

Local Characteristics of the Democratic Regime Development of Macao

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Since the establishment of the Macao Special Administrative Region (SAR) on 20th December 1999, with the joint efforts of the Macao residents and vigorous support of the Central Government, Macao has made remarkable achievements in development, which does not come easily. One of the purposes for Macao to implement the regime development is to better defend and consolidate the achievements hereof. If we ignore the local actual situation in Macao with rash pursuit of regime development mode, which surpassed the actual endurance of the region, there must be risks of social unrest and economic downturn. Therefore, in terms of the precious treasure in the development achievements of the Macao people and the compatible and harmonious social culture of Macao, Macao takes a serious and cautious stand in the regime development. In general, during the pursuit of searching for the own regime development path, Macao lays particular emphasis on strict accordance with the basic law, pays attention to condensing the broad consensus of the society, and focuses on the actual situation so as to form the democratic development path with its own characteristics.

I. No Dual Universal Suffrage Problem in the Macao SAR

As is known to all, different from the *Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China* (hereinafter as “the Hong Kong Basic Law”), the *Basic Law of the Macao Special Administrative Region of the People's Republic of China* (hereinafter as “the Macao Basic Law”) does not stipulate that the elections of the Chief Executive and Legislative Council shall ultimately achieve the goal of universal suffrage. Therefore, there are some differences in the opinions of the theory community and the practitioners on the development direction of the regime of Macao, and whether there are dual universal suffrages for the Chief Executive and the Legislative Council in the Macao SAR. The highly controversial issue got a relatively authoritative statement and conclusion early in 2012. Qiao Xiaoyang, the Deputy Secretary General of the Standing Committee of the National People's Congress (NPC) of the People's Republic of China (PRC), believes that the election of the Chief Executive of the Macao SAR does not exclude the possibility of universal suffrage, and the election of the Legislative Council of Macao does not have any ground for the universal suffrage. “The Chief Executive shall be selected ‘though election or negotiation’, which does not exclude the possibility of the universal suffrage system for Chief Executive of the Macao SAR in the future. Therefore, the issue concerning the universal suffrage of the Chief Executive is clear. In terms of the election of the Legislative Council, the Macao Basic Law has excluded the method for the selection of all the members of the Legislative Council through universal suffrage. No matter how the method for the selection of the Legislative Council

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will be modified, it will be restricted by the Article 68 of the Macao Basic Law. In other words, the method for selection of all the members of the Legislative Council shall not be universal suffrage.”¹ That is to say, under the provisions of the Macao Basic Law, there is the possibility for the Chief Executive of the Macao SAR to be selected through universal suffrage, while there is no possibility for the election of all the Legislative Council member. So far, it has been a clear conclusion that there are no dual universal suffrage problems for the Macao SAR.

It is not difficult to find out from the speech of Qiao Xiaoyang that under the provisions of the Macao Basic Law, it is possible for the election of the Chief Executive of the Macao SAR to achieve universal suffrage, but impossible for election of all the Legislative Council member. Therefore, unlike the Hong Kong SAR, the Macao SAR cannot achieve the regime development goal of dual universal suffrage. It is obvious that the characteristic of the regime development of the Macao SAR is that the universal suffrage of the Chief Executive is only a possible goal of the regime development of the Macao SAR, rather than an inevitable goal, and the election of the Legislative Council excludes the possibility of universal suffrage. This kind of characteristic can be summarized as “Possible Goal of ‘single universal suffrage’”, which implies that there are some uncertainties in the regime development goal of Macao.

Firstly, as there are no definite provisions on the regime development goal of the Macao SAR in the Macao Basic Law, the setting of the regime development goal of the Macao SAR shall firstly comply with the provisions of the Macao Basic Law and get the approval of the Central Government. It shall always be the core principle for the regime development of the Macao SAR to comply with the provisions of the Macao Basic Law. During the process of setting the regime development goal of the Macao SAR, it is required to closely focus on this principle, but not to set the other regime development goal contrary to the Macao Basic Law. For example, the goal of the universal suffrage of the Legislative Council shall not be established. Meanwhile, seen from the procedures, any adjustment to be made in the method for the election of the Legislative Council after 2013 and the method for the election of the Chief Executive after 2014 shall get through the “five-step” process, so as to ensure the dominant and decision power of the Central Government in the regime development of the Macao SAR.

