

6.1 GOVERNMENT

PREVIEW

What words do you think of when you think about 'government'?
Make a class mind map.



6.1.1 GOVERNMENT: THE BASICS

A. WHAT IS GOVERNMENT?

A government is the leadership of a country. Governments have the authority to make and **implement** decisions about the country's public policy.

Public policy is a plan of action that governments take to achieve their goals. These goals are often related to meeting the needs of the people and solving the country's problems.

Governments are also responsible for managing conflicts related to national decision-making. This could include conflict between different representatives or parties in the parliament, or between different social or ethnic groups. Governments are also responsible for maintaining peace and security through the police, military and courts.



B. WHAT IS PUBLIC POLICY?

Public policy decisions are usually about how to distribute public resources and opportunities. Public resources include all the money that governments get from taxes, natural resources and other public goods (this is called **revenue**). Public opportunities include access to education, healthcare and other **social services**.

Debates about public policy are at the centre of democratic politics. In a democracy, political parties get elected because voters think that their policies will be the best for their country.

Different political parties share these resources and opportunities in different ways. These differences are based on their values and the needs and concerns of their supporters. For example, a party with strong support from workers and poor people will distribute more resources and opportunities to them. This might fit with their values of equality and social justice.

Choose the best answer.

1. Which of the following is NOT a responsibility of a democratic government?
 - a. managing conflicts between different groups
 - b. making decisions about public policy
 - c. making sure that there is only one political party in the parliament
2. Which of the following is NOT true about public policy?
 - a. Public policy decisions are usually about how to distribute resources and opportunities.
 - b. Political parties do not disagree about what public policy should be.
 - c. Debates about public policy are very important in democratic politics.

Exercise



C. LAWS

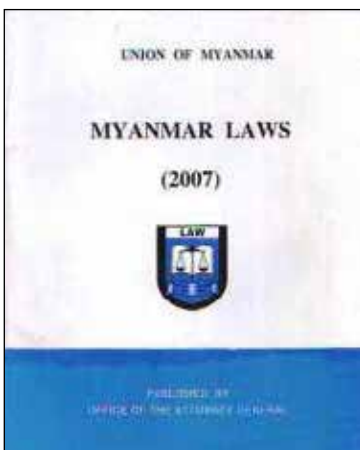
Laws are a very important tool for democratic governments. Government use laws to make changes in society. These changes can affect people's behaviour, their quality of life and their access to resources and opportunities. Democratic governments use laws to solve society's problems and meet the needs of the people.

Laws are usually suggested by a member of parliament (or sometimes by the president). A suggestion for a law is called a **bill**. Bills are debated by members of the parliament and changed until the majority of the representatives agree with the law. If the president also agrees with the bill, then it becomes a law.

The example below shows the steps in this process:

From Idea to Bill to Law

1. A Representative gets a lot of complaints from his community that restaurants stay open very late. People get very drunk and play loud music. This disturbs other people.
2. The representative joins together with other representatives who have the same concerns. They write the draft of a law saying that all restaurants must close by 9 pm.
3. This bill is debated in the parliament until everyone agrees with it. In the process, the closing time is changed from 9 pm to 11 pm.
4. They send the bill to the president who approves it.



The government is responsible for making, implementing and enforcing that law. These three steps can be seen in the following example:

Laws: The Government's Responsibilities

1. **Making:** The government makes a law that all restaurants and bars must close by 11 pm.
2. **Implementing:** The new law is put into effect. Citizens, restaurants and bar owners are all informed about the law and the punishments for breaking it.
3. **Enforcing:** If a restaurant or bar is open after 11 pm, the owner can be punished – they have to pay a fine or go to jail.

Exercise

Are the statements true or false? If false, explain why.

- a. A bill is the name for a law that has not been approved yet.
- b. Laws are always suggested by the president.
- c. The government is responsible for making, implementing and enforcing laws.

Exercise

Match these activities with the six public policy goals. Note there can be more than one goal for each activity.

- | | |
|----------------------|------------------|
| 1. social welfare | 4. law and order |
| 2. national security | 5. human rights |
| 3. social justice | 6. development |

- a. improving the country's infrastructure (e.g. building more roads and street lights)

Example answer: *development*

- b. improving access to education (e.g. building more schools)
c. promoting economic development (e.g. building new factories)
d. strengthening democracy (e.g. Improving freedom of speech, assembly and association)
e. improving access to healthcare (e.g. building more hospitals)
f. resolving ethnic or religious conflict (e.g. holding peace talks)
g. reducing corruption (creating anti-corruption organisations)
h. reducing unemployment (e.g. creating more jobs)
i. reducing poverty (e.g. providing vocational training and small loans)
j. improving access to affordable electricity (e.g. reducing the price of electricity)
k. improving security (e.g. recruiting more police)
l. strengthening law and order (e.g. longer prison sentences for criminals)

National Budget

1. In groups, look at the list below. You have a budget of 100 million dollars. How would you spend it?



social welfare
national security
social justice
law and order
human rights
development

2. Present your budget to the class and explain how you made these decisions.
3. As a class, decide on a budget that you all agree with.

