



Making Practitioners for Tomorrow
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International human rights activist

Mandy sagera - UK

Abstract

I will be talking about the difference between a human and civil rights why you have them. Human rights arise simply by being a human being. Civil rights, on the other hand, arise only by virtue of a legal grant of that right, religion, speech, press, assembly, and petition) and liberties and rights associated with crime and due process. Why are human rights important?

Human Rights provide a framework for the minimum standards that we should be treated by, and the minimum standard by which we should treat others.

- They promote equal access to services.
- They protect from mistreatment,
- They ensure that we make decisions and behave in a way that is lawful.
- As NHS employees we have a 'positive obligation' to uphold the human rights principles in the way we work.

FREDA: the values underlying the rights listed in the Human Rights Act

Fairness, Respect, Equality, Dignity, Autonomy

Different Types of Human Rights

Absolute Rights

Cannot be limited or interfered with in any way, by the state, the NHS or any other public authorities or bodies. Non-Absolute Rights – Limited and Qualified Rights

What is the difference between Civil liberties and civil rights?

- Civil liberties are protections against government- this means either federal or even state
- Civil rights- positive acts of government to protect our rights- our constitutional guarantee
- Civil liberties are protected by the 1st amendment and civil rights are protected by the 5th (national gov't) and 14th(states) Amendment the UK the concept of civil liberties has evolved over several centuries through conventions, legal precedents and legislation.

The Magna Carta, drawn up in 1215, is usually cited as the first piece of legislation to guarantee certain liberties and rights, although its primary purpose at the time was to limit the power of the tyrannical King John by establishing that the monarch was also subject to the rule of law. Of the original clauses, only three remain valid. The first supports the freedom, rights and liberties of the Church of England; the second confirms the liberties and customs of the City of London and grants liberties and customs to other cities, boroughs and towns. The third remaining clause is the most well-known. Originally written in Latin a modern translation reads: "No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled; nor will we proceed with force against him except by the lawful judgement of his equals or by the law of the land. To no one will we sell, to no one deny or delay right or justice." It is this clause which has been interpreted widely as confirming the right to trial by jury and habeas corpus and its influence is seen in various pieces of subsequent legislation including the United States Constitution. The Bill of Rights 1689 -"An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown" – further limited the power of the monarch and established the supremacy of Parliament. The Equality Act 2010 is also intended to protect civil liberties by prohibiting discrimination, harassment and victimisation in relation to nine protected characteristics: These are – age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Unfair treatment is prohibited in the workplace, when providing goods, facilities and services, when exercising public functions, in the disposal and management of premises, in education and by associations (such as private clubs).

The evolution of Gun-Jumping in EU

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Abstract

Altice case is a very strong reminder to businesses involved in merger activity that they have to comply with EUMR and guarantee that the merging parties are functioning independently prior to clearance being received and completion taking place. Based on EUMR, the merging undertakings shall notify the acquisition to the European Commission, and are not allowed to implement the transaction before clearance is obtained, or jump the gun ahead known as *Gun Jumping* in EU Competition Law. The very first case within the EU known for infringement such as Gun Jumping was Samsung fined with 33,000 euros. The second case to be fined with 219, 000 euros was Moller followed by the last two 'Marine Harvest' and Electrabel each fined with 20 million euros. Two questions are important and should be answered in this paper: first: Is Altice going to be the next case after the statement of Objection was issued by the European Commission and how the Gun Jumping will evolve? The paper will firstly dive deep into the EU Merger Regulation control rules and second analyze the implementation of the same in the light of the previous mentioned cases discussing the evolution of the principle of Gun-Jumping and giving legally based prediction on Altice Commission Decision to come.

