

### 3 The Singapore parliament

#### Representation, effectiveness, and control

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##### **Introduction**

Parliaments, when conceived as an embodiment of the will of the people, are institutionally at the heart of representative government in modern democratic systems.

In modern democratic societies, people think of liberty not so much in the classical sense, which highly valorizes the duty of free citizens to engage in direct face-to-face interaction in the public sphere. Rather, in the more liberal sense, liberty is to be found in the private sphere where individuals are free to produce, earn, exchange, and consume according to principles that they themselves are free to determine through critical thought and rational communication. If, as observed in classical notions of direct democracy, everyone was expected to participate in public deliberation and government, then such public duties would cost the modern individuals their much more greatly cherished private liberties. Therefore, modern individuals are happy to delegate these duties to representatives whose authority would be based on their ability to understand and act in the individuals' interests, the public and mass media scrutiny that holds them accountable when they act against these interests, and the regular general elections that threaten to replace representatives who have lost the confidence of their electors.

In modern representative democracies, parliament is the pre-eminent mechanism through which modern individuals may delegate to legitimate representatives their autonomous public decision-making powers, so that these individuals can go on with the day-to-day activities of private life, confident that the activity of government will be in the safe and competent hands of their representatives whom they have chosen and those who have been in turn chosen for executive offices of government. A properly functioning parliament – and, through parliament, the government itself – should therefore be representative, transparent, accountable, and adequately checked to prevent the abuse of power. It is important to ensure that a parliament is made up of voices that represent the diverse economic, social, cultural, and ideological characteristics within society, so that the parliament itself may be widely accepted as legitimate and therefore serve as a unifier of diverse and multicultural societies, increasingly complicated by

processes of globalization. As Chan Heng Chee, Singaporean political scientist and diplomat, has pointed out:

Equitable representation in the legislature is also important and where it is successfully implemented there are again symbolic and also tangible gains for the political system. If members of different classes or ethnic groups are satisfied that they have a fair share of the seats in the legislature their willingness to accord legitimacy to the national regime is likely to be enhanced.<sup>1</sup>

It is important also to ensure that a parliament's dealings are exposed to the general public, that it answers regularly to the electorate, and that its components are constitutionally prevented from exceeding the legitimate bounds of their prescribed powers. I will call these idealized qualities, collectively, the "representation criterion".

While a properly functioning parliament should be a disabling force for a government looking to exceed its legitimate powers, it should also be an enabling force for efficient and effective government. As an institution and an organization, parliament should aim to achieve timely, broadly acceptable, and constructive results by representing and channeling social disagreements and conflicts through legitimate and reasonable procedures of debate. While a focus on the representation criterion is important, when taken to extremes in many circumstances, it can create deadlock in parliament, limiting its ability to make timely and crucial decisions based on a forged consensus. As well, a parliament too focused on the representation criterion in many circumstances can make it virtually impossible for the executive bodies to get parliamentary approval of their proposed Bills, even though cabinet ministers are themselves frontbench members of parliament (MPs). This means that the representation criterion needs to be reasonably curbed by the freedom of the executive government to exercise its more universal judgement over particular interests within society and their representations in parliament. In other words, the government needs to have sufficient autonomy – which may include being sufficiently insulated from social interests and forces, as well as their representatives in parliament – in order to pursue coherent and long-term-oriented policies in a relatively even-handed and consistent fashion.

To be an effective government, MPs and those among them who are appointed to executive positions should also possess a good mix of the necessary skills, expertise, qualifications, experience, charisma, and resources to govern well. In the language of political science, a strong state is one whose government has high capacity (as described in this paragraph) and autonomy (as described in the previous one). These enable the state to resist populist pressures, which can have the effect of producing sub-optimal policies and programs. In the case of the developmental states – which included in the 1970s and 1980s the "Asian Tiger" economies of Hong Kong, Singapore, South Korea, and Taiwan – strong states were able to achieve rapid modernization, accelerated and high economic growth, and economic competitiveness, in large part because they were high-capacity,

autonomous, and often authoritarian institutions with economically embedded bureaucracies. I will refer to the idealized notion of a government's autonomy and capacity as the "effectiveness criterion".

Although the representation criterion and the effectiveness criterion are not necessarily contradictory, they do often come into conflict and modern governments must therefore seek to achieve a balance between them. Wong Kan Seng, Singapore's former deputy prime minister, described such a balance in his parliamentary speech:

Parliament in our political system therefore allows the expression of diverse independent views and the representation of constituent interests and concerns. However, these should augment and not undermine the role of Parliament to act decisively – for its Members to decide on issues and policies, balancing all relevant considerations, and after hearing and debating all relevant points of view.<sup>2</sup>

Failure to achieve representation or effectiveness will expose a government to the risks of being voted out at the next democratic elections. Parliament, it would seem, plays a pivotal role in making this balance possible. In 2009, Goh Chok Tong, Singapore's senior minister and former prime minister, listed three guidelines for political change: (1) changes must be "fair to all political parties"; (2) changes should "result in a strong, effective Government after an election"; and (3) changes must "ensure diverse views are represented in Parliament".<sup>3</sup> The first and third guidelines appear to correspond with the representation criterion, while the second would seem to correspond with the effectiveness criterion.

There is, however, a third factor that, particularly in the case of Singapore's dominant party system, must be taken into account when analyzing a parliament and its development. This has to do with how political parties, their MPs, and ministers struggle to find legitimate ways to shape parliament as a space that favors their chances of winning or retaining power, and of exercising maximum control through such power. In Singapore's case, an argument can be made for how new and existing laws, institutions, regulations, policies, and programs that appear more representative and even liberal democratic in form may, paradoxically, be used to maintain authoritarian government. Even before the various parliamentary innovations were introduced from the 1980s onwards, Chan Heng Chee had already argued that "the PAP [People's Action Party] government is keen to dilute the contribution of the elected opposition member and is interested in demonstrating that a legislature with only one party can fulfil the functions and requirements of a parliamentary democracy".<sup>4</sup> The parliamentary innovations to be discussed later should therefore be analyzed through the lens of what I will call the "control factor".

