

DEMOCRACY

An education booklet

**What is democracy?
How Does it work?**

...A guide to democracy.

plus

**An Introduction
to Tibetan Democracy**



THE TIBETAN CENTRE FOR HUMAN RIGHTS AND DEMOCRACY

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Tibetan Centre for Human Rights and Democracy

The Tibetan Centre for Human Rights and Democracy (TCHRD) is a non-governmental organisation founded in January 1996 and registered under the Indian Societies Registration Act on May 4, 1996. The Centre was established in response to a need for effective monitoring of the human rights situation in Tibet and the promotion of democracy in the Tibetan community. TCHRD relies primarily on testimonials provided by Tibetan refugees in India, in addition to sources within Tibet and other concerned human rights groups.

TCHRD utilises the United Nations mechanisms and submits its reports to the UN Commission on Human Rights, UN Working Groups and Special Rapporteurs; participates in UN human rights conferences and other national and international fora to highlight the human rights situation in Tibet; organises seminars and workshops on human rights and democracy in the exiled Tibetan community and conducts campaigns for victims of human rights violations in Tibet.

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The purpose of this booklet is to provide education on the principles of democracy within the Tibetan community with an aim to firmly establish democratic values as the foundation of Tibetan society.

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WHAT IS DEMOCRACY?

Democracy is probably the most valued system of government in the world today, yet it is often a widely misunderstood and misinterpreted concept. States as diverse as the United States, various one-party states in Africa as well as socialist and communist states all describe themselves as 'democratic'. Other states insist that undemocratic rule is a necessary stage along the road to ultimate 'democracy'. A primary cause for the confusion over the meaning of democracy in our present world is that the concept has developed over time and stems from a variety of sources.

The word 'democracy' was coined around 500BC and is derived from two ancient Greek words: *demos* meaning 'the people' and *kratos* meaning 'rule or authority'. The most basic meaning of the term is therefore "rule by the people" and a democratic government is therefore one that is run by the people.

Greek democracy in ancient Athens differed in important ways from most democracies today. The Athenian democracy was a direct democracy rather than a representative one. There was no division between the legislative (rule-making) and executive (decision-making) branches of the government. Only male citizens were able to serve permanently in the 'assembly', which passed the laws and decided all important government policies. Slaves made up a large part of the Athenian population, yet neither the slaves nor women had the right to vote.

The democratic way of life has always been based on principles of individual equality. All citizens in a democratic state should be entitled to equal protection of their person, possessions and rights; equal opportunity to pursue their lives and careers; and equal rights to participate in political representation. In return, each citizen has equal duties and obligations to involve themselves in the social and political affairs of their community.

The people of a democratic society can think, act and express themselves without undue interference and domination by the government, as long as they conform to the rules of law. Specific freedoms commonly recognised by democratic governments include: freedom of religion; freedom of the press; freedom of speech; freedom of association and assembly; freedom from arbitrary arrest and imprisonment; and freedom to work and live where and how you choose. These freedoms are often protected by the constitution.

Democracy does not imply an absolute freedom, for a democratic society is composed of many citizens, each with his or her own choices and objectives and the action of any one individual will always have an impact upon others. Thus, one person's 'right' or 'freedom' is not acceptable when it violates another person's rights. In guarding the various democratic freedoms, it is the role of the judiciary (the courts) to balance the individual interests against any possible injury and damage to other people and the community. For instance, freedom of speech does not allow people to slander (*that is, to make a false or malicious statement about*) others, and the right to choose one's employment does not allow child prostitution.

Democracy is not only about rights and freedoms. It also implies a positive duty on all members to participate actively in society and an obligation to act as a responsible, well-informed citizen concerned with the common good. Democracy doesn't just give to the people, it also requires each person's input.

TYPES OF DEMOCRACY

Democracies are often classified into two categories — **direct democracy** and **representative democracy** — whereby the citizens of a democracy take part in government either directly or indirectly.

In a **direct democracy**, all citizens get together in one place to make the laws for their community. According to the theory of direct democracy, all concerned citizens directly participate in the decision making and the passing of laws. This function cannot be delegated to others, nor may a select group or individual speak and act on behalf of others. This kind of democracy was practised in the ancient Greek city-state of Athens, but is not common in today's world of mega-populations and busy schedules. But one can still find places like the state of New England in the USA where the whole town meets to make decisions.