Activity

D. LOCAL VS NATIONAL GOVERNMENT

All countries have national and local governments. National governments are responsible for the whole country. Local governments are responsible for parts of a country, e.g. a city, township or region.

Local governments are necessary for several reasons:

- The national government cannot carry out all the work of running the country from the capital city.
- Local governments understand the problems and needs of their communities. This is especially true if there is a lot of ethnic or cultural diversity in the country.
- It is often more efficient and less expensive for the local government to be responsible for some local tasks.

Local governments are responsible for:

- listening to the needs and concerns of local people;
- identifying and solving local problems;
- managing and protecting local resources;
- planning and carrying out local development projects.

Local governments are more accessible and easier to contact than a national government. Therefore they help local people to participate in democracy.

Yangon City Hall: Head of local government in Yangon





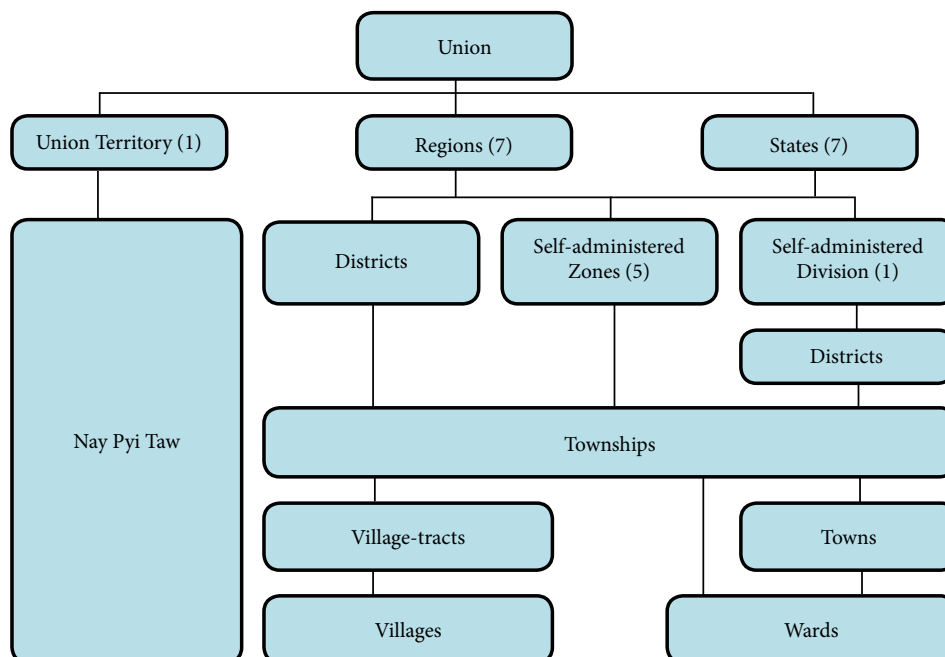
Focus on Myanmar

Local and Regional Governments

In rural areas, the smallest administrative unit is the village, with several grouped together into village tracts. In urban areas, the smallest administrative unit is the ward which is an area of a town or city. Each village-tract/ward has an administrator. Administrators are responsible for carrying out community affairs, repairing bad roads, resolving conflicts between citizens, and maintaining village or ward level health centres.

Urban wards, towns and village tracts are grouped into townships. Township government offices are the lowest level of government in Myanmar. Township government is responsible for repairing bad roads, resolving conflicts between citizens, implementing educational projects, maintaining health centres and helping the poor. Groups of townships are organised as districts, a group of districts make up a region or state.

The country is divided into seven regions (formerly called divisions), seven states, and the Union Territory of Naypyidaw. Each region and state has its own government, led by a chief minister. The chief ministers are appointed by the president. All seven regions and states are given equal powers under the Constitution. These governments are able to make some laws related to the economic, transport, communication and social sectors of their state or region. They can also collect land taxes, transport taxes and taxes on all forest products except teak.



Are the statements true or false? If false, explain why.

1. Townships are the lowest level of government in Myanmar.
2. Village tract/ward administrators are responsible for making laws.
3. Chief ministers are elected by the people.
4. Some states and regions have more power than others.
5. State/region governments are not allowed to collect any taxes.

Exercise

Discussion

1. What kind of policy decisions do you think your government should be making?
2. What kind of laws or policies are necessary to address issues and problems in your community?
3. How well does local government promote participation in your community?

Reflection

Do any of these problems of democracy affect you personally? In what way?

PREVIEW

What is good governance?

6.1.2 GOOD GOVERNANCE

'Good **governance**' is a set of principles for governments to rule in the best way possible. These principles make it more difficult for corruption, abuse of power and human rights abuse to happen. They also aim to improve the way that governments make and implement decisions so that their actions better meet the needs of the people.

The United Nations lists eight characteristics for good governance, as follows:

1. Participation
2. Transparency
3. Effectiveness and **Efficiency**
4. **Responsiveness**
5. Accountability
6. Compromise and Tolerance
7. Equity and Inclusiveness (equality)
8. The Rule of Law

Six of these principles are also in the elements of democracy discussed in Unit 1.

