

## **EXPLAINING INTERACTIONS BETWEEN MALAYSIA'S DEWAN RAKYAT AND FOREIGN AFFAIRS: A STUDY OF PARLIAMENTARY BEHAVIOUR BETWEEN 1959 AND 2019**

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### **ABSTRACT**

*Interactions and power relations between the Malaysian Parliament and foreign affairs have long been neglected by academics. This article is an attempt to fill this gap. The Malaysian Parliament, being the highest legislative authority in the nation, is empowered to enact laws related to foreign and security affairs as well as hold the government to account. Drawing on Philip Norton's discourse on power relations between parliamentarians and the legislature, this article argues that Malaysian parliamentarians' check and balance over the executive's foreign authority is minimal due to a weak parliamentary institution compared with its British counterpart. The best the parliamentarians can achieve is to induce the government to pay attention to their concerns, while a second option is to make foreign issues the business of parliament through tabling adjournment motions to dictate the agenda. There was only one successful instance of a parliamentary intervention in stopping a military asset procurement.*

**Keywords:** Malaysian parliament, foreign affairs, Dewan Rakyat, power relations, foreign affairs

## **INTRODUCTION**

Malaysia has practised Westminster parliamentary democracy for more than 60 years.<sup>1</sup> Over time, the origin of Malaysia's parliamentary democracy, like the United Kingdom (UK) model, has evolved and resulted in the "parliamentarisation" of foreign affairs, which is considered the prerogative of the Crown. Particularly, multiple rejections of bills concerning the UK leaving the European Union (Brexit) by the House of Commons indicate how powerful the legislature is in determining foreign policy direction. Despite Malaysia having practised parliamentary democracy for a considerable time, its Parliament has not evolved to the degree that the House of Commons has. In fact, it was not until October 2019 that Malaysia's House of Representatives, or Dewan Rakyat in Malay, set up its Special Select Committee on International Relations and Trade, a move which has received little public attention. In contrast, the House of Commons set up its Foreign Affairs Committee, which has great influence in the post-policy-making scrutinising process, in 1979. Despite the slow pace of reform Dewan Rakyat has followed in strengthening its parliamentary scrutinising power, this has not deterred parliamentarians from utilising existing parliamentary rules to hold the executive to account.

Malaysia is a small state which is still in the process of nation-making (Ongkili 1985; Cheah 2002), the members of Dewan Rakyat have tended to be confused by constituency and parliamentary politics, such that the majority of them thought their primary parliamentary duty was to fulfil constituency demands (Wariya 2009). As a result, foreign affairs lay beyond their radar. Furthermore, conventional wisdom holds that the Parliament is weak in checking the government's decisions, particularly on foreign affairs, which are perceived as the prerogative of political elites. How true are these conventional claims? How have parliamentarians behaved in Dewan Rakyat? To what extent have they neglected foreign affairs? If they have attempted to exert influence on foreign affairs, how successful have they been? These questions have long been neglected by the academic community.

This article is an attempt to fill the above academic questions. Answering these questions enable us to understand the interactive mechanisms between parliament and the executive and also place parliamentary behavioural studies on foreign affairs on an equal footing to the executive level studies which currently assumes the dominant position in Malaysian political research. The findings of the article suggest that the best the parliamentarians can do is to set a debate agenda. The article further argues that Dewan Rakyat has been unable to alter the government's decisions except in one rare case. These shortcomings have stemmed from parliamentary institutional limitations which, arguably, could be improved

through the promotion of parliamentary reforms, particularly empowering the parliamentarians to check government's decisions. This article begins with an examination of Malaysia's parliamentary structure. A literature review of existing published research and their limitations are discussed next. A conceptual and research framework will also be explored and determined. Following this, the article analyses empirical data obtained from Dewan Rakyat's official reports (Hansard). The final section summarises the main findings.

