

IPS FORUM – RESERVED PRESIDENTIAL ELECTION

**Mr K. Shanmugam
Minister for Home Affairs and Minister for Law**

8 September 2017

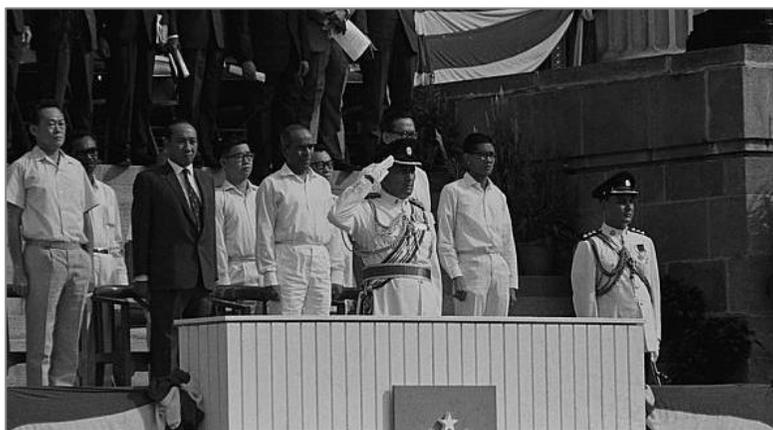
OVERVIEW

- 1. Role of the President**
- 2. 2016 Amendments**
 - Eligibility Criteria**
 - Reserved Elections**

(1) ROLE OF THE PRESIDENT

ROLE OF THE PRESIDENT

From 1965 Symbolic Role



- Head of State
- Unifying figure
- Ceremonial duties
- Traditional Westminster functions



From 1991 Additional Custodial Role in 2 specific areas



**Past
Reserves**

**Key
Appointments**



Safeguarding the
Past Reserves



Protecting the
integrity of the
Public Service

SYMBOLIC ROLE

SYMBOLIC ROLE

“[The Yang di-Pertuan Negara] is not a powerful man with power of life and death over us.

His role is that of constitutional Head of the State of Singapore. He is the personification of the State of which you and I are members. ...

He symbolises all of us. To him devotion and loyalty are due.”



Source: National Gallery

– Then PM Lee Kuan Yew, 3 Dec 1959,
Inauguration of President Yusof Bin Ishak

SYMBOLIC ROLE

- Our position follows the UK –
 - Monarch plays important role symbolizing national identity & unity
 - British constitutional expert, Vernon Bogdanor:
 - “... *First*, there are constitutional functions, primarily formal or residual, such as appointing a Prime Minister and dissolving the legislature.
 - Second*, there are various ceremonial duties.
 - Third*, and perhaps *most important*, is the *symbolic function*, by means of which the head of state *represents and symbolises not just the state but the nation*.
It is this last role that is the *crucial* one...”

SYMBOLIC ROLE

- Hallmark of Presidential office from its inception
- **Prior Convention** – to rotate among ethnic groups

*"[The] **convention of rotating the Presidency** among the races was important to remind Singaporeans that their country was multi-racial.*

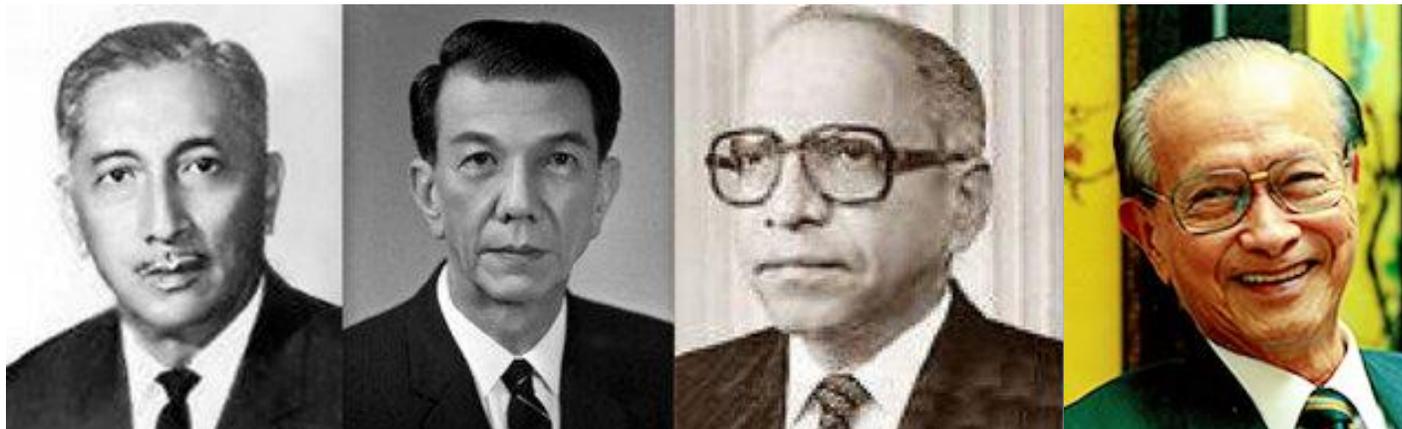
*I think it's **time to remind Singaporeans that we are a multiracial community.***

