

## **Joint Press statement by BERSIH 2.0 and Other CSOs**

**Date : 16 August 2021**

### **New Government Must Pursue Stability Through Multipartisan Governance and Institutional Reforms**

As Tan Sri Muhyiddin Yassin has stepped down as Prime Minister, The Coalition for Clean and Fair Elections (BERSIH 2.0), and the undersigned organisations urge the contenders to fill his vacancy to pursue political stability by offering multi-partisan governance and institutional reforms.

The endless political machination due to winner-takes-all politics in a de facto hung parliament for the past one and a half year must now end to enable a more effective governance of health and economy.

The new Prime Minister must quickly convene a special meeting and table a motion of confidence in himself to prove his majority.

To fulfill the demand of Article 43(2)(a) of the Federal Constitution "to command the confidence of the majority of the [House of Representatives]", the Prime Minister-designate may form a coalition government or a minority government with unambiguous support from enough Opposition MPs on Confidence and Supply Agreements (CSAs).

However, to ensure broad-based support for government policies, even if the new government has a simple majority on its own, it should reach out to the official Opposition and other opposition parties to negotiate conditional support on CSAs.

In formulating a cross-party agreement committing as many parties and MPs as possible, the 7-point reform package made by Tan Sri Muhyiddin Yassin on August 13 can serve as a good reference but be expanded to cover more aspects of institutional reforms.

We propose for the following 10 points to be considered in a "Cross-party Political Stability Pact" to be covered by the various CSAs between the new Government and the opposition parties (detailed in Appendix):

1. A tripartite Federal-State Council (FSC) on Health and Economy consisting of equal numbers of members from Federal Government, Federal Opposition and the 13 State Governments, assisted by state officials and experts to coordinate key decisions on pandemic and economy.
2. Term limit for Prime Minister.

3. A Cabinet Manual that supplements the Federal Constitution to codify constitutional conventions and governmental operations including government formation, caretaker government and Parliamentary Opposition Leader and shadow cabinet.
4. Parliamentary reform that includes prioritization of no-confidence motion, reduction of Prime Minister's and Speaker's agenda setting powers, extensive and inclusive Parliamentary Special Select Committees (PSSCs), pre-tabling consultation on bills and budgets and enactment of Parliamentary Service Act, and equitable Constituency Development Fund (CDF).
5. Reform of Attorney-General Chambers (AGC), Malaysian Anti-Corruption Commission (MACC) and Inland Revenue Board (IRB) to end selective prosecution and conflict of interest.
6. Advancing voters' supremacy through immediate implementation of UNDI18, Automatic Voter Registration, expansion of absentee voting facilities especially to out-of-region voters, and radio and TV campaigning available to all political parties and contestants.
7. Enactment of a Political Financing Act which includes for public financing of political parties.
8. Transfer of power in registering and regulating political parties from the Registrar of Societies to the Election Commission, which in turn should be made accountable to a PSSC.
9. Ground works for these medium-term reforms:
  - a. A Recall of Member of Parliament Act for all parliamentarians elected under the First-Past-The-Post system;
  - b. Introduction of Closed List Proportional Representation (CLPR) parliamentary seats with anti-hopping clause and gender quota; and,
  - c. The re-organisation of the Election Commission, including the creation of a Boundary Commission, to enhance its impartiality and professionalism.
10. A "Fixed Term Parliament Act" which specifies a proposed dissolution date of the 15<sup>th</sup> Parliament, which may be altered only with a two-third majority.

The 10-point Cross-party Political Stability Pact can be a feature in the upcoming Royal Address to bring Malaysians of different partisan, ethnic, religious and regional backgrounds together to save lives and livelihood.

We urge all contenders for the office of Prime Minister to commit to offer a vision of multi-partisan governance for all Malaysians, and not just horse-trading over numbers and positions. A short-



**BERSIH & ADIL NETWORK SDN. BHD.**

FORMERLY KNOWN AS FOXLEAP POWER SDN. BHD. (201401017896)

A-2-8, Block A, Pusat Perniagaan 8 Avenue,  
Jalan Sungai Jernih 8/1, 46050 Petaling Jaya, Malaysia.

Tel: +603-76280371

Fax: +603-76280372

info@bersih.org | www.bersih.org

---

sighted and self-serving government that perpetuates political stability would be ruthlessly punished by voters in the next election.

**Statement issued by :**

**The Steering Committee of BERSIH 2.0**

**Endorsed by:**

1. Angkatan Belia Islam Malaysia (ABIM)
2. Gabungan Bertindak Malaysia (GBM)
3. The Kuala Lumpur and Selangor Chinese Assembly Hall (KLSCAH)

## **Appendix:**

### **The "10-point Cross-party Political Stability Pact" in detail**

1. A tripartite Federal-State Council (FSC) on Health and Economy consisting of equal numbers of members from Federal Government, Federal Opposition and the 13 State Governments, assisted by top bureaucrats, military chief, police chiefs and experts from academia and civil society, should be set up to coordinate key decisions on pandemic and economy, similar to how the National Security Council (NSC) functions under the Emergency.

