



PARTI KEADILAN RAKYAT

**SUBMISSION TO THE
PARLIAMENTARY SELECT COMMITTEE
FOR ELECTORAL REFORM**

**PARTI KEADILAN RAKYAT
SARAWAK**

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1. INTRODUCTION

On behalf of PKR Sarawak, I wish to thank the honourable members of the Parliamentary Select Committee for this opportunity to present our views and concerns, and to make recommendations for reform to address the weaknesses of the present electoral process.

At the outset, we wish to highlight that it is the firm stand of PKR Sarawak that Sarawak is not merely one of the 13 states which form Malaysia, but an equal partner with Malaya and Sabah in the Federation of Malaysia, as specified in the 18 point agreement. However for ease of reference, we will use 'the state' to refer to Sarawak for this submission.

2. ADOPTION OF SUBMISSION BY BERSIH 2.0

Having read the submission made to the Committee by Bersih 2.0, PKR Sarawak fully supports and adopts the demands made by Bersih 2.0:

- 1) Clean the Electoral Roll
- 2) Reform of Postal Ballot
- 3) Use of Indelible Ink
- 4) Minimum 21 days Campaign Period
- 5) Free and Fair Access to Media
- 6) Strengthen Public Institutions
- 7) Stop Corruption
- 8) Stop Dirty Politics

PKR Sarawak also welcomes the Interim Recommendations made by the PSC to Parliament last week. However, we echo the concerns expressed by Bersih 2.0 that out of their eight demands, only one is fully adopted while two others are partially adopted but five other demands have yet to be included. We submit that in order to achieve

significant improvement in the democratic processes and some semblance of fairness to the opposition parties, the minimum of the eight recommendations made by Bersih 2.0 must be implemented and such implementations be completed before the 13th General Elections.

3. ISSUES OF PARTICULAR CONCERN TO SARAWAK

The submission prepared by Bersih 2.0 provides a comprehensive coverage of all the issues plaguing the electoral process throughout the country. However, given the size of Sarawak, the remoteness of the rural areas, the poor network and condition of trunk roads, the inadequacy of transport and communication services and the poverty of the people, there are some matters of particular concern which we wish to emphasise.

i) ABSENTEE VOTING

Sarawak is many years behind Peninsula Malaysia in development and hence job opportunities are scarce. Large numbers of Sarawakians have left their homes out of economic necessity or to seek better opportunities. Rural-urban migration has resulted in the movement of large numbers of rural Sarawakians to the towns and cities, both within the state and in the peninsula in search of work. In addition, institutionalized race based policies for education and employment have driven many Sarawakians to migrate to other countries.

According to the Election Commission Chairman, voter turnout in the first Sarawak election in 1963 was 80 per cent, 1974 (75.10 per cent), 1979 (72.8 per cent), 1983 (72.6 per cent), 1987 (73 per cent), 1991 (72.8 per cent), 1996 (64.2 per cent), 2001 (67 per cent) and 2006 (63.2 per cent). [Bernama, 15 April 2011]. He said that this decreasing trend could be due to rural-urban migration.

It is estimated that some 50,000-200,000 Sarawakians live and work away from their homes within Sarawak and in Peninsula Malaysia. These Sarawakians must be given the opportunity to exercise their rights to vote. We note that the PSC has recommended that absentee voting be extended to all Malaysians living overseas and East

Malaysians living in Peninsula Malaysia and vice versa. However, we urge that such rights be also given to native Sarawakians working in the towns and cities within the state, but working outside their polling stations. The majority of these workers earn very low wages as unskilled workers or labourers and can ill afford to travel home to vote. Not only do they have to fork out money for the fares but they also lose out on earnings as many are paid on a daily basis.

Intra-state travel is extremely difficult and challenging in Sarawak. To give you an idea of the size of Sarawak, the land area of Sarawak is equivalent to 94% the area of the whole of Peninsula Malaysia. Sarawak extends 679 kms from one end to the other while Peninsula Malaysia spans 740 km from north to south, only about 79 kms longer than Sarawak.

Whilst one can drive the length of Peninsula Malaysia on the North-South Expressway stretching from Johor in the south to the Thai border in the north in 14 hours, it takes around 3 days to drive from one end of Sarawak to the other. There is no luxury of a train service and the bus services are woefully inadequate. Many places are only accessible by river and on foot. Air connectivity is available between some major towns but there are insufficient flights and some big towns such as Kapit still do not have airports.