Good governance also requires that governments effectively meet the needs of the people. This requires governments to:

- a. make decisions that accurately reflect the needs and concerns of the people, and;
- b. carry out those decisions in a way that meets those needs.

This is why the principles of responsiveness, effectiveness and efficiency are important.

A. RESPONSIVENESS

Responsiveness means that the government's public policy decisions address the needs and concerns of the people.

Good governance requires governments to meet the needs of the people. It is important that governments listen to the people to understand their needs and concerns.

Furthermore, responsiveness requires governments to take this information and transform it into practical policies.

Responsiveness can be seen in the following ways:

- Governments change their policies according to the needs and concerns of the people.
- Governments do this all the time, not just around election times.
- The needs of minority groups are also considered in public policy decisions.
- Governments admit their mistakes and correct policies that negatively affected citizens.

B. EFFECTIVENESS AND EFFICIENCY

EFFECTIVENESS

Effective governments carry out activities that result in the achievement of goals of their policy goals. Public policy goals relate to meeting the needs of the people and solving society's problems. We can measure a government's effectiveness by how well they do this. Effectiveness means that:

- the government chooses the right kind of activities to achieve policy goals;
- the government delivers the right kind of public services and resources for those activities;
- they deliver these services and resources to the right people.

EFFICIENCY

Efficiency is about doing something in the best way possible. This could include doing it the fastest or the least expensive way.

For governments, this means that they carry out activities in a way that makes the best use of resources they have. These resources include people, resources, opportunities and revenue. Efficiency means that:

- there is little waste of public funds or resources;
- there is little mismanagement of public funds or resources;
- services and resources are delivered on time (there are no long delays in essential services).

Exercise

Are the statements true or false? If false, explain why.

- Responsiveness requires governments to listen to the people.
- A government is effective if its actions are carried out in the least expensive way possible.
- Efficiency means that waste and mismanagement is minimised.

Activity

Good Governance Report Card

Complete the report card. Rate your school/organisation or local government on how well they meet the eight elements of good governance.

REPORT CARD

ORGANISATION NAME:

ELEMENT	DESCRIPTION	BAD	OK	GOOD	VERY GOOD
1. Participation	Anyone affected by or interested in a decision has the opportunity to participate in decision-making.				
2. Transparency	People are able to clearly see how and why a decision is made. They can find out what information, advice and consultation was used.				
3. Effectiveness and Efficiency	The government makes the best use of the available people, resources and time to ensure the best possible results for their community.				
4. Responsiveness	Community needs are met on time, and in an appropriate and responsive way.				
5. Accountability	Decision makers are accountable for the consequences of their decisions.				
6. Compromise and Tolerance	Minorities and other groups work together to find common solutions that they all agree to.				
7. Equity and Inclusiveness	All groups, including the most marginalised, have opportunities to participate in decision-making.				
8. The Rule of Law	Decisions and use of power are within the limits set by the law.				

Discussion

1. Why is good governance important in a democracy?
2. What problems does good governance help to reduce?
3. What challenges to good governance are there in your community?
4. What can be done to improve governance in your community?

Reflection

Which of the eight elements of good governance do you think is most important? Why?

6.1.3 SEPARATION OF POWERS

A. THREE BRANCHES OF GOVERNMENT

There are three main functions of government: making laws, implementing laws, and enforcing laws. These functions are carried out by three 'branches' of government:

- the **legislature** (making laws);
- the **executive** (implementing laws);
- the **judiciary** (enforcing laws).

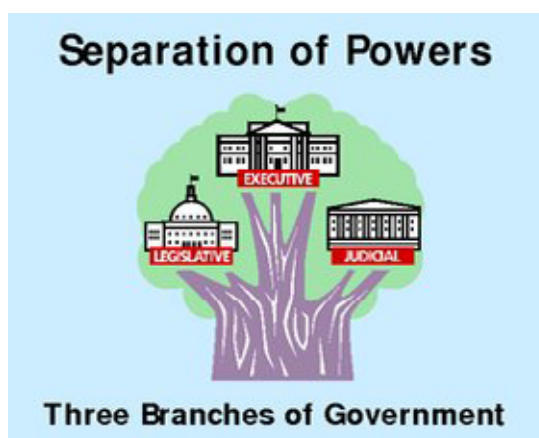
In a democracy, it is important that these three branches of government are independent of each other. Each branch has its own rights, responsibilities and powers. The constitution makes sure that none of these branches can interfere with the rights, responsibilities and powers of the other branches.

This is called **separation of powers**. Democratic government is based on this idea.

B. SEPARATION OF POWERS

The main purpose of the separation of powers is to prevent authoritarianism. It does this by making sure that one branch cannot control the others.

In many authoritarian governments, power is held by one branch of government (usually the executive). The other branches are controlled by the executive. This weakens the rule of law, and often leads to corruption and abuses of power. Separation of powers shares the power between the different branches, so that one branch cannot gain too much power.



Separation of powers also makes sure that one branch cannot act without cooperating with the others. If all the branches have to agree on important decisions, this promotes participation, transparency, and tolerance and compromise.

Are the statements true or false? If false, explain why.

