

The National Parliament Of Timor-Leste

Timor-Leste, 23 October 2003

I am greatly honoured and privileged to be invited to address this august gathering of the Parliamentarians and Council of Ministers of Timor Leste. Perhaps it would be appropriate if I talk about governments and the democratic parliamentary system of government in particular since both Timor Leste and Malaysia practise it.

2. As we all know there are many forms of government and parliamentary democracy is only one of them. Parliamentary democracy, like all the other systems of government is not perfect. It has many weaknesses and how these weaknesses will undermine a parliamentary government depends much upon the practitioners. If the practitioners understand the system and its limits and are determined to derive the maximum benefit from it, then it will work and it will deliver the good governance that we all want. If not it will be no better than the systems which we reject, the feudal system, the authoritarian system, the Socialist system, the Communist system, the liberal democratic system, the Presidential system, the two-party system, the one term or two term system or whatever. All are imperfect and they can be worse than the parliamentary democratic system. On the other hand under benevolent, patriotic and skilful hands they can be better than parliamentary democracy.

3. If we examine the democratic system by itself we will find that it will not always deliver. It is assumed that the majority of the electorate know what is good for them. But it is entirely possible that the electorate do not know, or they know but they choose not to care and abide by what they know.

4. The electorate can be corrupted, directly or indirectly. They will sell their votes, especially when they are poor. For them it is short term gain. Or they may reject a good candidate or a good party because personally or as a group they had not been given something that they had asked for. Or they are loyal to their party so much so that they would vote for it even though their party is not a good party. They may vote against the other party simply because of hatred even though the other party is good for the country.

5. In the end the best party for the country would not win. And the country as well as the voters would suffer from having chosen wrongly.

6. In a two-party system, it can well happen that the winning party has only a small majority. The members of the winning

party can then threaten their party that if they don't get something personally for themselves or their constituents then they would cross over to the opposition and bring down the government. Under threat, the government would be more concerned to retain the support of the members than to govern the country properly. Only when the government party has a big majority in a two-party system or a multi-party system can the government focus on governing and not on politics within the government party in order to remain in power.

7. A multi-party system will result in the parties never getting a sufficient majority to form a strong government. The electorate will be so divided between the many parties that none of the parties can win sufficient seats to form the government. In such a situation it may be necessary to form a minority government which would be too weak to govern as it can be brought down any time by losing the votes in parliament. To solve this the party with the biggest number of seats would try to form a coalition with a smaller party to get the necessary majority.

8. The big party will then be beholden to the small party as it may threaten to leave the coalition and bring down the government. The senior partner will have to give up its principles and pander to the demands of the junior partner. The tail will then be wagging the dog and the government will not be able to deliver on its promises. The country would suffer.

9. Some countries practise proportionate representation in parliament. This almost guarantees that no party will have an absolute majority to rule. Weak coalitions would be formed and the government can neither implement the promised programmes or be strong enough to take necessary but unpopular actions which all government must do.

10. Outside of the parliament, pressures can also be applied to render the government ineffective. Democracy is accompanied by certain freedoms which can only be upheld at considerable cost. The government can be brought down by sustained general strikes or by continuous street demonstrations. Under such pressure the government may have to resign and a new election held. Unfortunately if another party wins and forms the government, it too can be brought down through strikes and demonstrations. The result is instability which undermines the economy, which in turn undermines the government. A country cannot be developed if the government is not able to focus on the administration and is preoccupied all the time with trying to maintain law and order and stay in power.

11. In a multi-racial country, democracy, whether Parliamentary or Presidential is especially difficult to practise. The majority race may dominate and form a racially biased government. The minorities would suffer under the rule of the majority race. 12. A Presidential system may be of two kinds, a non-executive President or an executive President. Even a non-executive President, like a constitutional monarch, can be a problem for the ruling elected government. Usually the assent and signature of the President is needed for the laws passed by parliament to become legally enforceable. If the President refuses to sign for whatever reason then the elected government of the people can be frustrated.

13. On the other hand if the President is also the Chief Executive, it may well be that Parliament is dominated by a party that is not sympathetic towards him. The Parliament can frustrate the President and there would be endless wrangling between him and parliament. The government would again be rendered ineffective.

