. It is giving you freedom to do things, for example:

- the right to travel wherever you want,
- the right to meet together
- the right to write, say, read and listen to what ever you want

b) You cannot be hurt by someone else, unless that person is being hurt by you.

This is stating cases where other people have rights to interfere with you. It is in fact limiting these actions and therefore you have freedom from the actions of others.

Other examples could be: - the right to be free from torture,  
- the right to be free from slavery.

Everyone should have these rights, because everyone should be free from violence. This then means that everyone should respect other peoples' rights to freedom from violence. To do this, people have to refrain from doing something (that is, they must refrain from hurting someone) It is a negative right because the right requires that people NOT do something. Furthermore, they are NOT required to actually DO something positive to protect this kind of right. Generally, for a government there is no cost involved in protecting these rights other than the cost of the police who enforce laws, which protect rights. (Note that a negative right is not a bad thing. The freedom to have children is a negative right but of course it is a good thing. They are called negative rights, as they are the opposite of positive rights, which is described next.)

## 2. Positive Rights

An example of a positive right is "A child has the right to be fed by his or her parents." This right also has implications for the behaviour of others towards someone, but with positive rights something must be provided (in this case a child must be provided with food) and as a result we call this a positive right. The difference between positive and negative rights is that with positive rights, instead of protecting rights by leaving others alone, here rights are protected by providing or doing something. Providing something often has a cost. For example providing education costs money.

Do only children have positive rights? Not at all; positive rights are created whenever we are involved in any sort of contract to provide something in exchange for something else, which is an obligation. In return for the food the child (perhaps unknowingly) releases the parent from the obligation to provide food until the child is hungry again. A positive right is always related to someone else's positive obligation to provide that right. Obviously, parents are obliged to give their children food, at least while they are small, because they have taken on this responsibility when they decided to bring them into the world. While there was no written contract, there was certainly a tacit obligation to help the child become an adult.

Sometimes citizens decide that the government should provide certain goods and services. In a democracy, it is reasonable to assume that this involves the majority of people, although this is not necessarily the case, depending on the manner in which the decision is taken. If so, a legal positive right is created: in other words, the law stipulates the citizens' "right" to such goods and services (for example, health care). The government (and in fact all citizens in that they provide the taxes to pay for what is required) then have the responsibility to provide such goods to everyone who needs them. There are two problems with this: first, more goods and services might be "guaranteed" by law, than the economy can provide for; and second, not everyone might have agreed to use taxes to provide these services or goods (specifically those people who did not vote for the law).

This means that when we meet our obligations as required by positive rights we often lose other rights. For example governments tax all citizens to provide education and in taxing them the government is taking away citizens' right to spend their money as they choose. In a democracy, by voting, we can give our agreement for governments to take some rights away by taxing us, on the condition that those taxes are spent guaranteeing citizens various positive rights like access to basic health care and education.

## **Economic and Political Rights**

Human rights may be further divided into civil, political and economic rights. Civil rights (or liberties) involve human action in the area of civil society. Civil society can be understood to mean, every type of activity that involves expression, speech, interaction of all types including even employment. When people as individuals have "civil" rights they are free to do what they like as long as they respect everyone else's right to do the same, and they obey the law. Political rights involve activities and interactions between citizens and their government, for example the right to vote etc. Everyone should be free to engage in political activity and have protection from harassment and abuse. When we have economic rights we have the right to use our property as we choose. There are some limits to this freedom, for example if your property happens to be required for some greater public good. In the chapter on the relationship between economic and political freedoms these rights are discussed further.

### **Who has the responsibility of protecting human rights?**

The responsibility for protecting people against violations of their rights is the principal reason for the creation of government. Governments create laws, which should apply equally to all citizens (this idea is known as "rule of law"). Laws are designed to enforce private agreements, and so protect positive rights, but above all it is designed to protect people against harm. When the police are unable to or do not do this, there is disorder and chaos. Sometimes citizens create private police forces, as is often the case in stores, which hire private guards to protect the store's property. Sometimes however people take justice in their own hands and punish rights-violators themselves. This is dangerous, and can easily deteriorate into chaos.

Sometimes people's rights are most grievously violated by governments themselves. People may be put in jail and harassed, or even killed, simply because they do not agree with official actions and policies. In fact, repressive governments are probably the worst human rights offenders, and are responsible for some of the most terrible crimes against humanity. In such cases, it is possible to appeal to principles of international law.

### **International Law and International Organisations**

In 1995 the Commonwealth of Independent States CIS, together signed an agreement called the Convention on Human Rights. (see Russian title)

This document lists the rights, which all governments, which signed the convention, agreed to protect. Your government was one of the signatories to this convention. When governments sign documents like this it means that they are agreeing that when implementing policies they must make sure that they do not take away the rights of their own citizens and the citizens of other countries. Usually governments can agree on what they shouldn't do, but it is much harder to decide on what should be done when they break some part of the agreement.

The most famous list of rights and the one that was signed by most countries is the Universal Declaration of Human Rights, which was originally written and signed by many countries in 1948.

There are other lists of rights agreed to by governments. Two of the more famous ones are the "The Convention on the Elimination of All Forms of Discrimination Against Women" and "The Convention on the Rights of the Child".

An advantage of all these documents is that they are written by people from all different cultures and religions and so governments can usually sign them without causing offence to their citizens regardless of their religion or culture.

### **How can these documents protect our human rights?**

Documents can never be sufficient to protect rights. Citizens must know how to use them, and have the courage to bring up human rights violations before the international community. Using the documents means understanding their content and knowing how they apply to you, and making sure people who might deny your rights, are aware of human rights. If this is not enough then citizens need to know how to use national and possibly international legal systems to protect your rights. (This country's legal system is explained later in this book.) The constitution of most countries, including yours, states that international laws ratified by your country are a higher law than the constitution.

In Czechoslovakia and Poland before the collapse of the USSR people got together, under the guidance of international law, to bring about change. Because governments have, in many cases, signed up to international agreements at the UN, citizens can legally demand that rights are protected. In many countries governments and local non-government organizations work together in partnership to implement the human rights agreements, which these government signed.

Hopefully, where the rights of citizens are not protected, government agencies should assist. International human rights law works best when governments themselves agree internally to protect the rights that they have accepted.

Unfortunately, even in some rich and developed countries it is the government itself that is the worst abuser of the rights of citizens. Human rights abuses are widespread in the world and in some countries they are systematic and extreme. Examples are the consistent abuse of prisoner's rights, such as by torture, and illegal killings by the police or the army. In this case international organizations can help, however it is important to recognize that they are not like a world police force.

The United Nations (an organization to which almost all governments belong) and others like the OSCE were set up to try to provide some way of monitoring and controlling the way governments treat their citizens and most importantly to help governments develop their countries so they could better protect the human rights of their citizens.

The United Nations can act to stop governments when there are gross and sustained violations of human rights through a range of interventions, which include:

- approving economic sanctions against a state in the hope of economically isolating it. For example, the United Nations member states agreed to stop trading with South Africa until the government reformed their political system in which only white people were allowed to vote.
- military intervention by UN troops made up of member state's armies. (This is usually the last option to be considered.)
- bringing people who committed war crimes before an international court.

### International Courts – Achievements

- *At the end of World War II, Nazi war criminals were charged and punished with crimes against peace and against humanity.*
- *Currently, an International Court of Justice sits in The Hague, the Netherlands. Consisting of 15 judges, the ICJ administers justice under international law dealing with cases ranging from disputes over territory to those concerning rights of passage, as well as human rights abuses and crimes against humanity. e.g. crimes against humanity in the former Yugoslavia*
- *Military and civilian leaders believed to have violated human rights in the case of the Balkan war are currently facing trial at the War Crimes Tribunal in The Hague. In some cases, individuals charged with crimes have been arrested by an international force and taken to Holland for the trial.*

But, as history has shown, it is difficult for the member states of the United Nations to agree on intervention particularly in the case of human rights. Human rights enforcement at the UN level is subject to political debate and often has little to do with the actual human rights issues. For instance, the international military intervention in the Balkans in the last decade of the twentieth century was based on protecting the human rights of minorities there. But other similar violations of the rights of minorities have gone unnoticed by the world community.

In conclusion we can see that while human rights are subject to great dispute, governments throughout the world have indicated that they are at least committed to these rights somehow. How these are implemented depends on the response of civil society, governments, and international organizations, which can work together to ensure human rights are not simply political talk.

### Post Reading Activities:

#### Task 01 What is a Human Right? 8 min

In pairs make a list of what rights are the most important for a human.

#### Task 02 Needs or Wants? 5 min

In pairs decide if the following are needs or wants.

	Item	Need or Want
1	Tape recorder	
2	Air	
3	A new car	

4	Primary Education	
5	Housing	
6	Shoes in winter	

**Task 03 Rules or Rights? 7 min**

In pairs decide whether each statement is describing a rule or a human right.

Statements		Rule or Human Right
1	You must not eat in the classroom.	
2	All people should be provided with adequate housing.	
3	All students should have access to medical care.	
4	Riding bicycles on the sidewalk is banned.	
5	All students must wear blue hats on Sundays.	
6	You can meet with anyone you like.	

**Task 04 Freedom from or freedom to 5 min**

In pairs decide whether each statement describes the freedom to do or freedom from something.

Statements		Freedom from or freedom to
1	Citizens should be able to speak any language they choose.	
2	Citizens should be able to live without fear.	
3	Citizens should never be put in jail for more than ten days unless they are charged with an offence.	
4	The property of citizens should never be taken by the state or others unless fair compensation is paid.	

**Task 05 Positive and Negative Rights 30 min**

In pairs decide whether each statement is describing a positive or negative right.

Statements		Positive or Negative
1	You have the right to travel to any public place at any time.	
2	Citizens have the right to purchase goods from any country.	
3	Everyone should have adequate housing.	
4	You have the right to live your life without fear of violence.	
5	You can practice any religion you want to.	
6	Citizens have the right to speak or write anything without fear of punishment as long as they tell the truth.	
7	Every citizen has a right to free basic health services.	
8	Citizens are free to marry who they want.	

**Task 06 We can promise anything but can we keep our promise? 30 min**

In pairs decide for each statement whether it would be realistic for the government of your country to guarantee these rights. Note that here you are being asked what the country can afford and not what you would like. The first one is done for you.

Statements		Realistic?
1	All citizens have the right to be given a helicopter free of charge.	No
2	All citizens have the right to speak their own language.	
3	All citizens have a right to free clothing.	
4	All citizens have a right to have half of their electricity paid by the government.	
5	All citizens have the right to own property.	
6	All citizens have the right to medical care free of charge.	
7	All citizens have the right to free university education.	
8	Every individual should be free to marry who they want.	
9	All citizens should be guaranteed a job.	
10	All citizens have the right to free heating.	



**Task 07 Order 20 min**

Working in pairs, determine whether each statement indicates too rigorous control and whether or not rights and freedoms are being threatened.

Statements		Too much control
1	The government decides what colour clothes you should wear.	Yes
2	Parents do not allow children to go out late.	
3	Your teacher says what time you must do your homework.	
4	Your father dictates with whom you can be friends.	
5	A policeman demands that you cross the street only at certain places.	
6	Schools require X-ray for schoolchildren every year.	

**Task 08 You are the author! 30 min**

The "Universal Declaration of Human Rights" was made at the meeting of people of all countries' representatives in 1948. Get into groups of four or five and make a list of the rights you would want to include. When you finish, be prepared to share your list with the rest of the class.

**Task 09 Group & Individual Rights**

In pairs read the following story and then answer the questions below.

A man goes into a crowded cinema hall and yells "FIRE!" Actually, there is no fire. Everyone panics and several people killed in the rush to get out. The man is arrested. In court he said it was a joke. He also says that he has the human right of free speech.

1. If you were the judge, how would you reply to this?
2. Can you think of other circumstances where the group's "human rights" should take precedence over the human rights of an individual?

**Task 10 Freedoms???**

In pairs read the following story and then answer the questions below.

**"I Can Do What I Want!!!"**

Last February, my uncle Timur decided to have a party at his house on the occasion of his daughter's birthday. He invited many of his friends and bought a lot of food. After awhile one of his friends suggested dancing. Timur put a tape into the tape recorder and turned the volume up halfway. After about ten minutes somebody said, "Turn it up louder!" Timur then turned it up to full volume. They continued dancing until there was a loud banging on the front door about an hour later. It was his neighbour, who yelled, "Timur can you please turn down the volume. We are trying to sleep!" Timur invited them to join the party, but they declined and so he turned down the volume a little and they continued the party. Soon, however, somebody turned the volume up again. Twenty minutes later there was a loud banging on the door. The neighbour, less politely told Timur to turn down the volume, or better still, to finish the party or there would be trouble! Timur was annoyed. He yelled back, "I can have a party and I can have the music as loud as I want. Go back to your bed and cover your ears with a pillow! It is my "human right" to follow my cultural traditions and in my culture we have loud parties!!!!" They continued arguing like this and soon all the neighbours had come out to watch until suddenly the electricity went off. After that they all went to sleep.

1. Can we "do what we want" and if no why not?
2. What restrictions are needed to be set up?
3. What was Timur's responsibility?

**Task 11 What to do next? 15 min**

The story below describes how a small community in Africa successfully protected their rights. (The names are all fictitious.) With your partner put the paragraphs into the order in which you think they occurred.

Ikan wrote a letter to a lawyer he knew, who lived in the city. The lawyer, whose name was Aren, said that the police were correct but that according to the constitution, the highest law in the country, slavery was illegal.

The Naruban Minister of Foreign Affairs later rang the Minister of Police who rang the local Police Chief for the area in which Sawa is located. The next day Rikki got a telephone call and was told that he should start paying his workers.

Ikan wrote back to the lawyer explaining what had happened. The lawyer wrote back to say that Rikki was also breaking the "Universal Declaration of Human Rights". The lawyer said that if the villagers gave her permission, she would act on their behalf.

Ikan talked with the villagers and they agreed. The lawyer contacted some local and international journalists and some people working in international aid agencies. He told them that the villagers in Sawa were being forced into slavery and that on the 21<sup>st</sup> of January they would be protesting and refusing to go to work.

However, one local journalist sent the story to an international journalist in Germany. The story was printed in Germany and was noticed by someone working in an organization called Human Rights Watch. Human Rights Watch then wrote a letter to the Ministry of Foreign Affairs in the country of Karavia. Someone in the Ministry advised the Karavian embassy in Naruba to check to see if he story was true.

Rikki did nothing but the next day the villagers were beaten and forced to work again. There was no mention of the protest in the local or national newspapers because the journalists were told that their stories were politically unacceptable.

Ikan, one of the villagers then went to see the local police. The policeman said that there was nothing they could do. Ikan asked if a law had been broken and the policeman replied that, yes laws had been broken but that it would take months to take a case to court and that the judges were likely to be corrupt and so they would lose the case and possibly face more problems.

In the country Naruba there was a village called Sawa where the people grew maize. However, nearby there was a new banana plantation. The owner Rikki decided to get the villagers to work in his plantation. Rikki went with some men with guns and told the villagers that they must work for him, however he never paid them. When the people argued he shot one of the villagers. The villagers were scared and went to work on the plantation.

A few months later when the Karavian ambassador visited the country they mentioned this story to the Naruban Minister of Foreign Affairs and explained that the Karavian government would not be giving aid money to a country if it was allowing slavery. Furthermore they would not be recommending companies invest in Naruba.

Ikan then wrote an unsigned letter to Rikki and pointed out that according to the constitution no citizen could be made a slave. Rikki then told all the villagers that they should stop wasting time and that if he received another letter like this he would make trouble for them.

On the 21<sup>st</sup> some of the journalists went to Sawa. The villagers had made placards, which said things like "We want our Human Rights!", "Slavery is not allowed according to our constitutional rights!" etc.

## Task 12 Rights and Responsibilities 30 min

In pairs describe what responsibilities go with each right. The rights listed are summaries of articles of the CIS Convention on Rights and Fundamental Human Freedoms". The first one is done for you.

1	Article 11. Freedom to express your opinion	(i) <i>We should listen to the views of others.</i> (ii) <i>We should tell the truth about others in public</i> (iii) <i>We should allow others to speak and write without fear of punishment.</i>
2	Article 12. Freedom to meet	
3	Article 24. Recognized as a citizen	
4	Article 29. Participate in government	
5	Article 2. Right to life	
6	Article 10. Freedom of religion	
7	Article 20. All are equal before the law	

**Task 13 How to Make Human Rights Work      30 min**

Discuss in pairs the following questions and be prepared to share your answer with the rest of the class.

- a)      What can we do to protect the “human rights” of others in the classroom/ the wider community?
- b)      What can we do if the rights of one community conflict with the rights of another?
- c)      Why is it necessary to have responsibilities as well as rights?
- d)      Whose duty is it to implement the rights of others?

## Chapter 4. Economic Concepts: Property & Economic Growth

### Task 01 Word Match 5 min

In pairs match the word with the definition.

Word	Definition
1. Money	a) Direct exchange of one article for another
2. Free market	b) Monetary expression of value
3. Barter	c) Market in which goods are produced according to demand and supply of such goods by unrestricted competition
4. Price	d) Product or service, produced for a sale at the market
5. Investment	e) Universal equivalent of value
6. Value	f) Spending capital for into some business
7. Profit	g) Basic purpose and result of work of any enterpriser or firm
8. Services	h) The amount of labour, invested into the production of a goods or service
9. Goods	i) Some actions offered to consumers for certain payment

### Text for reading

Note: This is not supposed to be a course in economics, but if you know nothing of this topic read on.

When you hear the word economics, you like most people in the world, probably think that this is just something to do with government. If this is what you think then you are wrong as economics is the study of human behaviour. It tries to explain why we do things and in particular the way in which we use and produce things. If we look at it like that then you can see when we are doing things like growing vegetables or killing a sheep to make Osh, [pilaff] we are making economic decisions. People in villages are often skilled in economic planning. They know that they should not produce more than they can use or sell. They know how to produce things with the minimum effort and cost, and they often now how to produce things more cheaply or more efficiently, if they only had access to other resources like machines.

#### (1) Specialisation, Cooperation & Exchange

People in villages know that some people can produce some things or have some special skills that they do not have. For example a baker, Olim may have the skills and equipment to produce bread and a farmer, Rayhon may have the skills and equipment to grow wheat. The baker will help himself and his community if he uses his skills in baking and leaves others to grow wheat. The baker can then sell or exchange the surplus bread he has for any wheat Rayhon has that she doesn't need. This story explains some important concepts in economics: specialization, cooperation, and exchange. Although you might think that life in the village is quite simple, you will find that there is a very wide range of specialized skills being practiced and that as soon as you move out into the rayon level the range grows wider. You might also find that some of the specialization isn't recognized as a "job". For example, there may be people who can make a cow better but they are not called a vet.

If things are exchanged then they have a value or price, even if no money is used. If Olim's bread is particularly tasty or he is the only one in the village who can make and supply bread, then people in the village will be more likely to give more for it. If Subira then starts making bread of a similar quality then the price would drop. So the "price" is "elastic" in that it can change.

But the price of bread is not determined just by the number of people making bread. It is also determined by the number of people who want it (the demand for things), and have something the bread maker wants. If that number is high, the "price" would rise. If the demand is low, the price will often drop. This is the idea behind the "supply and demand" theory.

#### (2) Incentive & Competition

Nobody likes to do a job unless there is some benefit. The benefit needs to be of a certain value or the work isn't worth doing. This is the idea of "incentive".

Olim has an incentive to keep making bread as long as he gets a good price for it. If Subira thinks there is enough incentive she will start making bread in competition with Olim. The supply will increase but the demand will probably stay the same. Perhaps now at the end of each day Olim and Subira have bread left over. Olim might decide that there is more of an incentive to drive a taxi instead. However, he might decide to drop the price of his bread. Two things are

likely to happen. Some of Subira's customers are likely to come back to Olim and some people may buy more bread (increasing the demand) because the price is lower.

When Olim decides to raise the price of his bread, he has a bigger incentive, either a bigger profit or less work. This because if demand remains the same he will get have the same number of customers but make a larger profit from each sale. However, some people may not want or be able to pay the price, which may mean less demand. Olim will then produce less bread to make the same amount of profit. Here we can see that it is the demand of the consumers that determines the incentive for Olim to make bread and give it a particular price on it

In this example we can see that by having competition consumers gain as goods become available and prices are kept low and because of that producers gain as more consumers means more demand. Producers also gain because as in this case the demand for bread creates a demand for flour. The demand for flour will mean an incentive for people to compete to offer flour to the bakers at the best price.

People are not selfish, greedy, and short-sighted because they respond to incentives. There are many kinds of incentives. Sometimes people will choose a lower paid job because they find it more interesting or pleasurable. They may also often find great satisfaction in helping others and enjoying artistic beauty. Whatever we want is by definition a type of incentive.

### **(3) Property**

In an exchange of goods it is the right of ownership that is being exchanged. Before Olim sells or swaps his bread for Rayhon's flour he has to be sure that he owns the bread and that Rayhon owns the flour. Olim also needs to be sure that once the exchange has taken place, the change of right of ownership is accepted by Rayhon. The right of ownership of something is a property right. Economies can not function if these rights are not protected as Olim will not bother to bake bread and exchange and sell it if Rayhon or others come back after the exchange and take away the goods they exchanged for his bread.

Clearly, it is not just the bread that Olim needs ownership of. He also needs to be sure that he has ownership over his tools and the buildings he uses and the land they stand upon. However, Olim might have decided that although he owns the building he does not need complete ownership rights over the land. He could exchange something for the right to use the land for a year. Again he will only make this exchange if he is sure that his rights are protected.

### **(4) Economic Growth**

The products that make life possible and enjoyable, the different types of foods, transport, shelter, clothing, and entertainment, are the products of human action. Good products will always sell as long as buyers know of their existence and the price is reasonable and bad products will normally not sell well even if businesses try to encourage people to buy them with advertising. Economic growth is the result of hard work and proper appreciation of what people really want.

We can measure our economic growth by measuring the growth in our standard of living. The major sources of production and income growth are dependent on improvements in workers' skills, better tools, technological advances, and better organization. If these do not grow then the economy may remain the same or get smaller.

The right of ownership of property (title) like land is usually gained through purchase, gift or inheritance. One of the main reasons why some countries are rich is that their citizens have clear and unchallenged title to private property. In countries with less developed economies the inability to have property rights like this means that the people living on the land are unwilling to invest their time or money in developing the productive capacity (constructing buildings or buying machines) of that land, because they could lose it. Furthermore, in countries like this people often find it difficult to borrow money for the following reasons:

- there are few institutions loaning money
- banks and other lending institutions much prefer to loan and be paid back in money, but in some places people only have things like sheep or grain which may be difficult to turn into money
- banks and other lending institutions are unwilling to loan to people when borrowers have no property, to which they have clear title, that can be claimed in case of non repayment of the loan
- because of all of the factors above the interest rates are so high there is too great a risk that they will not be able to pay back the money and make a profit.

Better skilled workers tend to produce more efficiently than less skilled workers. Training, experience, and education help people improve their skills. If workers have better machines they can produce more. Investing in better tools and better skilled workers might be costly at first, but eventually it pays off when the products are better and more plentiful. This what we mean when we say productivity increases.

One of the most important aspects of economic growth is new technologies and innovation. Innovation can lead to more efficient ways of doing things or it can create completely new products. For example if Olim finds a way to make bread using less fuel for his oven then his costs will be lower and his profit larger. He will have become a more efficient bread maker.

It is difficult for single businesses to grow if it has to rely just on profits and new ideas. If Olim wants to install an electric oven or if he wants to increase demand by making his bread available to consumers in other villages he will need to borrow money to make a new oven or to buy a truck. When we talk about the amount of money available to be borrowed we are talking about capital. One of the keys for economic growth is the availability of capital at reasonable rates of interest. If the interest rate is too high then businesses will not borrow the money and will not expand their businesses. Imagine that Olim asked Baktyr if he could borrow six thousand Somoni for one year to buy the truck. Baktyr then said he must pay six thousand plus three thousand in interest; Olim would have to make sure that his expanded business with the truck generates enough income to pay for the truck as well as cover his other costs. If Olim was lucky, there might be other borrowers available who would compete to loan him money. Olim would then choose the one with lowest rate of interest. Usually banks are able to loan at the lowest rate of interest, as they are able to spread the risk of a loan not being repaid over many loans.

Finally, improvements in economic organization can lead to economic growth. Businesses consist of people, who must work together. It is important for them to know what their goals are, to whom they should report, and how to work together most efficiently. Since people are more complicated than machines, it is sometimes difficult to determine exactly what makes for the most efficient way to work. Managers need to use the resources available to a business as efficiently and effectively as possible. The workers of a business are normally the most important resource. One of the keys to success is to make sure the workers are motivated, enjoy their work and feel valued by the owners of the business.

#### **(5) Macroeconomics**

You can see that if we look at all the economic links in a village they are quite complex, particularly when you include the exchanges that do not involve money. If you tried to list all the exchanges that took place in a country it would be extremely complex. That is what macroeconomics tries to do.

Macroeconomics involves the study of:

- the value of what a country produces, (you may hear people talking about the country's gross domestic product [GDP] This includes not just the value of products but also services like transport and health. ),
- the levels of productivity (the amount of resources (people, time, materials) required to make a product or provide a service. We say productivity is high when we can use the least amount of resources to produce a product or service.)
- the levels of employment and unemployment, (the percentage of people able to work who are employed
- and the general movement of prices of a whole country. (You may hear people talking about inflation, which is when the average prices of all things increase. Inflation is bad because money is then worth less. Some countries like Japan have the opposite problem, which is deflation. Surprisingly deflation, where prices fall and money increases in value, can be just as damaging to the economy.)
- the availability of capital and the rates of interest
- the balance between the value of what the country buys from other countries (imports) compared to what it sells to other countries (exports).

By doing these things a government can see if the economy is growing and if the way it is managing the country is encouraging growth. In some countries this is very difficult to find out. For example if you agree to chop some firewood for a friend who in return will give you milk from his cow, the government has no way of knowing that this exchange took place.

Governments usually try to have high productivity, full employment, low inflation, low interest rates, more exports than imports and then economic growth should result.

Governments also often try to balance individual economic rights against group economic rights. For example they try to make sure that there are no monopolies so one company can not control the production and market of an item or service and thus force the price up without their being fair competition. However, governments sometimes own monopolies for various reasons.

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#### **Post Reading Activities:**

**Task 01 Needs & Wants 5 min**

- Make a list of what you think are your “needs” and your “wants”.
- How many of these can you buy?
- Prioritise your needs and then make a table like the one below.
- What reasons did you have for wanting some things more than others?

My Needs	Bought	My Wants	Bought
Food	Yes	TV	Yes
True Love	No	Chocolate	Yes

**Task 02 Barter 10 min**

1. In groups of four, tell each other the last time you saw people bartering. What goods were they bartering? Why did they choose to barter instead of using money?
2. Copy this table into your book and fill it out. List the advantages and disadvantages of each system.

