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Changing Federal-State Relations

Malaysia's Third Vote: Bringing Back Local Council Elections?

By Prashant Waikar

SYNOPSIS

Members of Pakatan Harapan (PH) have called on the new government to reinstitute local council elections in order to increase transparency, accountability, and democratisation. While local council elections may strengthen federalism, there are many challenges that the government must reckon with too.

COMMENTARY

IN THE lead-up to the 14th general election (GE14), the Pakatan Harapan (PH) coalition promised to “strengthen the role and powers of the local authorities”. This refers to Malaysia’s third layer of governance – beneath the federal and the state – which concerns the administration of local councils. Just as multiple state constituencies are carved out of a parliamentary constituency, local council zones are a subset of state constituencies.

One objective of institutionalising multiple layers of governance is to efficiently divide the duties of administration between members of parliament (MPs), members of legislative assemblies (MLAs), and local councillors. Whereas MPs and MLAs are elected to legislate, local councillors address the day-to-day management of municipalities. Local council elections, popularly referred to as the ‘third vote’, were last held in 1963.

Appointed Councillors: Problems of Patronage?

The then-Alliance Government suspended local government elections, citing the threat Indonesia’s *konfrontasi* (confrontation) posed to Malaysia, before abolishing

them in 1976. Local councillors have since been appointed positions. Since winning GE14, civil society groups such as Bersih and many members of PH – especially those with the Democratic Action Party (DAP) – have called on the government to re-institute local government elections.

Though it received significant media airtime towards the end of 2018, Prime Minister Mahathir Mohamad announced in December 2018 that he would not revive local council elections. He explained that local council elections could result in racial strife because of the uneven distribution of different racial groups across the country. His apprehension notwithstanding, are there any arguments in support of reinstating local elections?

Given that local councillors have, for the last half-a-century, been political appointees, it is accepted that many were given the positions because of their relationship with their corresponding elected representatives or what they had done to help these representatives. PH members have privately said that it is not uncommon for local council appointments to have been made on the basis of patronage, with considerations such as an individual's ability to mobilise grassroots support, his business connections, etc. As a result, competency in administration is often a secondary factor.

Beyond the risks of mismanagement, corruption, and conflicts of interest, an appointed system also diminishes political accountability. A councillor faces no electoral risk for failing to adequately administer his zone. Institutionalising an elected system allows voters to hold their local councillors accountable. It could also undermine the patron-client relationship between the state government and local councillors.

Recalibrating Malaysia's Political System?

State governments also appoint local councillors in constituencies held by opposition MLAs. A state government intent on winning an opposition seat may be tempted to use local councillors to engage in disruptive politics – deliberately slowing down the administration of zones in that constituency, for instance – to put pressure on the opposition. The day-to-day running of the constituency falls outside the purview of the MLA.

However, political education in the country is relatively low. Many voters end up blaming their elected representative for apparent inadequacies that may not be his doing. Given the above, those calling for the restoration of local elections believe it would force a re-calibration of Malaysia's political system, which should in turn increase the level of political education.

Over time, voters will understand the division of duties between MPs, MLAs, and local councillors, and thus know who among them ought to be accountable for different administrative issues.

Challenges to Reinstating the 'Third Vote'

That said, many PH members who support local council elections also recognise that steps must be taken to increase the level of political education first. This will not

happen overnight. Minister for Housing and Local Government, Zuraida Kamaruddin, previously stated that the government may consider introducing local council elections in phases – beginning in 2021. However, some PH members have privately said that the process could take anywhere between five to 10 years.

Another PH member stated that bringing back local council elections should not be a priority as much still needed to be done to enable macro-economic development and address bread-and-butter issues. In addition, the boundaries of local council zones will also need to be studied in detail. While each zone should ideally fall within a single state constituency, there are many which spill over into adjacent constituencies.

This could complicate the administration of such zones. There is also an issue of funding – elections cost money. Who will fund these elections? Moreover, would having many local elections mean a country constantly in election mode, and thus in a persistently politicised state? If so, a useful work around would be to coincide local council elections with the general elections.

Finally, the extent to which Mahathir's cautionary tale on the dangers local council elections could have for race relations would be worth assessing too. Urban seats are predominantly viewed to be Chinese dominant. Though there is some truth to this, many now have significant, if not majority Malay populations. In a public statement, DAP MP and deputy minister Ong Kian Ming cited these population shifts to dismiss the notion that Malays would not receive adequate representation in the local councils should there be an election.

Alternative: Proportional Representation System?

Still, debate on this subject is unlikely to move forward in the near future especially following Mahathir's remarks. Given the myriad of issues facing the PH government, the subject of local elections will likely remain at the peripheral for the moment and the coalition will find it hard to gain consensus on this.

That said, perhaps a way forward would be for those in favour of local council elections to study and propose the possibility of implementing alternatives akin to a proportional representation system. Not only would this mean that candidates from racial and non-racial parties are represented per the share of the vote they receive, it should ideally ensure that no racial group gets sidelined.

This may prove to be a measured option to managing race relations that simultaneously allows the PH government to pursue its reform agenda.

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