

USING REFERENDUMS AS A TOOL OF GOOD GOVERNANCE IN THE
DEVELOPING WORLD

by

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The United Nations, the International Monetary Fund (IMF) and the World Bank have advocated that the adoption of Good Governance by developing countries would enhance development. Both the IMF and the World Bank have selected good governance as part of the criteria for granting loans and grants to such countries. This study seeks to assess if referendums could be used as a tool of good governance in the developing world by comparing the practices of this type of direct democracy in Switzerland and Brazil. These two countries were selected because Switzerland has used referendums as a tool of governance longer than any other country, while Brazil has had a checkered democratic history which is similar to that of many developing countries. The study reveals

that enhanced citizen political participation in the developing world, through the use of referendums, may go a long way towards legitimizing the actions of their governments.

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Dedication

To Andrea

For her support and kindness to me

TABLE OF CONTENTS

Chapter	Page
I. INTRODUCTION	1
Background	1
Purpose of the Study	5
Research Questions	5
Methodology	6
II. LITERATURE REVIEW	7
Role of Participation in Governance	7
Political Participation	9
Political and Voter Apathy	10
Direct Democracy	11
Initiative and Referendums as Tools of Political Participation	14
The Referendum Process	18
Referendum Categories	19
The Elements of Referendums	20
Referendums and Good Governance	22
III. THE PRACTICE OF DIRECT DEMOCRACY IN SWITZERLAND	25
History of the Use of Referendums and Initiatives	27
Efficiency and Effectiveness of the Referendum and Initiative Process	30
Perceived Problems of Referendums and Initiative	32
IV. THE PRACTICE OF DIRECT DEMOCRACY IN BRAZIL	34
History of the Use of Referendums and Initiatives	36
Efficiency and Effectiveness of the Referendum and Initiative Process	38
Perceived Problems of Referendums and Initiative	40

Chapter	Page
V. FINDINGS	42
Citizen Perceptions of the Referendum and Initiative Process	42
Similarities in Problems Associated with the Process	45
VI. CONCLUSIONS	48
Implications of Direct Democracy for Nigeria	51
Establishing Direct Democracy in Nigeria	53
APPENDICES	57
A. VOICE AND ACCOUNTABILITY	57
B. GOVERNMENT EFFECTIVENESS	58
BIBLIOGRAPHY	59

LIST OF TABLES

Table	Page
1. Overview of Direct Democracy in Switzerland	28
2. Direct Democracy Institutions at the National Level in Brazil	37

LIST OF GRAPHS

Graph	Page
1. Voice and Accountability	57
2. Government Effectiveness	58

CHAPTER I

INTRODUCTION

Background

The developing world is plagued with extreme poverty, poor healthcare and low levels of literacy, particularly in Sub Saharan Africa (SSA). At the same time, governments are often unstable because of rigged elections, leading to general instability and possible military coups. Due to these problems, the term “good governance” was coined by multilateral (United Nations, World Bank, International Monetary Fund etc) and bilateral (United States Agency for International Development, UK Department for International Development, Canadian International Development Agency etc) aid and donor giving organizations. The hope is that good governance can counter both the problems associated with unstable and undemocratic regimes and also provide the context in which poverty, healthcare, and literacy can be more readily addressed.

Many authors argue that a key element of development is good governance, but the question that arises most times is how to measure good governance. There are several definitions of good governance, which will illustrate the divergent views amongst authors and organizations. The United Nations Economic and Social Commission for Asia and the Pacific defines it to be made up of the following components; “participatory, consensus oriented, accountable, transparent, effective and efficient, equitable and inclusive and follows the rule of law” (UN ESCAP, 2006).

The World Bank president describes good governance as a government's use of transparent and accountable institutions working efficiently using the components of an independent judiciary, free press and an active civil society towards improving living standards for its citizenry (Wolfowitz, 2006).

The United States government on the other hand asserts that good governance is only possible with democratic political institutions (Dobriansky, 2003), thereby complicating matters further. There are also authors who have tied economic development to good governance, but then what would be said about the "Asian Tiger" economies of SE Asia that managed to lead their people out of poverty and onto the road of prosperity before, or without, also being highly democratic. Similarly, China is enjoying rapid economic growth but cannot be said to be democratic.

The notion that good governance will lead to economic development is a concept that has been promoted by many organizations and authors. The IMF for example asserts that good governance would enhance economic efficiency and growth (IMF, 1997). As the major organization involved in assisting countries to improve economic well-being, the IMF encouraged and coerced debtor nations to adopt economic policies that in the long run proved to be bad for overall economic health. The IMF was able to do this because it claimed that the economic problems facing these countries, generally in sub-Saharan Africa, were primarily due to economic mismanagement, authoritarian rule and corruption. At the time, the IMF encouraged countries to open up their economies for competition while reducing subsidies for local infant industries, which led to outright collapse of economies.

The IMF did not emphasize good governance at the time, believing that a free market economy, by itself, would improve well-being. Unfortunately, this did not work and people were left poorer by the time the IMF had realized that economic development alone could not sustain economies. Stiglitz, the foremost economist supports this conclusion and adds “many of the policies that the IMF pushed, in particular, premature capital market liberalization, have contributed to global instability. And once a country was in crisis, IMF funds and programs not only failed to stabilize the situation but in many cases actually made matters worse, especially for the poor” (2003, p. 15).

The World Bank, on the other hand, after realizing the nature of these problems, decided to adhere to the principles of good governance. The World Bank links good governance to anti-corruption policies using participatory models that actively engage civil society, the private sector, government and others towards instituting transparency (World Bank, 2006).

The key theme that re-occurs constantly is accountability, but the question that remains is: what rights do citizens in the developing world have regarding policies made on their behalf? In a perfect world, where democracy is supposedly entrenched, those to be held accountable are the elected officials. There are many so called democratically elected governments on the African continent but the truth is, at the end of the day, many of these democracies are inherently flawed and the populace is not able to hold the officials accountable. Nigeria for example has had a democratically elected government since 1999, but the Economic Intelligence Unit democracy index ranks the country as having an authoritarian democracy and predicts that the military will be back in power

after general elections that were held in April, 2007 (EIU, 2006, p. 5). As of this writing, in May 2007, it appears that the prediction may still turn out to be true as there is brewing discontent about the flawed general elections, or “selection,” as Nigerians prefer to call it.

This conclusion by the EIU is the major motivation for this writer to study possible ways of entrenching good governance in countries like Nigeria. The hope is that by understanding more how aspects of democratic government work in varied settings, democracy may actually be entrenched and be said to be functional in countries in the developing world.

Several themes will be highlighted in the relevant literature, such as the popular belief by political scientists that governments are more effective when the citizens have a say in the decision making process. Budge (1996) observed that citizens of many western democracies have advocated for more input in the decision making process of governance. Representative governments at the national level are often not particularly interested in such involvement because it is assumed by some that the people may not be fully aware or informed on the topic or issue. While this could be said to be true in some instances, it can also be said that with adequate information available to citizens they may come to a well informed decision based on their personal perceptions or views.

In essence, democracy is built upon political participation, the forms of which may vary from voting in general elections, to actively participating in referendums and initiatives or through other tools of citizen involvement. The involvement of the citizens bestows accountability on the system and lends support to the notion that this will

eventually lead to good governance on the part of those elected to represent the people's interest.

Purpose of the Study

The debate on good governance has slowly evolved towards emphasizing political participation as a key element of democracy. In this regard, I want to study how Brazil and Switzerland have been able to use the tools of direct democracy in governance and its effect on citizen participation or involvement in the decision making process. Direct democracy is used interchangeably in this thesis, and the tools are plebiscites, referendums and initiatives.

Switzerland has practiced direct democracy as a tool of governance longer than any other country, while Brazil is chosen because similar conditions to developing countries existed prior to the return to democracy in 1985 and in just 20 years, it has been able to achieve modest economic growth. I want to compare and contrast the practice of referendums in these two countries to assess if there is a relationship to good governance. This thesis will hopefully assist in assessing if referendums and initiatives can be used as tools of good governance in the developing world based on the practices of the focus countries.

Research Questions

This study will address the following questions in a bid to assess whether the use of direct democracy will improve and have an impact on the role of political participation in the business of governance.

1. In the cases of Switzerland and Brazil, what has been the experience of referendums?
2. What has been the effect of political participation through referendums on governance?
3. What are the implications and the emerging issues for Nigeria? How applicable could findings for the use of referendums be to Nigeria?

Methodology

The study will be conducted by reviewing existing literature on participation and its relevance to good governance through primary and secondary document analysis. A comparative case study will be conducted on referenda policies from Switzerland and Brazil using the following parameters;

1. History and Practice of Referendums and Initiatives.
2. Efficiency and effectiveness of the referendum process.
3. Perceived Problems of Referendums and Initiatives.

CHAPTER II

LITERATURE REVIEW

As mentioned above, the focus of this thesis is on the impact that referenda can have on good governance in the developing world. The literature review will focus on: Role of Participation in Governance; Political Participation; Political and Voter Apathy; Direct Democracy; Initiative and Referendums as tools of Political Participation; the Referendum Process; Referendum Categories; The Elements of Referendums and the link between Referendums and Good Governance.