Money	Barter
Money can lose its value.	

**Task 03 Demand and Prices 15 min**

Get into pairs and think about three products available in your community. (For example cigarettes, televisions, and apples). Now make a table like the one below and answer these questions.

Product Name	Does the amount of these things being supplied to the market change easily?	What factors can change the supply of these things?	Does the demand change? (Does the total number of people wanting these things change or does the amount they want change?)	What factors can change the demand for this product?
1.				
2.				
3.				

**Task 04 Our Property 10 min**

Think about what property your family owns. Pick ten things. Include big things like a house and small things like a piece of clothing.

Answer these questions:

- How can you prove to others that you own these things?
- How did your family gain ownership of those things?

**Task 05 Demand, Cost and Competition 10 min**

With your partner:

- think of two items that have become expensive and people in your community stopped buying them.
- think of one item that has become cheaper.
- explain what caused the price of the items to rise or fall.

**Task 06 Profits – Who benefits? 20 min**

With a partner look at the stories in the boxes and answer the questions underneath.

Almaz owns a shop in a small village. He is the only person in the town selling radio cassettes. He sells SONY MX345 models for 35,5 soms. This is 30% higher than in Bishkek but it costs him only 5% more to buy and transport them from Bishkek to the village. Nuria decided to go to Bishkek and to buy the same model cassette radios for her shop. She plans to sell them for 30 soms.

1. Who benefits from Nuria's action?
2. What could Almaz do?

Gulnara has a small bakery in the village making *lepeoshka*. There is another bakery in the village selling *lepeoshka* for the same price. She uses a 50-kilo bag of flour a week (1 bag for 1000 *lepeoshka*). She buys 50-kilo bag of flour for 550 soms. After all the expenses she makes a profit of 150 soms per day. If she buys 5 bags of flour wholesale she can buy them for 500 soms a bag. Although there are two bakeries working there, they can never bake enough *lepeoshka*.

1. What should she do with the profit?
2. Who will benefit from this plan?
3. What might happen to the price?
4. What other factors might spoil the plan?

#### Task 07 The Economy and Constitution 25 min

Read Articles 4, 5, 16, 19 of the Constitution. Write a short summary, answering the following two questions:

1. What property rights do you have?
2. What rights and obligations do you have if you run a business?

#### Task 08 Becoming a Millionaire 40 min

The following task can be done in two ways. Either you think of a product that you think would be needed and then do the exercise below or use the suggested product for the exercise.

*Suggested product: You invent a simple machine that removes all the stones from rice, by turning a handle.*

You now want to start a business making and selling this product. With your partner think about the following questions and then write up your business plan. Be prepared to present this to the class.

1. Who will buy your product?
2. How will people know about your product and your company?
3. How will you determine the price of the product?
4. What costs will you have?
5. What will you consider first of all, deciding how many machines to make when you start your business?
6. What will you do with the profit?
7. What factors might cause you to have to change the price?
8. How can your business produce more profit?

#### Task 09 Banks: What are banks and why do we need them? 20 min

In pairs write down the ways banks help in most countries. (Look at the list in the table). Are these actions profitable for banks themselves?

Recipient	Assistance
Ordinary people	
Small businesses	
Big companies	
The government	
Other banks	

#### Task 10 What is The Difference? 30 min

Work in pairs: fill in the following table to compare a centralized planned economy with a free market economy. Note that they do not always differ.



In a centrally planned communist economy...	In a free market economy...
All economic decisions were made by a central office of economic planning	
	Private ownership of property is allowed
Taxes are collected	
	Private business is encouraged
No free media	
	The government is usually criticized openly
There are no international banks	
	Most businesses are privately owned
Production levels are determined by planners	
	Anyone can buy foreign currency
The value of the currency is determined by central planners	
	Any business can produce what it likes (as long as it is legal)

**Task 11                  Small Businesses                  20 min**

In groups of three or four discuss the following questions. Be prepared to share your answers with the class.

There are many kinds of small business that involve kiosk owners and people trading in markets.

- Why are they very important part of the economy?
- How can the government help small business?
- What can small business do with its profit?
- How has the position of women changed since they became involved in business?

**Task 12                  A Local Business                  30 min**

With a partner, go to a local business (a shop or factory) and ask the owners these questions. Then write up a report about the business. Be prepared to present it in the class.

1. What goods/products/services do you sell?
2. What is the name of your business? (Some small businesses may not have a name.)
3. How long have you been in business?
4. Who are your customers?
5. What are your costs?
6. How do you get your products?
7. How do you estimate how much of the product(s) you need to make or buy?
8. How do you evaluate the price you sell the products for?
9. When you last changed the price, what factors did you consider?
10. What are the difficulties of being in business?
11. What are the advantages of being in business?

**Task 13                  Women in Business                  20 min**

Find a woman who has some kind of business. (It might be a relative selling things in the market.)

Ask them the following questions and be prepared to discuss them in class:

1. What differences are there for men and women who want to have a business? What are the advantages for women of being in business?
2. How do women help men by being in business?

**Task 14                  Difference                  10 min**

List at least three problems a woman, unlike a man, is likely to face when starting a business.

**Task 15                      Responsibilities                      20 min**

What are the responsibilities of a husband if his wife is the only income earner in the family?

**Task 16                      The Great Plague                      20 min**

Imagine a situation where 50% of a country gets sick with disease. The disease strikes randomly but fairly evenly through the population at male and female, rich and poor, urban and rural, and clever and stupid. This disease does not kill, it just means that people are permanently unable to speak, listen, write or read.

With a partner, think about what the consequences for the economy would be. What would happen in schools, in businesses, in government, in hospitals, in villages etc.? For example it would mean that a professor would now only be able to work in the garden but even this he could not do well as he would not easily be able to learn. Write a 150-word paragraph answering these questions.

**Task 17                      What do you do all day?                      30 min**

You will hear a short drama. The roles are:

W – housewife

S – son

H – husband

SA – worker of State Statistical Agency

After listening to or reading the conversation, answer the questions below with a partner, and be prepared to discuss it in the class.

1. What do you think was the husband's opinion about his wife's daily duties?
2. How do you think views like this influence the way we value the work done by people when they are not paid for it?
3. What unpaid work is done in your community?
4. Is it valuable work?
5. If this is how housework is valued, then what do you think happens when women have to have an ordinary job as well? Who does the housework?
6. How can we show that we value the work done by all family members?

Setting: A family is sitting inside the house talking after having their dinner. There is a knock on the door. The son gets up and opens the door.

S: Hello.

SA: Hello. My name is Bahktiar and I am working for the State Statistical Agency. I am doing some surveys about family life. I would like to ask you some questions about your family. Would you be willing to answer some questions?

H: That's fine. Come in. My name is Bakyt, this is my wife Saltanat and this is my son Damir. Sit down. Would you like a cup of tea?

SA: Yes, thank you. Now I am not interested in hearing anything that you feel is private or confidential, you just tell me what you think happens on a typical day at this time of year.

H: Okay, what's the first question?

SA: Well, I am interested to know about what both you and your wife do on a typical day?

H: My wife...well she stays home all day so there's not much to say. She gets up and makes the breakfast, looks after my son, keeps the house tidy, cooks dinner and talks to the neighbors.

SA: Well, actually I need a bit more detail than that. Do you mind if I ask your wife?

H: No problem. Hey Saltanat, could you come in here? Bahktiar wants to ask you some questions.

SA: Okay, could you tell me about your typical day, from when you get up to when you go back to sleep again?

W: Yes. Well I start the day at about five when I get up and build up the fire to heat some water. Then, I start cooking breakfast and get things ready for my son to go to school. We all have breakfast together at about six and then my husband leaves for his work. I then tidy up the kitchen and at about seven, I start washing the clothes and clean the house. It usually takes me about one hour as we have no machine. After doing the washing I usually do a little work in the garden and then go down to the market. I sell some of the things we grow. And if we have any spare money I might buy a few things like food items. I usually stay there for about eight hours and get home only at five o'clock. After that, I go home and prepare dinner, and work in the garden for another few hours. When it gets dark I go inside and there is always things to be done such as sewing, etc.

SA: Okay. Is there anything else?

W: No, I think that's all.

S: You forgot to tell the man about when you go and get the water from the stream, and how you milk the cow and getting the firewood.  
W: Yes, those things too.  
S: And what about when you help me with my school work and when you take food around to Dad's mother and things like that.  
W: They don't count.  
SA: May be. May be not. But it all takes time.  
W: True, that's what I never have enough of.  
SA: So do you have any hobbies?  
W: Well, I like to read. But I suppose my family is my hobby.  
SA: Thanks. Now Bakyt can you tell me about your day?  
H: Sure. Well I start with...

**Task 18            Business and Civil Society            20 min**

In pairs, try to write an answer to this question.

*"The role of private business in the development  
of a society can be equal to or greater than the government's role. Why is this?"*

## Chapter 5 The Relationship Between Economic & Political Rights

### Pre Reading Activities

#### Task 01 Rights and Freedoms 10 min

1. In groups of three or four discuss what freedoms a person has when they are politically free.
2. In groups of three or four discuss what freedoms a person has when they are economically free.

#### Task 02 Word Match 5 min

Match the words with corresponding definitions.

Word	Definition
1. Human rights	a) Capacity and possibility to influence people's behaviour and activities to achieve some purposes.
2. Authority	b) Legal relationship of a person and the government which results in their mutual rights and duties.
3. Taxes	c) Economic activity devoted to earning a profit.
4. Political rights	d) Inalienable rights of every individual.
5. Business (entrepreneurship)	e) Transmission of state property to private ownership of citizens.
6. Economic rights	f) Compulsory and obligatory payments to the state budget.
7. Citizenship	g) Abusing of one's power to get any illegal benefit.
8. Privatisation	h) The right of ownership, entrepreneurship and free arranging with one's own labour force.
9. Corruption	i) The right of a person to take active part in political life.

### Text for reading

Giving citizens economic freedoms and rights is an important step towards improving the economy of a country as it allows citizens the opportunity to use their creativity and motivation to create wealth for the economy. Some people argue that as long as people's economic situation is improving then political rights are not so important. The purpose of this chapter is to show that this is not true.

### What are Political Rights?

As we saw in the chapter on human rights economic rights can be described as the absence of government pressure or control on the production, distribution, or consumption of products and services.<sup>1</sup> Political rights could simply be defined as the right to choose your leader, but we can describe it more accurately by using the following checklist and if we also include a list of civil rights.<sup>2</sup>

#### Political Rights:

1. Is the head of government or other chief authority elected through free and fair elections?
2. Are the members of parliament elected through free and fair elections?
3. Are there fair electoral laws, equal campaigning opportunities, fair opportunity to vote, and honest counting of votes?
4. Are the voters able to give the leaders they choose real power?
5. Do the people have the right to organize in different political parties?
6. Is there a significant opposition vote, and a realistic possibility for the opposition to increase its support or gain power through elections?
7. Are people free from control by the military, a foreign power, religious groups, or any other powerful group?
8. Do ethnic, religious and other minority groups have reasonable self-determination (the right to organize their own community in a way that fits with their cultural values), self-government, and can they participate in the decision-making process?

#### Civil Rights:

1. Are there sources of news and opinions (media), and other forms of cultural expression, which are free of government control?

2. Is there open public discussion and free private discussion?
3. Are you able to travel and meet together and publicly and peacefully demonstrate against government policies?
4. Are citizens equal under the law, with access to an independent, fair judiciary, and do the security forces respect the legal system?
5. Is there protection from political terror, and from unjustified imprisonment, exile or torture, whether by groups that support or oppose the system?
6. Are there trade unions and peasant organizations or equivalents, and are there effective ways for workers in groups to protect their employment conditions?
7. Are there professional and other private organizations without government control?
8. Are there private businesses or cooperatives?
9. Are people free to join or not join religious institutions and are people free to privately and publicly express their religious beliefs?
10. Are there personal social freedoms? This means such things as equality for women, the freedom to speak your language, the freedom to choose who you marry and decide on the size of your family?
11. Is there equality of opportunity? This means for example that everyone has a reasonable chance to be educated, that you are paid fairly for your work, that you have a choice as to how you spend your money.
12. Is there freedom from corruption?
13. Does the government care about the condition of its people?

### **The Need for Political Rights**

The government can have great influence over the life of citizens. Look at the two following stories set in villages in Central America and see what can happen when people have economic but not political rights.

**Situation 1.** *There are nine families living on a cooperative farm. They all are part owners of the farm. A government official chooses one of the farmers, Mika as the chairman of the committee that manages the farm. Although they discuss issues at the meeting, Mika makes all the decisions. For the first year Mika does a good job of managing the farm and the farm makes some profit. However, in the second year Mika does not allow one farmer, Rita, to sell his share of the farm, as he knows that Rita is the best mechanic of all the farmers. Also that year the farm does not make a profit. The other farmers say that Mika is making mistakes and they suggest at one of the meetings that someone else should have the chance to be the chairman. Mika, who is the best educated says that it is not their choice, as he is the best person for the job and was appointed by the government. The other farmers know that unless Mika agrees they cannot force a change of manager. As a result many of them become less interested in their work on the farm as they believe that the methods he is using are out of date. The farm's profits begin to drop due to their lack of interest.*

**Situation 1.** *Domingo lives on a farm with just his family. They have a document, which says that they own the land the farm is on. The farm can produce more food than Domingo's family need to survive. For the first few years everything is good. Domingo is able to sell his surplus and buy some cows. Every year someone from the government comes and asks him to pay 20% of what he earns from selling his products to the government. He agrees to do this, as he wants a school built for his daughter to go to. Even though there are no elections, Domingo doesn't really mind, as he thinks the government is doing a good job. However, after five years people from the government come wearing uniforms and say that he must give 70% of his surplus. Domingo isn't very happy about this but the people have guns. Domingo is even less happy about it when he hears that the money that is collected is used to build a new house for the people in the government. He writes a letter to the only newspaper in his region which is government owned, but his letter is not published. Domingo wishes he could choose the government.*

In the first story we can see that the farmers had economic rights but not political ones (the right to choose leaders). Although Mika is trying to help, because the other farmers don't feel they have a choice so they give up. Perhaps if the farmers did have a choice then they would vote for another chairman. That chairman's ideas may not be better but at least the farmers would know it was their choice so they would remain interested. Perhaps then if there was another election Mika might win again.

In the second story the farmer Domingo again has economic rights but largely loses them because he doesn't have political rights. The problem here is that after some years the government isn't interested in the people any more and start taking his property.

### **Do We Need To Have Both Rights At the Same Time?**

Political and economic rights or freedoms are linked very closely because when citizens have no political power governments can easily weaken property rights. If a government taxes citizens or takes their property or limits their use of it in some other way, without the consent of citizens then they cannot be said to be free. The situation is not made

any more acceptable by a government claiming that the action was taken for the common good. In some countries, when the government wishes to take away someone's property for the "the greater public good," it generally compensates the owner. The amount of the compensation however may be in dispute."

In democracies even if citizens are unable to give their consent for each and every occasion a government limits citizens' rights to use their property in the way they want to, they can still be considered free. This is because they can use their political rights every election to vote against and possibly change the government if sufficient numbers of other citizens think likewise. This means that both economic and political rights need to be given together.

When citizens have full political rights and they use them, they can determine the type of economic policies and therefore the strength of the economy they live in. This explains why countries that allow their citizens the greatest economic and political freedoms are often the richest. These same countries are generally also the least corrupt. Although, some countries – for example Singapore and the province of Hong Kong, among others – are rich yet not highly democratic, in that they do not give their citizens much political power, they do give wide economic rights, and citizen's legal rights are well protected.

Some countries have attempted to introduce political rights more quickly than economic rights or the other way round. Although elections have to come first so that the new elected officials can introduce new laws and economic freedom, in the end it is the economic structure that will transform the economy, but that structure has to be protected and the most effective way to do that is to give people the political rights so that the leaders they choose must be open about what they do and can be replaced if necessary.

### **But Political Rights Don't Seem To Help Me!**

When many people are asked their opinion about democracy, the free market and privatisation, many people of newly independent nations are understandably disappointed with what they see. Often they are confused, and do not know what an economy based on capitalism with strong political rights is like. They judge the success of capitalism and the free market, simply by what they see in their own countries where there may be some economic rights but very limited political rights. For example just giving citizens one political right, such as the vote, doesn't make a country a strong democracy.

One of the common misconceptions about a system of government, which gives its citizens political and economic rights, is that its promoters (organizations like the United Nations or IFES) believe that the process of democratic government is smooth and easy. Democracy is not a perfect system, but it seems to be the one that can best balance the competing interests of peoples. Giving people all their economic and political rights and getting them to use them effectively, can be like learning to ride a bicycle or a horse – you learn by doing. Therefore the only way that citizens can learn is to make these rights work effectively is to have people use their rights in as many levels as possible, from village council to the president's office.

### **So Are You Saying That All Countries Need to Be Like the United States?**

Clearly not, there are a wide variety government systems, that offer their citizens political and economic rights. Some like the Western European countries have systems of government that have considerable influence on the lives of their citizens. In others like New Zealand or United States the government has very little influence and owns very little. However, in all these countries citizens regularly choose the type of government they want. Although some Asian leaders have said that the Asian way of doing things is to have leaders make decisions without seeking the agreement of citizens, this view can only be proven if people actually choose to give up their rights to choose. Recent events in South East Asia and public opinion polls in Central Asia show that despite what their leaders may say, people are very reluctant to give up choice.

### **But Doesn't the Government Know What is Best For Us?**

Some people say that giving citizens full political rights in a new democracy or in a country where people are mostly uneducated, will only lead to chaos and instability. In some countries the army or some other powerful group has taken over from a democratically elected government e.g. in 2000 Fiji, Pakistan. Those groups often justify their action by saying that the politicians elected were corrupt and bought their votes. It is true that this sometimes happens. Even in the United States, probably the world's most well known democracy, some of people elected turn out to be incompetent or dishonest. However, because of the existence of other political rights such as an independent media and an honest and fair legal system, bad leaders can be removed. The Philippines and Indonesia are excellent examples of this. Because the people had political rights they were able to elect their presidents, and when they found that their presidents were corrupt they were able, through demonstration and legal means to remove them. In fact many would argue that it was not enough political rights that led to these situations occurring in the first place. So although giving political rights

can lead to instability, economic mismanagement and corruption, these things are equally likely when people have no political rights, as the government cannot be held accountable for their actions.

Finally, everyone knows that most people prefer to choose for themselves. Restricting a person's freedom to choose – whether at the voting booth, before the television camera, or at the market – is denying human beings something that is part of their humanity.

## Post Reading Activities

### Task 01 Which is which? 30 min

With a partner decide whether the following are economic freedoms or political freedoms. Put the numbers of each freedom under a chart like the one below. You may find that some could be regarded as both types of freedom. In this case put it under the category that you feel fits most of the time.

Rights and Freedoms	Political or economical?
1. to own a house.	
2. The freedom to vote in elections.	
3. The freedom to sell your land.	
4. The freedom to speak any language.	
5. The freedom to give your opinion on the radio.	
6. The freedom to advertise a product you make.	
7. The freedom to form an organization that wishes to become the government.	
8. The freedom to start a business.	
9. The freedom to break any law.	
10. The freedom to keep foreign currency.	
11. The freedom to meet with others who have the same opinion about government as you.	
12. The freedom to drive a car.	
13. The freedom to disagree with your leaders.	
14. The freedom to choose your religion.	
15. The freedom to privacy.	
16. The freedom to marry whom you want.	

### Task 03 What is the most important? 40 min

1. The following is a list of economic freedoms and services. Choose any business in your community. Look at the list with your partner and rank them in order of importance according to the business you chose.

Rights and freedoms	How much important?
1. The freedom to own property and products.	
2. The freedom to sell property and products.	
3. Reliable transport services.	
4. The freedom to advertise property and products you make.	
5. The freedom to import goods.	
6. Reliable banking services.	
7. The freedom to export goods.	
8. Reliable police and justice system.	
9. The freedom to transport goods.	
10. Freedom from excessive corruption.	
11. The freedom to hire the services of others.	
12. Reliable water supplies.	
13. The freedom to sell things in a public place.	
14. The freedom to use any currency.	
15. Reliable electricity supplies.	

2. Now take the three you chose to be the most important services or freedoms and be prepared to explain why you chose these for the business you were thinking about.

**Task 04 Business laws 40 min.**

With a partner visit a local business and ask the owner if he can tell you what laws have been passed recently that make it easier to do business than it was under the communist soviet system. Be prepared to tell the class about the results of your visit. You need to be able to explain what the new laws were and what they allowed the business to do.

**Task 05 Why do we have taxes? 60 min**

You could say that any tax cuts into people's freedom to spend their money as they wish. However, all governments have some kind of tax.

a) With your partner decide how taxes can be justified and decide how we can say when taxes are unreasonable. Be prepared to explain your answer.

b) With your partner discuss what you think are the most important things for governments to pay for. Be prepared to explain your answer.

c) Imagine you are the Minister of Finance. You have 1 billion dollars to spend. How will you spend this money? Make a pie chart and be prepared to explain your answer. Here are things to spend money on.

Budget items to consider	How many percent?
Defense	
Health Care	
Social Security (for pensions, orphans)	
Customs	
Education	
Police	
Transport	
Foreign Affairs	
Government Administration	

d) Ask your family what they think of your budget.

**Task 06 Your Opinion 30 min**

Discuss the statement below with your partner and then decide where you stand on this issue.

*"Economic freedoms should precede political freedoms"*

Your opinion might be that:

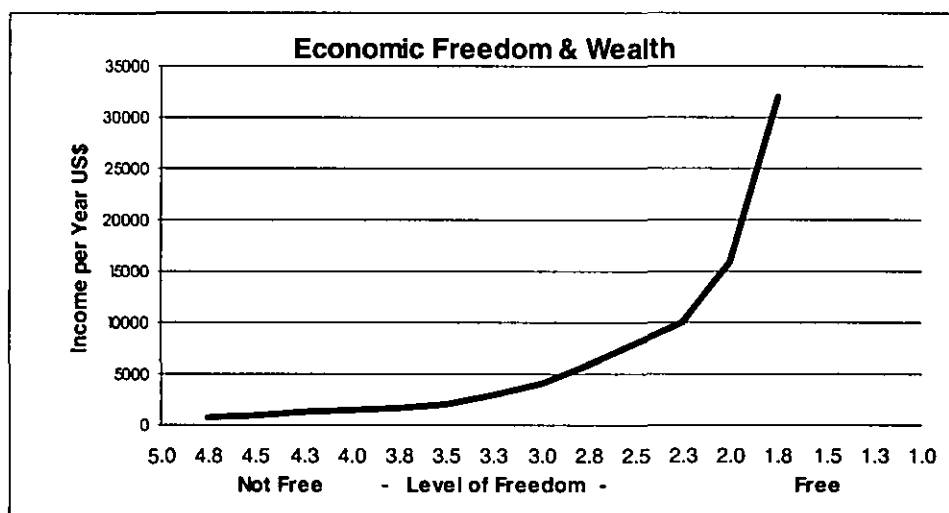
- a) This is true
- b) Political freedoms should come before economic freedoms.
- c) Economic and political freedoms should come at the same time.

Once you have decided go to the other people who think like you do. Develop your arguments and be prepared to present them to the class.

**Task 07 Wealth & Freedom 20 min**

With a partner look at the graph below and write a paragraph of no more than 70 words summarizing what conclusions you can draw from the graph. Remember that it is showing an average for all countries.





**Task 08 How wealthy? 20 min**

Below is a list of freedoms. Using the following scoring system work out the likely income for a citizen of the fictitious country of Nur by adding the numbers and dividing by 13.

Always/Yes = 1      Mostly = 2      Sometimes = 3      Not Often = 4      Never / No = 5

Measures of Freedom	Answers for Nur	Numbers
1. Is the head of government elected through free and fair elections?	Never	
2. Are the legislative representatives elected through free and fair elections?	Mostly	
3. Do the freely elected representatives have real power?	No	
4. Do the people have the right to organize in political parties?	Never	
5. Is there a realistic possibility for the opposition to increase its influence or gain power through elections?	No, Never	
6. Do cultural, ethnic, religious and other minority groups have equal rights to others?	Sometimes	
7. Is there independent media free from political influence? (Newspapers and TV)	Mostly	
8. Is there freedom of assembly and demonstration?	Sometimes	
9. Are citizens equal under the law with access to an independent judiciary?	Sometimes	
10. Do employees have the right to organize trade unions?	Mostly	
11. Are there free businesses, which are free from political interference?	Sometimes	
12. Is their freedom of religious belief?	Always	
13. Are there personal social freedoms, including as gender equality, property rights, freedom of movement, choice of marriage?	Mostly	

Discuss the following questions:

1. What is similar between your country and the country Nur?
2. How does Nur differs from your country?

**Task 09 Our World 30 min**

Discuss the following questions with your partner and then be prepared to explain your answer to the class.

1. Why do people wish to have both economic and political freedom at the same time?
2. Why would some people prefer to have one freedom more or before another?

## Chapter 6. Nationalism and the Origins of the State

### Pre Reading Activities

#### Task 01 Word Match

With your partner match the word with its definition.

Word	Definition
1. Sovereignty	a) The characteristics that show which group you genetically come from
2. Nation	b) Having independence and complete power over itself
3. Ethnos	c) The ideology and policy of propagation of national isolation and exclusiveness belief in protecting the nation from outside influences
4. Elite	d) Stable group of people that have common origin (blood), history, language and culture.
5. Nationalism	e) Elected circle of people; the most outstanding representatives of any part of society; the highest layer of social hierarchy
6. Ethnicity	f) People who occupy a particular territory organized into a political entity

#### Task 02 In the beginning 20 min

Before we can begin to think about how to devise rights or laws or how to organize a society it is worth considering what "natural rights" we have as people. A famous philosopher, called John Locke considered this problem. Now it is your turn.

Imagine that all the students in your class go to a place with enough resources for you to live well, but where there are no others. When you arrive there is no other way to communicate with people in other parts of the world. In groups of three or four discuss the following situations:

1. What do you think "private property" means?
2. Why do you think it is important concept in today's Tajikistan?
3. What do you think the phrase "free market" means?
4. Why do you think banks are important in a market economy?
5. As a whole class exercise try to define the word "privatization".
6. Make a list of different kinds of businesses that did not exist five years ago.

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#### Text for reading

In this chapter we will look at:

- the meaning of the word state,
- how the idea of states developed
- how states come into being through being a) legitimate or b) through revolution
- nationalism and how nationalities exist in relation to citizenship

When people use the word "state" they are usually talking about political organization. Other words are sometimes used to communicate similar ideas, such as country, nation, and government. Sometimes the idea of "fatherland" or "motherland," as well as "kingdom" or "republic" may be used but then a different meaning is given. The idea of state can have a variety of meanings: it can mean both the people living in a particular territory that makes up a political entity, or it may refer more narrowly to the form of government of that territory. In fact, these two concepts are in some respects conflicting, since people in a state may feel that their government does not represent them. This is particularly true where there is no system of representation, through a system of elections.

