

Panel's take on changes to elected presidency: Finding good men - and women - who can be president

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Head of state versus custodial role, minority representation and stricter qualifying criteria. The Straits Times roundtable panellists discuss what these mean for the elected presidency and the nation.

When Singapore attained self- government in 1959 and independence in 1965, its head of state and later, president, was a unifying symbol of the multiracial nation.

Just over a quarter-century later, in 1991, changes to the highest office in the land were introduced, giving the president custodial powers over the nation's reserves and in approving key public-sector posts - assets vital to a country with no natural resources to fall back on.

He would also have to be elected.

And now, one year after Singapore celebrated its Golden Jubilee, the Constitution will again be amended significantly, with the widest changes to the elected presidency in its 25 years.

The changes, which the Government outlined in a White Paper published last Thursday, will strengthen the process of candidate selection to ensure men - and women - who stand for election merit the post and can fulfil both key roles well, said a roundtable panel convened last Friday by The Straits Times.

Private-sector candidates must have been the most senior executive in a company with at least \$500 million in shareholders' equity, compared to the current \$100 million in paid-up capital.

There will also be a mechanism that ensures candidates from the three main racial groups are represented in the office regularly.

Amendments to the Constitution will be made to strengthen the role of both the initial vetting panel, the Presidential Elections Committee and the Council of Presidential Advisers, as well as to safeguard the institution itself.

But the demands of the historical and custodial roles of the president can be at odds and give rise to potential tension - a point the Government noted in its White Paper.

And finding good men and women who can do the job is a big task, let alone taking the issue of minority representation into consideration, said the roundtable panellists, comprising Minister for Law and Home Affairs K. Shanmugam, Nominated MP Azmoon Ahmad, and academics Gillian Koh and Cheah Wui Ling.

They noted that the process by which the matter was tackled - from the time the review was announced in January and the setting up of a Constitutional Commission that called for public submissions and had hearings, to the publication of the commission's report on Sept 7 - was consultative.

More importantly, it has started a broader conversation about topics that people have been wary of talking about, such as race and representation in the position, said Assistant Professor Cheah of the National University of Singapore Law Faculty.

"There was sufficient time for people to discuss this," she said, noting that the commission received more than 100 submissions from the public.

"You can't say that Singaporeans are apathetic. Given the opportunity, they would want to engage, and engage in a constructive manner."

These engagements shaped the Government's response to the commission's proposals "quite substantially", Mr Shanmugam said, noting that it felt the broadest possible representation should be taken into account.

"The process has been good for this matter," added the Law Minister, who is leading a series of engagements with grassroots and community leaders on the changes, which the Government will introduce in Parliament next month.

The amendments to the Constitution will then be debated in the House in early November.

The review of the elected presidency itself came in the wake of the hotly contested 2011 presidential election which President Tony Tan Keng Yam won by a narrow margin.

One question that has emerged is whether the changes are aimed at barring certain individuals from contesting the next presidential election, which must be called by August next year.

But Dr Tan Cheng Bock, who came in a close second, himself said in a Facebook post this month: "We should not jump into conclusion that the whole exercise was to prevent me from running. After all, the people in charge are men of virtue and integrity and would not resort to doing this."

At recent dialogues, Mr Shanmugam and his colleagues have said the changes seek to improve the system and raise the bar for candidates in tandem with the growth of the economy and the reserves, and are not directed at individuals.

MINORITY REPRESENTATION

Given that the president is a symbol of national unity, there is a need to guarantee minority presidents from time to time. In particular, Singapore has not had a Malay president since its first head of state Yusof Ishak died in office in 1970.

One key recommendation by the commission - the only one the Government accepted in full and that has gained some traction among the public - has been the special provision to guarantee minority representation in the presidency.

This means that if there has not been a president from one of the three main racial groups - Chinese, Malay or Indian and other minority communities - for five continuous terms, or 30 years, the next election will be reserved for members of that group.

One significant aspect is that, unlike the provision for minority MPs to be elected under the Group Representation Constituency system, the commission proposed that this framework be race-neutral.

This means that if, for some reason, there is no Chinese president over five terms, the next election will be reserved for Chinese candidates. "We thought in practical terms that eventuality will never happen and wonder if it was necessary," said Mr Shanmugam.

"But when we went round to the various dialogue sessions and to people on the ground, it was quite clear that most people preferred an approach which had a reserved election for all the races if, for example, for five terms a Chinese candidate doesn't get elected. A race-neutral approach in those terms philosophically also makes sense, and so the Government has accepted that."

He noted that some have also wondered whether five terms was too long. The commission had rejected a model of alternating the presidency between the three racial groups, as this was too obtrusive and fixed.

But the minister added: "There is nothing to stop candidates from any race standing in any election unless it's a reserved election."

The accepted framework, he said, acted as a "circuit breaker" - a reserved election would kick in only if a candidate from a racial group had not held the office for five terms.

In its White Paper, the Government said this approach "carefully balances the need for multiracialism with our meritocratic ideals".

Dr Gillian Koh of the Institute of Policy Studies (IPS), who at a commission hearing felt strongly that a president elected in a reserved election might lack gravitas, said she had come round to the idea of a reserved election. She noted that the provision was a fallback one, a "light touch" and a "nudge" in the direction of multiracialism.