- The executive is responsible for making laws.
- Democratic governments limit the power of the executive by sharing power with the other two branches.
- Separation of powers makes sure that the three branches need to work together.

PREVIEW

What is separation of powers?

Exercise

C. CHECKS AND BALANCES

In a system of government with a separation of powers:

- 'Checks' are the rights (and responsibilities) of each **institution** to **supervise** the activities of the others.
- 'Balances' are the limits of each institutions' power. These limits make sure that the three branches' powers are more balanced (more equal).

A system of **checks and balances** prevents abuses of power. It makes that one branch cannot become too powerful. Checks and balances prevent abuses of power in three ways:

1. They make sure that other people or institutions are included in important decision-making. For example, making big changes to Myanmar's constitution requires two things. Firstly, that the majority of MPs accept the decision and secondly that the majority of citizens vote for that change in a referendum.
2. They make sure that other people or institutions can **veto** (cancel) a decision if they do not agree with it. For example, in the United Nations Security Council there are five countries (the USA, the UK, France, Russia and China) who can veto any decision of the council if they do not agree with it.
3. They make sure that there are laws that prevent some decisions from being made. For example, no decision of the government can be made if they go against the bill of rights in a country's constitution.

With a system of checks and balances, the different branches depend on each other, so have to work together. For example, in Myanmar, only the parliament has the power to create laws. Only the president has the powers to approve laws. The president cannot write a bill that he wants to approve. The parliament cannot approve a bill that the president does not approve of. Therefore, it is necessary that the president and the parliament find a compromise before a bill can become a law. Unless they do, no law can be made.

Exercise

Are the statements true or false? If false, explain why.

- a. A system of checks and balances makes government more transparent.
- b. Checks and balances make the executive strong enough to make laws quickly.
- c. A veto is when one person or institution can cancel the decision of another group or institution.

Debate – Checks and Balances

Read the text then follow the instructions.

Activity

“Anyone who has too much power will become corrupt and abuse that power. For this reason, there should be two rules that apply to all leaders.

1. There should be some decisions that leaders are not allowed to make.
2. All leaders must give up their power after five years, even if the person who replaces them is less popular.”



1. Work in groups of three. In each group:
 - one person represents the supporters of this idea;
 - one person represents the opponents of this idea;
 - one person is a journalist. They ask questions to the two representatives at the end of the debate.
2. Have the debate and question session.
3. As a class, discuss the main points for and against the suggestion.
4. Have a class vote on whether to support this suggestion or not.

1. What are the dangers of one person or institution having too much power?
2. Why are checks and balances important in a democracy?
3. What are the advantages and disadvantages of a system of separation of powers?

Discussion

1. Have you ever experienced someone who had too much power and started to abuse their power? What happened? How did it make you feel?
2. What could people have done to prevent that situation from happening?

Reflection

6.2 THE THREE BRANCHES OF GOVERNMENT

PREVIEW

What is a legislature?

6.2.1 LEGISLATURES

The legislature, (often called a parliament), consists of all of the representatives (members of parliament or MPs) from the different communities (e.g. townships) in a country. Legislatures are the part of government that is responsible for making laws. In Myanmar, there are legislatures at the national level (the national parliament) and at the local level (state or regional parliaments).

In a legislature, each MP represents the needs and concerns of the people who elected them (their constituents). MPs can raise awareness about the effects of a bill on their community. They can persuade other MPs to vote for or against a bill. They can suggest changes or additions to bills. Legislatures try to balance the needs and concerns of all the communities in a country to make laws that are fair to everyone.



The representatives in the legislature research, discuss and change bills until they find a compromise that the majority votes for. Compromise can be difficult because different communities and political parties have different needs and concerns. As a result, the law-making process takes a long time, and requires a lot of cooperation and compromise.

Once the majority of the MPs vote for a bill, it gets 'passed' (accepted by the legislature). If the other branches of government also accept the bill, then it becomes a law.

Exercise

1. Put the following steps in order.

How Laws Are Passed

- a. MPs discuss, debate and make changes to the bill.
- b. The bill is passed by the legislature.
- c. The majority of MPs in the legislature votes in favour of the bill.
- d. A bill is suggested by a group of MPs.

2. Are the statements true or false? If false, explain why.

- a. There is a legislature in every state and region in Myanmar.
- b. A bill is only passed when all of the MPs vote in favour of it.



Focus on Myanmar

The Pyidaungsu Hluttaw, Myanmar's Legislature

The Legislative Branch

- The 2008 constitution describes a **bicameral** legislature called the Union Assembly (Pyidaungsu Hluttaw).
- The two houses of the Pyidaungsu Hluttaw are called the Pyithu Hluttaw (People's Assembly) and the Amyotha Hluttaw (Nationalities Assembly).
- The Pyidaungsu Hluttaw is responsible for making national laws, checking and approving national, state and regional budgets and representing the interests of their constituents in government.
- Laws must be approved by both assemblies before they are sent to the president for approval.
- Members of the legislature are elected for five year terms.

Pyithu Hluttaw (lower house)

- There are a maximum of 440 members of the Pyithu Hluttaw.
- 25% of the seats in the Pyithu Hluttaw are reserved for military representatives appointed by the commander-in-chief. The rest are elected as representative of townships (i.e. one representative per township).

