

## **Why Malaysia's Najib Razak Isn't Going Anywhere**

### **The Diplomat**

**January 12, 2017**

**By Ooi Kok Hin**

### **Despite protests, political realities will keep the prime minister's coalition in power through 2017 – and beyond.**

On November 19, tens of thousands of Malaysians assembled in the capital to demand for a free and fair election and the resignation of Prime Minister Najib Razak, who is implicated in a massive financial scandal. Yet, Najib's ruling coalition looks set to prevail in the next general election, rumored to be held this year.

Why is this so? I argue Malaysia's political gridlock is prolonged largely by four factors: electoral malpractices, institutional failures, political fragmentation, and societal fault lines. Until and unless these are changed, reforms will be flimsy at best, and cosmetic at worst.

### **Electoral Malpractices: Keeping the Incumbent in Their Seats**

[Enjoying this article? Click here to subscribe for full access. Just \\$5 a month.](#)

In the previous general election, the ruling coalition won 47 percent of the popular vote but nearly 60 percent of the parliamentary seats. The opposition coalition won 51 percent of the votes but only 40 percent of the seats (the remaining 2 percent of the vote was split among marginal parties). The discrepancy is caused by the uneven weighting of popular representation. A constitutional clause grants over-representation for rural voters either spanning a large landmass or difficult to reach areas. However, even after taking this clause into account, electoral malpractices are severe.

In a study I co-wrote with fellow analysts from the Penang Institute, we found that [at least 68 parliamentary seats and 162 state seats](#) are either excessively under-represented or excessively over-represented under the latest redelineation proposed by the Election Commission. If the proposal comes into effect during the next general election, the outcome is effectively a forgone conclusion because of severe malapportionment and gerrymandering.

Malapportionment is the disparity of constituency size caused by redelineation. It results in inequitable representation because it provides unequal vote value. For example, one voter in Putrajaya has a value equivalent to nine voters in Kapar, as both constituencies have one seat each — even though Putrajaya has roughly 15,991 voters and Kapar has 144,159.

Even within the same state, the disparity of constituency size is striking. In the state of Selangor, Damansara is four times the size of Sabak Bernam. Any of the three excessively under-represented parliamentary constituencies in Selangor are bigger than the three small constituencies *combined*.

This is not a purely mathematical disparity of constituency size. It is a deliberate packing of opposition supporters into a mega-size constituency, diluting their ability to win other seats and making the neighboring marginal seats more winnable for the ruling coalition. Not surprisingly, Damansara is held by the opposition and Sabak Bernam is held by the ruling party.

Gerrymandering, meanwhile, is the practice of deliberately drawing constituency boundaries based on the voting pattern of constituents so that a party may benefit. Malaysia's redelineation does this in three ways: the creation of constituencies spanning multiple local authorities, the arbitrary combination of communities without common interests, and the partition of local communities and neighborhoods. Voters living on the same street find themselves in different electoral constituencies. The confusion is compounded by the lack of information and publicity about the changes made to constituency boundaries and, crucially, voting districts.

### **Political Fragmentation: Weaker and Disunited Opposition**

Given the steep electoral obstacles which the opposition has to overcome, it is no surprise that the National Front (Barisan Nasional, BN) is one of the longest ruling coalitions in the world. The then fully united opposition coalition, Pakatan Rakyat, failed to unseat BN in the 2013 general election. The erstwhile alliance brought together three major opposition parties: the People's Justice Party (PKR), Democratic Action Party (DAP), and Pan-Malaysian Islamic Party (PAS). Any hope of taking advantage of Najib's crisis has been dampened by the collapse of Pakatan Rakyat due to a quarrel over a chief minister's position and the Islamist party's insistence on the implementation of Sharia laws.

Amidst the open animosity between the opposition parties, pragmatist PKR is negotiating a miracle. They are appealing for a one-on-one fight; a scenario which even the most hardcore opposition supporter would find unlikely.

Hostility is mutual between PAS and DAP/Amanah. Bersatu, the new party setup by ousted Deputy Prime Minister Muhyiddin Yassin and former Prime Minister Dr. Mahathir Mohamed, is beset with internal issues and looks the least of a threat to Najib's UMNO. A united opposition is anywhere but visible in Sabah and Sarawak, the two states which won the election for Najib, whose coalition took 47 out of 56 seats.

If PAS explicitly teamed up with UMNO, there is some hope that their grassroots and longtime supporters (who view UMNO as a nemesis) may vote for the opposition

coalition as a protest against their leadership. Tacit cooperation is more likely, however, and in three-cornered fights, the ruling party will sweep all the marginal seats.

### **Institutional Failures: Culture of Unaccountability, Graft, and State Repression**

Institutional failures have doomed any formal case against Najib for the financial scandal centered on 1MDB. Former Attorney General Gani Patail was terminated just as he was [allegedly drafting a charge sheet](#) against Najib. The chief of the Malaysian Anti-Corruption Commission was replaced, its senior officers transferred out, and one investigating officer's home [was raided by the police](#). Three out of four figureheads of the special taskforce setup to investigate 1MDB were replaced within months.

The various institutions that were supposed to hold the government accountable have all faltered in one way or another. A concentration of power has enabled the state leviathan to dismiss any institution that could actually hold it accountable.