Prof Cheah felt reserved elections help resolve the issue of minorities finding it harder to be elected, but wondered about possible steps that could be taken to tackle underlying issues like voting along racial lines.

Mr Shanmugam noted that the United States has had close to 2,000 senators in its history, but only nine have been African-American. And 43 per cent of whites voted for US President Barack Obama in 2008, compared to 95 per cent of blacks.

The minister noted that every major community would like to see someone of their race be president. "These things are primordial. They don't go away," he added.

Singapore, he said, took the approach of recognising that differences can be a strength. "We needed meritocracy as a basic building block, but if meritocracy meant that one or more of the races didn't have a look-in into the system, that wouldn't work either. We had to make sure that everybody prospered within the framework of meritocracy, but you make some adjustments along the way and encourage a lot of self-help."

ELIGIBILITY CRITERIA

But a deeper issue, Nominated MP Azmoon Ahmad felt, was that the raised eligibility criteria would narrow further the pool of minority candidates from the private sector, even as it was important to have a sufficient crop of Malay candidates and the same criteria for all.

Dr Koh pointed out that the Government's qualified acceptance of the commission's recommendations - it rejected the suggestion that all candidates must have served for at least six years in a qualifying position, up from three, among others - would still keep the field of eligible contenders wider than the commission proposed.

Mr Shanmugam said that even as the criteria had to be updated, having different criteria for minorities would not be accepted by people, including minorities themselves.

Thus, while the revised criteria means there will be fewer Malay and Indian candidates who would now be eligible, he was confident the pool would grow over time.

Mr Azmoon asked the minister if he was confident there would be a Malay president elected in an open contest in the next five terms.

"I certainly hope so," Mr Shanmugam replied. "There are qualified Malay candidates. And I think it's up to the community to persuade them to come forward and stand in open elections."

But the onus must not just fall on minorities, Prof Cheah pointed out.

"It's also incumbent on the majority community to try to overcome the in-group mentality shown in data (from surveys on racial preferences of voters)," she said.

Indeed, a recent Channel NewsAsia-IPS survey found 59 per cent of Chinese respondents said they would find a Malay president acceptable, the lowest across all groups.

Panellists agreed that it was the obligation of Singaporeans as a whole to overcome such tendencies.

The indications seem promising.

Said Mr Shanmugam: "What has been heartening in the dialogues is the strong sense of multiracialism and strong sense of meritocracy."

ELECTED PRESIDENCY SYSTEM

Even as the current debate on the changes revolve around two key long-entrenched principles that have stood Singapore in good stead over the past 50 years - multiracialism and meritocracy - the latest changes also move a step closer to making the elected presidency a permanent feature of the system.

A quarter-century has elapsed since the elected presidency was introduced, and the Constitutional Commission called for provisions in the Constitution that entrench the system to either be brought into force, or repealed fully or partly.

Dr Koh found the Government's decision to split these provisions significant: The first tier seeks to safeguard the elected presidency and "when it's finally set in place, we should have no further arguments about the need for the elected presidency, not even setting aside discussions about whether we should go back to the appointed president".

The second tier will allow amendments to the custodial powers and other criteria to be made with more flexibility and not require a national referendum on such changes.

Mr Azmoon said he liked this approach: "There is this provision for changes. We have to make the system adaptable through time."

As to when the revised provisions will be entrenched, Mr Shanmugam said: "You want to see how it works and that is something that we can only say after some experience."

Does he see a return to an appointed president in the future, with the custodial powers devolved as the commission had suggested?

Mr Shanmugam said there was some basis for the commission's views in this area, but "if you want the president to have the moral authority to say 'No' to the Government, he has to have his independent standing, through elections".

"But a future government could disagree (on the need for an elected president), and if it disagrees, it can amend the Constitution in the way that is provided," he added.

For all the shortcomings of holding elections, which the commission said could prove divisive, panellists recognised the merits of the elected presidency as a unique feature in Singapore's evolving system of governance.

Dr Koh said she sees the elected presidency as an institution that addresses what critics of Singapore's government system say it lacks - checks and balances on a dominant party in government.

And it helps safeguard two things that are essential to the Singapore system, she added - the integrity of the public service and key appointments - as well as a key element of the nation's defences: its reserves. "If the time comes and we face trouble, that's all we've got," she said.

The potential for tension between the president's historical and custodial roles notwithstanding, the White Paper notes that all elected presidents have been able to perform both roles with distinction. "All presidential candidates must aspire towards playing both roles well," it adds.

Mr Azmoon agreed, saying "we must not ever forget" that the president is a unifier across various segments of society.

PANELLISTS

- **K. SHANMUGAM**, Minister for Law and Home Affairs
- **AZMOON AHMAD**, Nominated Member of Parliament and Senior Vice-President, Desay SV Automotive
- *GILLIAN KOH*, Deputy Director (Research), Institute of Policy Studies, Lee Kuan Yew School of Public Policy
- **CHEAH WUI LING**, Assistant Professor, National University of Singapore Law Faculty

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- **ZAKIR HUSSAIN**, Political Editor, The Straits Times