Subsequent chapters will focus on a comparison between the practice of Good Governance in Brazil and Switzerland using the following parameters: Size of population and its impact on the political process; Trust in the political process; Efficiency and effectiveness of the referenda process; and Problems encountered in the use of referenda.

Role of Participation in Governance

Citizen participation in governance is essential as it allows the people's voices to be heard. This is done through various avenues, such as voting, neighborhood associations, initiatives and referendums, town hall meetings, etc.

Such participation, which is generally taken for granted in the developed world, is considerably different in the developing world, which inherently has led to crisis. Pye noted, "The participation crisis occurs when there is uncertainty over the appropriate rate of expansion of political participation and when the influx of new participants creates

serious strains on existing institutions. As new segments of the population are brought into the political process, new interests and new issues begin to arise so that the continuity of the old polity is broken and there is the need to reestablish the entire structure of political relations” (1966, p. 65). The crisis of participation facing developing countries is leading to threats to the general stability of countries which have only recently, in the last two decades, moved toward more democratic governance.

Dahl (1956) argues that an efficient democracy is only possible when citizens can participate in governance. In the same vein, Kweit and Kweit note that “citizen participation is expected by many to reduce the alienation of citizens from their government” (1981, p. 93). Similarly, Bachrach (1967), Pranger (1968), Pateman (1970), and Cook and Morgan (1971) all support the view that democracy can only work efficiently when the citizens are involved. This argument by these authors and others goes further to enhance the theory that people are inherently satisfied with their government when their voices are being heard and acted upon as this will legitimize the actions of those in government.

It could be said therefore that participation is the bedrock of democratic systems of government. Representative government should not end when people are voted into office; rather, a conscientious effort needs to be made to keep the people involved. One aspect of citizen participation, participation in the policy making process, is illustrated by Rose-Ackerman (2007) who notes that democracy is only accountable to the public when they are involved in the policy making process. The impact of citizen political

participation on the policy making process is particularly interesting as this will ultimately determine their attitudes towards those in government.

Political Participation

Nie and Verba define political participation as “those legal activities by private citizens that are more or less directly aimed at influencing the selection of government personnel and/or the actions they take” (1975, p. 1). This definition shows the power of the citizens over those in government if they are actively involved in the decision making process. Huntington and Nelson (1976) also note that there are various forms of political participation apart from voting, such as citizen protests and involvement in political campaigns.

In support of participation being beyond just voting, Olsen writes that participation allows people “to be informed, interested and involved citizens who have a sense of control over their own lives” (1982, p. 22). Developed democratic countries tend to have a more participatory culture leading to more citizen involvement and interest in government activities.

Thompson (1970) also notes that participation enhances self-realization and reinforces government legitimacy by citizens. The conscious acceptance of government legitimacy by the people also enhances political stability as protests, riots and coups would not occur. Keim (1975) further argues that sometimes people are just happy to be involved in the participatory process with others as it is an enlightening task.

In a nutshell, political participation could be said to be the foundation on which democracy is built. Democratic cultures that do not have a history of active citizen

involvement run into the problem of voter apathy leading to a general belief that the government is illegitimate. Salisbury states, “Political participation is regarded as a legitimizing act. Insofar as citizens participate in governmental affairs, through voting and whatever other means exist, they give their consent to decisions and so legitimize those decisions and the regime that makes them” (1975, p. 326).

Political and Voter Apathy

Citizen voter-turnout in both developed and developing countries has been rapidly declining. Many researchers of this issue have noticed that the reasons vary from country to country. Brody (1978) notes several reasons for this trend, including lack of trust in the process and also that citizens are less inclined to vote when they feel that the outcome is of no particular concern to them.

Verba and Nie (1972) and Wolfinger and Rosenstone (1980), like others who have studied the decline in voter-turnout, have linked it with education. Their studies indicate that the more a person is educated, the more likely he or she will vote. Other parameters associated with voting-turnout, depending on the country, include age, income, sex and race (e.g., Verba and Nie 1972; Abramson, Aldrich, and Rohde 1987; Jennings and Markus 1988). The variables described by these authors suggest that voter-turnout is significantly likely to be higher amongst more educated white people in countries like the United States. It is also noted that higher income earners tend to vote more than others.

The problems associated with voter-turnout in a representative system of governance created the need for other systems or methods to increase participation.

Political scientists, policy makers and other researchers came up with new strategies such as instituting direct democracy, deliberative democracy and encouragement of other forms of citizen participation.

Direct Democracy

Noam defines direct democracy as a “political system in which policy decisions are made by the electorate itself and not by elected officials.” He also notes that “elements of such a system are found where referenda, plebiscites, propositions, or initiatives exist” (1980, p. 803).

Direct democracy has garnered more world-wide appeal due to the inefficiencies that exist in representative systems of governance. Some recent studies in western democracies have shown that as the public loses trust and confidence in elected representatives and political institutions, the more they clamor for other forms of involvement. Hence, the increasing trend towards the use of elements of direct democracy.

Similarly, the United Nations Development Programme notes, “True democratization means more than elections. People’s dignity requires that they be free - and able - to participate in the formation and stewardship of the rules and institutions that govern them” (Human Development Report of 2002, p. 14). The United Nations Development Programme, in its quest to foster the culture of participation, particularly for citizens of countries in the developing world, feels that it is only through active participation that governments would acquire legitimacy.

Kaufmann and Waters (2004, p.124) list the following as the benefits of direct democracy:

- “Direct democracy makes politics more communicative. The legitimacy of political power has to be created confirmed or challenged by communication.”
- “Direct democracy forces the public discussion of points of view and differences of opinion which otherwise tend to be ignored or suppressed.”
- “Direct democracy gives minorities which have inadequate or no representation in parliament the right to be heard in public in a legitimate way.”
- “Direct democracy enables a wider distribution of political power and allows no one the privilege of possessing so much power that they are not required to modify their views from time to time.”

These benefits indicate the poignant potential that direct democracy provides to citizens, irrespective of the country where it is practiced. It is important to point out that direct democracy cannot be a replacement for representative systems of governance; rather, they work together in tandem.

It should be noted that, there are some authors, who completely disagree about the usefulness of direct democracy as they feel some governments disabused the process. For instance, historians have noted that leaders like Adolf Hitler used plebiscites to acquire more power for his government.

In addition, a discussion of the benefits would not be complete without assessing the costs of using the various forms of direct democracy. In the United States for example, special interest groups have become increasingly more vocal and

resourceful in finding ways to achieve their goals. These special interest groups have been able to abuse the process, using it to achieve their own selfish goals. Broder (2000) highlights this by noting that in the United States, big interest groups, particularly those with a lot of money, have hijacked the process thereby making it big business.

Special interest groups are just as powerful, if not more powerful, in representative systems of government. This is because as a cohesive unit, they organize themselves into a lobby group to advocate for the issues about which they are passionate. These interest groups generally have access to immense resources that they use to achieve their goals. In fact, there are probably some interest groups or lobbyists who believe more in the representative style of government than in direct democracy, where the outcome may be harder to assess.

The role of political elites is another area of interest. Some have argued that to a large extent, the elites manipulate and negotiate the outcomes of the direct democratic process (Kriesi, 2006). The role of the elites in political institution building cannot be under emphasized, for, as noted previously, these elites tend to be more politically involved and have a keen interest in the activities of those elected to rule them. In countries where initiatives and referendums exist, they also tend to be in the driving seat, so as to make sure they get their desired outcome.

The binding nature of results approved through direct democracy has naturally led to tension with representative systems of governance. The ability of citizens to place issues on ballots circumvents the legislative process and may inadvertently be used

even by those in government. In many democratic countries, the doctrine of separation of powers requires that the executive must lobby and get a majority of votes to achieve its objective in the legislature, but in some countries, where the ruling party is not in the majority; governance may sometimes be brought to a halt. To circumvent this, some leaders have used the opportunity to seek referendums that would give them more powers in the decision-making process, leading to crisis.

The issues addressed in this section are only some of the benefits and costs of the direct democratic process. Further analyses will be given to the conduct of referendums, the topic of this thesis.

Initiative and Referendums as Tools of Political Participation

As discussed previously, political participation by citizens encourages legitimacy, as they are able to influence policy decisions being made by those in government. A natural way of encouraging this form of participation is through the use of the initiative and referendums.

The study of referendums is not complete without including the role that the initiative plays. The initiative is the ability of the citizens to put an issue on the ballot; this is usually done through the collection of a specific number of signatures. While the initiative refers to the proposal or presentation of the issue, the referendum involves the voting that takes place on the proposed measure (Kaufmann and Waters, 2004).