Ideally, legislative institutions should uphold the principles of democracy and justice enshrined in the Constitution. But under the forceful thumb of the executive, they continue to either pass or fail to repeal draconian laws stretching from the colonial era. The Sedition Act, which criminalizes any speech deemed hateful or contemptuous towards the ruler or government, is routinely abused due to its vague clauses. The notorious detention without trial, another colonial legacy, gave powers to the executive to imprison political opponents for lengthy periods without a day in the courtroom. Most recently, the leader of a civil rights movement calling for free and fair elections, Maria Chin Abdullah, was detained under one such law.

The list of institutional failures includes that of the media. Some outlets fought and went down, like *The Malaysian Insider*. The mainstream press is owned directly by political parties or businessmen friendly to the establishment. Periodic license renewals keep them on their toes. Newspapers editors who did report on 1MDB were called in for police investigation.

Institutional failure and lack of accountability are not limited to 1MDB. Year after year, the Auditor General has revealed [staggering cases of mismanaged public funds](#). Government bodies bought wall clocks at RM 3,810 a piece (the market price is easily below RM 100) and scanners for RM 14,670 (market price: RM 200). The "normalization of corruption" is deeply embedded in the existing hierarchy, from the top to the bottom. In the newly released report, the auditors found that the Federal Land Development Authority (FELDA) [lost hundreds of millions](#) due to multiple transactions without proper authorization, dubious planning and execution, and complete mismanagement. It made news for two to three days before disappearing, like pretty much every other scandal. Corrupt acts are committed and revealed, followed by public outrage. But with no institution to exercise accountability, the news eventually disappears. It has become a normal cycle.

Late last year, the National Security Council Act was passed to enable the prime minister to declare an area of emergency as he deems necessary, without the approval of any other institution. Which raises the question: Are there any institutional safeguards to guarantee a peaceful transition of power even if the government fails to recapture popular support in the election?

### **Societal Fault Lines: One Cleavage Too Many**

The fault lines of Malaysian society are too many and too deep, with groups frequently divided along ethnic and religious lines. Due to this, Najib can easily turn a once-unified opposition against one another.

Dr Jamil Khir Baharom, a minister in charge of religious affairs under Najib's cabinet, paraded a bill amendment to increase the power of the Shariah court. PAS's dream is to establish an Islamic state by implementing Islamic law, which cannot be fully enforced given the current restrictions on the maximum punishments the Shariah court can spell out. Under the revised version of the proposed amendment, the Shariah court will be strengthened [by raising the punishment ceiling](#) to 30 years in prison, a RM 100,000 fine, and 100 strokes of caning.

Najib's olive branch to PAS is working, enticing the party away from cooperation with the opposition and thus sapping the opposition's strength among the all-important Malay and rural areas.

In Malaysia, where nearly everything is seen through the lens of race and religion, the push for Islamic law will effectively split society. Since all Malays are Muslims in this country (one's professed religion is one of the constitutional definitions of being an ethnic Malay), debates on the bill can dangerously be turned into a sectarian conflict.

In the run-up to the November 19 rally, thugs dressed in red threatened the Bersih convoy. The Red Shirts, as they came to be known, are all ethnic Malays led by an UMNO division chief. Threats of violence aside, the racial rhetoric has become too discomfoting. Last year, what was a typical robber and shopkeeper brawl turned into dangerous racial gatherings as the two groups called their friends, resulting in a mini-riot that night. In the aftermath of the previous election, the prime minister and the party's *de facto* mouthpiece, Utusan Malaysia, denounced the Chinese as a scapegoat of opposition agents. All these societal fault lines testify to the enormity of the task to to unseat Najib.

The by-elections last year might provide some hint as to how the general elections will turn out. Najib's coalition won both of them. I was in the suburban areas when opposition parties held a town hall panel session, inevitably speaking in English, touching on issues such as the removal of the attorney general. While these are big, national issues, it felt out of place. There is a visible gap between the politicians, the city

folks, the demonstrators who so urgently and desperately want reforms, and the voters outside the cities, who voted for candidates affiliated to Najib's party.

To speak plainly, people don't mind the status quo as long as they are not affected at the most immediate and personal level. The whole 1MDB scandal has been too complicated to be explained to non-English literate voters with no understanding of the complex technical terms, in a five-minute rally. Financial scandals grow more complicated and people just lose interest. Maybe they underestimate the cost of it all, maybe they don't care enough or just don't lose enough; either way they are not angry enough to want to change the status quo.

What's next? Even the unholy alliance between Anwar and Mahathir won't be able to fight off the structural inequality of power and institutional failures. If political change is not sufficient, will it take an economic downturn to bring change in Malaysia, like Indonesia? In 1998, a combined factor of internal dissidents and economic instability brought the dictatorial Suharto era to an end and ushered in the Reformasi period. If neighboring Indonesia can live embedded in a dictatorship for 40 years and then undergo rapid democratization in so short a time, we can't and shouldn't rule anything out yet in Malaysia. But it will take a miracle.

*Ooi Kok Hin is an analyst with the Penang Institute. He writes on political and social developments and Southeast Asian affairs.*

**© 2017 The Diplomat. All Rights Reserved.**

Source: <http://thediplomat.com/2017/01/why-malaysias-najib-razak-isnt-going-anywhere/>