



Election Report

MALAYSIA / Legislative & Regional Elections
20 May 2013

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Background:

These elections were keenly anticipated by the Malaysian public due to a generalised disaffection with the Barisan Nasional government headed by Datuk Seri Najib Razak.¹ The prime minister was faced with a growing, widespread rejection of his government by the Chinese community as well as sectors of the ethnic Malay community, due to cases of corruption and abuse of power,² policies of racial discrimination in favour of the Malay majority,³ and its handling of the economy. All of these factors brought about a rise in ethnic and religious tensions during his term in office.

The outgoing Malaysian prime minister had his first shot in these elections at winning an electoral majority, given that he came to power in 2009 after the resignation of the then Prime Minister Abdullah Badawi in a parliamentary term tainted by Barisan Nasional's poor results in the 2008 legislative elections. The electoral campaign this time was very tense, with several major incidents such as the explosion of several devices in Barisan Nasional headquarters.⁴

The ruling Barisan Nasional⁵ hoped to retain its power in the national parliament but was aware that its loss of support – already visible in the 2008 elections – would continue. This to the advantage of the three opposition parties, allied under the banner Pakatan Rakyat:⁶ 1) the historic Pan-Malaysian Islamic Party (PAS), which represents political Islam in Malaysia and has had solid, albeit reduced electoral support across different elections;⁷ 2) the Democratic Action Party (DAP), which represents part of the Chinese community and is a member of the Socialist International; and 3) the People's Justice Party (PKR), of Malaysia's former Deputy Prime Minister, Anwar Ibrahim. The latter, which positions itself within the Malaysian nationalist camp (the difference being that it is more open to the country's minorities), has been conspicuous for its forceful opposition to Barisan Nasional.

At the same time as these legislative elections, elections also took place or the renewal of regional assemblies in 12 of Malaysia's 16 states and federal

¹ For more information on Malaysian political parties see the relevant section on political parties in Malaysia on the OPEMAM website: www.opemam.org

² Arnold Puyok "Malaysia's 13th general election": <http://www.eastasiaforum.org/2013/05/02/malaysias-13th-general-election/> Website visited: 24 May 2013.

³ IHS "Election 2013: Malaysia divided after ruling coalition wins poll": <http://www.ih.com/products/global-insight/industry-economic-report.aspx?id=1065978895> Website visited: 24 May 2013.

⁴ The leader of the PKR's condemnation of one of these incidents can be read online. See: "Media release: Parti Keadilan: Pakatan Rakyat Condemns Explosions and Arson": <http://anwaribrahimblog.com/2013/04/24/media-release-parti-keadilan-pakatan-rakyat-condemns-explosions-and-arson/> Website visited 26 May 2013.

⁵ Since democracy began in Malaysia with the first legislative elections in 1959, BN and its previous incarnations have won every legislative election held to date.

⁶ The coalition's manifesto can be read online in English. See: <http://www.pakatanrakyat.my/files/ENG-Manifesto-LEAFLET.pdf> Website visited: 26 May 2013.

⁷ The PAS was until the 2008 elections, the mainstay of the opposition to BN. Its electoral stronghold is in Kelantan, a state that it governed from 1959 to 1978 and again from 1990 until present day.

territories.⁸ As in the case of the legislative elections, it was predicted that several states would pass into the hands of the opposition. A very high turnout was also anticipated, given the real possibility of a change of government – for the very first time in Malaysia's history.

Quantitative indices of democracy:

Malaysia was classified in the following democratic performance rankings just before these elections:

