Seizing Malaysia’s Moment
By Muthiah Alagappa

The dramatic change in Malaysian politics brought about by the May 9 general elections saw more than the downfall of the ruling party for the first time since independence.

The repudiation of the entrenched and autocratic Barisan Nasional led by former Prime Minister Najib Razak gives the country the chance finally to sweep away racial politics and other structural flaws in the system, writes Muthiah Alagappa.

If the new government under Mahathir Mohamad is smart, Malaysia could become a beacon of democratic hope in Southeast Asia.

MALAYSIA’S HISTORIC May 9 election was dramatic, sweeping and unprecedented. A ruling party in power with seemingly impregnable advantages was ousted through the ballot box. There was no extra constitutional uprising, as in the Philippines in 1986, no military coup as in neighboring Thailand, no rioting and turmoil as in Indonesia in 1998. The curtain was pulled aside and suddenly the mighty Barisan Nasional and its main component party, the United Malays National Organisation (UMNO), was shown to be vulnerable, its Achilles’ heel of corruption rendering it weak, at least for now.

Much of the credit must go to the new prime minister, Mahathir Mohamad, who has stunned the world with his return to power at the age of 92. A Malay nationalist, he forged a reputation for building the economy — and acting harshly against his opponents — during his long tenure as premier from 1981 to 2003. His moves against former prime minister Najib Razak in recent years set the stage for what was to come. Ultimately, the leadership of Anwar Ibrahim’s Parti Keadilan Rakyat joined forces to form the Pakatan Harapan Coalition led by Mahatir. Behind the scenes, weariness with Malaysia’s deteriorating national image under
The scandal-plagued Najib government enhanced domestic and international support for change. Immediately after a result that few predicted, fears that the military might intervene or a state of emergency be declared soon evaporated. The system in place actually worked. The hereditary rulers supported the outcome and the transformation has been as peaceful and orderly as it has been stunning. From the police raids on Najib’s homes to the rapid release of Anwar from prison on charges of sodomy, the extraordinary has become ordinary in Malaysia.

The changes also buck a dismal regional trend. Thailand has become a stage-managed military state, the Philippines under Rodrigo Duterte is unwinding democratic freedoms won over a period of decades, Hun Sen in Cambodia has cemented his autocratic rule. But in Malaysia, long among the most repressive states in Southeast Asia, a vibrant free press driven by social media is reasserting itself and citizens feel empowered to speak out.

CHALLENGES AHEAD
Malaysia will face a great many challenges in this new era. High public expectations may overwhelm the capacity of the new government to deliver on its promises. In addition, the Malay nationalism and strongman tendencies in Mahathir’s political past may be a hindrance. Further, accommodating Anwar’s desires could prove difficult, and the sooner he becomes part of the government the better it will be for the new prime minister. This does not minimize the historic change, but it is important to reduce euphoric expectations. The primary purpose of this essay is to draw attention to the need for political development in the country to proceed on the basis that ultimately sovereignty resides in the people.

The outcome of the last general election — GE 14 in local shorthand — should be used to push through some hitherto unimaginable (and, to some, unpalatable) policies to ensure the long-term health of the country. Mahathir has said that the economy will be his priority. This would include replacing the unpopular General Sales Tax (GST) with the previous Sales and Services Tax (SST), trimming the national debt, cutting back on excessive government expenditure, increasing transparency in government procurement and instituting better management of the economy. The Merdeka Center pre-election survey indicated that the high cost of living was a primary concern of voters.

At the same time, it is important to recognize the basis on which the election was contested. The differences between the Pakatan Harapan coalition and Barisan Nasional were not limited to economic and financial policies but extended to fundamental political issues including clean government and the basis for the Malaysian nation. The government must not lose sight of the reform agenda. I am not arguing that economic growth and development are unimportant, only that it is equally if not more important to address political development issues that will have a long-term effect on the health and economy of the country.

It should be noted here that in the absence of political development, it will be difficult to sustain economic growth. The Brazilian economy, one of the five BRICS economies, for example, has become a victim of a politically induced crisis in that country. Recovery and development there hinges on resolution of the political conflict that induced the crisis in the first place. In Malaysia, whether one agrees or disagrees with the pro-Malay New Economic Policy, it was formulated on the assumption that a Bumiputra affirmative-action policy would spur stability and economic growth. Malaysia is not alone in this dilemma — political development has been ignored by most Asian countries in favor of economic growth.

THREE KEYS
Mahathir’s previous vision to create a developed country by 2020, for example, was increasingly interpreted by the Najib government in economic terms. But a truly democratic Malaysia should be an integral part of becoming a developed country. Conveniently, the Najib government focused on becoming a high-income economy as the overriding goal of the 2020 vision. It is crucial to avoid the same mistake. The focus must be on both political and economic development. One cannot be sacrificed for the other. It is clear from numerous cases in Asia that economic growth and development alone cannot resolve political disputes and conflicts. Asia is strewn with countries that confront deep crises as a consequence of outdated notions of nation, state and sovereignty.