Sometimes a "state" is also known as "a country," or "nation". For example, the United Nations is really an organization whose members are individual states, or countries. The groups of people who call themselves "nations" such as for example the Gypsies, or the Kurds do not have their own states. Without a state of their own however, such groups cannot be members of the "United Nations". For the purpose of this text, a state refers to a group of people living in a specific territory under a political system that is recognized by most other states to be in some sense legitimate. When something is legitimate it means that it was established or gains its power through some kind of accepted process. Typically this process is through the use of a set of laws. Next we will look further at how states gain this legitimacy.

## (1) Legitimacy

States may be created by deliberate political actions, which include all the people who wish to (or, in many cases, find themselves forced to) belong to a particular political unit. States are recognized as sovereign (self controlling) and independent.

The concept of the state is rather new. The ancient Greek "city-states," were the beginning of the nation-states that were to come into existence over two thousand five hundred years later. The Greek city-state was a small political unit, which possessed some of the characteristics of what today would be called a state: it was sovereign, occupied a specific territory, and its authority was recognized by its people. However, the city-state was more than merely a political unit; it also facilitated and in many ways controlled the cultural and religious life of the citizens. There was not the kind of separation between religious life and state that would later, become extremely important. The city-states were so small that it would be difficult to call them states in modern terms. The Italian philosopher Nicolo Machiavelli first presented the modern idea of the "state" in Western culture, in the 16<sup>th</sup> century. Machiavelli thought of the state as a self-contained unit, requiring able and clever commanders in order to defend the people and their liberties. Perhaps one reason the concept became popular was that he believed that the principal function of the state is the protection of its citizens. This was simple and clear to understand.

However, people have always felt the need to somehow justify the existence of a state mainly because it requires the use of power. It would seem obvious that whenever one man uses power in connection with another, whether or not it is for that person's own good, some form of justification is required. Some people see God as the source of all justification for the use of force. In Europe, before the time of Machiavelli, it was assumed that the final authority giving power to princes or kings was God himself. At the same time, however, that power was also supposed to be limited and under the control of the power of the church, which was seen as closer to God.

From ancient times there have been many different types of justifications for the state. But it was the Englishman John Locke (1632-1704) who offered, a moral argument for the establishment of a state. Locke was convinced that political society was a positive moral good provided it followed certain basic principles of ethics and reason.

The basic idea underlying Locke's theory of government was that all people are created equal, which to him meant that everyone had the same right to life, liberty, and property. He explained the right to property as simply an extension of the right to life and liberty, since without some basic property it was impossible to stay alive. The rights to life, liberty, and property, in other words are really one idea: together they include the right to freedom.

That right, however, is meaningless in a situation where there is no way to punish those who violate the rights of others, as we must expect this to happen.

Given human nature, therefore, people should get together and give up at least one small part of their original freedom in order to protect themselves. Locke believed people would voluntarily set up a state to protect their rights if no state existed.

One common misconception about the form of the state Locke envisaged was that he meant complete unbridled freedom: anyone can do what he wants to further his interest. But that is rather a description of pure anarchy, or as Locke called it, "the state of nature." In contrast he meant equal freedom – which is necessarily constrained by the equal right of everyone to be left in peace. Hence everyone's freedom ends, so to speak, at the other person's nose. If this equal right is not respected, the illusory "free for all" is short-lived, and degenerates into chaos.

Locke did not express a special preference for monarchy, aristocracy, or democracy. That was a separate issue. He felt that each of these systems could work, if properly administered. He did however offer a strong moral justification for the state, which clearly stated in its laws, what could be considered as breaking people's trust. Should those with power and authority who say they represent the people fail to pay attention to the people's rights, their power is no longer legitimate, and they should be replaced. Locke argued that the source of state's legitimacy lies in the agreement (consent) of the people to govern. The people are the ones who possess the right to freedom, and they are the ones who gave part of that right in order to provide for their own protection. Therefore all legitimacy, for Locke, ultimately comes from the people.

There are many other political philosophies that have offered arguments to justify the existence of the state. Some thinkers believe that a state is the source of discipline and must impose moral standards upon the population. Others believe that the state gives rights to the people who otherwise have absolutely no rights, except that they are citizens. Democratically elected officials, get their legitimacy from the voters. There is no doubt that states can be powerful, but a state must also be able to claim some legitimacy in order to use its power.

Karl Marx, F. Engels and later V.I. Lenin, all believed that the state would disappear in the ideal and final historical stage of development, that of communism. They believed that the state was oppressive and that with the end of private property should come the end of the state as well.

However, in the communist political system the state came to totally control nearly all aspects of life. This should not have come as a surprise given the fact that communism sought to abolish private property: there had to be, then, some sort of central organization of all economic activity. In the end, it also proved to be not only very inefficient but also highly damaging to people's personal freedom.

## **(2) Revolution**

Most nation-states experience different types of government throughout their histories. Some of the changes are relatively painless and orderly. Others however are bloody and highly destructive. Some of the more radical changes have been considered, to be "revolutionary."

But what does that mean? Do revolutions have to be violent? Do they have to involve a complete change of governmental system? Do they have to be supported by the masses? And if not, can they be considered legitimate?

These are difficult if not impossible questions to answer. The collapse of the former Soviet Union has been mainly peaceful. However, a revolution requires a major change of political system.

But what constitutes a "major" change is much more difficult to define. Some revolutions may just result in a change of leader but the system remains the same. Others bring about a change of leaders and the system of government.

The violent French Revolution was supposed to remove the monarchy and replaced it with a republican form of government. In many ways the experiment failed as the way citizens could participate in political life was not clearly set out. It would take several decades before the basis of a modern republic would be introduced.

The American Revolution on the other hand did result in the creation of a new stable country with a new system of government after the colonies broke from England. But interestingly, the reason for the revolution was not that the American colonists objected to the British monarchy as such. Rather, they claimed that King George II had gone beyond his powers and not followed his own constitution. The American colonists claimed that the taxes, they were being asked to pay, had not been approved by them, since they were not represented in the British Parliament. They said these taxes, had been forced on them by the King. The American colonists implemented John Locke's idea that legal legitimacy comes from the consent of the governed. The governed, in this case the colonists, claimed that they had given no such consent.

The conclusion of the colonists, then, was that in order for them to be properly and legitimately governed a new nation had to be born which allowed for direct representation through elections. That nation, the United States of America, would consist of several separate states eventually to reach fifty, some two hundred years later.

The Russian Revolution of 1917 was also a truly radical political upheaval, designed to eliminate private property and give total power to poorer people who had little economic power (the dictatorship of the proletariat). Its main architect, V.I. Lenin, and his successor I.V. Stalin, had predicted that the Soviet state would be the most prosperous and successful in history. That prediction proved wrong.

When the regime collapsed, in 1990, many referred to the end of the Soviet empire as an "implosion" – for the change, while radical, did not possess some of the more common aspects of revolutions.

These aspects include:

- an elite responsible for organizing the change;
- a clear blueprint for change;
- a critical mass pushing for change;
- and usually, violent upheaval

The end of the Soviet Union was also a revolution but it was quite different to the beginning. There appeared to be no special group responsible for organizing the upheaval, nor a clear plan for change, no mass of people pushing for the change, and practically no violence. The changes that took place in each of the new republics have taken different paths, and in many cases continue to take place. Often quite radical changes, including the creation of new Constitutions, happened years later. Ukraine for example gained independence in 1990 but did not adopt a new Constitution until 1995. In many cases the system collapsed as a result of the decision to hold new multi-party elections. Some have said that communism merely disintegrated, almost naturally, in a process of evolution not unlike the physical world where organisms simply die and others take their place.

Political evolution is a necessary part of all change. Mankind passes through new phases throughout history. Whether or not violence occurs in order to cause changes that are considered essential does not, of course, necessarily mean that the new system will be stable or long lasting. On the contrary, sometimes longer and slower changes last longer than quick radical ones. The hardest part of any change, whether "revolutionary" or not, is the building of institutions and the creation of a civil society.

### **(3) Nations, Nationality & Nationalism**

The concept of a "state", as mentioned above, is definitely not the same as "nation". States may be created that are multi-national. We can say a "nation" is a population group unified by either language or a historically common past. This common quality is sometimes real and sometimes imagined or created by those who - for political reasons - decide to create a separate "national identity" for a group of people. In other words, a nation is a social unit whose unifying element is not always easy to define. However, its unity is an essential part of being a nation. Nations usually involve political structures, which give citizens some kind of relationship to their political leaders.

Nationality has sometimes been defined by language. For example, the Germans consider themselves a nation of German speakers. However, some non-Germans (such as the Austrians) speak almost the same language yet belong to a different nation. Similarly, some French speakers, for example in much of Africa, are members of other nations. Language is not always a necessary condition for defining a person's nationality. Some Germans who have grown up in Kazakhstan or Tajikistan may never have learned German, since they were not born in Germany, yet since their parents were German they may be regarded by some as Germans.

The Jewish people are sometimes identified as a nation, but what would seem to unify them is not language but religion as Jewish people generally speak the language of the state in which they are born. However, some Jewish people might not even believe in the religion and yet they are often considered, to be members of the Jewish nation. In this case it is a common historical past that is the unifying factor.

In Central Asia, nationality is for some ethnic groups partly connected to tribal ties, which are often quite complex. The countries of Central Asia owe their current boundaries mainly to political administrative decisions made during the Soviet era; in some cases national groups such as Tajiks have been separated in different countries, as there are significant numbers of Tajik people in Kyrgyzstan as well as Uzbekistan and of course Tajikistan.

Nationalism is in many ways about a nation believing in a common idea. The Central Asian Republics face the difficult task of defining these ideas and their national identity.

Issues of nationalist identification and ethnicity have been a significant feature of all states that emerged after the collapse of the Soviet Union where most new states are multi-ethnic in that they contain large groups of different peoples with different languages, cultures and sometimes, different religions.

Every person needs to ask themselves the following questions: "What does it mean to be a Kyrgyz citizen?" and "What is the relationship between nationality and citizenship?" Citizenship and nationality are clearly not the same. For example a person who is ethnically Kyrgyz but carries a German passport is a German citizen and therefore they are regarded in Germany as being German. A Kyrgyz person in this situation has therefore accepted all the obligations and gained all the rights of citizens of that country. However, they remain ethnically and culturally largely Kyrgyz. This also means every citizen of Kyrgyzstan, regardless of nationality has exactly the same rights and obligations as everyone else. It is for this reason that passports in most democratic countries do not state your ethnic group. For these passports, under the heading nationality, which is required by international law, only the name of the state is given indicating a belief that the concept of citizenship is not divisible by nationality.

Nationalism can be a tool by those in power to persuade the people to fight against each other. Nationalism can create an atmosphere where minorities (those not of the same group as the dominant forces of the state) have their rights threatened or taken away. This kind of nationalism usually arises where there are deep historical differences and resentments between groups and where the group now in power was once oppressed. In turn, the new minorities may feel a need to assert their culture and language to protect their traditions.

However, nationalism should not be seen as only a negative influence. There is nothing particularly unusual or wrong about a country taking pride in the accomplishments of its citizens.

Rather than stress the importance of having common ethnic or cultural practices, nationalism can express the opposite idea. It can express the idea that all the people of a nation wish to identify themselves with a government that protects the rights and values the cultural diversity of all the population.

Countries like Singapore, New Zealand, and Canada, with their very wide range of ethnic groups and cultures are examples of countries with populations with this idea. Furthermore, countries like these have strong stable economies, because they are able to attract migrants from all over the world, as immigrants know that regardless of their culture they will be accepted.

So although nationalism is neither necessarily, good or bad it is a force that can be used for both good and bad ends. The challenge is to change a nation's identity in a way that respects differences while building the new national identity required.

## Post Reading Activities

### Section One Origins of the State

#### Task 01 Why Bother? 40 min

In groups of three or four, look through the list of reasons, explaining why a group of people decided to establish a state. You need to do three tasks:

1. Look through the list and decide if there any reason, which is missing.
2. Add any reason you think is necessary.
3. Rank them all in terms of importance.

	Reason for Forming a State	Rank
1	Someone can do the job of a leader	
2	Ability to specialize labor	
3	Protection from enemies	
4	We can have a national flag	
5	We will be more civilized	
6	Taxes can be collected for services	
7	We will be able to say who we are	
8	Someone will protect our rights	
9	Fight against crime	
10		
11		

#### Task 02 What do you think??? 20 min

In pairs discuss the following questions and then respond to each of them in a written form (no more than 100 words.)

1. What is the difference between nation and state?
2. Can there be more than one nation within one state?
3. Can a society develop into a nation if there is no unifying concept?
4. How do states gain their legitimacy?

#### Task 03 The History of a State 20 min

Below is a list of statements that describe the history and development of a fictitious state, where the dates and events are conditional. With your partner put the statements in what you think are the correct historical order. Be prepared to explain your answer. Remember there may be more than one correct answer.

- They appoint people to represent EREWHON in other groups of towns and villages. These people also assist with arranging the trade. The disputes between the people living in EREWHON become more complex and so a set of rules and rights of people living here is written. A court system is set up to make sure that local sheriffs correctly interpret the rules. For this more taxes are needed.
- At this time there is increasing trade between towns. Some towns are able to specialize in making some products more efficiently than others. This is often due to the availability of some resources. Some towns issue their own currency to avoid the wastefulness of barter.
- Families group together for protection from animals and from other people. They mostly hunt for animals, although some families harvest food in forests and swap it for animals captured by good hunters.

- Small groups of people are living in villages but have little knowledge or awareness of the people living around them. They often speak different languages to the people living around them. Some people plant crops and swap them for other kinds of crop and meat of animals.
- Some towns become big enough that they need some kind of administration and so an election is held. The elected representatives chose a leader and then this town government asks the town members to pay taxes for a school, a sheriff, and to keep the town clean.
- People begin specializing and so have a surplus of goods. They then travel to other areas to trade goods. Their awareness of other villages increases. They develop some rules of required behaviour. Some people breed animals and cropping becomes more efficient.
- *Some villages combine and become towns. In these towns people stop producing goods and start to produce single items like tools. They sell these goods to surrounding villages and buy food and raw materials from them. A system of punishments is agreed to be used when people do not follow the community rules.*
- Although not always done voluntarily, some of the towns and their associated villages work together to defeat common enemies and to gain advantages in trade with other areas. Trade increases and services develop in the towns. There is increased specialization and a greater range of services and products is available. People begin to learn the language of the bigger towns. Some trades people in towns are now working together and further specialize their skills.
- *Some of the villages surrounding the towns ask to have the services of the town extended to them. Specifically they ask for protection from other villages and bandits. The towns agree and collect taxes for this purpose.*
- These collections of towns need to have some way to work together. They develop a common set of laws and they contribute a percentage of the town taxes to a common fund. The leaders of all the towns meet together occasionally to decide how to spend the money in this common fund. They spend it on: roads linking the towns, a school for administrators and to pay a group of people who will make sure that the rules are obeyed.
- *People in EREWHON also get together to form groups to influence the decisions of the representatives in the Orange House. The representatives become so busy with all the demands that they appoint staff to do specific jobs. These people in turn become too busy as the economy expands and they ask to appoint more staff, some of who work in offices in the smaller towns.*
- *Other collections of towns and groups of bandits occasionally try to take goods or claim to have power over the area controlled by this group of towns. To prevent this the leaders meet and: a) define the outside borders of the villages and towns protected by them, b) set up an army and customs office to protect this border. They decide to call this group of towns and villages EREWHON.*
- *Most of these administrative capacities are located in the biggest town. Most people speak of this town, which is called Metro. When people of EREWHON travel to other places they are called EREWHONESE and their language is called Metrish. By this time the leaders have decided to write the common rules and have also written up a set of punishments.*
- *To stop the leaders from the richer towns unfairly dominating they decide to have an election for the chairman of their group. All people in EREWHON have the right to vote for this person every four years. The elected leader and the group of town leaders now seem to be meeting most of the time. They meet in an orange house in the biggest town. A new system is introduced where people vote for a town leader and a person to go to the orange house. They are called representatives.*

#### Task 04 Which date? 10 min

After you have decided the correct order in task 03, put these dates next to the events.

[233 AD, 441, 502, 627, 816, 959, 1045, 1089, 1156, 1258, 1366, 1503, 1624, 1737]

With your partner, pick which date you think is the one, which represents the:

- forming of the nation
- and the forming of the state.

#### Task 05 Greek City States 15 min

Read through the section on the development of the Greek city-states. Make a table like the one below in your books. How are the Greek city-states similar or different to Kyrgyzstan today? With your partner, fill out the table.

Similarities	Differences
1. In both societies the state was formed due to the	1. In the Greek states they directly elected their leaders.

<i>need for protection.</i>	2.
2.	3.
3.	

#### Task 06 What do you think??? 20 min

In pairs discuss these questions and then write an answer for each of no more than 150 words.

1. How did the American colonists justify their revolution?
2. What was the main motive for the 1917 Russian revolutions?

### Section Two Nations and Nationalism

#### Task 07 National Heroes 30 min

All countries have national heroes. For example Tajikistan has Somoni and Ferduasi and others, Kyrgyzstan has Kurmanjan Datka, Kazakhstan has Abylay Khan, Uzbekistan has Ulugbek, Russia has Peter I, India has Mahatma Ghandi, United States has Abraham Lincoln, France has Joan of Arc.

In groups of three or four discuss the following questions. Be prepared to present your ideas to the class.

1. What qualities do you think national heroes have in common?
2. Why do you think we need national heroes?
3. What can we learn from national heroes?
4. Who in your own community is for you at least a local hero?
5. Why did you choose those people?

#### Task 08 What Have They Done? 20 min

In pairs choose a national hero and list the important contributions they made in his or her life. What were their qualities?

#### Task 09 Famous women 15 min

As a matter of fact, in every country there are fewer heroines than men. Examples of such women are Joan of Arc, Cleopatra, Indira Ghandi, and Marie Curie, Kurmanjan Datka, Nodira-Begim. Why do you think there are fewer heroines? (In pairs discuss the given question.)

#### Task 10 Features of National Identity 10 min

With your partner look through the list of what distinguishes one nation from another.

- Landform
- Lifestyle
- Location
- Historical events
- The way others view us

Now try to add more features to the list and answer the question:

*"Is it possible to say that one feature is more important than another?"*

#### Task 11 Who are we? 30 min

With a partner look at the following table and then:

1. Copy it into your book; and add any feature you think is important.
2. Write down features characteristic to the Kyrgyz nation for each category. (An example is given.)
3. Choose one other country (not in Central Asia) and try to fill in the table.

Feature Category	New Zealand	Kyrgyzstan	Another Country
Location	<i>Isolated in South Pacific Ocean</i>		
Major historical events	<i>Arrival of 1200 people from Maori tribe. Arrival of English people in 1780. Treaty signed between Maori people and settlers</i>		
Language	<i>Maori and English</i>		
How others treat us	<i>Friendly</i>		



Geography	<i>Mountainous islands</i>		
Arts/Literature	<i>Good singers</i>		
Food	<i>Barbeque</i>		
Clothing	<i>Not formal</i>		
Production	<i>Kiwifruit, butter</i>		
Animals	<i>Kiwi bird</i>		
Cultural minorities	<i>Maori and many others</i> <i>Great number of inner-marriages</i>		
Climate	<i>Warm in the North and cold in the South</i>		

### Task 12 Beauty is in the eyes of the local population 40 min

If you ask people from different countries about their national identity, they will tell you they are from a certain family, a village, a region, and a country. If you then ask about the characteristic features of that nation and ask to describe the specific features of that region, they might point out the following:

- *People from our region work hard.*
- *We are the most generous people.*
- *Our food is the tastiest, if you taste it.*
- *We have the most beautiful forest in the world.*
- *You can trust us, as we are more honest than...*
- *Our children are the most beautiful.*
- *It is from our culture that all good things in our country come from.*
- *Our language is the most precise and complex.*

Imagine that you are on a train with two people unknown to you. You come from a part of the country called Nur. You are sitting in a train next to another person who comes from a neighboring part of the country called Zogot. In this region the language and culture is quite different. That person is describing his part of the country to a Japanese tourist also sitting in the carriage using the phrases above. You all speak one common language as a second language.

- With a partner answer these questions:
  1. How would you feel when you hear these phrases?
  2. How could the other person revise these statements to make them equally powerful but less insensitive?
- With a partner look at the statements below and then answer this question:
  3. How do you think strong nationalist feelings can lead to racial discrimination, stereotyping, hatred of others and finally the instability of a country?

*My village is the best.*  
*It's better than that one.*  
*We are more generous, better looking and work harder.*  
*People here are more trustworthy than those people.*  
*You cannot trust those people.*  
*If you had your money stolen, it was probably someone from village...*  
*Our language is better than theirs.*  
*They speak a funny language. Do you know the joke about...*  
*I wish they would live somewhere else.*  
*They are the cause of all our problems.*  
*I hate them. Let's do something about this problem.*

### Task 13 What does it mean? 30 min

We should be proud of our country and we should tell people things like "these mountains are very beautiful in my view". With a friend think about what it means when people from many countries can all agree with the English saying "East or west home is best".

### Task 14 Many People – One Country 30 min

Kyrgyzstan is a multicultural and multiethnic society. With your partner, list the disadvantages of living in a country with only one culture and the advantages of living in a country with many cultures, as in the table below. Be prepared to present your answer to the class.

Advantages of having many cultures and ethnicities in one country	Disadvantages of having only one culture or ethnicity
You can more easily learn many languages	Few types of music

List three countries that have more than one major ethnic group and where people live in peace. Try to list what ethnic groups you will find in each. Copy this table into your book. One example is done for you.

Countries	Major Ethnic Groups
New Zealand	English, Maori, Samoan, Chinese, Indian, Somali, Tongan, Dutch

#### Task 15 What does nationalism mean for you? 30 min

Look at the following set of opinions about the meaning of nationalism.

- Decide which opinions oppose each other.
  - Decide which one or two points of view are closest to what you believe.
- To me it means to be proud and strong. It means our flag, our family, and our shared blood. It means to be different from other countries and that all of us have a common cultural heritage, which we believe is the best one. A nationalist is willing to die for his country, as his country is more important than his individual rights.
  - I think that nationalism is really about freedom. It means that we stand together, even if we are ethnically diverse, in to protect our freedoms from outside influences that do not respect our freedoms. If as a country we don't have the freedoms to practice the cultural traditions of all the ethnic groups in a way that does not interfere with the rights of others, then we have no common purpose and thus no nation.
  - I think nationalism is an outdated concept. Today with the Internet, globalization, free market and the spread of democracy the issue of nationalism and nations is unimportant. To me it's a good thing that the world is becoming one. It only stood for division and hatred.
  - We have to accept that we have different languages, customs and religions. Therefore to protect these we need to divide ourselves up into groups that can get on together. So one nation will have one language and one culture, etc... Where there are minorities it is their responsibility to accept that for as long as they live in one country they must realize that the majority decision must always have precedence even if it means a loss of rights.

#### Task 16 What can be done? 30 min

With a partner think about the answers to these questions and be prepared to present your answer to the class.

- Given that people are a country's greatest resource, what can governments do to make sure that all people have an equal opportunity to contribute to that country?
  - In your community what can you do to make sure that everyone has an equal chance to achieve their potential?
- With a partner make a list of that actions.

#### Task 17 What do you think? 20 min

What must we do to make people be proud of their nation and country but at the same time make sure that all citizens feel equal?

#### Task 18 Nationalism or patriotism? 30 min

Write an essay about the following question:

*What are the differences and similarities between nationalism and patriotism?*

## Chapter 7. State and Political Power

### Pre Reading Activities

#### Task 01 Word Match 5 min

In pairs match the word with its definition.

Word	Definition
1. Dictatorship	a) The form of the government where the supreme state power is exercised by clergy or a head of church.
2. Theocracy	b) State formation in within the structure of a federation.
3. Sub-national government	c) Political regime where one person or a group exercise unrestricted power.

#### Task 02 Principles 15 min

Working in pairs, make a list of what do you think are the most important principles of democracy.

### Text for reading

In the last chapter we looked at the various ways states and nations are formed. In this chapter we describe the various systems that are used to gain and organize political power (which is the power to control the way the resources of a state are used and the state's relationship with its citizens). Although we could include all types of political interaction, in this chapter we will focus on government.

#### (1) Sub-national Political Systems

One of the most ancient of sub-national political systems involves **tribal communities**. There are still tribes in many parts of the world today with varying political influence including Central Asia.

The tribal community is organized according to kinship, and its subdivisions are the extended families. The leadership of the tribe is usually held by a group of adult males, or others who are regarded as having special skills such as shamans. Tribes have a legal tradition, but it is oral and based on customary practice. The leaders of the tribe are the keepers of that tradition. The legal traditions, which may change over time, often gain their credibility through religious rituals and custom.

Another type of sub-national political arrangement involves **rural communities**. The village has traditionally been the center of economic, social, religious and political life throughout the world, especially in countries where agriculture has been an important part of the country's economy.

The evolution from a kinship-based political arrangement, such as the tribe, to the more complex systems of nation-states has proceeded in part through the transformation and enlargement of the rural communities. Generally, in a village the form of political activity has been relatively informal, consisting of discussions through a village council, often involving a headman and other respected members of the community.

When several rural communities were united, often by a common need, a city was established. Cities with their **urban political systems** were relatively complex political entities even thousands of years ago and involved a radical break with the kinship-based system of government. What took its place was the establishment of political, economic and social status based on class and occupation – leading to the class-based political arrangements i.e. feudalism, that were later institutionalized in many countries throughout the world, from Europe to Asia. Barter, which was the principal basis of economic exchange prior to the establishment of cities, was replaced by more efficient monetary systems. Some cities states later became centers of great empires.

In some of the ancient Greek cities some or all of the male population, who were not slaves and called "citizens," elected representatives to administer the city. The ancient Greek city governments became the model for modern democratic self-rule.

#### (2) National Governments – Unitary and Federal Systems

Most of the world's nations are unitary states. However, the differences among them are considerable. A **unitary state** is a system in which power is delegated from the central government to less powerful sub-national units. We can categorize unitary states into three types:

1. Where the decentralization of power is very extensive in practice even if not always so in law. An example is Great Britain, where Northern Ireland, Wales, and Scotland, are relatively independent of the central

government in London, and there are systems of elected local government. Although according to law these local governments all are subservient to the national parliament, in reality they have a great deal of power.

2. Where there is less territorial decentralization, with strict procedures designed to supervise local entities. This is true for example in France, where the central government appoints the principal executives of local government, although some officials are elected.
3. Where all power is retained by the central government. During the Soviet era, for example, local officials were in effect appointed by the Communist Party and were subject to central control from Moscow.