Amyotha Hluttaw (upper house)

- The Amyotha Hluttaw is made up of a maximum of 224 members. Each region or state can send up to 12 elected representatives to the Amyotha Hluttaw.
- The commander-in-chief appoints four members of the military from each region or state to the Amyotha Hluttaw (making a total of 56 appointed members).

Regional and State Hluttaws

- In addition to the Pyithu Hluttaw and the Amyotha Hluttaw, there are 14 regional/State assemblies. Each contains two elected representatives from each township within the region or state. In regions or states where there is an ethnic group with at least 0.1 per cent of the population, that ethnic group is guaranteed an ethnic representative in the Assembly. The commander-in-chief appoints military personnel to the Assembly. The exact number of military officials changes depending on the state or region but equals one third of the elected representatives.
- The regional Hluttaw can make laws about issues which affect their state or region (e.g. roads and public spaces, electricity and cultural events). They are also responsible for approving state or regional budgets.

1. What is the role of the Pyidaungsu, state and region hluttaws?
2. What percentage of seats in the Pyidaungsu Hluttaw are reserved for military personnel?
3. Are there military personnel in the state and region hluttaws?

Exercise

Activity

Legislature Role Play

Read the text then follow the instructions.

You are the lawmakers of the Pyidaungsu Hluttaw. You are considering seven bills.



1. In groups, discuss the possible effects of one of the proposed laws. Consider both the positive and negative effects of this proposed law. Put them into a table.
2. Make a presentation to the class.
3. After all presentations, vote on which laws you decide to pass.

Law	Positive Effects	Negative Effects
<u>Example answer:</u> Free and fair elections: Voting will be compulsory. Anyone who does not vote on election day will have to pay a fine.	<u>Example answer:</u> 1. It will encourage more people to take part in elections 2. It will make sure that the results of the elections represent the whole country.	<u>Example answer:</u> 1. It will take a lot of effort to find and fine all the people who didn't vote 2. It will discriminate against people who choose not to vote.

Proposed Laws

1. Free healthcare and education for the poorest people in the country.
2. Voting will be compulsory. Anyone who does not vote on election day will have to pay a fine.
3. Any government worker or representative who lies to the people will be punished.
4. Citizens have the right to request any information from the government. The government is not allowed to keep any information from the people.
5. At least 50% of all members of parliament in the national parliament must be female.
6. Anyone who causes violence or hatred through their speech or writing will be punished.
7. Anyone accused of a crime will be provided with a lawyer to represent them. This will be free.

Discussion

1. Why are legislatures important in a democracy?
2. Who is the Pyithu Hluttaw representative for your township?
3. Who is your township's representative for the state or region Hluttaw?

What law would you like to propose to the Hluttaw? Why would you propose that law?

Reflection

6.2.2 EXECUTIVES

The executive is responsible for implementing laws. The executive makes national decisions and puts the laws passed by the legislature into action.

The executive is responsible for making these laws (written documents) into actions. These actions include providing services (e.g. health care or security) and distributing resources and opportunities (e.g. building clinics, paying the salaries of police). Executives are also responsible for foreign relations.

The leader of the executive is called the *head of government*. In Myanmar, the head of government is the president. The head of government is responsible for making important decisions and managing the government.

In most countries, the head of government needs to approve any bills that the legislature passes. If the executive approves the bill, it becomes a law. If they do not approve, it can be sent back to the legislature or vetoed.

The head of government chooses the ministers in the executive (the **cabinet**). Each of these ministers is responsible for a specific policy area (e.g. health, justice, foreign affairs etc.).

Ministers are responsible for managing all of the government workers who work in their ministry. These government workers carry out all of the government's tasks. These tasks are necessary to distribute resources, services and opportunities according to the laws and policies of the government.

PREVIEW

What is an executive?

Are the statements true or false? If false, explain why.

- a. The executive is responsible for making decisions about public policy.
- b. The head of government is responsible for choosing the cabinet.
- c. In most countries, the head of government has to approve the laws made by the legislature.

Exercise



Focus on Myanmar

Myanmar's Executive

Who is in the executive branch of government?

- The president, the vice presidents, the cabinet and the Attorney General make up the executive. The attorney general advises the executive branch on legal issues.

How does the President get elected?

- The president is not elected directly by the people.
- Members of the Union Assembly suggest three presidential candidates. One is chosen by the People's Assembly, one by the Nationalities Assembly, and one by the military members of parliament.
- These candidates may be Hluttaw representatives or not Hluttaw representatives.
- The candidate with the majority of votes from the Union Assembly becomes the president. The two unsuccessful candidates become vice-presidents.

How does the cabinet get elected?

- The president appoints most of the ministers in the Cabinet. The commander-in-chief of the armed services appoints the ministers for defence, home affairs and border affairs.

What powers does the President have?

