

Competition In Institutional Reform Is Good But Confidence Vote Must Happen In August

The Coalition for Clean and Fair Elections (Bersih 2.0) considers PM Tan Sri Muhyiddin Yassin's offer of a range of important institutional reforms in exchange for support from the Opposition in an upcoming Vote of Confidence (VoC) in the Dewan Rakyat, a step in the right direction for political stability and parliamentary democracy in our country. But such Confidence and Supply Agreements (CSA) for a minority government to remain as a functioning government should not only come from Muhyiddin but also from other aspirants to the office of the Prime Minister and the next Government, and we call on them to compete on these reforms in order to form a stable government that addresses the many flaws in our political system at the same time.

Meanwhile, Muhyiddin's admitted loss of majority in the House necessitates him to prove his resurrected majority in the Parliament on a motion of confidence, if he does not resign or seek dissolution immediately in accordance with Article 43(4) of the Federal Constitution (FC).

Our full position is as below:

1. Muhyiddin cannot hold on to power till after the Royal Address in September. Royal Address

represents not the personal opinion of Yang di-Pertuan Agong but the Government's governance plan. While Tan Sri Muhyiddin Yassin has the right to prove his majority in the Parliament, this does not allow him to delay it as long as it suits him. If he is defeated, the new government must be given time to prepare its own Royal Address. Yang di-Pertuan Agong must not be asked to read two Royal Addresses within weeks, tarnishing this important procedure in parliamentary democracy. His insistence on having the motion table on September 7 after the Royal Address is irresponsible.

2. We strongly encourage the opposition camp now consisting of potentially up to 120 anti-Muhyiddin parliamentarians to match the competition put up by the PN government by quickly presenting a positive majority of 111 or more with a stronger package of reform that affirms multi-partisan governance. Such mechanism to prove that the Opposition has the majority before they can remove an incumbent is termed "Constructive Vote of No Confidence" (CVNC). It deserves to be considered in order to avoid public apprehension of ministerial vacuum – as what happened between the collapse of Pakatan Harapan (PH) Government on 24 February 2020 and the formation of Perikatan Nasional (PN) Cabinet on 8 March 2020.

3. The reform package offers by Muhyiddin is far from comprehensive or flawless. We strongly urge both the PN Government and the Opposition camp led by PH and UMNO to offer these in their package of reform and stability:

a. Inclusive policymaking on pandemic-related issues via a Federal-State Council on Health and Economy co-chaired by Prime Minister and Parliamentary, consisting of senior ministers, senior opposition MPs, all 13 Menteri Besar and Chief Ministers and technocrats/experts.

b. A cabinet manual that defines clearly constitutional conventions and other administrative rules on important matters, including government formation, caretaker governments, prerogatives of the Parliamentary Opposition Leader and his/her shadow ministers;

c. Wider parliamentary reform beyond setting up of more Parliamentary Special Select Committees (PSSCs) and equal allocation of committee chairpersonships, which must cover the Prime Minister's and Speaker's agenda-setting power, priority for motions of confidence and no-confidence, Parliamentary Service Act, and private member's bills.

d. Reform of the Attorney-General's Chambers (AGC), Malaysian Anti-Corruption Commission (MACC) and the Inland Revenue Board (IRB) to eliminate selective prosecution and impunity;

e. Widely available opportunities for absentee voting and broadcast campaigning to minimize the health hazard of elections during the pandemic;

f. Reform of the electoral system and institutions governing elections and political parties, covering Election Commission (EC), Registrar of Society (ROS), the introduction of Party-List Proportional Representation seats with gender quota, and recall elections.

4. To underline its commitment for reform and reverse the public's trust deficit, the Perikatan Nasional Government must immediately

a. have the Dewan Rakyat's Standing Orders amended to prioritize future motions of confidence/no-confidence, before the Confidence Vote on the special sitting;

b. implement Undi18 by simply gazetting the next working day as the date the constitutional amendment comes in force; and

c. end all arrests, prosecution, and harassment of government critics and facilitate the #Lawan peaceful assembly on August 21.

Voter Supremacy!

Long Live Democracy!

Statement issued by:

The Steering Committee of BERSIH 2.0