

THE PARLIAMENTARY (WESTMINSTER TYPE) AND
PRESIDENTIAL EXECUTIVES

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Over the past decade the national liberation forces in our country have increased their resistance to the apartheid regime. Through their resilience and sharpened organisational forms they have seized the initiative and put the enemy into the defensive. Over the past decade they have made unparalleled strides in their endeavour to organise the whole oppressed populace into broad sectors and formations capable of rebuffing the enemy offensive. Their consistency, perseverance in the face of innumerable difficulties and the tenacity with which they, on the whole, have weathered the storms of the fascists onslaught is worthy of the admiration of all democrats the world over and bears testimony to the unshakeable foundations on which this democratic movement is built. Through struggle has been built within South Africa, the most formidable democratic movement our country has ever seen. Welded together by the common perspective of a unified democratic and non-racial country, this movement has drawn literally millions of people into its ranks each an active fighter for a democratic future. It is this force which challenges the Botha regime for political power and poses an alternative vision of a new South Africa which cuts across everything that the apartheid system represents. It has ushered in anew era in the liberation struggle. In actual struggle, millions have moved to train their eyes on the strategic perspective of the National Democratic Revolution, a people's democratic state with all the socio-economic and spiritual benefits that will accrue to those consigned today, to perpetual wretchedness by the forces of apartheid.

It is with this background that the leadership of our movement has decided to involve itself in the exercise of examining different constitutional options and models for a future democratic South Africa. It is not foreseen as an intellectual exercise but as part and parcel of the mobilising strategy against the apartheid regime aimed at focussing the attention of the oppressed people of South Africa towards the future and the application of the Freedom Charter in a liberated, unitary, non-racial democratic South Africa.

Normally a constitution is a formal document having the force of law, by

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which society organises a government for itself, defines and limits its powers and prescribes the relations of the various organs inter se, and with the citizens. In our case we still have not reached our goal, a democratic, non-racial unitary South Africa. We are still in the process of struggling for the fruition of the ideals and principles set out in the Freedom Charter. The ANC has not taken power in South Africa. We are struggling to destroy the citadel of apartheid and for the seizure of power. Hence, it has been decided that it would not be timely for us to draw up a constitution. The task of drawing up a constitution is the task of the people of South Africa in a democratically constituted constituent Assembly of the People as a whole. Here we have confined ourselves in drawing up the guidelines of a constitution in a democratic South Africa.

By involving ourselves in such a political exercise, we are by no means implying that such an exercise brings the demise of the apartheid regime tomorrow. It is part and parcel of the ANC's endeavour to broaden the political consciousness of its membership and broaden their understanding of government systems, constitutional models and options and comprehending the manipulation of power by the ruling circles. It is with this background that the constitutional committee of the ANC decided that an understanding of the presidential and parliamentary (Westminster) executive was of necessity. In the paper we only limit ourselves to the description of both executive models with the hope that they will stimulate discussion.

The purpose of this paper is not to choose or recommend a certain form of government for the future of South Africa. Our main aim is to describe each form of government whether it be prime ministerial or presidential with the hope that such an exercise will enlighten the membership of our movement, increase and broaden their understanding of its mechanism.

In the course of this exercise it is also hoped to demonstrate how suitable each form of government can be when in the hands of the democratic forces for purposes of socio-economic development and national consolidation.

We examine both the classical "Westminster" parliamentary (prime ministerial) form of government as practiced in Britain and briefly its variations in Europe. We also describe the American presidential system - executive, with the hope that this description will stimulate discussion and

understanding of the application of the presidential executive system in many countries of Africa with their different variations. No specific country has been taken as an example, but the description has been more general. The focus is more on the extent to which each form could be made use of to give expression to the hopes and aspirations of the oppressed for democracy and socio-economic development in a liberated South Africa.

The Parliamentary (Westminster) System of Government

The parliamentary system of government originated in Great Britain. Britain does not have a written constitution, no fundamental single law can describe its origin. It can only be explained in terms of British history, practical experience and sometimes chance. It has been adopted in many countries and its application can be found in different models, in many countries all over the world.

The essential features of a parliamentary system include first a titular head of state who may be a constitutional and hereditary monarch like in Britain, Sweden, Belgium, Japan or Netherlands or who may be a president usually some elderly respected statesman chosen by an electoral body for a fixed term of office as in France, Italy, West Germany, Austria, or Finland. In either case his position in government is titular and without effective political power. His principal function beyond ceremonial duties, is to designate the political executive so as to ensure government.

