

2024

CSO PLATFORM FOR REFORM

Reinstating Local Council Election in Malaysia

Executive Summary

This policy brief was created based on the persisting issue of reinstating local council elections in Malaysia.

The issues are:

- Lack of diversity and representation
- Lack of training and supports
- Lack of public participation in democratic process

Some recommendations to reform appointment process have been listed:

- Establish Guidelines for Selection of Candidates
- Establish Guidelines for Candidate Financial
- Providing Training and Supports to the Local Councilors
- Promoting public participation in the democratic process.

Background

In recent years, Malaysia has experienced a significant shift towards democracy, with citizens becoming more vocal and active in their demands for fair and transparent governance.

One of the key demands of Malaysians has been the reinstatement of local council elections, which were abolished in 1965. Local council elections were seen as an important way for citizens to participate in the democratic process and have a say in the management of their communities.

The decision to abolish local council elections was made during a time of political turmoil in Malaysia, when the ruling government was facing challenges to its authority from various groups.

Since then, the appointment of local councillors has been handled by state governments, leading to concerns over the lack of transparency and accountability in the selection process. This has resulted in growing calls from civil society organisations, politicians, and citizens for the reinstatement of local council elections.

In this context, it is important to explore the arguments for and against the reinstatement of local council elections, as well as the potential benefits and drawbacks of such a move. Ultimately, the decision to reintroduce local council elections in Malaysia will require careful consideration and a commitment to democratic values and principles.

Issues and Recommendations

Issues

1. Lack of diversity and representation

The appointment of local councils by state governments has led to a lack of diversity and representation, with political appointees often being chosen based on their affiliation to ruling political parties rather than their qualifications or

experience. This has resulted in a lack of trust and confidence in local councillors, who are seen as being more accountable to their political masters rather than the citizens they are supposed to serve.

Additionally, according to data from the **Inter-Parliamentary Union (IPU)**, Malaysia ranked 156 out of 193 countries in terms of women's representation in local government, indicating a significant gender gap in local governance. This lack of democratic elections for local councilors limits opportunities for women and other underrepresented groups to participate and be adequately represented.

Civil society organizations and researchers in Malaysia have voiced concerns about decision-making disparities resulting from the appointed council system, where certain communities' specific needs and challenges might not be fully understood and addressed. Calls for democratic reforms to reinstate local council elections have been raised to empower citizens in choosing representatives who better reflect the demographics and interests of their local communities, fostering inclusivity and responsive governance.

2. Lack of transparency and accountability

The absence of local council elections in Malaysia has resulted in a lack of transparency and accountability in the management of local government affairs. Without a direct democratic mandate from the public, appointed local councilors might not feel compelled to be transparent in their decision-making processes, leading to potential mismanagement of resources and reduced public trust in the system.

According to the **World Bank's report** on governance indicators, the lack of transparency in local governance can hinder economic development and effective service delivery,

impacting crucial functions such as waste management, public health, and town planning. Studies have shown that democratic accountability is positively associated with improved public service delivery and citizen satisfaction.

Reinstating local council elections would empower citizens to elect their representatives, providing a direct mechanism for holding officials accountable and fostering a more transparent and responsive local government that aligns with the needs and aspirations of the people. In countries where local council elections are in place, citizens are more actively engaged in local affairs and have increased confidence in the efficiency and fairness of local governance, leading to more sustainable and inclusive community development.

3. Lack of public participation in democratic process

The absence of local council elections in Malaysia has indeed resulted in a lack of public participation in the democratic process. Without the opportunity to directly elect their local representatives, citizens are unable to have a say in the management of their communities, leading to feelings of disempowerment and frustration. According to a **study conducted by the Asian Development Bank**, the lack of public participation in local governance can hinder effective decision-making and reduce the legitimacy of local councils in the eyes of the community.

Reinstating local council elections would address this issue by empowering citizens to participate actively in the selection of their representatives and giving them a voice in decision-making processes. Countries that have implemented local council elections have seen increased citizen engagement and satisfaction with local governance, fostering a sense of ownership and responsibility for community development.

