

**IPS Conference on Civil Society 2013: “Our Future”  
Dialogue with K Shanmugam, Minister for Law and Minister for Foreign  
Affairs**

**11 November 2013**

On 11 November 2013 more than 300 participants gathered at the Grand Copthorne Waterfront Hotel to part in the Institute of Policy Studies’ (IPS) Conference on Civil Society 2013, titled “Our Future”.

The conference invited several civil society activist and thought leaders to take stock of developments in the sector, as well as explore ideas for cultivating a vibrant civil society that fosters social capital, trust, and cohesion. The conference ended with a dialogue with the Guest-of-Honour, Minister for Law and Foreign Affairs, K Shanmugam.

The following is an edited transcript of the dialogue session. The full conference report can be found [here](#).

**DIALOGUE SESSION WITH MINISTER FOR LAW AND MINISTER FOR FOREIGN AFFAIRS, MR K SHANMUGAM**

*Chairperson: Professor Tommy Koh, Special Adviser, Institute of Policy Studies*

**Question:** Two dominant themes emerged from all the three presentations in Panel 1: first, diverse voices will increase; second, different individuals and groups will have to learn how to agree to disagree and acquire the skill for negotiation. What role do you think the government should or should not play in helping citizens acquire this skill? In the online space, do you foresee law taking a backseat in order to allow voices of reason to triumph and for self-regulation to materialise?

**Minister Shanmugam:** In terms of civil society and engagement, and what role the government has, my own view on the government’s role is generally a minimalist one — in any context, whether it is economic or any other area, I see government as the catalyst for change, but also to keep out and let people have the ability to do what they want. The government’s role is to intervene to prevent conduct that is harmful to others or society as a whole, and as far as possible you define it narrowly, but each country has to define it according to its circumstances, its internal and external dynamics, and challenges. You can imagine a larger country defining it differently from a smaller country; you can imagine a country with existential threats defining it differently from one that is surrounded by oceans. Leaving that aside, the default intellectual position should be for people to get on with their lives as they wish, and government to intervene in as minimal a way as possible.

And then you add on responsibilities and roles to the extent that you see the government role is essential and necessary to move the country forward economically or socially, if you see that without change, society will actually regress. So in terms of debates within society between interest groups, between people, my own view is that government should come in only when it touches on those areas that we think ultimately would damage the fabric of our society (such as race and religion). At a very philosophical level you could say "we should be able to talk about each others' racial issues or religious issues without that having to damage society". But often you will have a group of people who can debate it at that level, but then you will probably have a larger group for whom this becomes very visceral and impacts their perception of another race.

I'm not saying that these are the only viewpoints, but in that context I can advocate government intervening and saying what the terms of those sorts of debates ought to be. That has been our position in the past; I don't see that changing in the context of the Internet. The Internet is just a means of expression. I do think as we have an evolving and changing society that there has to be a bit more emphasis on value-based education in our schools; there has to be a little bit more meaning to people as individuals and human beings beyond the pursuit of material benefits, particularly in the context of the social changes that we are facing.

I never tire of telling my audiences that we are in a relatively sweet spot now, but within 15 years that spot is going to change fundamentally. We are at a ratio of six people working to support one retired person right now. Within 15 years, we are looking at two persons working to support one retired person. I think that sort of demographic change within society is going to put in perspective all the issues that you have been talking about today. That is an issue of much greater magnitude, which I think our society has not really come to grips with: our people are not discussing. We seem to be discussing issues that I think are of second-order importance compared with an issue of fundamental, primary importance.

How are we going to look after our ageing citizens? Where are the savings going to come from? How are we going to deal with the quite clear certainty that the economic vibrancy would be very different? Can your tax rates remain the same? Some people say just tax the rich more, but the rich are very mobile and we are at a 20% tax rate and Hong Kong is at 17%; the very people that you want to tax more are the people who are most mobile. This leads to a vicious cycle, and we are not underpinned by the resources that Australia, Canada or the Nordic countries have. Where is the manpower for the SAF [Singapore Armed Forces] going to come from?

