

3g: Local Democracy

Preamble

Of the three levels of government—federal, state and local—local government (city, municipality and district councils) has the most direct influence and impact upon the daily lives of the general public. Local authorities play the important role of managing the development process at local level while adhering to basic principles of democracy and administrative efficiency, and ensuring the social and economic development of the people and areas within its jurisdiction. Local governments are the last gatekeepers for projects that either improve people’s lives or have disastrous consequences. As such, constant feedback and public engagement is crucial to ensure that their actions have the approval of local communities. Unfortunately, the absence of local government elections has made it challenging, if not impossible for principles such as public participation, transparency and local representation to be a prerogative.

I: Local Representation

There should be “no taxation without representation”. Currently, local councillors are appointed by the ruling political parties and represent the interests of the politicians and parties that appoint them. This interest may be in conflict with those of the residents, whom these appointed councillors are supposed to serve. The appointment of city mayors and council heads is also based on political patronage.

1. Reinstate local council elections.

(Wong Tsu Soon, *Agora Society Malaysia*, Proposal 3G-1; Fork Yow Leong, Proposal 3G-2)

- i. Bring back local council elections, which was officially abolished under the Local Government Act 1976 (LGA).
- ii. Until the legislation is officially reinstated, hold provisional elections, with the winning candidates appointed as councillors by the authority of the Menteri Besar.
- iii. Include election of the mayor as part of local elections.

II: Freedom of Information & Public Participation

Public participation in local affairs starts with the availability of information. Local democracy is possible only if citizens are given adequate information to provide feedback to policy makers. Local governments in Malaysia have been slow to embrace the culture of open data and open data initiatives. On top of this, secrecy laws such as the OSA do not support a safe environment for transparent open data and data sharing. Instead, such laws enable certain corrupt parties to withhold information from the public that could otherwise help ensure a transparent and accountable government.

2. Make information available to the public through policy and legislative changes.

(Jaslin Nadia, DHRRRA Malaysia, Proposal 3G-3; Danesh Prakash Chacko, Tindak Malaysia, Proposal 3G-4)

- i. Institute an open data policy, mandating all levels of government to voluntarily publish important information. Local councils must periodically publish a list of open data information in a format that is accessible to all.
- ii. Enact a Freedom of Information (FOI) law at the federal level to enshrine the rights of the public individuals to request information of public interest, and reduce vagueness and arbitrariness in the criteria for open data release.
- iii. Subscribe to the Open Government Partnership and adopt their framework of principles and practices.
- iv. Promote public participation in the annual budget of local councils via participatory budgeting, and adhere to the principles laid down by the International Budget Partnership.

Concluding Remarks

These two main action items on local democracy will improve public participation and foster greater community engagement in the service delivery efforts of local councils. Open data sharing within the local government ecosystem promotes transparency, while encouraging the adoption of more holistic and inclusive working practices. A multi-disciplinary, multi-stakeholder

approach is needed to solve the current multi-dimensional problems of climate change, the Fourth Industrial Revolution and the pandemic. Local governments can no longer just work for the people—they will need to work with the people.