Different countries have differing rules on the ability of citizens to put measures on the ballot. Qvortrup (2002) asserts that there are three generally accepted forms of initiatives: the constitutional initiative, the direct legislative initiative and the indirect

legislative initiative. The constitutional initiative is primarily used in Switzerland; it allows citizens to propose changes to constitutions. The two forms of direct and indirect legislative initiative are very similar in the sense that the citizens can propose laws; the only difference is that the indirect form is done after the legislature has debated the proposal.

Butler and Ranney note that “In referendum, a mass electorate votes on some public issue” (1994, p. 1). This is a basic definition of what happens when a referendum is conducted. Citizens actively participate in policy making by voting on whatever is on the ballot for their input. This form of participation is particularly interesting because of the discussions and debates that ensue in the process (Frey, 1994). Those involved in such debates and discussions on the ballot measure before the vote is taken are citizens, special interest groups, politicians, and media outlets.

There are varying practices of referendums around the world. For example, in the United States it is only practiced at the city and state levels. In Switzerland, it is practiced at the national level, just as it is in many other European countries, where it was used to decide issues regarding European integration.

Butler and Ranney (1994, p. 14) assert that “maximizing legitimacy” and “maximizing participation” are the main benefits of the practice of referendums. These two themes have been a re-occurring commonality in this study so far. As many political scientists over the years have noted, governments are only effective when the citizens feel they have a stake or are involved in the decision making process.

The concept of legitimacy could be said to be confusing or debatable as citizens have differing views on activities carried out or performed through the representative system of governance. An example of this is the on-going presence of the United States in Iraq as I write this work in the spring of 2007. There are some who feel the American troops should be withdrawn and others who feel they should stay to try and resolve the problems of the country. The government of the United States rationalizes or legitimizes its presence in Iraq by insisting that it is there to diminish the threat of terrorism on its own soil. This argument cannot be said to be false, but neither can it be said to be true. This illustrates the fact that often legitimacy cannot be measured.

As another example, elected officials in representative systems of governance believe that their election into office confers legitimacy on them as they have the mandate of the citizens. This mandate could be said, however, to be a fallacy in developing countries, where elections are perfunctorily rigged. An example of this is the recent elections in Nigeria.

The lack of legitimacy could lead to problems in the polity of countries like Nigeria, such as strikes, citizen apathy towards elections, a general breakdown of law and order, and, in extreme circumstances, to military coups. An example of citizen perception of the lack of legitimacy in government was the Orange Revolution in Ukraine, which occurred after the run-off vote of the 2004 Ukrainian presidential election that was characterized by voter intimidation and electoral fraud. It was only after the election was annulled that protesters stopped striking and demonstrating in the streets.

Democracy relies on the citizens because they are involved in the electoral process; this in itself is the bedrock of participation. Political participation on the other hand requires that citizens be involved in decisions taken on their behalf. Citizens can, if given the opportunity, participate more in politics if they are given the ability to participate in policy making. Barber (1984), for example, emphasizes that democracy will only get stronger with direct political participation.

Some studies have also stressed the importance of civic education, as only those who understand the issues can contribute to the debate or discussion (e.g., Pateman 1970; Barber 1984). These studies are indicative of some of the criticisms associated with the use of referendums. Some researchers have stated that policies should not be decided by those who do not have adequate knowledge of the issue.

Referendum votes are usually in the “Yes” and “No” format and this at times may be confusing. Magleby (1984) while highlighting this problem, noted that the lack of understanding by citizens has affected, sometimes negatively, outcomes of ballot measures.

In general, the literature suggests that initiatives and referendums should be structured in a manner that is easy to understand and citizens should be educated on what a “Yes” or “No” vote would mean for the ballot measure. This will give legitimacy to the process as citizens would not feel they have been tricked or coerced into voting one way or the other without realizing the consequences of their choice.

The Referendum Process

A process starts at a certain point and ends at a specific point. Thus, in order to assess the impact of a process, it is always necessary to track it over a period of time. This also applies to the referendum process, as the outcome of a ballot measure should not be the end of the process. Frey (1994) suggests that there are three stages in the referendum process: “Pre-Referendum Stage; Formal Decision Stage; and the Post-Referendum Stage.” These stages as outlined clearly track the process. It begins with discussion as well as debates on the merits and de-merits of the ballot measure. The discussions involved in this stage will help the citizens clearly understand the issue as well as what a “Yes” or “No” vote may signify.

The referendum is conducted during the second stage, where the citizens actually carry out their vote based on their understanding of the discussions and debates in the first stage of the process. The third and final stage involves the collation of results and the analyses of the effects of the outcome of the vote. Sometimes, at the end of the referendum, other issues may arise that may provoke further deliberations.

Generally, the outcome of the vote is final unless the government that put the ballot measure loses and decides to try again. For example, at the time of this writing, the Lane County Commissioners in Oregon have been trying to raise funds due to a shortfall and are putting the measure of a tax increase on the ballot again. Their hope is that the residents of Lane County may eventually vote for the taxes, but this is highly doubtful because if nothing else, citizens are very aware of the effect of their vote.

Referendum Categories

Barker and Howard-Johnson in their study of Ostrogorski's political ideas note "the variety of national characters and historical accidents ought not to be ignored, but the traits common to different countries predominate in existing civilizations, where political institutions are nearly everywhere framed on the same model, where social conditions produced by economic evolution are the same, and where men [and women] are subject to similar influences and move on parallel lines" (1975, p. 427).

This illustrates the fact that referendum systems are generally comparable from one country to another because they exhibit the same characteristics. For instance, as mentioned earlier, in the United States there is no national form of referendums but the general workings are similar to referendums in other parts of the world.

Butler and Ranney (1994) subdivide the subject areas of referendums into four primary categories "Constitutional issues; Territorial issues; Moral issues; and other issues." This categorization is particularly useful as they deal with the salient points associated with referendums. Constitutional issues are those issues that may arise in the process of countries deciding to have independence; recent examples are countries of the Soviet bloc that decided after referendums to become independent nation states.

Referendums that deal with Territorial issues are primarily conducted when a country wants to join certain regional groups. Joining the European Union, for example often necessitates that a country conducts a referendum as certain national powers will be ceded to the European Union parliament.

Referendums that are conducted on a moral issue are those where the people are asked to decide on issues of morality, for example, the debate in the United States of whether gay and lesbian couple should be given the same rights as heterosexual couples.

Other issues decided by the use of referendums include economic issues such as increased taxation, adoption of sales tax in certain states, etc. Walker agrees with the categorizations used and states that “these categories progress from dealing with relations between states (autonomy) to relations concerning the Constitution of a state (constitutional) to the policies that directly affect the citizenry of a state” (2003, p. 9).

The Elements of Referendums

The elements of referendums are those things or issues that need to be addressed before a referendum takes place. These elements are the guiding laws regarding the conduct of referendums and are important for ensuring that the referendum process actually increases participation and legitimacy. For example, some countries require that a certain percentage of citizens must have voted on the ballot measure to make the vote valid.

Kaufmann and Waters (2004) suggest that important elements include limitations of issues that can be placed on the ballot by the voters, number of signatures to get an initiative on the ballot, the time period within which these signatures must be acquired, and the laws guiding how these signatures are collected. The essence of these elements enhances the practice of referendums as it would indicate how the process was conducted. The lack of government regulations on the collection of signatures for example has adversely affected opinions of researchers of the referendum system in the

United States because of the relative ease with which affluent people or special interest groups influence what gets on the ballot.

Constitutional referendums, which are referred to the people by an executive or legislative body, are slightly different. In this case the government would not require signatures to put the measure on the ballot. However, in order not to cause conflict between the executive and legislative branches of government in such scenarios, it is also necessary to have laws that govern the conduct of such ballot measures.

Political participation requires access to information on the part of the citizens because it is only when they are well informed that they will take informed decisions on proposed ballot measures. Elements of the referendum system can also involve ways to get information to citizens. For instance, the state of Oregon requires that the voters' pamphlet, which is sent to all households, includes an explanation of the referendum and its effects prepared by a neutral body. It also includes arguments for and against the proposal, which can be purchased.

These are just some of the elements of an effective referendum system; the practice of direct democracy continues to evolve as the debate rages about what form of government is better. Representative government enthusiasts believe that direct democracy is not necessary as the people are ably represented by those elected into elective positions, while others insist that citizen involvement in the decision making process is more important.

Good governance involves the active involvement of the citizens and referendums could enhance such citizen participation as their participation could lead to more accountability of those in elected offices.

Referendum and Good Governance

Referendums are conducted for different reasons but the commonality that exists between all referendums is that of the participation by citizens. As noted throughout this thesis, it has been observed that citizen participation lends legitimacy to government actions and it is with this in mind that the issue of good governance arises.

Pateman (1970) and other researchers note that democracy becomes more successful with enhanced citizen participation; the ability to be heard would therefore lead to a better relationship between those who govern and the people. Banyan adds that “citizen rights are supremely important, such as the right to vote and the opportunity to provide input.” She further states that “this makes the design of participatory practices central to good governance” (2006, p.2).