Measurement	Name and year of report or database	Institution	Index	Points, ranking and classification
Political rights and freedom	Freedom House Report 2013	Freedom House (FH)	PR: political rights CL: civil liberties	PR: 4, CL: 4 (Scale of 1, free to 7, not free) Classification: Partially free
Consolidation of authoritarian and democratic institutions	Polity IV 2010	Center for International Development and Conflict Management, Univ. of Maryland	Democracy: consolidation of democratic institutions Autocracy: authoritarian consolidation Polity: synthesis of both	Democracy: +6 Autocracy: 0 Polity: +6 (Scale of +10, very democratic to -10, very authoritarian) Classification: Democratic
Perception of corruption	Transparency International Corruption Perception Index 2012	Transparency International	TICPI: Perception of corruption index	TICPI: 49 points out of 100, (Scale of 0 very corrupt to 100 not at all corrupt) Ranking: 54 out of 174 countries
Democracy, including press status and corruption	World Democracy Audit Dec. 2012	World Audit	World Democracy Rank: political freedom (FH) + press and corruption (TI)	World Democracy Ranking: 81 out of 150 countries, Division 4 out of 4
Management of Political and Economic Change	Bertelsmann Transformation Index (BTI) 2012	Bertelsmann Foundation	MI: Management Index, quality of change management	MI: 5.63 out of 10. Ranking: 42 out of 128 countries Classification: weak management

⁸ Malaysia is made up of 13 states: Johor, Malacca, Penang, Kedah, Kelantan, Negeri Sembilan, Pahang, Perak, Perlis, Selangor & Terengganu, Sabah and Sarawak, as well as 3 federal territories: Kuala Lumpur, Putrajaya and Labuan.

Definition of the electoral and party systems:

Malaysia uses the simple majority electoral system or, as its legislation describes it, the 'first past the post' system. The country is divided into 222 single-member electoral constituencies which coincide with the 222 members of the federal parliament. The candidate with the highest number of votes in his or her constituency wins the seat in parliament.

While this system naturally goes against the principle of proportionality when votes are transformed into seats, in the Malaysian case, this lack of proportionality reaches extreme limits. This is the reason why the opposition can win less MPs than Barisan Nasional, despite winning more votes. In fact, the results of these 2013 elections were the least proportional in the country's history seats-wise, generating a distortion which transformed the opposition's victory in votes into a defeat in terms of seats. In the 2004 elections the correlation between the percentage of votes and seats won by Barisan Nasional was 63.9% of votes for 90.41% of seats. In 2008 its 50.27% of votes became 63.1% of seats. In these 2013 elections its 47.38% of votes became 59.90% of seats in parliament.

Malaysia's is now a multi-party system, but until the 2008 legislative and regional elections it was totally dominated by Barisan Nasional and its earlier incarnations. As a result, what was until 2008 a dominant party system, has since then weakened, producing a slow but steady gain of power by the opposition. According to the trend seen in the 2008 and 2013 elections, the opposition could come to power nationally in the 2018 elections, although this is a very far-off horizon for predicting political change. At a regional level, the opposition has consolidated its power in Kelantan, Penang and Selangor states which it won in 2008, but lost power in Perak and Kedah. Yet, despite this small loss of states, the opposition continues on an upward trend regionally, reaching 229 representatives out of 505, versus 198 in 2008 and 51 in 2004. It can therefore be argued that these legislative and regional elections confirm the trends announced back in 2008.

Impact of the electoral formula and constituency size on the elections

The fact that that the 222 constituencies are single-member districts with a winner-takes-all electoral formula, adds a strong degree of distortion to the system, allowing the most-voted-for party to win the seat even when the margin is just one vote. Population differences between each constituency compound the impact of this distortion.⁹ In effect, each constituency won by Barisan Nasional has on average 46,510 voters compared to the 77,655 voters in constituencies won by the opposition.¹⁰ The distorting effect of this electoral formula is obvious and calls into question the legitimacy of the current Barisan Nasional government.

⁹ A good example of this is the difference in the number of voters between the constituency of Putrajaya with 15,791 electors and Kapar with 144,159 electors.