Today the common form of democracy is *representative democracy*. Because of the size of modern communities, the cities, states, provinces, or countries, it would be very impractical for all citizens to meet at the same place at the same time. Instead, the citizens elect a small group of people that can represent them, usually a few hundred persons. An assembly of representatives may be called a council, a legislature, a parliament, a congress or a Senate. Representative democracy is thus a form of indirect rule.

There are two kinds of representative democracies: **parliamentary democracy** and **presidential democracy**.

A **parliamentary democracy** is a system in which there is an assembly or parliament which is constituted by election. The primary functions of a parliament is to make decisions, pass laws, to supervise, and control public expenditure. The role of a parliament is also to act as a sort of “middle-man” between the ordinary citizen and the government. The government is accountable to the parliament which, in turn, implicitly represents the views of the people.

In a **parliamentary democracy**, the top officials are known as ministers. The ministers make up an executive body that is called the cabinet. Ministers can also be members of parliament, and so they carry out legislative or law-making functions as well. Both the government and the cabinet functions under the control of the parliament as a whole and remains in power only as long as it has the support of a majority of the members of parliament.

In most countries with parliamentary government, the chief executive is called the prime minister. The prime minister is the leader of the largest party in parliament or of a coalition. A coalition is a temporary joining of parties that together have a majority of seats. The prime minister is not elected by voters but is nominated by the majority party and then formally administered the oath of office by the official head of state who may be the king or queen of a monarchy or the president of a republic. In most parliamentary governments, the prime minister selects his or her ministers. The United Kingdom is an example of a parliamentary democracy.

In a **presidential democracy**, the chief executive participates far more directly in the decision-making and can exercise a considerable degree of power. In the parliamentary system, the head of government and the head of state are two different persons. For instance, the prime minister is the head of the government and the king is the head of state. Today, the duties of the head of state has often been reduced to purely ceremonial duties, or merely to perform official appointments. In contrast, most presidents carry the responsibility and authority of both head of government and state.

The forms of presidential government vary but in many countries, including the USA and France, the president is elected separately from, and independent of, the legislative branch. He or she is commonly elected for a fixed term — often four years — while the prime minister of a parliamentary

government has to relinquish his post before the expiration of his term if the parliament does not support the governments policies.

In both presidential and parliamentary governments, the judicial branch functions independently. However the powers of the judiciary under the parliamentary and presidential systems differ in degree. For instance, the Supreme Court of the United States may, in some cases, declare an action of the president or congress (legislature) unconstitutional; but no British court can overrule the prime minister or parliament.

FEATURES OF DEMOCRACY

While the democratic set up can vary from one country to another, certain core features are present in order for a country to function in a democratic way.

Free elections. These provide the people with a chance to express their opinions on social issues through the selection of representatives. Elections are held periodically and the possibility of being voted out of office helps assure that elected officials pay attention to public opinion. Generally, any adult who is a permanent resident or citizen of the country should be legally entitled to vote or to stand for office and voters should be able to vote by secret ballot, free from force or bribes. The election results should be honestly tallied and recorded.

Equality. In a democracy, each person should be accorded the same opportunities without discrimination on the basis of their religion, ethnic group, gender, age and sexual orientation. People's differences should be recognised and respected.

Majority rule and minority rights. In a democracy, a decision must often be approved by a majority of the elected representatives of the people before it can take effect. This principle of majority vote may apply to everything from the election of officials to policy-making. Where a fundamental or constitutional change is proposed, most democracies require more than a simple majority (i.e. more than 50%). For example, in some democratic countries, constitutional amendments must be ratified by 75% of the legislature.

The idea of majority rule — enforcement of the opinion of the greater number

of citizens — cannot, however, leave the opinions and demands of the minority without attention. A democracy acknowledges the rights and freedoms of every individual and specifically protects some rights such as the freedoms of speech, press, assembly, and religious worship from interference by the government or others. The majority must also recognise the minorities to try to become a majority.

Separation of Powers. The principle of separation prevents any single branch of government from becoming too powerful. By dividing the areas of authority between separate governing branches, there is less possibility of political power overcoming the public interest. Abuse of power may arise, for example, if the body which has created a rule also decides whether it has been broken. In totalitarian or one-party states, it is common for the politically dominant group to control all governing branches.

The usual divisions of power are between the rule-making power (legislature), the power to apply rules and policies (executive) and the power to try these rules in court (judiciary). Most modern democracies do not have an absolute separation of powers. For example, the executives are often empowered to legislate in the sense of determining which laws should be passed which, as in France, allows them some autonomous law-making power.

