

Elected President, focus on the real questions

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Not only are the constitutional powers vested in the Elected President "significant" ones, he can also be "highly influential" on issues of the day, said Law and Foreign Minister K Shanmugam yesterday.

That, however, does not entail him speaking out in public against the Government because it would be "completely unconstitutional", he stressed.

Rather, the President's influence can only be played out behind closed doors, during regular confidential meetings with the Prime Minister.

Mr Shanmugam was speaking at a forum organised by the Institute of Policy Studies titled The roles, responsibilities and power of the Elected President.

He also reiterated that the fact that the President is elected by the entire population does not mean that he can overstep the scope of powers set out under the law.

Said Mr Shanmugam: "Let me put it the other way round: For Parliament and Cabinet, we're also elected, does that mean that we have greater powers than what is conferred on us under the Constitution? Once I ask that question, the absurdity of that proposition becomes obvious."

Amid recent debate over the roles and power of the President, several of the presidential aspirants have launched into promises of speaking up publicly on policy issues if they are elected into office. Such talk is "divorced from Constitutional and legal reality" because the President has no such powers, Mr Shanmugam said.

He added: "It will be more useful to focus on the real questions, which is the influence and serious, specific powers that a President can wield, and what sort of person can be most effective in wielding such power."

The President's blocking powers in five areas - the spending of past reserves, key public service appointments, Internal Security Act detentions, Maintenance of Religious Harmony Act restraining orders and Corrupt Practices Investigation Bureau investigations - are "extremely important powers, very influential", said Mr Shanmugam.

"It's an actual, serious check on the Government," he noted.

He also set out the legal position on how the President can carry out his constitutional duties.

All public acts and speeches can only be on the advice of the Cabinet, and the President cannot reject any advice given by the Cabinet because his is an office created by the Constitution.

Why the President has to be above the political fray

What is "crucially important", he noted, is that the President "has to be impartial and to be seen to be impartial in political debates" because he symbolises and represents the entire country. "As such, he has to be above the fray, and the power to legislate must be with the Parliament," he said.

This also protects his office from being burdened by the responsibility for the outcome of specific policies, Mr Shanmugam added.

Still, the President can be "highly influential".

He receives all Cabinet papers and meets the Prime Minister regularly, when he is "entitled to discuss a wide range of issues", said Mr Shanmugam.

"Any Prime Minister will be foolish if he does not give weight to such advice, especially if the President has had substantial experience, is wise and knowledgeable, and trusted and respected by the Prime Minister," he said.

But whether the President actually wields that influence, though, is another matter.

"If he is someone who commands little or no respect of the Prime Minister, then of course, that influence will be limited."

It is for this reason that voters should move away from asking the "wrong question" of whether a candidate would take on the Government.

"Because the President can't do any of these things. He will be acting unconstitutionally," he said.

Instead, the "real questions" to ask would be who can best protect the reserves; who has the knowledge, skill and acumen; who can command the confidence and respect of the Prime Minister and the Cabinet to wield influence over them; and who has the gravitas and stature to be a symbol of the country.

Mr Shanmugam also wondered whether some presidential hopefuls are being populist by saying they would take on the Government on the people's behalf.

"Inevitably, when you start taking sides on issues or spreading your views on issues of the day, you will be taking sides. Is that what the presidency is all about?" he said.

Speaking to the media after the forum, Mr Shanmugam was asked whether it was correct for

the Government to endorse candidates, for instance, by saying good things about former Deputy Prime Minister Tony Tan, thereby implicitly backing him.

Mr Shanmugam replied: "I think we are entitled to express our views on the candidates within certain bounds of good sense and reason and convention. I'm not quite sure that amounts to active endorsement. The Prime Minister can say what he likes about any particular candidate, or for that matter, ministers.

"And at the end of the day, it's up to the people to decide. Why would you say we should not express a view?" he added.

Asked if he expected political parties to endorse candidates, he said: "There's nothing to prevent political parties from endorsing candidates."