Secondly, the Macao SAR needs to set the regime development goal from its own actual situation. Some regime development patterns may be ideal for other regions, but not adapt to the situation of the Macao SAR. Therefore, the Macao SAR shall not simply intimate the practice of the adjacent regions, but shall formulate its own regime development pattern according to the actual situation in terms of the aspects such as economic development, historical origin, cultural traditions and social environment, and set a regime development goal fitting with the local characteristics of the Macao SAR.

Finally, all walks of life in the Macao SAR shall find out the greatest common measure through adequate communications and dialogues with all parties, set the regime development goal and ensure that the regime development goal can include the interests of all ranks and sectors of the society in Macao. During the process of condensing the consensus of the society on the regime development goal, the role of the Macao SAR Government is particularly prominent. The Macao SAR Government shall fully arouse the enthusiasm of all ranks to express their opinions on the regime development without ignoring the demands and appeals of all ranks and walks of the society, and ultimately seek the broad consensus of the Macao SAR Government and all walks of life on the regime development goal.

II. Combination of Direct Election and Indirect Election

In today’s world, most countries regard the election as an important means of achieving

democracy. As two different ways on the road of election development, both the direct election and the indirect election have played a positive role in the development of democratic politics. In general, direct election refers to an election way that a public officer or a representative office is elected by the direct votes of the voters according to the electoral district, while indirect election refers to an election way that a public officer is not directly elected by the voters, but by a voter group selected by a majority of voters.² In other words, in the way of direct election, the voters will elect the representatives or leaders directly, while in the way of indirect election, the voters shall firstly elect the representatives; then the voter representatives shall elect the leaders.

Both the direct and indirect elections are democratic election forms. To see whether the direct election or the indirect election is better, it is required to see if it is suitable for the actual situation of a particular country or region. In fact, both the direct and indirect elections have their own advantages and disadvantages. We cannot intuitively decide that the direct election embodies the democracy, while the indirect election does not. In general, direct election will help enhance the political participation quality and enthusiasm of the people, strengthen the relations between the voters and the representatives and the government, and intensify the supervision of the people on the government. During the practice of the democratic politics, people gradually find out that the direct election system is certainly able to better reflect the wishes of the residents, but direct democracy itself has inherent shortcomings such as high costs, low efficiency and large consumption; in contrast, the indirect election system is less difficult in operation with stronger feasibility, and majority tyranny prevention and combat mechanism. However, the direct election system also brought new problems during the process of modifying the indirect election system. In the entrust relationship between the people and the representatives, the agent may be deviated from the will of the principal, and there may be distortion, deviations and losses of principal's interests.

There are both direct and indirect democratic forms in the democratic electoral system of the Macao SAR. The directly elected members of the Legislative Council adopt the direct election, while the election of the Chief Executive and indirectly elected members of the Macao SAR adopt the indirect election. Seen from the democratic practice of the Macao SAR, both the directly elected members and the indirectly elected members are elected by the residents of Macao, and carry out supervision on and coordination with the government's administration on behalf of the Macao residents. Both of them are the reflections of representative democracy, and both are endowed with the nature of political participation on behalf of the citizen. The directly elected member is definitely an important democracy reflection form, but it is also a reflection of democracy in nature to elect the constituency represent through constituency election to enter the Legislative Council. In terms of the nature, the directly elected members are as the same as the indirectly elected. Not only do they represent related voters and groups, but also fulfill obligations on behalf of all voters in Macao.