Accountability and transparency. In a democracy, government officials are subject to the law and are accountable to the people. Those who exercise power, whether as government officials, elected representatives or any other kind of appointed officials, must be able to justify their actions and policies to the people for whom they act. If they have acted in an improper way, they may be voted out of power or tried before the courts. In countries where the executive is responsible to a legislature (e.g. Great Britain, Australia) rather than elected for a fixed term (such as in the US), the legislature may pass a vote of no confidence against the government which will usually lead to its resignation.

In order for the people to be well-informed about the decisions made by the elected officials, the decision-making process must be transparent. This allows the people to attend public meetings and the government usually records and publishes the decisions it makes.

Political parties. In order for elections to be meaningful, voters must be able to choose between a range of political contenders representing different interests and political programs. Many democratic countries have multi-party systems. In such cases it might happen that no single party will gain the

necessary majority in the legislature and a coalition government of two or more parties must be formed (e.g. Italy). The parties not in power serve as the opposition and often criticise the policies and actions of the party or coalition in power.

Constitutional government. Democratic government is based on law and, in most cases, a written constitution strictly regulates the powers and duties of the government. It also declares the procedures by which the government shall be formed, the laws shall be made and enforced, and how the constitution itself may be amended. Most constitutions have a detailed bill of rights that outline the basic liberties of the people. In a few democracies such as Great Britain, certain unwritten procedures have also become, through time and repeated practice, important parts of the operation of government.

Independent judiciary. It is the duty of the judicial system to protect the integrity of the rules and the rights of individuals under these rules. While judges are, in theory, recruited for their legal experience and respected position in society, in practice judicial appointments are often influenced by political factors.

Private organisations. In a democracy, individuals and private organisations carry on many social and economic activities that are, for the most part, free of government control. For example: most media and businesses are privately owned and managed; labour unions are run by and for the benefit of workers; private schools operate along with public schools; and religious worship is generally free from government interference. People representing different groups or associations may influence opinion issues and policies. In contrast, in an authoritarian system, the government may dictate what type of work and activities people may participate in and run a monopoly on economic and social institutions.

PARTICIPATION IN A DEMOCRATIC GOVERNMENT

Many people believe that the greatest opportunity to participate in government is within a free and open democracy. Democracy has been described as “of the people, by the people, and for the people”. In order to utilise this power, it is the citizen’s right and duty to take an active part in social and political activities.

Participation may take many forms including:

- reading and writing about issues and leaders
- debating issues concerning social, economic and political conditions
- working in the community in support of a particular cause or in protest against government action
- forming or joining political parties or other community or grass roots organisations
- attending political or community meetings
- voting in elections
- campaigning for those standing for office
- standing for office and serving if elected
- paying taxes
- using existing legal channels such as contacting government officials, taking cases to court etc.
- protesting through demonstrations, boycotts, strikes

MAKING DEMOCRACY WORK

Citizen participation. Democracy calls for widespread and active participation in politics by the people. An efficient and genuinely representative government is best served by citizens making an informed vote in elections and speaking out on important issues. It is also considered an individual's civic duty to be willing to run for public office, to serve on juries, and to contribute to the welfare of their country.

Education in democracy. Good governance cannot be guaranteed by widespread political participation alone. Democracy places great importance in the education of the people for a more meaningful participation which can also be encouraged through widespread dissemination of materials on issues of concern and political developments. This can be achieved by means of communication through mass media. As such, an independent and responsible media is necessary. Citizens must concern themselves directly with social and political affairs affecting their own lives.

Voluntary involvement. While all governments always can resort to some extent of force, and ultimately even violence, a democratic system usually emphasises dialogue, negotiation, agreement, and ultimately, voluntary citizen co-operation. This approach is linked to the democratic principle of free

choice and the belief that members of society will generally act in a manner conducive to their common welfare.

Economic development. The stability of a democracy is often linked to the economy. In countries with a relatively high level of economic development literacy rates are often high, per capita incomes are at least moderate, and extremes of wealth and poverty are less pronounced than under developed countries. In times of economic crisis, public frustration and anger can spark suspicions between various classes, groups, parties, and leaders. Democratic structures are then threatened by the inability to maintain sufficient agreement among either the people or their political leaders on the purposes of government. Democratic governments may be similarly destabilised when communal differences make people unwilling to co-operate.

