



FIRST YEAR REPORT CARD OF PAKATAN HARAPAN ON ELECTORAL, POLITICAL & INSTITUTIONAL REFORMS 2018-2019

First Year Report Card of Pakatan Harapan on Electoral, Political & Institutional Reforms

**Prepared by: The Steering Committee and Secretariat of BERSIH 2.0
Dated: 9 May 2019**

Cover photo credit: Seth Akmal, The Malaysian Insight

INTRODUCTION

The 14th General Election (GE14) on 9 May 2018 marked the first democratic change of government in Malaysia’s history. Prior to GE14, Pakatan Harapan (PH) launched its manifesto, the Buku Harapan (Book of Hope), and pledged to implement its policies and reforms within five years after PH succeeds in taking over Putrajaya.

On the first anniversary of the rule of PH, BERSIH 2.0 seeks to provide an objective appraisal of the implementation of the reform promised by PH, especially those related to electoral, political and institutional reform as announced in the Buku Harapan. Many of the promises echo the demands and proposals made by BERSIH 2.0 over the years and are part of our on-going advocacy for reforms. There are 60 promises in the Buku Harapan but this report focuses only on 6 promises and the 44 sub-promises related to institutional reforms, namely:

Promise 12	Promise 15	Promise 16	Promise 17	Promise 18	Promise 25
<ul style="list-style-type: none"> Limits the Prime Minister’s term of office and restructuring the PMD 	<ul style="list-style-type: none"> Separating the Office of Attorney General from Public Prosecutor 	<ul style="list-style-type: none"> Restore the dignity of Parliament 	<ul style="list-style-type: none"> Ensure transparency and robustness of our election system 	<ul style="list-style-type: none"> Create a political financing mechanism that has integrity 	<ul style="list-style-type: none"> Strengthen the role of and power of the local authorities

The full report of our appraisal can be found in **Appendix B** with references to news reports to support our assessment in **Appendix C**. Based on our appraisal methodology (See **Appendix A**) of the 44 sub-promises, where we have a scale and assigned score for each status, our scorecard are as follows:

STATUS	NUMBER	PERCENTAGE	SCORE	TOTAL
Fulfilled	6	13.6%	4	24
Partially fulfilled	6	13.6%	3	18
In progress	8	18.2%	2	16
Barely fulfilled	8	18.2%	1	8
Not fulfilled	14	31.8%	0	0
Reversal/ Broken	2	4.5%	-1	-2
TOTAL	44		SCORE	64/176
			PERCENT	36.4%

The overall score for the 6 manifesto promises of institutional reforms that BERSIH 2.0 is monitoring after one year of the Pakatan Harapan is 36.4%. Considering that this is only the first year of a five-year term and that many of the reforms requires legislative and constitutional amendments, the PH government has made commendable progress in reforming the institutions that guard our parliamentary democracy.

SOME HIGHLIGHTS OF THE REPORT CARD

Fulfilled Promises

- The PM will not simultaneously hold other ministerial posts, especially the post of the Minister of Finance. Despite the PM's desire to also helm the Education portfolio, he complied with this manifesto promise.
- Lower the number of Ministers in the Prime Minister's Department to a maximum of three only. There are currently three ministers in the Prime Minister's Department who holds the Law, Religious Affairs and National Unity and Social Wellbeing portfolios.
- Reduce the allocation to the Prime Minister's Department from more than RM17 billion per annum now to less than half, that is RM8 billion only.
- The Chairman of the Public Accounts Committee will be reserved for an opposition Member of Parliament. This promise was almost broken when the PM defended the appointment of Ronald Kiandee as PAC Chairman after he joined the ruling coalition on 16 March 2019. Under pressure, he relented and UMNO's Noraini Ahmad was appointed.

Partially Fulfilled Promises

- Reduce the number of agencies under the Prime Minister Department by moving them to the relevant Ministries. Mostly fulfilled but Khazanah Nasional, Petronas and Permodalan Nasional Bhd were moved to the PMD making this promise partially fulfilled.
- The Speaker of Dewan Rakyat and President of Dewan Negara must retire from partisan politics as soon as they accept their posts. However, the spirit of non-partisanship should be extended to the Deputy Speakers. They continue to engage in partisan politics outside the Dewan Rakyat, especially Nga Kor Ming, who has been embroiled in several contentious exchanges with the opposition.
- Institutionalise the Select Committee system in Dewan Rakyat and Dewan Negara, complete with suitable provisions and appropriate support staff to enable them to function effectively. Six Parliamentary Select Committees and one Caucus was formed but they have yet to function fully and are under-staffed.
- Free the Election Commission from the grips of the Prime Minister and other politicians by placing the Election Commission fully under Parliamentary monitoring. The PM has allowed the EC to operate as an independent entity that reports directly to Parliament, but this move has not been codified in law yet.

In Progress of Fulfillment

- Remove the Prime Minister's ability to manipulate key institutions by creating stronger check and balance mechanisms. Relevant powers will be decentralised to other bodies, including to the Parliament. From 1 July 2018, key institutions like the Judicial Appointment Commission, EC, MACC and Suhakam, were released from the influence of the PMD but

these have not been codified in law yet. The Parliamentary Services Act that would give the Parliament operational independence has also not been restored yet.