This essay will examine the Singapore parliament, assessing its ability to find and maintain a balance between representation and effectiveness, while investigating the dominant PAP's ability to shape parliament in ways that legitimize and strengthen its authoritarian rule. It will begin with a discussion of the Westminster

model on which Singapore's parliament continues broadly to be based. It will then explore the different ways in which the PAP government has innovated this model, focusing on how these innovations address or do not address the shifting tensions between representation and effectiveness, while strengthening the PAP's political control.

### **The Westminster system in Singapore**

Singapore was a colony of the British Empire until 1959 when it was granted self-governing status. In 1963, it merged with Malaya to form Malaysia, but separated to become a fully independent republic in 1965. Since then, the Westminster system of government has remained as a colonial legacy of the United Kingdom (UK), but not without some deviations and, especially since the 1980s, some innovations as well.

The Singapore parliament consists of MPs who are voted at constituency level into the national parliament through regular general elections that must be carried out within maximum periods of five years. There is universal suffrage in Singapore, voting is compulsory, and the vote is secret.

Like the UK's parliament, Singapore's is characterized by a fusion of powers. This contrasts with presidential systems, such as in the United States (US), which feature a separation of powers. In the US, the executive branch is neither a part of nor appointed by the legislative branch. In the Westminster system, however, the two branches intermingle since the prime minister, who is the head of government, and members of the cabinet – who collectively form the political leadership of the executive – are appointed from among the elected members of parliament, who constitute a large part of the legislature. Without a clear separation of powers, checks and balances do not operate as strongly in the Westminster system, which means that deadlocks are relatively easier to avoid and the executive, though constitutionally answerable to parliament, in fact enjoys greater power over the legislature.

Part of the reason for this lies in the electoral system. In the simple plurality voting system – or “first-past-the-post” – the candidate with the highest vote count in each constituency secures a seat in parliament. This system tends to yield for the majority party a disproportionately higher number of parliamentary seats when compared to the total percentage of votes that it wins. By the same logic, smaller and weaker parties are greatly disadvantaged by this system. In Singapore, the PAP made the poorest showing in 1991, when it won only 61 percent of the total votes cast (a much lower expression of support if one took into account the not insignificant number of uncontested seats). And yet, the PAP managed to win more than 95 percent of the seats in parliament. In the UK, the simple plurality system has helped to maintain a tradition of two (or some may argue two-and-a-half) party politics. In Singapore, it has helped to maintain a dominant party system with a much less adversarial style of politics, favored by the authoritarian impulse at the heart of what I have called the control factor.

Since first-past-the-post tends to yield parties with strong majorities in parliament, their leader – who typically becomes prime minister and then appoints the

cabinet from among other MPs from the same party – will enjoy tremendous power over parliament as a body. With a party whip whose job is to impose discipline on the way their MPs vote, the prospects of parliamentary Bills has been much easier to control by the ruling party. In the UK's more adversarial style of politics, parliamentary opposition can still be a formidable force to check on the ruling party and government; but in Singapore, there has, at any one sitting, been only a small number of opposition members (four out of 81 seats was the highest achieved in 1991), too few to present a strong enough challenge to the ruling party. In this regard, the Westminster system appeals more strongly to the effectiveness criterion, where the executive enjoys a relatively high degree of autonomy from pressures exerted by its own party members as well as opposition members in the legislature.

While the UK has a bicameral parliament consisting of the House of Commons (the "lower", but more powerful, elected body) and the House of Lords (the "higher", but considerably less influential, unelected body), Singapore has a unicameral parliament. In the UK, laws must be passed through both houses, via elaborate procedures, to become effective. Law-making in the UK, it could be argued therefore, comes under greater scrutiny than in Singapore where Bills generally and basically go through three readings and the presidential office before they can become Acts of Parliament, enduring the scrutiny of a legislature where nearly all the elected seats belong to the dominant party.

Bills are almost always introduced in the Singapore parliament by a cabinet minister and drafted by the government's legal officers. Although MPs may also introduce "Private Member's Bills", this has only happened three times in Singapore's history and only two of these proceeded to become Acts of Parliament. An introduced Bill is read a second time after MPs, having had a chance to debate the principles, merits, and demerits of the Bill, vote in favor to proceed. Every clause of the Bill is then subjected to close examination by either the entire parliament (which becomes known as the Committee of the Whole Parliament) or by a select committee of MPs. At this stage, amendments to the text may be proposed. The amended Bill is reported back to parliament, and then given a third reading in which only minor amendments are permitted.

In Singapore's unicameral parliament dominated by one party, there have been a few checks and balances in place. For instance, most Bills that pass the three readings in parliament will need to be scrutinized by the Presidential Council for Minority Rights (PCMR), whose responsibility is to identify elements of the Bill which may prejudice and discriminate against racial and religious communities, especially if they unequally bring advantage or disadvantage to one community and not to the others. If the PCMR approves, the president's assent will be given and the Bill becomes law. If the Bill is found wanting, the PCMR sends the speaker of the house a report. However, all it takes is a two-thirds majority in parliament to override the PCMR's report, which is not difficult to achieve for a party that has for decades commanded more than two-thirds of parliamentary seats.

The Singapore president is the head of state, an institution that has undergone the most dramatic constitutional change over the decades. From 1965 to 1991, the

president was the typical head of state in a Westminster system – the nominal, *de jure*, and largely ceremonial executive whose authority had far less to do with exercising political power than transcending it. Much like the UK sovereign, the president “reigned, but did not rule”, performing what Walter Bagehot famously described as the “dignified” aspect of government while leaving the “efficient” aspect of government to the prime minister and cabinet ministers who constituted the *de facto* executive. Like the Westminster sovereign, Singapore’s ceremonial president was regularly briefed by the prime minister on cabinet decisions and broader policy matters.<sup>5</sup> It was the prime minister’s job to put forward candidates for the presidency, who were then elected by parliament to serve four-year renewable terms. With a two-thirds majority, parliament could also remove the president from office.