IMPORTANT DEMOCRATIC TERMS

Accountability is being responsible and answerable to the people. Those who exercise power, whether as governments, as elected representatives or as appointed officials must be accountable to the people.

Amendment is a change made to a bill, law, constitutional provision or regulation.

Authority is the right and duty to make decisions, and the power to enforce them.

Bill of rights is a document that seeks to guarantee certain fundamental rights and freedoms of the people and forbids the government from violating those rights.

Cabinet consists of the senior ministers of a government. Each cabinet member is the head of a government department.

Civil liberties are freedoms or rights which are vital to the functioning of a liberal and democratic society. They include freedom of speech, religion, movement, association, right to fair trial and freedom of the person.

Civil rights are those fundamental rights that everyone should enjoy on an equal basis. They include the human rights to legal equality, right to a fair

trial and the right to be free from inhuman treatment or discrimination, and the political rights to freedom of speech, association and worship.

Checks and balances are limitations on the powers of any branch of government. By dividing the powers of government among three branches, each branch may check or balance the power of the others.

Centralisation occurs where the concentration of power is held in the central government and at the national level, rather than being shared between national, regional and local authorities.

Constitution is a set of rights, powers and procedures that defines the relationships between the state's public authorities, and between the public authorities and individual citizens. Usually a written document but may be supplemented by judicial decisions, custom and convention.

Coalition is a temporary joining of parties that together have a majority of seats to form a government.

Decentralisation is the process or situation in which powers and responsibilities are or have been transferred from a central authority to regional and local authorities.

Decree is an official order or a legal rule issued directly by a minister or department of state under direct authority granted by a constitution or other legislation. It has all the power of parliamentary legislation.

Deputies are elected members of a legislative assembly. A deputy has an obligation to represent the views of those voters responsible for his election.

Election is a method of selecting political leaders by voting amongst candidates.

Executive is the branch of a democratic government that takes decisions and oversees the implementation of laws.

Federalism is a system of government in which power is constitutionally divided between two levels of government: national and regional. Each level has some sovereignty and while the central government retains control over areas such as foreign affairs, defence and money supply, the regional governments hold considerable authority in such areas as education, health care and justice.

Impeachment is an official charge by a legislative body accusing a government official of being unworthy of office.

Judiciary is the branch of government consisting of judges and courts. This branch interprets laws and dispenses justice when laws have been broken.

Legislature is the official law-making body of a political system.

Legitimacy is the widespread acceptance of the authority of a public government.

Parliament is the highest legislative or national law-making body. It is usually made up of elected representatives but sometimes includes appointed members.

Pressure Groups are voluntary organisations formed to defend a particular interest group in a society or to promote a cause or political position.

Plebiscite is the direct vote of all the people of a state on an important public question. The term has come to mean the vote of the people of a certain place to choose the nation that will govern them.

Plurality is the number of votes cast for a candidate who receives more than any other but does not receive an absolute majority

Political party is an organised group of people who control or seek to control a government.

Republic is a form of non-monarchical government in which the citizens elect representatives to manage the government.

Referendum is a method of referring a question or set of questions to the electorate directly rather than allowing them to be settled by the people's representatives in the legislature.

Suffrage/franchise is another name for the eligibility to vote.

Unitary system of government is one in which the principal authorities are held by the central government. The regional and local governments are created by the central government and possess only those powers that the central government accords them.

What famous people say about democracy

“My political idea is democracy. Everyone should be respected as an individual, but no one idolised” *Albert Einstein*

“No system of government is perfect, but democracy is closest to our essential human nature. It is also the only stable foundation upon which a just and free global political structure can be built.” *HH the XIV Dalai Lama*

“I believe in democracy because it releases the energies of every human being” *Woodrow Wilson*

“The measure of a democracy is the measure of the freedom of its humblest citizens.” *John Galsworthy*

“Government of the people, by the people, for the people, still remains the sovereign definition of democracy.”
Sir Winston Churchill

“Democracy...is the only form of government that is founded on the dignity of man, not the dignity of some men, of rich men, of educated men or of white men, but of all men.”
Robert Maynard Hutchins

An Introduction to Tibetan Democracy

BIRTH OF TIBETAN DEMOCRACY

Prior to the take-over of Tibet by the People's Liberation Army of Communist China in 1959, the major government decisions in Tibet were taken by the *Tsongdu*, an assembly consisting of monks and lay people. However no elections were held and the system was not far removed from feudalism. Traditional Tibetan society was by no means perfect and was in need of changes. The present Dalai Lama initiated the process of democratisation in Tibet as soon as he assumed temporal authority, yet his reforms could not be fully implemented as he was forced to flee Tibet from Chinese aggression. The exile community therefore had no experience of democratic governance when it came to India.

