

Essays

**Singapore's Founding Myths vs. Freedom**

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*By Garry Rodan*

**The Singapore government** hoped for significant returns when it invested approximately \$85 million to host the September 2006 meetings of the International Monetary Fund and World Bank. And this seemed like a reasonable expectation. After all, the 16,000 delegates represented a captive audience to promote the Singapore's finance and tourism industries.

What transpired, however, was a public-relations disaster for the ruling People's Action Party. Singapore's extensive curbs on political expression were to consume much of the international media attention before and during the meetings.

Home Affairs Minister Wong Kan Seng warned that public protests may "attract severe punishment, including caning and imprisonment." Under Singapore's Public Entertainment and Meetings Act, a security permit from police is required for more than four people to gather in a public place. Authorities claimed that outdoor protests would disrupt local residents and could be exploited by terrorists.

Far from winning new admirers by hosting the meetings, Singapore's authorities managed to alienate existing ones. Leading American neocon Paul Wolfowitz, now president of the World Bank, slammed immigration restrictions on activists as "authoritarian." Mr. Wolfowitz accused Singapore authorities of renegeing on a 2003 agreement to allow attendance of accredited activists, adding: "Enormous damage has been done and a lot of that damage has been done to Singapore, and it's self-inflicted." Belated approvals for 22 of the 27 banned activists to enter Singapore limited—but didn't undo—the damage.

Many international NGOs conducted their activities from the nearby Indonesian island of Batam. Meanwhile, international media attention turned to the attempted illegal march and rally by Singapore Democratic Party leader, Chee Soon Juan, and six others to highlight curbs on freedom of speech, association and assembly. Encircled by 30 police, the protesters were physically prevented from even beginning their march from a city park. Without taking a single step they had proven their point and the government's contempt for voices of protest was vividly projected to the world.

Additional limits to political expression in Singapore are imposed through stringent media regulation and frequent litigation by government leaders. None of this is abating. Indeed, this publication was recently banned in Singapore, as editor Hugo Restall explains in this

edition. But why does the ruling PAP persist with such tight controls over expression given that it enjoys widespread political support inside and outside Singapore? How can we understand the sorts of pr disasters described above?

Any attempt to answer these questions needs to grasp that suppression of dissent in Singapore is discriminating. The PAP has over the last four decades displayed special anxiety toward certain criticisms and scrutiny, while it is less severe in its reactions to others. In particular, it reacts robustly to questioning of the PAP's governance virtues and the integrity of the political, legal and bureaucratic institutions it has crafted. It is especially protective of two foundational myths of the PAP, which provide the rationale for the ruling party's monopoly of power.

The first myth is that public institutions are autonomous, efficient and administered by a meritocracy. In this construction, the integrity of any institution is directly linked to the character of its officials and vice versa. The second posits that unless all politics is channeled through clearly defined and regulated formal political institutions then Singapore's social and political stability will be at risk. This concept of politics is a compartmentalized and highly regulated one.

However, the veracity of such defining stories about the essence of the regime's character and purpose are impossible to fully ascertain given the constraints on inquiry and debate into them. This is not by accident, since if these myths could not hold up to scrutiny then the rationale of the de facto one-party state would be undermined. Insulating these myths from scrutiny may reflect a lack of confidence in the ability of Singaporeans to assess competing claims about key institutions. It might also reflect a lack of confidence in the ability of the institutions to withstand critical scrutiny. Whatever the case, reinforcing foundational myths involves continual vigilance in monitoring and restricting public debate on PAP governance and institutions.

Paradoxically, dissent itself can actually be functional for the promotion and reinforcement of these myths. For instance, the high-profile defamation suits against critics not only impair or punish government opponents. These trials also avail the ruling party of opportunities to articulate the proclaimed attributes and qualities of the governance system. This explains what otherwise appears to be an inordinate scale of resources and political investment devoted by the PAP to such trials.

Similarly, the extensive system of licenses and regulations pertaining to any form of political expression enables authorities to do more than just limit such activities. It provides opportunities for authorities to echo political leaders' notions about threats to social and political order posed by civil society activism, public rallies, Internet Web blogs and other independent political expressions.

PAP sensitivity to scrutiny of key state institutions goes a long way toward explaining why J.B. Jeyaretnam and Mr. Chee have encountered more difficulties than most opposition politicians. They are depicted as engaging in "gutter politics," periodically contrasted for the worse with Singapore's two opposition members of parliament—Mr.