- The Dewan Negara will be empowered so that it can play the proper role to check and balance the Dewan Rakyat. A Reform Working Committee was announced on 18th February 2019 to study various aspects of the institution that requires improvement.
- Lower the voting age limit to 18 years. The Cabinet has announced that it has decided to lower the voting age from 21 to 18 in September 2018. However, it has not materialised to date. Such change would require amending Article 119(1) of the Federal Constitution.
- Introduce a new Political Financing Control Act to ensure funding of politics in our country is transparent and free from corrupt practices. In July 2018, the PM announced that the government will be tabling a new law on political funding in parliament in order to curb corruption and lobbying. The Governance, Integrity, and Anti-Corruption Center (GIACC) and the ERC are in the process of preparing a bill on political financing.

Barely Fulfilled Promises

- The length of office for Menteri Besar and Chief Ministers shall be limited to two terms only. Of the eight State Legislative Assemblies controlled by PH, only Penang and Melaka have passed the bill and a motion respectively to limit the tenure of the Chief Ministers to two terms.
- Take immediate steps to separate the Office of Attorney General from Public Prosecutor. On 1 July 2018, it was reported that the Attorney General's Chambers was still under the PMD but its prosecuting functions have been placed under the Public Prosecutor's Office. However, such separation has yet to be codified in law and the independent public prosecutor's office is yet to be established.
- Produce White Papers to announce major government policies before a new Act is introduced in Parliament. So far, the only White Paper table before Parliament is the one on FELDA.
- Allow all registered parties who are contesting in the election to have air time on TV channels and radio stations run by RTM. There was no air time officially given to all registered parties on government-owned broadcast media during an election to allow them to share their manifesto or vision to voters but the opposition did get some news coverage.

Promise Not Fulfilled

- The Leader of the Opposition will be granted the status and provisions equivalent to a Federal Minister. There have been no announcements or plans to fulfill this promise.
- Key national positions such as appointments to Suhkam, EC, MACC and JAC must be approved by a suitable parliamentary committee. Though a PSC on Major Appointments was established, recent appointments to the EC, Chief Justice or IGP, did not go through this PSC.

- Committed to local democracy. The PBT's accountability to the local community will be improved so that they become more accountable to local people and the Local Government Act 1976 will be amended to ensure that this aspiration is realised. Apart from Housing and Local Government Minister Zuraida Kamaruddin expressing support for local council elections and amendments to the LGA 1976, others have been silent, and the PM has openly objected to restoring local council elections.
- Local civil society organizations will be given platforms to express their views directly in PBTs. There have been no reports of any formal platforms for civil society organisations to express their views directly in local councils.

Reversal or Broken Promises

- Provide funding based on a transparent formula to all members of the Dewan Rakyat so that they can carry out the responsibilities in their respective constituencies and to run their service centers. Currently, PH MPs receives RM1.5 million annual constituency allocation while opposition MPs receives RM100,000.
- Parliament sittings will take place at a minimum of 100 days per year. Last year the Dewan Rakyat sat for 57 days and this year it is scheduled to sit for a total of 68 days only.

CONCLUSION

BERSIH 2.0 is satisfied with the progress made in the area of electoral and parliamentary reform in the first year of PH, especially with the new leadership of the EC, which has started the process of cleaning up the electoral rolls, improving the conduct of elections, allowing election observers to observe the past eight by-elections in a transparent manner and overall better engagement with stakeholders like political parties and civil society.

Parliament under the leadership of Speaker of Dewan Rakyat Mohamad Ariff is also undergoing important reforms like the setting up of the Parliamentary Select Committees and Caucus, and a more open institution where the public and civil society are engaged.

The establishment of the Tribunal to investigate any misconduct by the former EC members and to remove them is also a very important step to seek electoral justice and to send a clear message to all future Commissioners and appointed officials that they will be held accountable for the manner in which they discharged their duties.

However, BERSIH 2.0 is concerned that many of the critical reforms in the area of electoral reform is yet to be codified in the law and the PH government should expedite these reforms, especially those that do not require constitutional amendments. For structural reforms that requires amendments to the Federal Constitution, bi-partisan support should be sought as such reforms,

like the institutionalising of the independence of the EC, MACC, JAC and the strengthening of Parliament, would be in the interest of the opposition.

RECOMMENDATIONS

Electoral Reform

1. A bill should be introduced in the Parliament to allow the EC to have operational independence with its own budget and the power to select its own staff. The independence of the EC from influence from the Executive and be made accountable to the Parliament. The bill should also empower the EC with some level of power to act against election offences.
2. The EC should reach out to disenfranchised registered voters who are inconvenienced on polling days and are unable to cast their votes without incurring great cost. The postal or absentee voting process should be improved to allow outstation voters, voters separated by the South China Seas, overseas voters (including those working in Singapore) and even military voters to be considered as postal or absentee voters.
3. A new Parliamentary Select Committee on Electoral Reform should be formed to review current election laws and review the fraudulent delimitation exercise of 2016-2018 with the intention of proposing legislative amendments to prevent serious malapportionment and gerrymandering of electoral constituencies in future delimitation exercises.

Parliamentary Reform

4. PH government should introduce the Parliamentary Services Act immediately with public consultation in order to make Parliament truly independent and serve as an effective check and balance institution in our democracy.
5. The six Parliamentary Select Committees should have clear terms of reference and start their work in law-making processes and conduct inquiry on issues when they arise. Their meeting schedules should be made public and live telecasted in general with limited exception on sensitive matters such as national security.
6. The Standing Order of Parliament should be amended to make law-making process more consultative and transparent. Public should have access to a bill in the Parliament's website within half an hour after the bill has gone through the first reading in Parliament. There should be at least three days between the first reading and the second reading to give ample time for Members of Parliament and the public to study the bill. After the policy debate in second reading, it should be a standard practice to send the bill to the relevant PSC for deliberation before the third reading.