The Prime Minister and the Cabinet

The Head of State designates the Prime Minister, who is the leader of the Party with a majority in the legislature. He holds that post as long as he is the leader of that party. Thus by virtue of being the leader of the majority in the legislature, he also becomes the chief spokesman of his party and government in parliament.

In the parliamentary system the cabinet is immediately responsible to the legislature for its policies and actions and thus ultimately responsible to the electorate. The legislature and the executive are inextricably comingled. To keep this interconnection, cabinet ministers are usually

members of the legislature and leaders of the party or coalition of parties in the majority in parliament.

After being designated by the Head of State to form a government, the Prime Minister selects within the leadership of his party the cabinet.

The Prime Minister has a broad range of duties arising out of his relationship with the Head of State, the Administration and Parliament. He advises the Head of State in the exercise of his powers and performance of his duties and keeps him informed of the state of affairs in the government generally. Secondly, as Head of Government, he presides over the Cabinet and supervises its work, and the various departments of government so that the activities of the executive are coordinated. As a member of the legislature he becomes the principal spokesman of the government and ruling party in it, promoting government bills which make its administrative programme and defending government policies. (1)

Even as the Prime Minister selects his cabinet, he also has the power to unmake it by resignation or forcing individual resignation. He may even counsel dissolution to achieve this in times of crisis. (2)

The Prime Minister is the first among equals in the cabinet. He must assume a certain primacy, in it. He is both the leader of the party in power and the leader of government in the legislative assembly. As such much more than any other person in it, to him belongs the responsibility for political strategy. To achieve this and maintain his preeminence among his colleagues in the cabinet, it is important that the prime minister should not be burdened with departmental work and responsibilities. He is the leader of the team. (3) His business is to retain a fresh and open mind upon the general problems of the government. He has to act as source of general emollience in the cabinet.

He has to keep himself informed about the general and broad outline of events in the departments of State. As active leader of the legislative assembly he coordinates in a way, otherwise unattainable, the work of his colleagues in the legislature. (4)

The leadership of parliament means that the principal announcements of policy are made by the Prime Minister, that questions on non-departmental affairs and critical issues are addressed to him. He is recognised in the legislature to have an immediate authority to correct what he considers to be errors inferrable from any of his colleagues' statements whether in or out of parliament. As such he is looked at in government circles and legislature, as the ultimate "oracle" in matters of doubt, where ministers do not give satisfaction.

By virtue of his closeness to the Head of State, the direct relationship that must exist between them, it means that whatever account he gives to him cannot be revised by his colleagues and that in times of emergency, the Head of State will first consult the Prime Minister. All ministers are answerable to him. In spite of that, the party bonds between them are expected to make them a united and close corporate entity. (5)

Thus the Prime Minister's leadership of both the ruling party in parliament and government ensures the acknowledgement of his authority in the country as a leader and the embodiment of the highest political power in the land.

In shaping and leading the cabinet team, the Prime Minister must display a large measure of talent for leadership. Whatever decisions he takes, he must ensure that he has the support of his colleagues. He must present a united front to the public irrespective of the differences that may exist within his collective. Harmony and mutual trust are indispensable basis of an effective cabinet. Once organised the cabinet is collectively responsible for its actions and policies.

Thus the cabinet in the parliamentary form of government has in general three aspects.

It is above all a committee of the party in power in the legislature, offering proposals to that legislature and holding office upon the condition

of winning assent to those proposals. It is essentially an administering body applying legislation. It has to manage the vast majority of officials who are necessary if the work of administration is to be essentially carried out. Through the administration it oversees the application of its policies and monitors the reaction of the citizenry towards them. As the central institution between the executive and the legislature, these functions of the Cabinet are very important. Its members decide broad matters of policy in all spheres of concern to the entire government. The cabinet further formulates the legislative programme which is annually placed before parliament and the individual ministers lead in introducing, defending and overseeing the enactment of legislation. Lastly the cabinet coordinates and limits the authority of various departments. The cabinet has to assume collective responsibility for the whole ordering of policy and administration. It needs to develop a unity of outlook, to be able to act quickly and effectively as problems arise for its decisions.

The parliamentary system of government has been adopted in different countries of the world especially in Western Europe in different forms and models. Both France and West Germany for instance, have adopted a model of the parliamentary executive with different variations. Both constitutions have been adopted after the end of the Second World War and both reflect previous unsuccessful parliamentary experiences rather than centuries old accumulation of custom.