Keywords: Gun-Jumping, EUMR, European Commission, Altice

Non-Democratic Political Parties as a Threat to Rule of Law; Models of Reaction and the Strategic Democracy

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Abstract

World War II left Europe in ruins and the humanity in desperation. Undoubtedly, the end of the thread is traced at the rise of nationalism and nazism in Europe while the rise to power of the National Socialist German Workers' Party (Nazi Party) in Germany was the landmark. In fact, this is a very topical issue as a couple of months before the European Union parliamentary elections, opinion polls and analysts remarked the growing influence of far-right parties with extreme political views. In addition, the recent electoral results, in Austria, in France, and in the Netherlands shown a steady increase of nationalist extreme voices. In the western world, democracy is everywhere today and there is a consensus among policymakers, lawmakers, legal scholars and “we the people” that it is a blessing. However, what do we really know about the mechanism to defend democracy and rule of law? Most importantly, how do we defend democracy from non-democratic political parties that by abusing the guarantees and the tolerance of democracy aim to overthrow the democratic regime? Is the dissolution of such parties a one-way or different models exist? Finally, do all democracies need to impose restrictions against non-democratic parties? Aim of this article is to discover the legal framework surrounding the models to regulate and combat the threats to democracy and rule of law deriving from non-democratic political parties. The major intellectual challenge is to identify and analyse the ways that law faces this conundrum and thus operates to limit the impact of non-democratic political voices on the political system in different countries through a series of case studies. Second, this article aims to evaluate these models in order to improve the implementation of such policies in countries where nondemocratic political parties are gaining popularity. It will argue that in practice, there are three public policy options. The first the traditional model is to “constitutionally” permit the dissolution of non-democratic political parties, granting a cardinal role to the courts. The second, the “business as usual” model is to regulate such parties with ordinary administrative and control the conduct of their members via ordinary criminal law and set the courts as watchdogs and safeguards to the process. The third, the strategic model is to employ the electoral law and design an electoral system that will bar extreme political voices. That said, this article will further argue that electoral law is the most efficient and appropriate mechanism, compatible to the contemporary rule of law standards to safeguard democracies from non-democratic parties. But, not all electoral systems are capable to bar non-democratic political parties- only the electoral systems that allow for strategic voting can be employed for this purpose.

Compulsory voting – for and against from Poland’s perspective

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Abstract

Elections are generally viewed as the primary tool to solicit and evaluate citizen preferences over policy matters and to hold representatives accountable. By indirectly and directly engaging citizens in the policy-making process, elections can engender feelings of efficacy and encourage other forms of political participation. Public involvement in the selection of leaders and policies also confers legitimacy on government. It’s obvious that elections link citizens to the state, however in the past two decades in Poland the public failed to engage and became increasingly alienated from their politicians. Parties came and went. Poland maintained its sad record for low electoral turnout in a parliamentary system. Between 1989 and 2015 Poland held eight parliamentary elections and in most of these elections, a minority of the voting-eligible population imposed a government on the majority. In Poland even when the turnout is reasonably high, as in presidential elections, it is still lower than in most other EU states. The main objective of this paper is to ask and answer the following question: if the people choose not to govern themselves, should they be forced to do so? For some the idea of compulsory voting is unjust and a petty violation of citizens liberty. For others compulsory voting is a reasonable imposition on personal liberty which helps to achieve high-turnout elections that are more democratically legitimate. So what are the pros and cons to compulsory voting?

Keywords: compulsory voting, elections in Poland, voter turnout.

The use of the Islamic headscarf at the workplace and customer's preferences

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Abstract

The question of the dress code at the workplace has been the subject of increasing attention by the courts, especially regarding the use of Islamic headscarves. The most recent legal sentences by the Court of Justice of the European Union on two cases referred for a preliminary ruling from France and Belgium have reinstated the problem in the current legal debate. Based on the aforementioned case law, we intend to evaluate the issue of the use of the Islamic headscarf in the workplace in the light of a reflection on customer's preferences. Thus, the present study focuses on whether the employer can impose restrictions on the use of Islamic headscarf in the workplace when justified by customers' demands.

Keywords: freedom of religion, labour, workplace.

