

## **The People's Voice**

**In the name of God, Most Gracious, Most Merciful.**

**A. We, the rakyat of Malaysia, being a people of diverse races and faiths but bonded together as one by shared history, experience and a commitment to a united Malaysia, note that:-**

1. since independence up to the present, Malaysia has been governed by reference to, and with keen awareness of, race and in accordance with a race based system of power sharing within, initially, the Alliance coalition and, since the early 70s, the Barisan Nasional (BN) coalition. This system is premised on the notional representation of the Malay, Chinese and Indian rakyat by UMNO, MCA and MIC respectively, and the other communities, including the indigenous communities in Peninsular Malaysia, Sabah and Sarawak, by the other BN coalition partners;
2. whilst the exigencies of the independence campaign and the early post-Merdeka period may have required a race-based approach to the question of governance, it has become apparent that the political arrangements that allow for such a system of governance, and the system itself, are increasingly undermining the unity that has made Malaysia an exemplar on the question of race relations. The recent concentrated efforts of the government to address issues of unity are a recognition of a need to address those features of our society that have allowed for deepening fissures, not just in matters of race relations but also of economics and the equitable distribution of wealth. The system, and all that it allows for, is one such, if not the only, key feature. Its divisiveness is the main impediment to a committed and shared effort on the part of all Malaysians to meet the challenges of our times, both within the nation, as well as in the increasingly globalizing and competitive world; and
3. though the New Economic Policy (NEP) was introduced in 1970 with the principal self-declared aim of “eventually eradicating poverty, irrespective of race, and to undertake economic restructuring so as to eliminate the identification of ethnicity with economic function”, its implementation, within the framework of the race based

system of governance, has led to a state of affairs where poverty and the inequities persist, within the Malay community as well as within other communities to an extent that it cannot be said that the NEP, and its successor policies, have successfully achieved their stated aim. The indisputable enrichment of a small community of elites, of diverse racial backgrounds, at the expense of the overwhelming majority and the creation of a belief of racial supremacy on the part of some conclusively show that it is imperative that the Malaysian system of affirmative action be seriously reconsidered. The failings of the systems in play are glaring, having a direct causal link with the following effects:

- 3.1 a significant percentage of the population, of diverse racial background, are still living in poverty by any definition and face serious difficulties in fulfilling the most basic of needs and expectations including the acquisition of places of residence. In particular, in the East Malaysian States of Sabah and Sarawak, some rural communities live in absolute poverty with no access to basic needs including potable and clean water, electricity, and other essential amenities;
- 3.2 the rising incidence of urban poverty is leading to an alarming increase in the crime rate;
- 3.3 the poverty cycle threatens to self perpetuate due to a lack of opportunities for higher education for those from the lower economic segment of the population
- 3.4 there is a serious deficiency in the quality and capability of human capital within the nation with, for this reason, a rising number of local graduates finding it difficult to find employment; and
- 3.5 a denial of access to opportunities has led to a growing disenfranchisement that can potentially become a serious threat to stability and the Malaysian way of life in the very near future. The system of governance having emphasized the differences amongst the racial communities, it is not unlikely that in the event of any unrest, such unrest may manifest along racial and religious lines.

**B. And we, the rakyat of Malaysia of all races and faiths, note with grave concern, that:-**

1. that the key institutions of the state have suffered a decline in their effectiveness over the years so as to have allowed for a greater concentration of power in the Executive

than envisaged by the Federal Constitution and an obscuring of the systems of checks and balances considered essential for the true working of democracy;

2. that the actions of the Executive have become increasingly less transparent, and consequently less accountable, through laws though perhaps aimed at ensuring efficient governance, have allowed for a shielding from scrutiny of the various aspects of government as well as a mistaken belief that a representative form of government vests absolutely all power in the hands of the Executive and allows for control along majoritarian lines ;
3. in this way, and through majority control of Parliament, the role of Parliament has been reduced to rubber stamping the will of the Executive. The mistaken belief has resulted in the similarly mistaken rejection of the need for the debates in Parliament that will allow for a wider representation of viewpoints essential to sound decision making as envisaged by the Federal Constitution. This alarming state of affairs has been exacerbated by the erroneous belief that debates in Parliament should be shaped by the political relationships of the political parties concerned to the extent that views are rejected not on the basis of merit but on the basis of the political party of the parliamentarian espousing the view concerned. The politicizing of the processes of Parliament are amongst the key threats to democracy having allowed for the furtherance of political agendas through Parliament and the laws enacted therein. Laws must be reflective of policy and not politics;
4. the integrity of the Judiciary has similarly been compromised through the purported suborning of the Judiciary to Parliament by way of a constitutional amendment to Article 121(1) that has resulted in the declaration by the apex court that the doctrine of separation of powers is of no relevance to Malaysia even though this doctrine is a pillar of the democratic processes. The Judiciary has also been rendered ineffective through a promotion and appointment process that have resulted in unmeritorious appointments and promotions to the extent that the quality and impartiality of the judicial process has become highly suspect, and confidence in the Judiciary and the Rule of Law in Malaysia has declined to serious levels, both nationally and internationally;

