

TIGHTENING ELIGIBILITY CRITERIA A KEY ISSUE

MR S DHANABALAN, FORMER CABINET MINISTER

- Limit corporate officer's eligibility to that of chief executive officer, who has had responsibility and experience of day-to-day management of the corporation
- Using paid-up capital as only measure is insufficient; use other metrics such as annual revenue and number of employees
- Apply original principles that shaped Group Representation Constituency (GRC) concept to Presidential Election system; have election in two cycles of six-year terms and then eight-year term. Eight-year term must be contested by teams of two candidates, with one member from minority community. Winning pair take turns being President for four years, the other pair can be Vice-President with same powers



DR KEVIN TAN, ADJUNCT PROFESSOR, NUS FACULTY OF LAW

- Unwise to further tighten eligibility criteria for presidential candidate, will reduce pool; tighten qualifying criteria for members of Council of Presidential Advisers (CPA) instead
- Return to system of nomination by Parliament, to ensure balance between competence and ethnic representation
- If Presidential Election system stays, Elected President must secure sufficient votes as sure mandate, or go through second round of voting
- With system of Elected President, candidates have to campaign in groups of three with inclusion of minority members, and members take on President's role on rotating basis



DR LOO CHOON YONG (PICTURE), CHAIRMAN AND CO-FOUNDER, RAFFLES MEDICAL GROUP, AND MR LOO CHOON HIAW, LAWYER

- Minimum threshold for qualifying criteria set at S\$500 million shareholder funds or net tangible assets
- If majority or minority racial groups are elected for two consecutive terms as President, no candidate from that group can qualify as candidate in next election
- One of two members nominated by both Elected President and Prime Minister to Council of Presidential Advisers must be from a minority
- Revert to system of President chosen by Parliament as symbolic head of state; appoint eight-member Council for Review to oversee reserves and public service appointments



MS GRACE TEO (PICTURE), MS CARINA KAM, MS AMELIA CHEW AND MR RUSSELL WONG 2ND-YEAR STUDENTS, NUS FACULTY OF LAW

- Broaden eligibility criteria to individuals who held key management positions, such as directors and chief financial officers, to widen candidate pool
- Decision-making process of Presidential Election committee to be more transparent; disclose reasons for denying certificate of eligibility, and allow for internal appeal
- Add new article to Constitution to recognise Elected President's role as unifying symbol of nation; include representation of multiracial interests as qualifying criterion
- Allow President to veto nominations to CPA since it ought to be accountable only to President and independent from Government



Return to nominated presidency a key call at final hearing

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SINGAPORE – In the final public hearing conducted by the Constitutional Commission to review the Office of the President, impassioned calls were made to abolish the Elected Presidency and return to the previous system of nomination by the Government, even as the commission doubted the feasibility of doing so in today's political climate.

Among the four parties who presented their submissions yesterday, former Nominated Member of Parliament Loo Choon Yong and constitutional law expert Kevin Tan argued for the President to be elected by Parliament as was the case before 1991.

Dr Loo had said in his submissions that if Singaporeans can accept that a President be appointed through a two-thirds vote by the Parliament, "divisiveness and distraction" can be avoided.

Dr Loo also proposed an eight-member Council for Review to take over the custodial functions of overseeing reserves. Its members, he said, will be appointed by the President upon recommendation from the Prime Minister, Chief Justice and other public leaders.

Dr Tan, meanwhile, felt that instead of engineering the system to ensure minority representation, which would "emphasise ethnicity and difference in politics", a nominated presidency would allow for a balance between the competence required and ethnic representation.

The four public hearings, which began last month, saw 19 individuals and groups attend. The key issues raised include ensuring minority representation and revising the qualifying criteria for presidential candidates.

Some felt that engineering a system to ensure minority representation would go against the principle of meritocracy. On setting a higher bar for those seeking to become candidates for the presidency, some were concerned it would drastically reduce the pool of those eligible, and further affect the chances of minority representation in the process.

Former Cabinet minister S Dhanabalan, who was the first to speak yesterday, conceded it would be difficult to avoid making special provisions to ensure a minority-race President can be elected. While he remains against the Group Representation Constituency system, Mr Dhanabalan, who had proposed that the principles of the system be applied to the Elected Presidency, said he also has to be a "realist" due to the "very nature of the electorate".

Dr Loo, defending his proposal to separate the current custodial and ceremonial functions of the Elected Presidency, said there were now "fewer things to quarrel about" after 46 amendments to the Constitution, and the relationship between the Government and the Office of the President need not be "adversarial".

But commission member Chan Heng Chee, who described Dr Loo's

proposals as "radical", asked whether it would be "divisive in itself" to go back to an appointed presidential system. Presidential Council for Minority Rights member Abdullah Tarmugi, who also sits on the commission, added: "Do you think we can go back to a system of nomination now, given the kind of society we live in now and even with the views of young people?"

Dr Loo, however, stood his ground, and said a referendum could be called to decide on this.

The commission members also questioned Dr Tan's proposal, with Professor Chan asking: "Would a nominated president ... enjoy the authority to say 'no' to an elected Parliament, especially if the Government of the day may be (of) a different belief?"

Dr Tan said an appointed President would not necessarily be deprived of independence, pointing to the judiciary as an example, which is also appointed by the Government.

But Chief Justice Sundaresh Menon, who chairs the commission, pointed out that the judiciary has a slightly different role, and does not act entirely as a check on the Government.

Mr Sundaresh also took issue with Dr Tan's suggestion of having more stringent qualifying criteria for the Council of Presidential Advisers to better support the President.

"If the President doesn't have the same competence (to) stand up to the council ... are we not going to end up with a situation where ... we are actually shifting the centre of gravity of who is making the calls to the council just because the council is more competent in these areas?" he asked.

In response, Dr Tan said he believed the appointed President would have a sense of judgment to make decisions.

Also speaking yesterday was a group of National University of Singapore law students. They suggested

PEOPLE WANT TO HAVE SAY IN PRESIDENCY

The world is changing and it is very different. It is the world of social media. I put it to you that we are in fact in the world of participation. Individuals want to participate and they want to have a say. And moving from an Elected Presidency back to a nominated presidency will be far more difficult than you anticipate.

You very rationally said, 'You can derive authority from Constitution (or) from Parliament', but you are a very rational man. But politics doesn't only deal with reason. Optics matter ... You say that the people can be persuaded to accept (a nominated presidency). You don't need (an Elected President) until you need it. When you have a crisis and you need it and it's not there ... it is an issue which is why I personally think it is hard to move it that way.

Constitutional Commission member Chan Heng Chee

REVERT TO A FORMULA THAT WORKED BETTER

I'm arguing for a return back to the system that has served us well, the Westminster system of government with all its years of conventions and constitutional norms, and then just deal with the ... two, three problems separately. I take your point; that is the PM's call, it's the Government's call. (But) go to a referendum ... Let's vote whether we still want to have an election (for the president) or not ...

Think about it, you want (the president) just to be the nice guy ... then you want him to have got what it takes to tell a PM, 'Hey, leave our assets alone' ... How to find in this role a person who is good in both? ... I think we have to think seriously as a nation, have we really got the right formula? What's wrong with changing the formula a little bit (so) that (it) works better?

Raffles Medical Group chairman Dr Loo Choon Yong

broadening the eligibility criteria for presidential candidates to include individuals holding key management posts. They also spoke against introducing provisions to ensure minority representation.

The nine-member commission is expected to make its recommendations by the third quarter of this year. The next presidential election is due by August next year.