These are not "sexy" topics. But how our people live, how we design our HDB flats, how we take care of [the elderly and infirm)] — not everyone can or needs to go to hospital. You want to keep them at home; you want nurses to visit them; who are going to be your nurses? Singaporeans don't want to become nurses, by and large, [and] we do not have enough people for allied healthcare support simply because we do not have enough babies. By the time you spread them out across professions, you have a shortage in every area — thousands and thousands of jobs that need to be filled, and we do not have enough people.

We are not having a debate on issues that I think are central to society, on the real challenges to society. I can mention to you three or four economic challenges that I think people are not talking about. So coming back to your question, government's role may be to identify these challenges, to tell people what these challenges are; to have an open, frank discussion because we are in it all together; and to have our young people understand that because they are the ones who are going to inherit that situation — by and large, anyone around or under 35 is going to have to pay for and inherit the situation. A values-based education is going to be necessary because I think we are going to require much more of our people to look after one another. So that is what I see as government's role.

On your second question, I think philosophically it is the same position. Absent criminal activity, I don't see it as government's role to intervene. I think it is the government's role to provide a framework where people can handle debates themselves; people should have the right to go to court if they feel their rights have been infringed. Where there is criminal activity, government should intervene. Given the proliferation of online viewpoints, I think we also have to look at solutions other than running to the law all the time in terms of criminal activity or even civil suits. For example, if someone feels that they have been harassed, if they don't feel that they have to sue but just have a correction put out, maybe that's an easier solution rather than spending time and money in courts.

We have harassment laws, [and] we have faced a lot of requests from the public to update our harassment laws to deal with online harassment. We are behind the curve amongst all the jurisdictions such as the US, UK, New Zealand in terms of putting in laws. My ministry is looking at it actively. We will look at it with panels, but there are many forms of harassment such as workplace harassment, sexual harassment, cyber bullying and a whole lot of issues. I think one has to look at all of these issues together.

**Question:** First, given that in principle, the government is very much in favour of private-public sector partnerships, what more can be done to institutionalise this, to make sure officials on the ground and in various agencies and ministries will in fact consult in a more meaningful way? Second, what more can be done to remove some of the existing barriers that civil society organisations still feel, for example, in reaching out to the public through public events or fundraising, where some groups feel shackled by the Political Donations Act?