Therefore, even if a Sarawakian voter from, let's say Ba'kalalan, who works in Johor Bahru wants to go home to vote, it would be no easy task. He could fly to Kuching from JB on one of the 2 direct flights a day on AirAsia, or if he chose to fly on our National carrier MAS, he would have to fly to KL first, then to Kuching, Sibul, Miri, or Kota Kinabalu, the main towns where the major airports are located. From these points, he could somehow acquire a 4-wheel drive vehicle and bounce along our R3 standard road for 3 to 13 hours to reach Limbang or Lawas. If he was unable to get his hands on a 4-wheel drive, he would have to hop on a bus - which would add many more hours to his journey. From Limbang or Lawas, the road condition would worsen

considerably and he could make it home in another few hours, if luck were on his side.

Of course he could also fly from Kuching to Miri, and then take another plane to Ba'kelalan. That is if he could afford the fare for himself and maybe his wife.

Logistically, it is impossible, no matter how strong the desire, for everyone who calls Ba'kelalan home to return home to vote. There is only 1 direct flight a week and 5 transit flights weekly from Miri to Ba'kelalan and each flight can only accommodate 19 passengers, the planes being the small Twin Otters. This scenario also applies to places like Bario, Long Seridan, Long Banga, and Long San.

Unfortunately, the reality is that most people from rural Sarawak who work away from their homes are unable to travel home to vote. The expense and effort it would take becomes too much to even consider. Even for those working in Kuching, this is the situation. The socio-economic conditions in Sarawak are such that many of the rural population are struggling to make a living in the towns and cities.

It is therefore imperative that absent voting be implemented even within the state. We strongly support Bersih's demand that distance voting centres must be set up in all our foreign missions, major towns in every West Malaysian state, every division in Sarawak and every residency in Sabah. We also back the call for the campaign period to be extended to a minimum of 21 days or more to ensure adequate time for voters to apply for absentee voting and subsequent logistic preparation.

ii) VOTING BY ARMY PERSONNEL

In the recent Sarawak elections, postal voting was carried out for 12,000 army personnel and around 6,000 police personnel (Malaysiakini 13 April 2011). The majority of them were non-Sarawakian soldiers and police, who could well have been king-makers in marginal constituencies.

These army and police personnel are registered to vote in

the constituencies where their camps or stations are located instead of in their home constituencies. This is a patently unfair practice for the constituents and also for the candidates. Voters cast their votes for those who they believe will serve their constituency best, ie these voters have the interests of their localities at heart. Is it safe for us to assume that member of the armed forces really cares about the local interests of the area where he has been posted? It would be safer to say that his loyalties lie closer to his real home. If this army personnel does not really have any real interest in the politics of the camp's constituency, we can assume that he would not really care one way or another whether he ticks the ballot paper or somebody else does it for him. In the light of recent revelations of the abuse of postal votes by army personnel (eg. An ex-army personnel claimed that he was instructed by his superiors to vote for Barisan Nasional – Free Malaysia Today 5 August 2011), we call for reform of the voting process for army personnel and the police force.

Military and police voters should be allowed to register for their home constituencies rather than where they serve, as in the case of overseas voters. Polling centres located outside the army camps and must be designed to cater for ballots cast for distant constituencies. We support Bersih 2.0's recommendations in this regard.

iii) CERTAINTY OF POLLING CENTRE AND ACCESSIBILITY

In a state as vast as Sarawak, with the major portion of the area classified as rural, going to the polling station to exercise one's democratic right to vote is not a stroll in the park. It is more like a long walk on the jungle track and a boat ride and or perhaps a van or truck ride on unsealed roads to the polling station.

It is not uncommon for voters to show up on the day of polling at the place where they have voted for years, to suddenly find that they have been moved for no reason to vote at a different polling station. They have not changed addresses and no notices have been received to inform them of the change in polling stations. For urban voters, this is an

irritation and an inconvenience but for the rural voter, this means that he or she is in all likelihood not going to be able to cast her vote.

In the words of the Election Chairman, in Sarawak, '...there is a state constituency that is even bigger than Pahang. And almost all the other constituencies (71 in all) are bigger than Melaka state. So the logistics can be quite difficult ... If a voter goes to the wrong polling centre, it can take him hours to get back to the right one'. [Bernama 15 April 2011].