14. There is now a fear of government authority. Having said that the government must be elected by the people, measures are taken to curb the powers of the government. Various non-formal non-elected bodies are now formed to curb the powers of the government. These bodies are responsible to no one. Certainly they do not represent the majority of the voters. But they wield such great powers that the rights of the majority are diminished or negated entirely. The non government organisation can deny a majority government the right to rule based on their own ideas of right and wrong. The human rights, the environmental, the animal rights groups and a host of other NGOs, can all frustrate the government at every turn. The cost of living and governing goes up because of the need to pander to the wishes of the NGOs. Yet the NGOs form only a tiny portion of the people by comparison to the majority support for the elected government. If democracy means government by the majority then the NGOs are actually denying democracy because, despite their being a small minority they can deny the majority as represented by the popularly elected government, their right to rule.

15. Similarly the media wields enormous power over the popularly elected government. The media is elected by no one. But it can if it wants to, give distorted reports so as to promote its own agenda. There is not much that can be done to curb or correct the media. Being in control of the means to shape the minds of the people, the media whether local or foreign-owned wields more influence over the government than the electorate. The powerful role of the media is promoted and defended by the media itself. Simply by not airing contrary views the media can shape the thinking so that no one may

question the rights and the role of the media. An independent media able to criticise the government is good, but that independence can be abused as much as government can abuse its power.

16. But the judiciary too can deny the law making power of the elected government. The judiciary claims the right to interpret laws differently from the objective of the legislators who passed the law. It also claims the right to review laws properly legislated by parliament, claiming that they are unconstitutional or simply bad laws. Even if provisions are made by properly legislated laws for the government to act, the judiciary can still overcome the rights of the government through habeas corpus or some legal excuse or another.

17. Actually democracy no longer means government by the majority of the people. All kinds of entities can frustrate the wishes of the majority so much so that it is far more effective to be a minority activist with no responsibility than to be an active politician, striving for power through the ballot box.

18. If we care to look at the history of the various systems of government devised by the developed countries of the West, we will not fail to notice that they all go through a cycle. They all have an idealistic beginning, i.e. to correct the injustice of the current system through its displacement by a noble and more just system. Over time the ideology would gain support from the masses until a critical mass is achieved and the current system is overthrown and replaced by the new ideology. Then the ideology and system would undergo a process of reinterpretation and change until the original concept and ideal are lost and what emerges is quite different from the original. This entity then becomes as unjust and intolerant as the previous system and fails to deliver on its promises. With this a new system or ideology would be spawned and the process of overthrowing the current system would begin again. Eventually the current system would be overthrown and the new system would take over, only to undergo the same metamorphosis, to degenerate, to fail to deliver on its promises and finally to breed a new ideology. We can be sure the new ideology would suffer the same fate.

19. Thus Capitalism bred Socialism and Communism, which over time evolved into the dictatorship of the proletariat. The excesses of the dictatorship lead to its eventual overthrow and the re-emergence of the Capitalist system thinly disguised as liberal democracy. Today the capitalists and the liberal democrats are exhibiting signs of intolerance and authoritarianism. No other systems are allowed now. Any

attempt to resist will meet with all kinds of pressures, including conquest by force of arms. Democracy can now be imposed by violence and the violence is justified by claiming that democracy is good. But as we have seen democracy is not always good. It can lead to anarchy and the people can suffer.

20. But having said all these the fact still remains that democracy is the best system yet devised by man to govern human society. It can be made to work and it can do so if only we learn to understand the limits and weaknesses of democracy and to accept them.

21. For a democratic government to work it must have a good majority, not 99 percent or even 80 percent but certainly not so small that a member or a few members can bring down the government by crossing over to the opposition. Too many parties cannot result in a government with a strong majority. So the number of parties should be limited, at least two, at the most five or six. These parties must be national in character, not limited to a particular district or region in the country.

22. Once elected the majority party must be allowed to rule the country until the next election. Bringing down governments between elections should be avoided unless the government has clearly caused a catastrophe. 23. Minority groups such as NGOs should not unduly harass the government. They can give their views, but if they feel strongly then at the next election they should throw their support behind the opposition. The people will then decide whether to return the same party or another party.

24. Once elected, the right of the parliament to legislate must be respected by all. No one, not even the judiciary must usurp the law making role. The judiciary should interpret the laws in accordance with the objectives of the laws. If the wordings lend themselves to other interpretation then parliament should amend the laws so that the objective is attained.