7. The 30-minute Prime Minister's questions time in a week should be set during Parliament sitting.
8. The Dewan Negara should be empowered to serve as an effective check and balance to the Dewan Rakyat and comprises of elected members from the States in the Federation, Sabah, Sarawak and minority groups. Their composition should be such that it gives equal voice to the smaller states and to under-represented groups.
9. The Opposition's role as a check and balance to the Government should be institutionalised and honoured with the elevation of the Opposition Leader to the same status and provision of a Federal Minister and all opposition MPs should receive the same allocation as government MPs in recognition of the fact that they are also duly elected by the citizens.

Other Areas of Institutional Reform

10. The separation of functions of Attorney General from the Public Prosecutor should be implemented by the second year of PH government at the latest.
11. The Prime Minister's two-term limit should be and that of all Menteri Besars and Chief Ministers, should be codified in law by the second year under PH.
12. Equitable access to state-owned broadcasters should be put in place even during by-elections for all candidates to present their policies.
13. The Political Financing Control Bill should be presented to the Parliament and passed before the second year under PH is due.
14. To strengthen the role and power of the local authorities and be accountable to local people, local government elections must be restored to reflect the commitment of PH to local democracy.

END

APPENDIX A - APPRAISAL METHODOLOGY

This report card bases its analysis on publicly available information and news reports from 9 May 2018 up until 8 May 2019.

The scale used to appraise the implementation of promises in Buku Harapan is as follows:

Status	Definition	Score
Fulfilled	The promise has been fully implemented.	4
Partially fulfilled	The promise has only been fulfilled in part.	3
In progress	Progress have been made towards fulfilling the promise, either by policy announcement or concrete action taken, but it has yet to be completed.	2
Barely fulfilled	Announcement made but no discernable actions taken to fulfill the promise, or it has only been fulfilled at the minimum level.	1
Not fulfilled	No announcement nor progress has been made at all to realise the promise.	0
Reversal/Broken	The promise has either been broken or the government has made a U-turn.	-1

APPENDIX B - OUTCOMES OF APPRAISAL OF THE IMPLEMENTATION OF PH'S PROMISES IN BUKU HARAPAN

No	Promise	Remark	Status	Score
PROMISE 12: LIMIT THE PRIME MINISTER'S TERM OF OFFICE AND RESTRUCTURE THE PRIME MINISTER'S DEPARTMENT				
1	The length of office for the Prime Minister shall be limited to two terms only.	On 18 October 2018, Prime Minister Mahathir Mohamad announced that the government planned to limit the tenure of the prime minister to two terms and this would require constitutional amendment. ¹ However, no further progress has been observed since then.	Not fulfilled	0
2	The length of office for Menteri Besar and Chief Ministers shall be limited to two terms only.	<p>On 16 November 2018, the Penang State Legislative Assembly passed the bill to limit the tenure of electing a chief minister to two terms², making Penang the first and only state to institutionalise the term limit for the head of state government.</p> <p>On 20 March 2019, the Melaka State Legislative Assembly passed a motion to limit the chief minister's tenure to two terms. However, it has not been codified in the state constitution, as the Melaka Chief Minister said they would have difficulty in getting two-thirds majority in the state legislative assembly to amend the state constitution.³</p> <p>Six other states controlled by PH have yet to follow in similar footsteps.</p>	Barely fulfilled	1

3	The Prime Minister will not simultaneously hold other ministerial posts, especially the post of Minister of Finance.	Prime Minister Mahathir Mohamad is currently not holding any other ministerial post. On 18 May 2018, he announced himself as the education minister when he first formed the Cabinet, but later dropped the portfolio to honor the manifesto pledge after he was reminded of it. ⁴	Fulfilled	4
4	Lower the number of Ministers in the Prime Minister's Department to a maximum of three only.	There are currently three ministers in the Prime Minister's Department who holds the Law, Religious Affairs and National Unity and Social Wellbeing portfolios. ⁵	Fulfilled	4
5	Reduce the allocation to the Prime Minister's Department from more than RM17 billion per annum now to less than half, that is RM8 billion only.	The allocation to the Prime Minister's Department in 2019 is RM7.39 billion, according to the 2019 Budget. ⁶	Fulfilled	4
6	Reduce the number of agencies under the Prime Minister Department by moving them to the relevant Ministries.	<p>On 1 July 2018, the restructuring of the Prime Minister's Department reduced the number of agencies and departments under the purview of the PMD from 90 to 26.</p> <p>40 will be re-designated to other ministries, while 10 agencies, including 19 offices and task forces, will be abolished.⁷</p> <p>Nine have been allowed to operate as independent entities and will report directly to parliament, including:</p> <ul style="list-style-type: none"> • the Election Commission • the Malaysian Anti-Corruption Commission • the Human Rights Commission of Malaysia 	Partially fulfilled	3