This underhanded tactic of moving voters around robs citizens of their rights to vote and this practice must be stopped.

In many rural Parliamentary Constituencies in Sarawak, many voters are made to vote at polling stations far away from their longhouses. They have to pay expensive fares from their longhouses to go to the polling stations to cast their votes. This discourages many of such voters from going to vote on Polling day. We recommend that all voters be allowed to vote at the polling centres closest to their homes, whether in urban or rural areas and that no movement of votes be made unless at the written request of the voter concerned.

iv) **CLEANING UP THE ELECTORAL ROLL**

This issue of dead voters on the electoral roll has been brought up on many occasions by many parties. In Sarawak, we are not spared the same problem. The Electoral Roll is in urgent need of a clean-up.

Many constituencies especially those held by opposition parties are finding that the numbers of their registered voters, including and especially postal voters have increased by the hundreds and thousands over a short period of time.

We wish to see a stop to this highly irregular practice, which we may add, results in or adds to the negative perception on the impartiality of the Election Commission.

v) **MANDATORY SIGNING OF FORM 14 BY ALL POLLING/COUNTING AGENTS**

An important matter especially for rural constituencies is the need for ALL Polling/Counting Agents of all the candidates to sign the Form 14. The signing of this Form 14 by every Polling Agent/Counting Agent of the candidates and the Presiding Officer at each Polling Station/ Counting Centre should be made mandatory. This is because the ballot boxes and Form 14 are brought/transported back to the main Tallying Centre or to Returning Officer by boats or helicopter and over great distances unaccompanied by the Polling/Counting Agents of the Candidates. Along the way, mysterious things have been known to happen to these ballot boxes including disappearances and transformations.

On the matter of Form 14, we wish to highlight that during the last Sarawak elections, in several polling stations, some polling/counting agents from the opposition parties were denied their copies of the Form 14, which meant that we had no evidence of the number of votes we had won. We call for an end to such dishonesty and closer observance of the election laws and regulations.

vi) **GOVERNMENT AGENCIES – INTIMIDATION**

In the Sarawak elections in April 2011, rural supporters of the opposition were subject to intimidation and harassment by members of government agencies who were sent in from within the state and also from Peninsula Malaysia to camp out at kampungs and longhouses. Armed forces personnel threatened rural voters with destruction of their schools if they dared to vote for the opposition.

This practice of fear and intimidation is more prevalent in Sarawak where many of the rural voters are isolated and do not have the information and support available to those in the urban areas.

One particular feature of the rural community in Sarawak is the role of the Tuai Rumah or head of the longhouse. The Tuai Rumah plays a vital role in maintaining the harmonious relationship among community members and preserving the well-being of the whole longhouse. He looks

after the welfare of community, co-ordinates communal activities like gotong-royong, officiates at ceremonies, settles disputes among his subjects etc. The Tuai Rumah are paid an allowance by the Government but are elected by the members of their community. Over the years, the worrying trend has been for the government to use the Tuai Rumah to influence their communities to support the Barisan National parties. Recently, several Tuai Rumah were dismissed and replaced by pro-Barisan Nasional ones following the April 16 state election. In Machan, Kanowit, six tuai rumah were sacked after the state elections, without any reasons being given. It is widely believed though, that the sacking was in retribution for the support given by the voters from the six longhouses for the PKR candidate. More recently, in Ngemah in Kanowit, after votes at an election for a Tuai Rumah were counted, the government appointed the losing candidate as Tuai Rumah instead of the candidate who had received the most number of votes. This was believed to be because the losing candidate is a Barisan Nasional supporter. The unilateral and high-handed actions of the government in replacing rightfully elected Tuai Rumah with their supporters constitute intimidation, manipulation and punishment of the rural community and should be condemned by all right thinking people. This particular segment of the population is especially disadvantaged, having been given little access to basic facilities such as water, electricity, education, housing and healthcare. To deny them the fundamental right to choose the people who will speak for them and act in their interests is especially cruel.

We wish to stress that longhouse communities should not be penalized for the political choices of their members. The government must recognize Tuai Rumah who have been elected by the people and pay them the allowance to which they are entitled.

We re-iterate the demand of Bersih 2.0 to stop dirty politics and we adopt the recommendations made in their submissions.

vii) MONEY POLITICS – VOTE BUYING

Besides the documented incidences of vote buying including the abuse of public expenditure and the threat of denial of development benefits mentioned in the submission by Bersih 2.0, the Malaysian Election Observer's Network (MEO-Net) also claimed to have uncovered evidence of vote buying and threats following the recent Sarawak election [Free Malaysia Today 26 May 2011]. There have also been countless undocumented instances of vote buying told by those who were offered money for their votes.

