

## **Presidency must be handled with judicious care: Shanmugam**

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Singapore's Law and Foreign Affairs Minister K Shanmugam on Friday said that the Elected President can be highly influential and has significant powers.

But he added that much of the discussions so far have not focused on the real powers of the President.

Instead, Mr Shanmugam said much of the talk has no legal basis and that includes whether the elected president can speak in public and disagree with the government.

Speaking at a public forum organised by the Institute of Policy Studies, Mr Shanmugam said there is still some confusion over what the Elected President can do under the Singapore Constitution.

Some participants wondered if the Elected President should be wearing velvet gloves or boxing gloves and if the Presidential Elections Committee (PEC) can engage the candidates more before coming to a decision on the eligibility criteria.

One of the speakers at the forum, Professor Thio Li-Ann, Faculty of Law, National University of Singapore, said: "If you come out with a reason saying a person is of poor character, that is potentially defamatory.

"We need to think of improving the system by having a right to reply or giving a chance to the candidate of having an interview with the PEC, it doesn't have to be open door. In Singapore where reputation is so important, the reputation of candidates has also got to be protected."

Mr Shanmugam stressed that the Office must be held by someone who can discharge the necessary duties with great skill and care.

He emphasised that it doesn't mean that once the Presidential Elections Committee certifies the candidates, they are all equally capable.

He said: "The PEC is some sort of a mechanism to say that these are obviously not incapable people, they meet certain minimum requirements. Beyond that, it is up to the electorate to choose the person who persuades them that they are best suited for the position. And what I hope will be the outcome from discussions like this is to clarify in people's minds what is it that they are voting for?"

"Are they voting for a person to go up there and take on the government? Then we need to make clear what the Constitutional position is. Are they voting for a person who is going to wield tremendous skills in protecting our reserves and put across to the Prime Minister his views on policies of the government in closed doors?"

"That's what the people are going to elect for and we need to make that clear. Ultimately, all elections carry with it the consequences and people get what they choose."

And on the President being the voice of the people, Mr Shanmugam pointed out that all public acts, including public speech, can only be on the advice of the cabinet.

He added the President cannot publicly debate with the Government because if he comments on social or political issues, the Office will be "dragged into politics".

Mr Shanmugam added the President must also be seen as impartial - in particular, on political debate and has to be above the fray on such matters, as he symbolises and represents the entire country.

He said: "The real questions which we should be asking are who would best protect the reserves, who has the knowledge the skills and the acumen, who will best command the respect of the Prime Minister and Cabinet to best influence them, who has the gravitas and stature to be the symbol of the country.

"The wrong questions would be who is going to speak up publicly, who is going to contradict the government, who is going to engage the government in public issues, wrong questions because the president can't do any of these things. He will be acting unconstitutionally."

And to statements by some of the aspirants that they are non-partisan, Mr Shanmugam said: "Once you start going down that road and say I will make statements on issues but I will not be partisan, its akin to saying I can be a little bit pregnant. Inevitably, if you start taking sides on issues you will be taking sides, is that the Presidency all about."

Although the President acts on the advice of the Cabinet, that does not mean he cannot be influential and effective.

Mr Shanmugam explained that the President receives the Cabinet papers and he also meets the Prime Minister regularly and discusses a wide range of issues including the issues of the day.

He said the presidency must be handled with judicious care, especially as Singapore is a young nation.

As the country grows, Mr Shanmugam said the presidency must be developed as an institution of authority and prestige, with significant Constitutional powers.