

# The Straits Times

Singapore  
**By-election: What works for Singapore**

2,628 words  
28 August 2008  
Straits Times  
English  
(c) 2008 Singapore Press Holdings Limited

In his speech opposing NMP Thio Li-Ann's motion, Prime Minister Lee Hsien Loong explained the Government's philosophy towards politics as one that emphasises the primacy of the party over that of the individual MP

MR SPEAKER, Sir, I rise to oppose the motion. The issue of when to call a by-election has been discussed in this House several times over the years. Opposition MPs have raised it, including Mr Chiam (See Tong). Each time the Government has given a full explanation. Nevertheless, I'm grateful to Professor Thio Li-ann for having raised it again and giving the House the chance to debate it afresh with a fresh team of MPs, and giving me a chance to explain comprehensively the Government's position on this matter.

Legal position

LET me first state the legal position.

Under the Constitution, the Government shall call a by-election, when a seat falls vacant. When does a seat fall vacant? In a single-member constituency, when the MP vacates his office, or dies, or resigns. In a GRC, when all the MPs in the GRC team vacate office.

But the timing of the by-election is the prerogative of the PM. He has full discretion and he is not obliged to call a by-election within any fixed timeline.

For a GRC, under the Parliamentary Elections Act, it's explicitly stated that no by-election shall be called unless all members vacate their seats. If one member dies or resigns, or even two, or three, or four members, in a GRC which still has members left, legally no question of a by-election arises at all. Not even if the member is the minority member in that GRC.

I cite the law not to argue that that is what we should do, but because the law has a reason for (it being the way it is). It embodies the wisdom and experience of the way Singapore has worked and been governed.

I'm here not to argue constitutional niceties with a constitutional expert like Thio Li-ann or legal refinements with so many other eminent legal minds in this House, but just to set out the political realities of what works for Singapore.

Two models of parliamentary democracy

WHAT are elections for? As Hri Kumar pointed out, the elections are to choose democratic representatives of the people to form a government. There are two limbs to that - to elect the democratic representatives, and to form a government.

There are two different philosophies of elections, depending on where you put the weight on these two limbs.

The first alternative puts the emphasis on choosing candidates to become MPs. In other words, the MPs are the atoms and the rest are constructs built around the MPs.

Usually the MPs belong to political parties and they submit to party discipline, which is from the party whip. But once they have been elected into the House, that submission is voluntary. They can change parties without penalty. It happens from time to time in the British Parliament. Winston Churchill famously did it twice. And it has happened in this legislative assembly too before 1959.

In this model, if the MPs collectively withdraw support from the government and decide to regroup to form a totally new government with a totally different line-up, it's their prerogative.

They don't have to go back to the electorate. They don't have to call new general elections, they don't have to go back to voters for a fresh mandate.

So it's parliamentary representative democracy but the voter doesn't have the final say. The MPs have the final say.

And because the MP is the fundamental element of the whole system, if an MP dies or resigns, he has to be replaced. So a by-election has to be held promptly without delay. Countries like Britain have adopted this model.

There's a second way we could realise a parliamentary democracy, a second philosophy by which we design the system. And that is to put the emphasis on choosing political parties, have political parties as the fundamental element in the system.

Parties will field candidates to contest in general elections. They have to be high-quality people with integrity, ability, commitment, drive, all the attributes which we look for in an ideal candidate.

But the candidate is not on his own. He carries the banner of the party. The symbol appears on the ballot paper. He identifies himself with the party's manifesto, the programmes, the promises the party makes.

This is quite different from what happens, say, in Britain where candidates stand under their own names. No party symbol appears next to their name on the ballot paper because you're electing the person, and once he's in, he exercises judgment on your behalf.

In Singapore, where the MP represents a party and is elected on a party platform, once he's elected, he is morally obliged to support the party he fought under.

You can have independent candidates, in every election we have a few, but the voters know that they have no party to form a government or to help them look after their constituents.