5. despite the Election Commission being a body established by the Federal Constitution in such a manner so as to be impartial, a vital feature of the said commission for it to fulfill its function under the Federal Constitution, the said commission has demonstrated itself as being partisan to the interests of the Barisan Nasional, in part through a general reluctance to take concrete steps towards the reforming of the electoral process into a free and fair one, in response to cogent evidence of serious deficiencies in the electoral process. In this regard, the minimal steps taken towards reforming the electoral process have been taken only with the approval of the Executive notwithstanding the clear mandate of the said commission. As a consequence, the Election Commission cannot be said to have the confidence of the people in the manner to the level expected of the said commission by the Federal Constitution. As a further consequence, it cannot be said that the rakyat fully view the electoral process as being a free and fair one;
  
6. the continued use of repressive anti-expression and anti-assembly laws such as the [PPPA], the [Sedition Act] and the [Police Act] as well as the draconian Internal Security Act have allowed for the governing of the country arbitrarily, by stealth and without due accountability in a manner that has concentrated power in the Executive absolutely, Such laws have also impeded the effective voicing of opinions by civil society through the climate of fear that they have created. This has regrettably created the perception that despite being the primary stakeholders in the national interest, the rakyat have no valid say in the process of governance except through their right to vote;
  
7. the control of media houses through subjective issuance of permits and the imposition of conditions, and the selective presentation of news and viewpoints that this approach creates, have by denying access to varied viewpoints and news further interfered with the ability of the rakyat to form coherent and comprehensive views on matters of national interest. This has not only skewed the processes of democracy but have also resulted in a significant part of the Malaysian community being incapable of the critical analysis that is essential for a growing democracy and a fast developing nation competing on the global stage. The rakyat have a right to information;

8. the foregoing has created an environment that encourages corruption, a state of affairs that is borne out by the increasing levels of corruption in the nation, levels that indicate that corruption is fast becoming institutional, if it has not already become so. Thus far, notwithstanding the welcomed rejection and condemnation of corruption by the Prime Minister as a policy position, efforts undertaken to address corruption in having merely selectively attacked the symptoms of this disease have not successfully addressed the root causes of the same. There is a growing perception that corruption, cronyism and nepotism in all sectors of government, at the Federal and State levels as well as at the Local Government level has been on the rise over these past few years; and,
  
9. the poverty gap is widening and many more Malaysians are now falling through the gaps of a security net that requires a reconsideration more so for the gradual liberalizing of the Malaysian market as the nation embraces the global free market. As a consequence, despite the continued economic growth of the nation an increasing number of Malaysians are being marginalized. Further, the pursuit of economic development through privatizations and other free market strategies have resulted in less priority being attached to developing the efficiency and quality of the public services with the result that the standard of such services, including the civil service, healthcare, education and the Royal Malaysian Police, to name a few, have suffered a worrying decline, This has made the nation less competitive and insufficiently prepared to meet the full challenge of globalization.;

**C. And we, the rakyat of Malaysia of all races and of various faiths, note with regret :-**

1. that the Executive has without adequate consideration, due regard and public consultation rejected the suggestion that steps be taken to dismantle the race based system of governance, even though such suggestion has received the endorsement of Gerakan, a member party of the Barisan Nasional. Conversely, the Executive has through its inaction continued to endorse the system and the supremacist notions it allows for;

that the Executive continues to defend its position on the various matters of concern noted above by reference to the majoritarianism and its control of Parliament notwithstanding the validity of such concerns.

**D. And we, the rakyat of Malaysia of all races and of various faiths, now declare that we :-**

1. reject race-based systems of governance of the country in favour of non race-based, integrated systems of governance;
2. reject the politicizing of the key organs of the state, in particular Parliament and the Judiciary;
3. we desire an independent and competent Judiciary such as that Malaysians had the benefit of prior to 1988;
4. we desire a Parliament that allows for a discharge of parliamentary function in manner contemplated by the Federal Constitution and whose members recognize that though political affiliations may have a bearing on their roles as Members of Parliament, their oath to defend, uphold and protect the Federal Constitution obliges them to place the national interest over their party interests where matters of Parliament are concerned and,
5. desire that the policy of affirmative action be reconsidered with a view to establishing a system that ensures that the objective of poverty eradication be achieved efficiently, effectively and inclusively. We believe that the protections afforded to the Malays and the natives of Sabah and Sarawak are sufficient to protect and promote the interests of these special communities.

**E. Wherefore we, the rakyat of Malaysia of all races and faiths, having now rejected the race-based political governance of the country and now making known our desire to have in its place a non race-based system of governance and making further known that we desire that the original aims of the NEP be immediately given effect to and implemented, now:-**

1. declare our belief that a mandate for governance should be given to such individuals and political entities that recognize as legitimate the concerns and aspirations set out above; and
2. call upon all stakeholders to come together for a better Malaysia to adopt this declaration [and the People's Charter attached] as foundation for the governance of this nation.