

## **Press Release from Bersih**

**7 September 2023**

### **End the incessant politicking, Take up the Call to Negotiate a New Memorandum of Understanding**

The Coalition for Clean and Fair Elections (BERSIH) welcomes the clarion call by the editorial of Berita Harian, New Straits Times, and Harian Metro to immediately put an end to incessant politicking by urging the component parties of the Unity Government and the Opposition to come together to negotiate and sign a new memorandum of understanding (MOU).

BERSIH is of the view that a new MOU can help ameliorate recent extremist rhetoric and tone down the level of unhealthy polemics, and allow full focus on the recovery of the country.

A new MOU can help create political stability as seen in the case of the Memorandum of Understanding for Political Transformation and Stability (MOU) signed by the Ismail Sabri Government and Pakatan Harapan in September 2021, which enabled 13 months of political stability. The MOU resulted in the passing of anti-hopping law (AHL) and some measures of parliamentary reform.

BERSIH urges Dato Seri Anwar Ibrahim and Parliamentary Opposition Leader Dato' Seri Hamzah Zainudin to make their commitment to negotiate for a peace deal.

To build trust and facilitate the process, the Unity Government and the official Opposition can consider seeking the national service of the leadership of Parliament, namely President of the Senate Tan Sri Wan Junaidi Tuanku Jaafar which oversaw the implementation of major reforms including the AHL under the MOU, and the Speaker of the House of Representatives Tan Sri Johari Abdul.

Parliament can and must play a main role for a sustainable political peace till end of 2027 that would require empowerment of Opposition MPs and Government Backbenchers (collectively known as 'private members') in exchange for the Opposition's promise to not plot for the Government's collapse. BERSIH proposes that the peace deal should incorporate the 10 following political arrangements and institutional reforms:

(1) Reform of the Attorney-General Chambers (AGC) and Malaysian Anti-Corruption Commission (MACC) to remove the political control of Prime Minister. An independent office of the Public Prosecutor should be created separately from AG whose main function should be the Government's legal counsel. The MACC's Chief should be appointed through a multipartisan parliamentary select committee to ensure its independence and impartiality.

(2) Reform the EC to become more independent and make the appointment of EC commissioners accountable to Parliament to increase public trust in fair elections and constituency delineation.

(3) A Fixed Term Parliament Act (FTPA) for the 15th Parliament to go full term until 18 December 2027 and for the Election Commission (EC) to pre-announce the default election dates. Request for an early dissolution can only be presented to the Yang di-Pertuan Agong by Prime Minister in only two conditions: (a) the government having lost its majority; (b) a resolution supporting this passed by a two-third majority in the House of Representatives. Without affecting the royal discretion power to withhold assent to early dissolution, this can bring about greater political stability and predictability to build confidence of the public and the market.

(4) Codification of provisions and processes for Parliament's confidence mechanism which

includes the Confirmatory Vote of Confidence (CVC) after the appointment of a new PM and the Constructive Vote of No-Confidence (CVNC) in the removal of a PM. These confidence mechanisms would evoke confidence and yet ensure stability for small majority or minority governments and preserving the constitutional role of the head of state.

(5) Amendments to the Standing Orders of both Houses to empower private members and guarantee effective parliamentary oversight by setting up more Special and Permanent Select Committees and providing for Non-Governmental Business Time when Parliament sits.

(6) Re-introduction of the Parliamentary Services Act to make Parliament more independent. The Parliament should have its own budget to fund its own staff, research department, select and special committees, and even the service centres of its members. This is one of the unfulfilled reform under the Ismail Sabri-PH MOU.

(7) Recognition of the Opposition's Shadow Cabinet with adequate allocation to shadow Ministers and commensurate access to information so that they can function effectively as a constructive opposition and government-in-waiting.

(8) An Equitable Constituency Development Funding (CDF) Act to ensure equal treatment for all Members of Parliament regardless of party affiliations. Similar laws should be introduced at the 13 state legislatures.

(9) A Political Financing Act with public funding for political parties to curb money politics and corruption, and to meet the need of parties to fund legitimate operational cost and activities.

(10) Strengthening of the Senate to function as the guardian of state rights with elected members and a one-third veto power for Sarawak, Sabah and Labuan.

BERSIH hopes that both the Unity Government and Perikatan Nasional will join us to welcome the positive calls from BH, NST and Harian Metro to end the political polemics and focus on solving the problems of the people and the country.

Released by:  
The Steering Committee of BERSIH