		<ul style="list-style-type: none"> • the National Audit Department • the parliament • Public Service Commission • Education Service Commission • The Judicial Appointments Commission • The Attorney General's Chambers will still under the PMD, but its prosecuting functions have been placed under the Public Prosecutor's Office, which will now report to Parliament <p>However, the change is administrative and have yet to be codified in law.</p> <p>On the other hand, some key government-linked companies (GLCs) namely Khazanah Nasional, Petronas and Permodalan Nasional Bhd (PNB) were moved from the Ministry of Finance to the PMD.⁸</p>		
7	Remove the Prime Minister's ability to manipulate key institutions by creating stronger check and balance mechanisms. Relevant powers will be decentralised to other bodies, including to the parliament.	<p><u>Independence of the judiciary</u> From 1 July 2018, the Judicial Appointment Committee will officially report to the Parliament directly instead of the PMD. On 11 October 2018, Prime Minister Mahathir Mohamad announced that the appointment of judges would go through parliament before the name were submitted to the King.⁹ However, both has yet to be codified in law.</p> <p><u>Independence of Parliament</u> Although the PMD announced that from 1 July 2018, the parliament will be allowed to operate as</p>	In progress	2

		<p>independent entity, its independence has yet to be codified in law by bringing back the Parliamentary Services Act, which will allow parliament to have financial autonomy and the power to hire and fire its staff.</p> <p><u>Independence of the Election Commission</u></p> <p>Although the PMD announced that from 1 July 2018, the EC will be allowed to operate as an independent entity, its independence has yet to be codified in law and to give it operational independence.</p> <p>Similarly, the MACC and Suhakam has to have their independence codified in law.</p>		
--	--	---	--	--

No	Promise	Remark	Status	Score
PROMISE 15: SEPARATING THE OFFICE OF ATTORNEY GENERAL FROM PUBLIC PROSECUTOR				
8	Take immediate steps to separate the Office of Attorney General from Public Prosecutor.	<p>On 1 July 2018, The Star reported that the Attorney General's Chambers was still under the PMD but its prosecuting functions have been placed under the Public Prosecutor's Office. However, such separation has yet to be codified in law and the independent public prosecutor's office is yet to be established.¹⁰</p> <p>The separation of the Attorney General and Public Prosecutor requires amendment of Article 145</p>	Barely fulfilled	1

		and 183 of the Federal Constitution and amendment of the definition of Public Prosecutor in the Interpretation Acts 1948 and 1967.		
9	The Attorney General shall be appointed from amongst the qualified Members of Parliament, and he would become a Minister who can continue the role as chief legal advisor to the Government.	Currently, the Attorney General is not appointed from amongst the members of parliament as this would require amendments be made to the Federal Constitution before it can be implemented. No action to amend the constitution has been made.	Not fulfilled	0
10	The position of Public Prosecutor will be held by another independent individual who can act without partisan interest.	On 1 July 2018, The Star reported that the Attorney General's Chambers was still under the PMD but its prosecuting functions have been placed under the Public Prosecutor's Office. However, such separation has yet to be codified in law and the independent public prosecutor's office is yet to be established. Such changes would require amendments be made to the Federal Constitution before it can be implemented. No action to amend the constitution has been made.	Barely fulfilled	1

No	Promise	Remark	Status	Score
PROMISE 16: RESTORE THE DIGNITY OF THE PARLIAMENT				
11	Reintroduce the Parliamentary Services Act 1963, with improvements in certain matters	On 21 July 2018, Dewan Rakyat Deputy Speaker Nga Kor Ming said the government was holding discussion to restore the integrity of parliament by reinstating the Parliamentary Services Act 1963. ¹¹	Barely fulfilled	1

		<p>In March 2019, the parliamentary caucus on reform and governance chairman Anwar Ibrahim said they are planning to revive the Parliamentary Services Act.¹²</p> <p>However, the Act has yet to be tabled in Parliament.</p>		
12	<p>The Speaker of the Dewan Rakyat and the President of Dewan Negara will be members whose integrity and credibility are respected by their peers.</p>	<p>On 16 July 2018, the 14th Parliament appointed Mohamad Ariff bin Md Yusof as the Speaker of Dewan Rakyat, a well-respected former judge of the Court of Appeal with integrity and credibility.¹³</p> <p>However, he was not an elected member of parliament in Dewan Rakyat.</p> <p>There is no change to the president of Dewan Negara with Senator Vigneswaran Sanasee continues to be the president.</p>	Not fulfilled	0
13	<p>The Speaker of Dewan Rakyat and President of Dewan Negara must retire from partisan politics as soon as they accept their posts.</p>	<p>The Speaker of Dewan Rakyat, Mohamad Ariff had resigned as the disciplinary chief and a member of the experts' advisory committee in Parti Amanah Negara.¹⁴</p> <p>However, the same spirit of non-partisanship should be extended to the two Deputy Speakers. They continue to engage in partisan politics outside the Dewan Rakyat, especially Nga Kor Ming, who has been embroiled in a number of contentious exchanges with the opposition.</p> <p>As the President of Dewan Negara, Vigneswaran Sanasee continues to</p>	Partially fulfilled	3