*It's a **symbolic expression of our national identity.**"*

– Then SM Lee Kuan Yew, 1999, Interview with ST

SYMBOLIC ROLE

- First Four Presidents -
 - 1st President: Encik Yusof bin Ishak
 - 2nd President: Dr Benjamin Henry Sheares
 - 3rd President: Mr C V Devan Nair
 - 4th President: Dr Wee Kim Wee



SYMBOLIC ROLE - TODAY

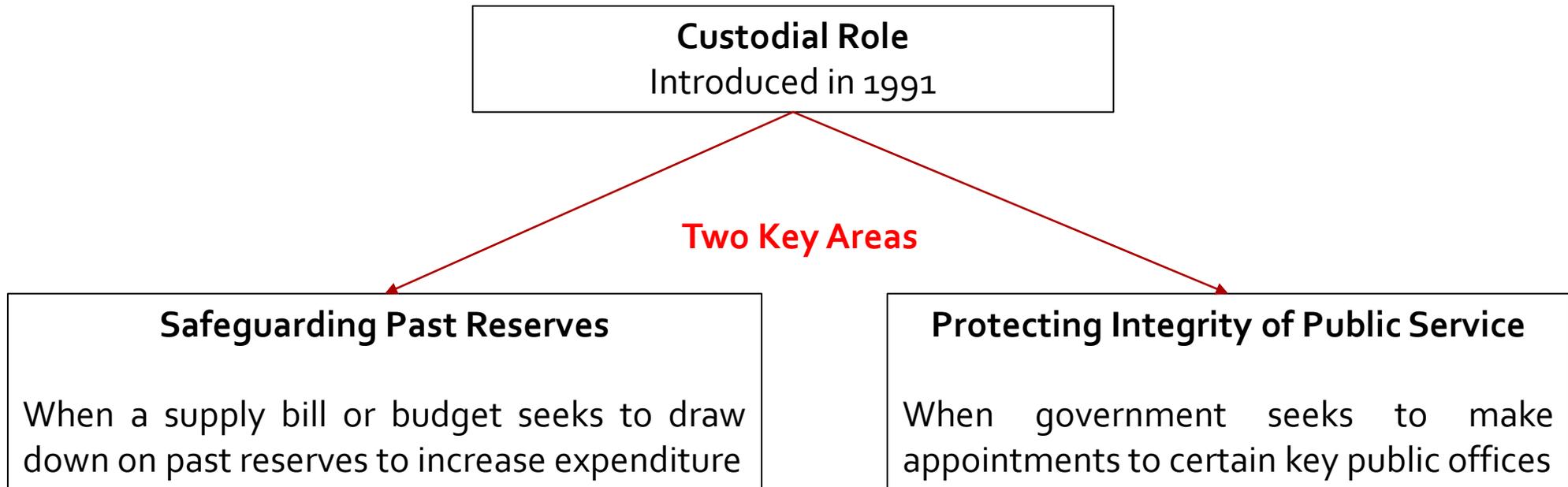
“Despite subsequent amendments to the Constitution... the ceremonial and symbolic function of the President has never been abrogated.

Indeed, this remained at the core of the President’s role even as the office was reshaped over time.”

