

Call for panel to explain why hopefuls get nod... or don't

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Three people decide who among presidential hopefuls can take part in the contest for Singapore's highest public office.

With such powers, the Presidential Elections Committee (PEC) should be legally required to explain why potential candidates get - or do not get - the certificate of eligibility, said constitutional law expert Thio Li-ann.

'And it shouldn't be (just) one line,' she said of the explanation.

The PEC should also interview the candidates before making its decision, she added.

Professor Thio made these calls to 'improve the system' at an Institute of Policy Studies forum yesterday to discuss the responsibilities and power of the elected president.

One major theme that emerged from the two-hour event was the role of the PEC - and whether it was even necessary - as well as the criteria it uses to ascertain candidates' suitability.

Under the Presidential Election Act, it evaluates the traits of would-be candidates to decide whether they are people of integrity, good character and reputation; and also, if they have sufficient experience and ability in administering financial affairs.

The committee thus makes the first cut, before Singaporeans select their president at the ballot box.

In this election, the panel comprises Mr Eddie Teo, Public Service Commission chairman; Ms Chan Lai Fung, Accounting and Corporate Regulatory Authority chairman; and Mr Sat Pal Khattar, a Presidential Council for Minority Rights member.

Prof Thio, a law professor from the National University of Singapore, said whether a person is 'of integrity, good character and reputation' is 'a very subjective criterion'.

'I think one way to improve it is by imposing a legal duty on PEC to give reasons for its decisions,' she added.

For the 2005 election, the PEC had rejected the application of former group chief financial officer of JTC Corporation Andrew Kuan because his position and seniority in JTC were 'not comparable to those mentioned in the Constitution', it said.

The decision of the PEC is final, and is not subject to an appeal or review in court.

Prof Thio highlighted another concern, saying that aspirants could be 'potentially defamed as someone with poor character'. But the committee cannot be sued for libel unless malice can be proven.

So 'we need to think of improving the system by having something like the right to reply or at least giving the chance to the candidate to have an interview with the PEC', she argued.

'It doesn't have to be open door, but in Singapore where reputation is so important, the reputation of candidates must also be protected.'

The PEC did not interview candidates in the past three presidential elections.

Beyond concerns about potential problems of the PEC's work, a deeper issue was surfaced: Is the committee even necessary in the first place?

This arose when Professor Kishore Mahbubani, dean of the Lee Kuan Yew School of Public Policy, asked whether the committee's work 'liberates the sense of responsibility' from voters.

He said: 'By certifying the candidates, they are saying they are all equally capable and then you decide who you want.'

The presidential election thus becomes 'a referendum' on the government's performance rather than on the merits of the individual candidates, he said.

In her response, Prof Thio said that this boiled down to the question of whether Singaporeans are mature enough to decide for themselves whether candidates are suitable enough.

She said: 'The idea (of the PEC) is paternalistic... at some stage we all have to grow up.'

Mounting a stout defence of the PEC's work, Law Minister K. Shanmugam said it weeds out 'obviously incapable' candidates but this does not mean all candidates who get the certificate are 'equal'.

Rather, 'the PEC is some sort of a mechanism to say that these are not obviously incapable people, that they meet certain minimum requirements'.

'Beyond that, it is up to the electorate to choose the person who persuades them that he is best suited for the position.'

Thus, the PEC 'limits the consequences of such a popularity contest at least to people who are not inherently unqualified'.

The Presidential Elections Committee, comprising Mr Eddie Teo (above), Ms Chan Lai Fung and Mr Sat Pal Khattar, makes the first cut before Singaporeans pick their president at the ballot box.