In **Federal systems** political power is divided between two sets of government, one national and the other sub-national. The power of the sub-national government cannot normally or easily be taken back by the national government. In fact the national government may be quite dependent on the will of the sub-national governments as in United States, Argentina, Australia, Brazil, Canada, India, the United States, the Russian Federation, Austria, Cameroon, Libya, Malaysia, Mexico, Nigeria, Switzerland, Tanzania, Venezuela, West Germany, Yugoslavia, as well as Bosnia, are examples of nations that follow a federal system of government.

No two federal systems are exactly alike. In some cases, the sub-national units follow ethnic and linguistic lines, as in Switzerland. In other cases, cultural lines are less clear, as in the Russian Federation. Actually, while the United States is organized federally at the national level, each of the fifty states is in a unitary relationship to its cities and local governments within its particular territory.

### **(3) Forms of Political Power**

Political power can be held by:

- many (democracy),
- a few (oligarchy), which could be a religious group (theocracy), or a social class (aristocracy)
- or just one person (monarchy, monocracy or dictatorship).
- nobody (anarchy)

Any of these systems except anarchy, may occur in both unitary and federal states.

#### ***Monarchies & Monocracies***

The monarchy is one of the oldest political arrangements, usually a man, whose power traditionally derives from a claim of divine origin. Monarchs are not elected but are either selected by an elite or rise to the throne through conquest. Their power is subsequently transmitted to their heirs, according to strict rules of succession. In many cases, monarchs no longer have political power but play mainly a ceremonial role – as most obviously in Great Britain. Where power is limited in this way by a constitution (the highest law which describes the organization of the powers of the state) it is called a constitutional monarchy. In many instances however a particular king may have personal influence in his country, less by laws than by charisma and the respect he inspires as in Thailand. Both Thailand and Great Britain are monarchies and democracies at the same time.

Elected leaders, even if they are extremely powerful, cannot, strictly speaking, ever be considered to be kings. Many elected presidents, as well as prime ministers, may have a great deal of power and may exercise that power to a considerable extent. For example, in post-communist Ukraine and in Russia, the president of the country took advantage of the form of governing known as the “decree,” which does not require legislative approval, in order to implement radical changes in the country. However, since each of these presidents had been constitutionally elected, through popular vote, each was acting democratically and also according to law, and in no way could be considered to be monarchical. Monarchs are never elected. It is however possible to speak of **monocracies**, which involve rule by one man who may be elected in a false election but in effect, rules as a dictator. This was the case of ex-President Suharto of Indonesia, and certainly that of many African rulers such as former president Mobutu of what used to be known as Zaire (now Congo).

#### ***Oligarchy***

An oligarchy is a system of government that involves rule by a particular privileged group. This type of government was especially common in the pre-industrial world, although it could also be found in many Asian countries where the ruling officials were selected from the upper classes. During the Soviet era, members of the Communist Party were an oligarchy.

Unfortunately, many of the post communist countries have groups that appear to get special privileges. In certain respects, this is the logical legacy of oligarchic communism, whereby the former privileged class, the so-called *nomenklatura*, in many cases continues to control power even after the demise of the Soviet Union. Yet this may change as a result of the continuing advance of democratic processes.

#### ***Democracy***

The central idea of democracy is that the people rule themselves. However, it is sometimes mistakenly assumed to imply majority rule, or the idea that a simple voting majority legitimizes decisions in a democracy. This is not necessarily the case. Many democracies place limits on what the people can do to others by voting in elections so the rights of the individual are protected. For example a ethnic majority could not vote to deny a ethnic minority the right to free speech.

One of the main problems of defining democracy results from the difficulty of defining what it means for "the people" to rule. We need to consider:

- Who are the people?
- Should everyone be included?
- Do some people have a better idea of what is best for the whole country (the "common good")?
- Should that matter?
- What is it to "rule" yourself when, for instance, only a certain portion of the people actually bother to vote? Can we then still say the others still rule themselves?
- If you vote but your people with your opinion happens to be in the minority and lose, in what sense are they said to still rule themselves?

These are important questions, to which there have been different answers given throughout history. It is important to remember that most systems that are called "democratic" do not in fact practice direct democracy whereby each person decides directly what laws and decisions will affect him or her simply because the population is too large and the number and complexity of decisions too many. Rather, most democratic systems are representational democracies where voters choose someone to represent their views.

#### (4) Types of democratic states

How is it possible to define whether a state is democratic or not? Moreover, how can know when one state is more democratic than another?

It is possible to determine the level of democracy in a state only if you know its inside mechanism, and to what extent this mechanism ensures democratic norms, human rights, thus enabling the citizens to freely exercise their activities and to control state power bodies.

The most democratic state is the one, where a possibility is provided for all layers of a society, all large and small groups to influence the process of power, in passing of laws and making decisions of a importance to the state.

Although democracies might be different in different countries, there are certain principles and norms, that must exist for a system to be considered democratic. They are:

- *Sovereignty of people.* People are the only supreme power bearer in a truly democratic state and they exercise this power through representatives in periodic elections.
- *Recurring elections of the state power bodies.* Persons who exercise the supreme power are to be elected for a definite restricted term, which is stipulated in the Constitution.
- Combination of the ruling by the majority and of protection of the minority. *If in respect to the minority discrimination actions are taken, the regime becomes non-democratic irrespective of fairness and frequency of elections and the change of the elected government.*
- *Equality of citizens in terms of the participation in the governance of a state.* This principle implies free establishment of parties and associations for the expression of people's will, a right to get any public information and to participate in the competitive struggle to occupy the top positions in a state.
- *Division of powers, restraining and counterbalancing* in respect to each other, i. e. their independence and in the exercising of the functions as defined in the law.
- Adherence to the Universal Declaration on Human Rights, which proposes: "State for a man, not man for the state."
- Principle of equality. *Equality may be of two types: equality in Law and equality in the court system. In some countries citizens are equal in law but they are not treated equally by the court.*
- The equality of rights to change your status politically and economically.

Given that the sovereignty of the people is such a key concept, it is worth expanding what it means in practice. One of the best-known scholars of democracy, Professor Robert A. Dahl, has outlined several important criteria for a group of individuals to be considered truly "democratic:"

- First, *effective participation.* This means that before any particular policy or decision is adopted by a group, all its members must have equal and effective opportunities for making their views known to the other members as to what the policy should be. It is important that all members at least be able to do this, whether or not they in fact end up choosing to take advantage of this opportunity.
- Second, *voting equality.* If an issue is put to a vote, it is essential that all members of the group have an equal opportunity to participate in that vote for the country to be considered "democratic."
- Third, *enlightened understanding.* Within reasonable limits, it is imperative that every member of the group have an equal and effective opportunity to learn relevant facts about the issues about which it is expected to vote. This is a difficult and highly debatable provision, since so many of the issues that need to be decided by a large group are relatively difficult and sophisticated.

- Fourth, *control of the agenda*. This provision refers to the fact that the members of a group must have the opportunity to decide just what exactly it is that it should be able to consider., what matters are to be “placed on the agenda,” so to speak. And the rules whereby the members of the group make decisions must never be closed.
- Fifth, *inclusion of all adults*. No one – specifically, no adult permanent residents of a particular state – should be denied full rights of citizens.<sup>1</sup>

#### (5) How democratic are we?

Although democratic countries can all possibly claim that these things happen, the extent to which they happen varies enormously. In other words some democracies are more democratic than others. If we want to compare how democratic one democracy is against another we need to use lists of indicators as described in the chapter “The Relationship Between Political and Economic Freedoms”.

#### (6) Why do countries choose democratic systems?

In the 20<sup>th</sup> century there were three periods when states transformed their political structure and became democratic states. The first took place in the beginning of the 20<sup>th</sup> century. In that period 29 democratic states were born. Fascism and the WW II decreased their number to 12. The second period was in the 1950s – 70s, when the number of democratic states increased to 36. The third period was in the 1980’s – 90-s when the number of democratic states doubled. There were 99 independent democratic states by the year of 1993. Although the number of stable democracies and democracies that strongly protect human rights is much lower, there is a general tendency for most democracies to become more stable and increase their protection of human rights.

Democratic systems are by nature more stable because decision-making is based on a culture of compromises and a consensus. In crises early elections and referenda on the most pressing and disputable issues can often lead to smooth and accepted changes.

Democracies also inherently give incentives that will benefit the whole nation, which means that people are encouraged to be creative and work hard. Therefore it is no coincidence that the 25 richest countries are democratic states.

#### (7) How is the democratic structure of state power characterized

There is a great range in the way democratic governments involve their citizens in government including some, which call themselves democratic but do not respect even the most basic human rights. There are socialist democracies, liberal democracies, peoples' democracies, and revolutionary democracies, all of which tend to govern in different ways.

If you focus on the question, ‘Who rules?’ or ‘Who participates in rule?’. In a democracy legitimacy requires popular support of the people. The people are the source of authority and government officials are its representatives. It is true that the people never rule directly in any large countries, but there are some countries where they are much more involved in governance than others. The more involved they are, the more democratic it is. Generally one of the more democratic types of democracy has been liberal democracy where people tend to be much more involved in governance, there is greater protection for minorities and the government has less influence on the day-to-day life of citizens.

However, it would be a mistake to draw the conclusion that a passive State, or a State which does nothing, is better, or a weak State is better than that method of social organization. People who lived under communism knew that the state was all powerful and that the freedom of political expression and opposition was greatly constrained. They also knew that were serious inefficiencies in the economic organization and priorities and management of the states resources, but they did not know that these inefficiencies were so great that these inefficiencies would be one of, if not the greatest contributor factor to the collapse of the Soviet Union. Post-communism however has problems as well, most notably in the area of rule of law, particularly law enforcement. In many countries the power of local Mafias is creating corruption and insecurity. A liberal democracy involves a state that protects individual rights and is capable of enforcing laws that take such rights seriously.

*Dahl put it this way: democracy produces a number of important desirable consequences:*

- (1) Democracies avoid tyranny, or the illegal use of power by some individuals against others.
- (2) Essential rights are respected – political and civil liberties, as well as the right to private property.
- (3) There is general freedom to come and go as one pleases, so long as no one is harmed.
- (4) There is exercise of self-determination – citizens are their own masters.
- (5) There is moral autonomy – that is, people are responsible for their actions.
- (6) Democracies allow for human development, and self-fulfillment.
- (7) In strong democracies, essential personal interests are protected, provided the rule of law is in effect.
- (8) By definition, democracies respect political equality.

<sup>1</sup> Robert A. Dahl, *On Democracy* (London and New Haven: Yale University Press), pp. 37-38.

Finally, democratic governments may still involve a variety of governmental systems, which in turn can be changed – preferably by democratic and constitutional means. Above all, the main virtue of democracy is that it allows pluralism and debate in a peaceful setting. “Ballots rather than bullets” is the motto of a democracy that works.

#### (8) International Organizations

International organizations consist of governments, which may or may not abide by the alleged principles of those organizations. Just because a government happens to sign a resolution or an agreement or treaty does not necessarily imply compliance. Perhaps the best-known supra-national political organization is the United Nations (UN), which is in itself a democratic institution. Almost every country in the world belongs to the UN. It is often criticized because it has little power to prevent its members (states) from doing what they want to do. Thus the UN cannot stop any country going to war although it will try and dissuade them from doing so.

One of the UN's main functions is to provide a forum for representatives of member governments to discuss common problems. Sometimes these discussions only fuel more conflict. Most of the UN's activities involve resolutions that are non-binding. The UN is known throughout the world primarily for the work done by its various specialized agencies, such as The World Health Organization, the International Labor Organization, the World Food Program, and others.

Countries may also decide to form specific alliances on particular issues, such as trade or security. An example is the Commonwealth of Independent States, which all the Central Asian republics belong to.

### Post Reading Activities

#### Section One. Political Power

##### Task 01 Different Types of Power 30 min

With a partner, look at these statements about power relationships and put them in order from the strongest power to the weakest.

Statement	Degree of importance
1. The power to force another to do anything even if it breaks laws and brings harm to other person or group.	
2. The power to give advice that the other person or group is free to ignore without fear of negative reaction.	
3. The power to advise action and back up with economic but not military action.	
4. The power to give advice and to remove a member from a group if advice is ignored.	
5. The power to force another person or group, through legally agreed means, to do something, which is accordance with the laws.	
6. The power to force another to do something because the requested action follows customs and traditions.	
7. The power to ask another to do something, that is within the law and to have another agency use its power to force action.	

##### Task 02 Levels of Government and Power 45 min

Work in pairs. Using the power branches and power structures given below, make a flow chart that will show the relationships between them.

Local Government	<u>You</u>	<u>Village Executive</u>	<u>The United Nations</u>	<u>Jogorku Kenesh</u>
<u>European Union</u>	Powerful Countries	<u>Kyrgyz National Government</u>	<u>Your School</u>	<u>Your friends</u>
<u>Government Departments &amp; Ministries</u>	<u>The CIS</u>	<u>Your family</u>	Presidential Apparatus	<u>Police</u>

## Authority

Every day of our lives we make decisions about the way we will do things. However, our decision making process is influenced by the systems of authority that act on our lives. Examples of systems of authority are moral principles, local and national laws, cultural or religious traditions, and family customs.

Important questions to ask about authority are:

1. Where does the authority come from? (For example, who decides what the laws of your country will be. In most countries people vote for representatives who then accept or reject laws.)
2. Who is responsible and has powers to enforce the requirements of the authority? In other words who is the agent of authority? (For example your father will enforce family custom in your family.)
3. What powers does the agent of authority have? (The police can put you in prison if you steal.)

Societies would not function without systems of authority. However, systems of authority work best if people give consent (agree to) their existence and the power they have.

### Task 03 How do different forms of authority influence our lives? 30 min

Think about all the things you have done since this time yesterday.

Why did you do them in the way you did them? Was it because of a moral principle, a law, a cultural or religious tradition, a family custom, or personal choice?

**Instructions:** Copy the table below into your books and then fill it in. Write your actions under the form of authority that guided you to make that choice. There are a few examples done for you. Note that for some actions there may be more than two forms of authority at work.

Moral Principle	Law	Personal Choice	Family Custom	Cultural Tradition
Put the books away in the way my father wanted	Crossed the road when the signal came	Listened to my tape cassette	Ate dinner at 5pm	Took my shoes off before going inside

In pairs, discuss the following questions:

- For any actions, you listed under "Moral Principles" say what the principle (for example "You should listen to your father.")
- For each of these forms of authority who decides which is acceptable or not?

### Task 04 Where does power or legitimacy come from? 20 min

In pairs look at the lists of the type of government. Match the type of legitimacy or method of gaining power with the type of leadership or government. Write what you think gives each type its legitimacy.

Type of Government	How it gets it's power legitimacy
1. Presidential Republic	a) A leader who has the hereditary title is supported by the custom that the next leader must be the son of the last chief. Usually such power is not limited by power.
2. Absolute Monarchy	b) The consent of only rich people, or people of a certain class who have political rights according to the established by law qualifications (property, class, time).
3. Theocracy	c) Gaining and exercising the power by a person or group of people based on force and violence.
4. Dictatorship	d) Power is made legitimate through a set of rules, which reduces what the leader can do. The leader is not chosen by the people.
5. Oligarchic Republic	e) Consent of the people. The people agree to give the chosen leader that power. They show their consent by voting for a leader.
6. Constitutional Monarchy	f) Power of a separate religious leader or body that justifies itself by religious traditions and people's believe the king chooses the leader.



**Task 05 Plus and Minus****25 min**

What are the advantages and disadvantages for each system? Think especially about how the legitimacy works. Do this in pairs. Some are done for you.

Advantages	Disadvantages
Democracy	Democracy
4.	1.
5.	2.
Monarchy	Monarchy
4.	1. <i>The leader can change laws at will.</i>
5.	2.
Theocracy	Theocracy
1.	1.
2.	2.
Dictatorship	Dictatorship
1.	1. <i>Difficult to remove a bad leader.</i>
2.	2.

**Task 06****International Power****20 min**

With a partner, match the title of an international organization with its function.

Title	What does the organization do?
1. United Nations	a) This is a group of most of the countries that used to belong to the former Soviet Union.
2. UNHCR	b) All countries belong to this organization and have one vote each. It is based in New York.
3. OSCE	c) This organization tries to protect and help children and women.
4. UNICEF	d) This is the name given to the organization of European nations that tries to assist in developing free trade and communication between its members.
5. ASEAN	e) This organization loans money at a low interest rate for government for development
6. European Union	f) This organization helps people who have had to leave their country, because if they stay they could die.
7. The World Bank	g) This organization tries to maintain the political stability and democracy in countries in and close to Europe
8. World Trade Organization	h) This is an economic organization of countries like Japan, Thailand, Malaysia, and Vietnam
9. CIS	i) This organization is trying to have countries freely buy and sell their goods with each other.

**Task 07 Power of International Organizations****30 min**

International organizations are able to put pressure on national governments to change the way they govern a country. An example of this was the time when the countries belonging to the United Nations refused to trade with South Africa until it allowed all people the right to vote.

International organizations are able to put a lot of pressure on national governments to change the way they govern a country. An example of this was when the countries belonging to the United Nations refused to trade with South Africa until it allowed all people the right to vote.

1. In pairs give two other examples when international organizations have forced governments to change their policies.
2. With your partner describe situations when you think it is acceptable for international organizations to force governments to change their policies.

**Section Two. Democracy****Task 08 What is Democracy?****20 min**

Look at the list below. In pairs, first select by ticking ☐ the statements that describe how a democratic system should work, and then choose, which you think are the six most important principles of democracy.

Principles of Democracy	Most important
1. That all people can vote as often as they like.	
2. People can change their representative.	
3. People can make a decision about their leaders on a periodic basis.	
4. Minimum age and citizenship are the only qualifications for voting.	
5. Elections should only be held on sunny days.	
6. There should be women candidates.	
7. All candidates must be able to read.	
8. The process of voting, but not the personal vote should be observed by all those interested.	
9. There must be two houses of parliament.	
10. Elections are held by secret ballot.	
11. All those interested should be able to observe the process of counting and reporting results.	
12. It is only democratic if citizens vote on all decisions.	
13. There must be more than one candidate.	
14. Only a rich person can be president.	
15. The ballot must include a personal biography and a photograph of the candidate.	
16. The ballot paper must have the option that a voter is against all candidates.	
17. Candidates must be older than a certain age.	
18. Political parties need to be registered.	

**Task 09 What do you think? 20 min**

In groups of three and four list what you think are the main advantages and disadvantages of a democratic system for the citizens of a country?

Advantages	Rank	Disadvantages	Rank
4.		1. <i>Too many TV shows about politics</i>	
5.		2.	
6.		3.	

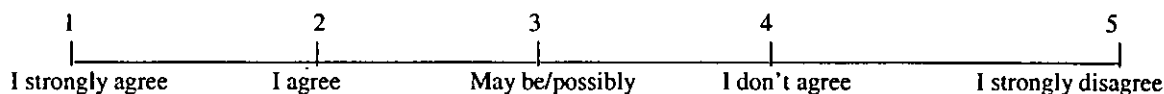
**Task 10 Is It Democratic? 30 min**

With a partner look at the following proposed laws and rank them in terms of how democratic each would be. Use a 0 to 5 scale where 0 is more democratic than practical, 1 is very democratic, 3 is neutral and 5 is very undemocratic.

Proposed Law	Rating
1 The president will appoint all judges.	
2 Votes will be checked after each and every person votes.	
3 All local government positions will be elected.	
4 Students will vote for their teachers.	
5 Only property owners will be able to vote.	
6 Communities will vote for their doctors.	
7 There will be laws allowing people to sue the media for libel.	
8 A new tax of 20% will be introduced on the value of new houses.	
9 The president can be removed from office by a simple majority vote of parliament.	
10 Photo ID cards are required for everyone.	
11 Political party candidates must pay 50% of an annual average income to register.	
12 Some ethnic minorities will be paid less if a majority votes in favor of it.	
13 There will be many candidates but only one party.	
14 Political parties are banned. All candidates must be independent.	
15 There will be a maximum of 10 political parties.	
16 Members of parliament are able to break laws without being taken to court.	

**Task 11 How Democratic Are You? 30 min**

**Step One:** By yourself give a rating of each of the following statements to the extent that you agree or disagree.



Judgments		Rating
0	Newspapers should only report good news.	4
1	I tell my friends what we will do. I do not expect to discuss my decisions.	
2	I have friends from other nationalities and I treat them all the same.	
3	Although I have more experience than my younger relatives I respect their intelligence.	
4	Life is much better if we just obey commands.	
5	I think women should have the same opportunities as men.	
6	I believe we should vote on all decisions.	
7	Limited violence is acceptable if am greatly offended.	
8	I don't give my opinion, as I don't think it is important.	
9	People with a lot of money are successful and therefore only they should be entitled to vote.	
10	The English language is the best language.	
11	Nobody should be above the law.	
12	I accept the consequences of decisions if they are reached through a free and fair vote.	
13	Freedom in my view means the right to be able to make decision but also take the responsibilities for the consequences.	
14	The good leader provides everything for the people and takes full responsibility for them.	
15	I think we should vote on what laws we obey.	

**Step Two:** For each of your ratings work out what score you get. One is done as an example.

Score Table		My score
0	A rating of 1 = a score of 5, 2 = 4, 3 = 3, 4 = 2, 5 = 1	2
1	A rating of 1 = 5, 2 = 4, 3 = 3, 4 = 2, 5 = 1	
2	A rating of 1 = 1, 2 = 2, 3 = 3, 4 = 4, 5 = 5	
3	A rating of 1 = 1, 2 = 2, 3 = 3, 4 = 4, 5 = 5	
4	A rating of 1 = 5, 2 = 4, 3 = 3, 4 = 2, 5 = 1	
5	A rating of 1 = 1, 2 = 2, 3 = 3, 4 = 4, 5 = 5	
6	A rating of 1 = 2, 2 = 1, 3 = 1, 4 = 2, 5 = 2	
7	A rating of 1 = 5, 2 = 4, 3 = 3, 4 = 2, 5 = 1	
8	A rating of 1 = 5, 2 = 4, 3 = 3, 4 = 2, 5 = 1	
9	A rating of 1 = 5, 2 = 4, 3 = 3, 4 = 2, 5 = 1	
10	A rating of 1 = 5, 2 = 4, 3 = 3, 4 = 2, 5 = 1	
11	A rating of 1 = 1, 2 = 2, 3 = 3, 4 = 4, 5 = 5	
12	A rating of 1 = 1, 2 = 2, 3 = 3, 4 = 4, 5 = 5	
13	A rating of 1 = 1, 2 = 2, 3 = 3, 4 = 4, 5 = 5	
14	A rating of 1 = 5, 2 = 4, 3 = 3, 4 = 2, 5 = 1	
15	A rating of 1 = 5, 2 = 4, 3 = 3, 4 = 2, 5 = 1	
<b>Total:</b>		

**Step Three:** Take the total score (not including the #0) and divide by 15.

For you a score of:

- Between 1.0 and 2.0 means that you really are very democratic.
- Between 2.1 and 3.0 means that you are quite democratic
- Between 3.1 and 4.0 means that you are not really very democratic
- Between 4.1 and 5.0 means that you are not democratic at all.

**Task 12 Do they agree? 10 min**

Get someone who knows you well to rate your level of democracy. Do they come up with the same score?

**Task 13 Which opinion is closest to yours? 15 min**

Below is a question that some students considered. Discuss this with a friend and then chose which opinion best matches your own. If none of them do then write your own opinion. Be prepared to explain your view.

*Does having democracy automatically mean that you will have good government?*

Daniar: I don't agree at all. Democracy is a waste of time. It's all right for rich countries, but not for us. Some countries have had strong leaders, they have good economies and good government. Malawi was an example of a country like that.

Bakyt: I'm not so sure. Having a democracy doesn't necessarily mean you will have a good government as people might vote for leaders who later turn out not to be so good. Look at what happened in the Philippines a few years ago. However, I think that democracy can mean good government, especially if it is fair and open.

Alfia: Look, I don't care. As long as people live in peace and have got enough to eat it doesn't matter what system we have. All these parties do is just arguing. I think it would be best if we had no government at all. I want to live on a tropical islands...alone!

Tamara: You're right. Peace in the world is very important, however we have to base our government on rationality. I think democracy will always lead to the best government. The more, the better. I think that the true democracies have the best government. The democratic process is very logical and leads to the best decisions being made. It brings out the rationality in people.

Marat: Oh come on. Just look at some of the stupid decisions that were made by democratic governments. The good thing about it is that it allows us to get rid of the useless politicians. Personally, I think it is the best system of a few bad choices, but it has one weakness...people. This weakness is the reason why we need it.

Ainura: I'm for democracy as long as they only give the vote to people who know what to do with it. What I mean is they should only give it to rich people, as they are the ones who create the wealth.

**Task 14 What do you think? 15 min.**

With your partner discuss the following question. Be prepared to present your answer and the reasons for it to the class.

*"Can a country be fully democratic system if its citizens are not democratic in the way they live in their everyday life?"*

## Chapter 8 Rule of Law

The overall goal of this chapter is to introduce the concept of Rule of Law and the need for it to predominate over Rule of Man and to introduce the basic concepts behind laws and constitutions.

### Pre Reading Activities

#### Task 01 Words and Definitions

In pairs match the words with their definition.

Word	Definition
1. Referendum	a) Equal positions.
2. Laws	b) Compulsory for everyone norms of behavior that were established by the government.
3. Equality	c) National will on some question passed in a form of voting.

#### Text for reading

When people devise political systems that respect basic human rights, they try to organize society in a way that increases efficiency and that shares these benefits amongst citizens. Given that the way benefits are shared is inevitably going to be disputed, there will be need to be laws. Laws allow certain behaviour and disallow others.

Laws are a system for organizing social behaviour through allowing and disallowing certain actions.

Sources of law are;

- o International agreements
- o Constitutions
- o Presidential directives
- o Existing legislation
- o Certain court decisions
- o Local government laws

All of these are influenced by customs social values and practices.

For a system of laws to be respected they must be applied equally. We can make sure laws are applied equally by saying that the rule of law should have power over the rule of individuals. This idea is known as the Rule of Law. We can further define the rule of law as meaning that no individual is above the law and that all behavior is subject to the same rules no matter who that person is. The Rule of Law does not allow special favors for people because of their status, ethnicity, or other considerations. It also implies that the laws are legitimate, in that they have become law through a legal process that is defined in a previously existing law. Without the rule of law it is difficult for human rights and fundamental freedoms to survive within a state.

Among the factors that determine the rule of law in any state are:

1. The constitution
2. The legal traditions of the particular state.

#### (1) Constitutions

The basic law of every state is a constitution that defines the principles upon which that state is created and how the various power-holding institutions are arranged in relation to each other. According to this meaning, every state must have some kind of constitution. Constitutions also often outline the basic rights and duties of its citizens, and set out the principles of political organization. In defining political organization constitutions often describe the limits on the power of the state.