Singapore’s presidents included Yusof bin Ishak (1965–1970), Benjamin Sheares (1971–1981), C.V. Devan Nair (1981–1985), and Wee Kim Wee (1985–1993). Notably, they were Malay, Eurasian, Indian, and then Chinese – the undoubtedly deliberate practice of racial turn-taking spoke clearly of the importance of the president as a symbol of national unity amidst ethnic diversity, or what Singaporean law professor Kevin Tan describes as a “semiotic representation of Singapore’s multi-racial and multi-religious make up”.<sup>6</sup> In 1991, the ceremonial president was transformed constitutionally into an elected president, with powers that entrenched the role more deeply within the legislature. Before discussing this innovation in more detail, this section of the essay will conclude with a discussion of two other primary functions listed on the Singapore parliament’s website.

Parliament is invested with the power to approve the annual budgets proposed by the government. In this manner, it exercises financial control. In February or March, toward the end of the old financial year, the minister for finance presents to parliament the government’s budget statement that provides a review of Singapore’s economic performance in the previous year as well as announces budget proposals that include detailed estimates of taxes, government expenditure, subsidies, and wide-ranging fiscal incentives for the coming year. A week later, parliament begins a series of debates on the budget statement as well as detailed estimates of government expenditure from ministry to ministry, concluding with the passing of the supply bill, which authorizes the government to draw on two main funds – the consolidated fund and the development fund – to meet this proposed expenditure. In the Westminster system, parliament can reject a budget and withhold supply, thereby dismissing a government and even forcing the nation into a general election to choose a new government. While debate over the national budget can often be quite rigorous in Singapore, the prospect of defeating a government is most improbable given the dominance and discipline of the PAP MPs.

Furthermore, critics have pointed to a lack of transparency where the detailed accounts of government investments are concerned. Australian political scientist Garry Rodan, for example, points to how the highly secretive Government of Singapore Investment Corporation (GIC), which today manages Singapore’s foreign

reserves in an international investment portfolio that its website claims exceeds US\$100 billion, is not required to report to parliament or even to the auditor general. GIC only reports to its own board, chaired by minister mentor and former Prime Minister Lee Kuan Yew.<sup>7</sup>

A third function of the Singapore parliament, as described in its official website, is to perform a “critical/inquisitorial” role for one-and-a-half hours at the beginning of each parliamentary sitting. During this time, MPs may raise specific questions for ministers who can then provide oral or written answers. Well-asked questions can force the government to be on its toes and more accountable to the people, giving parliament and the people they represent a better understanding of the way decisions are arrived at, the rationale for various decisions, and the consideration that is given to the various needs and interests of society. In the Westminster system, passing a motion of no confidence can defeat a government; but in Singapore’s parliament that is dominated by well-disciplined PAP MPs, this has never happened and is unlikely to happen in the foreseeable future.

### **Parliamentary innovations**

The Westminster basis of Singapore’s parliament, it has been shown above, seems to facilitate effectiveness more than representation, investing a disproportionate amount of power and relative autonomy in the executive over a legislature that has been dominated by one tightly disciplined party for around half a century.

General elections in 1968, 1972, 1976, and 1980 gave the PAP 100 percent of all seats in parliament. However, in a by-election held in 1981, the first opposition candidate was voted into independent Singapore’s parliament. In the 1984 general election, two opposition candidates were voted in. The PAP government started to be more sensitive to a seemingly new generation of Singaporean voters who appeared to be motivated and willing to apply political pressure through the ballot box. The conventional wisdom at the time was that Singaporeans did not necessarily want another party to replace the PAP in government, but they wanted to have more voices in parliament that could effectively check a government that was increasingly viewed as becoming too arrogant, insensitive, technocratic, and lacking in compassion.

Taking control of the situation, the PAP government began a series of measures that would appear to address middle class desires for democratization and liberalization (consistent with modernization theory), in a controlled effort to satisfy and dissipate the perceived demand for these. However, these outwardly democratic measures simultaneously afforded the PAP government even more avenues for exercising and enhancing its political control. Among these measures included some parliamentary innovations, of which five will be discussed here: (1) the group representation constituencies (GRCs); (2) the government parliamentary committees (GPCs); (3) the non-constituency members of parliament (NCMPs); (4) the nominated members of parliament (NMPs); and (5) the elected presidency.

### **Group representation constituencies**

This still controversial electoral innovation was introduced in 1988, when 81 originally single-member electoral constituencies (SMCs) were redrawn into a combination of multi-member constituencies and single-member constituencies. The law required a minimum of eight SMCs. The multi-member constituencies were called group representation constituencies (GRCs) and they consisted of three to six individual MPs from a single party, at least one of whom was required to be from a designated racial minority community (for example, Malay, Indian, or Eurasian). During the general elections, votes were cast for GRC candidates as a team, not as individuals, and every member of the team with the highest votes in the constituency got a seat in parliament.

Apart from the obvious economies of scale that may be gained by the consolidated attention, efforts, and resources of larger constituencies, the rationale given for this change was that there needed to be institutional guarantees of adequate minority representation in parliament, given that Singapore's society consisted of ethnic Chinese (75 percent), Malays (15 percent), Indians (eight percent), and others including Eurasians (two percent). Since electoral constituencies tended to be fairly homogeneous in ethnic distribution terms, in large part a result of the ethnic quotas applied to public housing estates, there was – in theory at least – a natural tendency for Chinese MPs to be over-represented in parliament, since one might assume that Chinese-dominated constituencies will very likely send Chinese candidates to parliament. However, the possibility of under-represented minorities in parliament was never a real problem since the 1960s – a casual inspection of the membership of every parliament will reveal that they have in many cases been over-represented. The GRC scheme offered another advantage. With “multiracial” teams of candidates having to appeal to larger multiracial sets of constituents, there would be positive pressure for candidates to moderate their politics and policies so that they are acceptable and appealing to the middle ground. The GRCs could – in theory – encourage a politics of consensus over one of extremism. Parliament gave its consent and the GRC system has become one of the most distinctive features of Singapore's electoral system. Singaporean political scientist N. Ganesan describes it as a means of institutionalizing inter-racial accommodation, and is therefore a part of Singapore's “consociational” model of democracy in which plural interests are fundamentally ethnic in nature.<sup>8</sup>

