

**Proposal for a Caretaker Government during the Election
Period**

**For Submission to the Parliamentary Select Committee
for Electoral Reform**

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Introduction

In many representative democracies, elections are practically the only means whereby citizens can participate and hold political parties, candidates and the incumbent governments accountable for their promises and performance. Elections are often the only opportunity that citizens have to reward or punish candidates on the basis of their integrity and performance. However, the exploitation of government resources and machinery by the ruling party during the election period undermines the fairness of the election process, hence rendering the election process meaningless. The distribution of new developments projects during the campaign period and the use of government resources (vehicles, government premises, officials, etc.) are two main examples of the abuse of government resources by the ruling party in Malaysia during the election period.

In Sarawak, the ruling party had constantly politicized development projects by using them as a bait to entice voters (see Table 1). Apart from that, it has also used government resources (vehicles, officials, premises, etc.) in their campaign which put the opposition at a disadvantage. This practice is not unique to Sarawak since the ruling party has adopted this strategy to win elections in other constituencies across the country.

Table 1: Development Projects and Financial Grants Promised or Accentuated by the BN Leaders in the Sarawak Elections, 1970-2006

	Official openings of completed development projects		Ground-breaking ceremonies of new development projects		Pledges for various development projects		Issuance of financial grants and other "goodies" to individuals and social organizations		Grand total of dev. projects and grants	Grand total cost of dev. projects and grants (RM million)
	Total	Cost (RM million)	Total	Cost (RM million)	Total	Cost (RM million)	Total	Cost (RM million)		
1970	2	0.03	0	0	8	22.30	1	0.03	11	22.36
1974	1	n.a.	0	0	7	3.35	1	0.02	9	3.36
1978	6	8.85	1	1.30	7	189.87	88	0.06	102	200.08
1979	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1982	12	16.40	1	n.a.	34	644.28	0	0	47	660.68
1983	5	15.27	3	54.35	30	40.45	1	0.03	39	110.09
1985	7	28.99	1	0.80	8	620.54	10	0.68	26	651.01
1987	11	271.18	3	52.50	48	190.22	14	4.21	76	518.11
1990	3	2.91	2	11.40	9	2,024.40	7	0.55	21	2,039.25
1991	14	367.01	19	215.82	33	445.63	11	2.85	77	1,031.32
1995	17	465.82	6	13.75	42	180,663.07	50	1.24	115	181,143.87
1996	11	162.35	11	96.53	41	38,738.98	8	0.05	71	38,997.91
1999	11	127.35	24	153.73	31	168.42	198	150.75	264	600.25
2001	19	158.24	16	171.55	504	4,414.04	373	5.07	912	4,748.90
2004	15	427.12	9	217.15	20	641.50	308	101.22	352	1,386.99
2006	24	146.94	10	278.95	163	6,615.64	3,894	0.10	4,091	7,040.63

Source: Faisal S. Hazis (2009) "Politics of Development in Sarawak" *Akademika*.

To ensure that the ruling party does not exploit government resources and machinery to win elections, the concept of a neutral caretaker government has been adopted by many countries such as Bangladesh, Netherlands, New Zealand and Australia.

A caretaker government is a type of government that rules temporarily. A caretaker government is often set up following a war until stable democratic rule can be restored, or installed, in which case it is often referred to as a provisional government. In some countries

(including Australia and New Zealand) the term is used to describe the government that operates in the interim period between the normal dissolution of parliament for the purpose of holding an election and the formation of a new government after the election results are known. Caretaker governments are expected to handle daily issues and prepare budgets for discussion, but are not expected to announce/launch any new government policy, introduce a new government programme or introduce controversial bills.

Recommendations

1. The caretaker period begins at the time the Parliament or State Legislative Assembly is dissolved and continues until the election result is clear or, if there is a change of government, until the new government is appointed.
2. During the caretaker period, the business of government continues and ordinary matters of administration still need to be addressed. However, the caretaker government should follow a code of conduct (see point no.4) which aims to ensure that their actions do not erode the integrity of the election process; does not bind an incoming government nor limit its freedom of action.
3. The code of conduct also aims to prevent controversies about the role of the public service distracting attention from the substantive issues of the election campaign.
4. Below are some proposed elements to be included in a code of conduct that ought to be implemented by a caretaker government in Malaysia
 - a. **Major policy decisions** – Governments must avoid making major policy decisions during the caretaker period that are likely to influence voters. Whether a particular policy decision qualifies as ‘major’ is a matter for judgment. Relevant considerations include not only the significance of the decision in terms of policy and resources, but also whether the decision is a matter of contention between the Government and Opposition in the election campaign.
 - b. **Significant appointments** - Governments must defer making significant appointments during the caretaker period. When considering the advice it would give on whether an appointment qualifies as ‘significant’, the agency should consider not only the importance of the position, but also whether the proposed appointment would be likely to be controversial and an issue in the election campaign.
 - c. **Major contracts or undertakings** - Governments must avoid entering into major contracts or undertakings during the caretaker period. When considering whether a contract or undertaking qualifies as ‘major’, agencies should consider the dollar value of the commitment and also whether the commitment involves a routine matter of administration or rather implements or entrenches a policy, program or administrative structure which is politically contentious. A further consideration is whether the commitment requires ministerial approval.
 - d. **Government resources** – A caretaker government should not use its resources or position to support the ruling party during the election campaign. During the

caretaker period, agency provision of entitlements for Ministers and their staff should be assessed on a case-by-case basis. Agencies should not cover claims relating to the election campaign or a political event, as these costs are to be borne by the respective political party.

5. The Election Commission should make sure that caretaker governments adhere to the code of conduct, failing which the affected electoral contest should be declared null and void.

Conclusion

The formation of a caretaker government aims to ensure that the ruling party does not use government resources to cling on to power. Voters should be allowed to assess the performance of their elected officials and governments objectively. On top of that, the ruling party should not exploit public funds to win electoral support which eventually creates an unlevel playing field for the contesting parties. Hence, it is strongly urged that the Parliamentary Select Committee for Electoral Reform accept the proposal to form a neutral caretaker government and also to adopt a code of conduct that incorporates (but does not limit itself to) the four key elements as proposed in this paper.