

Independence depends on candidate's 'timbre'

Tessa Wong

The Straits Times, 6 August 2011

The independence of a presidential candidate has more to do with the 'timbre of the man' than with any past affiliation he has had with a political party, Law Minister K. Shanmugam said yesterday.

'At the end of the day, it comes to the timbre of the man - is he of presidential timbre?' he said, when asked how he would judge whether a candidate was independent.

Mr Shanmugam continued: 'Is he able to discharge his duties in a way that commentators have set out: skills, wisdom, knowledge. The ability to discharge those duties with a right mix of acumen, and also know how he can influence the Government.

'It doesn't matter what his past affiliations were or are...'

The question on independence was posed by Professor Tommy Koh, the moderator of the Institute of Policy Studies forum on the roles and responsibilities of the president.

It stemmed from comments made earlier by constitutional law professor Thio Li-ann, who cited 'independence' as an important attribute.

During the discussion, Prof Koh pointed out that several aspirants in the current presidential race were previously members of a political party.

He asked Prof Thio if she would 'hold that against them': 'Does that make them less independent or would you judge the character and say the character of the person gives me confidence that if elected to the office, that he would act independently?'

Prof Thio responded that 20 years ago, she would probably have held their past party affiliations against the candidates.

But then, having had the chance to work with the late President Ong Teng Cheong - a People's Action Party member and deputy prime minister before he became President - she was struck by 'how remarkably independent a thinker he was'.

Indeed, Mr Shanmugam, in his response to Prof Koh's question on independence, also referred to Mr Ong, who was President from 1993 to 1999.

Having made his comment about the timbre of a candidate, the minister went on to point out that as Mr Ong had shown, past affiliations did not matter.

Mr Ong is remembered for having publicly disagreed with the Government when he was President. Among the issues they clashed over were the Government's right to amend an article in the Constitution without his consent, and the release of detailed information on the value of the country's reserves.

A disagreement with the Government in 1995 stemmed from its move to amend an article in the Constitution on the president's veto powers.

The article stated that if a president blocks Parliament when it tries to amend certain laws, his veto is final if the courts agree that the amendment would have the effect of curtailing his powers.

The Government planned to introduce a change to this provision to put in the escape clause of a national referendum should the president exercise his veto.

But Mr Ong questioned the right to do this without his consent. He referred the matter to a Supreme Court tribunal, and was advised by a team of legal experts which included Prof Thio and Prof Koh.

The tribunal eventually ruled in favour of the Government.