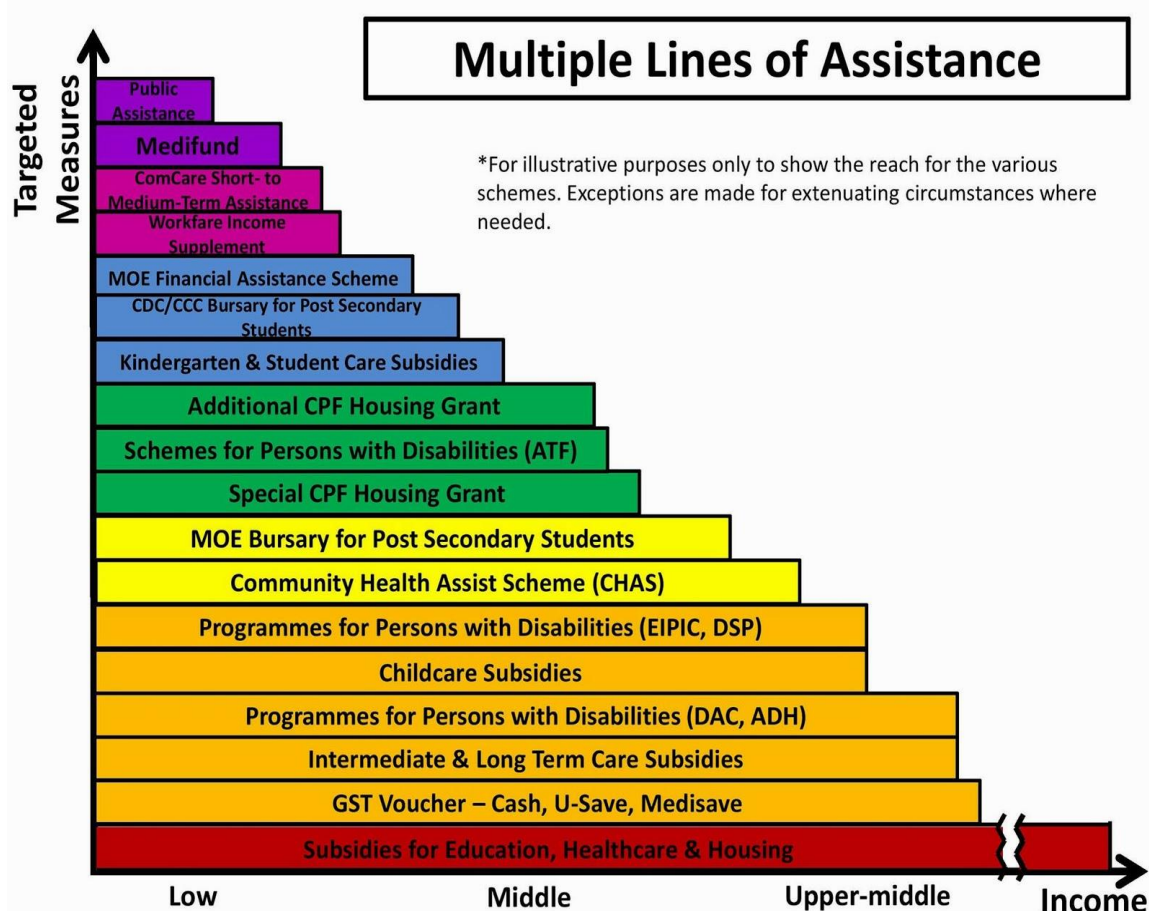
**Minister Shanmugam:** These questions are very broad, and include a series of implicit and explicit assumptions that inevitably tend to be inaccurate in parts, and accurate in parts. The broad assertion that officials don't consult — or are unwilling to consult — cannot be true because that means that every official does not consult. I think your real point is that there has been a movement, but is it fast enough? Are there enough people consulting? Is there still a significant amount of resistance, [such] that some parts of government are consulting and others are not? If I may put the question in that way, I think that is your real question.

I think the second point that you make is on associations and political activities, so let's divide the two. [On] the first, I think part of the problem is rhetoric, and part of the problem is real. What do I mean by rhetoric? I mean also the rhetoric on the part of

the government. For example, take welfare. The government’s DNA and rhetoric is that we are not a welfare society. [When] you remove the veneer and look beneath, I actually challenge anyone to come up with another government that is more welfarist. Why do I say that? You take every aspect of a citizen’s life, and you will see the government subsidising very substantially. From the time of birth, you take education — primary and secondary school are substantially subsidised. Then, you go to university and we make people pay 25 per cent. Why? Because we say they are likely to earn more money and there is no reason they shouldn’t pay 25 per cent, and [no reason] why the rest of the taxpayers [should be] funding them 100 per cent. But if you can’t afford it, it will be paid for and you pay it back.

You take housing, [where] there is a real subsidy. You take this perception about it being “left pocket, right pocket” — all of that is untrue. It is an actual hard cash subsidy that goes to 83 per cent of the population. No other society in the world does that. I do not know how many people here know this, but land in Singapore does not belong to government, it belongs to the President and is part of our reserves. When the government wants to develop 10,000 hectares to build [a] new set of HDB blocks, the government buys that land at current value from the President, and pays out of current tax revenues for that land. That money is then paid into the reserves. That land is then developed from sand that our neighbours won’t give us, which has got to come from far away. Each one gets a subsidy which is very substantial, and that is why each one sits on an equity that is very substantial after five years. That is a real subsidy. You name me another society that does it.

You move on, you look at every area including healthcare, the government subsidises. But official speeches say that we are not a welfare society. Today, [Minister for Social and Family Development Chan] Chun Sing put up a chart, which I think is useful for you to look at. We don’t have a poverty line because we look at every family. Our help goes all the way from the lower income to the upper-middle income, depending on which area we look at, so unlike other countries we do not have a cliff or a defined line; we help everyone according to their needs. How do we do it? Can the government do it by itself? No. We need civil society, civic society and welfare organisations to come in because they can tap into the idealism and enthusiasm of the volunteers and spirit of the people.