Critics, however, often point to some significant advantages that the GRCs present to the PAP, particularly in electoral terms. In this regard, they view the GRCs and their enlarged and redrawn constituencies as a renewed and sophisticated form of gerrymandering.<sup>9</sup> The GRCs could be a way for the PAP to get new and inexperienced candidates into parliament on the strength of team anchors – candidates who are ministerial heavyweights or more popular and experienced MPs.<sup>10</sup> After all, no full minister has ever lost their seat in general elections since Singapore became independent.<sup>11</sup> The much larger constituencies produced by the GRC scheme behave – statistically speaking – more like the total population, which is thought to be generally cautious about political change.<sup>12</sup> This effectively

marginalizes the possible impact of minority and niche electoral preferences. As well, opposition parties, with their limited resources, have faced tremendous difficulty finding enough talented and courageous individuals to join them. While this limitation has made it difficult for them to field candidates even for SMCs, the GRCs' team candidature with ethnic specificity has made it many times more challenging.

The GRC scheme has elements that are supportive of better representation and those that would seem less democratic, particularly where multiparty democracy and the prospects of opposition parties are concerned. However, in 2009, the government announced that the number of six-member GRCs would be reduced and the number of SMCs would be increased to at least 12. Former Senior Minister Goh Chok Tong described the move as consistent with the principle of fairness for all political parties in democratic elections. Although still facing an uphill battle, opposition parties may now find better prospects of winning a few more SMCs and perhaps even a GRC, which could give them a critical mass in parliament, a development that could change profoundly the dynamics of opposition politics.

### **Government parliamentary committees**

In the early 1980s, Chan Heng Chee analyzed the “functioning of [Singapore’s] parliament in the dominant one-party system”, examining four pieces of legislation passed during the period 1969 to 1978. She observed that:

the legislature is very clearly subordinate to the Executive will. Although an attempt is made to fill the opposition vacuum in the one-party legislative chamber, this role cannot completely replicate an opposition carried out as it is by the ruling party’s back-benchers. In particular the ruling party is not subject to the damaging scrutiny opposition parties provide. There is only as much check on legislation as the Executive will allow.<sup>13</sup>

A few years later in 1987, the PAP – as the governing party – set up government parliamentary committees “to scrutinise the legislation and programs of ministries”.<sup>14</sup> Each committee was allocated a portfolio that corresponded with the scope of one or more ministries. In a sense, their job was to study and monitor the actions, policies, and issues related to specific government ministries and their associated agencies. As of May 2009, there were 10 GPCs, whose portfolios include: (1) community development, youth, and sport; (2) defense and foreign affairs; (3) education; (4) finance, and trade and industry; (5) health; (6) home affairs and law; (7) information; communications, and the arts; (8) manpower, (9) national development and environment; and (10) transport.<sup>15</sup> Each GPC typically consists of eight to 11 members, all of whom are PAP backbench MPs. Members often do sit on more than one GPC.

The constitution does not actually provide for GPCs and these parliamentary structures are to be understood principally as party organs, whose original role was to provide a kind of “internal” opposition within the parliamentary wing of

the PAP. Expected originally to adopt an adversarial stance toward the government, members of the GPCs were viewed – contrary to Chan Heng Chee’s assessment of backbench MPs – as a possible alternative to weak traditional parliamentary opposition in Singapore. This not only sought to “correct” the deficit of effective checks and balances in a dominant party system, but also aimed to give backbench MPs more opportunities to be actively engaged in the activity of policy making, in part by offering the government their expert or informed views as the people’s representative. Resource panels of expert members of the public were appointed to support each GPC. Through these panels, the GPC system additionally enabled very selective and limited public participation in parliament.

The GPC scheme was nearly abolished in 1991 when the PAP lost four seats in a general election, the worst post-1968 result that it had ever achieved. The increase in number of opposition MPs suggested that GPCs might become irrelevant. However, it was decided that the GPCs should continue, but be somewhat less adversarial in its approach.<sup>16</sup> Not only has their approach softened over the years, but their performance as a kind of “loyal opposition” has also been limited to criticism of policy implementation details, rather than the principles underlying various policies.<sup>17</sup>

### **Non-constituency members of parliament**

In 1984, a few months before the general election in that year, the government introduced the non-constituency MP (NCMP) scheme, which constitutionally provided for up to six opposition candidates to be appointed as MPs even if they could not win seats in parliamentary elections. NCMPs could be appointed from among the top opposition losers based on the percentage of votes they received in their constituency, as long as they were able to win more than 15 percent of the vote. In practice, this provision – qualified by the Parliamentary Elections Act – has ensured that there have been at least three opposition members in parliament. So, if less than three were elected in a general election, the difference would be made up by appointing NCMPs.

Before the 1984 general election, even the PAP recognized that it was not ideal to have only one opposition MP in parliament. NCMPs could, in such circumstances, be brought into parliament to strengthen the voice and effectiveness of parliamentary opposition. In this way, the legitimacy of parliament itself could be strengthened in the eyes of the electorate as well as the international community where liberal democracy is firmly held up as the universal benchmark of political legitimacy.

Notably, NCMPs had limited powers, which – from a democratic point of view – is appropriate since they were not able to win the mandate to represent their constituency. NCMPs are expected to engage fully in debate and may vote on all issues except those relating to constitutional amendments, supply and money bills, votes of no confidence, and the removal of the president from office.

