

# ONE [04]

## GRAPPLING WITH THE PARADOXES OF PRESIDENTIAL POWER

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Singapore's political centre of gravity lies within a verdant estate off Orchard Road. Behind thick curtains of trees and rolling carpets of grass, the stately whitewashed buildings of the Istana house the offices of both the Head of State and Head of Government. It is where the president, prime minister and senior minister work, and where cabinet meets.

Through most of the history of independent Singapore, the Istana has stood for stability and projected an image of unity. In mid-1999, however, cracks appeared in the monolith. On July 16, a brilliantly blue Friday afternoon, some 20 journalists were at the Istana, attending a press conference with President Ong Teng Cheong. He announced that he would not be seeking a second term, and then proceeded to tell us that he was not entirely happy with how cabinet and the bureaucracy had treated his office in the past six years. He said he had encountered a "long list of problems" in carrying out his duties, and hinted that he had not received full cooperation from the government.<sup>1</sup>

"I know the elected President from the very beginning was very strange to the government and the setup. I suspect that they consider the elected President a nuisance – checking on them, looking over their shoulder," he said with a smile. "But I think with time they are beginning to accept that, and I hope that this would continue to improve." In any country with a plural democracy, his statements would not have caused more than a ripple. In Singapore, they shook the body politic to its bones.

What was intriguing about the quarrel between president and

government was not that the two were in disagreement, but what they disagreed about and the way the dispute played out. The president's powers had been enhanced in 1991 precisely so he could act as a check on government. The president could veto attempts by the government to spend past reserves or stack key public sector posts with incompetent cronies. However, the events culminating in the 1999 dispute had nothing to do with these. The government was hardly itching to unlock the reserves or overturn its criteria for public service appointments. And while technical disputes had arisen over how to implement the safeguards, these had been largely settled, as Ong himself noted.

Rather, the most remarkable thing about the press conference was Ong's initiative in summoning the media and publicising his dissatisfaction. Of course, his differences with the government were nowhere near as fundamental as Devan Nair's, but then Nair, president from 1981 to 1984, became a vocal critic of Lee Kuan Yew only after his resignation. Ong's appeal to public opinion was unprecedented for a serving head of state.

The government replied a few weeks later with an exhaustive, point-by-point rebuttal. It revealed that it was reluctant to support Ong for a second term not because of any problems in their relationship, but because his lymphoma had progressed to a worrisome grade. It said that the president's recollection of some events was mistaken, while other cases he had cited were genuine differences of opinion, not attempts by officials to obstruct him.<sup>2</sup> The ministers were careful not to allege that it was improper for the president to go public, but it clearly took a dim view of the wisdom of the move. Lee Kuan Yew said in parliament that Ong had tried to "vent his frustration," leaving the government with the "unpleasant task of having to rebut him in public."<sup>3</sup>

The controversy was partly a result of the novel nature of the eight-year-old Constitutional amendments that turned the presidency into a directly elected office and enhanced its powers. Prior to 1991, Singapore's president was largely a figurehead, in the mould of Westminster heads of state. He could be engaged and subtly influential, as was Wee Kim Wee, the republic's last old-style president. Wee did not see it outside his job scope to try and influence cabinet – a role

that prime minister Goh Chok Tong acknowledged appreciatively in his farewell speech in 1993. "Occasionally, he sent ministers politely-couched notes offering his views and concerns on certain matters, based on his own personal experience and observations, or feedback which he had received," Goh said. "He was concerned that many better-off Singaporeans were measuring a person's worth by the make of his car and the size of his house. He urged me to try and reverse this unhealthy trend."<sup>4</sup>

However, such interventions were always done in private, and there was no argument about where the proverbial buck stopped. It was the prime minister, not the president, who was the country's chief executive. Ong himself acknowledged that the president's new powers had not changed much: "I expressed my view and finally it's for the Government to decide. I have no power to initiate anything as my power is limited and it's only negative power to veto any budget that is ... likely to draw on the past reserves."<sup>5</sup>

Where he broke new ground was in maintaining his right to differ – and, perhaps more critically, in wanting to be seen doing so. This was the case not only at the press conference, but also on earlier occasions that were equally unprecedented, though relatively undramatic. First, ten months into his term, Ong questioned a government Bill to amend his powers. With no existing forum for the dispute to be settled, the Constitution was amended to give the Supreme Court an advisory role in interpreting the document. The president engaged private-sector lawyers to put his case forward, against the attorney general representing the government. The Constitutional tribunal of three judges ruled in the government's favour, but Ong proved that he was serious about establishing the presidency's independence, contrary to the skeptics who saw him as a government man.