A constitution is the most important legal document of a nation because: no other law can be valid if it conflicts with the constitution. For this reason we say the constitution is the highest law. Constitutions often reflect the different cultural and political values of a nation in defining the core values and organization of the state. If it is a good document it can be a vital tool in protecting the state against enemies both internal and external.

But I didn't vote to approve our constitution?? Can we change it if we don't like it??

The acceptance of the constitution by citizens (called ratification) is an important political process. It is crucial that the

population both understands and approves of the document that governs its life. A key idea behind the ratification of a constitution is that people are giving their agreement to be ruled under the condition that they are ruled following the principles laid out in the constitution. This means that if people do not give their approval, the government cannot claim the right to rule.

Clearly it would be difficult and wasteful to repeatedly ratify the constitution. However, democracies allow free and open elections, which can mean that if there is sufficient political pressure changes can be made to a constitution to reflect changing needs in society.

More than three-quarters of the world's constitutions have been completely rewritten since they were first adopted. Usually, the rules of the constitution make it difficult to change them so as to avoid changes that might only be advantageous in the short term or for a select group of citizens. But of course, it is also important that constitutions can be changed – the values of any state can change over time and sometimes the laws have to be changed. Constitutions are not meant to be perfect documents that stay the same forever. Some constitutional changes are minor; others however can involve a complete change to the political system, as was the case in the former Soviet Union.

We can divide the rules, which slow down the process of constitutional change into at least six types:

- (a) there are those that do not allow for change;
- (b) those that allow change by direct referendum of the people;
- (c) those that ensure delay;
- (d) those that demand confirmation of the proposed change by a second decision;
- (e) those that require change based on qualified majorities (in the parliament, for example) and
- (f) those that require confirmation of change by sub-national government.

However, many countries employ a few of these mechanisms at the same time in various combinations. The more mechanisms, the more difficult change is.

For example, in Australia, which is a federation of states the constitution requires that first the legislature prepare a proposed modification to the constitution. A referendum is then held where every citizen decides whether they agree or disagree with the proposed change. It is necessary for a majority of citizens nationwide and also a majority of the states to vote for the change before the constitution can be altered. (A majority of states means that in 3 out of the 5 states a majority of citizens voted for that same change.).

The United States constitution is the oldest written constitution being over 200 years old. So far 27 amendments have been made. Among the major changes in the American constitution were amendments extending civil liberties, specifically extending the right to vote first to blacks, and later to women.

It is important that a constitution offers clear and strong safeguards for individual freedom and be enforced – and enforceable. Saying that a right will be protected when, either the state doesn't actually try to protect that right or if that right is impossible to protect, regardless of the efforts of the state will only damage the credibility of the constitution. Some constitutions, promise considerable benefits for their people such as "rights" to health care and social services. Yet there may be no intention – and often no means – to actually provide such services. As a result the 1995 Ukrainian constitution listed such social services as desirable goals rather than protected rights.

### Elements of written constitutions<sup>2</sup>

A written constitution consists of articles for the following:

- (a) the nature of the State
- (b) the rights of individuals
- (c) the powers of the state and
- (d) the process of changing the constitution.

These are the elements of each and every written constitution. What varies between constitutions are the institutions of power that are established and the way in which authority and responsibility is distributed and the therefore the relationships amongst those institutions.

Usually, the first articles of a constitution set out what kind of state the country is, whether it is a unitary or federal state; whether it is a secular or not. By unitary we mean a state where power is centralized and by federal we mean a state that is comprised of regions that have some autonomy. A secular state means one, in which no religious group has any of the state's powers, whereas in a religious state usually one religious group has some of the states powers.

<sup>2</sup>This section is adapted from Chapter 6, "Mini or maxi constitutions in the world," in Jan-Erik Lane, *Constitutions and Political Theory* (Manchester and New York: Manchester University Press, 1996), pp. 110-135.

However, individual members of that religion will still have equal rights with all other citizens.

Then, the constitution usually regulates the relationship between the state and the individual such as by introducing the rights of the citizen. Key rights include the freedom of the press, freedom of religion and association as well as protection for private property and judgment according to valid laws for persons accused of crime. However, it is also true that although most states have constitutions, which set out such rights, in practice some states do not protect the human or other rights of their citizens. In fact states themselves may be the worst abusers of these rights.

When writing the constitution the drafters need to balance the rights of the individual against the powers of the state. They must also make sure that the rights of minority groups such as a small ethnic group, are protected and make sure that a minority group cannot dictate to the majority of the population.

Identifying the basic powers of the State is the next part of the constitution. The usual procedure is to break up the power of the state into three parts:

1. Executive powers (the power to make decisions in accordance with the laws of the land. The institution that holds these powers is called "the executive" The executive in many countries is the president and his cabinet.) ,
2. Legislative powers (the power to design and make laws part of the legal code of a country. The institution that holds these powers is called "the legislature")
3. Judicial powers (which are used to decide if a person accused of a crime has broken a law and the punishment if guilty. The judicial powers are held by the court system.)

The articles of a constitution are usually written so these powers are balanced so as prevent the holders of one set of powers being able to dictate to the others.

Finally, there are usually the rules for changing the constitutions. Sometimes the rules make sudden changes to the constitution difficult in that they will require a long process and many people and institutions to be involved and to give their approval.

If a constitution is to act as a contract in that it gives the consent to be ruled then many must be involved in its drafting, interpretation enforcement and maintenance. These include:

- (a) the citizens;
- (b) the representatives of the people in parliament;
- (c) the members of the cabinet or government;
- (d) the head of state and
- (e) the judges who make up the judicial system.

#### How are Constitutions Used in Authoritarian States

There are basically two types of states.

1. States in which the citizens give their consent to be governed, which are normally democracies.
2. States in which a particular group governs without the consent of the governed which can be called authoritarian states.

Authoritarian states often have constitutions. They can openly deny its citizens certain rights, such as the right to choose their leaders in the constitution, as is the case in a monarchy, a one party state or perhaps in a state where a religious group has political influence.

Alternatively authoritarian states can have a constitution, which say that the rights of citizens will be protected but in the daily life these rights will often be ignored. This is done to give the governments credibility in the eyes of the world as often states like these have ratified such documents as the Universal Declaration of Human Rights. The constitution will often legalise the dominance of the ruling group and not allow any other group to challenge the government. The various constitutions in the former Soviet Union (the 1936 and 1977 constitutions) and China (the 1954 and 1982 constitutions) all suggested protection of individual rights and due process of law, political expression and privacy. But, at the same time as they contained a clause about the leading role of the Communist Party. In other words, the party was the final and supreme ruler. Accordingly, these constitutions only appeared to respect individual rights. In reality the constitution specified that these rights existed only where they did NOT conflict with the interests of the state and the party. Individual or human rights had no claim over the supremacy of the communist Party.

It is important to remember that no state, democratic or otherwise is able to exist 100 per cent in accordance with its written documents. Custom plays a major role in every state in the world. This is true of democratic countries, especially if their constitutions are old making several of their articles obsolete. However, where states have recent constitutions, which clearly state the rights of citizens but the state on a regular basis ignores its own laws that

constitution will have no credibility in the eyes of the world community.

Thus we can see that while constitutions are almost universally found, and are the basic institutions upon which states build their power and internal authority, they vary greatly. Cultural, religious and historical factors can deeply influence the values of any constitution but to be of worth they must be enforced equally and only offer to protect rights that the state has the intention and resources to guarantee. As basic human rights do not vary much over time nor should the protection given to these rights and so constitutions and the way they are enforced should not be changed according to wishes of any one current leader.

## **(2) Enforcing the Rule of Law**

Societies living under the rule of law have generally been more stable because the rule of law creates a political and legal order in which clear, impersonal, universally applicable, general rules constrain both the governed and those who govern them.

In addition to providing a regular order, however, the rule of law in Western democracies particularly, has been intimately bound up with a concern for individual liberty, private property, and free markets. As John Locke, the philosophical father of the American Revolution, put it, "the end of the Law is not to abolish or restrain, but to preserve and enlarge Freedom: For ... where there is no Law there is no Freedom." Because the rule of law restrains even government officials, it ensures freedom from arbitrary rule. Thus, under a rule of law aimed at securing freedom, the common good is not something governments aim at explicitly. Rather, it follows simply from the freedom the rule of law secures.

Throughout history, different societies have sought to institute the rule of law in different ways and to ground it on different foundations. Three general approaches and foundations can be distinguished—religious, common law, and civil law—although many variations have been found.

### Religious legal traditions

From the earliest times, societies have grounded laws on the dominant religious customs of the society, often without separating the two. As it is a "higher law" religious legal traditions could be seen to be the rule of law and not rule of man. Unfortunately, this is not always the case as the ruler is often the interpreter of the rules. Nevertheless, the idea of a higher law, whether based on religion or on reason, is the beginning of the rule of law.

Examples of legal traditions based on religious beliefs can be found in ancient Egypt, India, Medieval Europe, and much of the Islamic world. In most societies today, even the most secular, the legal systems retain at least some traces of their religious histories.

Traditional Islamic law, or Shari'a, is a dominant force in the Muslim world. In countries like Iran, it has official status. In other countries, Shari'a coexists with a secular legal system, governing primarily in such areas as personal and family law, but rather less in the areas of commercial or criminal law. In the Central Asian States Islamic law is reflected in the traditions and customs but is not part of the states' legal systems. These variations are partly due to political history but also due to differences of view about Islamic law among the different Muslim sects.

The early law of the Christian world was also grounded in religion, but it drew as well from the more secular Roman law that had evolved in the Roman Empire. And the struggle that unfolded between church and state took different forms in the Eastern and Western branches of Christianity. Thus, early on in the East the emperor appointed the patriarch of Constantinople and had the power to reduce or remove his jurisdiction, illustrating a domination of state over church that continues to this day. In the West, by contrast, the church-state struggle continued for centuries, culminating gradually in a rudimentary separation of powers between Pope and king. That principle, along with the emergence of commercial cities in Europe, the Protestant Reformation, and, more generally, the growing focus on the individual, all contributed to the refinement of the idea of the rule of law. The process took two paths, however: the common law tradition in England and, later, in the English speaking world; and the civil law tradition in France and in other continental countries.

In both law traditions the kinds of complaints courts have heard have grown over the years, but they have basically concerned disputes over property, personal injuries, and contracts—the fundamental areas of the law. However, the source and consequences of these traditions are quite different.

### Common law traditions

Common law, made by judges to settle disputes brought before them, has evolved over centuries. In settling such disputes judges drew upon both reason and common-sense morality derived from principles of right and wrong—and



experience or custom. For example imagine a case where a man is growing apples on leased land but the landowner takes the apples without payment because he accuses his tenant of not paying rent on time. The judge could:

- hear evidence from both sides as to what happened
- consider which laws apply (remember this includes legislation, customs and previous judgments)
- decide whether the application of those laws to this situation is fair

Over time as similar cases occurred, there would be a pattern of similar circumstances and the matching judgments and these could be described in the form of a rule. The rule gained its legitimacy from the fact that others had judged in a similar way. These rules could then be used to decide subsequent cases.

Under common law

- the parties are treated as equals
- the court will only act against a defendant if the plaintiff is able to convince the court to do so according to the law.
- the government is limited by the law in what it can do.
- the purpose or end of the common law is individual freedom—freedom from the wrongs of others, which the court is designed to rectify insofar as it can following the law.

When English philosophers like Locke began to question the authority of the monarchy they turned to the common law as their starting point. As common law courts assumed that all sides were equal it, these philosophers then asked whether those same principles might apply between individuals and their government. Thus, they asked “By what right did the king rule?” And with that, the idea that kings ruled by “divine right” began to crumble.

It was replaced by the idea of equal rights: each of us has a right, equal to that of everyone else, to rule himself. The right of self-rule led in turn to democratic rule. Democratic rule meant, as a practical matter, rule by a majority under a social contract like a written constitution.

### Civil law traditions

France and other continental countries did not have anything like the English common law tradition to draw upon as they instituted the rule of law. Rather, after the fall of the Roman Empire the law that evolved in Europe was a combination of Roman law and others. Rather than waiting for a case to arise and then relying on the precedents set in previous cases, the civil law tradition reflected a conscious effort to regulate human affairs before disputes occurred.

The main differences between the systems are in judicial function. In common law system judges have wider discretion to make law, because their decisions become precedents and therefore a source of law. This does not mean that in lower courts especially that judges can write their own laws because their decisions must be in accordance with previous judgments.

In contrast, judges in a civil law court enjoy less discretion because their decisions only apply to the particular people involved in that case and so their decisions do not have any affect on future cases.

The process of trying cases is different. In a common law court we say it is adversarial system as two lawyers representing their clients are opposed against each other. The lawyers are responsible for collecting the evidence. The role of the judge or jury is to decide who is telling the truth or what is factual in law and then to decide which laws should apply.

In civil law courts it is an inquisitorial system as the judges investigate what happened both before and during the trial and apply the law. The role of the lawyer is much less as they are not responsible for collecting evidence.

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## **Post Reading Activities**

### **Task 01 Sources**

In pairs discuss this question: “Where can we find the advice or guidance when we are trying to devise rules for our society.”

### **Task 02 Rule of Law or Rule of Man**

With a partner look at the statements below and then decide if they are describing Rule of law or Rule of man. The first one is done for you.

Statements	Law	Man
1. Most countries with a stable and growing economy follow this system.	✓	
2. Decisions are based on the interests of those who hold the power.		
3. Rules are made or changed in accordance to regulations, at least, by a majority of votes.		
4. It is very unusual for those in power to interpret the law so a decision favours those without power.		
5. This kind of decision-making is usually a result of where there is no division of power.		
6. Laws can easily be accepted or changed in favor of those who make them.		
7. Under this system all people are equal and the law is one for all.		
8. The way the laws are interpreted depends on the interests of those with power.		
9. Decisions are based on what is stated in laws.		
10. Laws can be passed or changed very quickly.		
11. This system assumes that people will act in their own interests, rather than in the interests of others.		
12. No person is above the law.		
13. Laws are often interpreted contradictory.		
14. Laws are used only when they do not contradict each other.		
15. Decision-makings should be accepted always.		
16. Law does not change with the replacing of those who hold the power.		

**Task 03 What do you think? 20 min**

In pairs, discuss this question. "Why do you think it is important that rule of law prevails over the rule of individuals?"

**Task 04 Why to Have Laws? 15 min**

Look at this list of reasons for having laws. In pairs match the reasons with the explanation.

Reason For Law	Explanation
1. Morality	a) To protect people's rights to do what they want to do as long as they do not harm others.
2. Custom	b) To give special status to selected people.
3. Religious belief	c) To formally accept the ways in which people have behaved as a group over a long period of time.
4. Personal liberty	d) To acknowledge what is right and what is wrong.
5. A smooth-running society	e) To ensure people's physical, mental and financial well being and prevent them from harming each other.
6. Privilege	f) To make a commitment to the teachings of a supreme spiritual being.
7. Protection	g) To develop a society in which people behave well and settle disputes peacefully.

**Task 05 What are they for? 10 min**

In a group of three or four list what you think are the purposes of constitutions.

**Task 06 How can we evaluate the constitution? 15 min**

Working in groups of three or four, discuss and add your recommendations for writing a good Constitution. The examples are given below.

- It should be ratified by the people.
- It should separate and balance powers.

**Task 07 Minority Views 20 min**

With a partner, imagine that you are members of Kyrgyz group of International Olympic Committee. A proposal has been made to exclude a small country called Nur, from the next Olympic games. On this question there was held voting in two stages. After the first stage, the majority decides to exclude the country. Below is the discussion transcription that takes place prior to the second vote.

**Instructions:**

1. Read what was said.
2. Look through the set of statements describing the principles.
3. Decide which were the principles as listed below, speakers 3 and 4 were talking about.

**Speaker One:** The Olympic charter states that all countries can participate in the competitions regardless of ethnicity, belief or political system, however despite it we have voted for the exclusion of Nur. We have the right to do that but there should be good reasons and we should consider what impacts it will have on the Olympic games.

**Speaker Two:** We were given this power so we can exclude those countries that are not following moral principles. There is no point in having this power if we cannot use it. The people of Nur do not follow any of the religions of the rest of the Olympic games countries. Furthermore, their customs and traditions are unacceptable to us. They are undemocratic and they sell their products on the world market at prices that which are lower than the cost of production. They do not like us and we don't like them too. By allowing them to compete we are giving them the kind of acceptability they want.

**Speaker Three:** Yes, what you say is quite true. Our country's economy is badly affected by what we consider to be the illegal selling of their products. However, if our Olympic rules are to be worth something we need to make sure we follow them. The power of exclusion can be used only if the country, as it's stated in our rules, is repressing its people, in a way that means that the membership in national teams is not based on selection by merit.

**Speaker Four:** I would like to add that while we do have the power to refuse countries to participate, we should recognize that after all we have to pay for that at high price. We never know for sure where from the next gold medallist will come. By excluding a country we are taking the risk that we are going to exclude a potential winner. By doing this we all lose the opportunity to raise standards higher.

#### Principles

1. Rule of law over rule of man.
2. Freedom of religious belief
3. The decision of the majority is not always the best one.
4. Minorities need to have a right to vote
5. Minorities need protection by majorities
6. Minorities have something to offer to majorities

#### **Task 08 Why Divide the Power? 25 min**

With your partner write a paragraph of about 150 words that answers this question:

*"Why is it that one of the principles of democracy requires that authority be divided between executive, legislative and judiciary branches of government?"*

#### **Task 09 Who should be responsible? 15 min**

Divide these responsibilities as you think they should be divided amongst the Executive, Legislature and the Judiciary. You may decide that some responsibilities need to be shared. If it happens then explain why did it happen.

Responsibilities	Executive	Legislature	Judiciary
1. Select judges for appointment			
2. Approve judges for appointment			
3. Decide if people have broken the laws of the country			
4. Propose new laws			
5. Decide if proposed laws will become actual laws			
6. Decide how to spend taxes			
7. Propose budgets			
8. Review proposed laws to decide whether they fit with the rights given to citizens in the constitution.			
9. Decide how to collect taxes			
10. Remove an official from the executive			
11. Approve budgets			
12. Declare war to another country			
13. To suspend deputies from the legislature			
14. Determine the time for elections			

#### **Task 10 Writing a Constitution 1 hour 30 min. (2 classes)**

In this exercise, you will have to write a constitution for a group of people who were ship wrecked on a desert island. Your teacher will guide you throughout.

### Exercise

For this exercise your teacher will divide your class into smaller groups and then instruct you. The scenario consists of three stages.

#### **Stage One: the Shipwreck**

1). During a travel on a passenger liner across the sea, you got caught by a storm. The ship is sunk and you find yourself shipwrecked on a desert island, with about 100 other survivors. There is no way for you to travel back to your homes. Your group has been selected as the 'rulers' or the representatives elected to work out the rules of coexistence on the island. There are few items that survived the wreck: some tools (three knives, three shovels and a hammer) and a small amount of food (100 kg wheat, 100 kg potatoes).

2). Imagine your island: it is located in the tropics. Imagine how the island looks – its appearance, its climate and geography. Assume that the island is far away from the main sea routes and that there is no hope of rescue from the outside. As a group, decide what the island looks like and give it a name.

3). Decide who possess what skills. (Perhaps some know how to garden but others do not.) Decide how to use and share the items and products rescued from the wreck. Write down what you've agreed upon.

4). Define the principles according to which you will live on the island. What should be the most important ideas on this island? Why are these principles essential for a peaceful, productive coexistence?

5). Discuss the following questions:

1. What processes will you use for decisions-makings?
2. Who will hold the power?
3. How will this person or persons be chosen?
4. What rights and responsibilities will the island inhabitants have?
5. How will you deal with the external threats
6. How will you deal with the internal conflicts?
7. What other rights are important to include?

Make sure your set of rules includes all the important spheres that help a society to function.

6). Give a name to the document that you have written answering to the previous questions and using all the above given information. Choose one person from your group who will present your agreement to others.

#### **Stage Two: Assessing The Other Groups**

Now that you have drawn up your own imaginary island and sets of rules, you can judge how other groups have got on.

You will be asked to listen to the oral presentations of the other groups and assess their chances. Copy the following questions into your notebook, leaving the place for group assessment. Rank the groups (from 0-5, with 5 is the highest point) according to each of the following criteria.

1. What are the chances of island inhabitants in case of natural diseases?

Island #1 _____	Island #3 _____	Island #5 _____
Island #2 _____	Island #4 _____	Island #6 _____

2. How much the inhabitants' private life is protected?

Island #1 _____	Island #3 _____	Island #5 _____
Island #2 _____	Island #4 _____	Island #6 _____

3. How much are they protected from external aggressions?

Island #1 _____	Island #3 _____	Island #5 _____
Island #2 _____	Island #4 _____	Island #6 _____

4. How much the organization of life on the island secures the inhabitants' personal safety?

Island #1 _____	Island #3 _____	Island #5 _____
Island #2 _____	Island #4 _____	Island #6 _____

5. To what extent can the island inhabitants influence the decisions concerning their lives?

Island #1 \_\_\_\_\_ Island #3 \_\_\_\_\_ Island #5 \_\_\_\_\_  
Island #2 \_\_\_\_\_ Island #4 \_\_\_\_\_ Island #6 \_\_\_\_\_

6. To what extent can the island inhabitants do whatever they want?

Island #1 \_\_\_\_\_ Island #3 \_\_\_\_\_ Island #5 \_\_\_\_\_  
Island #2 \_\_\_\_\_ Island #4 \_\_\_\_\_ Island #6 \_\_\_\_\_

7. How much is limited the power of the leaders and who controls them?

Island #1 \_\_\_\_\_ Island #3 \_\_\_\_\_ Island #5 \_\_\_\_\_  
Island #2 \_\_\_\_\_ Island #4 \_\_\_\_\_ Island #6 \_\_\_\_\_

### **Stage Three: Imagining Situations**

Your teacher will help you with this section. Imagine what will happen in described below situations. Work out the solutions with your group and remember that you are on a very real desert island; no one can help you.

#### **Situation 1**

A person (group), holding the authority, has just made a decision, according to which only those who joined the new association "The Only Right Way," can be appointed for governmental position. To join the association one must pay a high entry fee in food as well as declare his/her loyalty to the Chairperson.

The people who are not in the association are trying to prove that the decision contradicts the rights guaranteed by the Constitution of their island.

#### **Situation 2**

The institutions that deal with maintaining the order on the island are concerned about the increase of the crime rate and have just made a decision, which states that people suspected of breaking the law are to be immediately imprisoned for a year. To get arrested it is enough for authorities to have the information from the victim or a crime witness. According to the authorities' opinion, quick reaction and severe penalties are the foundation of public peace and order.

Some of the citizens do not agree with new procedures and believe that they violate the basic rights stated in the Constitution of the island.

#### **Task 11 It Wasn't So Easy**

**10 min**

1. With your group make a list of the difficulties you encountered during the process of the Constitution writing.
2. Now hold the meeting with representatives of another group and give no more than five recommendations for writing a good constitution.

#### **Task 12 So What Did You Forget?**

**15 min**

In the group where you wrote the constitution, compare your constitution with the constitution of Kyrgyz Republic. Find 5 similarities and 5 differences.

## Chapter 9 Establishment of Statehood and Rule of Law in Kyrgyzstan

### Pre-Teaching Activities

#### Task 01 Word Match

3-5 min

Working in pairs, match the word with its definition.

Word	Definition
1. Autonomy	a) Dangerous breaking of law, envisioned within the criminal code of law
2. Lawyer	b) Wide inner self-governance of a region.
3. Crime	c) Indulgence to the way other people live, their thoughts, behaviour, feelings, ideas and values.
4. Tolerance	d) Political regime when the government strives to achieve full and overall control over the every side of social life
5. Totalitarianism	e) An expert in the field of law

### Text for reading

This chapter examines:

- the establishment of statehood (a brief historical summary)
- how the constitution was developed in the Kyrgyz republic
- the major features of the constitution
- how it reflects the cultures and values of the country
- how the constitution describes the rights and role of civil society
- the relationship between the constitution and the legal system

#### (1) Establishment of Statehood

The Kyrgyz state first emerged in the 6-7<sup>th</sup> centuries in the area of the Enisei river. The most important elements of the political system of the Kyrgyz people were created at that time. These elements were monarchic power based on clans, a bureaucracy, a tax system, well-trained troops and even a diplomatic corps. Later this more or less civilized system was transferred to the Tien Shan mountains where it was destroyed by Genghis-khan. Nevertheless, the Kyrgyz people managed to restore their social and political life later.

In the Tien Shan mountains the Kyrgyz tribes fell under the influence of: a powerful Bukhara khanate, China, Russia and the Kokand khanate. The national and cultural unity was jeopardized. Progressive representatives of Kyrgyz aristocracy realized the need for decisive measures aimed at political unification of the people. There were even some steps taken. Well-known representatives of the political elite were Mukhammed-kyrgyz, Kubat-biy and Alymbek-datka, but the most well-known person striving to unify the Kyrgyz people was Ormon Niyazbek uulu, or Ormon-khan (1790-1854). For a short time in the 19<sup>th</sup> century (1842-1854) he succeeded in reviving Kyrgyz statehood, but soon afterwards fell victim to tribal conflicts and after his death the idea of statehood was buried for a long time.

After the Kyrgyz people had been conquered by the Kokand khanate, Kyrgyzstan became part of a despotic state close to absolute monarchy. Kyrgyz nobility were fighting for power within the Kokand khanate. Some of them, for example, Alymbek-datka, even occupied high government positions. However the attempts of descendants of Alymbek-datka and other influential Kyrgyz people to unify the Northern and the Southern Kyrgyz proved to be unsuccessful. To a considerable extent this was because at that time some of the Kyrgyz tribes had already been absorbed into the area under the influence of the Russian Empire.

After 1917 there were attempts to establish an independent Turkestan that would unite all tribes and people residing in Central Asia including much of what is today the western region of China, and called Xinjiang Province. This movement was lead by a Turk, Enver Pasha killed in 1921 by Russian led communist forces that were reestablishing control after the revolution.

In 1921-1922, when the Kyrgyz people were already part of the Russian Socialist Federative Soviet Republic, there was an attempt by Kyrgyz political leaders, A.Sadykov, Yu.Abdurakhmanov and N.Arabaev to create a Kyrgyz Mountainous Oblast. The leadership of the Turkestan Autonomous Soviet Republic approved these plans in principle. Another group of high officials of Kyrgyzstan, headed by R.Khudaikulov, spoke against it, probably fearing that they would be "out of job". None of the parties won. The congress, that was supposed to constitute the new autonomous oblast in June 1922, was dissolved by Stalin.