Although a few opposition candidates – such as Lee Siew Choh (1988–1991), J.B. Jeyaretnam (1997–2001), Steve Chia (2001–2006), and Sylvia Lim

(2006–present) – have accepted these appointments since the scheme was introduced, some of them have articulated a negative view of the scheme, criticizing it for augmenting and perpetuating a negative image of the opposition as incapable of winning support, only able to enter parliament through the political magnanimity of the ruling party. And while in parliament, their status – at least where voting rights are concerned – is subordinate to the elected MPs. Critics have also pointed out how having NCMPs signals to the electorate that they need not “waste” their votes on traditional opposition candidates and risk a “freak” election in which the PAP is removed from government, since the government will on its own volition appoint opposition in parliament.<sup>18</sup>

In 2010, when the number of NCMPs that could be appointed was raised from six (or, in effect, three) to nine, there was renewed criticism of the NCMP scheme as a tokenistic gesture that could harm the image of the opposition. While it would seem as if the expanded NCMP scheme resonates more positively with the representation criterion than the effectiveness criterion, since a potentially larger opposition voice in parliament can serve as a more effective check on the executive, it could also be argued that the scheme is a way of managing electoral behavior and controlling the prospects of opposition politics. Therefore, it is in line with the control factor that describes the PAP government’s efforts to retain power and exercise it more deeply.

The case of Francis Seow should be mentioned in this regard. Seow was the solicitor general from 1969 to 1971. In 1986, he became the president of the Law Society and, in this capacity, attempted – unsuccessfully – to advance the role of the Law Society to comment on legislation that he felt was being passed in the PAP-dominated parliament without proper scrutiny. In the 1988 general election, Seow ran as an opposition candidate and was defeated by a very narrow margin in a PAP stronghold. He would have qualified for an appointment as NCMP, in which capacity his style, eloquence, ability, insider knowledge, and popularity would have made him a very formidable opponent even in a PAP-dominated parliament. However, he was shortly after charged with tax evasion and convicted of this in his absence. He is now a US citizen and considers himself to be a political dissident who is exiled from Singapore.<sup>19</sup>

### **Nominated members of parliament**

There are currently two types of non-elected MPs in the Singapore parliament. NCMPs are politicians (more specifically, parliamentary candidates of political parties), while nominated MPs (NMPs) – the second type – are non-politicians. The NMP scheme was established in 1990 and allowed for appointment of up to six – then nine in 1997 – Singaporeans who have distinguished themselves in various fields and communities. They must not be members of any political party and are, in fact, expected to enrich parliamentary debate with a greater diversity of views that are independent, non-partisan, expert, and – to a certain degree – representative of the communities with which they are associated. A special select committee of parliament chaired by the speaker invites the public in

general, but also a few key sectors in particular, to submit names of possible NMPs. The committee makes a selection from among these names, based partly on an essay that they are asked to write, and recommends the list of nominees to the president who then appoints them for maximum but renewable periods of two-and-a-half years. This scheme enables parliament to benefit from the experience, expertise, and talents of distinguished Singaporeans who have no wish to be party members, run for elections, or do constituency work as MPs.

The NMP scheme has been controversial. Law professor Thio Li-ann, long before she herself became an NMP, described the scheme as a “retrograde step, reminiscent of the colonial days where ‘suitable natives’ were appointed to the Legislative Council”.<sup>20</sup> Other critics questioned the right of unaccountable individuals who have not electorally earned the mandate of the people to sit in parliament and act on their behalf. PAP backbenchers were also conflicted about this scheme as some felt that it diminished their authority and suggested that they were not performing adequately as debaters in parliament. The participation of NMPs in parliamentary debates was, after all, calculated to keep the PAP MPs from becoming “intellectually flabby” in the potential complacency of parliamentary dominance.<sup>21</sup> Walter Woon, law professor and recent attorney general who was once himself an NMP, observed that NMPs were better able to act as an effective check on the government, as compared to PAP backbenchers.

Naturally, opposition MPs also criticized the scheme for creating selective and unaccountable public participation institutions in parliament that seemed to be designed for bypassing the traditional parliamentary opposition route, thereby diminishing the public regard for competitive and adversarial party politics. Woon, who also observed that the NMP scheme could discourage voters from squandering their votes on “opposition candidates for the sole reason that they are opposition candidates”,<sup>22</sup> was the only NMP in history to have introduced a Bill – the Maintenance of Parents Bill – that successfully became an Act of Parliament in 1995. There have been only two other Private Member’s Bills since 1965: the Roman Catholic Archbishop Bill introduced by PAP MPs which became law in 1975, and the Family Violence Bill introduced by NMP Kanwaljit Soin which did not pass.

Since there were parliament-wide objections, it would seem appropriate that the powers of NMPs, like those of NCMPs, have not included the right to vote on constitutional amendment Bills, money and supply bills, no-confidence votes, and the removal of the president from office. But NMPs, like NCMPs, can debate on all matters. Additionally, every new parliament formed after a general election had the power to decide whether there would be any NMPs for their term. In 2010, however, parliament amended the constitution to recognize NMPs as a permanent feature, no longer requiring these periodic decisions.

Entrenching NMPs in parliament seems to resonate loosely with the Westminster norm of bicameralism: where, in Singapore, the role of distinguished and unelected upper house members has, instead, been internalized in a unicameral parliament where their powers have also been restricted. In a way, it is like benefiting from the talents and capacities of an upper house (the effectiveness criterion) without being held ransom to it in a series of checks and balances.

With reference to the representation criterion, one finds that the NMP scheme can install parliamentarians who are able to represent the needs, perspectives, and insights of functional interests that are not captured by constituency-based party-political elections. Already in the early 1980s, before the introduction of the NMP scheme, Chan Heng Chee was able to observe that in “the Singapore Parliament there are no apparent party factions nor is representation constitutionally corporatist, but PAP MPs are encouraged to cultivate functional group interests and this facilitates an informal corporatist representation, though the MPs are not strictly typecast in their roles”.<sup>23</sup> The NMP scheme might be seen as a formalization of this existing tendency. Currently, names of candidates are invited from seven sectors: (1) business and industry; (2) the professions; (3) the labor movement; (4) social and community organizations; (5) the media, arts and sports; (6) tertiary education institutions; and (7) the people sector, which includes the environmental movement, young activists, new citizens, and community and grassroots leaders.<sup>24</sup> These sectors may, to a degree, be viewed as special interests or the specific interests of a rising middle class, which may not be adequately reflected in the electoral outcomes that are based on geographical constituencies.