Ong also wanted the chance to test his "second key" to the reserves. The opportunity eluded him twice. First, in reviewing the CPF Board's budget, he offered to pass what he believed to be the use of its past reserves. This would entail his publishing his decision for all Singapore to see. The government clarified that the accounts were in order and there was no such drain; and hence no need for the president's assent. The matter was settled out of public view,

only surfacing in the wake of the 1999 dispute. Then, he told the prime minister that, should the government need to unlock past reserves to finance its special recession packages, he would give his assent. The government did not need to, thanks to sufficient current surpluses. Once again, Ong would have to keep his second key pocketed. He wanted to leave behind a machinery that had been inspected, put through a trial run and certified to be in working order. The government, on the other hand, had a reputation of fiscal prudence to protect, and this objective would not be served if it were seen to have to appeal to the president to spend reserves. Finance minister Richard Hu summed up the government's sentiment when he said that its ability to rely on current savings should be a source of satisfaction, not disappointment.<sup>6</sup>

Ong's questioning attitude exposed ambiguities in the law, and led to the publication of a White Paper clarifying procedures and definitions to do with the handling of the reserves.<sup>7</sup> One of the principles enshrined in the July 1999 document was that the president must warn the government before going public with an opinion about a suspected drawdown of reserves. This would give the government the chance to adjust the books and avoid potentially-embarrassing public finger-pointing by the president. The White Paper as a whole, however, was a testament to the president's independence. It placed on public record working principles agreed between government and president. The common feature in both this and the Constitutional tribunal was the government's concurrence that problematic areas in its dealings with the president be subject to a third-party referral – in the first case the courts, and in the second, parliament and the public. This itself was an implicit acknowledgment that the new-style president did not fall within its chain of command. Cabinet could not subject Ong to internal party discipline or OB markers, in the way that it managed its backbenchers or the media, for example.

It was perhaps the direct nature of his relationship to the electorate that made the president feel that it was right and proper for him to account for his tenure directly to the people, without consulting cabinet. Ong was probably also anxious to dispel the cloud of cynicism under which he had been elected. His challenger, Chua Kim Yeow, had warned about the "over-concentration of power" in the

hands of the ruling party, should someone so closely associated with the PAP become president.<sup>8</sup> Chua struck a chord with the public and garnered more than 40 per cent of the vote despite being a virtual unknown. Ong, who as a minister had been accustomed to receiving more than 70 per cent of the popular vote in his constituency, could not have been unaffected by the voters' signal that they wanted the president to be his own man. After a career in politics and at the helm of the labour movement, he was not the sort of leader for whom public approval was inconsequential.

Whatever his thinking, it is clear that the directly elected character of the president adds a new and unfamiliar dimension to Singapore's political matrix. Singapore upholds the formal separation of powers – among the legislature, the executive and the judiciary – to prevent abuse by any one arm of the state. In practice, however, politics has been characterised by an extraordinarily powerful executive, in the form of an inner cabinet. Parliament is dominated by a ruling party with a leadership made up of cabinet ministers. Significant political decisions are not subject to judicial review and are instead at ministers' discretion. Non-state institutions that serve as watchdogs in other countries, such as the press and academe, are relegated to subordinate positions. All these factors add up to a highly-dominant executive.

This strongly-centralised system has been held up as one of the keys to effective government in Singapore. It has been justified on the basis that the government is the only institution with the mandate to rule; and therefore rule it must, firmly and decisively. Since 1993, however, an institution separate from the ruling party has been able to lay claim to that ultimate source of authority. The people's mandate, previously invested in MPs alone, is now lent to two separate institutions, parliament and the presidency. It is not surprising that the government, particularly Lee as the architect of the elected president system, came out strongly to reaffirm cabinet's dominant leadership position. Since it would have been unseemly to criticise the head of state, Lee turned his fire on commentators who had been quoted in the press voicing their concerns about whether the president was being prevented from acting independently. The senior minister slammed them for misunderstanding Singapore's political

system. "There can be only one centre of government in the country," he said in an interview after Ong's press conference.<sup>9</sup>

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It was not just the president's new discretionary powers that did not sit easily with the PAP's centralised system of government. Even his traditional role carried risks. This became clear two weeks after the press conference. As the haze from Indonesian forest fires cast a pall over the country, Ong's wife Siew May succumbed to her cancer, becoming the first First Lady to die in service. Her death sparked a spontaneous show of emotion from Singaporeans, and highlighted the softer – but no less impactful – side of the president's relationship to the public.