		hold the position of president of MIC. As MIC is not a component party of PH, this promise is not enforceable on the president of Dewan Negara.		
14	The Leader of the Opposition will be granted the status and provisions equivalent to a Federal Minister.	Currently, there are no provisions for the Leader of the Opposition to be granted the status as a federal minister.	Not fulfilled	0
15	Provide funding based on a transparent formula to all members of the Dewan Rakyat so that they can carry out the responsibilities in their respective constituencies and to run their service centers.	<p>The annual constituency allocation for PH MPs has increased threefold from RM500,000 in 2018 to RM1.5 million in 2019 while the allocation for opposition MPs remained at RM100,000.</p> <p>As for allocation for service centers, PH MPs are given RM300,000 in 2019 in comparison with RM150,000 in 2018. The opposition MPs received no allocation for service centers.¹⁵</p> <p>Such unequal formula is unjust to the opposition MPs and the people living in opposition constituencies. All elected MPs should be given equal allocation to run their service centers.</p> <p>BERSIH 2.0 is of the view that the annual constituency allocation to MPs should be abolished as this can lead to vote-buying and corruption at the constituency-level. A better mechanism of disbursement should be explored to provide better checks and balances.</p>	Broken/ Reversed	-1

16	Parliament sittings will take place at a minimum of 100 days per year.	<p>From May to December in 2018 after PH took over power, Dewan Rakyat sat for 20 days (July 16 to August 16) and 37 days (15 October to 11 December 2018), a total of 57 days.</p> <p>In 2019, Dewan Rakyat is scheduled to sit for 68 days only in total (20 days from March 11 to April 11, 12 days from 1 July to 18 July and 36 days from 7 October to 5 December).¹⁶</p>	Broken/ Reversed	-1
17	Institutionalise the Select Committee system in Dewan Rakyat and Dewan Negara, complete with suitable provisions and appropriate support staff to enable them to function effectively. Temporary Committees can also be created for ad hoc matters.	<p>On 4 December 2018, six parliamentary select committees were established.¹⁷ The committees are:</p> <ul style="list-style-type: none"> • Consideration of Bills Committee, • Budget Committee, • Rights and Gender Equality Committee, • Major Public Appointments Committee, • Defense and Home Affairs Committee, and • Federal State Relations Committee. <p>However, these select committees have yet to function fully. The Consideration of Bills Committee is still without a chairperson following the resignation of Nurul Izzah Anwar.</p> <p>According to the Speaker of Dewan Rakyat, one secretariat staff and one researcher have been assigned</p>	Partially fulfilled	3

		to each of the six parliamentary select committees.		
18	A Dewan Rakyat Select Committee will be established to monitor every Ministry, with the power to call Ministers and senior officials to testify.	See above. The monitoring of ministries is clustered into six parliamentary select committees.	Not fulfilled	0
19	Key national positions such as appointments to the Human Rights Commission, Election Commission of Malaysia, the Malaysian Anti-Corruption Commission, and Judicial Appointments Commission must be approved by a suitable parliamentary committee.	All the key national positions have not been appointed through the approval of parliamentary committee since the parliamentary select committees were established on 4 December 2018.	Not fulfilled	0

20	Important bodies such as the Attorney General's Chambers, MACC, Bank Negara, the Securities Commission, and the National Audit Department shall be liable to be called by the appropriate parliamentary committee.	No such agencies have been called by any parliamentary select committee to this date.	Not fulfilled	0
21	The establishment of informal groups in Parliament also will be encouraged to allow exchange of views between members of Parliament. These include groups such as Caucuses and All Party Parliamentary Groups which can also involve representatives of civil society who are not a member of parliament.	A parliamentary caucus on reform and governance was established on 4 December 2018. ¹⁸ However, no representatives of civil society are involved. More caucuses and APPG need to be setup and a more formal structure for engagement with civil society and other stakeholders need to be put in place.	In progress	2
22	The Chairman of the Public Accounts Committee will be reserved for an opposition member of parliament.	Although the Public Accounts Committee (PAC) is currently chaired by Opposition MP Dr. Noraini Ahmad, this promise was almost broken when Prime Minister Mahathir Mohamad defended the appointment of Ronald Kiandee as PAC Chairman after he joined the ruling coalition on 16 March 2019. The position was succeeded by Dr. Noraini Ahmad on 11 April 2019 after PH came under pressure to replace Ronald Kiandee with an opposition MP. ¹⁹	Fulfilled	4
23	Start the culture of producing Green Papers so	The new government did not produce any Green Paper since they came into power. They could	Not fulfilled	0

	that we can stimulate discussions.	have released the Institutional Reforms Committee's report containing recommendations for institutional reforms or the report of the Council of Eminent Persons as Green Paper, but they did not do so.		
24	Produce White Papers to announce major government policies before a new Act is introduced in Parliament.	The Economic Affairs Ministry has tabled the White Paper on the Federal Land Development Authority (FELDA) in Parliament in April 2019. ²⁰ It is the only White Paper formulated after the 14th general election.	Barely fulfilled	1
25	Every week, 30 minutes will be allocated for Prime Minister's Questions in the Dewan Rakyat.	Currently, there is minister's question time of 30 minutes on Tuesday and Thursday when parliament is in sitting. However, there is no prime minister's questions time allocated for 30 minutes every week. While the PM can use the Minister's Questions Time, as chief executive of the Cabinet, the PM should personally give account of Cabinet decisions in a special PM Questions Time.	Not fulfilled	0
26	The Dewan Negara will be empowered so that it can play the proper role to check and balance the Dewan Rakyat.	A Reform Working Committee was announced on 18 th February 2019 to study various aspects of the institution that requires improvement. The scope includes empowering Dewan Negara and its senators, bringing back the Parliamentary Service Act 1963, improving the Senate's structure that covers senator's term, composition and other aspects, and creating more awareness among	In progress	2