- Court of Appeal in *Tan Cheng Bock v AG* [2017] SGCA 50

CUSTODIAL ROLE

CUSTODIAL ROLE: TWO KEY AREAS



In these two areas:

- **Veto** – “Blocking” powers
- President **cannot initiate policies**

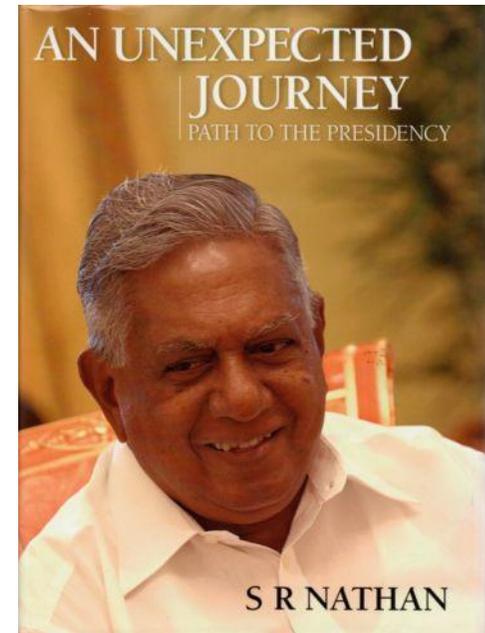
CUSTODIAL ROLE: ELECTION OF A SUITABLE PERSON

- Introduced eligibility criteria, in 1991 -
 - President must have **suitable experience and ability** to make these important decisions
- In practice: Oct 2008, President S R Nathan approved a **\$150 billion** guarantee on all bank deposits in Singapore
 - Backed by Singapore's reserves
 - **Half of CPF balances** (\$300 billion, as of 2015)
*[Trust]

CUSTODIAL ROLE: ELECTION OF A SUITABLE PERSON

On 15 October 2008 the minister for finance formally briefed me and the CPA, presenting a request to use past reserves to provide a guarantee on all non-bank deposits of commercial banks, merchant banks and finance companies in Singapore, capped at S\$150 billion. The assessment of both MOF and MAS was that a guarantee of up to S\$150 billion would be more than adequate to meet possible liabilities arising from the failure of any Singapore financial institution. I was able to give my approval the following day, following deliberations with the CPA and on its advice. Singapore thus kept well abreast of the developing situation. With the benefit of background briefings provided to the CPA and me by MOF, headed by the minister himself, and by the prime minister, I was able to respond quickly at a time of near-crisis.

Source: S R Nathan, *An Unexpected Journey: Path to the Presidency* (2011)



(2) 2016 AMENDMENTS

KEY AMENDMENTS MADE IN 2016

1. Updating Qualifying Criteria / Process

- Qualifying offices - “Most senior executive”
- Qualifying threshold - \$500 million
- Strengthen PEC – from 3 to 6 members

2. Multi-racial Representation

- Reserved election – 5 term hiatus model

3. Strengthening Role & Composition of CPA

- Uniform duty to consult CPA – All fiscal & appointment powers
- More weight to CPA’s views – Extend Parliamentary override mechanism
- Strengthen CPA – from 6 to 8 members

QUALIFYING CRITERIA / PROCESS

ELIGIBILITY: ECONOMIC SITUATION COMPARED TO 25 YRS AGO

In summary (1990 vs 2015):

- CPF balances have increased > 7 times (\$41b to \$300b)
- Nominal GDP has increased > 5 times (\$71b to \$402b)
- Foreign reserves have increased > 7 times (\$48b to \$351b)
- More complex economic and policy judgments required
- Need to update the qualifying criteria

ELIGIBILITY: COMPARE THE SITUATION IN 1990 AND 2015

- Singapore Companies with \geq \$100m PUC

Position in 1993	Position in 2016
158 Singapore Companies	>2,000 Singapore Companies

- Today–

158th company – PUC of about S\$1.6bil

ELIGIBILITY

- Commission suggested –
 - “Most senior executive”
 - S\$500 million SHE threshold
- To apply to both private and public sector
 - ✓ Fifth Schedule Statutory Boards & Government companies
 - ✓ Private sector companies