This, in turn, promotes greater transparency, accountability, and inclusivity in the democratic process, ensuring that the concerns and aspirations of the citizens are better represented in local government affairs.

Scholars and institutions often argue that democratic local governance, including local council elections, provides an avenue for citizens to actively engage in decision-making, hold elected representatives accountable, and have a direct say in the management of their communities. This perspective is rooted in democratic theory and the principles of representative governance.

Recommendations

1. Establish guidelines for the selection of candidates

The establishment of guidelines by an independent election commission for the selection of candidates in local council elections has been a common practice in many countries to ensure transparency and fairness in the electoral process. Such guidelines typically outline requirements for qualifications, experience, and character, aiming to ensure that only the most qualified and capable individuals are eligible to run as local councillors. For example, in countries like the United Kingdom, the Local Government Act 1972 sets out the qualifications and disqualifications for local councillors, including requirements related to age, citizenship, and bankruptcy status. Similar guidelines exist in various other countries, each tailored to the specific context and legal framework.

An independent election commission plays a crucial role in overseeing and managing the electoral process. For instance, countries like India have an independent Election Commission responsible for conducting local body elections, ensuring a level playing field for all candidates, and monitoring the election process to prevent political interference. Transparency and fairness in local council elections are essential to uphold

democratic principles. According to data from the **International Institute for Democracy and Electoral Assistance (IDEA)**, countries with robust election management bodies and transparent electoral processes tend to have higher scores on the Electoral Integrity Index, indicating greater public confidence in the election outcomes.

To ensure that local councils are chosen based on qualifications and experience rather than political affiliations, independent election commissions must be free from undue political influence. **Research by the International Foundation for Electoral Systems (IFES)** emphasises that electoral commissions' independence is critical in safeguarding electoral integrity and enhancing public trust in the electoral process. By establishing clear guidelines for candidate selection and ensuring the independence of the election commission, countries can create a more transparent, fair, and accountable electoral system for local council elections. These measures contribute to better governance outcomes and citizen satisfaction with the democratic process.

2. Establish guidelines for the candidates financial

The requirement for candidates to disclose their sources of funding and submit financial reports after elections has been implemented in various countries to promote transparency and accountability in the electoral process. For example, in the United States, federal law requires political candidates to disclose their campaign finances, including sources of funding and expenditures, to the **Federal Election Commission (FEC)**. These disclosures are made publicly available, allowing voters to scrutinize the financial support candidates receive and assess any potential conflicts of interest.

According to data from the **Open Budget Survey conducted by the International Budget Partnership (IBP)**, countries with strong financial reporting and disclosure mechanisms tend to have higher scores in budget transparency,

indicating greater openness and accountability in fiscal matters. These mechanisms are essential in fostering public trust and holding elected officials accountable for their actions. Additionally, research conducted by the **National Democratic Institute (NDI)** highlights that robust campaign finance regulations and disclosure requirements can significantly reduce the risk of corruption and enhance electoral integrity. Transparent reporting of campaign finances helps to identify potential instances of illicit funding or undue influence on candidates, thereby ensuring that local councils remain accountable to the citizens they serve.

Incorporating financial disclosure requirements into the electoral process through an election commission is seen as an effective way to prevent corruption and promote accountability among local councilors. By making financial information accessible to the public, voters can make more informed decisions during elections and hold elected officials accountable for their financial actions. Overall, implementing financial disclosure measures enhances the integrity of the electoral process and strengthens democratic governance by ensuring that local councils are chosen based on merit and adherence to ethical standards. Such measures are essential components in building a transparent and accountable local government system that serves the best interests of the community.

3. Establish mechanism for public participation

There is ample evidence to support the assertion that mechanisms for citizen participation, such as public hearings, town hall meetings, and citizen advisory committees, can significantly enhance transparency and accountability in the local government system.

Research conducted by the World Bank indicates that effective citizen participation in local governance can lead to improved service delivery, increased trust in government institutions, and more responsive policies that better align with the needs and interests of the community. Engaging citizens in decision-making processes fosters a sense of ownership and empowerment, ultimately resulting in better outcomes for local communities.