		the public about the role of Dewan Negara. ²¹		
27	Ensure that the number of Senators appointed by the states is always higher than those appointed by the Federal Government so that the interest of the states are always protected.	At present, the number of Senators appointed by states and federal government are 26 and 44 respectively according to Article 45 of the Federal Constitution. In order to fulfill this promise, a constitutional amendment is required.	Not fulfilled	0
28	In both Dewan Rakyat and Dewan Negara, specific time will be allocated for: <ul style="list-style-type: none"> • Opposition party agenda • Questions to the Ministers for each Ministry which is mandatory for the respective Ministers or Deputy. • Debating at Committee level the reports from Human Rights Commission (SUHAKAM), the Auditor General, Public Accounts Committee, and the annual report of Government-Linked Investment companies (GLICS) and Petronas. 	Minister question time is allocated on every Tuesday and Thursday, which is mandatory for the ministers to answer questions. No time is allocated for opposition party agenda and debating of the reports. The parliamentary select committees have yet to debate reports from the relevant agencies.	Barely fulfilled	1
29	Publish the full list of directorships held by Members of Parliament in state-owned enterprises at the federal or state levels, and all private companies, or as a consultant, together with the amount of allowances and other payments they receive on an annual basis.	No such announcement has been made.	Not fulfilled	0

No	Promise	Remark	Status	Score
PROMISE 17: ENSURE TRANSPARENCY AND ROBUSTNESS OF OUR ELECTION SYSTEM				
30	Free the Election Commission from the grips of the Prime Minister and other politicians by placing the Election Commission fully under Parliamentary monitoring.	As of 1 July 2018, the Election Commission is allowed to operate as an independent entity that reports directly to Parliament. It was previously parked under the Prime Minister's Department. ²² However, within the current constitutional framework, the members of the Election Commission are still appointed by Yang di-Pertuan Agong upon the advice of the Prime Minister. Fulfilling this promise will require amendments to the Federal Constitution.	Partially fulfilled	3
31	A quota will be established to ensure that civil society representatives become members of the Election Commission of Malaysia.	Although Zoe Randhawa, a former staff of BERSIH 2.0 and two academic activists, Dr. Azmi Sharom and Dr. Faisal Hazis were appointed into the Election Commission on 14 February 2019 ²³ , no civil society representative quota has been officially established as this would require amendment to the Federal Constitution.	Partially fulfilled	3
32	Appointment of members of the Election Commission will be through the process of approval by the Parliament.	The appointment of seven new members of Election Commission was not approved in the parliament as amendment to the Federal Constitution is required.	Not fulfilled	0
33	A Special Committee will be formed under the Deputy Prime Minister to work with civil society in creating and	Such Special Committee has not been established nor mentioned until the present. Nevertheless, the Electoral Reform Committee was	Partially fulfilled	3

	publishing a guideline for a Caretaker Government.	established under the Prime Minister's Office and is currently working on creating the guideline for caretaker government and various other electoral reforms. ²⁴		
34	The proposals mooted by the Select Committee on Improvements to the Electoral Processes, BERSIH, as well as the GE13 election observation report by the Institute for Democracy and Economic Affairs (IDEAS) will be used as references to improve our electoral system.	The Electoral Reform Committee was formed under the Prime Minister Department to review election laws and systems is currently using those reports as references in making recommendations to improve the electoral system.	Fulfilled	4
35	Lower the voting age limit to 18 years.	The Cabinet has announced that it has decided to lower the voting age from 21 to 18 in September 2018. ²⁵ However, it has not been materialised to date. Such change would require amending Article 119(1) of the Federal Constitution.	In progress	2
36	Registration will be automatic based on details at the National Registration Department.	The implementation of automatic voter registration would require amendments of Article 119(4) of the Federal Constitution and the Election (Registration of Electors) Regulations 2002. No changes have been made to date. However, this matter is being studied by the ERC. ²⁶	In progress	2

37	Allow all registered parties who are contesting in the election to have air time on TV channels and radio stations run by RTM.	<p>There was no air time officially given to all registered parties on TV channels and radio stations run by RTM during an election to allow them to share their manifesto or vision to voters.</p> <p>On 23 January 2019, for the first time in history, RTM provided nationwide live telecast of a debate among candidates of Cameron Highlands by-election, organised by BERSIH 2.0 on 23 January 2019.</p> <p>In May 2019, Communications and Multimedia Minister Gobind Singh Deo said all candidates including from the opposition are welcome to utilise government media to share their plans and vision on national television.²⁷</p>	Barely fulfilled	1
38	Ensure RTM's coverage of the election is fair and just.	After GE14, RTM has given news coverage to opposition parties' candidates in the past by-elections, however, the coverage is still far from being fair and just.	Barely fulfilled	1
39	Ensure a fair ratio in future delimitation exercises and announce transparently to the public the formula being used to determine the number of voters and the size of each constituency.	The delimitation exercise can only be carried out every 8 years. The last delimitation exercise was in 2018 before the 14th general election. To start a new delimitation process before the 8 year period lapsed, constitutional amendments are needed. This is one of the issues being studied by the ERC in order to give recommendations to the prime minister. ²⁸	In progress	2

