

**The problem with royal activism**  
**Malaysiakini.com**  
**Apr 19, 2008**  
**Ong Kian Ming & Oon Yeoh**

Until recently, few of us had heard of Tengku Faris Petra, the crown prince of Kelantan. He is certainly not of the same stature as the crown prince of Perak, Raja Nazrin. However his remark that non-Malays should not seek equality with Malays has thrust him into the spotlight. MCPX

bbpm tengku faris 120408 tengku farisHis alarming suggestion has prompted a flurry of letters to Malaysiakini. It also brings to mind the question of whether the royalty should stay above politics or should it play an interventionist or even activist role?

We had seen how the royalty in Terengganu, Perlis, Perak and Selangor intervened in the formation of their respective state governments. The sultans in these states had a strong say in the appointment of the menteri besar, whether there should be a deputy MB, and the allocation of Exco positions.

Some scholars and lawyers have argued, from a purely constitutional standpoint, that it is well within the right of the sultans to intervene in the way that they did. These learned people are probably correct.

Normative judgments however are more debatable. Some people, perhaps simply because they like seeing Pak Lah squirm under the royal thumb in Perlis and Terengganu – cheered on the royalty, saying that their intervention was a good thing.

But it all depends on whose ox is being gored, doesn't it? Would these very same people cheer on the sultan's actions if this had happened to the opposition?

While we are hardly in a position to debate the constitutionality of royal activism, we can certainly take a normative stance that it is not a desirable thing. Our view is not based on which side wins or loses as a result of royal activism but rather on the democratic principle that the party which wins a majority of seats should be allowed to choose the composition of the government.

We would also like to point out that the constitution, be it at the state or federal level, makes it very difficult for the Agong or the sultan to be progressive or even to follow purely democratic principles all the time because the royalty is constitutionally tasked to look after the interests of Islam, and by extension the Malays. This makes it difficult, even for the normally-progressive-minded Raja Nazrin to make an exception and allow a non-Malay person to become the MB of Perak.

**Hypothetically speaking, how?**

It is not far-fetched to extend this argument to other potentially sensitive appointments. For example, what if the Agong decides that a non-Malay person cannot be appointed as the head of the Election Commission (an important position in the civil service which requires royal assent) because he feels that a non-Malay person cannot adequately protect the interest of Islam and of Malays in his or her capacity as the EC head?

Let's look at another hypothetical situation. Let's say there's a state where the DAP somehow manages to win a majority of seats on its own. Would the sultan be forced to appoint a Chinese MB? Or would he appoint a Malay MB and force the DAP to work with him? If this enrages the voters, we might have a full-blown constitutional crisis on our hands.

anwar ibrahim pc 180208 05Finally, let's look at an extreme hypothetical situation. Let's say Anwar Ibrahim manages to get elected into Parliament after a by-election and the Agong decides to recognize him as someone who "in his judgment" has the support of the majority of the MPs.

Let's say, that Anwar actually doesn't have the extra 30 to cross-over and has only 82. The BN could institute a vote of no-confidence to cause Anwar's government to collapse. But what if instead, the Agong's activism causes some 30 MPs or so to actually cross over, thus creating a self-fulfilling prophecy?

Of course, the scenario we painted above takes royal activism to its most logical extreme and we don't, for a moment, think anything like this will ever happen. But extreme examples serve a very useful purpose which is to illustrate the principles involved.

All three hypothetical scenarios point to the need to clarify the constitutional role of the Agong and the sultans. We believe that in a democracy, the royalty's role does not include the power to make decisions against the government at either the state or federal level.

While this might not be a popular suggestion at this point in time, surely it is worth discussing as Malaysia tries to inch along towards a fuller realization of democracy.

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