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Political Reforms in Malaysia: Winds of Change or Hot Air?

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Since Malaysia Day last September, the administration of Prime Minister Najib Tun Razak has undertaken a whirlwind of legislative and policy reforms—making Najib arguably the most reformist Malaysian prime minister ever. Political pundits remark that the rushed reforms which were undertaken without consultation with key stakeholders are a sign that a general election is imminent, perhaps to be held in less than two months. Over the course of the last six months there have been a record number of legislative reforms including: repeal of the infamous Internal Security Act; amendments to the University and University Colleges Act and the Printing Presses and Publications Act; announcement of a minimum wage policy as well as the passing of the Security Offenses Bill and Peaceful Assembly Act.

Justina Chen, Research and Policy Analyst at the Centre for Public Policy Studies (CPPS), Malaysia, explains that “The manner in which the 13th general election is conducted will set the stage for Malaysia’s democratic future. This will be the final test for the Najib administration’s sincerity in providing true reforms for Malaysia and leading the country into a more democratic future.”

Despite the current air of optimism, the sincerity of the government to effectively implement lasting reform has repeatedly been called into question. Government critics cite the lack of consultation and the short time frame within which legislative reform has taken place as evidence that the reforms are merely political ploys designed solely to gain traction with voters. Whatever the agenda, the many legislative and policy revisions have only occurred at the surface level, yet to be backed up by structural changes reinforced by increased transparency, scrutiny and other monitoring mechanisms. The second and most important component of political reform will involve reorganization of Malaysia’s enforcement agencies and institutions, namely the police, judiciary and bureaucracy. If this second stage fails to launch, political reforms will remain only as idle rhetoric.

The government’s conduct at the recent Bersih 3.0 rally for free and fair elections indicates that this second stage of reform is far from completion. Although the Peaceful Assembly Act came into force just days prior to the rally, there was little adherence to its provisions. Prior to the rally, police rejected organizers’ notification of the peaceful sit-in. Subsequently, the police obtained a court order to prevent the rally from taking place. This ruling was blatantly in breach of section 14 of the newly enacted Peaceful Assembly Act, which declares that police can only impose conditions but not ban a planned peaceful public assembly from taking place. The police could have imposed restrictions or conditions pertaining to, among others, the date, time and duration of assembly; the place of assembly; or the manner of the assembly. Failure to comply with such restrictions is recognized as an offense under the act, punishable with a fine up to RM10,000 (US\$3,200).

In the absence of the police imposing lawful conditions upon public demonstrations, any public assembly can proceed as planned. Instead of utilizing the new law, police employed heavy-handed measures including the unrestricted use of tear-gas, unlawfully destroying video-recording devices, and in some cases the unwarranted use of excessive violence against individual demonstrators.

Malaysia's Prospects for Realistic Political Reform

“Whether the slew of recent reforms is due to a genuine concern for Malaysia’s democratic future or from fear of losing the forthcoming election, it is clear that the public pressure exerted by ordinary Malaysians is slowly changing the political landscape of Malaysia.”

One hope for a viable sustainable democracy in Malaysia will involve a systemic overhaul of government institutions resulting in greater transparency and accountability. The prospects of this happening under the current Najib administration are questionable due to the deep-rooted culture of corruption and rent-seeking in the upper echelons of government. The recent National Feedlot Corporation (NFC) scandal sheds light on a 2007 government allocation of RM250 million (approximately US\$80 million) for a cattle rearing project which lost millions of ringgit every year. Beyond the monetary wastage, the scandal became yet another symbol of the nepotism that runs rife in the tender for government projects—the NFC was chaired by Dr. Mohamed Salleh, the husband of Women, Family and Community Development Minister Datuk Seri Shahrizat Abdul Jalil. Common practices such as awarding government contracts without open tenders, limited access to information and a close connection between businesses and politics have only further developed an ethos of corruption. The sad truth is that key institutions, big corporations and the civil service are all embedded with supporters of the ruling government, whose interests are too deeply entrenched to allow for reform from the inside-out.

It has also been an uphill battle for the Pakatan Rakyat opposition party to gain a foothold on the political scene. Despite the “political tsunami” in the 2008 general elections which saw, for the first time, the demise of the ruling Barisan Nasional’s two-third majority in parliament, politics in Malaysia are stunted by ethnic and religious divisions—evidenced by the lack of a clear manifesto of any political party. In the absence of a robust two-party system, democracy is doomed to be a pipe dream.

However, this pessimism need not set the tone for Malaysia’s democratic future. There are signs of an emergent political maturity evidenced by inaugural debates between members of opposing political parties. A widely televised political debate on the issues faced by Malaysian Chinese was held in February between the president of the Malaysian Chinese Association (MCA)—the main Chinese party in the ruling Barisan Nasional coalition—and the secretary-general of the opposition Democratic Action Party (DAP). While state-controlled media remain hesitant to report the true sentiments of a large proportion of the electorate, the Internet has had no such qualms. Alternative news sites such as *Malaysiakini* and the *Malaysian Insider* have done much to equalize the flow of information. There has also been an awakening from political apathy, predominantly among younger, urban voters. This new generation of voters, increasingly disillusioned with economic and social disparities caused by government policies, is expressing its concern via the aforementioned alternative news and political blogs. It was this demographic that turned out in full force during the Bersih 3.0 rally. In the past, Malaysians have been characteristically reticent about their political views. The more than 100,000 strong crowd at the rally suggests that this reticence is falling away.

Malaysia’s 13th General Election

The manner in which the 13th general election is conducted will set the stage for Malaysia’s democratic future. This will be the final test for the Najib administration’s sincerity in providing true reforms for Malaysia and leading the country into a more democratic future. Many Malaysians fear that the next election will be the dirtiest yet, with the ruling government using all possible tricks and manipulation at its disposal to gain a favorable outcome including the use of “phantom” votes and blatant gerrymandering. These fears will prove unfounded if the government ensures that the elections are conducted fairly by ensuring electoral transparency, inviting international observers to monitor the polling and results, and by scrubbing the electoral roll of nonexistent voters. Whether the slew of recent reforms is due to a genuine concern for Malaysia’s democratic future or from fear of losing the forthcoming election, it is clear that the public pressure exerted by ordinary Malaysians is slowly changing the political landscape of Malaysia.

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