That Friday, Singaporeans greeted the news with an instinctive urge to mount a national show of mourning. At many schools and community centres, officials thought they should fly the state flag at half-mast. Broadcasting executives wondered if they needed to cancel entertainment programmes and replace them with more sombre fare. Many members of the public expected a state funeral and the declaration of an official holiday to mourn the passing of the First Lady.

The government sent out the message that it was to be business as usual. The First Lady was not an official title but a courtesy extended to the wife of the President. There would be no state-level observation of her death. However, with thousands of Singaporeans wanting to visit the wake, the armed forces moved in to handle the logistics with its customary efficiency. Soldiers were everywhere, but dressed in civvies. The compromise ensured a dignified and smooth send-off, minus the accoutrements of a state funeral.

What the government would not anoint as an official state affair, the people seized and turned into a national event. Thousands of ordinary Singaporeans made their way to the Ongs' private residence at No. 1, Dalvey Estate, to pay their last respects to a woman most of them had never met. More than 35,000 penned condolences to the president, making it Singapore's biggest outpouring of public mourning since the SilkAir disaster of December 1997. In this collective

act, Singaporeans put paid to the cynical view that the ceremonial aspect of the presidency is empty symbolism, and reminded observers that the president is a key institution upon which Singaporeans project their sense of nationhood.

Some Singaporeans wondered if the government's hands-off approach was a reaction to Ong's press conference. In fact, however, the government's reluctance to be swept along by the tide of public emotion was not new. In 1970 and again in 1981, it had refused to declare public holidays when Presidents Yusof Ishak and Benjamin Sheares, respectively, died in office. Then, too, citizens were disappointed but not dissuaded, turning up in tens of thousands for the funerals.

The PAP's seemingly unsentimental response has its roots in the leadership's strict adherence to the principle of keeping government on an even keel and free from personality politics. It is an attitude that made Singapore one of the few countries in the world not to carry the portraits of its national leaders on its currency and postage stamps. (Only in late 1999 were stamps and a series of notes issued bearing the likeness of President Yusof.) Even the president's ceremonial side is seen as a force to be closely managed, lest it undermine the PAP's stand against cults of personality.

Few expect Ong's successor as the government's presidential nominee, S.R. Nathan, to generate the kind of controversy that Singapore witnessed in 1999. Nathan spent most of his career in highly discreet security and diplomatic positions. He is accustomed to drawing satisfaction from serving the national interest behind the scenes, without being distracted by public opinion. He, like Ong, may be his own man; but, unlike Ong, is less likely to need to prove it to the public.

Ong Teng Cheong's six years as president helped to deepen public acceptance of the office. When the idea of a more powerful presidency was first mooted in the 1980s, it was widely assumed to be an office designed by Lee Kuan Yew for himself. By the end of Ong's tenure, most Singaporeans saw it differently. Even opposition politician J.B. Jeyaretnam, who in 1998 questioned the government's trade finance guarantee scheme for Indonesia, argued in parliament that the proposal should be referred to the president.<sup>10</sup> It was an elo-

quent, albeit backhanded, acknowledgement of the president's new custodial role. These enlarged powers have come to be taken for granted as a key component in Singapore's system of checks and balances.

Indeed, Ong raised the intriguing possibility that the office of president can alter the balance of power in Singapore politics. The grey areas he ventured into remain grey, for all the government's attempts to paint the debate in black and white. As Nominated MP Simon Tay pointed out in the House, the various terms that have been used to describe what Singapore's president is or is not – “executive”; “ceremonial”; “custodial” – are nowhere to be found in the Constitution. They are handles attached by political players in advocating their preferred ways to grasp a complex institution. The government's forceful intervention signalled what it believes to be the right way forward; but it is powerless to dictate a president's every action, or the tenor of his relationship to either cabinet or the public at large. As a press conference and a funeral in 1999 showed, a president can reach out independently to the people who elected him, and the people, in turn, can reach out to him.