

Federalism, decentralisation and rivalry

The Edge Malaysia

July 26, 2011

by Ong Kian Ming

The initial announcement by the Kedah government to halt the operations of certain entertainment outlets which serve alcohol during the holy month of Ramadan was met with predictable political reactions. MCA and Gerakan pointed to this as another example of the intolerant nature of PAS and once again raised the spectre of the Islamic state.

DAP was criticised for being powerless to stop the implementation of this policy. The party's supremo, Lim Kit Siang, immediately hit back by calling for this ban to be revoked. Umno stayed quietly on the sidelines, lest it be accused of being unIslamic (for rejecting the ban) or being equally intolerant (for supporting the ban). This issue was resolved when it was decided that the ban should only be limited to Muslim patrons during the fasting month.

Foreigners, especially those from federal states in developed democracies, would have found this political to and fro-ing, amusing and perplexing. After all, why would national political leaders get involved in a debate on the implementation of laws at the local government level? Shouldn't sub-national governments be allowed to exercise its authority in certain areas in a federal state, free from interference from the national government and from politicians in other states? Unfortunately, the reliance on political bogeymen continues to hamper our political understanding and hence, our political maturity.

There are many political, legal and constitutional hurdles which one must cross in order to move from banning outlets serving alcohol during Ramadan to the establishment of an Islamic state. One such political obstacle is resistance from within. The recent move by the PAS-led Kedah government goes against the emphasis by the PAS national leadership at its recent muktamar on adopting a more inclusive approach in calling for a Nation of Care and Opportunity (Negara Berkeadilan is often wrongly translated into Welfare State).

To use the Kedah example to illustrate the Taliban-esque nature of PAS is to ignore changes in PAS' approach and philosophy at the national level. It is also an indication that politicians and voters alike cannot envision the possibility of having separate policy emphasis within the same party at the federal and state levels.

Indeed, post-March 2008, one can already discern some of the different policy approaches adopted by the Pakatan Rakyat-led state governments in Kedah, Penang and Selangor in the areas of welfare policy, economic development, local government elections, encouraging transparency and accountability, and management of land issues, just to name a few. This is part and parcel of the development of a healthy democracy, where voters can evaluate the performance of not just the opposition and the government at the federal level, but also at the individual state level and between the various states.

While the March 2008 elections had unleashed unprecedented areas for democratic competition and development, we still have a long way to go in achieving a more suitable balance of power at the federal, state and local levels and a political system with an electorate that can understand and respond to political competition at these different levels of government.

What would such a political system look like?

First, it would be one where much more power is decentralised to the state and local

authorities to better respond to local social, economic and religious needs. The licensing of entertainment outlets, for example, should be under the exclusive jurisdiction of the local authority. After all, it is the revenue of the local authority which will be affected if fewer of these entertainment licences are issued. Control over education policy, for instance, can be devolved to the state level, especially in Sabah and Sarawak, to allow for a more inclusive language policy. State governments should also have greater powers of taxation and expenditure if they are to have more control over a larger number of policy areas.

Second, there should also be more democratic accountability, especially at the local level to correspond to greater decentralisation. This way, those who directly influence and manage the policies at the appropriate level of government can campaign and be voted in or out based on their record of governing. Local councillors, for one, should be popularly elected. Mayors and district officers, too, should be elected. Indeed one can argue that the election of a chief executive in a city or town, with sufficient power over local matters, would provide us with a strong and visionary leadership that is currently lacking, partly because the current appointees are not accountable to the residents who they are serving.

Third, there should be a clear demarcation of responsibilities between the national, state and local governing authorities so that voters can have a better idea of how to evaluate the performance of their political representatives at the various levels of government.

Fourth, there should be transparent legal mechanisms for appeals to be made against certain legislation or enactments. For example, if a city or district council which has 90% of Malays decides to pass a law saying that no churches and temples can be built within its geographical jurisdiction, those affected by this regulation should have the legal avenue to appeal against such legislation.

If these four elements are in place, we would have a more vibrant democracy and hopefully, a better understanding among the electorate and political parties in regard to political competition at different levels of government.

A party or a coalition of parties may want to introduce more religiously inclined policies at the local level but this party (or parties) would need the electoral support of a majority of voters in their area of supervision. In this context, it is unlikely that the elected representatives in the Alor Setar city council or mayor would want to impose the ban on alcohol, given the large number of non-Muslims living and voting in the city.

In this context, even if a PAS mayor declares Kuala Terengganu as an alcohol-free city, his or her decision would have little, if any, political and policy effect in Petaling Jaya, for example. The non-Muslims in Terengganu can also seek legal redress if they feel that this regulation infringes on one or more of their constitutional rights.

Parties can then adopt different policy platforms at the local, state and national levels and be evaluated based on these platforms come election time. Barisan Nasional (BN) in Selangor may, for example, push for greater respect for human rights, even though BN at the national level may not share a similar sentiment.

Political representatives will also be incentivised to take policy positions that are in line with their political ambitions. A PAS leader elected as the district officer of Kota Bharu can implement socially conservative policies in the hope of winning over religiously conservative voters. Or he or she can try to adopt more inclusive policies which focus on economic development to bolster his or her credentials as a national PAS leader capable of reaching out to all Malaysians.

It would be sad indeed if we manage to achieve a developed country status by 2020 but

still be left decades behind in the development of our political system and maturity. Political bogeymen should be left in the past. Other forms of political competition based on more substantive issues are needed.

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This article appeared in The Edge Financial Daily, July 26, 2011

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