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A NATION, NOT ETHNICITIES
In brief, two ideas have dominated nation-building: identity based on an ethnic majority versus all citizens sharing equal rights and obligations. The ethnic approach invariably leads to zero-sum politics based on race and justice for one group over others. This is expressed dramatically in the divide between native Malay, or pribumi, citizens and so-called immigrant, or pendatang, groups like the Chinese and Indians. The equal-rights approach is more inclusive and seeks justice at the level of the individual. Although appearing to be at loggerheads with each other, the two approaches are not mutually exclusive. Ethnicity is a reality that cannot be wished away and must factor into decision making in a multiracial country like Malaysia. However, it needs not and should not be the determining factor.

Both approaches were articulated at the time of independence. Onn Jaafar, who initially emerged as a Malay nationalist in response to the 1946 Malayan Union proposal and later became a Malay nationalist leading Party Negara, advocated a nation in which all Malays would be equal. Tunku Abdul Rahman, considered the father of the Malaysian nation, advocated an ethnic approach with liberal elements in which Malaysia, later Malaysia, would be a Malay country but in which all non-Malay citizens would have rights and could live peacefully. As a consequence, a delicate mix of ethnic and civic nation conceptions was expressed in the constitution. The idea of a Malay country became deeply embedded in the thinking of Malaysians after the May 1969 elections and riots that followed opposition gains at the polls. Ethnicity dominated the analysis of the 1969 upheaval and the prescriptions that ensued. As a result, the New Economic Policy favoring ethnic Malays and with the resurgence of Islam, race and religion became the basis of Malaysian politics.

Malaysia’s sixth prime minister, the now-shamed Najib Razak, articulated the idea of “One global asia V ol. 13, No. 2, June 2018
Malaysia,” which sounded inspiring but changed little because political mobilization remained race based. Najib used the idea of “moderation” to overcome racial polarization, but that effort could only blunt the sharp edges not overcome the fundamental contradiction. Malaysia’s ethnic approach to nation-building had reached a stalemate. The Malaysian nation, in fact, seemed fragile, requiring constant control from the top. In hindsight, the answer seems simple. The ethic approach of the last 60 years had reached its limit.

It is time to try a more inclusive civic-nation approach. All citizens of the country should have equal rights and obligations. There should only be one class of citizenship. Affirmative action of some kind may still be necessary, but that should be done at the level of the individual, not the group. This more inclusive approach would reduce racial polarization, mobilize the potential of all citizens to serve the country and promote greater unity. Though not articulated coherently as an alternative approach, there is a step commitment to this idea of the Malaysian nation in the Pakatan Harapan component parties. Now that Pakatan Harapan is the government, it should take steps to entrench this idea of the Malaysian nation.

Malays should not feel threatened by this approach. Unlike in the 1950s and 1960s, when the demographic balance was highly delicate, Malays now make up about 70 percent of the population. Having benefited from enormous government assistance over several decades and now in a relatively strong economic position, there should be little worry that Malays would be left behind. Further, to assuage Malay concerns, Islam can continue to be the official religion of the state, and the will of the people and mean that the relationship of states to the political center can be viewed as a political rather than a security issue.

The relationship of states to the political center should also be subject to periodic review, maybe once every 10 or 15 years, with the underlying principle being popular sovereignty and effective governance. As much as possible, authority for governance should be decentralized to the state and local level with the center limiting itself to coordination and exercising authority in areas like foreign, monetary, fiscal, and defense policies. The present Malaysian constitution is oriented toward concentration of power in the center. This needs to be revisited.

The above thinking should be expressed in the nature of a Malaysian state that is both effective and representative of the ethnic make-up of the nation. This is in line with my earlier contention that ethnicity must factor into nation-making and governance.

REPRESENTATIVE, EFFECTIVE AND POLITICALLY NEUTRAL

The state must be distinguished from the nation. The nation refers to the political community, whereas the state refers to the political structure through which the community is administered. Although most writings on Malaysia conflate the two terms, there is value in seeing them as separate entities. The state here is defined as the political structure for governance; state institutions like the armed forces, police force, the civil service, the judiciary and the rulers’ council; the tax system and spending; and the system for the acquisition and exercise of state power. I will explore how to consolidate democratic governance in the next section; here I will focus on the other two dimensions of state-making.

Malaysia is a federal state. To summarize, first, federalism gives voice and rights to the people. Its vitality must be maintained through the periodic review of the authority for governance. Second, the principle of subsidiarity (effective governance at the lowest possible level) must underlie the distribution of power and authority among the political center, state and local levels. Third, the political center and where appropriate the state should assume a coordinating role in relation to governance areas. Finally, member states must have the right to restructure relations with the political center through peaceful means.

I will now focus on state institutions that play a crucial role in governance. In a democratic system, the parliament, through legislation, and the judiciary, through the interpretation and application of the law, serve to check and balance the executive. In Malaysia, however, the parliament has served primarily as a rubber stamp for the executive. In addition, a strong and independent judiciary has been weakened over many years, beginning under Mahathir and hitting a very low point during the Najib era. It is now necessary to strengthen the parliament and to rebuild the judiciary. Before discussing the reforms required, I will first discuss one institution that is peculiar to Malaysia: the rulers.