- They sign laws. A law becomes official after the president signs it.
- They can declare war (or peace).
- They can make (or break) treaties
- They can declare a **state of emergency**. In a state of emergency, the commander-in-chief has greater powers. The situations and laws for declaring a state of emergency are set out in special situations in the constitution,

The executive branch of each region or state has a similar structure to the national executive branch. The leader is called the chief minister and his or her cabinet members are ministers. They get legal advice from the advocate general of the region or state. The president chooses the chief minister of each region or state from the people elected to the regional or state Assembly. The chief minister chooses the cabinet members from either the elected representatives of the Assembly, or from the general population, except for the position of minister of security and border affairs. The commander-in-chief appoints the person to that position.



Exercise

1. Who is included in the executive in Myanmar?
2. How is the president chosen in Myanmar?
3. How are chief ministers chosen in Myanmar?

Executive Role Play

Read the text then follow the instructions.

You are the executive of the government. The legislature has recently passed a set of laws for you to consider. (See the proposed laws on page 166.)

1. In groups, consider the bills that have been passed by the legislature in Legislature Role Play on page 166. Each group should consider one of the bills. Put them into a table.
2. Make a presentation on the proposed law. Your presentation should outline the difficulties and costs of the law as well as the benefits.
3. After all presentations, vote (or use consensus) to decide whether they will accept the law as it is, or send it back to the legislature.

Law	Obstacles	Costs
<u>Example answer:</u> Free and fair elections: Voting will be compulsory. Anyone who does not vote on election day will have to pay a fine.	<u>Example answer:</u> 1. There could be objections from people who choose not to vote. 2. The part of the government responsible for charging fines might not want the extra work.	<u>Example answer:</u> 1. The government will need to hire people to identify who didn't vote. 2. The government will need to hire people to manage the fines.

1. Who do you think should have more power: the executive or the legislature?
2. Who is the chief minister for your state or region?

Discussion

What values and characteristics do you think that leaders should have? Give reasons.

Reflection

PREVIEW

What is a judiciary?

6.2.3 JUDICIARIES

A. THE JUDICIARY

The judiciary is responsible for enforcing the law. The judiciary is made up of all the courts of the country. The judiciary is also responsible for making sure that new laws do not go against the constitution.

Judiciaries are responsible for providing justice to citizens. This includes punishing individuals who are found guilty of a crime. It also includes finding solutions to repay citizens who have suffered damage or loss as a result of a crime. Judiciaries resolve these conflicts by looking at the situation, looking at the law and making a decision based on what they think is fair.

In a democracy, there are several levels of courts. These include local courts, regional courts and the highest court in the whole country (the supreme court). An important role of the judiciary is to give citizens the right to **appeal** against a decision of a court. This means that citizens can take their case to a higher court if

they think that the decision of a lower court is unfair. This is important because lower courts are often more affected by corruption and abuses of power. The right of appeal helps citizens to seek justice if they feel that they have been wrongly treated in a lower court. This is an important part of the rule of law.

It is very important that courts are independent from the other branches of government, political parties, or other powerful groups. There can be no rule of law without an independent judiciary.



Exercise

Are the statements true or false? If false, explain why.

- The judiciary is only responsible for punishing criminals.
- The right to appeal allows citizens to ask for a second decision if they were treated unfairly.
- It is important that the judiciary is independent in a democracy.

B. CONSTITUTIONAL COURTS

Sometime the responsibilities of the different branches conflict. For example, the executive and the legislature both think that they have the right to make a decision. In these cases, it is the duty of the constitutional court to resolve this conflict.

The constitutional court also checks that laws passed by the government are legal according to the constitution. If a decision of the government goes against the constitution, constitutional courts can decide it is illegal and cancel it.

Constitutional courts are also responsible for dealing with cases of violations of citizens' constitutional rights. For example, if someone is removed from their land in a way that violates their constitutional rights, the constitutional court can force the government to give that person's land back.

Which of the following is NOT a function of a constitutional court.

- a. making sure that new laws do not go against the constitution
- b. resolving conflicts between the other branches of government
- c. choosing the president

Exercise



Focus on Myanmar

Myanmar's Judiciary



What courts are there in Myanmar?

- Township courts: for most people who are accused of breaking laws.
- High courts: courts of the state, region or self-administered divisions. If these courts can't make a decision on these cases, they are sent to the supreme court.
- The supreme court: Judges decide about matters regarding:
 - treaties between Myanmar and other countries
 - legal issues between the national and the regional/state governments
 - legal issues between the regional/state governments.

How is the Supreme Court elected?

- The president **nominates** a chief justice.
- The chief justice and the president nominate candidates to be supreme court judges. Nominations must be approved by the Pyidaungsu Hluttaw.
- The Pyidaungsu Hluttaw cannot reject nominations for judges or for the chief justice unless the nominee does not meet the requirements in the Constitution.

Is there a constitutional court?