The involvement of the federal Opposition bench and state governments are necessary to broaden the political base of decision-making, both to avoid policy blind spots and ensure cross-party sharing of political responsibility. The raging pandemic would require at time politically unpopular policy decisions that cannot be undertaken by a weak government with a bare majority.

The FSC can be an experiment to greater shared rule by the Federal and State Governments, paving way for a managed decentralisation process for Sabah, Sarawak and the Peninsular States.

2. Article 43 of the Federal Constitution should be amended to introduce a term limit to the Prime Minister. This will promote political stability and reduce machination by providing a broader and faster career path for aspirants of the top job.
3. A Cabinet Manual, a common feature in many Commonwealth countries, that supplements the Federal Constitution that codify constitutional conventions and governmental operation should be produced through cross-party consultation. To avoid constitutional crises and to build cross-party trust, the Cabinet Manual should cover:
  - a. post-election and mid-term government formation;
  - b. Cabinet's advice for the Yang di-Pertuan Agong;
  - c. Functions and powers of any caretaker government; and,
  - d. Powers and access to government information accorded to the Parliamentary Opposition Leader and shadow ministers.
4. The Parliament should be empowered to function as the arena where Government and the Opposition both compete and collaborate on policies, and where Government Backbenchers and Opposition MPs provide effective legislative oversights on Government Frontbenchers (Ministers and Deputy Ministers). The reform should cover the following:
  - a. Motions of confidence/no-confidences endorsed by 10% of MPs must take precedence over Government business at any point of time;

- b. The unchecked agenda-setting power currently held by the Prime Minister and Speaker must be transferred to the House Committee, in which all parties should be proportionally represented;
  - c. The Speaker must be an elected MP who must relinquish or suspend his/her party affiliation upon election to the office, so that voters may reward or punish him/her for his conduct should he/she seek re-election in the next election;
  - d. Parliamentary Special Select Committees (PSSCs) with adequate resources must be set up to ensure that every ministry would be scrutinized by a PSSC and every private MP (Government backbencher or Opposition MP) can sit on at least one PSSC;
  - e. Bills and budgets must be scrutinised by the PSSCs before being tabled in the House for passing;
  - f. An Constituency Development Fund Act should be enacted to ensure regular and equitable funding to all MPs, not subject to the Executive's discretion;
  - g. Private MPs must be given real opportunity to table private member's bills through mechanisms like balloting and the Ten Minute Rule in the UK's House of Common; and,
  - h. The long ready Parliamentary Service Bill must be tabled and passed.
5. Attorney-General Chambers (AGC), Malaysian Anti-Corruption Commission (MACC) and Inland Revenue Board (IRB) must be reformed to end selective prosecution and conflict of interest.

The multiple functions of Attorney-General Chambers (AGC) should be thoroughly reformed such that

- a. Attorney-General (AG)'s primary function would be to provide legal counsel to the Federal Government, and the role may be assumed by a Cabinet Minister or MP;
- b. A Public Prosecution Office independent from government's control would be set up to end selective prosecution and impunity;
- c. Judges of lower court would be placed under the Judiciary to avoid institutional conflicts of interest;
- d. Law-drafting services would be placed under the Parliament; and,
- e. The States are given more autonomy to appoint their State Legal Advisor, who may be a member of Executive Council (Exco) or a state assemblyperson.

Malaysian Anti-Corruption Commission (MACC) must be made accountable to the Parliament while Inland Revenue Board (IRB) must be reformed to eliminate room for political witch-hunt on Opposition politicians and supporters.

6. Voters' supremacy must be advanced to ensure their right to vote and be informed through

- a. immediate implementation of UNDI18;
  - b. Automatic Voters Registration, the progress of which must be expedited, transparent and accountable;
  - c. Expansion of absentee voting facilities, including remote voting for out-of-region voters (majority of whom are Sabahans and Sarawakians who have to study and work out of their region due to imbalanced development), and postal votes for Malaysians in Singapore, Brunei, Kalimantan and Southern Thailand.
  - d. Advanced voting and/or longer voting period for ordinary voters to ensure social distancing; and
  - e. radio and TV campaigning available to all political parties and contestants, so that voters may be adequately informed despite restrictions on rallies (ceramah) and door-to-door canvassing during pandemic.
7. The long ready Political Financing Bill should be tabled and passed, with public financing of political parties.
  8. The Societies Act and the Election Act should be amended to transfer registration and regulation of political parties from the Registrar of Societies to the Election Commission, which in turn should be made accountable to a PSSC;
  9. Ground works must be commenced for these medium-term reforms:
    - a. A Recall of Member Parliament Act for all parliamentarians elected under the First-Past-The-Post system;
    - b. Introduction of Closed List Proportional Representation (CLPR) parliamentary seats with anti-hopping clause and gender quota; and,
    - c. The re-organisation of the Election Commission, including the creation of a Boundary Commission, to enhance its impartiality and professionalism.
  10. A "Fixed Term Parliament Act" which specifies the proposed dissolution date of the 14<sup>th</sup> Parliament, which may be altered only with a two-third majority, so that the Government and Parliament can focus on governance on the pandemic and economy while all parties can plan ahead for their contest.