

Of politics, democracy and the Royalty

Sultan Nazrin Muizzuddin Shah

Elections provide the space for the people to elect their government. A government coalition of the people's choosing and which is responsible to the people represents the main pillar of democracy. It is the common understanding that a government chosen by the people will strive to fulfil its trust, manage public resources and utilise the nation's wealth by giving priority to the interests and well-being of the people.

Two Straits Settlements — Malacca and Penang — pioneered the introduction of elections in this region, through the local government elections held in Malacca town and George Town from Dec 5 to 20, 1857. [The British High Commissioner in Malaya Sir] Henry Gurney had mooted the introduction of elections as a means of choosing a government with two main goals in mind:

- First: as a step towards preparing Malaya to be self-governing; and
- Second: fulfil the desire of the people for democracy, and at the same time, prevent the Malayan Communist Party from swaying the people's support towards their cause.

Gurney's aspirations were checked as the Malay Rulers at the time gave priority to the effort to end the Emergency. During the 10th Conference of Rulers on Feb 22 and 23, 1950, the Sultan of Kedah opined that the people must be adequately educated before elections were introduced so that civil unrest would not erupt.

The Sultan also observed that without adequate education and a proper understanding of democracy, it could be manipulated by those with vested interests and may end with power in the hands of a dictatorial government.

Although plans to call for an election were postponed temporarily, on July 27, 1955, an Election for the Legislative Council of the Federation of Malaya was held to appoint 52 members.

The Federation of Malaya was born as an independent and sovereign country on Aug 31, 1957, during the post-World War Two era, into a world which in general accepted the fact that the act of giving the people the right to elect leaders through an election is the throbbing heart that gives life to democracy's soul.

The people believed that democracy could regulate and limit the power of government, and that a government elected by the people through the electoral process would be more responsible to the people.

The Reid Commission, which was entrusted with the task of drawing up the Constitution for the Federation of Malaya, took note of the views of the Conference of Rulers and the recommendations of the political leaders representing the people.

The Reid Commission has enshrined the subject matter of elections in the Federal Constitution, thus giving the Federation of Malaya the status of a democratic country. Matters pertaining to elections are contained in Part 8, Article 113 to 120, and the 13th Schedule of the Federal Constitution, while matters relating to the appointment of members of State Legislative Assemblies are enshrined in the Constitution or the Laws of the respective States.

Fundamentally, an election is understood as a general appointment process that is held to choose representatives in the parliament and the state legislative assemblies that is held periodically, and which follows the interval period set in the Federal Constitution.

It is stated that elections must be held based on the provisions enshrined in the Federal Constitution and the related laws. It is further declared that an Election Commission must be formed with the responsibility of fulfilling all the roles and executing all the tasks related to a free and fair election.

Since the formation of the Federation of Malaya in 1957, followed by the formation of Malaysia in 1963, 14 general elections have been held.

Pilihan Raya — Demokrasi Malaysia or the Malaysian Democratic Elections, which was launched this morning ... records multiple aspects of the elections, comprising history, law, processes, commentaries, reviews and recommendations.

On the basis of my personal experience as an observer, and in fulfilling the roles and responsibilities of a Constitutional Monarch, I will touch on five topics.

First: Membership of the Election Commission

Article 114 (1) of the Federal Constitution establishes that: The Election Commission shall be appointed by the Yang di-Pertuan Agong after consultation with the Conference of Rulers, and shall consist of a chairman, a deputy chairman and five other members.

Article 114 (2) states that: In appointing members of the Election Commission, the Yang di-Pertuan Agong shall have regard to the importance of securing an Election Commission which enjoys public confidence.

In fulfilling the task of appointing members of the Election Commission, the importance of forming an Election Commission which enjoys public confidence is enshrined [in the Constitution], and is a point of emphasis. Three key words that are specifically notable are "enjoys public confidence".

In accordance with Article 114 (1) and 114 (2) of the Federal Constitution, the EC must function as a body that is free from the influence of the government or political parties.

The appointment of the members of the EC is made by Seri Paduka Baginda Yang di-Pertuan Agong after consultation with the Conference of Rulers. When appointing EC members, the Yang di-Pertuan Agong pays attention to the importance of the fact that the EC should command public confidence.

● Choosing a government is a serious matter as the fate of the people and country depend on those who are given the power to form the government. ●



A member of the EC cannot be dismissed from his or her position except on the grounds that apply to and in the same manner as a Federal Court judge. Several legal precedents have established that the EC is autonomous of, free and protected from the interference of the executive or political parties.