¹⁰ Terence Netto: "BN victory or EC sorcery?" Available online at: <http://www.malaysiakini.com/news/229350> Website visited: 26 May 2013

Results:¹¹

Enrolled voters: 13,268,002
Official turnout: 11,256,545 (84.84%)
Spoiled ballots: 173,661 (1.54%)

Official results of Malaysian legislative elections, 20 May 2013:

	Party	% of valid votes	Seats	% of seats
In government	Barisan Nasional - BN	47.38%	133	59.90%
In opposition	People's Justice Party - PKR	20.39%	30	13.51%
	Democratic Action Party-DAP	15.71%	38	17.11%
	Malaysian Islamist Party - PAS	14.77%	21	9.45%
		Total: 50.87%	Total: 89	Total: 40.10%
Total		100%	222	100%

In the regional elections, Barisan Nasional won in all the states that were up for grabs, with the exception of the industrial state Selangor and Penang and Kelantan states. The distribution of seats was as follows: BN 275, PAS 85, PKR 49, DAP 95 and STAR 1 (the latter is a small regionalist party in Borneo).¹²

Qualitative analysis of the elections

Participation:

At 84.4%, turnout was the highest in the history of legislative elections, a fact that indicates the huge interest in these elections. In the regional elections voter turnout was also extremely high, at 85.82%. The highest rate of participation at a regional level was in the federal district of Putrajaya where 91.6% of the 15,791 electoral roll cast votes. Conversely, the lowest rate of participation, 76.5% came in a BN stronghold, Sarawak. It is finally worth underlining the high turnout in the three states won by the opposition, Selangor with 87.4%, Kelantan with 85.2% and Penang with 87.2%.

Competition:

Several points stand out regarding competition in these elections. Firstly, as in the 2008 elections, not one independent candidate won representation. This underscores the importance of the party machines. The various independent candidates altogether received 86,931 votes. Secondly, despite together winning more than 100,000 votes, seven smaller parties did not win representation either. Thirdly, the level of competition was also very affected by the major imbalance in media coverage during these elections, to the opposition's disadvantage. Fourthly, the DAP was threatened with not being allowed to

¹¹ Data obtained at: Keputusan terkini parlimen: <http://keputusan.spr.gov.my/#home> Viewed online on 17 June 2013. And at: http://resultpru13.spr.gov.my/module/keputusan/paparan/5_KerusiDun.php, Viewed online on 17 May 2013.

¹² Data obtained at: http://resultpru13.spr.gov.my/module/keputusan/paparan/5_KerusiDun.php, Viewed online on 17 May 2013.

compete due to an internal investigation being carried out by the Registry of Societies,¹³ an organisation in charge of administering the country's associations and societies, due to a problem related with the result of an internal election. In the end the DAP was not banned and this allowed it to win the sympathy of many Malaysians who saw it as yet another victim of the BN's dirty tactics to hold onto power.¹⁴ Lastly, it is worth underlining that Hizbut Tahrir, an increasingly important social and religious organisation in Malaysia, did not take part in these elections.

Transparency:

Countless irregularities occurred in different moments of this electoral process.¹⁵ Among the principal ones were those relating to the electoral roll and various incidents that took place during the election campaign and especially on election day itself. The role of the Electoral Commission itself was called into question for its obvious bias in favour of BN.

The electoral roll was packed with phantom voters, the names of deceased voters, voters with the same names, addresses, identity numbers etc. There were complaints about vote-buying by both sides, though those concerning Barisan Nasional were more common (offers of money and different gifts, for instance). There were even accusations that people had been relocated from Borneo to the Malaysian peninsula in order to cast their votes in key districts that could favour BN.¹⁶

The campaign itself was characterised by violence, both verbal and non-verbal, as evidenced by the array of molotov cocktails hurled against the offices of Barisan Nasional and the opposition, as well as the explosion of small explosive devices at BN headquarters. In addition to this, BN made great use of public spaces such as schools and even military bases to hold its campaign events, an advantage that was not granted to the opposition.¹⁷

On election day the terrible quality of the supposedly indelible ink used to mark the finger of voters who had just cast their votes, but which in fact could easily be wiped off immediately after the finger was marked, made it possible to cast multiple votes with different identities.

Lastly, these elections continue to suffer from problems concerning their fairness and democratic quality, as described in the reports of different think

¹³ ROS "FAQ's": <http://www.ros.gov.my/index.php/my/soalan-lazim> Viewed online on 21 June 2013.