Parliament: **Adopted** recommendations

ELIGIBILITY: REVISED CRITERIA

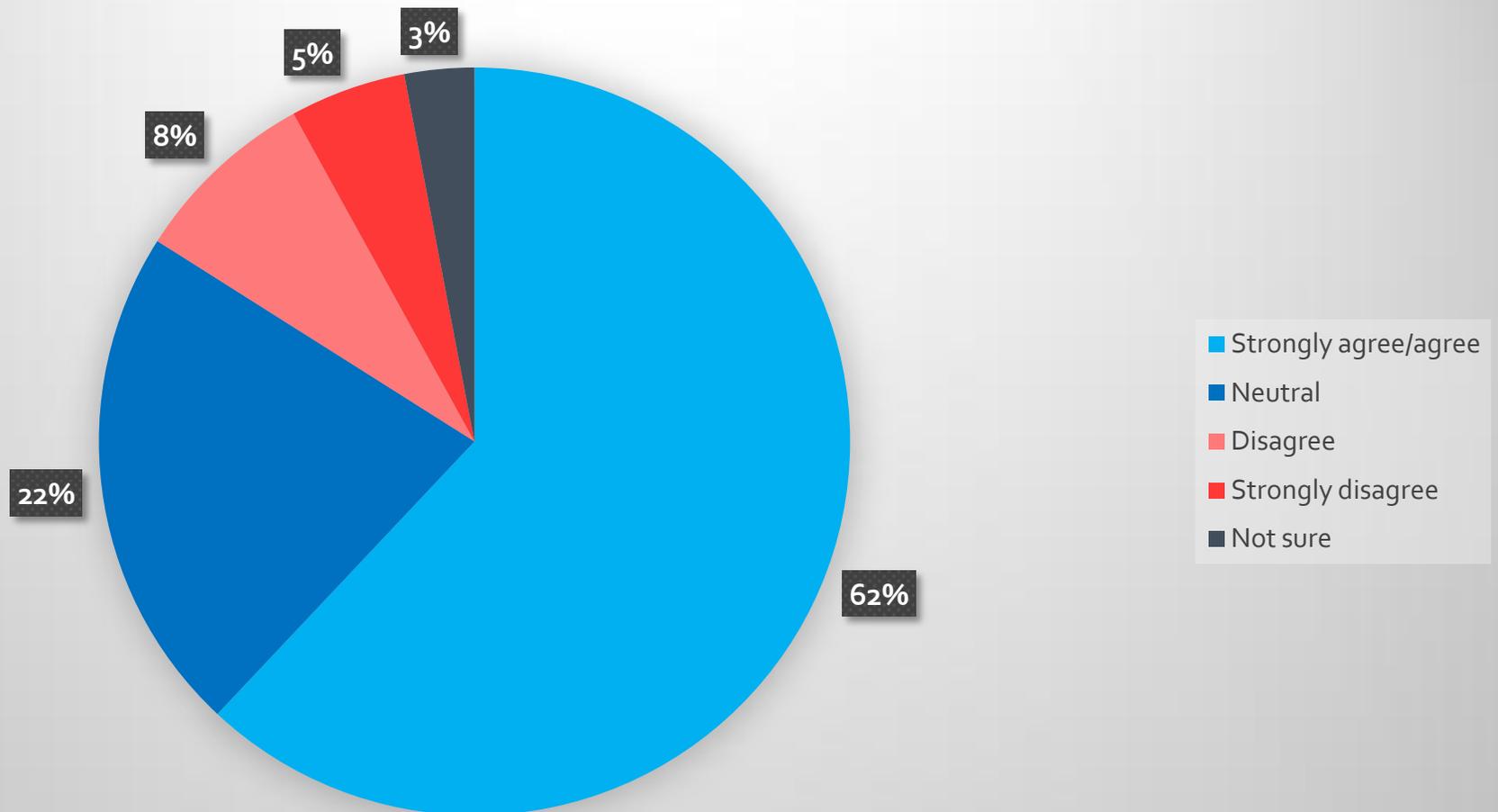
- \$500 million SHE threshold would not “*dramatically shrink*” the pool of qualified candidates
- **~700 Singapore-incorporated companies with SHE \geq \$500m**
 - 1993: 158 companies eligible
 - 2016: 691 companies eligible*

> 4 times the no. of eligible companies in 1993

*** *Actual number likely to be larger*** – 80% of Singapore-incorporated companies do not file financial statements with ACRA.

REACH SURVEY 2016 (1,058 CITIZENS)

Qualifying criteria should be raised for candidates



MULTI-RACIAL REPRESENTATION IN THE PRESIDENCY



SINGAPORE'S APPROACH TO MULTI-RACIALISM

SINGAPORE'S APPROACH TO MULTI-RACIALISM

“ We are going to be a multi-racial nation in Singapore. We will set an example. This is not a Malay nation; this is not a Chinese nation; this is not an Indian nation. Everyone will have his place, equal; language, culture, religion. ”

**Former Prime Minister
Lee Kuan Yew**

At The Announcement Of Singapore's Independence
On 9 August, 1965



SINGAPORE'S APPROACH TO MULTI-RACIALISM

"We have got here, not by suppressing or pretending that race differences, language differences, culture differences do not exist...