## **(2) The Kyrgyz Statehood within the Former USSR**

Kara-Kyrgyz Autonomous Oblast was set up in 1924. In 1925 it was renamed into Kyrgyz Autonomous Oblast and in 1926 into Kyrgyz Autonomous Republic. A.Orozbekov became chairman of the highest government authority, Executive central Committee and Yu.Abdрахmanov occupied the post of head of government. The first Constitution was adopted on April 30, 1929. This is how the Kyrgyz statehood was legalized, however it did not at all mean an independent state. Kyrgyzstan was part of a totalitarian state, the USSR, none of the parts of which had full sovereignty, even Russia, the biggest of the republics.

The fact is, the new multi-level state, the USSR, that was created instead of the Russian Empire, was based on domination of one party (the Communist Party, party of the bolsheviks). It substituted for all government authorities and controlled all spheres of life and activities of all peoples in this vast country. The real leaders of this state activity, both in the center and in the provinces, were party leaders and not government officials. Therefore, state independence of the republics could not even be mentioned. For example, the budget of the Kyrgyz SSR (and all other union republics) was formally formed in the republic, while in fact it was allocated from the all-union budget following a decision made in Moscow. Restrictions could be found everywhere: the union republics had no right to appeal and suspend resolutions of the Soviet government, violating the rights of the republics. In case the union and the republican laws contradicted each other, the union law prevailed.

Nevertheless, statehood of many peoples, residing in the Russian Empire before and now residing in the USSR, was formally legalized for the first time. On December 5, 1936 the Kyrgyz Autonomous Soviet Socialist Republic was reorganized into the Kyrgyz SSR with a more independent status than an autonomous republic, and on March 20, 1937 they adopted the first Constitution of the Kyrgyz SSR, thus completing formation of statehood within the USSR.

An amended version of the Constitution of the Kyrgyz SSR was in use from 1978 to 1993. It was a very contradictory document. On the one hand, it proclaimed the power of the people, in that there would be election of all government authorities (Soviets) and judges. This democracy was, however, worth almost nothing because of one article, which gave the final and absolute power to the Communist Party. This meant the Communist Party was above the state and above the popular sovereignty (the will of the people). Democracy, proclaimed by the Constitution, inevitably turned into a "democracy game" with a repressive one-party regime backing it up.

Changes in the structure of the USSR aimed at granting more rights to the union republics, began only with the beginning of perestroika in 1985. The sovereignty of the republics was increasingly becoming stronger, conflicting even more with the centralized structure. Article 6 of the Constitution of the USSR, securing the leading role of the Communist Party, was the biggest constraint in the process of perestroika and democratic development. In August 1991 perestroika reached crisis point, resulting in collapse of the Soviet Union and establishment of new independent states on the basis of the former union republics. Alongside the other republics, Kyrgyzstan followed the path of independent development.

The Declaration of State Sovereignty of the Republic of Kyrgyzstan was adopted by the third session of the Supreme Soviet of the Kyrgyz SSR on December 15, 1990. The Declaration particularly emphasized that the people are the only source of power in the country and that the power exists for the people.

## **(3) The Development of the 1993 Kyrgyz Constitution**

After independence came almost unexpectedly the country was left with a constitution that gave the greatest powers to an institution that was no longer in power and which had lost much of its legitimacy. However, the people in the party were still in what was the Supreme Soviet but which had now changed its name to the Joguru Kenesh. It was however still an unelected parliament. This parliament chose Askar Akaev from several candidates to be the president. During this time it could be argued that none of these actions had a legal basis, but these were unusual times and there seemed little alternative.

A commission was authorized to prepare a new constitution with the assistance of foreign experts, for publication in the media. The commission then requested the oblast and rayon governments to call public meetings where the draft constitution could be discussed.

Unfortunately many people did not participate due to their experience in Soviet times where little value had been placed on the opinions of the general public.

Finally, on May 5<sup>th</sup>, a draft constitution was accepted by the parliament. In September 1994 the president dismissed parliament and called an election. In February 1995 there was nationwide referendum on an amendment to introduce the

system by which parliament would be split into an upper and lower house. Later in 1995 there were nationwide elections for both houses of parliament and then later for the president.

There was a second nationwide referendum in February 1996 to adopt the entire constitution with some new amendments, which gave the president increased powers. It was only at this point that it could be said that the people had given their consent to be governed.

#### **(4) Major features of the 1993 Constitution**

The Constitution proclaimed the sovereign, unitary and democratic republic of Kyrgyzstan based on principles of a democratic legal state. The Constitution consists of a brief introduction, eight chapters, 12 sections and 97 articles.

The Constitution regulates:

- ❖ the fundamentals of the constitutional system;
- ❖ personal status (human rights and freedoms);
- ❖ the structure of government, relationship between government authorities, their sphere of competence and division of powers;
- ❖ the fundamentals of the judicial system, supreme judicial institutions (Constitutional Court, Supreme Court and Supreme Arbitrage);
- ❖ the organization of local self-governments;
- ❖ the procedure of amending the Constitution and adopting a new Fundamental Law of the Kyrgyz Republic.

The Constitution is the main source of law in Kyrgyzstan, serving as a foundation for all other laws and regulations. The principles expressed in the Constitution are further developed in the laws.

#### **(5) Procedure of Amending the Constitution**

1. The Constitution can be changed by a universal referendum that can be called by the President.
2. The Constitution can be amended by the Legislative Assembly and the Assembly of People's Representatives of Jogorku Kenesh. However, these changes can only be approved by Jogorku Kenesh if more than 2/3 of all deputies of each chamber vote for them.
3. Proposed changes to the Constitution, in the form of a petition, can be submitted to the President, or the Jogorku Kenesh if it is signed by at least 300,000 voters.

#### **(6) Fundamentals of the Constitutional System in Kyrgyzstan**

The existence of a Constitution in a state does not automatically mean a constitutional or ideal system. For this it is necessary for the government to act according to the constitutional principles. The main principles of the constitutional system in Kyrgyzstan are described in chapter 1 of the Kyrgyz Constitution. They are:

- ❖ power of the people,
- ❖ republican form of government,
- ❖ civil rights and freedoms as the highest value,
- ❖ social protection of the people,
- ❖ division of powers,
- ❖ guarantee of local self-government,
- ❖ political and ideological pluralism,
- ❖ secular state,
- ❖ protection of the rights of private property

Therefore we can judge for ourselves how democratic our government is by examining the extent to which these principles are achieved. Clearly, as a citizen we have the duty to either vote to change the government or change the constitution and its principles if these principles are not being achieved.

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### **Post Reading Activities**

#### **Section 1 Establishment of statehood**

##### **Task 01 Our History                      25 min**

With a partner, make a timeline showing the main events in the history of the development of Kyrgyzstan as a national state.

##### **Task 02 Events and Results**



Look at the events that occurred before 1920 in the timeline that you've made in previous exercise. How do you think whether these historical events have influenced Kyrgyzstan's forming of a national state or not? Copy the table below into your workbook and discuss it in groups of four, then fill it in. One example is done for you. Be prepared to share your answers with the rest of the class.

Event	Result
Kyrgyz statehood arises in VI-VII centuries on the Enisei.	The most important elements of political system were formed.

### Task 03 Positive and Negative Influences of the Soviet Period 30 min

Being a part of the Soviet Union, the Kyrgyz were unable to form their own fully independent nation. Although the inclusion of Kyrgyzstan into the former Soviet Union held back the development of the Kyrgyz nation, there were also some positive contributions into the development of the country as a nation during this period.

Copy the table below into your workbooks. Working in pairs, ask older people in your community about the positive and negative results for Kyrgyzstan in terms of building of the Kyrgyz nation during this period. Once you have listed them, classify each as:

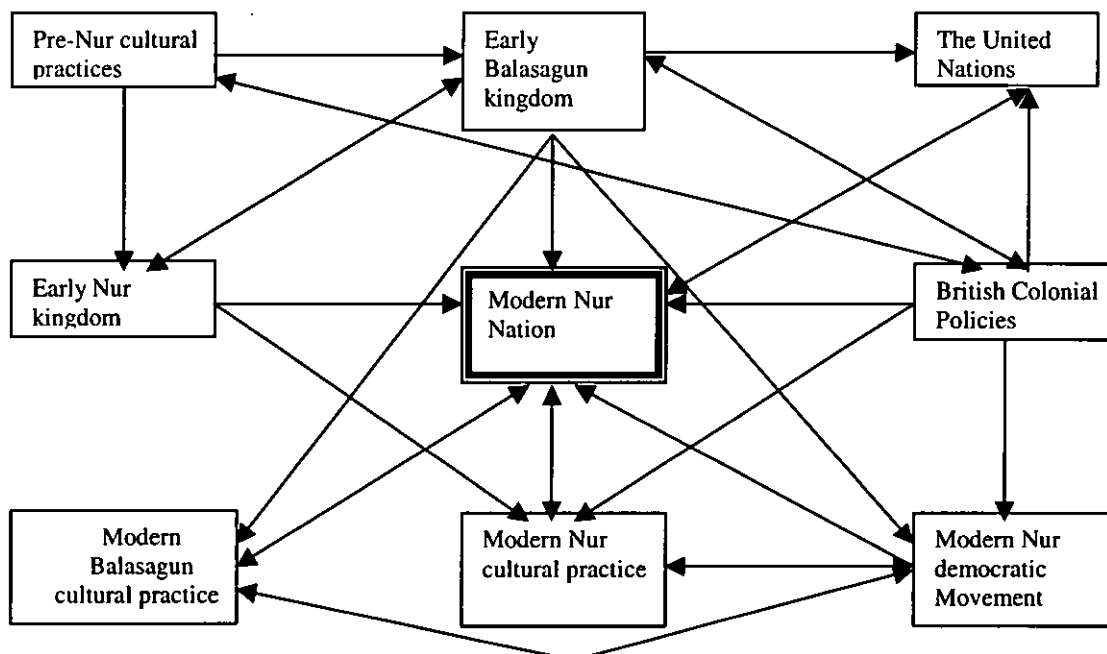
- (1) A very serious step backwards / a very positive step for Kyrgyz national statehood.
- (2) A serious step backwards / a positive step for Kyrgyz national statehood
- (3) A step backward / a small step towards to the Kyrgyz national statehood

An example of a positive and a negative factor is given below. (So the first positive factor is ranked as being a very positive step towards to Kyrgyz nationhood.) Be prepared to share your answer with the rest of the class.

Positive factors	Rank	Negative factors	Rank
1. Equal pay for equal work for all citizens	1	1. Kyrgyzstan could not have its own foreign policy.	1
2. Introduction of universal and free education.			

### Task 04 What Influenced What? 30 min

Below you will find a chart that shows which factors have influenced the development of the fictitious state called Nur. Notice that sometimes there is a two-way influence.



In a group of three or four make a similar chart showing the factors influencing the development of the modern Kyrgyz state. Note that you should include people and groups but not events. You can see that in the case of Nur the relationships are complex. Be prepared to explain the relationships and how each group influenced the other.

#### Task 05 A True Citizen 15 min

In groups of four discuss what this statement means. Be prepared to explain your view.

If a Canadian asks you: "Who are you?" - and person with Kyrgyz passport replies: "I am a Narynian", "I am an Oshanian", or "I am a Talasani," etc. then that person cannot claim to call himself or herself a true citizen of Kyrgyzstan."

Do you agree with this statement?

I strongly agree | I agree | I don't know | I don't agree | I strongly disagree

#### Task 06 Your Community 15 min

With a partner make a list of the ethnic minorities in your community. Then list ways that you can or do:

- 1) show that you value their culture and customs
- 2) share your culture with them

#### Task 07 Promoting Tolerance 15 min

In a group of four people discuss what to do and how to react to cultural practices that are different from yours and unacceptable compared to your own practices. Be prepared to share your answers with the rest of the class.

#### Task 08 For and Against 10 min

Imagine you are a member of the parliament representing a dominant ethnic group in a country called Nur. With your partner decide whether you will vote for or against the following proposed laws. Remember that this is not a secret vote and that you may be asked to explain why you voted one way or the other. The first one is done for you.

Draft Law	Yes	No
1. Wearing of sunglasses indoors will become illegal.		✓
2. The using of minority languages is banned in public advertising.		
3. Money from the budget is allocated for a festival of all cultures in Nur.		
4. Only Nur citizens can own property.		
5. All non-Nur minority ethnic who does not belong to the dominating nationality of Nur state must register to have gatherings of more than 20 people.		
6. Nurism is becoming the state religion.		
7. Non-Nur speaking citizens can become members of the parliament.		
8. Allocation of state budget means to publish schoolbooks in minority languages.		
9. Education is compulsory for girls until grade 8 but for boys until grade 10.		
10. Repeal of law preventing men wearing the traditional hat of Balasagun region.		

#### Task 09 Balance

You are the Minister of Foreign Affairs and your country is starting to impose openly discriminative laws against people with blond hair. You have black hair. You speak in the parliament on the topic "How can we maintain pride for our country and remain under one flag but at the same time help all people despite of their hair color reach their full potentials?"

With a partner write a speech (of no more than five minutes). The speech should state why you think this is necessary and how it will be achieved.

#### Task 10 Nationalism

With your partner, look through either "The Convention on Human Rights and Basic Human Freedoms" and the Constitution of the Kyrgyz Republic and write a brief summary about the rights of minorities, which are protected in them.

### Task 11 Kodak, Anchor, BMW, Microsoft, ORT, Toyota, Coca Cola

As in most countries the shops in Kyrgyzstan have products from other countries. These might include products like shoes from China, and music from USA. As well people from all over the world visit and work in your country. All of these things make changes to and influence the culture of the country.

In pairs discuss the following questions:

1. What words do you know that have come into common use in Kyrgyz language conversations in the last ten years, which actually come from other countries?
2. Are all cultures a product of a variety of influences or are some only influenced by internal factors?
3. Do the strong cultural influences come from countries that are open or closed to outside influences?
4. Are these influences all bad for the development of a country's culture or are some good?
5. What three countries have the strongest culture influence on Kyrgyzstan at the moment?
6. How can the citizens of Kyrgyzstan keep their own cultural traditions and identity but still be an active member of the world community and gain from belonging to it?

### Task 12 Turn it around

Read the following story and answer the questions below.

Yesterday, Robert Hannifin, a black American runner from Chicago, won the gold medal for the marathon in the Olympic games. When asked for his secret, he said he had been using the product of a little known drink producer. Hannifin said that he had been drinking Zulol energy drinks for the last two years after first having visited the country of origin three years previously for high altitude training.

1. What do you think will happen to the company that sells Shoro drinks?
2. How will this story influence the culture of Kyrgyzstan?
3. How will it impact on cultures of other countries?

### Task 13 Future Issues

With a partner discuss the following question and then write a paragraph of 200 words.

*"What are the issues facing Kyrgyzstan now in its nation forming efforts and how can these best be dealt with?"*

## Section Two. Rule of Law in Kyrgyzstan

### Task 14 The Legal System in Kyrgyzstan

Look at the following statements and decide if they are true or false in Kyrgyzstan. If they are rewrite the sentences so they are correct.

Statements	True/False
1. Any person taken to the court is guilty.	
2. Before sending the person to the court, first, he should be charged with breaking the law.	
3. The purpose of going to the court is to find out whether there is enough evidence to find the charged person guilty.	
4. Any person, charged with a crime by the police, has a right to use the services of a lawyer. However, the charged person must pay for such services.	
5. The judge decides whether a judge or jury should consider the case.	
6. A charged person can be kept in prison for as long as the court starts his trial.	
7. Some people do not have to obey laws.	
8. Only a judge is allowed to see the laws.	
9. A judge can change the law if he or she wants to.	
10. A judge decides how a guilty person is punished.	

### **Task 15 Why bother?**

With a partner try to write an answer for the following question of no more than 150 words.

*"Why do we need the Constitution?"*

### **Task 16 The Power of the Judiciary**

With a partner look at the Constitution and write a paragraph of less than 150 words, which explains how and when the judiciary can reject the law proposed by parliament.

### **Task 17 Is it Constitutional?**

With a partner look through the following proposed law and decide whether it corresponds to the Constitution of Kyrgyz Republic. Briefly explain your opinion. (Answer should be of no more than 200 words.)

*"All people with an Australian passport will be able to purchase land in Kyrgyzstan."*

### **Task 18 How Does it Work?**

Working with a partner, make flow charts, which reflects the work of the different parts of the judiciary system. Explain how the judges are appointed and briefly what kind of cases they hear in each level of court.

### **Task 19 Meet the Law**

Invite a lawyer or judge to visit your class and ask the following questions:

1. How did you become a lawyer?
2. What kind of knowledge do you need?
3. How do you learn about new laws?
4. What is the difference between civil and criminal legislation?
5. What is the difference between well written and poorly written law?
6. How has the character of lawyer's job changed in the last few years?

### **Task 20 A Legal Opinion**

Invite a lawyer or judge to visit your class and ask their opinion about the laws, proposed by you to solve the next problems (some of them may have already exist):

1. Dogs often bark at night not letting you sleep.
2. You know people who use drugs.
3. You know people who come to your village and sell outlets for lower prices than yours. If it continues this way further, you'll go out of business.

## Chapter 10 The Structure of Government

### Pre Reading Activities

#### Task 01 Word Match

Working in pairs, match the word with its definition. The first one is done for you.

Word	Definition
1. Elections	a) A state citizen, who has the right to vote for that or another candidate or decision
2. Political party	b) Political organization, which presents the interests of electorate in the authority bodies
3. Elector	c) The process of nation's will expression that defines their representatives in the parliament and executive bodies

#### Task 02      State bodies      10 min

In pairs list what you think are the important principles to take into consideration when designing the structure of government.

#### Text for reading

In this chapter we will look at the general structure of government and some the problems that can occur. Therefore this chapter is divided into the following sections:

1. the balance of powers
2. the organization of public services
3. the relationship between the public service and citizens
4. the dangers of government monopoly of power

#### (1) Balance of Powers

One of the first great political thinkers was Aristotle who was born in Macedonia in 384 BC. In a book called *Politics*, he stated that there were three functions of government:

- the development of laws; (this is done by the legislature)
- making decisions using laws on how to manage the state (this is done by the executive)
- making decisions regarding the interpreting and enforcement of laws. (this is done by the judiciary)

What Aristotle said remains true to this day despite the fact that these functions can be performed differently in different systems and they are not always distinct. Legislators, for example, may also implement the laws.

This division of responsibilities and powers is necessary so as to prevent the accumulation of too much power in too few hands. When the three branches are independent of one another, we can say that there is a separation of powers. It is effective because this arrangement means that each part should have the power to and actually limit the powers of the others. This power is gained through the need for cooperation of the parts of government for an action to take place and because each part has an equal amount of power. This is called a system of checks and balances. For example, imagine if the president (part of the executive) wanted all people to wear short trousers. To do this he requests that a law be made that prohibits people from wearing long trousers. This law would have to be prepared and approved by the legislature. To be finally made a law a part of the judiciary would have to say whether the proposed law was compatible with the constitution and other existing laws. If the legislature refused to approve the proposed law or if the judiciary find that it is not compatible with other laws then the president cannot have his way.

Even if the law was approved there is still a separation of duties. The judiciary would be responsible for judging whether the law had been broken and punishing any one who broke the law. Either the executive or the legislature, depending on the system, would be responsible for the police who would catch law-breakers and attempt to prosecute them.

Most constitutions today provide for an arrangement where powers are separated and balanced, which is now at the root of modern democracy. Below is a description of how these powers are separated.

#### *The Legislature.*

The principal function of the legislature is to create laws. Many systems also give the executive some legislative functions, through decrees and other provisions. In addition, the legislatures appropriate funds, ratify treaties, hold public hearings on various issues, determine election procedures, and sometimes approve judiciary appointments.

Legislatures differ greatly in many respects, these may include

1. the number of members
2. the procedures and organization they use
3. the role of political parties
4. their importance compared with the executive

Most legislatures, though not all, are composed of two parts, which are sometimes called "houses". This usually means that there is a small higher level institution that often represents large regions and a larger lower house where the larger regions are sub divided into many much small areas called electorates. Each one of these electorates chooses a representative. The usual purpose of this division is to further separate powers. However, some smaller and very democratic countries, for example, New Zealand have only one house. Legislatures differ greatly in size. The British House of Commons (this means the lower house consisting of representatives of the ordinary people), with 630 members, is one of the largest legislative bodies. The lower house of Iceland, with 40, is one of the smallest.

One of the most important challenges of post-communist legislatures is that many newly elected members have never had parliamentary experience and are unfamiliar with the complex rules and procedures that apply. The skills of coalition building in the legislature and, for example, processing laws, require time to develop. Good legislators must also learn how to communicate openly with their electorate and with the media. When legislators are either incapable of performing these important functions or, unwilling to do so, the country suffers.

### *The Executives*

Executives are the managers of government (including elected ones). They determine the direction of government policy and they implement the legislation passed by legislature. They include elected officials, such as presidents, prime ministers, cabinet ministers and often appointed civic servants who carry out the technical aspects of the work

The most important distinction in the structure of executives is whether the system is presidential or a parliamentary. In presidential systems, the head of government, the president, is elected for a particular period, as are the members of the legislature. The president cannot be forced to resign except in very unusual circumstances and through a complex and often slow procedure. Usually, presidents also cannot dissolve the legislature. (This means to take away the right for members to be representatives. This normally only happens before an election.) Many presidential systems have a vice president, who might even be elected separately, who is next in authority and takes power if the president is incapacitated.

The United States and France are examples of Presidential systems. In both cases the President is both head of state and head of government. Most post-Soviet states have adopted the Presidential system.

In parliamentary systems the head of government, or the chief executive, is called the prime minister, premier or chancellor. The prime minister is selected from the legislature and is usually the leader of the political party that has won the majority of electorate seats and forms the government. This means that the executive consists of part of the legislature. In this system, the prime minister and the government can be dismissed through a vote of no confidence by a majority of the legislature. Conversely, the prime minister can dissolve the legislature and call for new elections for the whole legislature.

The parliamentary system requires a lot more cooperation between the executive and the legislature since they can dismiss one another more easily.

In a parliamentary system there is a further check on the executive in that the position of head of state and head of government it is separated. The head of state, who often holds final power to agree or disagree with proposed laws, and perhaps to appoint some judges, is held by a monarch or an elected leader, perhaps confusingly called a president. However, the power of the president in a parliamentary system is much less than in a presidential system. Japan, Spain, the United Kingdom, and the Scandinavian countries, are parliamentary systems with monarchs. Italy, Germany, Hungary, and the Czech Republic, are parliamentary republics in that they have presidents as their head of state but not head of government.

Both presidents and prime ministers govern with the assistance of a cabinet of ministers, who are more independent under the parliamentary system where the prime minister is simply one among more or less equals. A cabinet is defined as the group of ministers who assist the exercise of executive power.

There are two main implications of these two systems. Firstly, in the Presidential system, the head of government (president) is directly elected by the people. In the Parliamentary system, the head of government (prime minister) is elected by the members of the parliament. This is an indirect election. However, the electorate usually knows in advance what person is likely to become prime minister, as he or she, is the head of the political party. Secondly, in a parliamentary system the ministers of the various departments are members of the legislature and therefore also representing electorates. They gain there ministerial positions through being appointed by the prime minister but can

only be eligible if they are representatives in the legislature. In the Presidential system the ministers, which make up the executive are appointed and are not required to be members of an elected body to be eligible.

Although both systems are democratic, it is impossible to say which is more democratic. Far more important than the system chosen is the extent to which the various members abide by the constitution and the extent to which the various powers are balanced.

### *The Judiciary*

The judiciary involves applying the law, and making sure that it is done both fairly and in accordance with the constitution. For that reason, the judiciary must be independent and impartial. A judicial system usually contains an elaborate system of appeals, so that a higher court may overrule the decisions of a lower court if it finds that the decision is in conflict with the constitution or established legislation.

Usually there are two judicial hierarchies dealing with,

- ✓ civil law and (laws which give the right for the governments and citizens to take certain actions. As a result these cases are private in that they are between individuals, and individuals and the state where either side disputes whether an obligation has been met. )
- ✓ criminal law. (laws specifying the abuse of rights and the resulting punishments. As a result these cases involve public interest in that they are always between an individual and the state in its role of protector of the common good)

One of the most difficult tasks of post-communist political change involves the establishment of an independent judiciary that is not a part of the executive branch. It is crucial to appoint judges who are independent and highly trained and who are respected and trusted by the people. There is more discussion on this topic in later chapters.

### **(2) The Organization of Public Services**

The administration of the law is performed by public servants who work in various government organizations. In western countries these are usually limited to government departments. There is usually a clear separation between national and local government.

One of the problems left over from the Soviet period is that the concept of the public service as independent from party structure did not exist. These countries inherited a public service where there was state administration and control of all aspects of life and community. As a result, almost every organization in society from the militia, universities, health organizations to banking was controlled by government.

Recently the way the public service has been run has changed so that some functions have been given to private businesses and some functions, which remain under state control, are now managed more like businesses.

Western countries normally have relatively few people working in the public service and they are managed in a way that gives each part of each department a fair degree of independence.

Many former Soviet countries still suffer from having appointed far too many public servants and therefore having difficulty meeting budgetary constraints.

This problem is made worse by the tradition of appointing many officials on the basis of their political affiliation for government departments rather than on the basis of merit..

This system hinders public service work, are bound to have difficulty making distinctions between political control, personal fidelity and actual governance.

These problems are made worse by a public service with usually relatively low wages, no system of selection or promotion on merit, and an authoritarian work atmosphere where work is often uninteresting and taking initiative is not rewarded and in fact can lead to punishment. This leads to public service staff being unmotivated, fearful and reluctant to make decisions, without authority from higher levels where information about local conditions might be poor. As we learn as much from our mistakes as we learn from our successes, public service workers have little chance to improve their administrative and managerial ability, which leads to slow or poor decision making.

### **(3) The relationship between the public service and citizens**

In some countries citizens fear the power of the public services and have little trust in their ability to effectively provide services. However these public services often have extensive legal powers or do not work according to the law. In

democracies citizens expect to receive professional services from public services and see them as there to serve the needs of citizens and not the other way around. Public services are expected to be accountable for what they do with taxes collected from citizens. For this reason in many countries there is a "freedom of Information" law so that citizens can force the government to reveal what the public service has done. If it can be shown that the public service has been poorly managed, resulting in poor service or a wasting of resources, then citizens should be able to change the leadership through elections.

#### **(4) Government monopoly of power**

Any system of government can be good or bad, but one thing is certain: no system of government is immune from abuse. The state, after all, has the principal monopoly on force in any state (through the police, the army and the courts).

One important purpose of government is to protect citizens from criminals but the government itself can violate the rights of its citizens. At this point, the protector becomes the abuser, and has the potential to be far more dangerous than any private aggressor. So while government is necessary for civilization, it can also become a menace. When that happens, it is said to have become a tyranny.