For instance, the present French constitution allows a governmental system with a curious blend of features from both parliamentary and presidential types of government, as well as style reminiscent of Napoleonic plebiscitary government. The President was originally chosen by electoral college but a constitutional amendment of 1962 provides for his election by popular vote for a seven year term. He is much more than a titular Head of State. He acts as an arbiter between the government, the parties and parliament. He appoints the Premier and the Cabinet. On accepting appointment ministers must resign their seats in parliament. Ministers may be appointed from outside parliament. The government may still be forced to resign by a vote of censure passed by the National Assembly (parliament). Thus both the

principles of a limited separation of powers and those of ministerial responsibility is applied. The President is further empowered to dissolve parliament, though not more than for a year when the need arises.

In the West Germany version of the parliaments System there is much concentration of power and authority on the executive.

In the West German 1949 constitution, the federal president is elected for a five year term by a special federal assembly composed of the members of the Bundestag and an equal number of the representatives of the Laender.⁽⁶⁾ The President has the usual republican head of state role with powers nominal rather than real. All his political acts are countersigned by the Federal Chancellor, who is the political executive and is chosen by the President because he commands majority in the Bundestag. Thus, the essential principle of parliamentary democracy, ministerial responsibility, is maintained.

In the German model the chancellor is much more powerful than in westminster model of parliamentary system. He alone is specifically authorised to determine policy. He chooses and dismisses ministers who need not be members of the Bundestag. He is under no obligation to consult his cabinet and in practice does so, far less than his British or French colleagues. Under the German model of a parliamentary system the Bundestag may vote its lack of confidence in the Chancellor only by simultaneously electing his successor by a majority vote of no confidence - a so-called constructive vote of no-confidence. This arrangement in the German model makes it one of the most unique in parliamentary models.

Thus a Chancellor is virtually irremovable unless a majority opposing him is equally united behind another leader or until a general election alters the political composing of the legislature. This is the situation in the West German model of a parliamentary system.⁽⁷⁾

Advantages of the Parliamentary System

One of the advantages of the parliamentary system is the close union of effort between executive and the legislature. The executive mostly operates in the form of some governing board drawn from the legislature. A positive

executive leadership of the legislative is both provided and accepted and not left to chance. Whenever there is a breach between the executive and the legislature it can easily be resolved. It also provides with parliament a clear distinction between the ruling government majority and the opposition.

The tenure of the office of the executive is not fixed but depends on the support it has in the legislature. Thus it always depends on the mandate given to it by the electorate. In this way the public exercises some influence in the direction of policy.⁽⁸⁾ Because the executive powers are dependent upon a minimum degree of legal definition, its authority might be adjusted to the demands of the times. In emergencies political authority can easily be centralised. Finally the Cabinet in the parliamentary system represents a considerable accumulation of political experience, its members reach these positions only after long apprenticeship in a parliamentary career. ()

Disadvantage of the Parliamentary System

The lack of a fixed term of tenure of office for the cabinet creates a degree of uncertainty both for the ruling party, which has no fixed time to implement its administration programme and for those outside who must adjust their affairs to the new government's policies. The advantage of some expectation of continuity in policy for a definite period is lost. Because of the lack of strict separation of powers between the executive and the legislature, there is always the danger of one branch over-extending itself. The principal restraint upon the executive is affected by its accountability to parliament otherwise it is difficult to create others by legislation. The very fact that this parliamentary system is based on the British system which is centred on the two party system has proved to be a disadvantage in implementing the parliamentary system in countries where there is a multiplicity of political parties. The parliamentary system has proved more effective where there is a stable majority rule. In many countries, the parliamentary system has been chosen because of the fear that a presidential system might bring about an executive that might be so powerful that it might be dictatorial.⁽⁹⁾

The Presidential Executive

of
This type/executive originated in the United States of America with the 1789 Constitution. It has since been adopted in many countries especially in Latin America and later with some variations in the independent States of Africa. In the presidential system of government, the executive president is not a member of the legislature. He is chosen for a definite term of office. The tenure of office is fixed constitutionally. He holds a wide popular mandate resulting from his election and is completely independent of the legislature, nor is he answerable to it, for the conduct of his administration. His formal powers are defined in a documented constitution. The office of presidency continues the roles of both chief of state and political leader of government. This provides a dual enhancement of his prestige and authority. There is no dispersal of fundamental executive authority and the power to exercise it. Executive power is vested in one man, the president and by oath he is obliged to preserve, protect and defend the constitution. He is Commander in Chief of the Armed Forces; he is authorised to make treaties with the CONCURRENCE of two thirds majority of the legislature (Congress). With the consent of the senate in the USA, he appoints diplomatic and consular officers, justices of the Supreme Court, and all other officers whose appointments are not otherwise provided for. He may grant pardon and reprieve for offences against the country. All principal officers in each of the executive departments of the government are obliged to report to him in writing upon any matter he may require their opinion on.

