

The Coalition for Clean and Fair Elections (Bersih 2.0) calls on all political parties, elected state assembly persons and the public to accept the outcome of the recently concluded Sabah State Assembly Election as the basis of a healthy and mature multiparty democracy, where both the government and opposition get to play their meaningful roles respectively to materialise the voters' aspirations.

The pre-election formation of coalitions and alliances should be respected as many voters would have voted according to these alignments. As such, the Gabungan Rakyat Sabah (GRS), though it is a loose and unregistered coalition, that comprises of Perikatan Nasional, PN, (17 seats), Barisan Nasional, BN (14 seats) and Parti Bersatu Sabah, PBS (7 seats), should be allowed to try and form the new government and govern for the next 5 years.

We refer to the report that Sabah PN chief Hajiji Noor has been chosen unanimously by GRS as chief minister candidate ( <https://www.freemalaysiatoday.com/category/nation/2020/09/28/grs-picks-hajiji-as-cm-candidate/> ), hence, the swearing-in of the new Chief Minister at 10.30am tomorrow at Istana Negeri as announced and formation of the new state government should proceed without delay.

In the event that the GRS's consensus on the CM candidate collapses unexpectedly, then the party that obtained the highest number of seats, in this case, Warisan with 29 seats (including DAP's 6 who competed under their banner), should be given the opportunity to try and form the government through negotiations with other parties. If a majority government is unattainable, then a minority government with support from other parties in opposition with a "confidence and supply" agreement should also be considered.

For parliamentary democracy to function with proper check and balance, and for voters to have alternatives, any proposal to form a unity government where all parties are represented in government must be rejected. If Parti Warisan Sabah and its allies should play the role of opposition, then it should be an effective watchdog of the GRS government by shadowing the government through offers of alternative views and policy positions, exposing misdeeds and abuses, and preparing themselves to be the next government. Such a posture would serve the people of Sabah better than the constant scheming to bring down the government midterm.

Bersih 2.0 reiterates our call to whoever succeed in forming the government, that it is incumbent for them to restore political stability by implementing a "stability package", which gives the opposition the room, responsibility and incentives to compete professionally with the government instead of endlessly plotting the government's downfall with defection of elected representatives. While reforms like creating a separate Public Prosecutor's Office independent from the Attorney-General's Chambers or changing the electoral system can only be initiated by the Federal Government, others are within the purview of state governments. (1) (2)

Whoever the Chief Minister would be and whichever parties would form the next Sabah Government, we call upon them to swiftly introduce these four reforms:

- a. Recall election, so that voters can trigger a special election to sack elected representatives who change party or coalition affiliation against the voters' will, or betray their mandate in other ways;

- b. Legislative reform, so that both opposition assemblypersons as well as government backbenchers can play meaningful roles in scrutinising the government and shaping policies and laws;
- c. Equal funding for elected assemblypersons, which would be administered by Pemimpin Pembangunan Masyarakat (PPM) nominated by them, regardless of party affiliation and ranking in government. Opposition representatives must not be institutionally handicapped in serving the needs of their constituents.
- d. Funding for all parties based on vote share at the last election, so that parties can be financially viable without abusing public resources or becoming beholden to private funders.

Having acknowledged the legitimacy of the state election, Bersih 2.0 is cognizant of structural flaws in the electoral system and delineation of constituencies, which together with the slack enforcement of electoral laws and shortcomings in the conduct of election played a role in the outcome of the election.

Despite the fact that the Warisan Plus coalition won more votes (317,991) than GRS (316,112), it trails in assembly seats (32) behind GRS (38). This is the outcome of both the malapportionment and gerrymandering of constituencies in favour of GRS parties and the

First-Past-The-Post (FPTP) electoral system itself which inherently distorts representation. In the 2016-7 redelimitation exercises, 13 under-populated constituencies were carved out and GRS won 8 of them. In a proportional electoral system, Warisan Plus would have won a majority of seats and form the government.

If FPTP had served Malaya/Malaysia well in the past, the disproportional outcome in this Sabah state election, the incessant schemes of party-hopping and the emergence of post-election coalitions as a new normal all point to the opposite. Parties and politicians must seriously study the benefits and costs of retaining FPTP and not just complain about it when they fall prey to the system.

The lack of enforcement for violations of election laws also saw the proliferation of money politics and unfair tactics against opponents. Bersih 2.0 was part of the team of election observers (Pemerhati) appointed by the Election Commission (EC) during the Sabah Election and we coordinated with other NGOs to monitor 26 hotly contested seats. From our preliminary observation, the EC conducted the Sabah State Election commendably, especially given the fact that it was a snap election conducted under the shadow of the COVID-19 pandemic. We will be presenting our report which would detail some of the successes and shortcomings of the election process within the next two weeks.

Once again, Bersih 2.0 urges all parties and individuals to respect the choice of Sabahans and allow the GRS coalition the first option to form the next Sabah state government.

**Statement issued by:**

**The Steering Committee of Bersih 2.0**

(1) <http://www.bersih.org/party-hoppings-wont-end-with-sabah-snap-election/>

(2) <http://www.bersih.org/press-release-from-bersih-2-0-25th-september-2020-whomever-the-pm-is/>

**BERSIH 2.0 Secretariat**

A-2-8, 8 Avenue Business Centre, Jalan Sungai Jernih 8/1, 46050 Petaling Jaya, Selangor, Malaysia. Tel. No. : +603-79314444

Fax No. : +603-79314111

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