

Press Release (16 July 2023):

Ensure Political Stability, Ink an Inter-Party Peace Deal After State Elections

The Coalition for Clean and Fair Elections (BERSIH) calls on the Unity Government of Prime Minister Dato' Seri Anwar Ibrahim and the official opposition, Perikatan Nasional (PN), to sign an inter-coalition peace deal to ensure political stability as soon as the 12 August six state elections are over, regardless of the election outcomes.

BERSIH says, it is time for another inter-party agreement like 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 post state elections. This can assure not just voters of the six states, but also the general public, domestic and foreign investors alike, that Malaysia can focus on economic rejuvenation by crushing continuous rumours of midterm change of government that undermines political stability and market confidence.

On trust-building and groundwork, 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.

A respect for the outcomes of election and government formation must go hand and hand with a level playing field that allows the Opposition to compete constructively and professionally. Only then, the Government and Opposition can compete on policy and governance, and not harping on identity politics such as race, religion and royalty (3Rs).

BERSIH is pleased to see a cross-party convergence of four political leaders, including Tan Sri Wan Junaidi Tuanku Jaafar, Institutional Reforms and Law Minister Datuk Seri Azalina Othman Said (BN-UMNO), Transport Minister YB Anthony Loke (PH-DAP) and Shadow Education and Higher Education Minister Datuk Seri Saifuddin Abdullah (PN-Bersatu) on such a peace deal and several institutional reforms in the forum "Political Stability in a Hung Parliament" on 11 July 2023 at Sunway University, which was aired on Astro Awani on 13 July 2023 night.

BERSIH proposes that the peace deal should incorporate the 10 following political arrangements and institutional reforms:

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) 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.

(10) Reform of the Election Commission (EC) so that it would be independent, impartial, empowered and answerable to Parliament in ensuring free, fair and representative elections.

BERSIH hopes that both the Unity Government and PN would welcome this call positively in part to overcome political fatigue and apathy that are found among many voters and likely result in a dangerously low turnout in the state elections.

Released by BERSIH Steering Committee