Soon after Tibetans began settling in India, the XIV Dalai Lama once more began to guide them towards a more democratic system of society. In January 1960, he outlined a detailed programme for setting up an elected body to a large group of Tibetans gathered at Bodh Gaya, India. The elected body was to consist of three exile representatives from each of the three provinces of Tibet and one from each of the four religious sects. Elections were duly held and the first representative government of the Tibetans was introduced with the formation of the Assembly of Tibetan People's Deputies on September 2, 1960. This historical day has been observed by the Tibetan community ever since as Democracy Day.

The role of the deputies was largely a formal one at first, for the exiled administration had no secretariat and its facilities were limited. To strengthen the function of the Assembly, the Dalai Lama promulgated the "Constitution of Tibet" in 1963. Deputies were now authorised to oversee the departments of the exiled government but the Dalai Lama retained the power to appoint the Kalons (Ministers). Membership of the Assembly varied between 13 and 17 deputies from the first Assembly formed in 1960 to the tenth in 1988.

A REVOLUTIONAY CHANGE

His Holiness the Dalai Lama has repeatedly emphasised the need for the development of a more ideal democracy that meets the aspirations of Tibet and its people. Towards the fulfilment of this goal, he appointed a "Tibet Constitution Re-drafting Committee" for the purposes of formulating a "Charter for Tibetans" while in exile. This charter contains the fundamental rights and duties of all Tibetans - including legal equality, religious freedom and political participation - and the 'Directive Principles of the Tibetan Administration' which emphasise social welfare, education, culture and health.

In 1990, 30 years after its birth, the Tibetan democratic system received substantial reforms when the Dalai Lama proposed the expansion of the memberships in the Assembly, greater representation to women and the dissolution of the existing tenth Assembly. The Dalai Lama renounced his ultimate authority to approve the members of the Assembly and to supervise them in their functions, and his power to appoint the Kalons was henceforth replaced with election by the Assembly. The Dalai Lama also outlined the need for a judicial tribunal to look into citizens' complaints.

On May 29, 1991, the Assembly of Tibetan People's Deputies constituted an altogether different body. Membership had risen from 12 to 46 so as to accommodate representations of all sections of the exiled community in India and abroad. On June 14, 1991, the 11th Assembly adopted the Charter of Tibetans in Exile: a comprehensive working constitution. Modelled on similar documents from liberal democracies, the Charter is nevertheless impregnated with Tibetan values. The rights and duties of the exile community and the functions of its government are laid down in the Charter which constitutes the principles of a working democratic system that guarantees equal rights.

CHARTER OF RIGHTS

The basis of any system of government is its constitution or charter - a set of provisions and procedures regulating the institutional fabric and power relationships of a state so as to organise governmental action. In a democracy, the constitution has a special significance for it also incorporates the rights and duties of the people.

The Tibetan Government-in-Exile was originally established on the basis of a provisional democratic constitution. The Charter of Rights for Tibetans in Exile lays down principles for every aspect of the governance of the exiled community and serves as a model for a free Tibet. It also describes the

fundamental principles, rights and duties of the Tibetan people, directive principles of the Tibetan Administration, and defines the functions of the Executive, Legislative and Judiciary, the administration of the Tibetan settlements and the constitution of various commissions.

The fundamental principles laid down in the charter are:

1. to respect religious traditions;
2. to be a social welfare and federal democratic Republic;
3. to uphold the principles of non-violence as laid down in the teaching of Tibetan Buddhist in adherence with the United Nations Universal Declaration of Human Rights;
4. to emphasise the promotion of the moral and material welfare of the Tibetan people to achieve their common goal of interdependence;
5. to endeavour to conform to the generally accepted principles of international laws of the host countries;
6. to provide all Tibetans with equality before the law and the enjoyment of the rights and freedom set forth in the charter without discrimination of sex, race, language, lay or ordained, social origin, rich or poor, elected position or other status.