Kofi Annan (1997), the former UN Secretary-General, noted in a speech delivered at the First Annual African Governance Conference that good governance is the most important issue facing the continent. He asserted that it “promotes the most salient features of a free and prosperous society: social justice, transparency, accountability in the management of public affairs.” The point he raises about social justice is particularly pertinent as it relates to this discussion; greater social justice would create a more harmonious relationship between citizens and those who govern them.

Nekola asserts that there are two forms of government, the “state-centric” approach, which functions in the traditional manner of all knowing, what is right for the people, and the “society-centric” model which he describes as being “formulated within the participative theories of democracy, which stem from the assumption that the public can exercise – or rather ought to exercise – more direct influence on the processes of governance than offered by representative democracy” (2006, p. 2). His empirical study on the relationship between “political participation and government effectiveness” found that there is a strong positive relationship between the two.

In general, all of these authorities agree that public participation is central to good governance. The concept of good governance applies more to the developing world than it does to developed nations. Most developed nations have had democratic systems of governance for decades; this is not the case in the developing world. Many of the third world or developing countries have only recently, in the last two decades, started moving towards democratic systems of governance, hence, the focus on the issue of good governance by the World Bank and the United Nations.

An extensive literature documents that the developmental problems experienced by the developing world were caused by poor leadership, corruption and lack of engagement of civil society. Most of the developing countries had military rulers who did not care about the wishes of the people and were not concerned about issues such as legitimacy. This has changed as the world has become smaller due to globalization. The poor financial position of these countries, in which they find themselves, has led them to

seek debt relief and the developed nations have insisted that a pre-condition for assistance is the institution of good governance.

The relationship of good governance to legitimacy firmly indicates that civic participation must be encouraged in order to win the confidence of the developed nations as well as that of the citizens. The remainder of this thesis examines the way in which two countries have encouraged civic participation through the use of referendums and the ways in which this process could be employed in Nigeria, one of the world's largest developing countries.

CHAPTER III

THE PRACTICE OF DIRECT DEMOCRACY IN SWITZERLAND

A lot has been written about direct democracy in Switzerland, as it is the premier country in which referendums and initiatives are used consistently. As Kobach describes it, “no other state in the world even comes close in applying direct democracy to national political questions” (1993, p. 1).

Ruppen et al. (2004) assert that Switzerland has conducted more than 500 national referendums since the introduction of direct democracy at the federal level in 1848. They also add that it is the first country in the world in which the citizens made the decision of joining the United Nations. The referendum conducted to join the UN was not the last time the citizens were called upon to make such a decision; a similar decision was made in the early 1990s by them to join the World Bank and the IMF.

Naturally, the role or influence of political parties could be considered to be an issue in this type of governance. Generally, there exists a tension between representative and direct democracy systems of governance, as one usually has to take a back seat to the other. In many countries where direct democracy is practiced, the representative system is the deciding factor on what gets on the ballot, but the approach in Switzerland is different.

The executive branch of government in Switzerland is the Federal Council, which has seven seats available. Membership of the council is allocated by the ratio of 2:2:2:1,

encompassing the four largest parties. The four parties that always have two seats are the Social Democratic Party (SP), Free Democratic Party (FDP), Christian Democratic Party (CVP) and the Swiss People's Party (SVP). There are also smaller parties, who do not get seats on the council but are in the legislature. Kobach (1994) argues that this formula creates the necessity of coalition forming in order to agree on anything. The office of the president rotates amongst members of the council and lasts for a period of one year.

Since power is shared by this agreed formula, politicians understand the need for consensus building in order to promote their policies. It is worthy to note, however, that this is not always the case. Sometimes individual party members break with their party in order to support some initiative or referendum. This leads to a lack of cohesion since party members will not speak with one voice as is the case in representative systems of governance.

The need to get legislation passed through the people is fraught with hazards, for even when the politicians and parties are able to build coalitions they may fail when the ballot is presented to the people. Frey, for example observes, "instances of voters breaking the politicians' cartel are no rarity: among the 250 referenda held in Switzerland between 1848 and 1990, the majority's will deviated from the stated will of the parliament in 39% of the cases" (1994, p. 341). An example of such a ballot measure that has failed includes the proposal to join the European Union. This possibility of failure encourages politicians to build broader coalitions in order to get measures passed by the citizens.

This chapter will focus on issues related to the use of referendums and initiatives in Switzerland using the following perspectives: History of the use of Referendums and Initiatives, Efficiency and Effectiveness of the Referendum and Initiative process, and Perceived Problems of Referendums and Initiatives. The problems Switzerland has faced with referendums and initiatives will be discussed in Chapter Five.

History of the use of Referendums and Initiatives

On a comparative scale, Switzerland is the only country in the world that has had political discourse dominated by the use of initiatives and referendums. The referendum process at the national level began in the 19th century and has been modified over the years to what it is today. It should be noted however, that at the local or cantonal level, the first vote on a referendum was conducted in the Swiss canton of Schwyz in 1294 (Kobach, 1994).

Switzerland, which is a confederation of 26 cantons (states), is the precursor of modern day direct democracy, as the people make decisions on a wide range of issues. The use of referendums and initiatives is enshrined in the Swiss constitution and the roles of the cantons are also spelt out. For the purpose of referendums and membership in the council of state, 6 states are considered to have, half the weight of regular cantons (Kobach, 1994). The “half cantons” are those states that are represented by a single member in the council of state (legislative branch of government). These half cantons are smaller in population size and land mass than the other 20 cantons (states). This distinction is important because passage of a referendum depends on approval by both a majority of the people and a majority of the cantons.

The Swiss constitution enshrines the elements of direct democracy, which are discussed below and summarized in Table 1. The table provides an overview of the following: how the process functions; who puts issues on the ballot; the legal impact or consequences; and the political impact. In general, referendums can be initiated by the citizens or parliament, can be either suggestive or binding, and can have political impact ranging from legitimating a parliamentary decision to setting a new political direction.

Table 1. Overview of Direct Democracy in Switzerland

	Institution		
	Compulsory Referendum	Optional Referendum	Popular Initiative
Released by	Parliament	Citizens Parliament	Citizens
Ballot text to vote on from	Parliament	Parliament	Citizens
Legal impact	Abrogative and binding	Suspensive and binding	Suggestive and binding
Political impact	Legitimation of decision of Parliament	Questioning of decision of Parliament	Political agenda-setting by people

Source: Bützer, M. (2003). What if citizens are already in? Direct democracy in Switzerland. ECPR Joint Sessions of Workshops No. 22.

Title 4 of the Swiss constitution, has the following articles that regulate the workings of the referendum and initiatives tools of governance.

1. **Article. 138:** The Popular Initiative for Total Revision of the Federal

Constitution – This article concerns initiatives that would result in a total revision of the constitution. One hundred thousand signatures are required to put such a proposal on the ballot, which is then voted by the people.

2. **Article 139:** The Popular Initiative for Partial Revision of the Federal Constitution – This article concerns more limited revisions of the constitution. Again, 100,000 signatures are required to propose this, but, in contrast to the total revision, the proposal or draft needs to be accepted by the Federal Parliament before it is put to the people for voting. If the Federal Parliament does not agree with the initiative, it may propose a counterproposal. Both proposals are then submitted to the people for voting.

When both the proposal and counterproposal are submitted to the people for voting, both can be adopted if they both pass. However, in the scenario where the votes are split for the proposal and counter proposal between the canton and the electorate (i.e. if there is a large number of votes by the people on one proposal, and there is a large number of votes identified by cantons for the counter proposal), the one which has the higher percentage points when both popular votes and cantonal votes are added is accepted.
3. **Article 140:** The Mandatory Referendum – These include reforms to the constitution that must be submitted to the vote of the people and the cantons, Examples of this category include votes for proposed entry into international organizations, issues dealing with collective security or votes into supranational communities. In a situation where a decision has to be taken rapidly, the government is permitted to enact a federal statute that is valid for a year but this has to be submitted to the people for a referendum on it within a year.

The Swiss Constitution requires that the following must be submitted to the vote of the people: Popular initiatives for total revision of the Federal Constitution; Popular initiatives for partial revision of the Federal Constitution in the form of a general suggestion which were rejected by the Federal Parliament; and the question of whether a total revision of the Constitution should be carried out if both chambers (House of Representatives and the Senate) disagree.

4. **Article 141:** The Optional Referendum – This refers to referendums that are not required by the constitution but are referred to the people by petition. These referendums are held if 50,000 people or eight of the cantons sign the petition to put an issue on the ballot. Some of the elements that are subject to this referendum are Federal Statutes, Federal Statutes declared urgent with a validity exceeding one year; Federal decrees to the extent the Constitution or the statute foresee this; and International treaties that are of unlimited duration, provide for entry into an international organization and include important legislative provisions or require the adoption of Federal law.

Efficiency and Effectiveness of the Referendum and Initiative Process

Switzerland is often considered by the world community to be a model of what direct democracy should look like. At the same time, its political process and governing documents can be quite complicated due to the various amendments of the constitution conducted over the years.

