

SINGAPORE

## Final public hearing on changes to Elected Presidency yields diverse views

Among the measures discussed - the need to engineer minority representation, suggestions to return to the pre-1991 nomination system, as well as the possible "unbundling" of the president's functions.

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SINGAPORE: Public hearings on proposed changes to the Elected Presidency concluded on Friday (May 6), with former minister and current member of the Council of Presidential Advisers (CPA) Mr S Dhanabalan issuing a timely reminder to the nine-member Constitutional Commission – be a realist instead of an idealist.

Mr Dhanabalan, who is also a member of the Presidential Committee for Minority Rights, said this in defence of his proposal to put in place measures to ensure a minority President for at least four out of every 20 years.

### **ENGINEERING MINORITY REPRESENTATION NOT IDEAL, BUT MUST BE DONE: S DHANABALAN**

"The very fact we're talking about making some special provision (for minority representation) means we have deviated from the ideal situation," Mr Dhanabalan said, urging the Commission, chaired by Chief Justice (CJ) Sundaresh Menon, to adopt a realist approach.

"The fact we (are considering) special measures already concedes the point that some action is needed," he added, addressing Commission member Mr Eddie Teo's question on past criticism of any affirmative action in relation to ensuring minority representation.

Mr Dhanabalan had suggested the Presidential Elections be conducted in cycles of two six-year terms, followed by an eight-year term. The eight-year term must be contested by teams of two candidates, one of which must be from the minority community. The winning pair will serve as President for four years each.

To ensure there will always be minority candidates, Mr Dhanabalan said Parliament can nominate two or three candidates to team up with a majority candidate.

The trouble with this, CJ Menon said, is that the President is meant to check the Government. We may be in danger of "diluting the strength of that check ... by having the (nomination) made by the very government that is to be checked". Further, if the threshold is lowered to accommodate a minority President, then surely there

would be concerns over the President's ability to perform his duties, the Chief Justice said.

Mr Dhanabalan admitted that the criteria would in fact be lowered for minority candidates, but "under very special circumstances", only when Parliament is unable to find a minority candidate who meets the criteria, and is willing to step forward.

#### **LET PARLIAMENT NOMINATE PRESIDENT: LAW PROF**

Law professor Kevin Tan also supported minority representation, but took his proposal a step further, to suggest Singapore revert to the pre-1991 system where Parliament nominated the President.

"It is no accident that we had, as our first President, a Malay President, Yusof Ishak. Second President was Eurasian, Benjamin Shears, then (Indian) Devan Nair, then Peranakan Chinese Wee Kim Wee," Dr Tan said, adding that the symbolic value of the President could be maintained through the nomination process. "This could never be guaranteed in an election."

CJ Menon again pointed out that a nominated President may find it difficult to check the government that appointed him, especially if he was seeking to be re-appointed every four years. Dr Tan conceded this point, and suggested that the President be appointed for a fixed term instead, to "secure his independence".

Dr Tan also proposed strengthening the CPA, suggesting that the current system "loads a lot of emphasis on the President". "I want to strip that off from the candidate and require competence in the advisory body instead," Dr Tan said, adding that a lowering of the threshold for President may induce more minority candidates to come forward, thereby solving the issue of minority representation.

CJ Menon, however, expressed concern, saying the "centre of gravity" would be shifted from the president to the CPA – members of the advisory body are appointed by the President, the Prime Minister, the Chief Justice and the Chairman of the Public Service Commission.

If the President is not as qualified as his advisors, "he may not have the same depth of competence to stand up to the CPA and say 'I don't agree with you'", CJ Menon said. In this case, "the dog gets wagged by the tail", he added.

In response, Dr Tan said this would be dangerous only if the President lacks judgement. "Most decisions will be binary," he noted, saying the nominated President must be someone held in high regard and "with good judgement of what is right and wrong and good for Singapore".

"With or without the CPA, I think anyone with good judgement can make the decision," he added.

#### **SEPARATE THE POWERS OF THE PRESIDENT**

Brothers Dr Loo Choon Yong, a medical doctor, and Mr Loo Choon Hiaw, a lawyer, were also in favour of a nominated president. "We had four presidents this way, all served with distinction ... very good in our multiracial society", Dr Loo noted.

Alluding to the president's role of checking the Government, Dr Loo said: "Reserves are important, but even more important is the nature of our society. What are we going to be in 50 years' time? Are we going to be here?"

In what Commission member Professor Chan Heng Chee called a "radical system", the two took their proposal a step further – in calling for the separation, or "unbundling" of the President's two main functions.

A nominated President would serve as the unifying figure. "And then you have another group," Dr Loo said – the Presidential Council for Review (PCR), replacing the PCA and comprising eight members. The PCR will have one job, said Dr Loo, "to blow the whistle".

"I think this group (the PCR) of wise men should take care of (our reserves) away from the limelight; they don't need to shake hands and kiss babies. They just need to safeguard our reserves."

Dr Loo added: "If you're in HR, and you look at this job scope, a self-respecting HR (practitioner) will not put (these roles) in one person. You think about it, you want this guy to be the nice guy, the unifier. Then you want him to have to tell the Prime Minister, hey, leave our assets alone. This calls for a different chemistry."

Though we have been fortunate so far, Dr Loo said, we may not be in the future. "We should seriously review and do it courageously, even if it means a radical departure," Dr Loo said, fielding questions from more than one concerned member of the Commission on whether his radical proposal would be accepted by Singaporeans.

#### **RELAX ELIGIBILITY CRITERIA: NUS STUDENTS**

Three NUS law students, the last of 19 groups and individuals to have presented their ideas to the Commission over four days – suggested the eligibility criteria for the president be relaxed. Ms Grace Teo, Ms Carina Kam and Ms Amelia Chew said the current criteria was too narrow and the candidates the current criteria throws up – mainly "key position holders" – do not fully represent Singaporean society.

At the close of the hearing, CJ Menon said the Commission would take some time to deliberate before coming to a conclusion.

- CNA/hs