Jeyaretnam's successor at the helm of the Workers' Party, Low Thia Kiang, and the leader of the Singapore People's Party, Chiam See Tong.

In recent decades, Messrs. Jeyaretnam and Chee have consistently probed, questioned and criticized various aspects of the governance system, honing in on the processes accompanying bureaucratic, administrative and political decisions. They have each endured a raft of problems with authorities in trying to conduct political organization and communication—including a string of defamation cases awarding massive damages to PAP leaders. These ultimately resulted in the bankruptcy of the opposition politicians and hence their ineligibility to contest elections.

The most recent demonstration of the difficulties in scrutinizing the PAP's governance claims without being open to defamation allegations by PAP leaders was provided in the run up to the May 2006 general elections. Mr. Chee led an SDP campaign questioning the response time of the government to problems over disclosures and uses of public funds by the multimillion dollar charitable organization, the National Kidney Foundation. Any chance of a robust debate about the performance of the government and state regulatory institutions was blunted following legal suits by Prime Minister Lee Hsien Loong, Senior Minister Goh Chok Tong and Minister Mentor Lee Kuan Yew.

Questioning the associated meritocracy myth has proved especially hazardous for the international media. Examples of this include responses to articles by the International Herald Tribune in August 1994 and Bloomberg in August 2002, respectively seen to imply nepotism in the political rise of Lee Hsien Loong and in the appointment of Lee Hsien Loong's wife, Ho Ching, to the executive directorship of the government-linked holding company, Temasek Holdings. The IHT was ordered to pay over \$604,000 in total damages, while Bloomberg settled out of court for around \$380,000.

Observations about how the governance system treats PAP leaders was at issue in a \$555,000 defamation suit against the Hong Kong-based Yazhou Zhoukan for publishing comments in September 1996 by Singapore lawyer Tang Liang Hong. These related to a controversy over a prelaunch discount sale offer of condominium units by Housing Properties Limited taken up by Lee Kuan Yew, Lee Hsien Loong and various other members of the Lee family. One of the directors of HPL was Lee Suan Yew, the elder brother of Lee Kuan Yew.

Then Prime Minister Goh's instigation of an investigation into the propriety of the offer and the timing of disclosures by HPL to the Stock Exchange of Singapore, conducted by the finance minister and the head of the Monetary Authority of Singapore, cleared the Lees of any impropriety. However, Mr. Tang maintained that an inquiry conducted by either the Commercial Affairs Department or the Corrupt Practice Investigation Bureau would be more convincing since they were more detached from government. Lee Kuan Yew and Lee Hsien Loong sued Yazhou Zhoukan for approximately \$555,000 for defamation and extracted an apology from the magazine.

Given the frequency with which Singapore's courts have been deployed to quell criticism of key institutions, it's not surprising that questioning the judiciary's independence is treated most seriously. There is no better illustration of this than in the case against the IHT for a 1994 op-ed article in which Christopher Lingle didn't even mention Singapore or its courts by name. He referred to the use in the region by some authoritarian regimes of "a compliant judiciary to bankrupt opposition politicians." Lee Kuan Yew insisted this was an oblique reference to Singapore and sued the IHT and Mr. Lingle. In the prosecution's determination to prove this point, it documented 76 separate articles from the Straits Times between 1972-94 to establish that government critics had in fact been regularly prosecuted in Singapore's courts. Likewise, in Annex A of the Aug. 22 court filing against the review, the plaintiffs' lawyers enumerated 22 of the defamation actions previously taken by Mr. Lee since 1965.

Mr. Lee's eagerness to draw the world's attention to such a history and to volunteer that Singapore's legal system was the premier candidate for Mr. Lingle's description might appear puzzling. However, the trial provided a stage for Mr. Lee to assert the independence of the judiciary, to sound a stern warning to others who might want to question this, and to reinforce claims important to Singapore's economic brand, namely that the integrity of the city-state's governance regimes distinguish it within the region.