The system design of the direct and indirect elections is determined by the special history and regional situation of Macao. Firstly, the design of the indirect election system fully embodies the characteristics of the community politics of Macao to some extent, and reflects the important role of the civil society in the economy, society and politics of Macao. The indirect election system of the Legislative Council of the Macao SAR is a basic system under the framework of the Macao Basic Law, and is also an election pattern formed under particular historical conditions of Macao. In simple words, the basic characteristic of the indirect election system of the Legislative Council of Macao is that the community representatives of different functions and constituencies will elect legislative seats to represent the voices of different functions and constituencies so as to supplement the shorts of the direct election and allow the Legislative Council to listen to diverse opinions. "The democratic form of indirect election is compatible to the community culture of Macao formed in a long term; we shall emphasize the regime development of Macao from the actual situation of the Macao society, and shall not take Hong Kong as the example. We shall respect the history of

Macao, including the history of the community culture in Macao.”³ In this sense, the indirect election system and the community politics of Macao are bundled together. Denying the indirect election system of Macao is equivalent to denying the objective reality of the community politics of Macao, and is a kind of ignorance of the history and fact that Macao is a community society.

On the other hand, the democratic mechanism of indirect election is helpful to elect the experienced, intelligent and educated people to enter the Legislative Council. Taking the “professional representatives” and “industrial representatives” as the yardstick, the indirect election is helpful for the industrial elites with professionalism to enter the Legislative Council, and further enhance the overall quality and professional legislation standard of the Legislative Council. In other words, the direct election system cannot ensure that people with professionalism and legislative wisdom to enter the Legislative Council, and the representatives elected by the people may not be the one with wisdom and professionalism. To some extent, such kinds of imperfections can be made up by the constituency representatives by the indirect election so as to make the people with professionalism to be a member of the Legislative Council.

Seen from the historical development process of Macao’s regime, the election system in indirect form has played a positive role in promoting the social development of Macao, and cultivated a number of members with ability and integrity to positively plead on behalf of relevant ranks and the Macao residents. Therefore, with inherent wisdom and mechanism, the establishment of the indirect election system of the Legislative Council of the Macao SAR will make the Legislative Council better meet the requirements of the professional legislation.

In short, it does not depend on how superior is the direct or indirect election system in theory for the Macao SAR to select the democratic election system, but depends on whether the direct or indirect election system can meet or satisfy the regime development practice demand of the Macao SAR. Seen from the current actual situation of the Macao SAR, both the direct and indirect election system have its own advantages and values, therefore, the Macao SAR sticks to adopting democratic regime development path with the combination of direct and indirect democracy.

III. Fundamental Value of Balanced Participation

The differences of the direct and indirect election mainly lie in that the objects represented by the direct and indirect representatives have different focuses: The directly elected members represent the interest of the majority, while the indirectly elected members reflect the interests of all walks of the society. In other words, the directly elected members represent the majority principle, and the indirectly elected members represent the principle of balanced participation of all walks of life. The majority principle is certainly a major symbol of the spirit of democracy, but the principle of balanced participation is also the core pursuit of democracy system.

The implementation of indirect election in the Macao SAR embodies the perseverance and respect to the balanced participation principle in the political system of the Macao SAR. “The existence of the indirectly elected members is helpful to the balanced participation of all ranks and sectors, ensuring the existence of the communities and sectors in the Legislative Council seats with great significance to the Macao society... ensuring that the representatives of the sectors have legal channels to enter the Legislative Council without the interference of the direct election or other means, and is an important factor to ensure the representativeness and acceptance of the Legislative Council.”⁴ Fundamentally, the society is an entirety mutually depended by all social ranks and sectors. If we only emphasize the interests of the majority that win most votes, but ignore the interests of other ranks, it will certainly lead to the resists and discontents of the minority ranks, and will result in factors that are adverse to the social stability and harmonious development. There is no doubt that the design of Macao’s direct election has reflected the attention to small groups. The

systematical value of the proportional representation system lies in ensuring the balanced participation of all sectors, but the result of the direct election cannot fully realize balanced participation, and the value of balanced participation shall be further realized through the indirect election mechanism. The differences of directly elected members and indirectly elected members lie in that the directly elected members mainly represent the will of the majority, while the indirectly elected members mainly represent the will of all walks of the society. In other words, the directly elected members reflect the majority principle, while the indirectly elected members reflect the principle of balanced participation. However, both the majority principle and the principle of balanced participation are the core spirits of the democratic system.