The EC is the equivalent of a referee who regulates the competition between candidates and political parties during the course of an election.

As such, it is mandatory for the EC to be impartial at all times, without bias, and to be seen clearly and without doubt to be impartial, without taking sides.

On the basis of being impartial and acting without favour, the EC is given the trust and power to ensure the election is held, and is seen without doubt to be held, fairly and freely; to ensure that the voting process is facilitated, and to ensure that the people, without trepidation, without pressure, without fear, without anger, can freely and comfortably cast their votes in secret.

To ensure that the sovereignty and nobility of the Ruler's administration is not tarnished, the Election Commission as a body appointed by Seri Paduka Baginda Yang di-Pertuan Agong, must uphold its allegiance to the royal word by managing elections in a manner that is credible, free and fair, impartial — without bias — and by practising unquestionable fairness and transparency.

Second: Management of elections

The phrase "free and fair" contains two sacred words that ensure the vitality of democratic practices. The term "free and fair" does not have a simple definition and is often used subjectively.

The term "free and fair", although easy to say, requires the most complicated and complex standards to be met in order to be achieved and practised.

There are international standards that provide guidelines for developing the criteria of free and fair electoral practices.

The term "free and fair" was officially used in international documents in 1994, when the Inter-Parliamentary Union (IPU) adopted the Declaration on the Criteria for Free and Fair Elections.

The declaration emphasised that in any nation, the government's power must come from the wishes of the people, which is translated through a true, free and fair election, which is held periodically based on the right to vote freely, equitably, and in secret.

Generally, the term "free and fair election" refers to an election that is periodic, true, clean, transparent, as well as competitive, in line with the principles of democracy, human rights and fundamental justice.

A free and fair election allows all citizens, parties, candidates and media to enjoy their basic rights, covering freedom of speech; freedom of association; freedom to move and gather; freedom from intimidation; freedom from pressure and freedom from violence; as well as freedom of information and access to the media.

A free and fair election ensures that all candidates and parties compete based on

fair treatment, guided by law, on a level playing field. Under this principle, there must be clear separation between government bodies and political parties, and guidelines that ensure that public facilities and resources cannot be used unfairly.

A free and fair election also protects the rights of all the people to obtain justice, and the right to vote in secret.

To ensure a free and fair election, election officials must serve as facilitators to assist and facilitate candidates who wish to contest, and the people who want to vote, beginning with simplified processes and procedures, and also in the setting of the date, location and time when the election will be held.

An election that is held freely and fairly will increase voter confidence, which is reflected in a high voter turnout.

A free and fair election will be a true benchmark and yardstick for the earnestness of the democratic culture that is practised in a country.

An election that is held freely and fairly not only raises public confidence and participation, but also serves as an international standard for the integrity of a citizen's basic rights.

The manner in which an election is conducted also reflects the level of thinking, intellectual culture, maturity, the constitutionality and the rule of law, as well as the level of integrity, sincerity and transparency in a country's administration.

Third: Political responsibility

Choosing a government is a serious matter as the fate of the people and country depend on those who are given the power to form the government. The issues that are weighed during voting must be based on rational thinking grounded in facts, and not on sentiment and emotion.

Socrates once said, "Only those who are able to think about issues rationally and deeply, should be given the right to vote."

He well understood how easy it is for candidates who offer themselves in an election to exploit voters' tastes by providing easy-sounding solutions, and promising things that are pleasing to the ear.

Socrates sounded a reminder on the danger of an administration that is founded on mob rule and demagoguery.

The British philosopher and author Allan de Botton believes that the benefits of democracy are dependent on the education ecosystem within its environment.

July 16, 2019, was another important moment in the nation's political history. Thirty-two members of the Dewan Rakyat debated the motion to lower the legal voting age from 21 years to 18 years.

Members of the Dewan Rakyat, both from the ruling coalition and the opposition, united to pass the Motion.

The Malaysian Parliament, comprising both the Dewan Rakyat and Dewan Negara, unanimously agreed to amend Article 119(1)(a) and Article 119(4)(b) of the Federal Constitution to enable those aged 18 years and above to be automatically registered as voters.



The Malaysian Parliament.

Following the amendment, more than seven million people are expected to be automatically registered as new voters in the 15th General Election, raising the number of voters by over 50pc compared to the registered voters for the 14th General Election.

It is estimated that 15 million or 66pc of voters are within the ages of 18 to 40, meaning the younger generation will have a more dominant political voice to choose leaders and determine the government.

The decision must be seen as not only giving the right to vote to the youth, but interpreted as a chance which provides a greater power to the younger generation to elect leaders and shape the government.

