

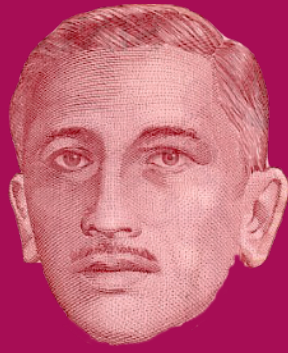
CAPE

A CAPE GUIDE TO THE ELECTED PRESIDENCY

all you need to know as a good citizen



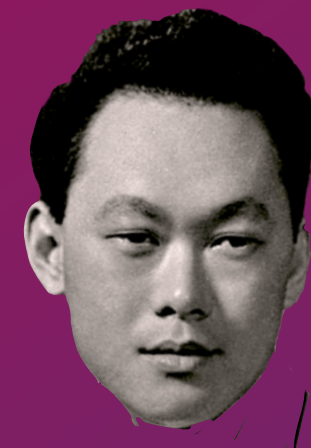
HOW DID THE ELECTED PRESIDENCY (“EP”) COME ABOUT?



Before the elected presidency was introduced, the President served as the **head of state and the symbol of national unity.**



In April 1984, Prime Minister Lee Kuan Yew first mooted the idea of having an elected president entrusted with the duty of protecting Singapore's financial assets and preserving the integrity of the public service in his National Day Rally speech.



Academic Hussin Mutalib has suggested that the **shocking 12.6% swing against** the PAP and its loss of two parliamentary seats during the December 1984 general election could have “further spurred Lee to speed up the implementation” of the EP to **mitigate a future “freak” election** where the PAP lost power.



In 1988, DPM Goh Chok Tong tabled the first White Paper arguing that an EP was necessary.

*Titled “Constitutional Amendments to Safeguard Financial Assets and the Integrity of the Public Services”, the White Paper argued that the EP was necessary to **secure the future for Singaporeans, and to prevent an irresponsible Government from ruining the country.** Citing examples of other countries where irresponsible governments have mismanaged their nations' finances leading to economic ruin, the White Paper warned that there was **nothing to prevent an irresponsible future government from using the country's national reserves to win votes by providing handouts and heavy subsidies.***



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CONTROVERSIES! NEW AND OLD



In 1990, a second White Paper titled “Safeguarding Financial Assets and the Integrity of the Public Services” was tabled in Parliament. This included a draft Amendment Bill to amend the Constitution. After the Second Reading of the Amendment Bill, it went before a Select Committee which received an unprecedented 40 submissions.

*In December 1990, the Report of the Select Committee and its amendment proposals were presented to Parliament and the constitutional amendments passed into law on 3 January 1991, **with 75 ayes and 1 “no”** vote by the sole elected opposition politician in Parliament, Mr Chiam See Tong, who also served on the Select Committee.*

Many of the issues hotly debated then continue to be relevant.

These include the eligibility requirements to qualify as a candidate, the political affiliation of candidates, and the roles and powers of the EP.

For example, Prof Walter Woon highlighted in his representation to the Select Committee that **if the President is a member of any political party, there is “a risk that he will be biased in favour of that party and against other parties... and in the long run will diminish the stature of the Presidency.”**

CHANGE IS THE ONLY CONSTANT

Since it was introduced, major Constitutional amendments have been passed in 1994, 1996, 1998, 2001, 2002, 2004, 2007, 2008, and 2016 to refine the Elected President's role and powers.

1994

1996

1998

2001

2002

2004

2007

2008

2016



For example, the Constitution was amended in 1996 to resolve potential impasses between the President and the Executive over key appointments in the Government, and key statutory boards and Government companies.

Most recently, in 2016, a Constitutional Commission was convened to consider and recommend changes to “safeguard minority representation in the Presidency”, as well as review the qualifying process and the framework governing the exercise of the President's custodial powers.

This led to the introduction of the **Reserved Elections scheme**, which provides that if no person belonging to a specified ethnic community has held the presidency for the 5 most recent terms of office, the next election would be reserved for candidates from that community.

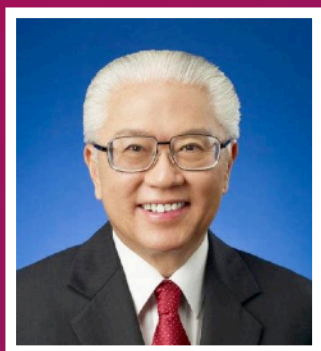
SINGAPORE'S ELECTED PRESIDENTS



Ong Teng Cheong, former Deputy Prime Minister - elected in 1993 with 58.7% of vote against Chua Kim Yeow



S R Nathan - elected unopposed twice, in 1999 (two potential candidates failed to meet eligibility criteria) and 2005 (three potential candidates failed to meet eligibility criteria)



Tony Tan, former Deputy Prime Minister - elected with 35.2% of vote against Tan Cheng Bock, Tan Jee Say and Tan Kin Lian



Halimah Yacob, Speaker of the Parliament - elected unopposed, in 2017 (four potential candidates failed to meet eligibility criteria)

**Wee Kim Wee exercised some of the powers of the EP, and he was considered by the Court of Appeal as the first EP for purposes of the 2017 reserved elections in Tan Cheng Bock v AG [2017] SGCA50*

SOME EXECUTIVE FUNCTIONS OF THE ELECTED PRESIDENCY



As the guardian of Past Reserves, veto any budget or specific transaction (e.g. giving of guarantees or raising of loans) if it is likely to lead to a draw on Past Reserves



Approve the continued detention of a person under the Internal Security Act if the Government disagrees with the ISA advisory board's recommendation that the person be released



Veto the appointment or removal of key office holders in the public service, statutory boards and government companies



Direct CPIB to conduct investigations even if the Prime Minister does not consent to it



Cancel or vary a restraining order under the Maintenance of Religious Harmony Act if the advice of the Cabinet differs from the Presidential Council for Religious Harmony's recommendation

TIME TO ABOLISH THE ELECTED PRESIDENCY?



Lee Kuan Yew designed the new-style Presidency to check a future profligate government. **But many Singaporeans want the President to balance the present-day PAP's dominance.** These irreconcilable differences in expectations necessitate a Constitutional overhaul, reverting to a ceremonial Westminster-style Head of State and building a new body to check on the Executive.

As argued by Kevin Tan (National University of Singapore) and Cherian George (Hong Kong Baptist University) in a recent AcademiaSG essay



This suggestion was similarly raised by the Constitutional Commission chaired by Chief Justice Sundaresh Menon in 2016:

"[A]fter 25 years and amidst an evolving environment, the Commission notes the emergence of strains rooted in the unavoidable tension between the President's historical and custodial roles... The custodial function over the nation's fiscal reserves and key public service appointments could be vested in an appointed body of experts... with the ability to delay measures, force a debate upon them and require the Government to override any objections only with a super-majority. ... With the appointed body taking over the Elected President's custodial role, the President can then focus on his historical role of being a symbolic unifying figure."



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FOOD FOR THOUGHT

1. As a voter, what role of the Elected Presidency is most important to you?
2. How important do you think the Elected President has been or can be as a check on the government?
3. Can the Elected President be further empowered to balance PAP's dominance or serve as a check on the government, and if so how?
4. Would a presidential candidate's past political affiliation affect their ability to discharge their constitutional duties?
5. Is it time to abolish the elected presidency and return to a ceremonial president who is appointed by Parliament?
6. Should an appointed body be established to take over the Elected President's custodial role?

References in the captions