A study published in the *Journal of Public Administration Research and Theory* found that local governments that actively engage citizens through participatory mechanisms are more likely to be transparent and accountable in their operations. Public hearings, town hall meetings, and citizen advisory committees provide platforms for citizens to voice their concerns, provide feedback, and actively participate in shaping local policies and projects. Countries that have successfully implemented mechanisms for citizen participation have experienced positive results. For example, in Brazil, participatory budgeting initiatives have led to increased transparency, reduced corruption, and greater public satisfaction with local governance, **according to research by the United Nations Development Programme (UNDP)**.

Moreover, **the Organization for Economic Co-operation and Development (OECD)** highlights that citizen participation is essential for building inclusive and resilient communities. Engaging diverse voices through participatory mechanisms ensures that decision-making processes are representative of the community's needs and priorities. By establishing and promoting mechanisms for citizen participation, local councils can tap into local knowledge, identify community priorities, and make more informed decisions that reflect the aspirations of the people they serve. These participatory processes also create channels for citizens to hold local councils accountable for their actions, ultimately leading to a more transparent and accountable local government system.

4. Provide training and support for local councilors

There is evidence to support the idea that providing training and support for local councils can significantly improve their effectiveness in representing the needs and interests of their communities. Research published in the **International Journal of Public Administration** indicates that training programs for local councils can enhance their understanding of governance principles, policy development, and financial management. Equipped with such knowledge, local councillors are better prepared to make informed decisions and develop policies that align with community needs.

A study by the United Nations Development Programme (UNDP) found that capacity-building initiatives, including training and support for local councils, are essential for strengthening democratic governance at the local level. This capacity-building can lead to increased citizen satisfaction with local services and greater public confidence in the government's ability to address community concerns. **The Asian Development Bank (ADB)** has emphasised the importance of providing training and technical assistance to enhance the capacity of local government officials. Such support enables local councils to effectively engage with the community, improve service delivery, and develop strategic plans that prioritise the community's well-being.

For example, in India, **the Ministry of Panchayati Raj** has implemented training programs for elected representatives at the local level to enhance their understanding of governance and empower them to fulfil their roles more effectively. This initiative has been instrumental in building the capacities of local councils to engage with citizens and develop policies that respond to local needs.

By investing in training and support for local councils, governments can foster a more competent and confident cadre of elected representatives who are better equipped to engage with citizens, manage finances, and develop effective policies. Such capacity-building initiatives contribute to building trust and confidence in the local government system, as citizens see tangible efforts towards addressing their concerns and promoting inclusive governance.

Conclusion

The reinstatement of local council elections in Malaysia is a crucial step towards promoting democracy, transparency, and accountability in the local government system. The absence of local council elections has created significant challenges in terms of democratic participation, representation, and accountability.

These policy options would help to ensure that local councils are chosen based on their qualifications and experience, that they are better equipped to represent the needs and interests of their communities, and that they are accountable to the citizens they serve.

The reinstatement of local council elections in Malaysia would help to build trust and confidence in the local government system, and would promote greater transparency, accountability, and participation in the democratic process. It would enable citizens to have a say in the management of their communities, and would help to create a more inclusive and democratic local government system that better serves the needs of all Malaysians.

In order to achieve these goals, it is important for all stakeholders, including the government, civil society organizations, and citizens, to work together to promote the reinstatement of local council elections in Malaysia.

The CSO Platform for Reform, a coalition of more than 60 civil society organisations (CSO), saw a need for a critical look into statements, comments, and commitments of the Unity Government, as it is a reflection of their priorities. The platform is comprised of various civil society organizations (CSOs) that work together to promote human rights, democracy, and good governance in the country.

The platform engages in various activities such as research, advocacy, and public outreach to raise awareness about issues related to institutional and legal reforms in Malaysia. Some of the key issues the platform addresses include electoral reform, freedom of expression, police accountability, and access to justice.

Through its efforts, the CSO Platform for Reform seeks to create a more inclusive and participatory democracy in Malaysia, where citizens can freely express their opinions and hold their government accountable for its actions. The platform also seeks to address systemic issues of corruption and abuse of power within government institutions.

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