[but by] accepting the fact that there are fundamental, primeval differences, and telling each other we have to live, put up with each other, accommodate, compromise, bargain, compromise again.

That's how it is being done."

- Lee Kuan Yew, 1988, GRC Select Committee hearing

WHAT DO STUDIES SHOW?

- We react differently to people from other races:

The human brain fires differently when dealing with people outside of one's own race, according to new research out of the University of Toronto Scarborough [published in the *Journal of Experimental Social Psychology*].

"Previous research shows people are less likely to feel connected to people outside their own ethnic groups, and we wanted to know why," says Gutsell. "What we found is that **there is a basic difference in the way peoples' brains react to those from other ethnic backgrounds**. Observing someone of a different race produced significantly less motor-cortex activity than observing a person of one's own race. In other words, people were less likely to mentally simulate the actions of other-race than same-race people."

[SMALL SAMPLE SIZE]

Source: ScienceDaily, Apr 2010

WHAT DO STUDIES SHOW?

- We are more likely to trust those from the same race:

Race and Trust

Sandra Susan Smith

Department of Sociology, University of California, Berkeley, California 94710;
email: sandra_smith@berkeley.edu

Annu. Rev. Sociol. 2010. 36:453–75

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soc.annualreviews.org

This article's doi:
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Deploying a similar experimental design, Simpson et al. (2007) also found that trust (cooperation) was greater between same-race pairs than between different-race pairs (for more evidence that people are more likely to trust those from the same race or ethnic group, see also [Fershtman & Gneezy 2001](#), [Barr 2004](#), and [Karlan 2005](#)). Among the many predictors of particularized trust, race, according to [Uslaner \(2002, p. 107\)](#) is “the most powerful determinant.” Drawing from the Pew, NES, and World Values Study surveys, [Uslaner](#) reports that blacks are much more likely to trust other blacks than they are to trust most people—i.e., whites. Specifically, whereas 70% of blacks report that other blacks can be trusted, just 23% report that most people, presumably whites, can. Furthermore, blacks report greater trust in other blacks than whites express in blacks— 59%. Being Asian, too, is highly predictive of having faith in one’s own kind.

[REVIEW OF EXISTING LITERATURE]

WHAT DO STUDIES SHOW?

- Unwise to ignore the issue of race in policy-making:

Color-Blindness Is Counterproductive

Many sociologists argue that ideologies claiming not to see race risk ignoring discrimination.

ADIA HARVEY WINGFIELD | SEP 13, 2015 | POLITICS

Source: The Atlantic

Source: The Atlantic, Sep 2015



Racial Color Blindness: Emergence, Practice, and Implications

Evan P. Apfelbaum¹, Michael I. Norton², and Samuel R. Sommers³

¹Sloan School of Management, Massachusetts Institute of Technology; ²Harvard Business School, Harvard University; and ³Department of Psychology, Tufts University

Current Directions in Psychological Science
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DOI: 10.1177/0963721411434980
<http://cdps.sagepub.com>



...our review suggests that one conclusion is already clear: **Shutting our eyes to the complexities of race does not make them disappear, but does make it harder to see that color blindness often creates more problems than it solves.**

[REVIEW OF EXISTING LITERATURE]

Source: Sage Publications, May 2012

LESSONS FROM ABROAD

Cf. Similar problems other countries now face
(in the context of immigrants) -

- “The multicultural concept is a failure, an absolute failure.”

*- German Chancellor Angela Merkel, Oct 2010,
Speech at the annual gathering of the Christian Democratic Union’s youth organization*

- “We have failed to provide a vision of society to which [different cultures] feel they want to belong. We have even tolerated these segregated communities behaving in ways that run counter to our values.”

*- Then British PM David Cameron, Feb 2011,
Speech at the Munich Security Conference*

SINGAPORE'S APPROACH TO MULTI-RACIALISM

“The natural workings of society rarely lead to diverse and integrated communities... They more likely lead to mistrust, self-segregation and even bigotry — which we see in abundance in so many countries today....

If we believe in social inclusion, if we believe in opportunities for all, we have to accept **it doesn't happen automatically** because of the invisible hand of the market or the invisible hand of society.