THREE ORGANS OF THE GOVERNMENT

LEGISLATIVE: The Assembly of Tibetan People's Deputies

The Assembly of Tibetan People's Deputies is the highest elected legislative organ of the Tibetan refugee community. The Assembly was formerly known as the Commission of Tibetan People's Deputies and came into being in 1960. The Assembly now consists of 46 elected members representing the three provincial regions and five major religious sects of Tibet. The three provincial regions are U-Tsang, Kham, and Amdo and each region elects 10 deputies. The five religious sects (Nyingma, Sakya, Kagyue, Gelug and Bon) are represented in the Assembly by two deputies each. There are also two deputies elected from Europe, one from North America and three seats - nominated by the Dalai Lama - are reserved for persons of distinction in the field of arts, science and literature. The term of parliament was fixed to five years from the date of its first meeting.

The Assembly is headed by a Chairman and a Vice-Chairman, who are elected by the deputies amongst themselves. Since the exiled Charter does not specify the actual role of a political party, nominations of electoral

candidates is overseen by the Tibetan Election Commission. Any one who has reached the age of 25 years has the right to contest election to the Assembly and all those who have reached the age of 18 years are eligible to vote.

The Assembly now meets twice a year for about two weeks. When the Assembly is not in session there is a Standing Committee of the Assembly, comprised of 12 deputies. It functions in accordance with the directives issued by the Tibetan Assembly.

All law-making authority is vested in the Tibetan Assembly and the passing of legislation requires the assent of Dalai Lama. As representatives of the people, the deputies of the Assembly undertake periodic tours of various Tibetan exile settlements to make an objective assessment of the overall conditions. On their return any specific grievances and matters requiring the immediate attention of the administration are brought to its notice. The Assembly also acts as a watch-dog of the Kashag (Cabinet) and its departments while the deputies oversee the Kalons.

Each of the Tibetan settlements has a local Tibetan Assembly (LTA) comprising members from amongst the Tibetan residents. The strength of the LTA is between 11 to 35 members depending on the population of the represented settlements. Their term is for three years unless circumstances demand dissolution of the LTA before the expiry of its term. The Assembly exercises all authority in respect to the formulation and approval of the regulations for conduct of all business matters of the Tibetan settlements.

EXECUTIVE: The Kashag

The term 'Executive' is used to designate those responsible for executing, or putting into effect, the laws. It is the pivotal part of the actual administration and includes all official engaged in administration although it is customary to use the term in its narrower sense to refer only to the Chief Executive head of the state and his advisers and ministers.

The executive power of the Central Tibetan Administration is vested in the Dalai Lama. He exercises this power either directly or through officers and organs in accordance with the provisions of the Charter. The Tibetan Government-in-Exile encompasses a system of plural executives like that of the Swiss Federation. The Kashag comprises eight members who are responsible for exercising executive powers subordinate to the Dalai Lama. Candidates for Kalons - the members of Kashag - are short-listed and proposed by His Holiness the Dalai Lama. This list is then sent to the Assembly. The Assembly, through secret ballot, elects Kalons from those amongst the

proposed list for a term of five years. One of its members is annually elected among themselves to serve as its Chief Kalon. The rest of the Kalons head each of the seven administrative departments of the Tibetan Government-in-Exile. Kalons are not members of the Assembly and have no parliamentary voting rights. Any member of the Assembly if elected as Kalon must resign from the House. Kalons can be re-elected provided she or he has not exceeded two consecutive terms.

The Kashag is serviced by a secretariat which is responsible for all administrative matters of the Kashag and for important CTA measures affecting more than one department. It is the responsibility of the Kashag to take all policy decisions concerning the exile community as well as to keep the question of Tibet alive.

JUDICIARY: The Tibetan Supreme Justice Commission

The Judiciary is an essential body in the modern state, acting as the watch dog of the rights and liberties of the citizens. In fact, freedom of the individual becomes meaningless unless the system of justice is constituted so as to ensure the impartial administration of justice for all. The Tibetan Supreme Justice Commission was established on March 10, 1992, under the Charter of Tibetans in Exile, its primary functions to hear and determine disputes which are of a purely civil nature and are internal to the Tibetan refugee community. As the refugee community has no security forces, criminal cases are not considered by the Justice Commission, but must be referred to the law of the land.

The Supreme Justice Commission is the highest judicial authority of the Tibetan administration and comprises of three justice commissioners. The Chief Justice Commissioner is nominated by the Dalai Lama. The nomination requires acceptance by a two third majority in the Assembly before the appointment can be made. The Commission is to establish a Circuit Justice Commission (a secondary level court) in six different areas. Below the Circuit Justice Commission, the Local Justice Commission is being established in the various Tibetan settlements in exile. Presently there are ten local justice commissions and the settlement representatives are the acting local justice commissioners.

