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Singapore
Voting is a constitutional right, says Law Minister

Jeremy Au Yong
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LAW Minister K. Shanmugam yesterday made it clear that the right of Singapore citizens to vote is a constitutional right and not a mere privilege.

He was responding to a question by Nominated MP and constitutional law professor Thio Li-ann, who on Thursday had expressed concern that the right to vote is not explicitly set out in the Constitution as a fundamental liberty.

Was it then a mere privilege that could be repealed by lawmakers, she asked.

Replying yesterday, Mr Shanmugam stated categorically that voting is a constitutional right and thus enjoys the highest possible legal protection.

'Representative democracy is the very essence of our political system, and voting is the foundation of representative democracy,' he said.

'The power of our citizens to vote cannot be a privilege, because that would imply that there is some institution superior to the body of citizens which is in a position to grant such a privilege to the citizens. But in a free country, there is no institution that can be in such a position to grant such a privilege to the citizens.'

He explained that the right to vote is an implied right in the Constitution, arising from various provisions including Articles 65 and 66, which provide for a general election within three months of every dissolution of Parliament.

The Law Minister said he had consulted the Attorney-General, who agreed with him on the matter. He also noted that Deputy Prime Minister Wong Kan Seng had made the same point in Parliament in 2001.

'We believe the right to vote to be a constitutional right,' Mr Shanmugam said.

He also observed that the constitutions of Myanmar and North Korea expressly state that citizens have a right to vote, whereas those of the United States and Australia do not. However, it would be difficult to suggest that the right to vote is less protected in the latter two countries, he added.

As for the United Kingdom, it has no written constitution.

The Philippines and Thailand have constitutions that set out democratic rights in greater detail than Singapore's does, but 'we do not think that rights are less well-protected in Singapore' than in those two countries, Mr Shanmugam noted.

He pointed out that there had been different approaches to drafting constitutions in the Commonwealth in the 1950s and 1960s.

'The last 50 years of post-colonialism have shown that in the end, regardless of all the high-flown language in the Constitution, it is the mettle of the people and its leadership which will decide whether the Constitution becomes a living document or a near-worthless piece of paper.'

On voting, Mr Shanmugam said what is fundamental are a government committed to the rule of law, an educated populace aware of its rights and responsibilities, and stable institutions that provide for a democratic polity.

Singapore's policy has always been to ensure the maximum possible participation by its citizens in the electoral process, he added. It is among a handful of countries, including Australia and Belgium, that impose a legal requirement to vote. As a result, it has among the highest voter turnouts in the world.

Mr Shanmugam also noted the progress Singapore had made since independence in entrenching the right to vote through the holding of regular elections.

In his parting shot, he played on the phrase 'salad days', which Prof Thio had used in her speech.

'For a constitutional lawyer, dare I say, the salad days are not the yonder years gone by,' he quipped.

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