Political participation in Switzerland is primarily done through the use of initiatives and referendums. Barber notes “In the Swiss system, representation has never

been given the force it has had in the Anglo-American system, not because there are no representative institutions, . . . but because it is not the crucial feature of democratic activity in the Swiss state. Rather, citizenship and institutions structured around active citizenship have played the role that representative parties have played elsewhere. These institutions include a citizen army, assembly democracy at the cantonal and local level, cantonal and federal initiatives and referendums for constitutional and statutory legislation, and common work traditions in the Alpine communes” (1988, p. 36-37).

Switzerland also has a representative system of governance in place, the only limitation being that almost everything can be put on the ballot by the people. Major decisions that are routinely taken by national governments in other countries generally end up on the ballot because of the way direct democracy has been enshrined in the Swiss constitution.

On the surface, it would seem that elected officials have little influence through their role of making policy decisions because of the use of referendum and initiatives, but this is not necessarily the case. The Swiss constitution also provides certain safeguards or powers for the cantons in the practice of direct democracy. Whenever there is a referendum or amendment, for example, both the mandatory referendum and the citizens’ initiative require that for adoption, there be a double majority. Serdült (2007, p. 5) asserts that, “for adoption, a majority of the popular vote, the votes cast throughout the country, and a majority of the cantons, cantons in which the majority of the voters adopted the proposal, is needed” (2007, p. 5).

This effectively means that cantons, through their elected officials or hired bureaucrats, are able to lobby their people to vote for whatever will suit them best. Only the optional referendum does not have the requirement of majority support from both the populace and the cantons. The optional referendum only requires that a majority of people vote for the ballot measure. It could be surmised that this provision is included because this type of referendum deals with issues relating to federal laws and statutes as well as proposed participation of the country in international treaties; that is, with issues affecting the country as a whole.

Bützer argues that the outcome of a compulsory referendum, which is required at the end of a legislative process, indicates active citizen participation. He notes that “accepting such a ballot is giving a popular legitimacy to a representative decision” (2003, p. 15). This would challenge the argument of some critics, who feel that the practice of direct democracy negatively affects the process of governance or representative systems of governance. It is true that sending everything to the people to decide on is onerous, but, on the other hand, legitimacy is given by the people. In other words, approval by the people may be seen as a truly valid sign of legitimacy of a decision.

Perceived Problems of Referendums and Initiative

Apart from the inefficiencies of sending so many decisions to the people, there are other problems that critics point to in the use of direct democracy. These problems center on the following:

- The rule of the majority in the voting process;

- The role of the elite in the process;
- Campaign financing;
- Declining voter turn out;
- The effect of referendums on Swiss Political Parties;
- The role of interest groups in the process.

These issues will be discussed in more detail in Chapter 5 when the experiences of Switzerland are compared to those of Brazil.

CHAPTER IV

THE PRACTICE OF DIRECT DEMOCRACY IN BRAZIL

Barzak argues that the rise of direct democracy in Latin America has been influenced by “the development of a perception that the institutions of representative democracy, notably political parties and legislative bodies, have seriously failed to serve the people” (2001, p. 38). Democracy, as practiced by western countries is considered to be efficient, so why then would there be a problem in Latin America?

Latin American nations like other developing countries have had a checkered political past, due to the interventionist ways of the military in such countries. In military controlled governments, the will of the people is normally not considered at all, leading to public disenchantment with the political process in place. Civil activists who complained or wrote against the authoritative nature of such governments found themselves threatened, put into jail on trumped up charges, or killed.

The democratic institutions in South America evolved not from the people but from the authoritarian rulers who were compelled to restore democratic rule. The constitutions that they implemented were by nature weak on aspects of civic engagement, and, as Chopra (1998) noted, the fragility of the institutions has led to problems that hinder democratic consolidation. This can be ascertained to be true with the current movement or election by the populace of leftist governments all over South America.

Such governments have promised to reform their constitutions to conform to the will of the citizens, the implementation of which remains to be seen.

As an emerging democracy in 1985 with a newly elected president, Brazil suffered from excessive patronage of the ruling political elite, further exacerbating conflict within the country. Weyland (1997-1998), noted that one of the arguments for democratization is the ability of government agencies to carry out tasks based on professionalism and not because of the interference of political patronage. As is usually the case with defective constitutions, problems abounded because of rent seekers, interest groups and fragility of government institutions in the country.

Though the country was battling with the problems described, the various presidents managed to move the country forward both economically and socially through its developmental efforts. Both the United Nations Development Programme and the World Bank now consider Brazil to be a middle income country, which is primarily due to its strides in development of both its people (i.e. combating diseases, empowering women and increasing adult literacy levels) and its economy.

The Human Development Index report for 2006, ranks Brazil at 69 out of 177 countries in the report (UNDP, HDR 2006), clearly indicating its status as a country rapidly heading towards development and away from the tag of developing or third world nation. The Human Development Report assesses development through the use of certain indicators. Though economic growth is one of the indicators included, equal weight is given to adult literacy, life expectancy, education index and a host of other variables. The

World Bank notes that with a population size of 182 million, the biggest problem for Brazil remains that of economic and social inequality.

This inherently suggests that governance needs to be improved and better services need to be provided for the citizenry. Even though such improvements are needed, Brazil has come a long way since democracy was restored in 1985 and civil society has played a big role in the country's development.

History of the Use of Referendums and Initiatives

The plebiscite was first incorporated in the country's constitution of 1937, with a wide range of powers given to the President. Bovo (2006) notes that the plebiscite was primarily used for incorporating, subdividing or annexing states. Naturally, when the military was in power, which occurred at numerous times from 1937 to 1985, it took away the ability of the people to make such decisions.

The new Federal Constitution passed in 1988 gave more rights to the people while still including elements of the older constitutions. The constitution also provided for plebiscites, referendums and the public initiative. Thus, beginning in 1988, the constitution allowed citizens, as well as the government, to place issues on the ballot. Between 1988 and 2007, there have been seven referendums, the last of which, was the proposal to ban firearms, which failed in 2005. The relevant current Brazilian laws are summarized in Table 2.

Table 2. Direct Democracy Institutions at the National Level in Brazil

Legislative referendum	Constitutional referendum	Referendum on matters of national importance	Referendum on treaties	Recall	Legislative popular initiative	Constitutional popular initiative
Optional referendum.	Optional referendum.	Optional referendum decided by the Legislative Power or the Executive Power.	-	-	1% of the citizens distributed in 5 States. Special distribution of signatures within the 5 States.	-
Art. 2 law 9.709.	Art. 2 law 9.709.	Art. 14 I Cst.			The project of bill is not binding for the Congress.	
		Art. 3 law 9.709.			Art. 61 § 2 Cst.	
					Art. 13-14 law 9.709.	

Source: AFONSO DA SILVA José, O sistema representativo e a democracia semi-direta: democracia participativa, in CONCHA CANTÚ Hugo A. (coord.), Sistema representativo y democracia semidirecta, Memoria del VII Congreso Iberoamericano de Derecho Constitucional, Instituto de Investigaciones Jurídicas, México, 2003, p. 3-31. (Retrieved May 16, 2007 from the Research Centre on Direct Democracy).

The Brazilian laws make it exceedingly difficult for the people to get initiatives on the ballot. The requirement that there must be at least 1% of the citizens distributed in 5 states is close to impossible to achieve. The population of the country is placed between 182 to 188 million and as such, it is hard to get the percentage required to send an initiative to the legislature for approval.

The Brazilian constitution, unlike that of Switzerland, does not require a double majority in order for referendums to pass; rather, it is the number of popular votes that determines if a measure is passed.

Efficiency and Effectiveness of the Referendum and Initiative Process

Most authors argue that plebiscites and referendums mean the same thing, but in Brazil, they are understood to mean something different. The law states that plebiscites should be convened before the legislature deals with the issue that can be put on the ballot, but, on the other hand, the same law as noted by Bovo (2006) says that for questions of national interest, the legislature must approve it first.

This sounds both confusing and contradictory. In essence, what the constitution has said is that though the people have the power to vote on a plebiscite, the issues that can be put to vote needs to be decided upon by the legislature. In other words, the plebiscite does not include the initiative process, where issues can be referred by the people. The major difference between the plebiscite and the referendum in Brazil is that the plebiscite is conducted before the legislative act, while the referendum is conducted after the legislative process.

The referendum and initiative in Brazil was designed to work with a representative system of governance, and, as such, government still wields a lot of power. The legislature has the ability to decide what goes to the people for decision making purposes, if any at all. The public initiative does not fare much better. Though the citizens may put an issue up for consideration, the fact that it requires the support of 1% of the country electorate makes it difficult to achieve.

The laws for participating in a plebiscite, referendum or initiative are silent on certain rules. For example, in the case of national elections for representative positions, the law says that it is mandatory for all citizens to vote. Exceptions are made for those

who are not literate or are above the age of 70 as it is optional for them to vote. Such voting requirements do not exist for plebiscites and referendums. Thus, when one assesses popular participation in referendums and compares it to general elections, there is always a big shortfall in numbers.