Democracy, Protectionism, and Media: Good, Bad, and the Ugly

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Abstract

Great Britain's withdrawal from the European Union, and Donald Trump's slogan, "Make America Great Again", exploited the protectionist psyche of the middle-classes in the UK and USA. Many of the Europeans fear that the full economic impact of UK's exit from the EU remains to be felt. . The U.S. is also planning a trade wall by imposing trade barrier in the name of 'America for Americans', and to bring back the manufacturing jobs from Mexico and wherever else the American companies found cheaper labor and resources to remain competitive. The planned import tariffs on goods imported from Mexico is a violation of the NAFTA agreement. The first section of our paper discusses some of the historic (political and economic) outcomes of protectionism. The second section reviews the socioeconomic benefits and costs of protectionism. The final section reports the findings of a survey of Americans and Hispanic-Americans living in the border-towns on the American side of the border. The survey (N=180) reports on the sample's opinions regarding the border wall, immigration, and import tariffs. Revisiting Huntington (1996), we hypothesize that the great divide among humankind would be cultural. Nation states will continue to be the key power players in world affairs, however, the tensions in global politics will arise not from economic ideologies, but from differences in the belief systems of civilizations. We also explore the mass media's role in swaying the global mindset. With the rise of national isolationisms, the globalization may possibly be witnessing its last sunset.

Keywords: Protectionism, Import tariff, Globalization, Cultural identity, Civilization and cultures.

Legislative elections in Vietnam and Vietnamese perception of the 2016 National Assembly Election

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Abstract

The Communist Party of Vietnam, the dictatorial ruling party of Vietnam since the unification of the country in April 1975, has based their legitimacy on the claims that they liberated the working class from feudal domination through proletarian revolution, fought for the independence of the country, and has been developing the economy of the country so as to give Vietnamese better standard of living. However, as waves of democratization sweeping the world and democracy is usually perceived as a more preferable system than dictatorship by the people, the Communist Party of Vietnam has been attempting to maintain their legitimacy by claiming that Vietnam is a democracy. One of the façades of democracy which has been putting up by the ruling party is the quinquennial National Assembly election. In this paper, the author examines the functions of the Fatherland Front, a pro-Communist mass-movement front, in legislative elections. The study pointed out that through the Fatherland Front the Communist Party could prevent undesirable candidates from taking part in the election and as such maintain their domination over the National Assembly of Vietnam. In order to study Vietnamese perception on the electoral system in general and the 2016 National Election in particular, a questionnaire which was carried out two weeks after the election, in which the author also interviewed more than one thousand Vietnamese. The outcomes were startling but not surprising, the majority of Vietnamese voters expressed disbelief on the country's electoral system. Respondents were also pessimistic about impacts, if any, that the 2016 election might have on the political environment of Vietnam.

Keyword: Vietnam, legislative election, public perception, electoral system

Mexican Political Party System

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Abstract

The PRI, Mexico's "official" party, was the country's preeminent political organization from 1929 until the early 1990s. In terms of power, it was second only to the president, who also serves as the party's effective chief. Until the early 1980s, the PRI's position in the Mexican political system was hegemonic, with opposition parties posing little or no threat to its power base or its near monopoly of public office. This situation changed during the mid-1980s, as opposition parties of the left and right began to seriously challenge PRI candidates for local, state, and national-level offices. Although Mexico's 1917 constitution called for a democratic government, democracy did not even begin to take shape in Mexico until the late 1900s. For most of the twentieth century, Mexico was ruled by the authoritarian-minded Institutional Revolutionary Party (PRI), a monopolistic political grouping infamous for imposing a clientelistic and patronage-based social order. Though its peremptory rule wore a deceptive democratic disguise, with all of its forms and trappings conveyed through elections and campaigns, it was largely a façade. Included in the injustices promoted by the PRI through manipulation of the voting system, the party also dominated Mexico's politics on both the national and state levels. Thus, this militarised rule prevented the authentic practice of democracy by often nullifying what should have been the effective powers of the electorate. The presence of such a strong state party for so many decades also had its toll on opposition parties, which developed as weak and unreal alternatives to power. This is a reality still true in contemporary Mexico: The Mexican Political Party System is not strong enough to offer any viable alternative to power to the citizens, fact that further complicates the process of consolidation of democracy.