No	Promise	Remark	Status	Score
PROMISE 18: CREATE A POLITICAL FINANCING MECHANISM THAT HAS INTEGRITY				
40	Introduce a new Political Financing Control Act to ensure funding of politics in our country is transparent and free from corrupt practices.	In July 2018, Prime Minister Mahathir Mohamad announced that the government will be tabling a new law on political funding in parliament in order to curb corruption and lobbying. ²⁹ The Governance, Integrity, and Anti-Corruption Center (GIACC) and the ERC are in the process of preparing a bill on political financing. However, the bill has yet to be tabled in Parliament to this date.	In progress	2
41	Set up a Special Committee to prepare the Act.	The GIACC has been established to prepare the Act.	Fulfilled	4

No	Promise	Remark	Status	Score
PROMISE 25: STRENGTHEN THE ROLE AND POWER OF THE LOCAL AUTHORITIES				
42	Ensure PBTs achieve international service standards in carrying out their responsibilities. Global agenda, such the Sustainable Development Goals 2030, will be used as the benchmark to improve PBT nationwide.	The SDG 2030 is being incorporated into the policies and practices of PBTs nationwide. SDG16 requires among others, substantially reduce corruption and bribery in all forms and develop effective, accountable and transparent institutions at all levels. However, the compliance with the SDG 2030, especially on SDG16 on peace, justice and strong institutions, is still far from satisfactory. For instance, PBTs are not accountable to the public on the creation of their budget as well as in the monitoring of their budgets. Less	In progress	2

		<p>than 5% of PBTs conduct public budget discussions prior to finalising their budgets. An insignificant number of PBTs publish their budgets or allow monitoring of their budgets.</p>		
43	<p>Committed to local democracy. The PBT's accountability to the local community will be improved so that they become more accountable to local people and the Local Government Act 1976 will be amended to ensure that this aspiration is realised.</p>	<p>SDG16 requires the government to ensure responsive, inclusive, participatory and representative decision-making at all levels and ensure public access to information and protect fundamental freedoms.</p> <p>These SDG requirements necessitates local government elections to be brought back and a national freedom of information legislation to be introduced.</p> <p>On 31 July 2018, the Housing and Local Government Minister Zuraida Kamaruddin expressed that her ministry intended to hold local government elections in three years time.³⁰</p> <p>On 10 December 2018, the PM said "No" to local council elections as it may produce the wrong results.³¹ This comment has negated Zuraida's intention.</p> <p>On 1 May 2019, Zuraida Kamaruddin promised to table amendments to the Local Government Act 1976 "some time at the end of next year or early 2021" to pave the way for local council elections.³²</p>	Not fulfilled	0

		<p>Councillors appointed by politicians have caused a lot of problems for the citizens and developed into a system of political patronage. Some councilors were not properly qualified for the job while some even went against the communities they were supposed to serve. Local democracy must include the reintroduction of local council election</p> <p>While currently there is state level freedom of information law in Penang and Selangor, however, there is no progress on introducing a national freedom of information act.</p>		
44	Local civil society organizations will be given platforms to express their views directly in PBTs.	<p>There has been no report of any formal platforms for civil society organisations to express their views directly in local councils.</p> <p>Public participation is not encouraged in matters affecting the public at PBTs level. In Selangor there are instances of residents hiring their own traffic consultants to carry out traffic impact studies. While in Kuala Lumpur, residents have to take legal action to sue their city council over their reluctance to share the traffic impact assessment's reports prior to the public hearing. The action by Kuala Lumpur City Council (DBKL) to seek an appeal against the legal victory by residents reinforces the public perception that public participation is not welcomed by the DBKL.</p>	Not fulfilled	0

APPENDIX C – REFERENCE

- ¹ New Straits Times, "Constitutional amendment needed to limit PM, MBs and CMs tenure to two terms", 18 October 2018, <https://www.nst.com.my/news/nation/2018/10/422552/constitutional-amendment-needed-limit-pm-mbs-and-cms-tenure-two-terms>
- ² The Star Online, "Penang passes Bill to limit chief minister's tenure to two terms", 16 November 2018, <https://www.thestar.com.my/news/nation/2018/11/16/penang-passes-bill-to-limit-chief-minister-tenure-to-two-terms/>
- ³ Berita Harian, "Melaka lulus had tempoh Ketua Menteri 2 penggal", 20 March 2019, <https://www.bharian.com.my/berita/wilayah/2019/03/543368/melaka-lulus-had-tempoh-ketua-menteri-2-penggal>
- ⁴ Malaysiakini, "PM says won't break manifesto, drops education minister portfolio", 18 May 2018, <https://www.malaysiakini.com/news/425655>
- ⁵ Prime Minister's Department website, <http://www.jpm.gov.my/ms/anggota-pentadbiran>
- ⁶ 2019 Budget for Prime Minister's Department, http://www.treasury.gov.my/pdf/bajet/maklumat_bajet_kerajaan/2019/perbelanjaan/B.6_P.6.pdf
- ⁷ Malaysiakini, "Forty departments under PMD shifted out under restructuring plan", 2 July 2018, <https://www.malaysiakini.com/news/432217>
- ⁸ Malaysiakini, "Khazanah, Petronas and PNB proposed to be moved to PM's Dept", 27 July 2018, <https://www.malaysiakini.com/news/436144>
- ⁹ The Star Online, "Judicial reforms are taking shape", 11 October 2018, <https://www.thestar.com.my/news/nation/2018/10/11/judicial-reforms-are-taking-shape-appointment-of-judges-would-go-through-parliament-first-says-dr-m/>
- ¹⁰ The Star Online, "Massive overhaul in PM's Dept with MACC, EC among agencies placed under Parliament", 1 July 2018, <https://www.thestar.com.my/news/nation/2018/07/01/massive-overhaul-in-prime-ministers-department-with-macc-ec-among-agencies-placed-under-parliament/>
- ¹¹ New Straits Times, "Govt in talks to reinstate Parliament Services Act", 21 July 2018, <https://www.nst.com.my/news/government-public-policy/2018/07/392953/govt-talks-reinstate-parliament-services-act>
- ¹² New Straits Times, "Anwar: Parliamentary caucus to reintroduce draftsman", 27 March 2019, <https://www.nst.com.my/news/nation/2019/03/473516/anwar-parliamentary-caucus-reintroduce-draftsman>
- ¹³ The Star Online, "Dr M confirms ex-judge Mohamad Ariff as Parliament Speaker nominee", 15 July 2018, <https://www.thestar.com.my/news/nation/2018/07/15/pm-confirms-mohamad-ariff-as-speaker/>