¹⁴ The Malaysia Today, "Deregistration 'threat' that wasn't": <http://www.malaysia-today.net/mtcolumns/guest-columnists/56030-deregistration-threat-that-wasnt> Viewed online on 21 June 2013

¹⁵ The complete preliminary report of the clean and fair elections coalition Bersih available online at: <http://www.bersih.org/?p=6122> Viewed online on 22 May 2013.

¹⁶ The Star "GE13: Tengku Adnan confirms get out the vote flights organised by 'BN friends': <http://thestar.com.my/news/story.asp?file=/2013/5/2/nation/20130502211505&sec=nation> Viewed online on 26 May 2013.

¹⁷ A complete report on the fairness of these elections is that compiled by the CPPS: "Was GE13 Free and Fair?: An Interim Observation on Malaysia's 13th General Election": <https://dl.dropboxusercontent.com/u/122057/GE13-Observation-Interim-8-May-2013.pdf> Viewed online on 26 May 2013.

tanks and local organisations specialised in elections, such as ASLI's CPPS¹⁸ and Ideas.¹⁹

Representation and debate:

The four parties that won representation in the federal parliament are representative of present-day Malaysian society. It must be pointed out that Barisan Nasional is a coalition of parties made up of 12 political groupings that go from ethnic Malay parties, such as the United Malays National Organisation, which is the mainstay of the coalition, as well as ethnic Tamil parties such as the Malaysian Indian Congress, ethnic Chinese groups such as the Malaysian Chinese Association, as well as regional parties centred in Sabah or Sarawak, both on the island of Borneo.

On the opposition side, political Islam is represented by the historic Pan-Malaysian Islamic Party (PAS), a considerable section of the Chinese community is represented by the DAP, and lastly, the People's Justice Party (PKR), represents many disenchanted former Barisan Nasional voters who follow the former Barisan Nasional Finance Minister, Anwar Ibrahim. Given this, it can be argued that these elections were representative of contemporary Malaysian society ethnically and religiously, which are the two major variables that define the country. It should be mentioned however, that different areas of society²⁰ are pressuring the parties to make their choice of candidates more democratic and to open the parties up to society through primaries.

These elections have been the closest to date in Malaysia's history and political tension was reflected in the serious accusations of corruption made by both camps as well as the explosion of molotov cocktails and homemade bombs across the country. In terms of subject matter, the news media was absorbed with corruption, the eternal racial and religious debate, and the economic situation. Meanwhile Barisan Nasional dominated debate in the news media, just like in 2008, in terms of both space and coverage. According to the *Centre for Independent Journalism* (CIJ) and the *University of Nottingham* in Malaysia, coverage of BN was very positive compared to the negative portrayal of the opposition.

Openness:

Barisan Nasional's victory in both Malaysia's general and regional elections was in danger for the first time in the country's electoral history. In that sense, these elections were open to any possible result. However, the perverse effect of the electoral system crushed all hopes of change, as shown by the opposition's ineffective victory in terms of votes. In order for the will of Malaysian society to be reflected in the seats in parliament, a wide-ranging reform of both the electoral formula and system is urgently required. The

¹⁸ Center for Public Policy Studies. For more information see: <http://www.cpps.org.my>

¹⁹ Institute for Democracy and Economic Affairs. For more information see: <http://www.ideas.org.my>

²⁰ Athi Shankar "How to prevent internal sabotage": <http://www.freemalaysiatoday.com/category/nation/2013/04/26/how-to-prevent-internal-sabotage/> Viewed online on 21 June 2013.

Electoral Commission has announced that it will soon carry out such a reform and modify a substantial share of the electoral constituencies.

Significance:

These elections were very important even though the distorting effect of the electoral system limited the change demanded by Malaysian society. At a political level change is minimal. Barisan Nasional continues to govern despite having won less votes than the opposition. But the fact that this is the first time Barisan Nasional has lost an election since elections were first held in Malaysia is significant.