The NMPs may not, in fact, be representing communities per se, but issues of importance that cut across traditional demographics and are neglected by political parties. It can be argued, therefore, that non-elected appointments such as the NMPs may help to plug the representation deficit create by the imperfections of a traditional competitive electoral party system, allowing into parliamentary debate niche but no less important interests, issues, and perspectives. One such example was the debate that ensued most vocally between two NMPs over a petition to repeal laws that criminalized sexual acts between mutually consenting adult men: Siew Kum Hong and Thio Li-ann vigorously and impressively argued for and against the repeal respectively. It has also been noted that the opposition MPs were rather reserved during the debate that ended in the petition’s failure to gain acceptance.

With reference to the effectiveness criterion, one finds that the NMP scheme can be a means of harnessing technocratic expertise and fresh ideas from the private sector without having to politicize them via the electoral system. Such a rationale gels with the popular image of Singapore as a meritocratic administrative state, which has – apparently – outlawed ideology and politics to make way for scientific, technical, and economic approaches to public decision making and management. However, it should also be noted that NMPs have not always contributed in a narrowly technocratic way. Viswa Sadasivan’s maiden speech in 2009, for instance, was a passionate and well-structured argument not about the nuts and bolts of good government, but about how Singapore had lost its way in some aspects due to an overly pragmatic outlook and therefore needed to go back to its founding values as expressed in the national pledge.<sup>25</sup> His speech drew the wrath of then Minister Mentor Lee Kuan Yew, who claimed that “it was dangerous to allow such highfalutin ideas to go un-demolished and mislead Singapore”.<sup>26</sup>

In a recent study, Rodan categorized the total of 48 NMPs from 1990 to 2009 into eight “interest groups or sectors”: (1) National Trades Union Congress;

(2) academia; (3) professionals; (4) business; (5) women; (6) societal; (7) ethnicity; and (8) youth, recognizing that a certain amount of cross categorization would be unavoidable. Through these categories, he demonstrated how the mode of functional representation really serves to:

supplement existing mechanisms of political cooption, particularly in regard to labour and ethnic minorities, and to provide avenues to absorb emerging social forces among business and middle classes associated with Singapore's advanced capitalist development.<sup>27</sup>

Rodan argued that new structures of political participation like the NMP scheme sought to bypass or compete with democratic parliamentary representation, marginalizing the prospects of opposition parties even further. As in the case of the NCMPs, one could interpret the NMP scheme as being about improving the diversity of interests being represented in parliament, but one can also discern the political effect of highlighting the skills, talents, and effectiveness of NMPs in order to make opposition politicians appear less capable and necessary in the eyes of the electorate. In a parliamentary speech, for instance, Prime Minister Lee Hsien Loong observed how:

The NMPs represent non-partisan alternative views in Parliament, and the NMPs have made effective contributions and raised the quality of debate in Parliament. Sometimes, if I may say so, they may have outshone even the opposition MPs.<sup>28</sup>

Since the Societies Act prevents civil society organization from developing links with opposition parties, there is a tendency to view NMPs as the most promising and direct channel for civil society interests to engage the government. Rodan argued that this situation serves to fragment civil society or at least discourage "the formation of alliances between independent organizations in joint political action".<sup>29</sup> It could further be argued that the parliamentary mechanism of co-opting civil society's leadership through the NMP scheme may be part of a larger corporatist approach to politics in Singapore.

### **Elected presidency**

As discussed earlier, the Singapore president was transformed, through a dramatic constitutional amendment in 1991, from a nominal and ceremonial executive – in the style of the Westminster sovereign – into an elected and independent office with expanded and more pronounced legislative powers, described as custodial and reactive. The president is required to be formally non-partisan and is directly elected by the entire voting population in Singapore to serve renewable terms of six years.

The powers of the elected president may be categorized into three sets, of which the first involves the right to veto any proposal by the government as well as its key statutory boards and government companies (SBGCs) that would draw

on past reserves, which are the savings that were not accumulated during the government's current term of office. These proposals include supply bills, the giving of guarantees, and the raising of loans. In this way, the president is empowered to safeguard the national reserves.

The second set of powers relates to the president's right to veto appointments to key civil service positions, including the chief justice; attorney general; chairman and members of the Public Service Commission (PSC); auditor general; accountant general; chief of defence force; chiefs of air force, army, and navy; commissioner of police; director of the Corrupt Practices Investigation Bureau (CPIB); and the chairmen and members of the Presidential Council for Minority Rights as well as the Presidential Council for Religious Harmony. The third set relates to the power of oversight that the president can exercise over the operations of the CPIB as well as executive decisions relating to the Internal Security Act and the Maintenance of Religious Harmony Act. The second and third sets of powers relate to the empowerment of the president to safeguard the integrity of the public service, in large part by acting as a check on corruption and the abuse of power. On most government budget and key appointment matters, the president is required before exercising veto powers to consult with the Council of Presidential Advisors, which consists of two nominees of the prime minister, two nominees of the president, one nominee of the chief justice, one nominee of the PSC chair, and two alternate members.