The youth must be guided in order to obtain a level of political literacy that will enable them to understand the meaning and practice of a healthy and constructive democracy, to understand the system of government, administrative system, the process of forming a government, and the qualities that leaders must possess.

The youth need to be guided to have the right identity and moral values, centred on the rule of law, to reject corruption and bribery, to have the maturity to evaluate good and bad, to have the knowledge to differentiate between facts and fiction, to be wise to know the difference between gems and glass.

The youth must be given enough exposure and knowledge on the elements of statehood and the nation's administration. As such, personality and identity need to be nurtured and be made a component of the national education syllabus.

Fourth: Responsibility in building a nation-state

The nation-state is defined as a sovereign state which is inhabited by a nation. The struggle to form an independent country, the Federation of Malaya and, later, a sovereign Malaysia, started with a confederation of aspirations and efforts of multiple parties across multiple territories, states, ranks, religions, races and cultures.

When the Federation of Malaya was declared as an independent country on Aug 31, 1957, followed by Malaysia on Sept 16, 1963, what was born was a new country which had sovereignty over the people and the territories that were set under it, but not over a nation.

Building a nation-state is a complex process — a complicated process, a continuous process, a process which is still being worked out, a process which continues to face multiple challenges — and it is of great concern that the challenges faced in the effort to build a nation-state that is firmly united now faces a test which is much greater and increasingly complicated. As the nation grows older, it is as if its people are becoming more separated.

To cultivate unity among the people who come from a variety of backgrounds in terms of religion, race, culture and socio-economic level is a huge and important agenda for the continued existence of a country that is peaceful, stable, harmonious and prosperous.

Sensationalised issues that spark the fire of racism and fan religious sentiments, which are exploited in the bid for votes during the campaigning period, are like a poison that brings back the venom of past quarrels, and certainly complicates the efforts towards unity, and, more so, will separate the people and strain the relationship between the people of different backgrounds, thus nullifying whatever efforts have been achieved in building a nation-state that

is stable, peaceful, flourishing and prosperous.

The responsibility falls on the shoulders of the leaders of all political parties to ensure that elections do not become a battleground that will threaten the stability of the country and affect national harmony. A nation-state that is stable, peaceful, flourishing and prosperous is very valuable and should not be destroyed by a political approach that chooses endless dispute until both sides ultimately lose.

Fifth: The Conference of Rulers

Elections are held not only to choose members of parliament to form the government at the federal level, but also to choose members of state legislative assemblies to form the government at state level.

Although the Election Commission is a body formed at federal level, matters pertaining to state elections are also facilitated by the same Commission. As such, it is very relevant for the Conference of Rulers to be consulted by the Yang di-Pertuan Agong on the appointment of the chairman and members of the EC.

The Royal Institution is not an entity which is a decorative ornament that fulfils ceremonial roles. The Royal Institution is an entity that is enshrined in the Constitution to ensure the public trust and complete the role of a check-and-balance mechanism, balancing multiple matters that are raised for the consideration of the throne.

Historically and traditionally, the throne serves as a reference point and a place for the people to seek protection and obtain justice. The throne, wisely, fairly and carefully, needs to provide the space to hear the voices and consider the grouses of all parties.

The throne observes closely the political dynamics that is occurring, and is of the view that it is extremely necessary to establish an axis which allows the throne to draw a role that is relevant in current times to be seen as being fair and careful by the people, and so that the throne remains dynamic and energetic in addressing the demands and needs of the people, especially in fulfilling the role as a check-and-balance mechanism and as an instrument of unity in diversity.

As such, together with the Yang di-Pertuan Agong, the Conference of Rulers must fulfil the responsibilities enshrined in the Constitution to ensure the EC enjoys public confidence.

The Rakyat are now more educated; with high levels of literacy; the people are more exposed to multiple sources of knowledge and it is easier to get access to information.

The Rakyat no longer fall for news baits and swallow any story. In facing the current scenario and moving forward, it is of utmost importance to achieve consensus in the spirit of mutual understanding — mutual respect between the royal institution represented by the Royalty and the people's institutions represented by the legislative and executive branches, as well as the role of the judicial branch that is free from any influence of the executive body, to create a formula that wins the public's trust in the appointment of the chairman and members of the Election Commission, as well as to ensure the election is held freely and fairly, and without any doubt also seen as being managed freely and fairly.

■ Sultan Nazrin Muizzuddin Shah is the Sultan of Perak. This translation is excerpted from his speech at the launch of the book, Pilihan Raya — Demokrasi Malaysia. This appeared in the Edge