25. The administration, including the enforcement wings, must be professional. Their duty is to carry out the policies and enforce the laws according to the policies and objectives of the government in power. Personal political belief should not influence the administrative machinery. If there is a change in government then the administration must follow the policies of the new government.

26. The rights to strike and to demonstrate must be sparingly used. Certainly they should not be with political objectives. Liberally practised, strikes and demonstrations will undermine

the economy, and prevent society from developing. In the end it is the workers who would suffer most. Workers should strike only if there is no other way to get fair redress.

27. The people must accept the limitations of democracy and not expect too much from it. Prudently practised by the people and the government democracy can give the best form of governance.

28. Democracy should be upheld and practised because it is most likely to give a country a good government and a good life for the people. However the good life of the people should not be sacrificed in order to sustain democracy.

29. Free trade for example is being promoted as an integral part of democracy. It really is not. It is only linked to democracy so as to gain legitimacy. A country can be democratic and yet control its economy in order to benefit its people, certainly the majority of its people. The idea of free trade comes from the rich and powerful countries which feel frustrated over their inability to exploit fully for themselves the potentials of the poor countries. In fact when they were democratising they restricted trade so they could keep the wealth of their countries to themselves. The British for example, enforced Commonwealth Preference so that their trade could be limited to their members. Yet the British were regarded as Democratic even then.

30. Protecting a country's market is therefore not undemocratic. The attempt to link democracy with free trade has no basis.

31. We also know that free competition is not necessarily fair competition. In any contest, the contestants must be fairly matched. A contest between a pygmy and a giant cannot be considered as fair. The demand that there should be free competition when it is well known that the competition is between poor unindustrialised countries and highly sophisticated wealthy industrialised countries cannot be considered as fair. It is even less fair when the rich expect to be allowed to subsidise their agricultural products. The subsidy per year per head of cattle is about twice the price of the animal. That subsidy can feed a whole family in a poor country for one year. They also use intellectual property rights to keep their wealth creating technology to themselves.

32. Free trade is actually undemocratic. It disregards the majority who are poor in favour of the minority rich. The poor countries must insist on democracy in international negotiations and within the international organisations. We should insist on fair trade and not free trade. We should

maintain that free trade is undemocratic, and therefore our rejection of it is democratic.

33. Most developing countries depend upon their natural resources to sustain their economy. Unfortunately they do not have the means either financially or technologically to extract their natural resources. Petroleum resources cannot be exploited by poor countries.

34. Historically the oil majors had cheated the poor countries by paying them less than one US Dollar for a barrel of oil. For decades the poor countries were cheated while the majors waxed rich producing, refining and retailing the oil. Had it not been for OPEC the price of oil would never have reached the present level of above 25 U.S. Dollars. Imagine the amount of wealth lost by the countries with oil all these decades.

35. But today unless the petroleum rich countries are smart in negotiating the concessions, they are still likely to be cheated. That is the kind of world we live in. We must not believe that a democratic country will not cheat. It is important to remember that nuclear bombs have only been dropped by a democratic country.

36. Some quarters have said that Malaysia is not democratic. Yet they don't criticise countries which are friendly to them even though these countries have undemocratic authoritarian governments. Clearly their criticisms of Malaysia are motivated by political considerations. Malaysia is not worried. We are democratic. How else can you explain the large number of opposition members being elected to the federal and state legislatures, so much so that presently two states are ruled by parties opposed to the Federal Government.

37. Malaysia is a multi racial, multi lingual country. Most multi racial countries are faced with continuous racial conflicts. But Malaysia is peaceful. An authoritarian country can easily ensure peace but a democratic country finds it very difficult. Yet Malaysia has managed its racial problems well. This is because Malaysians understand the weaknesses and limits of democracy and we do not exceed these limits. Of necessity the Government has to maintain preventive laws which inhibits excessive abuses of democratic freedom. The result is that Malaysia can enjoy democracy without the excesses which encroach on the freedom of the majority. The minority also enjoy freedom so long as they don't deprive the majority from their own democratic rights.

38. I am glad Timor Leste has opted for Parliamentary Democracy. As Parliamentarians I am sure you understand the weaknesses and the limits of your power. A good government is

therefore possible. And I would like to wish you all the best and I feel sure that your understanding will bring about true democracy and development to your country.