

Book warns of state-judiciary tensions

TENSIONS between the ruling executive and judiciary are inevitable as government policies are tested in the courts.

This is the view of Karthy Govender, a research contributor with the Human Sciences Research Council, in a new book, *State of The Nation*, launched yesterday.

"Given the extent to which the ANC dominates the political process, many of these

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battles will be fought in the courts.

"Judges may be called upon to make policy determinations and this may result in tensions ... Given the constitutional role of the courts in enforcing a supreme constitution, such

tensions may be inevitable."

The litmus test for democracy would be how the state responded to unfavourable rulings, warned Govender.

In another section, Judith February of Idasa said democracy was negatively affected by parliament's failure to carry out its oversight mandate.

February said that, apart from the Protection of Constitutional Democracy

against Terrorism Bill, the executive had not been challenged over issues such as the arms deal.

She attributed parliament's dereliction of duty to President Thabo Mbeki's leadership style and ANC dominance.

Contributors also questioned service delivery targets, saying the government had silently dropped programmes.