A tyranny may be defined as a government that betrays its trust by turning against its own citizens. Dictators are tyrants insofar as they enslave and terrorize the population in order to provide benefits for themselves. Any parts of government or officials are susceptible to the abuse of power and therefore may breach the trust that was placed in them. But tyrannies can also be institutionalized through legal means that may mask the true nature of the government. They may not have popular input or control such as, for example, through external conquest. A government may be instituted so that its people no recourse to any appeal, and their interests are deemed irrelevant. This was true of communism and seems to be true of some African countries and some post Soviet countries today.

Democracies too can be tyrannical if there are no safeguards. Unless democratic systems protect their minorities a tyranny of the majority can result. It is possible for majorities to enslave minorities, to steal their property and murder them, simply out of greed or envy. This is why a system of power distribution and constitutional guarantees for the protection of minority rights is needed.

Where tyranny occurs, revolution often violent can result. However, it is clearly better to avoid tyranny by more peaceful means through never allowing it to occur in the first place as tyrannical leaders are unlikely to allow themselves to be removed easily. Where there is Rule of Law it should be possible to prosecute officials who do not follow laws, regardless of whether they are the president or an ordinary citizen. However, for this to happen:

- the executive needs to be sure that the legislature will work within the law and procedures laid down in the constitution (if it doesn't it could remove the executive without following the constitution.)
- the legislature needs to feel free to pass laws even if they may offend or limit the power of the executive (there should be no threat of removal by the executive)
- the judiciary should feel free to make judgments which are in accordance with the law even if this means putting the president or members of the legislature in prison. (Clearly this will not happen if the judges are appointed by just the executive or the legislature and can be removed if they threaten their privileges.)

Of course the other important way of avoiding tyranny is by citizens retaining the right to change their leaders through elections. Elections allow not just a change in personalities but can also be used to change the entire political system, through amending old or developing new constitutions and providing for different systems of government. Elections, defined as orderly means of selecting representatives to carry out the will of the electors, however are also not a remedy for all ills

Sometimes elections can be organized on the basis of flawed rules. For that reason, it is important to make sure that electoral laws accord with international principles that insure fair representation and are considered to be free. The rules themselves are not enough as there must be enforcement of these rules if there are to be free and fair elections. The organization of elections and political parties is discussed in a later chapter.

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#### **Post Reading Activities:**

##### **Task 01 What Do They Do? 25 min**

In pairs, make a list of what you think are the main functions for government according to this chapter.

##### **Task 02 Keeping it Fair 20 min**



Teachers have a lot of power when they give the national exam. How is this national examination system designed so it gives an equal chance to everyone? Find out from your school director how the system works. Ask:

1. Who designs the exam?
2. How is this kept secret until the day students read it?
3. How is the marking done so that everyone is marked the same way?

### Task 03 Constitutional Precautions 40 min

With a partner look through the Constitution of Kyrgyz Republic. What checks and balances are there on the powers of the Executive, the Judiciary and the Legislature? Answer the following questions:

1. What prevents the president making up any new laws?
2. What prevents the chambers of the parliament proposing and passing any laws that they want to?
3. What prevents a judge making any ruling he/she wants to?
4. What is the correct procedure for appointing or removing a judge?

### Task 04 Checks and Balances 40 min

Read the following story about what happened to the President of a fictitious country Nur.

Today the President of Nur, Zildorf Higgins was charged in his absence with treason. He had left the country several days ago after a popular revolution assisted by the army called for fresh presidential elections.

This unconstitutional act is the unfortunate result of our poorly designed constitution, which allowed the president powers with no countering balance or checks on what he was doing. The president announced a law, which allowed him to grant himself money at any time for emergency purposes. He then gave himself a grant of \$2000,000. This law was opposed by parliament, but the President has the powers to ignore parliament. Parliament was then unable to get the required 100% of members to vote to remove him from office. The judiciary then tried to challenge the law as unconstitutional but as the president cannot be prosecuted and can override any decisions of the constitutional court nothing could be done.

In pairs write an explanation in no more than 200 words that suggests changes to the Nur constitution that would prevent the President taking money again.

### Task 05 Suharto, Nixon & Estrada 10 min

One way societies can protect themselves is by having a part of the constitution that gives a procedure for removing a president or king if they break the law.

With a partner find which part of the constitution explains how this should be done and find out which group of people can legally remove a person from the position of president.

### Task 06 Why Separate? 10 min

In pairs, write an answer of no more than 100 words to the question below.

*"Why does a government need to have its powers separated if it is to be considered democratic?"*

### Task 07 Presidential or Parliamentary 20 min

(i) With a partner decide if the following statements belong: to parliamentary (PARL), presidential (PRES) or both systems?

(ii) Decide which system Kyrgyzstan has?

Statements	PRES	PARL
1. The executive consists of ministers.	✓	✓
2. The deputies cannot be ministers.		
3. There is no clear separation of powers between legislature and the executive.		
4. The leader of the executive is the Prime Minister.		
5. The leader of the executive is the President.		

6. The function of the legislative power is to approve legislation.		
7. The power of the executive is balanced by the power of the opposition and the judiciary.		

#### Task 08 Appointed or Elected 30 min

With your partner, list some of the advantages and disadvantages of electing or appointing the officials.

Advantages	Disadvantages
<i>Appointing</i>	<i>Appointing</i>
7.	6.
8.	7.
9.	8.
<i>Electing</i>	<i>Electing</i>
4.	1.
5.	2.
6.	3.

#### Task 09 Who Does What? 30 min

Below you will find a list of:

- general statements, describing the functions of the judiciary, the executive and the legislature.
- statements, describing specific objectives to be carried out by these bodies.

Working with a partner, classify each of the responsibilities and then objectives carried out by these bodies.

##### General Statements:

- This body elaborates and passes the laws through the system of voting. As a rule, it is a representative body. It also has the power to appoint or distrust to other bodies of the state authority.
- Usually, this body is appointed and plays two basic roles. The main point of the first is to observe the new laws in order to not allow them to contradict to the existing legislation, especially the Constitution. The second is to carry out the justice regarding to everyday life of the people and organizations.
- This body uses the resources proposed by laws in order to administer and implement its policies. It may have the power in terms of appointing the judges and preventing some proposed laws becoming effective. It executes the decisions of the court. It carries the direct control and responsibility for state laws implementing and governing the society

The Executive	The Legislature	The Judiciary
General functions:	General functions:	General functions:
Specific functions:	Specific functions:	Specific functions:

##### Specific Functions:

- Decided that the proposed bill contradicts the 4th article of the constitution.
- Sentenced a man for five years imprisonment for stealing a car.
- Has spent 400,000 soms for rebuilding the school.
- Has read for the second time the proposed law about banning of Coca Cola Company activities and suggested to change it.
- Appointed a judge to the Supreme Court.
- Has paid salaries to the police.
- Has voted for budget approval for 2004 year.
- Called for parliamentary elections
- Removed the president, having voted for a veto.
- Appointed the new Minister of Foreign Affairs

## Chapter 11 Structure of Government in Kyrgyzstan

### Pre Reading Activities

#### Task 01 Word Match

In pairs, match the word with the definition.

Word	Definition
1. Impeachment	a) Ensuring the execution of some obligations.
2. Guarantee	b) Voluntary unifying in order to achieve the common goals.
3. Speaker (toraga)	c) Procedure of bringing an accusation against the president and dismissal him from his position.
4. Coalition	d) Leads the parliament sessions, realizes the connection between the chamber and head of the state, participates in vote only in case of equal division of votes.

#### Text for reading

State power, and therefore government, in the Kyrgyz Republic is divided into three branches: the legislature, the executive and the judiciary. This chapter discusses all three branches of state power, their authorities and interrelations as stipulated in the Kyrgyz Constitution and their relationship to the president and his or her powers.

#### The President

The president occupies a special place in the constitutional structure of government in the Kyrgyz Republic/. He is head of state and the highest official in the Republic, the chief custodian of the Kyrgyz Constitution, human and citizens' rights and liberties. He is responsible for identification of main directions of internal and external policies, coordination and cohesion of all branches of state power/ The Constitution gives the President such extensive powers that place him above all government. His powers include:

- Determining structure of the government of the Kyrgyz Republic, appointment of Prime Minister and members of the Cabinet, their dismissal from office;
- Appointment of Secretary of State of the Kyrgyz Republic and heads of state administrations of all levels;
- Establishment and dissolution of state bodies that do not form part of the government;
- Calling the elections to the parliament and local representative bodies, making a decision about calling a nation-wide referendum
- Convening special sessions of the Houses of Parliament, suggesting their agenda, dissolution of any of the chambers of Parliament in cases stipulated by law and assuming the legislative powers of the dissolved chamber;
- Submission of draft laws to the parliament, final approval of the laws passed by the parliament through their signing or returning the laws to the parliament with his objections;
- Appointment and dismissal of the Prosecutor General of the Kyrgyz Republic, his deputies as well as the prosecutors of Oblasts and Bishkek City;
- Presentation for election by the parliament of his nominees to the post of the chairs, their deputies and judges of the Constitutional Court, the Supreme Court, the High Court of Arbitration of the Kyrgyz Republic and appointment of the chairs, their deputies and judges of the Oblast, Rayon and City courts as well as their dismissal;
- Forming State Security services and the National Guard that are subordinated to him, and in his capacity of Commander –in- Chief of the Armed Forces, appointment and dismissal of the Supreme Command of the Armed Forces of the Kyrgyz Republic;
- Conduct of negotiations and signing of international treaties of the Kyrgyz Republic, appointment and recall of its diplomatic representatives;
- As well as a number of other powers of head of state.

To provide for the execution of all these powers the President sets up a special body called Presidential Administration. It is through this body that the President maintains liaison and controls the work of all other government bodies. The Presidential Administration is run by Chief of Staff. The President and his Administration are not accountable to any other organ of state power. Nevertheless, the President communicates annually the situation in the country and the immediate or long-term development tasks in his message to the people and parliament of Kyrgyzstan.

#### Limitations of the Presidential Powers

Notwithstanding the vast powers of the President, the power of the president has limitations. First, he is elected, i.e. the people can replace the president every five years. Under the Kyrgyz Constitution, President cannot be elected to his office for more than two terms in succession. The term of office of the current President Askar Akaev expires in 2005 when a different President must be elected. The Constitution puts special requirements to a candidate for the presidency: a citizen of Kyrgyzstan not younger than 35 years of age and not older than 65, with good command of the Kyrgyz language and resident in the country for not less than 15 years prior to his nomination only can become one. To be registered as a candidate, one should collect not less than 50 thousand signatures of the electorate. The winning candidate must win more than half of the votes. Furthermore, more than half of all citizens eligible to vote must vote for election to be valid. The Constitutional Court must endorse the outcome of the elections. {Sentence removed} Secondly, the legislature can influence the President's policy to a certain extent. It can reject the President's nominees to the top government positions, introduce amendments and changes into (words removed) programmes and the state budget (words removed) by a qualified majority of votes which can overrule the president's veto (rejection) of the laws passed by Parliament but which he refuses to sign. He is then obliged to sign them. Finally, on Parliament's initiative the president may be dismissed from his office but through a very complicated and lengthy procedure called impeachment.

### Legislature

The legislative powers in the Kyrgyz Republic are exercised by a Parliament called the Jogorku Kenesh. As a result of amendments to the Constitution in 1993 through two referenda, the Parliament became bicameral, and was then made smaller and lost a number of its powers, which were transferred to the President. This meant that the Parliament could no longer exercise a control function, and only had representative and legislative functions. At present, Jogorku Kenesh comprises of the Legislative Assembly (LA) with 60 members working on a permanent basis, and the People's Representatives Assembly (PRA) with 45 members working in regular sessions convened 2-4 times a year. In contrast to other bicameral parliaments in the world both chambers of Jogorku Kenesh are equal and not considered as upper and lower houses. The Constitution stipulates that the PRA represents the territorial interests (of the Oblasts and Rayons) while the LA represents the interests of the entire population of the country. However, this is not so in practice because the members of both Houses are elected in the same way and in the same constituencies. Both chambers have similar functions and separations of power. The powers equally shared by both chambers of Jogorku Kenesh are:

- Amending and adding to the Constitution and laws of the Kyrgyz Republic .
- Official interpretation of the Constitution. Each Assembly has a right to interpret the laws that it passed
- Changing the borders of the Kyrgyz Republic.
- Appointment, upon submission by the President, of the Chair of the Constitutional Court (CC) of the Kyrgyz Republic, his/her deputies and judges of the CC selected at a joint meeting of both Houses from the candidates suggested by the President of the Kyrgyz Republic.
- Election of one third of the members of the Central Election Committee.
- Election of one third of the auditors of the Chamber of Accounts.
- Hearing annual reports of the Prime Minister and other officials elected or appointed by the Houses

LA and PRA hold separate sessions. They have joint meetings to confirm the appointment of the Chair of the Constitutional Court, his/her deputy, and other CC judges, to listen to their oaths, to the speeches and statements of the President and of the heads of foreign states.

At the same time each of the chambers of Jogorku Kenesh specializes on the following issues:

### SEPARATION OF POWERS IN JOGORKU KENESH

#### LEGISLATIVE ASSEMBLY

1. Consists of 60 deputies elected for 5-year terms.
2. May dismiss the Chair of the Constitutional Court.
3. Ratifies and nullifies international treaties of the KR, except for financial treaties, which are within the authorities of the President.
4. Introduces states of emergency and approves or rejects presidential decrees on this question.
5. Resolves questions of war and peace.
6. Decides whether to use the Armed Forces of KR inside and outside its borders to carry out international treaties on maintenance of peace and security.
7. Establishes military, diplomatic, and official ranks and other special titles of KR.
8. Issues acts of amnesty.
9. May bring accusations against the President of the Kyrgyz Republic to dismiss him/her from the post.

#### PEOPLE'S REPRESENTATIVES ASSEMBLY

1. Consists of 45 deputies elected for 5-year terms.
2. Approves laws passed by the LA in cases specified by the Constitution.
3. Approves the republican budget and reports on its implementation.
4. Resolves issues of administrative and territorial organization of KR.
5. Sets dates of the elections for the President
6. Confirms the President's appointment of the Prime Minister of KR, the Prosecutor General, and the Chair of the Board of the National Bank
7. Elects the Chair and judges of the Supreme Court of KR and of the High Court of Arbitration of KR.
8. May dismiss judges in certain cases as specified by the current Constitution.
9. May make the final decision to dismiss the President of KR from the post.
10. May vote "no confidence" in the Prime Minister and dismiss him/her.
11. Hear reports of the Prosecutor General and the Chair of the Board of the National Bank.

The bulk of work on law making rests with the Legislative Assembly. Under the Constitution, the right to initiate a law (to submit draft laws to Parliament) is given to Members of the Jogorku Kenesh, the President, the Executive, the Supreme Court and the High Court of Arbitration. Citizens can submit draft laws if they can get 30,000 signatures in a petition. In fact, most of the draft laws come from the Executive and the President. Laws are passed by a simple majority vote of MPs but amending the Constitution or changing the borders of the Republic requires not less than a two-thirds majority of votes in each chamber. {Sentence removed}

Elections to both chambers of Jogorku Kenesh are held simultaneously every five years. To be eligible for election to Parliament a candidate should reach the age of 25 and live in the country not less than five years. Unlike presidential candidates, the parliamentary candidates are not required to have a good command of Kyrgyz. At the same time the Constitution does not stipulate a maximum duration of membership in the Parliament and does not establish the age limit for members. {Sentence removed} The Constitution stipulates the right of the electorate to recall their member of Parliament if he/she fails to perform up to their expectations but the procedures of recall are not developed and the electorate cannot use this right in practice. But a member may lose his/her seat for other reasons stipulated in the Constitution.

Executive bodies and local self-government are empowered to enact secondary legislation (decisions, resolutions, regulations, orders, etc., which should correspond to the Constitution and existing laws of the Kyrgyz Republic). These acts are binding within the area of competence of the organs that issue them and on the territory under their control. In the event of contradiction of these acts with the laws they may be rescinded by the Government, the President or the Constitutional Court.

#### **Executive**

The executive branch includes the cabinet of the Kyrgyz Republic, its subordinate ministries and state committees, administrative departments and local state administration. The Constitution assigned a number of functions of direct governance both to the President and the Executive. A section of the constitution on the executive power separates the functions, whereby the president has distinct and additional powers. The President as head of state concentrates in his hands the political direction of the nation – identification of major home and foreign policies. On instructions of the President, the Executive develops and implements national policies, organizes fulfillment of political, economic,

cultural, social and defense tasks. It develops and submits for consideration by the President its suggestions on major directions of home and foreign policy as well as the Executive programme.

The President of the Kyrgyz Republic is not the head of the Executive but he appoints (with agreement of the People's Representatives Assembly) the head of the Executive and in consultations with the latter other members of his Cabinet. The President supervises performance of the Executive and may preside at its meetings.

The cabinet is the highest organ of the executive branch and is lead by the Prime Minister. It consists of the Prime Minister, Vice-Prime-Ministers, Ministers, and chairs of the state committees of the Kyrgyz Republic. The Prime Minister and the Executive have a right to appeal for resignation, which is accepted or rejected by the President. When the Prime Minister is dismissed and/or a new President takes the office, all members of the Executive are also dismissed. The agreement of Jogorku Kenesh is not required for dismissal of the Executive. The President may remove both the Prime Minister and individual ministers of the Executive from office. Jogorku Kenesh may also express "no confidence" in the Prime Minister but the President has the final say. If there is disagreement, the President can dissolve the People's Representatives Assembly, which itself has the right to make a vote of no confidence in the President.

The Jogorku Kenesh has a limited supervisory role over the executive in that it hears annual reports of the Prime Minister in both Assemblies. In addition, the MPs have the right to interpret laws on any issue of the executive activities and it can obtain answers for these either in writing or orally at the "Government hour" hearings in each Assembly.

### **The Executive of the Kyrgyz Republic**

- Resolves questions of state management, excluding the authorities constitutionally assigned to the President.
- Elaborates the republican budget, submits it to the PRA, and ensures its implementation.
- Determines the financial, fiscal and price policy.
- Organizes and implements state property management.
- Ensures state security, defense, and realization of the foreign policy of the Kyrgyz Republic, and takes measures to ensure the rule of law, rights and freedoms of citizens, protection of property and public order, and fight against crime.
- The Executive and the National Bank of the Kyrgyz Republic ensure the conduct of unitary monetary, credit and foreign currency policies.

Since independence the number of ministries and administrative departments in the Executive has been reduced. Today the government has far less direct control of productive property in the country while in the Soviet epoch it ran almost 100% of all productive property.

Oblasts, rayons and cities are governed by local state administration. Local state administrations are subject to the direct control of state executive power. Local state administrations are led by their heads that are appointed by the President of the Kyrgyz Republic. {Sentence removed} In villages there are state appointed Executive-administrative bodies called village boards (Ayil Okmotu). (Local government is described in more detail in a later chapter.)

The executive branch also includes the Office of Public Prosecutor of the Kyrgyz Republic. The Office of Public Prosecutor of the Kyrgyz Republic controls the implementation of legislative acts. This body may warn and start legal proceedings against those who violate the law in courts of law. In such cases this body represents the executive as it is responsibility for upholding of laws.

### **Judiciary**

Exclusively courts carry out administration of justice in the KR. Courts of the Kyrgyz Republic include the Constitutional Court, the Supreme Court, High Court of Arbitration, and local courts (in oblasts, Bishkek City, rayons, and towns; arbitration courts in oblasts and Bishkek City, military courts and courts of aksakals).

The Constitutional Court is the highest organ of judicial power on protection of the Constitution of the Kyrgyz Republic. It includes a Chair, deputy chair, and seven judges. It may

- Declare laws and other normative acts unconstitutional.
- Resolve disputes related to effect, implementation, and interpretation of the Constitution.
- Approve the legitimacy of the presidential elections of the Kyrgyz Republic.
- Give conclusions on dismissal of the President of the Kyrgyz Republic as well as judges of the Constitutional and Supreme Courts and the High Court of Arbitration of the Kyrgyz Republic. Authorize initiation of legal proceedings against judges of local courts.
- Make a final decision to permit or prohibit amending the Constitution.
- Cancel decisions of the local self-government contradicting the Constitution.

- Determine the legitimacy of the practice of law implementation by the judiciary related to the constitutional rights of citizens.
- Make final decisions that may not be appealed.

The Supreme Court is the highest organ of judicial power in the sphere of civil, criminal and administrative legal procedure. It supervises oblast, Bishkek City, rayon, town, and military courts on their judicial activities.

The High Court of Arbitration and arbitration courts in oblasts and Bishkek City compose the single system of arbitration courts of the Kyrgyz Republic. Arbitration courts solve disputes that occur in the economic sphere between the companies, services and other legal entities based on different forms of property.

Oblast courts and Bishkek City court hear the cases within their authority as the courts of complaint jurisdiction of first appearance (for complaints on decisions of the lower courts), for supervision purposes and due to new evidence that emerged in these cases. They also supervise the judicial activities of rayon (city, town) courts and perform other functions according to the law.

Rayon (city, town) court considers all civil, criminal cases and administrative torts with the exception of cases that should be considered by other bodies. These courts are primary courts where citizens initially go to protect their rights.

Aksakal (wise old men) Courts can be established at the initiative of citizens, local keneshes or local self-governments in villages and towns. They may include aksakals and other respected residents. The courts consider property, family and other cases specified by law and make decisions following laws of the Kyrgyz Republic that can be appealed in the relevant rayon and city courts of the Kyrgyz Republic.

Citizens older than 35, with higher legal education and at least 10 years' experience in the judicial system have the right to be selected to one of the above-mentioned courts as a judge. If a candidate meets all these requirements, the President proposes him/her for approval by the People's Representatives Assembly. If the candidate is approved, he/she is appointed for 15 years. Judges of the Supreme Court and the Arbitrage are appointed for 10 years. (Two sentences removed)

The Constitution stipulates that a judge may be relieved of his/her position if in of bad health, or if they commit a crime, or if they want to resign. The judges of the Constitutional and the Supreme Courts as well as the Supreme Court of Arbitration can be dismissed from their office by the President's decision provided the majority of the deputies of each house of Jogorku Kenesh approve it.

Under the Constitution, judges are independent and subordinate only to the Constitution and laws. But in reality judges do not enjoy full independence yet. This is because of the way they are appointed and dismissed and because of the low payment they receive. As a result the executive powers still have some influence on the courts. However, the judicial reform is under preparation should bring all these issues in compliance with the internationally accepted standards of a democratic state.

## Post Reading Activities

### Task 01 How Does the Parliament Work?

In pairs look at the table below where there is a list of statements describing how the national parliament works in a fictitious country called Nur. If the Parliament of Kyrgyzstan works in the same way then just write "SAME". If it works in a different way then you need to write a statement describing the difference.

The Parliament in Nur:	Jogorku Kenesh of KR
1. There is only one house of parliament called "Bereket"	
2. It has elections every three years	
3. Every citizen over 18 can vote.	
4. After the election the party or coalition of parties, which has the most electorates, forms the government.	
5. This government chooses the prime minister from the members of parliament. The prime minister then chooses the ministers from the members of his or her party.	
6. The president is elected every five years and can be removed if 75% or more of the members have no confidence in him or her.	
7. The president can propose a new law and has the right to reject	

any new laws proposed by the parliament.	
8. The speaker controls the parliament. The speaker can remove a member for up to a week if he or she does not obey the rules.	
9. Before a new law is passed it is usually worked on by a select committee. These committees usually have members of all parties in them.	
10. Members of the public can visit parliament at any time, but they must not speak, unless invited by the speaker.	
11. The parliament appoints both the constitutional and supreme court judges. The president has the right to reject no more than 50% of them.	

### Task 02 Who is who?

Look at the list of titles of people and institutions in the box below and classify them following the headings in the table.

President, Prime Minister, Jogoku Kenesh, Constitutional Court, Ayil Okmotu, Ministers, Deputy ministers, Toroga of Jogorku Kenesh, Criminal Court Judge, Prosecutor, Leader of Opposition

Executive	Legislature	Judiciary

### Task 03 Who is responsible?

Divide these responsibilities as you think they are divided in the Kyrgyz government amongst the Executive, Legislature and the Judiciary. You may decide that some responsibilities need to be shared. If you do then you will need to explain how this could happen.

Responsibilities	Executive	Legislature	Judiciary
1. Select judges for appointment			
2. Approve judges for appointment			
3. Decide if people have broken the laws of the country			
4. Propose new laws			
5. Decide if proposed laws will become actual laws			
6. Decide how to spend taxes			
7. Propose budgets			
8. Review proposed laws to decide if they fit with the rights given to citizens following the constitution.			
9. Decide how to collect taxes			
10. Remove the executive from power			
11. Approve budgets			
12. Declare war on another country			
13. Remove individuals from the legislature			
14. Decide on times for elections			

### Task 04 How to become the President?

Make a flow chart showing the process of election of the president in Kyrgyz Republic. (You can find about it in the constitution of the Kyrgyz Republic given at the end of this book)

### Task 05 What kind of person should the president be?

With a partner, make a list of the qualities you think the president should have.

### Task 06 What do I know about the position of President?

With a partner look through the constitution and decide if these statements are true or false.



1. The president can be the speaker of parliament.
2. He has the right to break any law.
3. He approves or can veto the appointment of Ministers. (Check against RUS)
4. He does not have the power to appoint judges.
5. He can be president for as long as he wants.
6. A woman can be president.

#### **Task 07 How to become the Prime Minister?**

Make a flow chart showing the process of election of the Prime Minister of Kyrgyz Republic. (You can find about it in the constitution given at the end of the book)

#### **Task 08 What Does the Prime Minister Do?**

With your partner, list the main functions of the Prime-Minister of Kyrgyz Republic.

#### **Task 09 To Your Honor**

With your partner, list the main functions of the Prime-Minister of Kyrgyz Republic.

#### **Task 10 How do they Work Together?**

With a partner look at the following statements and decide whether they correspond to the way both chambers of the parliament work. If they do not, alter them so they are correct.

1. The Legislative Assembly (LA) can reject any laws the Peoples Representative Assembly (PRA) proposes.
2. The PRA can remove members of the LA by a 75% vote.
3. PRA considers laws and approve laws passed by the Legislative Assembly, related to taxation, banking system and customs regulation.
4. LA and PRA jointly confirm the republic budget and hear the report about its execution
5. PRA can reject the law passed by LA laws regarding to the announcement of the extreme situation and state of war.
6. LA and APR appoint 1/3 auditors of the account chamber and elect 1/3 of the staff of the Central Commission on election.

#### **Task 11 Who does what in the Jogorku Kenesh?**

With a partner match up the job title with the job description.

<b>Job Title</b>	<b>Job Description</b>
1. Security officer	a) Records everything that was discussed at the session for media.
2. Newspaper & Tv reporter	b) Participates actively in discussing and passing the laws
3. JK Speaker	c) Organizes and directs the work of certain parliamentary group
4. JK deputy	d) Heads the JK sessions and organizes its work
5. Administrator of the parliamentary committee	e) Develops the draft laws in certain sphere
6. Faction leader	f) Checks that no weapons are brought in.