In this system, emphasis is on the ruling party delivering on its programmes and its promises. If the MP changes sides or is expelled from the party, he loses his seat because he no longer represents the party under whose banner he campaigned, under whose symbol he was voted in.

By the same argument, if a seat falls vacant mid-term, then the prime minister has full discretion as to when he wants to call the election, because the vacancy doesn't affect the mandate of the government. This mandate continues until the next general election is called when the incumbent team will render account to the electorate.

Ours is based on this second model. It's designed to do two important things. One, encourage voters to think very carefully when voting, because you're not only voting for your representative, you are voting for the government in the country.

It is also designed to maximise the chances of a stable, effective government in between general elections. Whichever party wins, he gets a clear five-year term to govern and to produce results.

We chose this model deliberately. If you study the political history of Singapore, you will know why.

Before we entered Malaysia in 1963, there were no deadlines for by-elections under our Constitution for the self-governing state of Singapore. In Malaysia, we had to amend our Constitution to introduce the deadlines because the central government said you have to follow Malaysian practice. The rest of Malaysia has it, you must have it.

After Separation, we re-amended the Constitution to restore the status quo ante.

On Dec 22, 1965, MM Lee, who was then PM, explained fully, and he said:

'Article 7 revokes a clause which was introduced into the state Constitution of Singapore when it entered Malaysia. Members in this House will know that there was no such injunction of holding a by-election within three months in our previous Constitution. We resisted this particular condition being imposed upon the state Constitution at the time we entered Malaysia, but our representations were not accepted because Malaysia insisted on uniformity of our laws with the other states in the federation and with the federal Constitution itself. Since we are no longer a party of the federal whole for reasons which we find valid and valuable as a result of our own experience of elections and of government in Singapore, we have decided that this limitation should no longer apply.'

Indelible experience

THE Government in 1965 had learnt from the indelible experience of the tumultuous years before independence. The instability in the Legislative Assembly during the David Marshall and Lim Yew Hock years before 1959, the tussles during the first PAP government, first when Mr Ong Eng Guan and two other Legislative Assemblymen crossed over and formed their own opposition party and then when 13 more assemblymen broke off and formed Barisan Socialis and stayed in the House leaving 26 to 25. And then one PAP minister, Ahmad Ibrahim, died, making it 25 to 25.

A House equally divided: a hair-raising period. Every time the Barisan Socialis moved a motion of no-confidence, the public and press galleries were packed. It was a spectator blood sport.

Therefore, when Singapore became independent, MM restored the law so that if any MP resigns or is expelled from his party, he has to recontest his seat.

Also, by-elections need not be held within any fixed time. The result: less buying or intimidation of MPs to switch sides. You can't be bought because if you switch sides, you are useless. MPs cannot force by-elections at random, distracting the country from other more pressing concerns.

Therefore, we have stability. The public and the media are deprived of drama and suspense because stable government doesn't make for exciting news. But Singaporeans are better off without the excitement of these heart-stopping events. This is a system which serves Singapore well whichever party is in government.

#### Events in Malaysia

THESE are examples from half a century ago but if you look around, it's not hard to find more recent examples.

Take the current situation in Malaysia. I'm not passing any judgment on the merits of the political contenders. I'm not suggesting that our system would be better for Malaysia. They are a different society.

But look at what's happening in Malaysia. MPs can change sides without resigning. If they resign, they can force by-elections within three months. That is why Permatang Pauh held a by-election yesterday, after the GE that was held on March 8 this year.

That's how Mr Anwar Ibrahim is able to try to persuade MPs to cross over from the Barisan Nasional, because you can cross over without having to resign your seats.

#### On GRCs

GRCs, which according to Mr Siew Kum Hong are the meat of the motion, do not affect this political philosophy, this emphasis on the party as the key element of our system of parliamentary democracy.

Even if all six members of a GRC resign, minority, non-minority, the whole lot, it's no different from six single members resigning from six SMCs.

