
Title	The elected presidency
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This is the published version of the following article:

Johannis Auri Abdul Aziz (2017). The elected presidency. *HSSE Online*, 6(1), 38-42.

<https://hsseonline.nie.edu.sg/journal/volume-6-issue-1-2017/elected-presidency>

The Elected Presidency

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Scheduled for September, the coming presidential election is one of the most anticipated public events of 2017. While the populations of larger democratic countries have to contend with numerous regional and local elections that may cause electoral fatigue, Singaporeans get to express their democratic voice only once every two to three years. This year's election, though, is especially anticipated by the Malay community because for the first time, the presidential election will be reserved for Malays.

In an inherited Westminster parliamentary system such as ours, the Head of State usually plays a largely ceremonial role. The first four presidents after independence were appointed by Parliament and their duty was largely to play a unifying figure presiding over ceremonies and events designed to bind Singaporeans together as one people and to act as Singapore's foremost representative to foreign states and their dignitaries. Individuals with dignity, solemnity, and a little of the common touch were the order of the day. Benjamin Sheares was a doctor, Devan Nair was a unionist and Yusof Ishak and Wee Kim Wee were both journalists.

This system was changed in January 1991, after new constitutional amendments passed by Parliament provided for the popular election of the president. The PAP government wanted to invest powers of oversight in the presidency as a check on Parliament and that called for an independent source of legitimacy direct from the people. Under these constitutional

changes, the elected president was given the power to veto legislative attempts to use the national reserves, the power to appoint individuals to certain key civil service positions, and powers to oversee the enforcement of the Internal Security Act, the Maintenance of Religious Harmony Act as well as the Prevention of Corruption Act by their respective executive bodies.

In November last year, constitutional provisions for the office of the president were again amended. This time the key changes were twofold. First, the 1991 requirement for private sector candidates to have helmed companies worth at least \$100 million in shareholder equity was raised to \$500 million. Second, the amendment provides for elections that are reserved for minority communities. A reserved election is triggered when five consecutive terms pass without a president from a particular minority community. However, these two new rules have sparked much controversy and heated debate on social media.

First, given the original symbolic and unifying role of the president, the addition of the fiscal custodial role created tension in the office. While the symbolic role does not require any formal qualifications, the PAP government felt that the custodial role requires the president to have leadership experience helming very large public bodies or private organisations. This requirement obviously precludes the vast majority of Singaporeans from becoming a viable candidate. Some commentators have criticized this change

as elitist and classist, especially given how relatable the first four presidents were to the common people. Other commentators however noted that such requirements were in line with the meritocratic nature of Singaporean society and that the custodial role of the president is both a vital and very technical part of the job. The requirements ensure a minimum level of competence in the office's fiscal duties. Nevertheless, their opponents felt that it would suffice if a president had ready access to advice from highly trained advisors in these fiscal matters.

A related issue is whether these high-level career requirements create a special burden for minority communities, especially for the Malay community, which has historically lagged behind others in socio-economic attainment. If there are fewer Malays or other minorities in positions of leadership in the largest organisations, a few commentators argue that it creates an artificial barrier to entry for them. The PAP government's response was to encourage minority communities to concentrate their energies to growing their respective talent pools.

Second, the provision of ethnicity-based reserved elections created controversy both within and outside of minority communities. This year's presidential elections are set aside for the Malay community because we have not had a Malay president in the five terms since the elected Presidency started. (Wee Kim Wee's term is taken into account because the 1991 constitutional changes applied to his last two years in office.) Of course, the dearth in Malay presidents extends further back. Since the republic's first president Yusof Ishak died in office in 1970, no Malay person has ascended to the presidency.

Perusing letters to the newspapers and

comments on social media, it seems that the issue of reserved elections has divided opinion in the Malay community. Some segment of the community naturally welcomes the news that the next president will definitely be Malay, however there does not seem to be significant discursive support for the general idea of race-based reserved elections as a solution to the perceived problem. On the other hand, the segment of the community who opposes this development are more vocal online and make more sustained arguments, perhaps the most central of which is that these reserved elections go against the meritocratic values which the community has accepted as its own. After seeing more and more Malays climb the private and public sector ladders in the last couple of decades, they argue that these reserved elections are a form of affirmative action, which is neither needed nor wanted. One Malay professional who wrote in to the *Straits Times* called it a "major step backwards" for the community.

Commentators from the general public are similarly divided. Those who support the reserved elections provision tend to support the intended outcome more than the process itself. Those who oppose this provision similarly argue that it is not needed because Singaporeans are now open-minded and meritocratic enough to vote for the best candidate regardless of ethnicity.

However, to argue that reserved elections go against our meritocratic values is to assume that the playing field is level in the first place. Despite our high regard for meritocracy, a 2016 Institute of Policy (IPS) survey commissioned by Channel NewsAsia found evidence to the contrary. Among other findings, it found that only 59% of Chinese respondents found a Malay president acceptable. Thus, at best, given two candidates of equal

standing, 41% of Chinese respondents would prefer the one who was not Malay. At worst, perhaps this segment will take any non-Malay over any Malay candidate regardless of relative ability. While the minimal interpretation is not necessarily an expression of racial animus, it does represent a significant handicap for Malay candidates. The numbers for hypothetical Indian or Other presidents were not much better.

For the PAP government, the long absence of a Malay president in the Istana is not simply a problem with our meritocratic value system; it is also a problem for the credibility of our multicultural national character. Thus, the issue of whether or not we should have reserved elections goes beyond the interests and self-regard of the Malay or any other minority community. It extends to how the entire nation views itself and its credibility among other nations; that it is what it says it is. If we are a multicultural exemplar to the world, not having an ethnic rotation in the Istana hurts our credibility. This is not to say however, that this author agrees with the particular solution the PAP government has offered for this problem, only that a superficially colourblind and supposedly meritocratic approach can potentially gloss over salient imbalances in the status quo.

A third controversy revolves around the domination of the ruling PAP party over the office of the president. Ever since the start of the elected presidency, all three elected presidents have entered office as the PAP party's candidate of choice. Critics of the PAP have expressed suspicions that the new provision for reserved elections was a ploy to prevent Dr. Tan Cheng Bok from contesting the election this year, having come so close to beating current President Tony Tan in 2011. An ethnic Chinese, Dr. Tan is

ineligible to run in an election reserved for the Malay community. Prime Minister Lee Hsien Loong however, has gone on record explaining the timing of the November 2016 amendment. PM Lee expressed his desire to see these changes through before he stepped down and had to leave them for his successor. This statement, of course, implies that PM Lee intends to step down some time after the 2017 election and before the subsequent presidential election.

Nevertheless, this issue has raised an older controversy regarding the independence of the presidency. Critics of the PAP have argued the fact that candidates with implicit PAP endorsement dominate the elected presidency and this undermines confidence in the independence of president and therefore undermines the point of having an elected presidency in the first place. Some commentators have even suggested we return to an appointed presidency because of this issue. Defenders of the policy reply that while only the implicitly endorsed candidates have won the presidential elections to date, this only reflects the people's confidence in their abilities and the PAP's track record in identifying top talent. Of course, this only leads to the common rebuttal that it is unhealthy for a democracy for the PAP to monopolise all the talent.

The Singaporean presidency is perhaps the one public office that has evolved most since independence and in that respect it has only grown to be more important to the lives of Singaporeans. This September's election will be another milestone in its evolution and while many will ruminate on the new changes and decide for ourselves what we may think of them, it is important to remember that reserved or not, all communities will still be voting in this election. Whether a member of the majority or a minority, the

president represents us all and belongs to us all.