

Democratisation by elections and protracted transition



For the first time in Malaysian history, the opposition got more votes than the ruling coalition in the 2013 elections. This clearly indicates that the regime is challenged by increasingly competitive elections. Within political science, such regimes are often categorised as electoral authoritarian (Schedler 2013). They are stable as long as the ruling party or coalition is capable of controlling the electoral process. But they are inherently unstable because voting offers opposition movements opportunities to effectively challenge regime elites.

According to Staffan Lindberg in his book on “Democracy and Elections in Africa” (2006) “elections not only signify democracy; they breed democracy... Repetitive elections have a self-reinforcing, self-improving quality (144), and they are not simply the outcome of liberalisation but can be a causal factor of it, because they affect the rational calculations of the political actors through adaptation and learning.”

Presumably, Malaysia is undergoing a protracted transition from electoral authoritarianism towards democracy. Opposition groups strive for “political liberalisation, step by step, strategic interaction by strategic interaction, over the course of years and decades” (Eisenstadt 2000: 6). This process has accelerated since the late 1990s. The main strategic interactions in the Malaysian case are elections and negotiations over electoral reform. In this vein, the 2013 general elections may be seen as a step in this direction.

It is possible, maybe even probable, that the ruling coalition in Malaysia would lose in fully free and fair elections. But the governing parties need elections to legitimate their rule. They control the terms of competition, while opposition parties control the terms of electoral legitimacy.

This authoritarianism has its inbuilt weaknesses. Voters are not predictable and polls may get out of hand. The strategic dilemma for the incumbents is that the more they control elections, the more they lose credibility. For their adversaries, there is a dilemma between accepting the rules of the game and criticising them or even denying them any meaning.

Electoral reform

Schedler (2002) describes elections in electoral authoritarian systems as multi-layered nested games, that is, two-level games where the “game of electoral competition and the meta-game of electoral reform unfold in a simultaneous as well as interactive fashion.” Opposition parties see polls as a means to set the rules of the game on the agenda and to unmask the manipulations of the ruling coalition.

This is why the NGO alliance Bersih (the Coalition for Clean and Fair Elections) and the opposition parties have focused their demands on electoral reform. In 2007, a Bersih rally attracted up to 50,000 people and stimulated opposition support for the 2008 elections. The Bersih 2.0 demonstration in July 2011 called for a clean-up of the electoral roll, an improved postal ballot system, the use of indelible ink, longer campaign periods, free and fair access to mass media for all parties, the strengthening of public institutions, and an end to corruption and dirty politics. This pressure led to the setting up of the Parliamentary Select Committee (PSC) on Electoral Reform in October 2011. The PSC tabled its report in April 2012, and the Election Commission agreed to implement 7 of the 10 proposals. Yet, according to Bersih 2.0, the PSC report did not adequately address key issues. A “minority report” of opposition members of the PSC was not accepted by the Speaker of Parliament. The botched reforms brought about a new movement. In April 2012, the Bersih 3.0 rally in Kuala Lumpur, this time backed by more than 80 NGOs, reiterated most of the previous demands, attracting up to 300,000 protesters according to the organisers’ estimates.

Although the establishment of the PSC and the introduction of some reforms may be seen as a success, the conduct of the 2013 elections made clear that major flaws still persist in connection to the delineation of constituencies (i.e. gerrymandering and malapportionment), the length of the campaign period, the large number of unexplained new voters in some constituencies, and the use

of indelible ink that in reality can be washed off quite easily. There are also strong indications that the BN greatly benefits from faulty electoral rolls, which are often incomplete and tampered with through multiple registrations and the registration of non-residents, amongst other things.

Any potential transition to democracy in Malaysia will most probably occur primarily in the electoral arena. The main question is how the ruling coalition and Pakatan Rakyat come to terms during the next redelineation exercise and whether they can agree on elections that are fairer than in the past.

Prospects

May be the regime unravels in a very short time by means of defections, especially in East Malaysia; or the ruling coalition starts to cooperate with opposition parties. Najib once announced plans to loosen the tight grip of authoritarianism, to tone down the pro-*bumiputera* policies and to further national unity and amity amongst ethnic and religious groups. Upon closer inspection, all of these reforms were revealed to be nothing more than a facade designed to appease both the indigenous opposition and international observers.

The prime minister depicted himself as a reformer by way of his “1Malaysia” campaign – though realpolitik still prevailed. In front of the UN General Assembly, he called for a “global movement of the moderates” from all faiths to fight extremists. Yet, until today, tensions among religious groups are simmering as epitomised by the dispute about using the word “Allah” in the Malay language. Najib also started to at least tone down affirmative action measures in favour of the *bumiputera*. But these reform programmes were essentially buried in September 2013 when the prime minister, ahead of the UMNO party elections, announced measures offering more business and training opportunities and affordable housing to the *bumiputera* under the Bumiputera Economic Empowerment Plan (BEEP). Obviously, ultra-nationalistic and Islamist pressures, especially those from outside the party system, have not subsided. Right-wing groups such as Pertubuhan Pribumi Perkasa (Indigenous Empowerment Organisation; Perkasa) are fighting for the perpetuation of the concept of Malay supremacy (*Ketuanan Melayu*).

In any case, recent PAS elections in November 2013 evinced a consolidation of the so-called Erdogan faction of professionals, which has buttressed their pragmatic approach against *ulama* orthodoxy and the conservatism abhorred by religious minorities in particular. This has also confirmed the trend of a stabilisation of a party system characterised by two major coalitions. Since 1999, the opposition has slowly – although with some setbacks – gained in strength. The Pakatan Presidential Council meets regularly, tensions between DAP and PAS have been reduced, and cooperation during elections between coalition members is improving. Moreover, the coalition is now better represented in East Malaysia where they have taken over the role of indigenous opposition parties. Pakatan Rakyat is now socially relatively well rooted and maintains close connections to a growing civil society movement. Whereas the ruling coalition has strengthened its presence on the Internet, traditional media are opening up to a certain extent.

Lindberg (2006) maintains that through elections “political actors as well as large portions of the populations learn to replace fear and mistrust with a growing but somewhat cautious acceptance and coexistence...over a longer period the incentive structures of electoral institutions tend to pull elites together rather than divide or disperse them.” So far, this latter statement is difficult to sustain with reference to Malaysia. There seems to be an awkward situation where the two coalitions are fighting each other and where polarisation is growing, although the overall political process would demand rapprochement. Both sides should have an interest in accommodation and in reaching a consensus on the form of transition.

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