

## **IPS Forum on Elected Presidency**

**Friday, 5 August 2011**  
**4.00pm-6.00pm, Orchard Hotel**

### **Tommy Koh's Prepared Remarks**

#### **Salutation**

1 Minister Shanmugam, Prof Thio Li-ann, Excellencies, Distinguished Aspirants, Ladies and Gentlemen.

2 I thank the new Director of IPS, Mr Janadas Devan, for inviting me to speak at this timely forum and to moderate the Q&A session.

#### **Scope**

3 Before I call on Prof Thio Li-ann and Minister Shanmugam to share with us their respective views on the Elected Presidency, I would like to make some opening remarks on the role, functions and power of the Elected President. I would also like to crystallise the current debate, initiated by an op-ed in the Straits Times, by Mr Ho Kwon Ping, and a reply to him by Prof Wan Wai Yee on what it means for the President to act as the voice of the people who have elected him.

#### **Head of State**

4 First, the Elected President is the Head of State of the Republic of Singapore. He is not the Head of Government, who is the Prime

Minister. In some countries, such as the US and the Philippines, the two offices are merged into one. This is not the situation in Singapore. In Singapore, the two offices are kept distinct and separate. The President is the symbol of the State. He is above partisan politics. His role is to unify all the people of Singapore.

### Not a Ceremonial Head of State

5 Second, our Elected President is not a ceremonial Head of State. In many countries, the Head of State, although much loved and respected by the people, has no substantive power. This is not the case in Singapore. Our Constitution has invested the following substantive powers in the Elected President:

- (a) the power to veto a proposal by the government to spend the State's past reserves;
- (b) the power to veto the proposed appointment of individuals to certain key positions or the removal of such individuals in the public sector;
- (c) the power to order the release of a person detained under the Internal Security Act, if the Advisory Committee under the Act has recommended his release;
- (d) the power to overrule the Prime Minister if the Director of the Corrupt Practices Investigation Bureau wishes to continue with his investigation of a person; and
- (e) the power to overrule the Cabinet, under the Maintenance of Religious Harmony Act, if the Presidential Council for Religious Harmony recommends against the issuing of a

restraining order against a person deemed to have acted contrary to the maintenance of religious harmony.

### President's Diplomatic Role

6 Third, I want to highlight the President's role in diplomacy. This is not written in the Constitution, but flows from his position as our Head of State. All Ambassadors accredited to Singapore present their Letters of Credence to the President. All the Ambassadors of Singapore to other countries carry Letters of Credence signed by our President. Foreign political leaders visiting Singapore, of a certain level, would request to call on the President.

7 For these reasons, it would not be wrong to say that President Nathan is Singapore's no. 1 diplomat. He complements the Prime Minister and the Foreign Minister in promoting Singapore's external relations. The President must, however, act in accordance with the advice of the Cabinet. He is not empowered to pursue an independent foreign policy.

8 During his term in office, President S R Nathan has travelled 150,000 miles, visited 28 countries, to fly Singapore's flag and to win friends and business for Singapore.

### The President's Soft Power

9 I also believe that it is not against the Constitution for the President to exercise his soft power to support good causes in

Singapore. President Nathan initiated the President's Challenge and has raised over \$100 million for charity. He also lends support to many causes, for example, through his patronage and by gracing their fund-raising and volunteer appreciation events. The President has used the prestige of his office to honour those who have distinguished themselves in such areas as the arts, environment, etc. In addition, President Nathan has also started an annual occasion to salute our best teachers, nurses, social workers, etc. I believe that these are excellent examples of the use of the President's soft power.

### The Voice of the People

10 Finally, I wish to refer briefly to the dispute between Ho Kwon Ping and Wan Wai Yee over the President's role as the voice of the people. Those who support the Ho school of thought could rightly point out that our President should not be compared to the Queen of England, who inherited the throne, or to the President of India, who was elected by the Indian Parliament. The President of Singapore is elected by the people of Singapore. Therefore, the Elected President possesses "the popular mandate to speak out on issues, so long as they are not politically partisan views." (ST 23/07/11, pg A47)

11 Those who support the Wan school of thought would argue that the President's mandate from the people is to give him the moral authority to exercise the five specific powers conferred on him by the Constitution. They would argue that it is unwise for the President to speak out on issues because he has no constitutional authority to do so and could precipitate a collision between the Presidency and the

government. President Nathan has said that where he has views on policy and other issues, he has not hesitated to convey them to the government in private. Speaking out publicly would have created another centre of political power, which was not the intention of the Constitution. Is this perhaps the middle path between the two schools of thought?

12 I look forward to a vigorous, but reasoned, discussion of this and other issues.

13 Thank you very much.

. . . . .