Thio Li-ann observes that the "overwhelming impetus behind the elected presidency idea is fiscal prudence".<sup>30</sup> Singapore economist Tilak Doshi notes the government's efforts to build up "one of the world's largest holdings of foreign reserves" through public-sector savings and a mandatory social security savings plan (Central Provident Fund plan) and argues that:

It is in this context, then, that one can appreciate the critical importance attached by the PAP leadership to the prudent management of Singapore's accumulated reserves. / Evidently, the critical role of savings and investment to economic growth is not something recognized only by academic studies of growth accounting; the architects of Singapore's economic modernity were fully aware of these imperatives early on.<sup>31</sup>

While managing the nation's reserves seems to be the most concrete issue at stake, it is also clear that larger issues of governance and capacity in Singapore's political future were the underlying reasons for introducing the elected president. Lee Kuan Yew, Singapore's first prime minister, has on a number of occasions publicly reflected on the possibility that a future government could succumb to populist pressures and squander the national reserves. This could happen in the case of a "freak" election in which (in his mind at least) too many irresponsible opposition candidates are admitted into parliament. It could happen when a more fully democratized society allows diverse populist pressures to dictate policy-making in ways that result in sub-optimal outcomes. But this could also happen if a future PAP government turns out to be inept, corrupt, and degenerate. Given the vast amount of power that the executive now enjoys in the name of efficiency

and effectiveness, and the relatively weak institutional checks and balances that come with a dominant-party system, a future government's actions and possible abuses of power will not be adequately checked. James Cotton, Australia-based expert on Asian politics, observes:

Thus again we have Lee, confronted with his own mortality and mistrustful of the political elite trained to take his place. They do not measure up to his standards and, as he has remarked more than once to the alarm of his acolytes, cannot be trusted not to buckle in a crisis ... whenever possible institutions must be found to ensure that Lee's legacy lives beyond the present generation. The elected presidency and the elaborate system of checks which the office possesses may be seen in this light.<sup>32</sup>

The solution in Lee's mind, as Cotton also argues, was to gradually rely less on strong men – the leaders of his own founding generation – and more on strong laws and institutions for a more uncertain future.

As usual, the PAP government has been willing to entertain many possibilities for strengthening institutions of checks and balances, except for traditional and genuine parliamentary opposition. As Kevin Tan and Singaporean political scientist Lam Peng Er have argued:

In the absence of a credible political opposition in the nation, the executive is not seriously subjected to parliamentary checks and balances ... The lack of a viable loyal opposition and a strong civil society, a peculiar situation created in part by the ruling PAP, necessitates the search for an institutional check on the executive.<sup>33</sup>

And Thio Li-ann also argues that:

the need to fill the parliamentary gap arises from the lack of effective constitutional opposition in Parliament, which is a pre-requisite for operating our Westminster system of government. The elected presidency is the latest in a long line of constitutional experiments, and is certainly the most revolutionary.<sup>34</sup>

Taking this line of thinking further, one could argue that the PAP wishes to stay convincingly in power and so cannot empower parliamentary opposition to provide a genuine and strong enough counterforce to the government. Not only has the PAP, through dominance in parliament and government, been designing new institutions to provide necessary checks in the system, the PAP has actually positioned these new institutions as real alternatives to parliamentary opposition, rendering the opposition irrelevant and useless in the eyes of the electorate. Singaporean political scientist Hussin Mutalib argues that:

the more important motivation for the introduction of the [elected president] was *political*, rather than economic. It was enacted to ensure the continuation

of the PAP elite's (especially Lee's) model of governance. In this way, Lee's vision of "good government" – such as meritocracy, integrity of leadership, abhorrence for populist policies and state welfarism – stood a better chance of survival even after his departure from the political scene, especially if the opposition could be curtailed.<sup>35</sup>

Similarly, Thio Li-ann's argument, worth quoting at some length, is that

The declared rationale for these innovations [NCMPs, NMPs, and GRCs] was to create a more equitable system of parliamentary representation which would safeguard minority interests and to guarantee some form of "institutionalized" opposition. Laudable as these objectives appear, the underlying suspicion that these new creations can be manipulated to inhibit the growth of a grassroots genuine opposition, capable of forming an alternative government, has yet to be dispelled. What they have in common are the functions which would otherwise be performed by an effective parliamentary minority ... in the guise of separating powers, the institution [of elected president] provides merely the semblance of an additional safeguard, a further addition to the plethora of already existing "safeguards" designed apparently to check government power. ... The elective element confers an apparent legitimacy on the office, but this aura of legitimacy masks the concentration of power and the perpetuation of the political status quo.<sup>36</sup>

From this perspective, what would the PAP government and PAP-dominated parliament desire in the design of the elected president? One might expect at least two things: (1) that the institution is beyond the possibility of being captured by opposition politicians; and (2) that the president's powers are limited to what is strong enough to convince an electorate that it does not need traditional parliamentary opposition, strong enough to curtail future bad government, but weak enough not to get in the way of the current PAP government's quest for efficient and effective executive powers.

With regard to (1), the possibility of opposition politicians being elected to the presidency is remote, in large part because of the stringent eligibility qualifications adopted in the constitution. A candidate for presidential elections must have held one of the following positions for at least three years: a cabinet minister, chief justice, speaker of parliament, attorney general, chairman of the Public Service Commission, auditor general, accountant general, a permanent secretary, chairman or chief executive officer of a statutory board, chairman of the board of directors or chief executive officer of a company with a paid-up capital of at least \$100 million, or some other comparable position as decided by the Presidential Elections Committee (PEC). Clearly, candidates are limited to the very top strata of the political leadership, public sector, and economic establishment, effectively out of the reach of opposition politicians who would not qualify in the foreseeable future. Two opposition politicians who had submitted their names for the first presidential elections in 1993 – one of whom was the iconic J.B. Jeyaretnam – did

not obtain the approval of the Presidential Elections Committee, as they were unqualified, according to these criteria. In fact, 1993 turned out to be the only occasion when the president was actually chosen through contested elections; in subsequent years, there were no contests and the president was appointed without ballot. Thio Li-ann points out that “the Singaporean presidential candidate is probably the most stringently qualified in the world”, criticizing the elitist, anti-participatory, arbitrary, and potentially politicized basis of drawing up such restrictive criteria and leaving their interpretation and application in the hands of the PEC,<sup>37</sup> consisting of the chairman of the Public Service Commission, the chairman of the Accounting and Corporate Regulatory Authority, and a member of the Presidential Council for Minority Rights as nominated by its chairman.