The Judiciary also acts a constitutional arbitrator to ensure that each of the governmental organs carry out their responsibilities as defined by the written Charter.

DEMOCRATIC VISION IN TIBET

The Tibetan Government-in-Exile and the Tibetan population are preparing for the future, particularly for the joyful day when the Tibetans in exile and those in Tibet are reunited in a free Tibet. His Holiness the Dalai Lama has led his people with constant urging that they plan for their return with clarity and realism. Effort and determination is needed by the Tibetan citizens to make lasting improvements in the quality of the future administration of Tibet. The Dalai Lama has stated that the Tibetans in Tibet shall carry major responsibility for the formulation of Tibet's future democratic government and that the officials presently serving the Chinese government shall bear even greater responsibility.

On February 26, 1992, the Dalai Lama announced the 'guidelines for future Tibet's polity and the basic features of the constitution' wherein he stated that he would not play any role in the future government of Tibet. In order to re-assure Tibetans, long reliant on his guidance, he stated that he will most likely remain a public figure who may be called on to office for advice or to resolve some particular significant and difficult problems which cannot be overcome or solved by the existing government or political mechanism.

The Dalai Lama has expressed the hope that the future government of Tibet will be elected by the people on the basis of adult franchise and it should have a multi-party system of parliament and three organs of government with clear separation of powers, each independent of the other and vested with equal powers and authority. He has also announced that during the transition period, between the withdrawal of the Chinese troops from Tibet and the final promulgation of the constitution, the full administrative responsibilities of the states will be entrusted to the Tibetan functionaries presently working in Tibet.

During this transition period, an interim government with an interim President will be appointed to whom the Dalai Lama will delegate all of his political powers and responsibilities. The Government-in-Exile will *ipso facto* cease to exist. The transitional government will set up a constituent assembly which will in turn prepare Tibet's new constitution on the basis of various drafts prepared in exile. Then, in accordance with the constitution, the interim President will appoint an election commission, which will be given the task of electing the new government.

The guidelines for the future Tibet's polity also states that Tibet shall be a peace loving nation, adhering to the principle of Ahimsa. It shall have a democratic system of government committed to preserving a clean, healthy and beautiful environment, and the nation shall be a completely demilitarised zone.

Chinese leaders have consistently renounced the Tibetans' struggle for independence and the Dalai Lama's requests for a genuine autonomy, claiming that these represent plots to resurrect the traditional system of 'slaves and serfdom'. It is evident from the efforts of the Dalai Lama, the Tibetan Government-in-Exile and the drafters of the future Tibet's polity and constitutional framework that the system will in no way resemble that which was in place before Chinese occupation. As in exile, the greatest emphasis has been placed on the creation of a true modern democracy for the Tibetan people.

HOW CAN WE IMPROVE OUR DEMOCRACY?

The reality is that Tibet is occupied by Chinese armed forces and that Tibetan democracy can, at present, function in exile only. Tibetan democracy is very much a fledgling democracy with a long way to go in order to fully democratise our society. There are many important areas that need to be addressed including: representation in Parliament; equal franchise; and the role of political parties. The most important consideration is the choice of an appropriate democratic model for Tibet and it is up to all Tibetan people to consider options such as whether to have a presidential or a parliamentary system and whether to have two houses or one.

Democracy signifies a government shaped by public opinion which endorses individual freedoms and guarantees the expression of views to influence government policy. However, in order to keep democracy as a vital developing force in Tibetan society, its people must be well informed for meaningful and active participation in the affairs of the state. This may be facilitated through the creation or further development of certain bodies within Tibetan society:

Legislative Assembly

Legislatures are the barometers of public opinion and the forums where representatives of the people think and decide on public affairs. The legislative

assembly is the apex of this division of government. Legislatures usually elect their own officers as well as the Executive's top officials. The elected members of the Assembly of Tibetan People's Deputies are in this way responsible for the election of the Kalons.

Charged with such an important task, citizens should acknowledge the importance of having high calibre members in the Assembly who will think for the general good and will not be guided by personal goals and prejudices. Citizens should familiarise themselves with issues concerning their society and leaders by reading and speaking with people; participate in elections; and attend political and community meetings. Through active participation one can thereby hold the people's representatives and the government accountable and, most importantly, assist the government's efficient functioning in accordance with the wishes of its people.