This scourge to fair and free elections must be stopped. We urge the government and authorities to enforce the Election Laws and prosecute those found guilty of this practice.

viii) 21-DAY CAMPAIGN PERIOD

Given the vast terrain of Sarawak, and the extreme difficulty of reaching the rural communities, we demand that the campaign period be extended to 21 days so that candidates are better able to present their manifestos and pledges to their voters. Many of the state constituencies and most of the parliamentary constituencies cover huge areas, large parts of which are only accessible by boats and unsealed roads. During election campaigns, the BN incumbents have an unfair advantage over the opposition in that they utilize government transportation of every kind – cars, boats, trucks and even helicopters to enable them to cover more ground. This is tantamount to abuse of the state's facilities and must be stopped.

In order to facilitate coverage by candidates of significant numbers of villages and longhouses within their constituencies, 21 days would be a more reasonable campaign period. This will go a long way towards ensuring that voters make informed choices when casting their votes.

ix) FAIR AND FREE ACCESS TO MEDIA

The mass media is central to fair and free elections, as it enables voters to access essential information for individual

choices and decisions. The media also has the duty to cover the elections in a fair, accurate, objective and balanced manner and to ensure that all parties are given access and electoral issues accorded sufficient prominence.

The mainstream media in Malaysia is notoriously known for being biased towards the Barisan Nasional parties, due in part to component parties having ownership of or majority shares in the newspapers and radio and television stations. Opposition parties have mainly relied on the alternative media to reach the masses and have been successful to a large extent.

However, in rural Sarawak where half a million people are still not connected to the electricity grid, the internet is out of reach for the majority of the people. The only sources of information for them are newspapers and battery operated radios.

During the last state elections, members of the public were subject to daily doses of pro Barisan Nasional propaganda in the mainstream media while the opposition parties received minimum exposure.

We urge that the recommendations of Bersih 2.0 in relation to fair and free access to the media be adopted.

xi) **CONSTITUENCY RE-DELINEATION
AND GERRYMANDERING**

We note that a lengthy submission has been made by a concerned citizen Mr Ng Chak Ngoon in Sabah on the issues arising from constituency re-delineation and commend him for his efforts. In Sarawak, there is an over-representation of rural constituencies, mainly in areas which are controlled by the ruling Barisan Nasional parties. As a consequence of gerrymandering, during the recent state elections the BN parties obtained 55 seats or 75% of the seats with 55% of the popular vote, while the opposition and independent obtained only 16 seats (25% of the seats) with 45% of the popular votes. This is a gross injustice to the opposition parties.

We call for the reform of the current manner of the drawing of boundaries to ensure that each vote is accorded its due value. In addition, we urge the Election Commission to break free from the shackles of bondage to the government and be the independent body it was mandated to be.

4. CONCLUSION

Malaysia is now 48 years old and we are proud of the progress we have made in economic development. However, in terms of fair and free elections, we lag behind many countries in the region and it is particularly sobering to realize that we are fighting for the same level playing field that the pro-democracy forces in Zimbabwe are also fighting to achieve. There, an election roadmap is being implemented in attempts to ensure fair and free elections, the ingredients of which are: '... there must be complete freedom, there must be equal access to the electorate, people must be able to access all corners of the country; there must be freedom from reprisals after the election; there must be effective, equal access to the media and there must be an elaborate election justice system and a good constitutional framework', quoting the spokesman for the pro-democracy party. [dailynews.co.zw; 7 December 2011] These are the very cornerstones of democracy to which we aspire!

Arguably, we are slightly ahead of Zimbabwe in that our society has been free from physical violence and civil unrest, and in that we do have a constitutional framework which guarantees our citizens the right to vote, and Election Laws which regulate the conduct of elections. However, much needs to be done to ensure that our citizens are in practice accorded the fair and free elections to which they are guaranteed and which they have been fighting (and marching) to achieve.

PKR Sarawak asks that the Parliamentary Select Committee make strong recommendations to the Parliament that this proposal for reform and the demands of Bersih 2.0 be implemented, and that the implementation be carried out before the 13th General Elections, failing which our efforts may come to naught.