With regard to (2), Kevin Tan observes that the “ambit of control is tightly regulated so as to pre-empt any proactive tendencies of the president”.<sup>38</sup> As already explained, the president’s executive powers are actually custodial and reactive in nature. To exercise his veto, he has first to consult with the Council of Presidential Advisors. In any case, a two-thirds majority can overturn his veto, which is not difficult to achieve in a well-disciplined PAP-dominated parliament.

Ong Teng Cheong, the first elected president to be chosen by the Singapore electorate, had been a deputy prime minister, cabinet minister, PAP chairman, and labor union chief. Nevertheless, he took his duties to safeguard the reserves seriously – perhaps too literally for the PAP government’s liking and so he earned the displeasure of his one-time PAP colleagues who decided not to support his candidature for a second term in office. As it turned out, Ong decided not to run a second time. In an interview published in *Asiaweek*, Ong – no longer president – explained:

when I came in in 1993, I asked for all this information about the reserves. It took them three years to give it to me. ... You see, if you ask me to protect the reserves, then you’ve got to tell me what I’m supposed to protect. So I had to ask. ... The cash side is straightforward: investment, how many million dollars here and there, how much comes from the investment boards and so on. That was straightforward – but still we had to ask for it. For the assets, like properties and so on, normally you say it’s worth \$30 million or \$100 million or whatever. But they said it would take 56-man years to produce a dollar-and-cents value of the immovable assets. So I discussed this with the accountant-general and the auditor-general and we came to a compromise. The government would not need to give me the dollar-and-cents value, just give me a listing of all the properties that the government owns. ... they agreed, but they said there’s not the time for it. It took them a few months to produce the list. But even when they gave me the list, it was not complete.<sup>39</sup>

Ong claimed not to have been even informed of some cabinet decisions that would have a direct bearing on his role to protect the reserves. In his words:

Even in my last year as president, I was still not being informed about some ministerial procedures. For example, in April last year, the government said

it would allow the sale of the Post Office Savings Bank (POSB) to DBS Bank. In the past, when there was no elected president, they could just proceed with this kind of thing. But when there is an elected president you cannot, because the POSB is a statutory board whose reserves are to be protected by the president. You cannot just announce this without informing him. But I came to know of it from the newspaper. That is not quite right. Not only that, but they were even going to submit a bill to parliament for this sale and to dissolve the POSB without first informing me.<sup>40</sup>

Kevin Tan describes how the powers of the elected president have, over the decades, been gradually reduced by various constitutional amendments.<sup>41</sup> Yvonne Lee, also a law professor in Singapore, describes the elected presidency as an “innovative institution in a state of flux” and concludes that there has been a “significant reduction of the President’s fiscal powers” from a close analysis of constitutional amendments that “[redefined] the scope of ‘past reserves,’ [removed] certain types of transactions [like defence and security expenditure] from the President’s fiscal jurisdiction, and [created] a new ‘category of immunity’ for certain flows of reserves amongst the Government and the SBGCs, such that these flows do not constitute a drawing upon their respective ‘past reserves’”.<sup>42</sup> What was meant to be a powerful state institution to check against a rogue government in Singapore’s future has been seriously attenuated and prevented from interfering with the existing PAP government. In 1990, an entrenching provision was introduced that required a two-thirds majority in a popular referendum as well as a two-thirds majority in parliament for amendments to the elected presidency to be passed. To date, this provision has yet to be activated. It would almost seem as if the PAP government remains ambivalent, perhaps unsure, about exactly how powerful the president should be. Tan goes further and argues that the implications of the scheme had not been thoroughly examined before it was passed, making the elected presidency “much too volatile for comfort”.<sup>43</sup>

## **Conclusion**

This essay has analyzed the Singapore parliament’s Westminster basis and subsequent institutional innovations in terms of three sets of factors that I have labeled “representation,” “effectiveness,” and “control”.

In terms of representation, the introduction of the GRC scheme has ensured that there will be adequate minority representation in parliament. It incentivizes parties to moderate their policies and politics to appeal to a middle ground, but this can marginalize minority and niche interests. The introduction of GPCs has empowered PAP backbenchers to be more critical of the executive and to be engaged in policy making, while their resource panels of expert citizens also opened up some channels for public participation. The NCMP scheme has brought to parliament more voices that can represent party-political and ideological alternatives, even though they have not won sufficient support from the electorate.

The NMPs have been able to represent functional communities or interests that cut across or are ignored by constituency based party politics.

In terms of effectiveness, Singapore's unicameral parliament features a fusion of powers that produces a strong executive. As well, a simple plurality voting system has helped to maintain a dominant and disciplined party in parliament, easily able to control even constitutional amendments requiring a two-thirds majority. Through GPCs, there has been a clearer channel for backbench MPs' talents, domain expertise, experience, and knowledge of the ground to be incorporated into policy making. The NMP scheme has enabled the talents of Singaporeans who do not want to be politicians to be channelled into lawmaking and policymaking. While the stringent eligibility criteria for presidential candidates greatly limit who can qualify for office (and therefore the representativeness of this institution), such criteria that focuses on skill and stature may point to the importance of having a well-qualified president to serve as a potentially strong check on a powerful parliamentary executive.

In terms of control, the GRCs can be seen as an elaborate approach to gerrymandering, which also enhances the advantages of scale and incumbency that are enjoyed by the PAP. The introduction of GPCs and NMPs may have been a way for the PAP government to signal to the electorate that it is willing and able to install its own opposition that could perhaps perform even better than the traditional parliamentary opposition. In this way, the electorate are discouraged from "wasting" their votes on opposition party candidates. GPCs, NCMPs, NMPs, and the elected president – and their democracy-friendly justifications – could also be a strategy for making parliament appear more legitimate, even in the absence of adequate and genuine elected parliamentary opposition. In the case of the president, the post is effectively restricted to members of the PAP establishment. Over the years, the parliamentary executive has attempted to balance the president's constitutional powers so that they are strong enough to oppose bad government in the future and to discourage the need for stronger opposition in the present, but weak enough not to interfere with the current PAP government's rule.