Party System

With the evolution of democracy, the process of government has more and more been defined by debate and negotiation rather than force. The party system is an integral part of a representative government that allows for different opinions to be expressed and offers a choice of actions and policies to the electorate. Various sectional and regional interests may be aggregated through the medium of political parties which effectively focuses public opinion and arranges the issues for electoral choice. A party system also helps maintain a responsible government as the party in power may be monitored and criticised by other parties. The inclusion of a multi-party system of parliament is evident in the Dalai Lama's vision of the future Tibet.

Press

The press is an extraordinarily powerful agency of communication which helps to educate the people and favour the public opinion. A free and impartial press is indispensable for the successful functioning of a democratic government. It acts as a guardian of rights and liberties of the citizens and is a forum for the discussion of public policies enabling the government to feel the pulse of the people. Professional and ethical standards will govern the quality of media information and the press should not manipulate opinion by suppressing facts and distorting news. It should aim at providing constructive criticism for the welfare of the society rather than attacking an individual on personal grounds.

Education

Education of the people is the crux of a properly functioning democracy. The more complex the social environment, the greater is the need for education. In the absence of knowledge and trained judgement, the citizen is likely to clutch at prejudices, dogmas and catch words. Education provokes thought, encourages honesty, produces ideas, diffuses emotions, strengthens the will and imposes the quality of leadership.

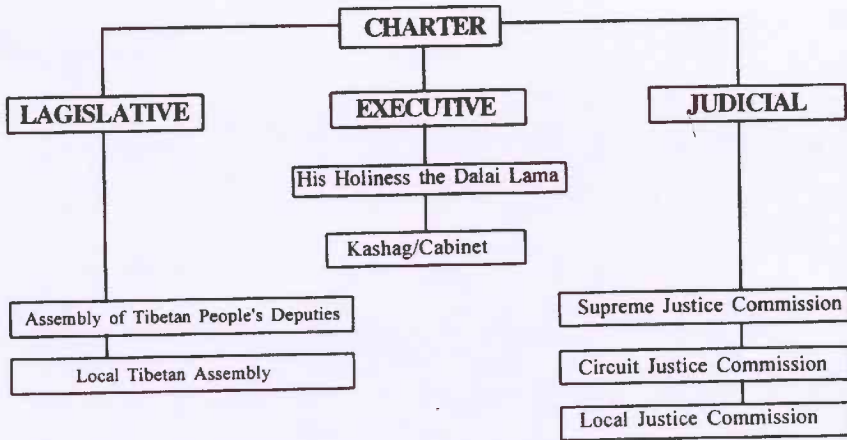
CONCLUSION

In a truly democratic society every man feels capable of contributing something unique to the common flow of ideas and feelings by participating in the process of discussion. Moreover, democracy implies moral responsibility of each in his action. Any action of the government in democracy means an action by the chosen representatives of the people and hence it involves the moral responsibility of the people themselves. Active participation of the people in the process of government is crucial to the success of democracy and a network of autonomous local bodies spread throughout the Tibetan diaspora can help ensure such popular participation. Of comparable importance is the quality of leadership: the leadership must be bold, active, decisive and honest to inspire the people with a spirit of public service.

Throughout the last 30 years, the exiled Tibetan community has made considerable efforts to build up that sense of civic duty and responsible participation and leadership. Certainly there are further steps to be taken and progress to be made; the Tibetan exile community is necessarily limited by its limited resources and its relatively short experience with democratic structures and principles. A true democracy for the Tibetan people also necessitates the participation of all Tibetans in a common governance - an impossibility while China continues to occupy and administer Tibet. Yet, with the democratic foundations already laid and further initiatives in progress, the vision of a future democratic Tibet becomes clearer.

Structure of Tibetan Government-in-Exile

The chart below shows the basic democratic structure of the Tibetan Government-in-Exile. The three separate branches - legislative, executive, and judicial - share powers of the Tibetan government. In general, the legislative branch makes the laws, the executive branch carries out the laws, and the judicial branch interprets the laws.



Executive departments

Department of Religion and Culture
 Department of Home Affairs
 Department of Finance
 Department of Education
 Department of Security
 Department of Information and International Relations
 Department of Health

Independent agencies

The executive branch includes three agencies that are not part of an executive department but function as independent agencies.

Election Commission
 Public Service Commission
 Audit Commission