He is authorised to give Congress information from time to time on the "State of Union" and may recommend measures for this consideration. He must approve all bills passed by Congress and may, in cases of need call special sessions of Congress. (10)

The Cabinet in the Presidential System

There is very little similarity between the Cabinet in the presidential system and in the parliamentary system. The cabinet is composed of the principal departmental heads of the executive branch. That is the only similarity. The cabinet members are appointed individually as secretaries. Their functions are administrative. They may not be members of Congress

although they may be chosen from it. This responsibility depends entirely on the President. Collectively they have consultative and advisory functions.

The Cabinet is the instrument through which the President determines executive policy and achieves administrative coordination.

Members of the Cabinet are chosen by the president and are dependent on him for the length of tenure of office. Some of the members of the presidential cabinet might be outstanding leaders within the president's party. Some are appointed as reward for party service as payment of election "debts". Sometimes they are appointments to give representation to principal geographical sections of the country or highly organised interest groups. The selection of the members of the cabinet need formal approval by the Senate but is rarely questioned. Thus the members of the cabinet are subordinate of the President not his equals or colleagues. He is free to accept or reject their advice and in cases of any difference, he may always have the last word. Presidential power is everywhere supreme, mainly as a consequence of constitutional authorisation but also because of political tradition and practice. (11)

Evaluation of the Presidential Executive

The Presidential Executive demonstrates its advantages over the parliamentary system in its ability to bring to the fore national leadership within the framework of a constitutional system. The fixed term of office assures a position of executive stability, particularly advantageous in times of crisis. The executive ^{is} separated from and independent of the legislature so far as his selection, basic powers and term of office are concerned. The differentiation of powers between the executive and the legislature are clearly determined. The presidential system offers the voter, the ability to identify himself more closely with the national political leader and afford the opportunity for the popular choice in the selection of the executive. It provides a stable executive. (12)

Its disadvantages lie in its inability to provide direct executive leadership in the legislature, since the legislature is a coordinate and not a subordinate body. (12) As a result the president might find it difficult to fulfil his legislative programme. Not uncommon too is the display of legislative jealousy of the president's prerogative. Unlike the cabinet executive in the parliamentary system, which the cabinet members have

advantage of previous parliamentary experience to their advantage, members of the presidential executive most of the time, have no previous experience in government. Sometimes the legislature and the executive may fall under the control of the different political parties and thus produce a possibility of a deadlock between the legislature and the executive. In terms of international crisis the fixed term of office might prove problematic as it might necessitate election in times of war. Unlike the executive cabinet in the parliamentary system the executive may not be changed until the end of the term of the president's office. The President once chosen is irremovable until the end of his term unless by impeachment, death or physical incapacitation.

It should be noted that the presidential system as such does not preclude the establishment of dictatorial government as has been the case in certain Latin American countries and Asia - (South Korea and Indonesia).

Special attention should be drawn to the special powers to conduct foreign policy which allows the president to make important agreements not by treaty but by "executive agreement" thus by-passing Congress. In addition to this, the President has the power as "Commander in Chief", to order the movement of troops or navy into any conflict or any part of the world where he feels the interests of the country are threatened.

In many republican constitutions parliament is entitled to regulate the exercise of this powers.

The Presidential Systems in Africa

The majority of African countries have adopted the presidential form of government. ⁽¹³⁾ The reasons why the majority have opted for this form of government are worth our consideration, although we have no intention whatsoever of opening up any polemics on the matter. This is not the purpose of our contribution.