**Figure 1: Multiple lines of assistance**

Civil servants cannot do that. The civil servant can plan, get the money out and put the money in. So, a typical welfare model of looking after our senior citizens involves a substantial commitment by, for example, the Lions group. You go to the Lions Home [for the Elders], who do you think pays for it? It is paid for almost entirely by the government. We pay the money, they raise some, they get their volunteers involved because people want to do good things. We channel their energies and get them to raise money because that then gets their commitment. Government puts in a substantial amount of money. You look at any NGO in Singapore that does work that the Ministry for Social and Family Development identifies as being relevant for community purposes; they get a lot of money from government.

So your implicit assertion that government is not willing to work with NGOs, is actually substantially inaccurate. The substantially accurate position is: in a whole series of activities which we think are necessary for the community, we recognise that the people, voluntary organisations and NGOs can do a far better job than us, and therefore we need to bring them in and work in partnership with them. At the same time, the frustration of various NGOs has been that when they put up positions, often they reach a blank wall when they discuss with the various agencies.

Sometimes the explanations and the communications could have been better, but they go away feeling frustrated because it seems to them that this is so obvious and sensible and yet there is no movement. Sometimes they are right, sometimes they are



wrong; that is why I say that when you deal with the civil service of thousands of people and a wide variety of agencies, it is a continuum. You are going to have good, indifferent, and bad experiences. I would say that over the last 10 to 15 years, in general, the interactions and the way the communications have gone have changed and are continuing to change. The approach we take at the ministerial level and through conferences like this and through NGOs is that the negative experiences and the places where we have not made as much progress as we ought to, we ought to focus on them, and I can tell you my colleagues are very keen on identifying areas where we can work better and improve the experiences.

There is another part we need to improve on, and that is sometimes perhaps the reaction is a “no” because it’s a different way of doing it, and I do not think that is a good enough reason. Sometimes the response is a “no” because the person who is making the decision ultimately has got a series of trade-offs to make, and they could better explain it, so we need to improve on our communications. But fundamentally, philosophically, if you ask me and my Cabinet colleagues [about] the approaches, this is a \$330 billion economy; a society with significant social challenges. Can the government, which is costing 17–18% of GDP and is actually quite slim, handle all of this? No way. We prefer that we work with civil society; we prefer that we work with NGOs; we prefer that we tap into the enthusiasm of the people. We have to do that, there is no other way. We certainly do not want to grow our government in the way that others have done, to run a whole series of welfare programmes. We prefer to put out the money, but we ask the people who work with us to put some skin in the game and bring in their enthusiasm. Does it work perfectly? Of course not, there is always room for improvement. But you show me another government that is perfect or does as much.

The second question was on the right of associations to engage in politics. My response is a very simple one: you had George Yeo’s speech in 1991; you had PM [Lee Hsien Loong] in his Harvard Club speech<sup>1</sup>. What does it boil down to in essence? Leave aside the party and look at the government because what we need to engage is the government of the day, regardless of who forms that government. That government has a separate legal entity and it has a constitutional duty to do the best for Singaporeans. That government’s job under the Constitution and under the law is to work with, in my view, the entire society through NGOs, through associations.

So let’s take a simple example, say, any association that deals with senior citizens or the disabled. You come to me with a proposal, you’ve got volunteers and some money, you ask me for some money, you want some land, I work with you. My objectives are very clear: it is to help the target group, which I believe ought to be helped. So there is a policy decision identifying the target group, there is a second policy decision involved in identifying you as my partner agency, and a third policy decision that follows from that is I put money into you and I support you. Would it be right for me to select you if your primary purpose is to advocate my political causes publicly? I think you will say the answer is no.

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<sup>1</sup>. In 2004, then-DPM Lee spoke at the 35th anniversary of the Harvard Club of Singapore. The speech was titled “Building a Civic Society”.