In the election of the Legislative Council of the Macao SAR, as the proportional representation electoral system is adopted, the members elected through the direct election may not get the identification of the majority of the Macao residents. Some directly elected members are elected because of the reputation and credibility of the delegation among the residents, while some directly elected members can win the election with few votes. Therefore, some of the members elected by directly election may not represent the will of the residents by the interest of the minority. On the other hand, the election method for the direct election ensures the people satisfying the wills and interests of the majority enter the Legislative Council, but under the direct election system, people living in the margins of society and the minority cannot enter the Legislative Council.

Therefore, although the direct election is an important channel for representing the public opinions, it is not the only channel. The direct election is an important system of democratic election, but this kind of system is not perfect and requires improvement. The inherent flaws of the direct election indicate that it is required to establish corresponding mechanism to ensure that the people of the strong group can elect representatives to enter the Legislative Council and express their opinions for their interests. The indirect election of the Legislative Council of the Macao SAR is such kind of mechanism that is helpful for promoting the expression of the equity requested by all ranks and sectors of the society, fully integrate the interests and opinions of all ranks and sectors of the society, and achieving the goal of paying attention to the interests of all ranks of the society through the balanced participation of all ranks and sectors of the society.

The value of balanced participation has reflected the balance role in the social interests, that is to say, it can make all groups of the society to fully express their interest demands, share the social and economic development achievements, and maintain the fairness and justice by balancing the inherent imbalance, misalignment and unfairness between the powerful group and the vulnerable group. "In the democratic society, the interests of each individual and each group are presumed as equal. No one has the right to make decisions for others. Consequently, the democratic society must coordinate the interests of different groups, determine the public interests, and set the goal for the government activities through the public political process."⁵ Therefore, in a democratic society, the interests of any individual or group in the society shall not be ignored and forgotten. The establishment of the balanced participation provides unimpeded channel for interest expression of all ranks of the society to express their interest demands, and establishes solid systematical platform for the balance of the interests of all ranks of the society, which is conducive to the harmony of the interest of all ranks and groups, and more effective to completely eradicate the "imbalanced" state of the ignored interests of the vulnerable group resulting from the Macao SAR Government's capture of the interests of the vulnerable group.

In a word, the core purpose and value of the indirect election lie in the "balanced participation", the prevention of risks that the interests and benefits of some sectors to be ignored, and ensuring the coexistence of the multiple interest achieved by mutual tolerance, discussions and compromises of each party. The nature of the "indirect election" that balances the rights of all ranks and sectors embodies the core connotation of the democratic politics, and the characteristic of the

balanced participation in the “indirect election” and ensuring the participation mechanism for each party is another democratic vision of coexistence of multiple interests achieved by mutual tolerance, discussions and compromises of each party. In this sense, the increase in indirect election quota can expand the space for joint participation of all ranks and sectors, make the Legislative Council become a good platform for joint consultations of all ranks to the greatest extent, gather the collective wisdom of all sectors, and carry out more fair and just interest integration of all ranks so as to finally determine the policy most consistent with the public wills and interests.

IV. Basic Principle of Gradual and Orderly Progress

The basic principle for Macao to promote the regime development is to promote the democratic regime development of the Macao SAR step by step from the actual situation of Macao in accordance with the provisions of the basic law. The principle and stand shall be fully affirmed. It is a path of sustainable regime development as the political development needs to follow the path of incremental reform and sustainable development, and needs to take the progressive, active and steady development of democracy. If the development is too fast, it may lead to unexpected social accidents.

Macao’s compliance with the “progressive” principle is mainly reflected in the rational analysis on the democracy routine and universal suffrage path. Many Macao residents believe that the democracy and universal suffrage shall not be equivalent. The universal suffrage is not the only implementation form of democracy. There are great social risks to hastily promote the realization of the universal suffrage.