-
- ¹⁴ The Star Online, "Mohamad Ariff quit from Amanah before Speaker submission", 16 July 2018, <https://www.thestar.com.my/news/nation/2018/07/16/mohamad-ariff-quit-from-amanah-before-speaker-submission/>
- ¹⁵ Malaysiakini, "Opposition MPs cry discrimination over constituency allocations", 2 April 2019, <https://www.malaysiakini.com/news/470499>
- ¹⁶ House of Representatives Calendar, <https://www.parlimen.gov.my/takwim-dewan-rakyat.html?uweb=dr&lang=en>
- ¹⁷ Malaysiakini, "Six new select committees announced, Anwar heads reforms caucus", 4 December 2018, <https://www.malaysiakini.com/news/454684>
- ¹⁸ Ibid.
- ¹⁹ The Star Online, "Parit Sulong MP Dr Noraini Ahmad is new PAC chairman after voice vote", 11 April 2019, <https://www.thestar.com.my/news/nation/2019/04/11/parit-sulong-mp-dr-noraini-ahmad-is-new-pac-chairman-after-voice-vote/>
- ²⁰ New Straits Times, "White Paper spells out RM6.23 billion financial aid boost for FELDA", 10 April 2019, <https://www.nst.com.my/news/nation/2019/04/478032/white-paper-spells-out-rm623-billion-financial-aid-boost-felda>
- ²¹ The Edge Markets, "Dewan Negara to establish Reform Working Committee", 18 February 2019, <https://www.theedgemarkets.com/article/dewan-negara-establish-reform-working-committee>
- ²² The Star Online, "MACC and EC to report to Parliament", 2 July 2018, <https://www.thestar.com.my/news/nation/2018/07/02/macc-and-ec-to-report-to-parliament-seven-others-answerable-to-august-house-as-agencies-under-pms-de/>
- ²³ Malay Mail, "Azmi Sharom is new EC deputy chief, Bersih rep made commissioner". 14 February 2019, <https://www.malaymail.com/news/malaysia/2019/02/14/azmi-sharom-is-new-ec-deputy-chief/1722902>
- ²⁴ The Star Online, "Government sets up Electoral Reform Committee headed by Ab Rashid", 16 August 2018, <https://www.thestar.com.my/news/nation/2018/08/16/government-sets-up-electoral-reform-committee/>
- ²⁵ The Star Online, "Cabinet decides to lower voting age from 21 to 18", 19 September 2018, <https://www.thestar.com.my/news/nation/2018/09/19/cabinet-decides-to-lower-voting-age-from-21-to-18/>
- ²⁶ New Straits Times, "16 components for electoral reform to be presented to government next year", 4 May 2019, <https://www.nst.com.my/news/nation/2019/05/485571/16-components-electoral-reform-be-presented-government-next-year>
- ²⁷ Free Malaysia Today, "Gobind welcomes all candidates to use govt TV ahead of Sandakan by-election", 6 May 2019,

<https://www.freemalaysiatoday.com/category/nation/2019/05/06/gobind-welcomes-all-candidates-to-use-govt-tv-ahead-of-sandakan-by-election/>

²⁸ Ibid.

²⁹ New Straits Times, "Gov't to introduce new law on political funding: Dr M", 9 July 2018, <https://www.nst.com.my/news/government-public-policy/2018/07/389043/govt-introduce-new-law-political-funding-dr-m>

³⁰ The Star Online, "Zuraida Kamaruddin: Local council elections in 3 years, low-cost homes to be bigger", 31 July 2018, <https://www.thestar.com.my/news/nation/2018/07/31/zuraida-kamaruddin-local-council-elections-in-3-years-low-cost-homes-to-be-bigger/>

³¹ The Star Online, "No to local council elections which may cause racial strife, says Dr Mahathir", 10 Dec 2018, <https://www.thestar.com.my/news/nation/2018/12/10/no-to-local-council-elections-which-may-cause-racial-strife-says-dr-mahathir/>

³² Free Malaysia Today, "Zuraida: I'll keep my vow to restore 3rd vote in 2021", 1 May 2019, <https://www.freemalaysiatoday.com/category/nation/2019/05/01/zuraida-ill-keep-my-vow-to-restore-3rd-vote-in-2021/>