It is noteworthy to take into consideration the fact that the emergence of the independent African state, like the others in the rest of the world, is a result of the victory of anti-imperialist national liberation revolutions.

from the colonial powers into those of the national forces of the former colonies.⁽¹⁴⁾ The forms of the transfer and ways in which national independence were won are varied. They are determined by the specific conditions under which the revolutionary process developed. In some, independence was won after a protracted armed struggle, in others by non-military means and in some by a combination of both. Whatever forms of struggle were used, independence was the outcome of a concerted struggle by the whole people.⁽¹⁵⁾ Historical experience has shown the diversity of ways in which these states have emerged, was conditioned by the specifics of the anti-colonial struggle. They are a product of that struggle.

The presidential form of government is typical of all these states in Africa. The specific forms of these presidential regimes are varied. These variations are a result of differences in the essence, character and content of the individual states. At the same time certain common features determined by the nature of the state under consideration are shared by all.

They all adopted the republican form of government in the process of rejection of the political models imposed on them at independence by the colonial power. In most of them the parliamentary system of government of the westminster model type, was imposed on them. It had no national basis, but was a foreign institution personifying the links between the new state and the former metropolitan country. This was the case in most former British colonies. Under these conditions, the proclamation of the republic and the setting up of a presidential regime was of major political significance, since it broke off the legal ties with the former metropolitan country and strengthened national sovereignty.⁽¹⁶⁾

There exists some variations and certain differentiations between the specific republican forms of government in Africa. In some the government is directly responsible to parliament (e.g. Botswana and to some extent Kenya) and in some the President rules supreme (Zaire or Cote d'Ivoire).

Yet these differences cannot be equalled to the differences that exist between the classical westminster parliamentary form of government and the typical republican form of government as in the USA or the Latin American republics. In Africa we have a form of government that constitutes the elements of a presidential and a parliamentary republic (Zambia) and has elements which

are not found in either of them (administrative prime minister, i.e. not the head of government).

In some there is a life President (Malawi), whereas in some the president assumes his position through a coup d'etat and there are no elected organs. (17)

The main feature of these presidential regimes is the dominant position of the apparatus of executive power (the head of state, government and bureaucracy) in relation to the representative organs. In most the president enjoys virtually unlimited power. He is at one and the same time the head of state and government, and the commander in Chief of the armed forces. He appoints and dismisses ministers and all top state officials. In some countries he even has power and the right to pass acts with the force of law, to conclude and ratify international treaties and declare a state of emergency. In some there are parliaments which most of the time are dominated by the power and influence of the president.

In some the constitutions directly allow parliament only a consultative role. (18)

Although the majority of all these presidential regimes differ in form, character and have individual features, we can safely come to the conclusion that there are certain common fundamental features that, in their aggregate characterise the state form of most of these presidential regimes. They are as follows:

- (a) The institution of the head of state, the president, has extensive personal power with the executive organs having prevelence over representative organs. Further there is a formal division of power into executive, legislative and judicial.
- (b) There is an organisational legal back up for the role of the ruling political party. Constitutional legislation secures the formation of a one party state and the specific forms in which that party exercises its leading role in the formation and activities of the state organs, the principles of interrelations between the party and the state apparatus. Characteristic also is the merging of the party apparatus and those of the State and the investment of party organs with functions

which are not inherent in them, of exercising state power and administration. In most cases this is caused by misinterpretation and simplistic understanding of the leading role of the party.

- (c) The high centralisation of the state structure and state activities which is seen both in relation between the central government and local governments and in the organisation and activities of individual organs (the existence of systems of local organs of administration with general jurisdiction, appointed from the centre, the broad use of appointment and cooption in the formation of state organs and a concentration of power in the hands of the head of state). Under the specific conditions of individual countries, this centralisation and concentration of power in the hands of the president may be justified. It could be necessary for purposes of political consolidation, and socio-economic development but all the time the development of principles of democracy in all state organs should acquire a growing significance.
- (d) A growing diversity of the forms in which democracy is exercised and the participation of the citizenry, in the affairs of state, other political institutions and society and the exercise of their fundamental human rights. The role played by public organisations like trade unions, women, youth and religious organisations, etc. determine the character of the state and the depth of its democratic foundations and traditions. (19)

It should also be noted that the majority of these states have adopted the unitary centralised form of state because of the opportunities it provides in strengthening the incomplete national consolidation which is prevalent and typical of tropical Africa. Although in a few states federalism exists (Nigeria, Cameroon and in a peculiar form Tanzania) it has been generally rejected by the majority of African states. The negative attitude towards federalism and regional autonomy can be traced from the period of the independence struggle.

Federalism and regional autonomy were used by the colonial powers to undermine national unity in the emerging states. In most cases these forms of government were inherited from the colonial era and were forcibly imposed

on them as a condition for granting independence.