Likewise, would it be right for me to support you if your primary purpose, working with people from the shadows, is to run down the government? The answer is no, that's not your job. You want to do that, form a political party. Don't take money from the government. Fight the political cause; don't play puppet theatre. You say you want to do something and help society, come in, we put government money into that, let's work together. Move politics aside, don't take government funding and fight politics as politicians. And it's not just against the government; you shouldn't be doing it for the government or the PAP either.

**Question:** The idea behind the “many helping hands” approach is that many VWOs come together to fulfil the different needs of the society. However, many VWOs may have different visions and interests in what they want to pursue, and they are driven by passion. What this means is that there may be some needs that are not being met. There is a degree of yearning or frustration on the ground for the government to step in more, to be a master planner and identify all the needs. If there are areas in which there are certain needs that are not being met — the gaps in this “many helping hands” approach. Could the government do anything to match the needs in that area?

**Minister Shanmugam:** I don't know how to answer that question frankly, because the one thing I have found both on the ground and in the ministries is that there are a lot of people with passion who want to do things. It is really a question of finding out how you can bring about that change by working with them. The government, through its various agencies, ministries, statutory boards and functionalities, needs to learn how to interact and work with very passionate people who may not, and often do not, see eye to eye. But they mean well, they want to do good, and I think it is the role of government to encourage them and work with them.

Are there any needs that are unmet? When we ask that kind of broad question, I am sure there must be such needs. But that is where the government gets marked upon — how well you meet the expectations of your people. Where there are unmet needs, I think either the government or the government acting with partner agencies must try and meet them, and that is where the Members of Parliament (MPs) need to be closely in touch with the ground. My sense is, if you are close enough to the ground, and your grassroots structure is strong enough, you will have a good feel of what is necessary; whenever something is necessary, you will move in to do something. That has been my experience, and philosophically I will say I absolutely agree with the point you make.

**Question:** You mentioned the ageing population as a major change affecting Singapore, and civic education is something that will help youths understand the national challenges and help them to be part of the solution. One of the issues may well be that youths and Singaporeans in general think that the government is doing a very good job in certain things, and civil society is more involved in the areas that government does not have such a major role in. Looking to the future of civic education, in order to have citizens who are more engaged in the big issues, how might we do civic education better? Not just in schools and educational institutions, because parents and the rest of life can undo what educators try to do. How do we make sure civic education is also broadly sown across society?

**Minister Shanmugam:** Government can do some through the schools, but at the end of the day, in my view, the most lasting influence is really from the family, from the parents. Therefore it goes back to fundamental societal values. Again, government can help some by signalling what the societal values ought to be. One of the criticisms has been that this government has too often signalled economic values in the past. I happen to think that even though other values are important, if people do not have enough to eat and enough to live on, very few other things will matter to them. For human beings to have dignity and a sense of self-worth, you need to make sure they have meaningful jobs, earn a decent amount, which is why the government's fundamental focus on the economy is not for the sake of the economy but for the sake of every human being as an individual [and their] self-dignity. Perhaps we are not very good at putting that point across.

But we need to move beyond that to say, "How do we look at ourselves as a community? What more can we do?" And I think clearly there are areas where there can be substantial improvement. I know [Education Minister Heng] Swee Keat is looking at it a lot; he has trained his first batch of teachers to look at that, but there are 40,000 teachers and it is the largest ministry. To turn our schools into an environment where you focus on values, and then to spread it across the entire society where parents have to imbibe it and put it into their children — all I can say is that it is a journey worth starting and being on, and it is not going to be easy. It is something that every society has to try. We are not the only ones who are trying to do that, and I am encouraged by the idealism and fervour with which young people today are getting involved in causes, so there is cause for optimism.

**Question:** What is the government doing to sensitise our civil servants to shift to the paradigm whereby such engagement would be much more in the positive sector than in the negative?