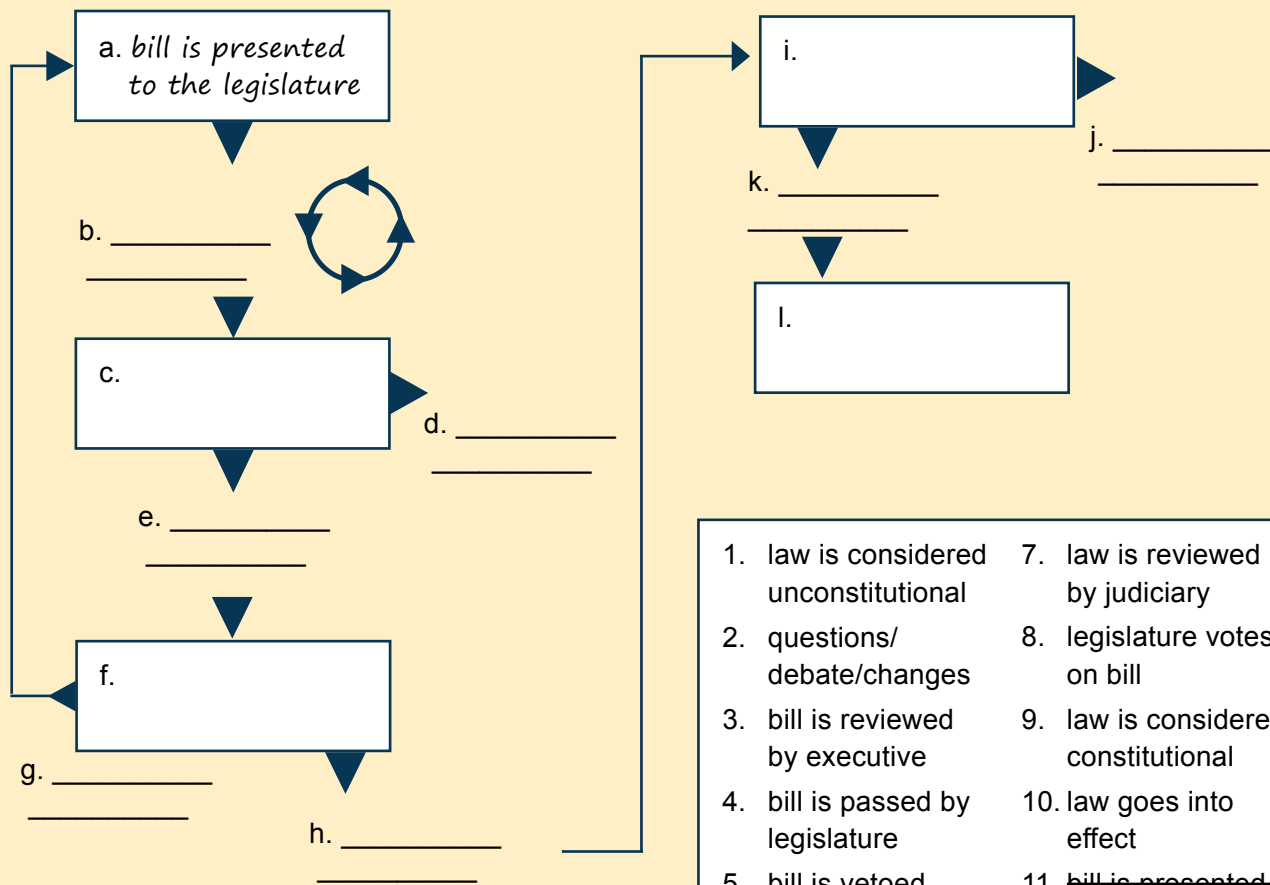
- Yes. The Constitutional Tribunal of the Union rules on issues related to the constitution.

1. What are the different levels of court in Myanmar?
2. What is the highest court in Myanmar?
3. How is the chief justice of the Supreme Court chosen?

Exercise

Exercise

From what you have learned in this chapter, complete the diagram using the steps in the box.

How Laws Are Made

- | | |
|---------------------------------------|---|
| 1. law is considered unconstitutional | 7. law is reviewed by judiciary |
| 2. questions/ debate/changes | 8. legislature votes on bill |
| 3. bill is reviewed by executive | 9. law is considered constitutional |
| 4. bill is passed by legislature | 10. law goes into effect |
| 5. bill is vetoed | 11. bill is presented to the legislature |
| 6. bill is accepted and becomes law | 12. bill is rejected |

Exercise

Match the responsibilities with the correct branch of government.

- passing bills into laws
Example answer: legislature
- representing the country around the world
- resolving conflicts between different branches of government
- carrying out laws and policies
- dealing with crime and punishment
- representing the constituents

Judiciary Role Play

Read the text then follow the instructions.

Activity

You are the judicial branch of the government. The legislature has recently passed a set of laws for you to consider. (See the proposed laws on page 166.)



1. Read the scenario. Look at the list of constitutional rights on page 77.
In groups, consider the laws that have been passed by the legislature to see if there is any way that they might conflict with these constitutional rights.
2. Make a presentation on whether any of these laws could violate these rights so much that they would go against the constitution.

Example answer: *Free and fair elections: Voting will be compulsory. Anyone who does not vote on election day will have to pay a fine.*

This could violate article 360 – 4: (Freedom of conscience) because it could force citizens to vote if they believe that voting is wrong.

1. Why are judiciaries important in a democracy?
2. Why is it important that the judiciary is independent in a democracy?
3. How do the courts protect and support the rule of law?