Despite of all this it is worthwhile noting that in the majority of these unitary states power is over centralised. This is also noticeable in their administrative territorial structures and the corresponding organisation of local government. Little consideration is taken of population composition in spite of its complex nature in Africa, in the formation of administrative territorial structures. As mentioned before even local government has to comply to this strict centralisation by the executive and ruling party, with officials being appointed by the central government. (20)

These regimes, characteristic of all apresidential executives lack the checks and balances that are prevalent in the "westminster" parliamentary form of government. In spite of their presidential form there is no recourse to judicial review against government action by the ordinary citizen, which is fundamental in the presidential form of government.

Despite whatever shortcomings the presidential form of government has displayed so far, it has proved to be very popular and attractive in Africa. The general populace hope that the president, who in most cases is a popular hero and a symbol of unity will, through his personality, integrity and the trust he has won throughout the independence struggle hasten political consolidation and unity which are prerequisites for socio-economic development.

For completely different reasons, the apartheid regime has adopted the presidential form of government. The upsurge of the armed resistance by Umkhonto We Sizwe and the increased political mobilisation of the democratic movement threw the regime into a never foreseen state of chaos and legitimacy crisis. The westminster-parliamentary form of government with its checks and balance proved too restrictive to enable the racist regime to respond to these crisis. It was prompted to opt for a more centralised government system in the form of an executive presidency. Necessarily with the adoption of that option the centralised presidency buttressed by the present state security system which virtually is the power per se in South Africa today.

FOOTNOTE

1. J.W. Garner - Political Science and Government p. 299 ff:
2. H. Finer - Theory and Practice of modern government. Greenwood Prdss Publishers Westport Connection p. 576 off.
3. J.W. Garner op at p. 360
4. H.J. Lastu A Grammar of Politics
George Allen and Unwin Ltd. London 1976 p. 362
5. H. Finer op at p. 592
6. For discussion on the social foundation of the Federal Republic of Germany. See Roy C. Macridis and Robert E. Ward (eds) Modern Political Systems: Europe, Second Edition (Englewood Cliffs, New Jersey, Printice Hall Inc., 1968 pp. 365-380 and pp. 381-406.
7. See also Heinz Dieter Bulka and Suzanne Lucking (eds.) Facts about Germany. The Federal Republic of Germany. (Gutersloh: Bethelmann Lexikothek Verlag Gmbh 1984) pp. 100-103 in addition to Macredis and Ward.
8. Rhis new is contested very much by many writers. Waltz actually concludes that the claim that the British parties and therefore the cabinet are in closer control of the government than in the USA is actually not true. See Kenneth N. Waltz. Executive Government in Britain A. Structural Analysis in Matlei Dogan and Richard Rose (eds) European Politics: A reader (Boston: Little Brown and Company 1971) p. 484.
9. For a broader analysis of the advantages and disadvantages of the parliamentary system of government. See Herman Finer - Theory and Practice of Modern Government. Greenwood Press Publishers West Port. Connection p. 592-600.
10. See H. Finer - Theory and Practice of Modern Government op., cit. p. 668-672.
11. See William H. Young, Off and Ray's Essentials of American National Government (Ninth Edition New York: Appletton - Century - Frofts 1962) for a comprehensive but historically situated discussion of the American System of Government.
12. H. Finer ibid op. cit., p. 681
13. G. Brehme, Der national demokratische Staat in Asien und Afrika. St verlag der DDR, Berlin 1976 p. 120.
14. Renate Wuensche - in Die Staaten Afrika's und Asien's - Innere Entwicklung Aussenpolitik. Staatsverlag der DDR 1971, p. 14.
15. Kwame Nkrumah - The Autobiography of Kwame Nkrumah - Thomas and Sons Ltd. Edinburgh 1957, p. 192.

16. B.O. Nwabueze Constitutionalism in the emergent States,
C. Hurst and Company, London 1981 p. 23 and 55.
17. C. Chirkin, Yu Yudin, O. Zhidkov - Fundamentals of the Socialist Theory
of State and Law Progress Publishers 1987 Moscow
p. 126.
18. See C. Chirkin, Yu Yudin, O. Zhidkov ibid op. Cit. p. 131/132.
See also Constitution of Zambia, Government P
Printers, Lusaka 1976 p. 38.
19. G. Brehme op cit. p. 183.
20. G. Brehme op cit. p. 163.