**Minister Shanmugam:** I personally tend to believe — and that is why I gave the example of the Lions Home for the Elders — those are not sexy topics. But if you look at a large measure of government involvement with civil society, if you define the Lions and the Sunshine Welfare Action Mission (SWAMI) homes and all those who are involved in helping different groups of people, if you involve them as a part of civil society — I will say to you that, by and large, it is a relationship that is working quite well. But it doesn't make the newspapers because it is not fraught with sexy debate. At the same time, there are areas where perhaps agencies have been less than forthcoming. I will give you an example of what I mean. We have to lead by example; we have to be very clear about the philosophy at the top, and that will then percolate down to the entire civil service. My own belief is that like us, civil servants believe in engagement, but when the rubber hits the road in terms of specific proposals, in terms of specific meetings and agencies, there can be a difference in perception. One can be wrong. I am not saying that one side is always right or wrong; both sides can be wrong.

Let me give you this example of what *is* possible: In the area of animal welfare, various groups have been to dialogues with AVA (Agri-Veterinary Authority) and MND (Ministry of National Development). For a long period of time, [the groups] felt that they were pushing against a door that would not move much. If you ask them today, you



look at what was accomplished in the last two years — at their suggestion, the government formed an animal welfare law reform group and the groups came up with very revolutionary and substantive suggestions and the government accepted all of them this year.

That is an example of the government working with civil society. They will have a long list of further complaints, and we have to work through them. But we have to remind them — because we are the referee in the middle — that there are a lot of people who want nothing to do with animals, and who feel that every time we do something [in this area], that somehow impacts on their personal safety. It is a bit difficult to have this debate as, "Oh, you know, some agencies are not working well."

In the last four years, there have been major changes in the Penal Code and the Criminal Procedure Code. How have they been put forward? Every single change involved my consulting the Criminal Bar. We put in a committee comprising academics from the two universities and they put forward suggestions. Some were accepted, some were not accepted. For changes to the Criminal Procedure Code, I put together a team from Home Affairs, Law, other agencies, the universities, and the bar. Consulting, in my books, means going out there and asking the professionals and the experts. My officials see us doing it and they get it.

[Minister] Chan Chun Sing does it, [Acting Minister for Culture, Community and Youth] Lawrence Wong does it, [Acting Minister for Manpower] Tan Chuan-Jin does it, so do other ministers. So the only thing I can say to you is: that is our operating philosophy. The mandatory death penalty changes came about after an internal review followed by an external review, where the two ministries, together with academics worked on it. And then I have announced in Parliament I am even relooking other laws and we are consulting people again. We do not go out in public and announce that we are consulting, and who we consult. But every ministry does it, and if there are areas where you feel specifically that things can be done better, tell the minister-in-charge and things will change.

**Question:** Civil society and civic activism is happening in more distributed ways. You have more independent and informal groups of people coming together to organise campaigns; you have online efforts raising awareness about poverty such as Caritas. We have also seen a blurring of lines between social technology and enterprise. It is no longer civil society or NGOs as we have traditionally described with this new paradigm. How do you see our laws and our socio-political and business climate changing as more citizens self-organise?

**Minister Shanmugam:** When you say raising awareness of poverty and a new paradigm, it suggests that poverty is something newly discovered in Singapore. I did want to deal with the issue of poverty because I distributed what Chun Sing has put out. Look at the first page of the chart. Of course there is poverty in Singapore; that is not new. Of course we need to work together to help, and the government has been doing a very substantial amount, but at the same time the government has also been doing a lot with NGOs and civil society organisations because this cannot be done by the government alone. Government can pay for it; ultimately it must come from the taxpayers, and it does. That is a classic example of how two sides work together.

If you go further, the thrust of your question in terms of informal groups — I think it is to be welcomed. The more people come together, whether formally or informally, to help society... it does not have to be in partnership with the government, you can be like the young man who decided to go out in the middle of the haze and start doing something about masks. That is what makes for a great society, and we ought to encourage that. I think the more people who come forward to do these things, formally or informally, is not to be feared. It is to be welcomed and cheered. That I would say is very positive, and the more people who come forward and do it, the better it is for Singapore. For any society to survive, other than good governance, you need a strong middle class that is well organised, that has strong bar association. The "spinal cord", as it were, of a middle-class society, is one of strong private institutions and a civic consciousness among its people. The more we have of that, the better it is for society.