The current president of Brazil is a member of the Workers' Party (Commonly known as PT in Portuguese), and was recently re-elected to office, probably because he is from a leftist party. Keck (1992) noted that the PT was able to garner wide acceptance amongst the people because it was largely composed of union members and did not include the elite political and economic class. The fact that it was also autonomous of state influence further appealed to the people.

The PT's party manifesto of 1980 stressed its objections to using electoral voting alone as an indicator of participation (Partido dos Trabalhadores, 1982), rather it emphasized its commitment to direct democracy. At the national level the party has not been able to keep its commitment to the ideals of direct democracy, but at the local level, it has done so, particularly in the cities of Sao Paulo, Recife and Porto Alegre. These efforts have involved efforts beyond the initiative and referendum.

For instance, the PT through the mayors of these cities introduced participatory budgeting so that the people could get involved in the process of decision making. As Wampler (2004, p.73) describes it, "participatory institutions, such as participatory budgeting (PB), represent an effort to devolve and broaden decision making venues with the potential to place a check on the prerogatives of mayors." He adds that though this

process has strengthened accountability to the people, it has also had the effect of weakening representative institutions at the municipal level.

The experiment with participatory budgeting in Porto Alegre, which began in 1989, is the most successful form of public participation in the country to date, and other cities are trying to emulate this strategy. However, as more cities attempt to implement this strategy, Bovo (2006) observed that the fundamental issues of participation is not being addressed, for she notes that it is only being used in relation to management questions. In other words, the participation is only designed to provide feedback and input on issues of concern to government officials.

Perceived Problems of Referendums and Initiative

Public participation in Brazil does not appear to have reached optimal levels; it is only in a few cities that it is being practiced. A number of reasons contribute to this. The population size of the country affects effective use of the tools of direct democracy. Existing laws in the constitution also put the power of deciding what to send to the people firmly in the grip of the legislative class. In addition, political power is shared at the national level, further complicating matters as different parties have different goals. Some of the particular problems facing participative democracy in Brazil are listed below:

- The role of the elite in the process;
- Voter apathy due to lack of trust of the political class;
- The strenuous rules in order to carry out an initiative;
- The inability of citizens to put certain issues on the ballot without the support of the legislature;

- Social and economic inequality.

These problems will be discussed in greater detail in Chapter Five as the experiences of Brazil and Switzerland are compared.

CHAPTER V

FINDINGS

The practices of referendum and initiatives vary from country to country, which makes comparisons difficult. Switzerland, for example, has practiced the forms of direct democracy for over 100 years. During this period, it has had stable governments without any form of military interventions. Brazil on the other hand has had a checkered system of leadership, leading to disenchantment with the political environment by its citizens.

This chapter will focus on a few of the differences discovered in the practice of the referendum and initiative process in both countries. It is worthy to note that it is always difficult to show a causal relationship between how effective the process is in one country when comparing it to another. Nevertheless, this comparison can provide lessons for other countries that wish to increase public participation.

Citizen Perceptions of the Referendum and Initiative Process

The observation of Switzerland and Brazil indicates that direct democracy is designed differently in the two countries. Switzerland has a vibrant direct democracy process, with the citizens being involved at every stage of the process. In contrast, the referendum process in Brazil is largely top-down and much less likely to involve all citizens.

The underlying assumption of this thesis is that political participation of the people enhances stability, legitimacy and accountability of the political class to the

people. Morris (1999) concludes that voters have gotten impatient with the political class and want to be directly involved in the decision making process. Though this frustration with representative systems of governance may be more obvious in developing countries, it is also applicable in western nations. Switzerland, however, appears to be an exception. The nature of the Swiss constitution makes it exceedingly difficult for the political class to gain prominence at the expense of the people. The citizens of Switzerland are comfortable with how the process of direct democracy functions as the power rests in their own hands.

Some authors have noted that the Swiss system of direct democracy works efficiently because of the role of the political elite and the structures that separate power among parties and cantons. Their argument surmises that for referendums and initiatives to be successful, coalitions must be built. Kriesi (2006) supports this notion as he explains that it is through partisan coalitions that voters make their choices. Though this may be true in some cases, other authors who have studied the Swiss system note that when citizens hold some fundamental viewpoint they are not likely to change regardless of who is supporting the choice.

The Swiss system, like everything of a political nature, is not perfect, but it still remains effective for them. The ability of citizens to get proposals on the ballot has worked especially well.

Brazil on the other hand portrays the intrinsic difference between countries that have had stable democratic systems of governance and those that have had military regimes in power. Basic human rights were not respected by those in power during such

regimes; their departure from power has helped, but has not solved, the problems left behind. The patronage that existed during those autocratic regimes still exists till date. In addition, the constitutions created by them were flawed and remain difficult to change.

Citizen perceptions of the direct democracy process remain ambivalent in Brazil, primarily due to the fact that they do not have the capability to put an issue on the ballot directly. Rather, the issue must be approved by the legislature before it is put before the people. Social and economic inequality makes the process harder, as politicians are wary of what the citizens may decide if certain issues are placed on the ballot, so, suffice it to say, anything that would tamper with their powers would not be favorably received.

The lack of continuity by successive governments also affects the participation process in Brazil. Bovo (2006) suggests that the lack of a proper definition of the role of citizens negatively affects the direct democracy process in the country. Another aspect that causes disaffection amongst the populace is the size of the population, Brazil has an estimated population of 182 million according to the World Bank, and the people of the different parts of the country have different cultures and differing views. The only thing in common they all share, apart from their citizenship, is their mistrust of the government.

The fact that voting in general elections is compulsory by law exacerbates the situation because it makes it difficult to judge the citizens' view of legitimacy. Political scientists have written extensively about how voter turnout legitimizes the electoral process, but few have written about assessing such legitimacy when it is done by force. Australia also has the same rule as Brazil regarding mandatory voting, but the major

difference is that it practices a parliamentary system of governance, meaning that coalitions will have to be made and the people can make their feelings felt to their representatives.

Similarities in Problems Associated with the Process

There are two major similarities between the two countries in terms of problems associated with the direct democracy process. Both of these problems appear in all countries that practice the process of direct democracy. The issues that are similar to both are the role of the political elite and declining voter turnout. The possible reasons for this state of affairs are different for the two countries even though the issues are the same.

Brazilian citizens do not trust the political class and are less inclined to vote during plebiscites and referendums as they feel disconnected from the process. When the issue that is on the ballot does not affect them one way or the other, they do not participate. In contrast, some suggest that the less powerful role of the political elite in the Swiss process may actually be an advantage. Kriesi (2006) for example, suggests that the political elite build coalitions that make the process work. His view is supported by Magleby (1984), who contrasts the Swiss situation with voting in the United States, which tends to be volatile because of the lack of partisanship.

On the other side of the argument, some authors suggest that mobilization by special interest groups who are good at lobbying has hijacked the referendum process. This argument is built on the premise that these special interest groups and individuals are the political elite. This might not necessarily be true, though, it should be noted that

the bigger the special interest group is, the more likely, they have the support of certain individuals in government as sometimes seems to be the case in the United States.

The Swiss practice of referendums and initiatives shows that there are also problems associated with campaign financing. This is because of the enormous costs involved in mobilizing the citizens to participate in the process. Serdült (2007) asserts that in Switzerland there is no specific regulation pertaining to limits on financing by political parties, civil society and individuals. He suggests that since sponsors of bills do not have to disclose their source of financing, it is difficult to assess how much has been spent in the process. Kobach (1994) also addressed the issue of campaign financing and noted that costs of referendums have gone up dramatically over the years. He asserts that the consequent of this is the proliferation of cottage industries that offer services like signature collection.

Serdült (2007) further suggests that this lack of transparency is bad for the system. He notes however that the canton of Geneva has implemented a regulation that requires that records are given about donations. The canton of Geneva expressly forbids anonymous donations and it is hoped that this way some transparency will be given to the process.

The declining voter turnout in Switzerland has aroused attention, but can also be quite misleading. The decline may be attributed to a lack of interest by some, but others like Kobach (1994) suggest that the issue may be far deeper than that. He notes that Swiss voters tend to have issues on the ballot as many as six times a year, so missing a

few may not necessarily mean that people have lost interest in the process. Instead, it may indicate that the issue may not be of interest to them.

The problems that plague the practice of direct democracy in Brazil are interesting because their constitution came about from the military regime that was in power at the time. The reason this is interesting is that many developing countries also have constitutions that were drafted and passed into law by military regimes. The developing countries are only now trying to build a democratic culture, and the problems associated with countries like Brazil need to be assessed so as to avoid the pitfalls that exist in the implementation of direct democracy.

Some of the problems that are associated with Brazil are not comparable to Switzerland due to the entrenchment of democratic principles that exists there. In Switzerland, there is social and economic equality, there is popular participation and the representative system of governance works well with that of direct democracy. In contrast, Brazil is, at best, only beginning a democratic tradition and has characteristics of direct democracy in only a few locales. This has implications for the discussion of possible changes in other countries, a topic included in the next and final chapter.