Discussion

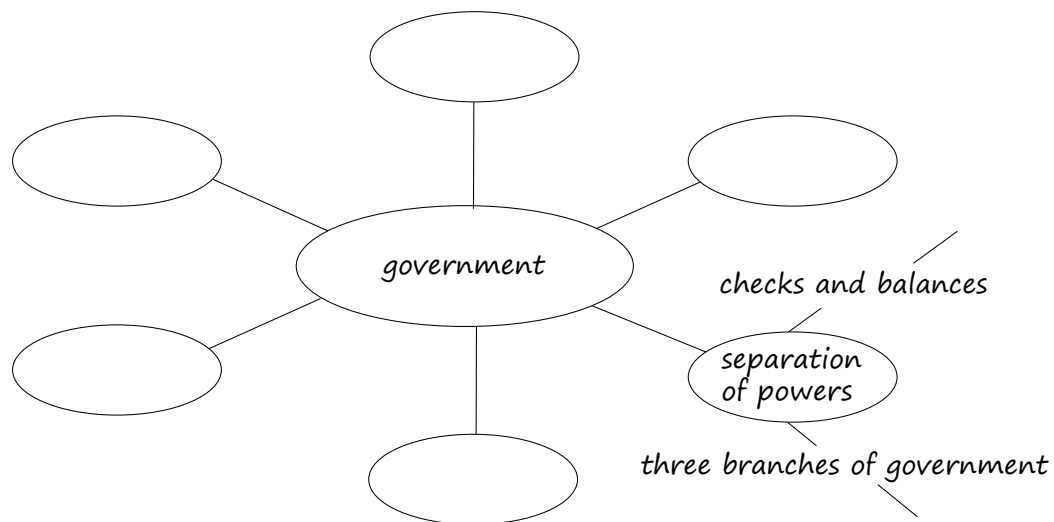
1. Has anyone ever made an unfair decision about you? What happened? How did it make you feel?
2. Were you able to appeal that decision? Why or why not?

Reflection

Unit 3 Review

Unit 3 Mind Map

Complete the mind map with important ideas you have learned in Unit 3.



Comprehension

1. What are some political outcomes of democracy?
2. What are some social and economic outcomes of democracy?
3. What are some political outcomes of authoritarianism?
4. What are some social and economic outcomes of authoritarianism?
5. What are some differences between democratic and authoritarian governments?
6. What are some arguments against democracy?
7. What are some arguments for democracy?
8. Which was more democratic, the Parliamentary era or the BSPP era?
9. What is public policy?
10. What is local government?
11. How are laws made in a democracy?
12. What is responsiveness?
13. What is effectiveness and efficiency?
14. Why is good governance important in a democracy?
15. What is the separation of powers?
16. Why are checks and balances important in a democracy?
17. What are the roles and responsibilities of the legislature?
18. What is the legislature in Myanmar?
19. What are the roles and responsibilities of the executive?
20. What is the executive in Myanmar?
21. What are the roles and responsibilities of the judiciary?
22. What is a constitutional court?

Unit 3 Glossary

appeal (v) – အသနားခံတောင်းဆိုသည်။
အယူခံဝင်သည်။

automatic (adj) – အလိုအလျောက်ဖြစ်သော။

bicameral (adj) – လွှတ်တော်နှစ်ရပ်ရှိသော။

bill (n) – ဥပဒေကြမ်း

cabinet (n) – အစိုးရအဖွဲ့။

chaos (n) – ကစဉ့်ကလျား။

checks and balances (n) – ထိန်းညှိမှု။

controversial (adj) – အငြင်းပွားဖွယ်ဖြစ်သော။

coup (n) – အာဏာသိမ်းခြင်း။

deadlock (n) – အကြပ်အတည်း၊ ရှေ့တိုးမရဖြစ်ခြင်း။

efficiency (n) – မြန်ဆန်သွက်လက်ပြီး ကုန်ကျမှု
နည်းပါး အကျိုးများသော။

executive (n) – အုပ်ချုပ်ရေး။

governance (n) – အုပ်ချုပ်မှု။

implement (v) – အကောင်အထည်ဖော်သည်။
ဆောင်ရွက်သည်။

institution (n) – အဖွဲ့အစည်း၊ တည်ရှိမှု။

judiciary (n) – တရားစီရင်ရေးကဏ္ဍ။

legislature (n) – ဥပဒေပြုရေး။

nominate (v) – အမည်တင်သွင်းသည်။

origin (n) – မူရင်း။

reform (n, v) – ပြုပြင်ပြောင်းလဲခြင်း။ ပြုပြင်
ပြောင်းလဲသည်။

responsiveness (n) – လိုအပ်ချက်များကို ဖြည့်ဆည်း
တုံ့ပြန်နိုင်မှု။

revenue (n) – အခွန်ဘဏ္ဍာ။

separation of powers (n) – အာဏာခွဲဝေမှု။

social services (n) – လူမှုဝန်ဆောင်မှုများ။

state of emergency (n) – နိုင်ငံတော်
အရေးပေါ်အခြေအနေ။

supervise (v) – ကြီးကြပ်သည်။

veto (v, n) – ဗီတို အာဏာသုံးသည်။ ဗီတို အာဏာ။

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