On Caritas, I spoke with George Lim and asked him to come and work with us. If you look at Caritas, what are they saying? They are saying "government is doing all of these things. Now, Singaporeans, can you come forward?" It is time for society to come forward and do something about poverty as well. You look at the wonderful adverts that they have put forward about how many people, how much... how large a section of our population is focused on their own pursuits and are not even aware of the way the poorer sections have struggled. So Caritas' initiative is to be welcomed; that thrust represents a message that is somewhat new in Singapore because it is not that government ought to be doing more. Usually in these discussions, the question comes back to what can the government do. Thankfully Caritas asked the question, "What can we do more?"

**Question:** Should PAP leaders continue to lead ethnic self-help groups in future?

**Minister Shanmugam:** I think that depends on what you define to be the roles of these ethnic self-help groups. As long as they are taxpayer-funded, then the government bears a responsibility to make sure the money is well used. You have to have some mechanism for accountability. Second, if you define it as the government's role to uplift the people, there always has been debate over whether the best way of uplifting people of the Malay or Indian community is through MENDAKI or SINDA, I agree, but that is a separate debate. We have MENDAKI, SINDA, CDAC and the Eurasian Association<sup>2</sup>, groups which are set up along ethnic lines and led by leaders of that community and funded by the government. Should the government leaders be involved in it? By and large, if you look at the government leaders, the Malay and Indian leaders happen to be community leaders as well [so] the communities look to them. So if you have such an association, why should they not be there to play a leadership role to guide that association forward and take long-term policies? It brings about a lot of synergy because that person who is in that committee is sitting in cabinet, also pushing the policies.

The bottom-line question is not a philosophical one, it is a practical one. How do you get the best out of that organisation? If you believe that you get the best out of it by having apolitical leaders and that is the way to push it forward, if that makes sense, I

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<sup>2</sup>. These are the four ethnic self-help groups in Singapore as defined by the CMIO (Chinese, Malay, Indian, Others) model.

am sure we will all agree. I happen to believe that it makes a lot of sense for the person who is sitting on the board of trustees of SINDA [Deputy Prime Minister] Tharman Shanmugaratnam, to be saying to the community, "I believe this should be the focus of SINDA, these are the reasons and I believe these are the areas in which education focus should be." Because he understands government policy, he knows where the money is going, and he knows what the future is going to look like. He then comes to Parliament — he is Finance Minister for all of Singapore and MP for Jurong GRC for all his constituents, not just Indians — but at the same time, being in SINDA gives him a unique perspective in Indian issues which he can raise because we discuss ethnic issues in cabinet too. If you believe that is best separated, persuade me.

Can we envisage a future where the community leaders in these different self-help groups need not be political leaders too? Actually, they aren't. If you look at the past presidents of SINDA, they have by and large not been ministers. [MP] Indranee Rajah is now president, but if you look at the past, there was J. Y. Pillai, S. Iswaran [current Minister in the Prime Minister's Office] before he became MP was CEO of SINDA, so perhaps the question is whether it can be completely apolitical in that you remove all the politicians. I am not one of those who believes in saying, "never say never" on anything; I am a practical person and not driven by ideology. If there comes a time when that makes more sense and will actually help the community more, I will support it. I just do not see it today.

**Question:** How are the decisions about trade-offs made? Is it possible for government to have some kind of Freedom of Information Act, such that we can learn more about how these trade-offs are made? I feel that we are still in the dark regarding issues such as development versus conservation; for instance, if I want to find an environmental impact assessment regarding Bukit Brown, that information is not available.

**Minister Shanmugam:** We do discuss the trade-offs both publicly and in Parliament. If you follow, you will hear about all these trade-offs — when you build a road, when you acquire land, when you want to redevelop one area, when you want to pass this law as opposed to that, when you want to keep laws; we discuss it, we set out the reasons, MPs to ask questions. We have a very comprehensive system for getting information and most of the information is out there. Most of your question is based on the assumption that the information is not available.

The environmental impact assessment in full details may not be available, but if an MP were to ask in Parliament, "What is the sense of that environmental impact assessment?" the minister will explain what it provides for. However, not every internal discussion can be made public. Remember, more than the broad public, it is the special interest groups — those who can organise and have the money — who will try and force the government to take courses of action which are in their favour.

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