CHAPTER VI

CONCLUSIONS

The essence of direct democracy is to enhance political participation on the part of the citizens, which the literature indicates may exist. Through the use of direct democracy, citizens are able to participate and learn more about the activities of government. Mendelsohn and Cutler (2000) in their study on the effect of referendums on citizens, observe that the process enables citizens to be more aware of the issue being addressed. Direct democracy encourages the provision of information, which is completely different from the representative system of governance, where voters place their trust in the judgment of the individual or political party.

This trust apparently seems to confer legitimacy to the representative government, thereby enabling them to act on behalf of the country. The problem with electorate mandated legitimacy is attributed to voter participation in elections. A country where the electorate is disillusioned creates voter apathy, so though the government may have been elected into office, the actual number of voters in an election may be low. All around the world, there are examples of declining voter participation. Varying reasons are given for this phenomenon, but the basic explanation being used tends to follow the literature of participation.

As citizens lose faith in those in government, there is a corresponding level of apathy towards involvement in the political process. Jackman supports this view as he

adds, “where cultures are more participatory, citizens display heightened enthusiasm for politics: they exhibit greater political satisfaction with and pride in their institutions and are generally more efficacious in the role they and their fellow citizens play in politics” (1987, p. 405). He asserts further that voter turnout would improve when the people feel that they are being listened to.

The proliferation of civil society and special interest groups would seem to encourage more active political participation, but this is not really the case because of the very nature or practice of representative democracy. Where there are no tools of feedback to government except during election periods, the harm or damage would have been done. In countries where there is some form of direct democracy, feedback from the citizens is heard immediately through the passage or defeat of the ballot measure.

All over the world, special interest groups have succeeded in promoting their own agenda through referendums, and many theorists have noted that their actions are detrimental to the practice of direct democracy. However, a comparison of the role that special interest groups play in shaping policy in both representative systems of governance and in direct democracy may portray that these groups are more powerful or apt to get their way when they have to convince a smaller number of people (i.e. the legislature). In other words, one could hypothesize that the effect of special interests could be stronger with the representative bodies than with the citizenry as a whole.

A possible panacea to the influence of special interests in direct democracy would be the provision of adequate information to the electorate. This implies that an unbiased

availability of information on the pros and cons of whatever is on the ballot is very important.

The business of governance is both complex and challenging, and it should be noted that there is no perfect solution or governance system that will satisfy the yearnings of the people. Direct democracy, like representative democracy, has its own inherent problems. Some of the problems that are associated with direct democracy include: weak political parties; influence of special interest groups; majority tyranny; impact on government policy making; and undue influence of rich individuals on the process.

The major advantage of direct democracy on the other hand is that of inclusiveness through citizen participation. This paper revolves around the central theme that participation is good for the polity. The study indicates that where the practice of direct democracy is in the hands of the government, it is not frequently used, but where the citizens have the power to challenge or place an issue on the ballot through initiatives, there is every chance of the process succeeding.

Direct democracy, even when it is practiced optimally, requires that there be a strong system of representative governance as it would enhance or encourage wide ranging debates of the people. Coalitions would have to be built to enhance the possibility of success of the ballot measure; this debate would also be inclusive and would assist people in gaining a better understanding of the policy or issue. As noted earlier, the influence of special interest groups would reduce with adequate access to information by the people. The enactment of relevant laws would create accountability in

the process as all sources of funds would have to be reported to the regulatory agency supervising the process.

Direct democracy lends credibility to the representative system of governance, as it confers legitimacy on its actions and activities. Democracy is all about choices; direct democracy enhances those choices and acts as a citizen check on the excesses of those sent to represent them.

Implications of Direct Democracy for Nigeria

The aim of this study was to assess the suitability of using referendums as a tool of good governance in the developing world. The relevant literature indicated that there is a link between participation and referendums, leading to the conferment of legitimacy on the actions of those in government. Further assessment of the practice in Brazil also noted that citizen participation is not at optimal levels except in certain cities.

Brazil and Nigeria are alike in many ways: the population size of both countries is above 100 million, political patronage thrives, and corruption still exists. Nigerian citizens are disillusioned with the practice of democracy because of the manipulation of the process by the political elite and the outright vote rigging that characterizes every election in the country.

Good governance as advocated by the World Bank and others is supposed to change the way government operates. It is expected that through good governance, the people's voices will be heard and there will be some form of accountability. This study attempts to see if the introduction of direct democracy might actually improve governance in the country.

Currently, the World Bank assesses country governance performance based on certain parameters. There are six governance indicators available from the World Bank, and two were used to compare the positions of Switzerland, Brazil and Nigeria (See Graph 1 and 2 in the Appendix). Graph 1 reflects Voice and accountability, composed of measurements indicating the citizens' ability to participate in elections, freedom of speech, freedom of association and free media. The result shows that Nigeria is significantly behind Brazil, while Switzerland is closer to the top of the scale. Graph 2 reflects Government Effectiveness, which assesses the quality of the public service, quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation. Nigeria once again also falls behind both Brazil and Switzerland.

These indicators reflect that there is a problem with governance in Nigeria and that something needs to be done to improve the lives and welfare of its citizens. Development encompasses all areas, many would argue that the problem may be that of bad economic management, but some may also note that development goes hand in hand with how a country is governed, how the people perceive the government and how the policies made by those in government are received.

Direct democracy, therefore may not be the only remedy for an improvement in good governance but it is a viable starting point. The Brazilian experience has not worked well but if Nigeria truly wants to give its people a voice, replicating the way referendums and initiatives are practiced in Switzerland would be a good way to begin. The informed

participation of the citizens will also lead to a stable polity, which would in turn deter the military from ever coming back to power.

Establishing Direct Democracy in Nigeria

As Nigeria is similar to Brazil in several ways, it is necessary to avoid the pitfalls that have been noted in their implementation of direct democracy. There are and will always be vested interests when talking about politics, there are some who want the people to have a voice and there are others who feel that the status quo should remain. It is therefore essential to incorporate the interests of both groups when attempting to design a system that can work. It is necessary to give a brief political background on the country before proposing ways of establishing direct democracy in the country.

Nigeria currently has a constitution that is loosely based on the American constitution and this was created by the military government that handed over to a democratically elected government in 1999. The constitution gives more powers to the government at the center, and is extremely hard to amend. The country has had a lot of ethnic and religious conflicts over the years, as there are over 250 ethnic groups and the population is almost evenly split between Christians and Muslims.

In this regard, the military proposed that the country be subdivided into six regions (i.e. North West, North East, North Central, South West, South East and the South South) so that all regions would be equally represented through the use of quotas. It was hoped that by doing this, ethnic and religious conflicts amongst the people would be reduced. Though this has succeeded to a certain extent, merit has been sacrificed on

the altar of political expediency in all spheres of human endeavors in the country, leading some to wonder about why we bother to remain together as one country.

Similarly, though it is not in the constitution, the political class has endeavored since the return of democratic rule to have the presidency rotate between the north and south so that both sections of the country would have a sense of belonging. In keeping with this rotational system, the last president was from the south and the recently inaugurated president is from the north.

The current constitution, as noted earlier is difficult to amend even though all Nigerians feel that it is flawed. Those who are comfortable with it most are those in power at the center as it gives them enormous influence. The last elections held in Nigeria were considered to be flawed by foreign and local observers leading to the crisis of legitimacy facing the newly elected president.

This means that this may be the best time for the current government to try and change the constitution and make it more people oriented in order to gain legitimacy in the eyes of the people. As such, incorporating referendums and initiatives into the constitution now may be a way to gain legitimacy. The following are possible ways of incorporating this model of democracy:

- Accessing the Swiss practice of direct democracy in order to model a similar style in Nigeria.
- Re-organizing the electoral body in Nigeria to make sure that it is staffed with professionals who are not members of any political party.

- The Swiss model incorporates the popular votes and the cantonal votes, Nigeria would be better served if it is modeled in the same way with a few differences. Rather than have the states be predominant, the regions should be emphasized more. For example, when deciding the number of signatures required for an initiative, there must be support from all six regions (i.e. 50,000 votes from citizens in at least a state in each of the regions).

The legislature should only be permitted to propose counter proposals and not have absolute right to decide what gets on the ballot.

Citizen and civil society organizations should be involved in deciding how to design the initiative and referendum system to be practiced.

- States and local governments should be permitted to have initiatives and referendums that are pertinent to their needs (the number of votes required to put issues on the ballot should lower).

The peculiarities of a state should be taken into cognizance when deciding how to implement initiatives and referendums in their locales.

