

## **Gag the politicians, not the presidential candidates**

***Wan Ting Koh***

***The Middle Ground***, 27 April 2016

IT'S still about how to get a minority president installed during the third day of public hearings by the Constitutional Commission. Four groups, mostly academics, were invited to give their views. But besides the angst about whether Singaporeans are "race-blind", other interesting issues were raised.

### **Gag the politicians**

Law professor Jack Lee, of the Singapore Management University, argued that no politician, whether MP or Minister, should be allowed to express their opinion of presidential candidates or outwardly endorse any one of them – not even in their personal capacities. Why? Because the public would have difficulty differentiating between a personal opinion and one that represents the G. "It is better for them to say nothing at all," said Dr Lee. However, Dr Lee accepted that the "rank and file" members of other political parties should be able to express their opinions.

In the 2011 Presidential Election, while not officially endorsing current President Tony Tan, Prime Minister Lee Hsien Loong expressed his approval of him, while then National Solidarity Party member Nicole Seah endorsed Mr Tan Jee Say in her personal capacity. He also counted endorsements by opposition party members Jeannette Chong-Aruldoss and Vincent Wijeyesingha.

Justice Tay Yong Kwang suggested that the professor's proposal would mean a "great silence" on those who would "have the most to say" about a presidential election. But Dr Lee stuck to his guns, maintaining that the words of a member of the G would have a "distorting effect" on how the public votes.

Since Dr Lee's suggestion was intended to de-politicise the presidential election, chairman Chief Justice Sundaresh Menon referred him to an earlier contributor who proposed that presidential candidates refrain from acting like candidates for Parliament, by not making statements and promises that go beyond the scope of office. Was this the main issue instead? Dr Lee responded that he did not see it as a pressing problem, as candidates could retract their statements or have them countered by other parties. Also, it was ultimately up to the electorate to judge candidates for themselves.

### **Three presidents in six years?**

While others suggested a two-member system, a pair of academics from the National University of Singapore threw up a three-member slate of candidates instead, a la Group Representation Constituencies (GRC). Assistant professors Jaclyn Neo and Swati Jhaveri, both from the Faculty of Law, proposed a rotation system where each of the three candidates would take their turn at the seat every two years.

The other two, meanwhile, would sit on the six-member Council of Presidential Advisers (CPA).

The duo were bombarded with questions from CJ Menon and Chairman of the Lee Kuan Yew Centre for Innovative Cities, Singapore University of Technology and Design Chan Heng Chee about the independence of the CPA, should two of its members be the president's "running mates". Dr Neo replied that she believed in the "moral character" of the candidates to "exercise independent judgement". Dr Chan also asked if the rotating presidency would undermine the office of the Elected Presidency (EP), since there would be three presidents instead of one. Besides, two years may not be enough time for the president to "develop ties of affection and relationship with the population," she added.

Dr Neo maintained that the symbolic role of the president has been diminished since 1991 when the custodial powers of the president were established. This role has taken on a greater significance, and having two presidential candidates in the CPA would cater to that function

### **The president's financial role – a red herring**

Human rights organization Maruah argued that the president's power to appoint key public service appointments should get the spotlight instead of his custodial role over the reserves. This is because, Maruah member Ngiam Shih Tung said, Singapore has developed a "reputation for being corruption free". He added that an independent president needed to continue upholding the integrity of the public service.

Mr Ngiam and Maruah director Braema Mathi tried several times to elaborate on how they saw the role of the president, which led to the CJ intervening to say that the commission was tasked with coming up with proposals to change some aspects, not to examine the president's role. The pair wanted eligibility criteria relaxed so that there would be a larger pool of eligible candidates. This would be more democratic than having a limited pool with financial expertise.

The financial role of the president is just a "red herring", since the president hardly ever withheld permission to draw from the financial reserves.

### **Let the minorities compete on their own**

Dr Gillian Koh from the Institute of Policy Studies (IPS) rejected the idea of an election solely reserved for minorities, as this might reduce the political legitimacy of the president. Said Dr Koh: "A president stands for the ideal in Singapore and should not be captured by the colour of his or her skin or the language he or she speaks". She referred to a survey the institution conducted after the 2011 Presidential Election to show that of the 2,000 participants, 85 per cent agreed or strongly agreed that they believe a person of an ethnic minority can be elected through the current system.

She echoed what the Eurasian Association said last week, that having a closed minority election went against a "multi-racial philosophy" by forcing people to vote for an individual who is an ethnic minority.

In response to CJ Menon's suggestion to have a minority election every few cycles as a way to nudge Singaporeans towards a race-blind society, Dr Koh suggested that this might spur potential minority candidates to simply wait for their cycle to come around.

She argued that the social culture of Malay-Muslims here might make them "shy away" from putting themselves forward. When Dr Chan pointed to the active politicians in Malaysia and

Indonesia, she replied that situation in these countries were different as Muslims made up the majorities.

The last hearing will be on May 6.