First of all, there are many forms of democracy instead of only one implementation form of universal suffrage. Democracy is the fundamental value of the human society. The basic connotation of the democratic value lies in that everyone enjoys equal political right, and the state will seek for the interests of the majority according to the wills of the people. However, democracy is a polyhedron, and people’s understanding of democracy varies from each other. There are full of differences in various democratic theories such as electoral democracy, deliberative democracy, elite democracy and mass democracy. Among them, the dividing line of the direct democracy and indirect democracy better implies the inherent difficulties and contradictions of the democratic system. The direct democracy is certainly able to better reflect the wishes of the residents, but direct democracy itself has inherent shortcomings such as high costs, low efficiency and large consumption with the risk of resulting in tyranny; in contrast, the indirect democracy is less difficult in operation with stronger feasibility, and majority tyranny prevention and combat mechanism, but may result in the deviation from the will of the principal by the agent. Therefore, the universal suffrage is not the only reflection form of democracy. It is required to meet the reality of the region to decide what kind of democracy to realize, confirm the development stage of the democracy according to the actual situation, and determine the development form and target. If we do not start from the actual situation of the local place, do not objectively assess the prerequisites for the development of democracy, there will be inherent risks for democratic development.

On the other hand, universal suffrage is not catholicon. As the universal suffrage requires many internal conditions such as the economy, culture and rule of law, it may result in social unrest to haste the promotion of the universal suffrage. Universal suffrage is not omnipotent. From the aspect of politics, the function and value of the universal suffrage are mainly embodied in two aspects: One is the most important function of the universal suffrage, which provides the legal basis for the ruling party; and the other is the political equality of universal suffrage and the value of the political participation.⁶ In practice, the value of “popularization” and “equality” in the connotations of the universal suffrage will be restricted, which will result in the huge gap between the ideal and reality of the universal suffrage. From the operating level, the universal suffrage has extremely high

requirements on the social economy, the political participation awareness of the residents, the political participation abilities of the residents, the maturity of the political groups and the extent of the rule of law. If it is compulsory to implement the universal suffrage without meeting relevant conditions, it will only result in social turmoil and instability. The reason lies in that when the universal suffrage is implemented without corresponding conditions, the participation groups and the participators only care about winning the election without considering the interests of the social public, as a result, the "democracy" brought by the final "universal suffrage" may result in the abuse of public power by the minority, and the damage to the interest of the society as a whole. Therefore, although the universal suffrage can promote the development of the democratic society, it can easily lead to social instability, and intensify social contradictions, which have been fully proved by the painful experience of the Southeast Asian countries in hasty promotion of elections that leads to political instability.

V. Conclusion

The evaluation benchmark of the regime development model by the society of the Macao SAR is based on whether the system meets the actual situation of the Macao SAR, and whether to maintain the social stability and harmony of Macao, rather than blindly following the democratic development steps and patterns in other regions. The key for taking the sustainable development path of the regime development of Macao and actively and steadily promoting the political system reform is to start from the actual situation of the region and reflect the local characteristics in such aspect as goal, content, value and rhythm of the regime development of the Macao SAR, instead of simply imitating the experience of other regions and countries.

Notes:

- ¹ Qiao Xiaoyang (2012). *Principles to be Followed by the Standing Committee of the National People's Congress: Speech on the Forum of All Walks of Life in Macao*. See the website of the Macao SAR Government: http://www3.cdm.gov.mo/c/document_library/get_file?uuid=d361c063-17d6-4613-8fce-e8bcd50c4a5a&groupId=10457. 23rd March 2012.
- ² Pan Xiaojuan and Zhang Chenlong (2001). *New Dictionary in Contemporary Western Politics*. Changchun: Jilin People's Publishing House. 35.
- ³ Zhao Guoqiang (2012). Perspectives on Regime Development of Macao. *Macao Daily News*. 28th March 2012. E12.
- ⁴ Xu Chang (2012). Study on Significance and Function of Indirect Election System Design. *Macao Daily News*. 18th April 2012. F02.
- ⁵ Qiu Feng (2012). The National People's Congress Needs Career Politicians. In the website of Tencent: <http://news.qq.com/a/20080304/006990.htm>. 18th April 2012.
- ⁶ Cheng Jie (2009). Study on Constitutional Basis of Local Elections. *Tsinghua Journal of Rule of Law*. Volume 1. 188-210.