It happens because you've got **policies that seek to foster and encourage it.**”

- DPM Tharman Shanmugaratnam, 7 May 2015,

45th St Gallen Symposium

SINGAPORE'S APPROACH TO MULTI-RACIALISM

Our multi-faceted approach

- First, Law
 - Strict laws on hate speech
 - MRHA
 - PCMR

Don't hesitate to use these laws



SINGAPORE'S APPROACH TO MULTI-RACIALISM

- Second, social and economic structure
 - Housing
 - Integrated Schools
 - National Service
 - Inter-Religious Circles
 - CEP
 - Self-help Community Groups
 - SGSecure

An activist approach to social,
racial, religious cohesion



SINGAPORE'S APPROACH TO MULTI-RACIALISM

- Third, political system
 - GRC
 - Today, in Parliament -

	Parliament (MPs)	Citizen Population (%)
Chinese	71	76.1
Malay, Indian and Others	29	23.9
Total	100	100

Doesn't happen by chance

SINGAPORE'S APPROACH TO MULTI-RACIALISM

Gallup World Poll (2016):

- Singapore ranks top out of over 140 countries for **tolerance of ethnic minorities**

Country	Ranking
Singapore	1
UK	4
USA	17
Laos	21
Malaysia	49
Indonesia	58

SINGAPORE'S APPROACH TO MULTI-RACIALISM

singapore

S'pore's racial integration has contributed to its success: Obama



President Barack Obama listens to a question during an event with Young South-east Asian Leaders Initiative fellows, Monday, June 1, 2015, in the East Room of the White House in Washington. Photo: AP

Source (top): Today, 2 June 2015

Source (right): The Washington Post, 25 June 2015



The Washington Post

Democracy Dies in Darkness

Opinions

What America can learn from Singapore about racial integration

By Fareed Zakaria

June 25, 2015 at 6:23 PM



Shoppers and pedestrians wait to cross a road on Orchard Road in Singapore, on Sunday, June 21, 2015. (Nicky Loh/Bloomberg)

WHY IS MULTI-RACIAL REPRESENTATION IMPORTANT IN THE ELECTED PRESIDENCY?

PRESIDENT'S ROLE AS UNIFYING SYMBOL

“No other public office – not that of the Prime Minister, the Chief Justice or the Speaker of Parliament – is intended to be a personification of the State and a symbol of the nation's unity in the way that the Presidency is.

There is therefore a critical distinction in principle between the Presidency and other public offices which justifies measures being taken to ensure minority representation for the former but not for the latter.”

- Commission's Report

Could argue that it is not necessary

Question of judgment and balance.

MULTI-RACIAL REPRESENTATION IN THE PRESIDENCY

- Based on system of rotation – next Malay President would have been in 1993.
 - 1st President : Encik Yusof bin Ishak [**Malay**]
 - 2nd President : Dr Benjamin Henry Sheares [**Eurasian**]
 - 3rd President : Mr C V Devan Nair [**Indian**]
 - 4th President : Dr Wee Kim Wee [**Chinese**]
- But we have had no Malay President since.

WHY DO WE NEED RESERVED ELECTIONS?

“We want a minority Singaporean regularly to become President...[t]o follow through at the apex of our system – the Head of State – all the things we are doing in schools, in workplaces, through SG-Secure, to strengthen racial harmony.”

- PM Lee, 2016 NDR speech

“... if we do not make deliberate arrangements to ensure a multi-racial outcome, the president could well over time become a single-race office...”

- PM Lee, 8 Nov 2016, Parliament

IS RACE A RELEVANT FACTOR WHEN VOTING?

U.S. Senate

- Total no. of senators ever elected: **1,970**
- Total no. of African American senators : **10***
 - Popularly elected: **5**
 - Elected by State Legislature / Appointed: **5**

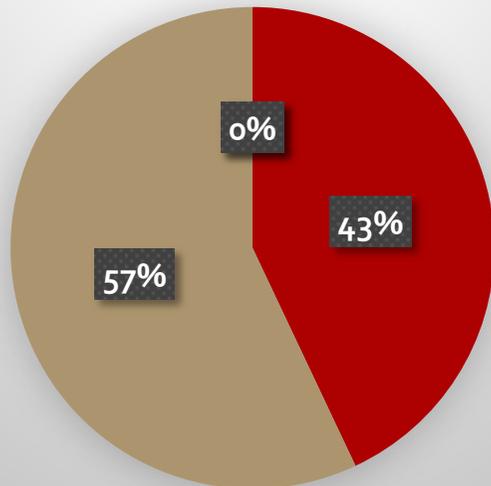
IS RACE A RELEVANT FACTOR WHEN VOTING?