At a regional level, the changes brought about in the 2008 elections were borne out, namely the opposition's victory in the states of Penang, Kelantan and especially the industrial state of Selangor which is the country's economic powerhouse.

Consequences and impact on the political system

As was to be expected, the opposition parties bitterly condemned the election results. The fact that the opposition, while winning the most votes in the elections, is relegated to playing a minor role nationally due to an electoral formula and the type of constituencies used, highlights the serious shortcomings of the country's political and electoral system. These shortcomings could in the future be the source of major conflict and tensions in a multi-ethnic and multi-faith country. The desire for change expressed by a majority of voters has had no effect on the share of power in the country. Conscious of these paradoxical and compromising circumstances, the government has announced political reforms to help overcome this situation.

Four parties won representation in the national parliament: the BN, the PKR, the PAS and the DAP. At a state level, only the STAR, the small regional party from Borneo, managed to win representation, with one seat in the parliament of Sabah. The principal changes compared with the 2008 elections were as follows: firstly, following the trend set in 2008 when Barisan Nasional lost 58 seats and went from 198 down to 140, this time its decline was only 7 seats, down to 133. Hopes that Barisan Nasional would recover two thirds of the seats in parliament were thoroughly dashed. The explanation of this loss is that an important part of the Chinese community, who previously had backed Barisan Nasional, changed their vote to the DAP on a massive scale.

Secondly, there has been a change in leadership in the opposition, with the PKR losing its dominant position vis-à-vis the DAP. While it must be said that the PKR did win more votes than the DAP, once again the electoral system had a brutal effect on the conversion of votes into seats. Thirdly, although the opposition did beat Barisan Nasional in terms of votes, it is Barisan Nasional that will continue in power. Fourthly, the opposition consolidated its regional power with victories in Penang, Kelantan and the key state of Selangor.²¹ Winning the

²¹ BN obtained 4,513,997 votes while the opposition won as follows: PAS 2,133,944, DAP 1,442,298, and PKR 1,303,457. Data obtained at:

most votes regionally - as in the case of the legislative elections - did not translate into a win in seats.

International political reaction

Barisan Nasional's fresh victory was well received by the international community. At a regional level, the various leaders in the area such as Cambodian prime minister Hun Sen, the Singaporean prime minister Lee Hsien Loong or the Sultan of Brunei all congratulated Najib Razak on his victory and offered their collaboration on common projects. At an international level, the European Union, the United States and Australia, while congratulating Najib Razak on his win, nuanced their compliments by also underlining their concern about the irregularities committed during the election campaign and on election day.

Conclusion

The 5 May elections were a continuation of the trend seen in the last elections in 2008. The wear suffered by Barisan Nasional after 56 years in power is considerable, as its defeat in terms of votes makes clear. Although its national dominance is in danger and could collapse in 2018, its regional power is far from disappearing.

The extreme discrepancy between the election results and the seats in parliament merits a far-reaching revision of the electoral system, a move that government sources have already announced. These election results also show that Malaysia is highly divided. Large sectors of the young, city-dwellers and a majority of the ethnic Chinese voted for the opposition, whereas rural, poor and conservative Malays still support Barisan Nasional. The BN government is faced with great challenges. How it overcomes these will determine the political and economic stability of the country. Prime Minister Najib will have to face internal criticism for his poor election result and may be replaced at the head of Barisan Nasional, as occurred following the poor results in 2008.

Reference to other online analyses of the elections

1. Analysis from Asean Affairs, Ernest Z. Bower, and Jennifer Frentasia, "Significance of Malaysia's Elections" published 9 May 2013 and available at: http://www.aseanaffairs.com/asean_analysis_9_may_2013/significance_of_malaysia_s_election

2. Analysis from the Centre for South and Southeast Asian Studies, University of Madras, V. Suryanarayan, "Malaysia: A Pyrrhic Victory for Barisan Nasional?", published 10 May 2013 and available at: <http://www.ipcs.org/article/southeast-asia/malaysia-a-pyrrhic-victory-for-barisan-nasional-3926.html>

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