

## **Reviewing the elected presidency: Your say; Reviewing the elected presidency: Yes to minority provision but how?**

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Minority representation emerged as the main topic among the 19 people and groups who addressed the Constitutional Commission. They were invited to speak after submitting their views in a public consultation. Submissions came from a broad section, including a number of young people. The commission expects to submit its recommendations later this year, before the next presidential election, which must be held by August 2017.

At all four public hearings by the Constitutional Commission that is reviewing aspects of the elected presidency, Chief Justice Sundaresh Menon repeatedly asked one question.

Phrased in different ways but no less pointed each time, its essence was: Is it all right for there not to be a minority president for a very long time?

CJ Menon, who chairs the commission, directed this question, more than once, to law experts, academics and law students who were discussing how to ensure minorities are represented in the office of the President.

Minority-race representation is one of the three areas being reviewed by the Constitutional Commission, and the topic most hotly discussed at the four public hearings.

Consensus was rare and there were no easy answers. While most speakers broadly agreed on the need for minorities to be represented, they were deeply divided on how to achieve it.

### **AFFIRMATIVE ACTION**

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### **FORMER CABINET MINISTER S. DHANABALAN**

Some preferred a system where certain elections were reserved for candidates of specified races, while others preferred candidates to run in multiracial teams.

But many were disturbed by what they saw as a form of affirmative action, although others accepted it as a necessary price to pay.

Two broad categories of proposals on how to ensure minority representation emerged.

The first was to occasionally restrict presidential polls to minority candidates, while the second was to have presidential candidates run in teams, with at least one candidate per team being of a minority race.

The Sunday Times examines the merits and downsides to the proposals raised at the hearings, as well as the concerns raised then.

## AFFIRMATIVE ACTION OR NOT?

The fact is that Singapore has not had a Malay president - or even a Malay candidate for president - since the elected presidency was set up in 1991. Its only Malay president, the late Mr Yusof Ishak, was appointed to the office after Independence.

Singapore, from 1999 to 2011, had an Indian president, Mr S R Nathan, who was elected unopposed in 1999 and 2005.

In 2011, all four candidates in the presidential election were Chinese.

The relative scarcity of presidents and candidates from minority communities is a problem, agreed most.

Referring to how portraits of Singapore's president are displayed in public buildings, Institute of Policy Studies senior research fellow Mathew Mathews told one of the hearings: "If you grow up and all these pictures on the wall are not your ethnic group, there is a perception that people who look like me will never be there."

That is not a good position for Singapore to be in, he added.

Arguing for the necessity of an institutional fix, Dr Mathews said that society is not race-blind, although that might change in time.

He cited an IPS survey he helmed in 2013, which showed that about 18 per cent of the 2,000 Chinese respondents said they were not comfortable with a Malay or Indian boss.

This was in contrast to about 7 per cent of Chinese respondents who were not comfortable with a Malay or Indian colleague.

This suggested that Singaporeans are not race-blind, a pattern mirrored in the findings of a 2007 Nanyang Technological University report that in the political sphere, Indians were consistently preferred over Malays for the positions of MP, Prime Minister and President.

But several individuals at the hearings were adamant that tweaking the elected presidency was not the solution, arguing that doing so was tantamount to affirmative action.

This went against the principle of meritocracy, as much a pillar of Singapore as multiracialism, they said.

Moreover, giving minority candidates a boost risked undermining those who get into office that way.

IPS deputy director of research Gillian Koh explained: "The moment you institute this, you are saying certain communities cannot make it and they require certain help."

The winner of an election reserved for a minority community might be regarded as a token representative and lack gravitas and political legitimacy, she and IPS research assistant Tan Min-Wei added.

But Dr Mathews disagreed, arguing that an individual could prove these perceptions wrong once in office, if he performed well.

Weighing in on the concerns, former Cabinet minister S. Dhanabalan said that any change to the elected presidency to ensure minority representation would necessarily involve affirmative action of some sort.

"I think the very fact that we're looking for some special way in which minorities can be represented or can become president already is an admission that we need to have something special," he said.

## **A CASE FOR CLOSED ELECTIONS**

The first category of proposals raised the idea of closed, or reserved, elections.

Under this system, if there has been no president from a particular minority group for a number of terms, the next election will be reserved for candidates of that group.

This was the broad idea behind Dr Mathews' proposal, and an element of Mr Dhanabalan's as well.

A key feature of this system is that it would have "a natural sunset", said CJ Menon, noting that the provision for a closed election would not be invoked if a minority president is elected in an open election.

"If society develops along certain lines (and) we become less and less aware of race, then you won't need to invoke the provision," he said.

The advantage, posited CJ Menon, was that such a system allowed Singapore to continue striving to become race-neutral, while ensuring that the races would be represented at least periodically in the office.

"You allow the system to wind its way towards a situation where the goal, at the end of the day, is race neutrality," said CJ Menon, wondering aloud if it was the "least obtrusive" way of doing so.

Seen in this light, having a closed election as a last resort would function as a failsafe or "safeguard", as Dr Mathews put it.

Some objected to the idea of ringfencing voters' choice this way.

Political science academic Loke Hoe Yeong said that if the Government designates that an office be contested only by candidates of a certain ethnicity, "it could be perceived as being very undemocratic".

Human rights group Maruah said in its submission that introducing racial criteria for the presidency runs against the principle of treating all Singaporeans equally "regardless of race, language or religion", as laid out in the National Pledge.

## **JOINT TICKET SYSTEM**

Others preferred instead a Group Representation Constituency (GRC)-style process for the presidential elections, where two or three members - with at least one minority member - run for the office as a team.

The winning candidates could rotate the seat of President between themselves, with their teammates serving as vice-president or on the Council of Presidential Advisers in between.

Such a joint ticket system was proposed by Mr Dhanabalan, who suggested two-man teams for every third presidential election, and by others including Eurasian Association president Benett Theseira.

One advantage is that Singaporeans are already familiar with the GRC system, albeit for parliamentary elections.

But Professor Chan Heng Chee, a member of the commission, asked whether this system would leave a minority candidate open to the criticism that he was there on the coat-tails of the majority candidate.

Mr Dhanabalan replied that any GRC arrangement could not escape such criticisms, but thought that closed elections went too far.

## **A QUESTION OF PALATABILITY**

Which proposal the commission decides to recommend could come down to a question of palatability, and Singapore might even see a mix of elements of both.

Members of the commission noted that both proposals could be seen as restricted elections in essence, with CJ Menon remarking: "It's really a question of palatability, isn't it? Because in substance, it comes down to the same thing."

But if that is the case, the sunset clause system seems more appealing. For one thing, it acknowledges the importance of representation in the office of the presidency.

It also avoids any possible upheaval that might result from having a rotating team of presidents with terms shorter than the standard six years, as would be the case for a GRC-style system.

Most importantly, it would be a failsafe instead of a normal state of affairs.

The irony of such a system would be that it would be created with the hope that it would never have to be used. And if the clause never kicked in, that would be a success.