The Rulers. At times the rulers, or sultans, have been referred to as the fourth branch of Malaysia’s government. They are a historic fact with an important role to play. In addition to highlighting their symbolic function as hereditary royals, the public should understand their importance in politics, including in the passage of legislation, the appointment of the prime minister and mentri besar (chief minister) for each state, the declaration of national emergency, and as protectors of the Muslim and Malay community. In the lead-up to colonialism they entered into agreements with the British and later played a significant role in the formation of the Federation of Malaya and later Malaysia. It is crucial to recognize the importance of the Rulers’ Council within the Malaysian political system. Unlike other state institutions, there is little that one can do about the composition of the rulers, which is entirely Malay. However, the rulers have a constitutional position that should be respected, but as constitutional monarchs, any desire by the sultans to return to an earlier era of absolute rule should be curbed. They should instead evolve to become protectors of all ethnic groups and religions in the country as well as the constitution. They could become the prime movers in creating a civic nation in Malaysia at the federal and state levels by opposing unconstitutional development, restraining and guiding politicians and facilitating inter-faith dialogue. In sum, the rulers should be reinforced as a state institution and as the fourth branch of government in Malaysia.

Parliament. The Dewan Rakyat must become the supreme legislative body in the country on par with the executive branch. Until now, it has mostly done the bidding of the executive. To strengthen the body’s independence, parliamentarians must come from the constituencies they represent. Only then can they speak effectively and genuinely about the concerns of their constituents. Party affiliation is important, but should not be the determining factor in the
positions of parliamentarians. There should be movement away from “parachute” lawmakers, which has been the practice in both the Barisan Nasional and Pakatan Harapan. Further, there should be limits on the number of terms a lawmaker can serve. That will ensure turnover and the expression of different perspectives. Parliamentarians should also have the resources and institutional capacity to conduct research, formulate policy positions and become experts on specific issues. Only then can the parliament be on par with the executive.

Judiciary. Likewise, the judiciary needs to be reformed and strengthened to become independent and professional. Impartiality, merit and effectiveness are particularly important for the judiciary. Confidence in the judiciary hit an all-time low during the Najib era, as rulings were shaped to favor the incumbent government. This kind of political interference must be eliminated, with judges subject to professional regulation. The parliament and judiciary along with the rulers can check the executive as and when necessary.

Civil Service. Now I come to the civil service, which plays a key role in formulating and implementing government policy and which must also be politically neutral and service-oriented in order to perform in an effective manner. To enhance its legitimacy, the composition of the civil service also must reflect that of the society at large. This should also be the case with the security forces. Due to the ethnic approach adopted by successive Barisan Nasional governments, nearly all state institutions have become exclusively or near exclusively Malay. It is necessary to correct this. More non-Malays should be recruited into state institutions to reflect the ethnic make-up of the country and career advancement should be based on merit, not race.

Civil Society and the Media. Equally as important as reforming state institutions, it is opportune to review certain laws that have undermined the rights of citizens, as well as that of civil society and the media. The series of security laws, including the Official Secrets Act, that compromise the rights of citizens and legislation that cripples the freedom of the press should be reviewed and revoked or amended as appropriate. Legislation should also enable the development of a strong civil society and free media which are vital for the functioning and consolidation of democracy in the country.

CONSOLIDATING DEMOCRATIC GOVERNANCE

Many systems exist for the exercise of state power — democracy, authoritarianism, communism and monarchies. But only democratic systems believe that sovereignty resides in the people. The public in Malaysia has affirmed its preference for a democratic system. The holding of periodic elections, and especially the outcome of GE 14, demonstrates the power of democracy in the country. Notwithstanding this, democracy in Malaysia has been subject to considerable abuse at both the individual and institutional levels and it must be rejuvenated. Abusive individuals can be removed from office and the institutional reforms discussed above can help rejuvenate democracy. In this section, I am more concerned about preventing future abuses.

Most of the abuses before GE 14 were committed by the incumbent government in the lead-up to this election. To prevent that, it is important to set an election date (once every four or five years) and hand state power to a non-political entity three to six months beforehand. That will help level the playing field and minimize opportunities for abuse by the incumbent government. The choice of the non-political entity to run the government before a general election is crucial. Although the Election Commission was supposed to be non-political, its leadership became partisan, and a party to the abuses. Regular changes in government and cultivation of non-political persons will help alleviate this problem.

Delineation of constituencies is necessary but must be done well ahead of the election (at least 12 to 18 months) and procedures developed for real parliamentary oversight. To the deeper problem of how to delineate all constituencies, greater weight must be given to one man one vote and less weight to geographical considerations. This must be addressed by a special committee.

Democratic governance requires healthy competition. If a Pakatan Harapan government dominates politics for more than a decade, it could become another Barisan Nasional. The voting public must have alternatives. To that end, the Barisan Nasional must be reformed and/or space provided for the growth of an alternative party.

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