

'No taxation without local elections'
Malaysiakini.com
September 4, 2010

COMMENT "No taxation without representation", was the battle cry of the colonial Americans, during their famous 'tea party' in Boston, when they dipped bags of taxed tea into harbour cantonments, as a precursor to the revolt against the British Parliament.

Their protest was against being administered by an indifferent legislative body, faraway across the seas and oblivious to their concerns. A legislature that levies taxes and dictates policies without fair representation.

christopher columbus landing in america 010805What they were asking for, was not freedom from taxation, nor independence from governance, but the right to have a say, in how they were governed.

So strong was this sentiment and the continuation of their defiance, that until today most Americans abstain from tea, that drink most synonymous with the British establishment.

The diuretic beverage consigned in American popular culture as the drink of choice for 'tender-hearted' souls in 'gaily-coloured' clothing and fiendish villains with markedly British accents.

Some say this is also why Americans drove on the 'wrong' side of the road; A kind of civil disobedience against all things 'proper' and British.

Jokes and humour aside, the revolting Americans posed an important reminder to governments that the people demand fair representation in how they are governed.

This is one reason, why Communism and other systems of government with such dictatorial bent lost the Cold War's battle of ideologies , with the conclusion of the Reagan-Gorbachev era.

Even China, the last remaining big-daddy of communism, now grants local administrative freedoms via special administrative zones that dot the once centrally-run monolithic nation.

Similar conundrum

Lets rewind a bit to revisit the root of the American Revolution, "no taxation without representation". Fast forward to Malaysia today, it is obvious that we face a similar conundrum.

As once pointed out by Selangor executive council member Yaakop Sapari, we have three bands of taxation, local, state and federal.

But only on two levels do the rakyat have a say on who governs.

"We pay income tax to federal, quit rent to state and assessment tax to local government. But we only have two levels of elections, state and federal."

"At the local level, the people's voice is not heard," insisted the Kota Anggerik assemblyperson.

"No taxation without local elections", while not actually the battle cry of those seeking for the reinstatement of local polls, should be the primary argument to their crusade, political rhetoric aside.

This is because, in a democracy, only the vote or fair representation can legitimise the authority of a government, at any level, to tax its citizens.

As was pointed out by David J. Bodenhamer in his paper Federalism and Democracy, the power to tax, according to 17th-century British philosopher John Locke, is a power reserved by the people, which they then delegate to the state through the various constitutions.

In the same work, Bodenhamer also said that representation in governance is one of the ways, which the Founding Fathers sought to mitigate conflict between the different levels of government as practised in federalism.

1 Monolithic government

Considering that Malaysia was constituted as a state with a federal system of government, it is no surprise that local government elections was once an integral part of our series of elections.

putrajaya prime minister office 030408 It was one of the rights of the rakyat suspended after the May 13 riots when the federal government moved to consolidate power into its hands, powers which it never did relinquish back to the state and local governments.

Indeed as many would point out, we are still technically living under the Emergency Ordinance as the Emergency was never officially lifted.

Similarly tentacles of the federal government continue to haunt state and local administrations in the form of intrusive federal agencies and PTD officers in crucial positions whose appointment emanates from and loyalty is exclusive to the federal government.

perak tree of democracy - the raintree Examples of the dangers of this can be seen in the fall of Perak by the adroit political manipulations of the BN, with the collusion of the supposedly 'neutral' state government officers and the difficulties in Selangor when the Pakatan-led government had a run-in with state officers whose loyalties are allegedly suspect.

As such, it is important not only for local elections to be restored, to re-construct the moral authority of local governments to tax, but also to disengage the federal government tentacles from state and local administrations.

That is, if we are truly serious about adhering to federalism and democracy. Or does 1 Malaysia actually mean 1 Monolithic government, whose grasp suffocates democratic expression and circumvents federalism?

Though I guess if former premier Mahathir Mohamad were to have his say, "yes, federalism and democracy, but with a Malaysian flavour and in the Malaysian way" while Premier Najib Razak would probably form another Pemandu lab to look into public feedback of what this all means.