Yet this strategy is not without contradictions and it faces challenges from political and economic forces. Ironically, one challenge emanates from the increasing use of the courts by Singapore's political opponents to question, counter and challenge the PAP's foundational myths. Mr. Chee used his February Bankruptcy Petition Hearing, for example, to circulate his court documents to the international media, and he outlined how and why he didn't believe Singapore's judicial system was independent when dealing with opposition politicians. He was also able to remind the international media of the criticisms leveled at the Singapore judicial system by Amnesty International, the International Commission of Jurists and the New York Bar Association. Mr. Chee was not intimidated by the prospect, and subsequent reality, of a suit for contempt of court.

Lee Kuan Yew has since secured a summary judgment for his defamation case against Mr. Chee and his sister and SDP colleague, Chee Siok Chin, arising out of the last election campaign. However, while the Chees were thus denied their request for a public hearing, their detailed defense of what they regard as fair comment on a matter of public interest was posted on various Web sites. Moreover, they are challenging the decision to award a summary trial as unconstitutional. In effect, the Chees are taking a foundational PAP myth seriously to see where it leads.

Meanwhile, economic globalization is contributing to a growing scrutiny of, and challenge to, Singapore's governance system. Currently a request for review by the Toronto-based oil and natural gas company, EnerNorth Industries, is pending before the Canadian Supreme Court. It is seeking to overturn a decision by the Ontario Superior Court of Justice to abide by a Singapore High Court ruling. This went against EnerNorth in its dispute with Singaporean company Oakwell Engineering and it faces the prospect of having its assets seized under Canadian law to pay for that judgment. However,

EnerNorth's appeal centers round the contention that: "Singapore is ruled by a small oligarchy who control all facets of the Singapore state, including the judiciary, which is utterly politicized."

There is also increasing international scrutiny of the governance rules and regulations pertaining to Singapore's domestic market. Already this includes critical attention by the International Monetary Fund and U.S. negotiators involved in the U.S.-Singapore Free Trade Agreement. Concerns have been raised about levels of transparency, possible conflicts of interest pertaining to appointments within the state and the advantages open to government-linked companies by virtue of political networks to which they belong.

The second foundational PAP myth about the threat to political and social order posed by political pluralism has also manifested itself in a range of measures curbing political expression. The most explicit symbol of this myth is to be found in the Societies Act, which bars political activity by groups not specifically registered for this purpose. In effect, this outlaws civil society—both as an alternative to formal politics or as a complement to it.

Whereas in a liberal democracy widespread political engagement by social groups is viewed as functional for the political system, the PAP worries that this opens the door to "hidden agendas" and special interest politics. As Lee Hsien Loong stated in 2001: "It will be very tragic if Singaporeans are divided into many special interest groups and each one asserts its demands, and you're unable to form a consensus."

Attempts by political parties to engage with the general public, particularly by the SDP, have been frustrated by administrative and other impediments. Such were the difficulties experienced by the SDP in obtaining permits for public meetings that they have on occasions deliberately violated the Public Entertainment and Meetings Act. This resulted in prosecutions of SDP members and two prison terms in 1999 for Mr. Chee. The SDP has generally been deploying nonviolent civil disobedience to highlight administrative impediments to free speech and collective action.

One of the contemporary challenges for the PAP in the control of political expression has been the Internet. The essence of the government's response has been to superimpose the spirit of the Societies Act on cyberspace. This includes the requirement for registration with the Singapore Broadcasting Authority of political Web sites and the barring of nonparty political associations from political promotion, advertising or campaigning during elections. As Senior Minister of State Balaji Sadasivan explained: "In a free-for-all Internet environment, where there are no rules, political debate could easily degenerate into an unhealthy, unreliable and dangerous discourse, flush with rumors and distortions to mislead and confuse the public."

These controls have proved remarkably effective. However, during the May election, individuals defied the government edict barring political blogging and podcasting. There were around 50 Web sites and blogs producing political or semipolitical content during the election, according to the Institute of Policy Studies in Singapore. Among other things,

this provided venues for critical analysis and views to be aired by individuals and it enabled videos of sizeable opposition rallies, blanketed in the state-controlled media, to be made available. This is an important development, since it challenges the PAP preference for all forms of political expression to be channeled through state-controlled institutions and the idea that the alternative is dangerous. A more serious challenge, though, would involve the technology's facilitation of collective political action or mobilization. The PAP's priority will be to prevent this.

Clearly the PAP's determination to insulate its foundational myths remains resolute and attempts to challenge these continue to attract a harsh response from Singapore's authorities. However, because of economic globalization and the use of new technologies, that exercise is likely to require continued refinement and creative energy.

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