Obama's 2008 Presidential Election

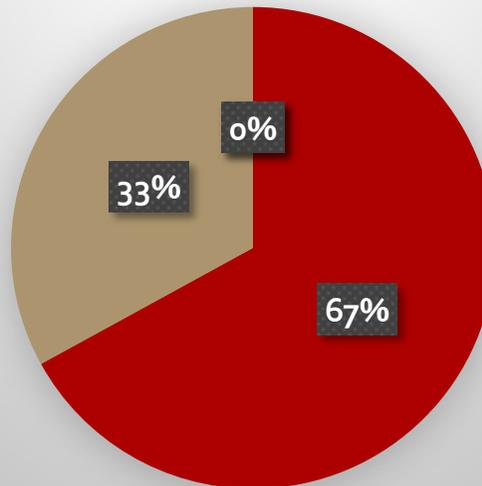
- Won with 53% of the votes
- Those who supported Obama [in red] -



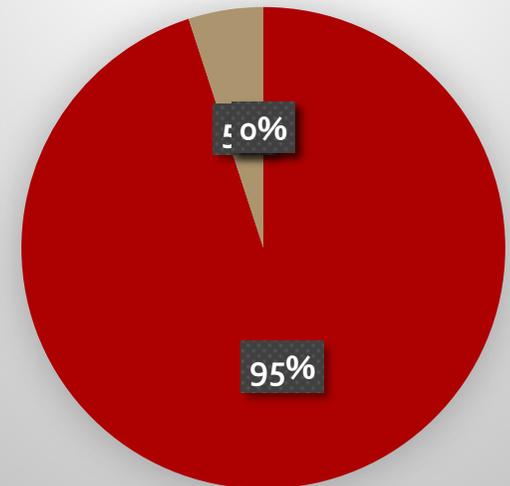
Whites



Hispanics



Blacks



WHY DO WE NEED RESERVED ELECTIONS?

CNA-IPS Survey Key Findings

- Race matters in political decisions –
 - Most prefer people of same race for role of President and PM
- While majority can transcend race in presidential elections, there is clearly a preference for own race.
- This will have an effect in a close election

IS RACE A RELEVANT FACTOR WHEN VOTING?



***SEE THE DIFFERENCE
IN NUMBERS**

Graphic Source: Today

Data Source: CNA-IPS Survey on Race Relations, Aug 2016

RESPONDING TO CRITICISM AGAINST OUR MULTI-RACIAL POLICIES

Yet, there are still critics who :

- Call the concerns of ensuring multiracialism “*the nonsense of ‘race’*”.
- Criticize not just the RE but also our GRC system as a “*gerrymandering scheme to make it difficult for the opposition to succeed*”.

Contrast Region

RESPONDING TO CRITICISM AGAINST OUR MULTI-RACIAL POLICIES

- After JBJ –
WP fielded male Chinese candidates in all SMCs they contested
Until Lee Li Lian
- Comment by Mr Lee Kuan Yew, in 2006, on how the GRC system ensured minority representation:

“You watch the nine single seats.

We fielded nine male Chinese, the Opposition also fielded nine male Chinese.

What does that tell you?”

RESPONDING TO CRITICISM AGAINST OUR MULTI-RACIAL POLICIES

- Consider : what Parliament would look like without our GRC system?
- Today, out of 100 MPs -

	Parliament (MPs)	Citizen Population (%)
Chinese	71	76.1
Malay, Indian and Others	29	23.9
Total	100	100

- *Cf.* US Senate today: Out of 100 present senators, only 3 are black

**Good to have had this debate,
on race**

RESPONDING TO CRITICISM AGAINST OUR MULTI-RACIAL POLICIES

- Most Singaporeans recognize that:

Whether policy safeguards minority rights?	Agree	Disagree
GRC system	68%	7%
Maintenance of Religious Harmony Act	72%	6%
CMIO Racial Categorisation	71%	10%

Source: CNA-IPS Survey on Race Relations, Aug 2016

OUR SYSTEM OF RESERVED ELECTIONS

- Enables representation of all racial groups
- Minimally invasive - natural sunset
- Race-neutral
- No lowering of eligibility criteria

IPS FORUM – RESERVED PRESIDENTIAL ELECTION

**Mr K. Shanmugam
Minister for Home Affairs and Minister for Law**

8 September 2017