Power Struggle: A Complexity Perspective in Local Government in South Africa

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Abstract

In today's turbulent local government environments characterized by increasing complexity, change and diversity, leaders at municipalities are expected to forego reductionism and begin to appreciate holism. Strange attractors and fractals that developed direction and self-similarities of governing patterns have dissipated. Complexities have been compounded by non-outright win by political parties in certain municipalities during elections for local government. The situation calls for systems thinkers to step in and appreciate properties of complex adaptive systems in municipalities. Non-linear thinking is required to analyze who has power between voters and 'kingmaker' in terms of electing municipal leadership. The supposed 'Kingmaker' dangles a carrot on other political parties and this signifies complexities and paradigm shift in terms of where the power resides — electorate or 'kingmaker'? Complexity of this nature stems from the nature of problems in the service delivery and other matters related to governance of local municipality. Municipalities have become complex adaptive systems (CAS) that are required to traverse to higher level of fitness landscape in order to deliver services to communities. Complex adaptive systems could be defined as collections of many different components, called agents, which interact in non-linear ways in the absence of any external supervisory influence. CAS presumes that the adaptation of a system to its environment emerges from the adaptive efforts of individual agents, who are seeking to enhance their own payoffs. Scholars and practitioners are trawling methodologies in terms of how the agents or political parties would interact in the process of delivering services to communities. This conceptual paper highlights complexities in the municipality leadership. It also uses viable systems model (VSM) to indicate the power struggle in the municipality.

Presidential elections in USA

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Abstract

This eight year study examined racism and sexism in the 2008, 2012, and 2016 presidential elections. Data were collected before and after each election, and participants completed measures of racism, sexism, and support for candidates. The hypotheses were that liberal participants would endorse less racism and sexism than conservative participants, that racism and sexism would predict support for the 2008 and 2016 candidates, that conservative participants would have increased racism and sexism before the elections, that overall there would be a decrease in racism from 2008 to 2016, and that conservatives and liberals would differ in their pattern of attitude changes. There was mixed support for the hypotheses in that conservatives were more likely to endorse racist and sexist attitudes, and that during the 2008 and 2016 elections different forms of racism and sexism did predict support for the candidates. Conservative participants showed an increase in racism before the elections and there was an overall decrease in racism and sexism from 2008 to 2016. There was a significant interaction on modern racism such that liberal participants showed a decrease in modern racism overtime while conservative participants showed an increase over time. Conservatives showed an increase in hostile sexism.

Keywords: elections, modern racism, symbolic racism, ambivalent sexism

A relook on our conception to democracy in light of Brexit and the election of Donald Trump, the Contribution of the South African Constitutional Court democracy is more than elections.

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Abstract

In political discourse, popular participation in the polity seen in the Brexit referendum or the lack of citizen participation in many important decisions within the European Union and in the United States, with respect to free trade and immigration has contributed to political convulsions. Democracy can be approached as an idealized notion versus what others might characterize as a practical or realistic system of government. The Constitutional Court of South Africa decision in the *Doctors for Life* laid out the conception of democracy, which the court correctly framed as an issue, which “lies at the heart of our constitutional democracy”. It established a conception of democracy that makes South Africa if not an outlier, unique in the annals of comparative constitutions much like the Court’s development of socio-economic rights and the use of the rationality standard to determine the legality of government conduct. There is no universal definition of democracy. In *Doctors for Life*, the Court was faced with a competing visions of democracy under the Constitution. The majority opinion conceives of democracy as a social idea that requires the participation of the electorate on matters that are of crucial concern to them. The dominant contemporary interpretation of democracy has moved away from conceiving democracy as a social idea, and adopts an empirical approach by assuming those countries that are called democracies, so long as they observe free and fair periodic elections are democratic. The court offers a perspective that “meaning determines application” and not that “application determines meaning”. Central to the court’s interpretation of democracy is decision making in the polity cannot be the confine of political elites, to be exercised behind the backs of the population. The court’s conception of democracy is more in keeping with the ancient understanding found in the Athenian city state, traditional African societies and in the writings of Karl Marx. The traditional conception moves beyond representative democracy and requires the participation of the population in the decision making processes that affect their lives. Realizing that the Athenian conception of the participation of the population in a town hall meeting in not practical in a large nation state, the court developed an understating of democracy that requires the lawmaker to make reasonable efforts to provide for meaningful modes of participation. This participation should not only be in center but in all the provinces.