It doesn't change the principle that as long as a government has the confidence of the members of the House, it continues to govern.

#### Singaporeans know

I THINK Singaporeans understand this. They know that when they vote, they are not just voting for the man or the woman, they are voting for the party.

I would say that this is true not only of the PAP but also of the opposition parties. If you look at the 2006 GE, voters clearly voted along party political lines.

There is a clear ranking. Workers' Party (WP) got about 35 per cent of the vote wherever they stood, the Singapore Democratic Alliance (SDA) got about 30 per cent of the vote wherever they stood, the Singapore Democratic Party (SDP) got about 25 per cent of the vote, wherever they stood.

Even unknown faces fielded by the WP received 35 per cent of the vote.

Why? Because they knew Mr Low Thia Kiang and they gave him some credit for his performance in Parliament, and for what he stood for and what the WP stood for.

This is how the system is meant to work. We have called by-elections in the past. The PM of the day has the discretion to decide when he wants to call, based on many factors. It could depend on the economic situation, on the current priorities, on political considerations, for example, the need for leadership self-renewal, political succession.

It's just the same as the PM having the discretion when he wishes to call general elections, so long as he does so before the five years' limit is up.

We have even called by-elections when there had been no vacancy. For example in Marine Parade GRC in 1992. All the MPs resigned and we brought in one new candidate, then-rear-admiral (NS) Teo Chee Hean.

From time to time, I expect that we will need to call by-elections again. Not right now.

For Jurong GRC there's no requirement to call a by-election at all. But I am mindful that Jurong is one MP short and if for any reason I decide to call a by-election during this Parliament, Jurong is certainly one possibility which I will consider.

Laws tame power

PROF Thio argued that laws tame power, therefore discretion ought to be circumscribed by legislation. In theory, yes. But look at how constitutional systems have functioned all over the world and ask yourself whether you can find other constitutional systems which have worked better than the Singapore system.

Pakistan has had many Constitutions. Thailand has had many Constitutions. The Philippines has the most comprehensive Constitution. All the American constitutional safeguards, plus plus. Do we prefer to be operating like them?

Very few Third World democracies have worked. Ours has by adapting our system to our society and evolving in a radically different direction from the standard developed Western liberal democracy model.

When the Western liberal democracies look at us, they're very unhappy because they can't say that we're completely an autocracy because there are elections, there's popular support, there's Parliament, the system works and it's clean.

On the other hand, we're not the way they are comfortable with, with systems which work like their own home arrangements.

Cognitive dissonance

AND so there's cognitive dissonance. How is it this model works even though it is not our model? Hence I think we get slightly more than our proportionate share of flak in the international media. But it's just one of those things, our karma which we live with.

This is how we've developed our system. We've factored in the fault lines and other weaknesses in our society so that we can elect a stable and good government, a government which has the time not only to set the right policies but also to implement them and to be judged on the outcomes.

And progressively we've made changes to the system over the years to achieve this.

We introduced GRCs which have proven their worth. If Ms Sylvia Lim moves her motion one day, we'll have a fuller debate on them. It's not bad because it's the 20th anniversary of GRCs, it's good for a debate.

We introduced Non-Constituency MPs to ensure a minimum number of opposition MPs, which is also not bad because otherwise Ms Sylvia Lim wouldn't be in this House.

We introduced Nominated MPs to raise the level of debate and promote diversity of views. I think it has worked because with the NMP scheme, we've had two NMPs raise a serious motion and make two good speeches. We disagree with them but I think they have raised the standard of debate in this House.

So we will continue to evolve our system in order to make it work better for Singapore. Feeling our way across the river stone by stone always.

The PM has full discretion as to when he wants to call the election, because the vacancy doesn't affect the mandate of the Government. This mandate continues until the next General Election is called, when the incumbent team will render account to the electorate.

Document STIMES0020080827e48s0001c