

## **The president's role and powers: Shanmugam**

**He represents the whole country, is above the fray on political issues, acts on Cabinet's advice, exercises 'soft power'**

***Teh Shi Ning***

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The elected president cannot publicly challenge the government without acting against the Constitution, Law and Foreign Affairs Minister K Shanmugam said yesterday.

'The president can only act and speak as advised by the Cabinet,' Mr Shanmugam said, while stressing that this does not mean the president cannot be 'highly influential and effective'.

It does mean, however, that much public debate on 'whether he can speak in public to contradict the government, disagree with the government and so on' is spurious.

Speaking at an Institute of Policy Studies (IPS) forum, Mr Shanmugam sought to clarify the 'confusion' he thinks has surfaced in discussions on the Aug 27 presidential election, with various parties making remarks 'divorced from the constitutional, legal reality'.

The 1991 amendment to the Constitution, which made Singapore's presidency an elected one, gave the president five veto powers: on the spending of past reserves; key public sector appointments; detentions without trial; corruption investigations; and restraining orders to maintain religious harmony. The election is a process to 'confer moral authority' in respect of these powers and cannot change the scope of powers, Mr Shanmugam stressed.

Referring to the law and conventions of the UK and the Commonwealth, developed over centuries and distilled into Singapore's Constitution through the Malayan and Indian Constitutions, he said that the president 'symbolises and represents the entire country' and thus has to be 'above the fray on political issues'.

Power to legislate lies with the government, and the president cannot publicly weigh in with social and political views - a rule also meant to protect the presidency from the burden of responsibility for policy outcomes, he added.

But the president receives Cabinet papers, meets the prime minister regularly and can thus offer advice to which the PM will give due weight 'especially if the president has had substantial experience, is wise, knowledgeable and is trusted and respected by the PM', Mr Shanmugam said.

'Whether the president actually wields influence depends on who the president is. If he is someone who commands little or no respect from the PM, then, of course, influence will be limited,' he added.

Mr Shanmugam also argued that - as a matter of principle, leaving aside the law - if a president's real purpose is to influence the government, and not to be popular, the better approach would be to speak privately with the PM.

IPS special adviser Tommy Koh, speaker and moderator of yesterday's forum, also referred to current President SR Nathan's comments on how he does not hesitate to convey his views to the government in private.

'Speaking out publicly would have created another centre of political power - which was not the intention of the Constitution,' said Professor Koh.

He highlighted the president's role in diplomacy, which 'flows logically from his position as our head of state', careful to stress that the president 'has no power to pursue an independent foreign policy'.

But there is room for the president to 'exercise his soft power to support good causes' in a manner that is not unconstitutional, said Prof Koh, citing President Nathan's patronage and support of charity organisations and fund- raising events.

In reply to questions, Mr Shanmugam and National University of Singapore law professor Thio Li-Ann said that should a president violate the Constitution intentionally, Article 22L of the Constitution sets out the consequences and procedures which could lead to a removal of the president from office.

Prof Thio also raised the question of voter maturity and whether the Presidential Elections Committee (PEC), which will decide whether the presidential aspirants receive certificates of eligibility, is necessary.

She suggested that the PEC should, in the interests of transparency and accountability, provide reasons - 'more than just one line' - for its approval and rejection of the applications.