

**Parliament, Federation most important winners**  
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It is easy to succumb to hyperbole after what might initially seem to be seismic shifts. But I do not hesitate to add my falsetto to the growing chorus declaring a political tsunami. MCPX

The first thing to do is to congratulate all new and returning members of the Dewan Rakyat and state assemblies. Every one of them should now be fully aware that what the rakyat giveth, they can taketh away. Over the next few days there will be page upon page dwelling on what went so dreadfully wrong, or screen upon screen dwelling upon what went so fantastically right. There will be ink splashed on how BN will adjust with the drubbing of the MCA and MIC, and there will be pixels dancing to how the DAP, PKR and PAS will form a long-term working relationship with one another.

But I want to talk about something else.

Liberty. This word did not feature in a single 2008 election manifesto. But when Tunku Abdul Rahman proclaimed independence he declared Malaya "for ever a sovereign democratic and independent State founded upon the principles of liberty and justice". Whatever the intentions of Malaysians on polling day, they have undoubtedly strengthened the primary institution discharged with the duty of protecting their liberty: Parliament. Our Federal Constitution has been amended nearly seven hundred times by some accounts: a small sample includes amendments to automate Royal Assent to bills, expel Singapore and most recently, raise the retirement age of the Elections Commission Chairman.

The government party have 64% of the seats in the Dewan Rakyat from the 52% they obtained in the national vote, for which they have First Past The Post to thank (I hasten to add however that I am no supporter of proportional representation for the lower house). BN will now have to rely much more on argument and persuasion if it hopes to amend the Constitution, and even legislation once seen as routine will be subject to much more scrutiny than before.

A proper mechanism for whipping may evolve as empowered backbenchers weigh the pros and cons of defying the diktat of their party machinery. In short, Parliament will have to be listened to, and so it will want the independence and resources to run its own affairs. A well-stocked library. Access to researchers. Parliamentary-issued BlackBerries. Roofs which don't leak.

By contrast, the USA has amended its Constitution 27 times. They have another layer of protection preventing their Constitution being tampered willy-nilly: the requirement that three-fourths of the states approve it. This is just one of the features of the USA's federal structure.

### **Face people's wrath**

Despite evidence that Kedah has existed as a separate sultanate since 1136, never mind the founding of Malacca, states' individual flavours and identities have been ever more diminished by the growth of federal power. But federalism is another word barely mentioned by any of the political parties. Nonetheless the collective victories of DAP, PKR and PAS – it

is fallacious to refer to them as "the opposition" in the five states where they are forming government – may herald a new era in the relationship between the federal and state administrations.

It is, of course, entirely possible for state governments to hamper federal initiatives; and for federal government to slow the flow of cash. But such measures are limited by the Constitution – and the culprits will also have to face the eventual wrath of the rakyat. State government (and the local councils it appoints, or enables the election of) is by definition closer to the people than federal government – closer to street lighting, rubbish collection and tree cutting. Not very glamorous, but vital to the freedom of citizens to live in secure, comfortable and pleasant neighbourhoods. This devolution enables the townfolk of Seremban to demand different things to the city dwellers of Kuala Terengganu; the new political balance will require Mentris Besar and Chief Ministers to be alert to appraising and responding to these desires.

I started with our first Prime Minister, and I end with our first Yang di Pertuan Agong Tuanku Abdul Rahman, whose commitment to federal parliamentary democracy never floundered. He vociferously denounced the MacMichael treaties which had formed the Malayan Union, campaigning strongly for the Federation of Malaya, and during his federal reign he flatly refused to sack the prime minister, arguing that would interfere with the sovereignty of Parliament.

This time, it is the rakyat who have called for the strengthening of these checks and balances. There are many others, of course, and the Malaysia Think Tank London will be exploring them throughout the remainder of the year in a series of seminars which will be announced after the post-election hullabaloo dies down.

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