## Chapter 12 Legislatures – History and Procedures - Activities

### Pre Reading Activities

#### Task 01 Words and Definitions

In pairs, match the word with its definition.

Word	Definition
1. Regulations	a) A group that runs counter to the majority's opinion.
2. Opposition	b) Defining and marking the lines of state territory.
3. Legislature initiative	c) Purposeful influence on the government by a group of people that unified to achieve own goals.
4. Demarcation	d) A document, regulating the order of activities.
5. Lobbying	e) Popular representative meeting.
6. Forum	f) A right and possibility to bring bills in discussion and voting.

#### Text for reading

This chapter looks at the history of the development of legislatures and the typical organization and procedures that are used. The organization and procedures of the Jogorku Kenesh and how you can be involved are then described.

#### (1) Legislatures: history and organization

Legislatures are assemblies of elected representatives usually from geographically defined constituencies, with lawmaking and other functions in the governmental process. Legislatures, called parliaments in most countries, exist in nearly all contemporary political systems, although they are particularly associated with democracies.

Members of legislatures base their authority on the claim that they represent the citizens. Since each member is equally a representative, each is equal to every other in formal authority and status. To transform the strong and often contentious views of such a large number of individuals into collective decisions requires distinctive procedures. These have developed through centuries of experience and have been passed from older to newer parliaments.

All legislatures are public forums for the discussion of major issues, an important function in democracies. Legislatures are usually important lawmaking and budget-making bodies. In most countries, however, their role in lawmaking and in the formulation and enactment of the budget is subordinate to that of the executive branch. In this case the executive drafts most bills, proposes the budget, and manages the passage of items through the legislature. In parliamentary systems of government the legislature participates in selecting the chief executives of government. They are generally chosen from among leaders of the dominant party or parties in the legislature. In most systems, legislatures supervise the executive branch in various ways, exercising what is known as oversight powers.

Legislatures exercise different functions from time to time and from place to place, but they have a characteristic structure that determines how they work and that distinguishes them from the executive branch of government. Members of a legislature do not stand in a relationship of authority and subordination to each other but are formally equal (although some through strength of character may be more influential than others). They base their authority on their claim to represent others, rather than on a claim of their own subject of expertise. Legislatures conduct their business at least partly in the public view. The decisions of legislatures are made collectively rather than by the command of superiors.

The capacity of several hundred men and women to reach collective decisions depends on the complicated patterns of influence that develop among the members of the legislature.

#### (2) Pre-democratic history

Parliaments predate the advent of representative democracy. They arose in medieval Europe as early as the twelfth century. These procedures have been preserved by successive generations of parliamentarians in the form of parliamentary precedents. The concept of representation, on which the authority and the composition of legislatures rests, also has medieval origins. Thus the legislature is a product of medieval European civilization, transformed in the age of democracy to suit the needs of a great variety of contemporary political systems, including some systems in which the legislature serves largely to legitimate non-democratic authority.

Seven hundred years ago, the normal form of government in Europe was the monarchy. Monarchs found it prudent to assemble leading members of these groups from time to time to consult them concerning important questions of war and peace, of taxation, and of the administration of justice. In some countries monarchs met separately with the nobility; this pattern led to bicameralism, or parliaments composed of two houses. These assemblies, which usually met irregularly, existed in most of the countries of Europe west of Russia. The name "legislature" came much later, during the seventeenth-century revolution in England, when the House of Commons claimed to be the lawmaking body.

These early assemblies exercised influence on government at the provincial and national levels throughout Europe for five centuries before the advent of democracy.

The early democratic movements in Europe regarded a parliament as an instrument for imposing the will of the people on the monarch. Parliaments therefore arose out of the needs of a predemocratic but pluralistic society and out of efforts to restrain supreme power. Although they were not the invention of democracies, they proved to be the most suitable instruments of democracy among the traditional institutions of European government.

## **(2). Organization of Legislatures**

The complexity of modern society makes it particularly difficult to identify the general interest of all those represented by a parliament. The organization of legislatures help members balance the needs and views of majorities with minorities. The dependence of the members on regular reelection causes them to be particularly attentive to all voters and interest groups in their constituencies and provide them with valuable information on issues. Members of legislatures organize themselves into committees specializing in particular subject areas. The U.S. Senate has 16 specialized standing committees as well as 86 subcommittees. Their specialization is aided by professional committees staffs, which are very extensive in the United States, and well established in most democratic legislatures.

## **(4). Parliamentary Procedure**

The patterns of influence that committees and parties have on the decisions of the entire legislature are determined by its procedure. Procedure governs three very important aspects of parliamentary activity: 1) the lawmaking and budgetary process, 2) the resolution of differences between the two houses in bicameral systems, and 3) the conduct of public debate. Procedure is set out partly in written regulations, partly in interpretations and precedents based on the written rules, and partly in informal norms of conduct. Although legislatures generally have the authority to make their new rules of procedure, in practice most newly elected legislatures readopt the procedures of their predecessors. Newly established legislatures generally borrow the procedures of long-established parliaments in other countries. Although rules of procedure vary from one legislature to another, many contemporary versions of parliamentary rules can be traced back to the procedures of the British Parliament in the pre-democratic era.

Rules have an effect on decisions as they structure the discussion of conflicting views, and so they are potentially extremely controversial. They allocate authority among committees, between committees and the whole house, between majorities and minorities, between decisions made at different points in time, and, in parliamentary systems, between the leaders of parliament in the cabinet and their "back bench" followers. The rules determine the sequence of actions – for example, the order of consideration of bills and amendments.

The lawmaking process begins with the introduction of bills. Bills are introduced in one of several ways: by individual members, as in the U.S. Congress; by the cabinet, in parliamentary systems of government where the cabinet consists of leaders of parliament; by the component states in a federal system, as in Germany; by voters in the form of an initiative, as in Switzerland and many of the states of the United States; or by committees, as in half the world's legislatures. Bills are nearly everywhere referred to committees, which may revise them substantially before reporting them back to the full chamber

Procedure determines the sequence by which bills are reported back [for a vote in the full chamber] and the restrictions, if any, on their further amendment on the floor [that is, before the full chamber].

Public debate in parliament is important for its effect on particular decisions within the chamber, as in the case of debate over a piece of legislation. It also has an effect on the policies of the executive branch and on the public. Procedures governing debate determine the opportunities for public deliberation and the allocation of time among speakers. ... Debate for the purpose of influencing the executive branch or the public takes a variety of special forms, most of them originally developed in Great Britain. A regular hour for questioning the prime minister and members of the cabinet has become a favorite vehicle for the parliamentary interrogation of executives, in part because it offers an opportunity to air ministerial actions publicly. It is equivalent in some respects to presidential press conferences in the United States or to committee hearings. These procedures all tend to attract television coverage, which enhances their intended effect on the public. Most parliaments also afford their members an opportunity to debate government policies generally, without

attaching the debate to a particular item of business. The purpose is to persuade the electorate rather than other members of the legislature or the executive.

## **(6) Legislatures in Democracies**

Unrealistic expectations of parliament were expressed with regard to the newly independent states of Africa and Asia after World War II and the newly democratic states of East Central Europe after 1989. Experience in both the old and the new democracies, indicates that parliaments do not necessarily produce politically enlightened publics or responsive governments. They do, however, perform indispensable functions in modern political systems. They attract public attention to politics. They recruit and train political leaders. They provide governments with crucial information about what the public wants and what it will accept, and this affects the formulation of public policies and budgets. Finally, a parliament helps define a nation.

The last of these functions proved especially important in the second half of the twentieth century in the newly independent nation-states of Africa and Asia, and in Central and Eastern Europe after the dissolution of the Soviet Union. When they gained independence they faced the challenge of agreeing on institutions of government and on solutions to their most urgent social and economic problems under new circumstances. In these circumstances legislatures played a nation-building function, defining the constituencies of the nation, linking these constituencies to the central government, training a political leadership as well as an opposition, and providing a symbol of the new state. Parliaments had earlier performed this function in the nation-building stages of European history.

### **The Legislative Process in the Kyrgyz Republic**

The best way to understand the way the Jogurku Kenesh works is to look at the legislature process. The description below also highlights how citizens can be involved in this process

#### **I. INTRODUCING A BILL**

As we saw in the last chapter many agencies and organizations and even individual citizens can introduce bills to parliament. A bill should be sent to the appropriate department of the apparatus of the Legislative Assembly, from where they are forwarded to the Speaker of LA (Legislative Assembly). However, the most direct way to introduce a bill is to convince a member of parliament to do it, and quicker still is to convince the chair of the committee with jurisdiction over your issue to introduce it, since bills introduced by committee chairs may be considered out of turn. Committee consideration of a bill is a key point in the legislative process for effective advocacy, because committees are one of the “gatekeepers” of the legislative process.

#### **II. PRELIMINARY COMMITTEE DISCUSSION**

The Speaker assigns the bill to the relevant committee. The committee holds a discussion at which members of the committee decide whether the bill should be introduced to the whole LA. If decided to do so, during the floor discussion deputies decide if the first reading of the bill should be held. After that the committee chairs and the Speaker set up the dates for the first reading. Thus it is important to have the support of the Speaker and the committee chairs, since they make the most important decisions on your bill. Members of a committee with jurisdiction over your issue also tend to command influence on their issues with other members of parliament and might be able to convince their colleagues to vote in favor of your position more effectively than you could directly.

Discussions of bills in the committees of the LA are open, and mass media may cover them. Representatives of the President, and the Prime-Minister, the government and other state organs, political parties, public unions, institutions, and organizations with an interest in the bill have a right to be present at the committee meetings, both during the consideration of the bill and when the committee decides whether it should be passed to the Speaker to be scheduled for a first reading.

#### **What A Citizen Can Do**

Observing committee discussion is a good way to learn parliamentarians' initial points of view on an issue or bill, which will help you know to whom to target your advocacy efforts. Providing committee members with well-researched information about the issue and your position, summarized in a fact sheet with talking points, encourages them to consider your point of view and enables them to speak about it more effectively during discussion. Letters from your groups' members and other citizens urging the deputies to consider your point of view demonstrate the strength of voters' support: support the legislator will need to win reelection. Committee staff are often effective secondary targets for advocacy, since they do the bulk of the work on a bill, control access to the legislator for whom they work, and often have a great deal of influence with him or her.

### **III. FIRST READING**

The “first reading” is when the full Legislative Assembly considers a bill for the first time. Prior to and during the first reading, the member introducing the bill will have to argue in support of the bill to convince deputies either to pass it or to accept it for further consideration. If parliamentarians do not pass it or reject it immediately, it will be referred back to the relevant committee. Any bill needs majority of votes to be passed through the first reading.

#### **What A Citizen Can Do.**

If legislators decide to forward the bill for committee work and a second reading, you and your group will need to work hard to persuade the committee chair to assign it space in the legislative calendar; committees' schedules are very busy, and they cannot consider all the bills assigned to them.

### **IV. HEARINGS**

Hearings generally involve invited speakers, called witnesses, who have an interest or expertise in the subject matter of the bill. Committees, sub-committees, and the full parliament can hold hearings.

At parliamentary hearings, the following can be discussed: bills that require public discussions; international treaties presented for ratification; the republican (national) budget and reports on its implementation; and other important questions of internal and foreign policy.

Parliamentary hearings are generally open to mass media representatives and public bodies; however, the committee organizing the meeting may decide to hold a closed hearing if questions of confidential character or any legally protected state secrets will be discussed.

#### **What A Citizen Can Do.**

You or your group may want to offer the committee chair or committee member help in organizing a hearing or, if it is already organized, you might offer to speak. Testifying at a hearing allows you to communicate your message to a powerful audience and to attempt to persuade deputies and the public to support your bill. Inviting mass media representatives to the hearing will encourage them to inform citizens about the bill so they can get involved in the process.

### **V. SECOND READING.**

The committee that works on your bill forwards the improved bill with the list of changes accepted or recommended for rejection to the Speaker of LA. The Speaker decides whether to include it in the calendar of bills to be reviewed by the deputies in the second reading. The committee working on your bill distributes it among all LA deputies, along with a list of existing laws to be canceled because they contradict the new bill not later than three days before the beginning of the second reading. The Chair of the committee working on your bill presents the improved version of the bill to the Assembly with a report on the changes made to the bill. The Speaker asks if there are any objections on the changes made to the bill. The Assembly votes on whether to have the bill as a basis for law. If the bill is accepted as a basis at the second reading, deputies vote to pass or not pass it through the second reading. If not passed, it is referred to the committee working on the bill for further improvement.

#### **What A Citizen Can Do**

In addition to the support of the members of the committee with jurisdiction over your bill, you will need support on the floor from the other deputies, who may not be familiar with the particular issue, because they have not taken part in committee discussion or hearings. Effective legislative advocacy includes educating parliamentarians with letters, written materials, phone calls, and visits. You should make sure that all your information is distributed both to supporters and to undecided members of Parliament before the debate on the floor starts. It is important to keep your best arguments for the debate between your friends and not divulge them to any of your opponents. The Speaker can be an effective target, because he/she must decide whether your issue is important enough, compared to other issues vying for floor time, to be brought up for consideration by the full legislative body.

### **VI. FINAL VOTING: THE THIRD READING.**

After the second reading and committee work to improve and clarify the bill, the committee submits it a final time to the full LA to be included in the calendar of questions to be discussed and voted on for a third reading. The third reading allows LA to hold a final discussion and to vote whether or not to pass the bill into law. Deputies may not make any changes in the bill in the third reading.

## **What A Citizen Can Do**

Convincing deputies to make floor speeches in favor of the bill you support is an extremely effective lobbying tactic that can swing votes in your issue's favor. If they agree, you will need to provide them with persuasive and informative talking points about the bill and your position long before the scheduled discussion in the LA. You should also continue lobbying the committee members with jurisdiction over your bill, because they will have special influence in the floor debates. Lobbying tactics include sending letters and arranging face-to-face meetings with key deputies.

## **VII. SUPPORT IN THE PEOPLE'S REPRESENTATIVE ASSEMBLY**

According to the Constitution, a bill passed by LA that requires approval of the People's Representative Assembly must be sent there no later than five business days after the LA passed it. These bills become official laws only after the PRA approves them. If the bill does not require the PRA's approval, it is sent directly to the President for consideration. If the President approves the bill, he or she signs it and announces the signing within a five-day period.

The following kinds of bills become laws after two readings, if not less than 2/3 of the total number of deputies of each of the chambers of Jogorku Kenesh vote for them:

- Amendments and additions to the Constitution of KR;
- Constitutional laws;
- Demarcation of the state borders and interpretation of the Kyrgyz Constitution

The following kinds of bills, passed by the LA, become official law only if more than a half of the total number of PRA deputies vote for them:

- Taxes and fees;
- Financial and customs regulations;
- Bank activity;
- Ratification and denunciation of international treaties of KR;
- Amnesty

Draft legislation on questions related to the above points is automatically approved if the PRA does not consider them within 60 days of the date the LA passed them.

The PRA must consider and adopt the following bills before the LA can consider them:

- Approval of republican budget and report on its implementation;
- Questions of administrative-territorial structure of KR

These bills become laws either if more than a half of the total number of LA deputies vote for them or, by default, if the LA does not consider them within 60 days of the date the PRA passed them.

## **VIII. ADMINISTRATION SUPPORT AND OVERRIDING A VETO.**

You will need to lobby the Administration to support your issue, help move the bill through the legislative process, and prevent a veto. If the President vetoes the bill, you need to develop enough support among the LA deputies, 2/3 of votes, for your bill to override the veto. If the President vetoes the bill for the second time, 3/4 votes are needed to override it. The President cannot veto the same bill for third time.

## **IX. PASSING THE BILL.**

Your bill becomes a law after it is passed by the legislature and signed by the President of the Kyrgyz Republic. Once it has reached this point, the basic legislative process ends, unless you, deputies, a state body or an initiative group decides to make changes to the law. Nevertheless, it is still important to stay involved.

## **What A Citizen Can Do**

Remember to thank deputies, their staffs, and anyone from the executive branch who has helped you or supported your position. You will still have to fight for funding and will probably have to keep lobbying the President's Administration to be sure that your program is considered in the annual budget presented to Parliament. You will also need to lobby the relevant ministries to be sure that they draft appropriate regulations.

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## **Post Reading Activities**

### **Task 01 Getting Organized**

How is the parliament's work organized so its deputies do not controvert all the time?  
Working with a partner, think of some rules to prevent conflicts in the parliament.

## Task 02 The Unexpected

One problem of elaborating the legislation is that sometimes they have unexpected consequences even if you intended to have good results. Look through the below proposed laws and think about what kind of consequences they might have. The first one is done for you.

Proposed Laws	Consequences
1. Raise taxes to 95% for everyone	All businesses will go bankrupt, tax revenue will drop
2. Double the number of Members of the Parliament	
3. Ban imports from all countries except Japan	
4. Change the national alphabet to Korean	
5. Take all the businesses owned by the government	
6. Allow smoking in schools	
7. Allow people to drive cars regardless of their condition.	
8. Force people to breed chickens	
9. Allow people to print their own money	
10. Force companies to pay a minimum wage of \$5 a day to all workers.	

## Task 03 Customs, Traditions, Laws & Rules and Other Codes of Conduct

1. With a partner read the story in the box

Bolot decided to marry to Gulya. Following the tradition which allows that kidnapping is normal, he planned to steal the bride. But kidnapped girl wanted to leave despite of all the veto and future troubles (change of relatives' and villagers' attitude towards her). This solution is accepted not only as a disobey, but also as a disrespect for the ancient traditions of the Nur country. However, Gulya's behaviour does not break the Constitution and the fact of kidnapping is a crime that is subjected to legal persecution.

2. Read the following question and then choose from the opinions given the one that best matches your own.

*"What should we do when customs and traditions are in conflict with the laws of the country?"*

- Asel: I think that the customs and traditions are more important than laws because we come across them more frequently. Sometimes we even do not know what kind of laws exist in our country. If people cannot follow their customs, the consequences can be terrible: they will get angry and stop obeying the laws at all.
- Tamara: I think that no one has the right to break the law under no circumstances, because breaking of one law causes breaking of another laws. According to the Constitution of the country Nur, kidnapping is a crime and violation of human rights, and therefore it can be and should be punished. All citizens are equal under the law of the country and each of them can demand fair punishment for breaking the Constitution as the main law of the country.
- Alexander: Well, I think that everything depends on the importance of the tradition in certain area. If to people of one area the disrespect for national traditions is more unacceptable than breaking the law, than traditions should to be followed and put higher than law.
- Keshesh: I think we need to find compromises. Everything that breaks the law and the traditions at the same time should be considered as a crime. If that what breaks the law but according to tradition is a norm then it shouldn't be considered as a crime. This case should be left to discretion of people of given region without involving the government.
- Adyl: It's hard for me to answer this question. My mother is from Osh and my father is from Naryn, where the same traditions are interpreted in different ways. We have to accept that there was and always will be a conflict between laws and traditions. In this case, it is very important that the judge's decision is objective regardless of traditions under which influences he had grown up even if they contradict the country's laws, but considered to be a norm in the society.

#### Task 04 New Laws

With your partner, make a list of three new laws you would like to see implemented. Think carefully about the wording as yours may later be chosen for debates.

Think about:

- Whom it will affect?
- Is it fair?
- Does it correspond the constitution?
- Who will enforce it?
- Can it be enforced?
- What will be the result of having this new law?

#### Task 05 How Can They Help?

With a partner, try to explain how the following might happen in a paragraph of no more than 150 words.

*"The opposition in our parliament often does not agree with us but they do help to develop better laws."*

#### Task 06 How does it work?

With a partner try to explain in a paragraph of 150 words why you think the government needs to have a strong opposition. Ground your position in a paragraph of no more than 150 words.

#### Task 07 How to Make a Law?

Make a flow chart showing the process of how laws are proposed and finally made part of the legislation of Kyrgyzstan.

#### Task 08 A day in the life of a deputy of the people's representative assembly

Read the diary entry below and then in pairs list the important democratic functions this deputy fulfilled.

8.00 am	Arrive at the office. Meeting with my secretary in parliament to discuss the day's program. Replied to two email messages from other deputies and one from a constituent.
9:30 am	Went to committee meeting on land sale law reform. Discussed article 32.
10.30 am	Returned to my parliament office and discussed some letters with the secretary and instructed her on how to reply.
11.15 am	I was driven to my constituency office which is about one hour away from Bishkek. I read over a document from the Rayon office explaining their proposed plan for dealing with water supply problems.
12.15 pm	Lunch with my secretary and the head of the local farmers association. We discussed the proposed changes in the organization of the agricultural college.
1.30 pm	As a guest and local expert (I was a water engineer) I attended the rayon committee meeting on refurbishing the water supply system.
3.30 pm	Opened a shop set up to sell the products of a women's cooperative.
4.15 pm	Visited school number 8 and met with student action committee. They wanted to know how they could assist in the development of their town. They had also invited the chairman of the Aiyl Okmotu.
4.45 pm	Returned to my constituency office and met with constituents. I try to limit them to thirty minutes each
6.15 pm	Attended meeting of residents in a small village. They are concerned that their nearest clinic will be closing.
7.30 pm	Returned to office to pick up the proposed budget and I wrote some instructions for my secretary on how to deal with a few letters and issues that had arisen.



8.30 pm            Returned home and talked with my family.

9.30 pm            I read over the proposed revisions to articles 38 to 62 to the budget as tomorrow morning I have to go back to Bishkek to the parliament to vote for against this appropriation bill.

11.00 pm           Went to bed.

### Task 09 Role-play "Parliament"

You are going to be members of the parliament (MP) in the country of Nur. Your teacher will give out roles for each of you. Note that in this parliament the rules are different from those in Kyrgyz parliament. And note there are also no political parties. First read the powers of the speaker below and then the procedure for MPs.

#### Powers of the Speaker:

All comments can be made only after the permission of the speaker. A request to speak is as follows:

*MP Sharipov raises his hand.*

**The Speaker:**            Yes, Mr. Sharipov [*When the speaker is talking, the rest should be quiet*]

**MP Sharipov:**            Permission to speak Mr(s). Speaker

**The Speaker:**            Permission granted

If the speaker feels that an MP is making personal comments unrelated to the issue or is wasting time, he or she can refuse to allow them to speak or interrupt them. MP's are limited to speak more than 2 minutes at a time. Nobody is allowed to interrupt another person except the Speaker.

Note that the speaker can remove your rights to vote if you do not follow his or her instructions. However, the speaker CANNOT force you to vote one way or the other.

The speaker only votes if the votes are evenly split.

#### Roles:

1 speaker of parliament

The rest of the class is MPs (Note that some of you will receive role cards indicating who you are as well as being a member of parliament.)

#### MP Role play cards:

1. You are a clothing manufacturer but you do not have any shops.
2. You are a parent of two children.
3. You own a clothing store.
4. You sell cigarettes in your store.
5. You do not smoke.
6. You own two kiosks.
7. You own a shop in the ZUM.
8. You are a smoker.
9. You were a bus driver but you do not smoke.
10. You own a farm growing tobacco.
11. You are a doctor.
12. You are an economist.

#### Procedure for the Speaker:

1. Decide where you stand on these issues.
2. Ask for the MP's to raise their hands either for or against the idea of the first issue.
3. Instruct the MP's who favor changing the current law or making a new one to get together and to prepare a draft law in 15 minutes. They have to choose a leader. The speaker does not join these groups.
4. For those who wish to keep the situation as it is, they should get together and list reasons why the situation should not change.
5. Once the group, drafting the new law are ready then you should ask their leader to read out their proposed law.
6. You then call for comments from the group proposing the law as to why they feel it is necessary.

7. People who are not in this group may also speak. Control both sides strictly allowing at most five comments from each side.
8. Once both sides have spoken call for a vote on the proposed law. Point out that it is quite acceptable for MP's to change the way they vote. Remember you can vote if there is an even split in votes.
9. If the majority vote for the draft law then you can announce that the new law will be submitted to the constitutional court and if it does not break any part of the constitution it will be submitted for approval by the president.
10. If the majority vote against the draft law then all those who voted for it can get together a second time to modify it in a way that will make it more acceptable. They have 7 minutes for this. During this time the other MPs should think of what points they might be prepared to compromise on.
11. The modified bill is read again to the assembled parliament.
12. The speaker asks for comments.
13. A second vote is called.
14. If the majority votes for the draft law then it goes to the constitutional court.
15. If the majority votes against the draft law then it will not be reconsidered until the following year.
16. Ask for the MP's to raise their hands either for or against the idea of the second issue.
17. Now repeat steps 3 – 15
18. Ask for the MP's to raise their hands either for or against the idea of the third issue.
19. Now repeat steps 3 – 15

#### **Procedure for MPs:**

1. On your own decide where you stand on these three issues.

\_\_\_\_\_

I strongly agree                      I agree                      I don't know                      I don't agree                      I strongly disagree

2. Follow the speaker's instructions.

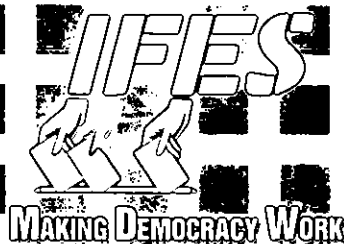
*All those who are in favor of a new law for the issues work as a team to propose a law. They need to consider exactly what they are proposing and the penalties they will propose if the law is broken. They have 15 min for this.*

#### **ISSUES FOR DEBATE:**

1. Ban smoking in all public places.  
*Currently there are no laws on the control of smoking or sale or production of cigarettes.*
2. Restrict shop hours so all shops close on Sundays and after five o'clock every day. The only exception will be for shops in the ZUM, which will remain unregulated.  
*Currently there are no laws on the controlling when shops can open or close.*
3. Make it illegal to sell or import clothing products that will compete with any locally produced ones.  
*Currently there are laws taxing imports but it is not illegal to do this and there are no laws prohibiting the sale of imported clothing.*

# IFES

As one of the world's premier democracy and governance assistance organizations, IFES provides needs-based, targeted, technical assistance designed and implemented through effective partnerships with donors and beneficiaries. Founded in 1987 as a nonpartisan, nonprofit organization, IFES has provided integrated, collaborative solutions in the areas of democratic institution building and participatory governance in more than 120 countries worldwide. IFES' Washington headquarters houses eighty-five employees specializing regionally in Africa, the Americas, Asia, the Middle East, and Europe, as well as functionally in rule of law, civil society, good governance, election administration, applied research, gender issues, public information technology solutions, and more. IFES' staff offers vast country-specific experience and facility in more than 30 languages. IFES employs an additional 120 people in twenty-five field locations.



INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS  
1101 15th Street, N.W. • Third Floor  
Washington D.C. 20005  
202 • 828 • 8507 • FAX 202 • 452 • 0804  
[www.ifes.org](http://www.ifes.org)