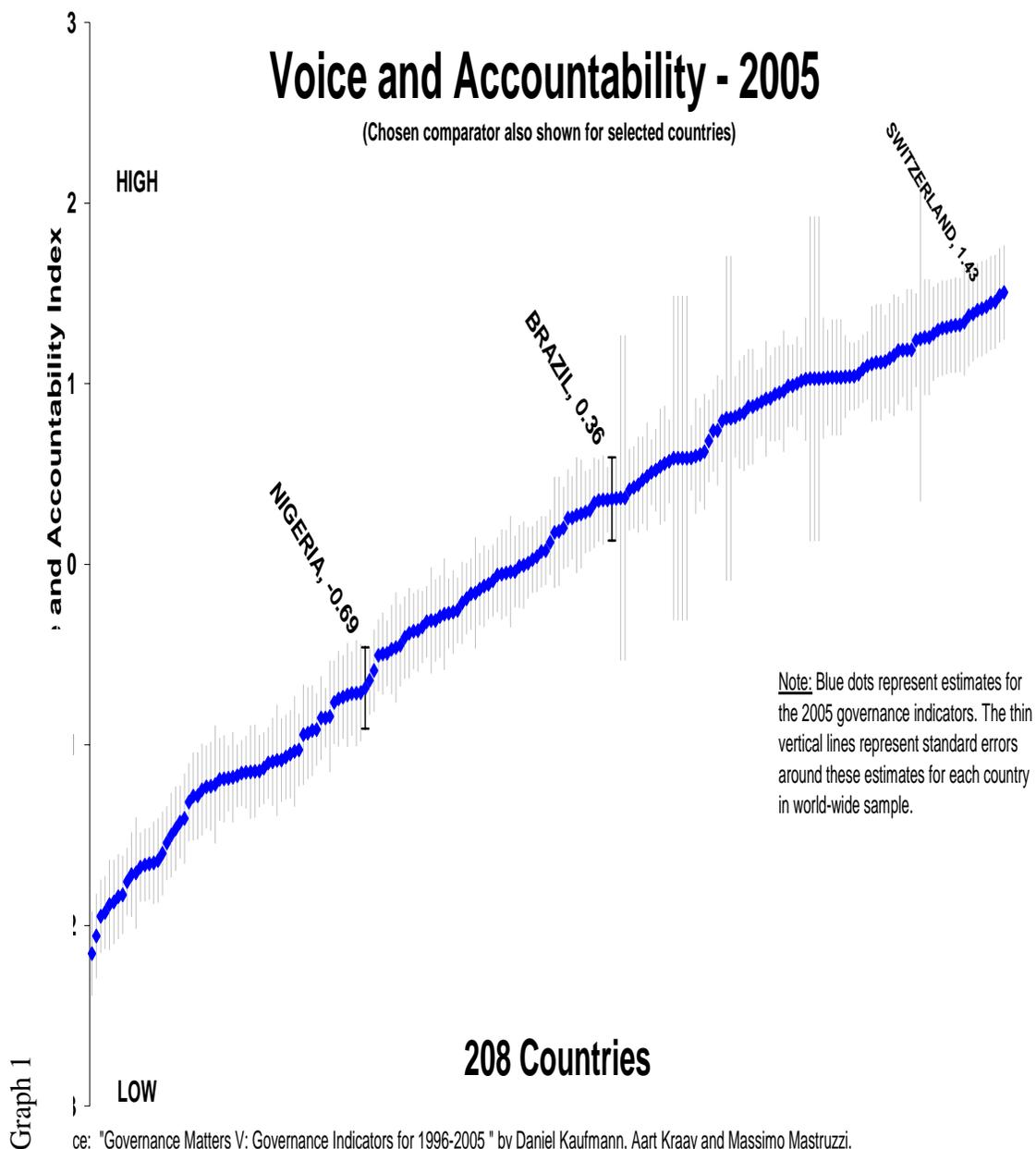
- Initiatives that may threaten national security, sovereignty and citizen rights should be prohibited.
- For a proposal to pass, at least 50% of the people must have voted for the measure subject to at least gaining acceptance in at least one state in each of the six regions.

The ideas represented above are just some of the possible ways of implementing direct democracy and is not exhaustive. The most important thing required is the will to actually

get citizen involvement in the process of decision making, so it would be necessary to get their input on how they would want it to operate.

In conclusion, since Nigeria is so diverse, problems will always exist and some people will never feel that the system is fair to them so it is important to carry out a public campaign to make them understand the benefits that will accrue to them through the practice of direct democracy.

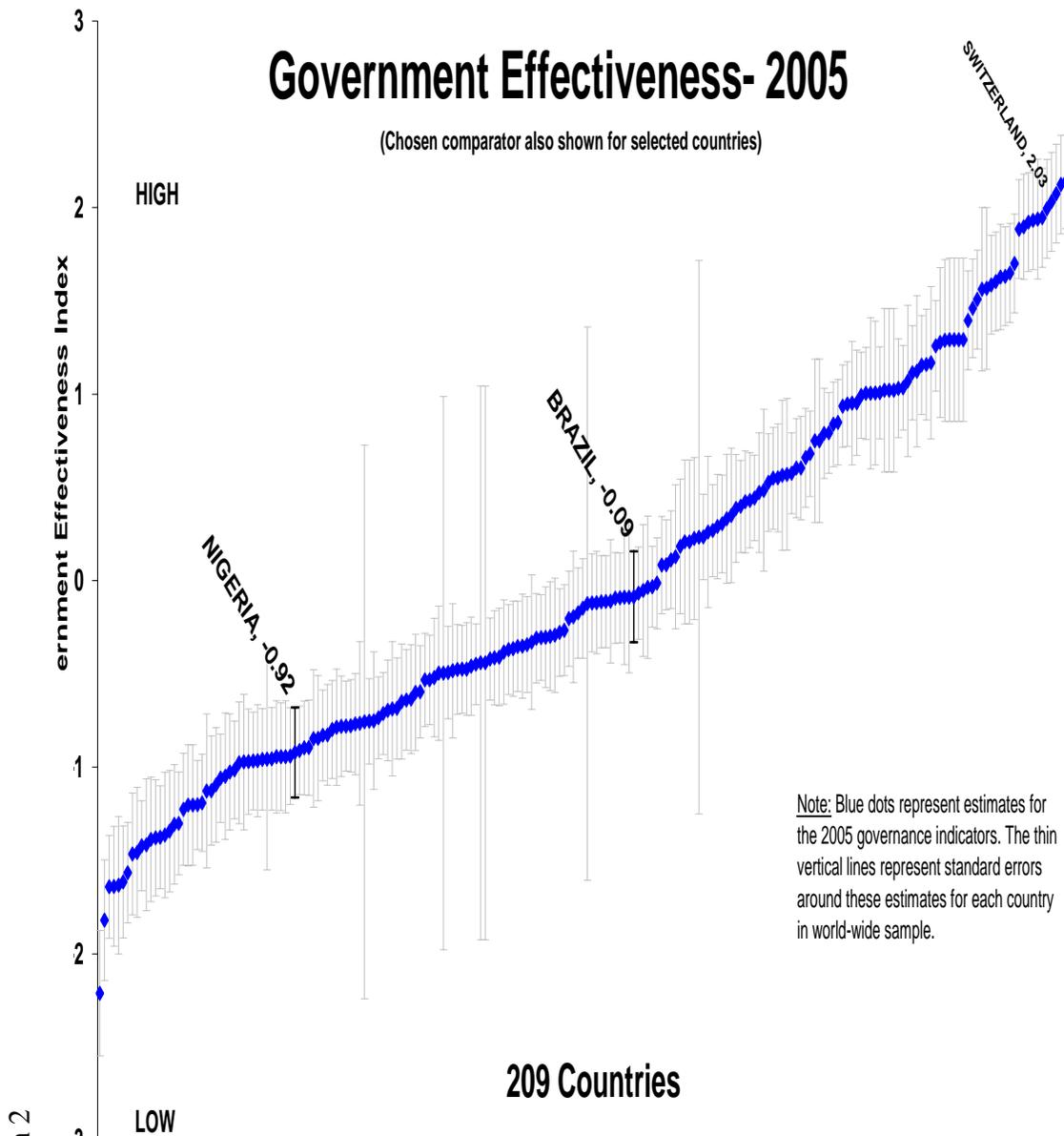
APPENDIX A



Source: "Governance Matters V: Governance Indicators for 1996-2005" by Daniel Kaufmann, Aart Kraay and Massimo Mastruzzi.

Disclaimer: The governance indicators presented here reflect the statistical compilation of responses on the quality of governance given by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries, as reported by a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The aggregate indicators in no way reflect the official position of the World Bank, its Executive Directors, or the countries they represent. As discussed in detail in the accompanying papers, countries' relative positions on these indicators are subject to margins of error that are clearly indicated. Consequently, precise country rankings should not be inferred from this data.

APPENDIX B



Graph 2

Source: "Governance Matters V: Governance Indicators for 1996-2005" by Daniel Kaufmann, Aart Kraay and Massimo Mastruzzi.

Disclaimer: The governance indicators presented here reflect the statistical compilation of responses on the quality of governance given by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries, as reported by a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The aggregate indicators in no way reflect the official position of the World Bank, its Executive Directors, or the countries they represent. As discussed in detail in the accompanying papers, countries' relative positions on these indicators are subject to margins of error that are clearly indicated. Consequently, precise country rankings should not be inferred from this data.

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