## **LITERATURE REVIEW**

Malaysia's parliamentary system is a typical Westminster-style parliamentary democracy characterised by five main principles. namely political power is centralised in an accountable cabinet; the cabinet is accountable to parliament; the civil service is apolitical and professional; the opposition is part of the parliamentary system; and there is a fusion of power between the executive and legislative branches (Rhodes and Weller 2005).<sup>2</sup> According to Bagehot, the English practises no separation of powers between the executive and legislature, "...the English Constitution may be described as the close union, the nearly complete fusion of the executive and legislative powers...The connecting link is the cabinet" (Taylor 2002, 11).

Parliamentarians who are appointed to be executives are called ministers of the cabinet. They have the power to make, decide and execute policies but at the same time, are accountable to Parliament. The fusion of power is also replicated in Malaysia's parliamentary democracy (Tay 2019). As stipulated in Article 39, clauses (1) and (2) of Article 74, and clause (1) of Article 80 of the Federal Constitution of Malaysia, signing and executing international instruments is a prerogative of the federal government of Malaysia, but Cabinet is required to be collectively responsible to Parliament according to clause (3) of Article 43 (Menteri Luar Negeri Malaysia 2019). In order to enable an international instrument to take effect in Malaysia, signing it is the first step, followed by enacting a new law as well as amending existing laws. Once all the steps are done, then the international instrument is considered ratified. When the executive plans to codify an international instrument into domestic law, then Parliament can exert its will and influence at this stage. In brief, Parliament can only check and balance the executive decisions during the post-policy-making process. In any event, parliamentarians are empowered to use a range of parliamentary procedures, particularly opposition members who may wish to delve into the decisions of cabinet that have been presented in the form of bills, motions, and others.

Given that the fusion of the executive and legislature establishes the superior position of the executive concerning foreign affairs, opinions about what role the legislature plays are split between a minimalist or moderate approach. Peter Richards' work (1967) is one of the earliest attempts to examine the relationship between the British Parliament and foreign affairs. He observes that Parliament was limited in debating foreign affairs back in the 1960s. Without amending Standing Orders and setting up a Select Committee on Foreign Affairs, the debates on foreign affairs were disappointing, he explained (Richards 1967). This opinion may be considered minimalist. Dunleavy et al. claim the Prime Minister (PM) pays less attention to the House of Commons. Their assumption is made based on the amount of time spent and the concrete responses given by the PM when "answering parliamentary questions", "making ministerial statements", "making formal speeches" and "intervening in various impromptu ways in debates". These reflect "a clear declining trend in overall activism" over the period of 1868 to 1990 (Dunleavy et al. 1993, 270; 295). If the PM as head of the executive pays less attention towards Parliament, it indicates the importance of the institution is declining. One of the factors that contributes to this trend is that whenever a government enjoys an overwhelming majority, it would tend to marginalise Parliament (Thomas 2004). Furthermore, the Westminster Parliament lacks the power to disapprove of any international instrument signed by the executive, though Parliament may be allowed to debate the instrument. Even when the Parliament is allowed to debate a motion with regard to the instrument, "it is unlikely that the Government would be defeated" provided that "the government holds the majority" (Harrington 2006, 128). As a result, the power of Parliament to check the executive over foreign affairs is also minimal.

The moderate approach is where the House of Commons and other parliaments have increased their powers of oversight on foreign affairs and are now able to compel the government to disclose more information to them. That is part of democratisation which, in turn, has strengthened parliament. One of the factors which contributed to the outbreak of the First World War was a secret foreign agreement. In 1924, the UK government acceded to a request of Parliament to disclose more information on foreign instruments. This led to the establishment of the Ponsonby Rule which stated that the government should table important treaties before Parliament for discussion for a period of 21 days before ratification. In 1979, the House of Commons set up a Foreign Affairs Select Committee to hold proceedings to investigate or inquire into important foreign issues and then lay the findings and recommendations in report form on the table of the House. In 2010, the UK government enacted a law that codified the Ponsonby Rule (Barrett 2011; Benton and Russell 2012; Lang 2017). The British Parliament now plays a greater role after a series of parliamentary reforms. Apart from the British

Parliament, the Spanish and other European parliaments have strengthened their role in checking the executive power on foreign and security affairs, especially after the controversial Iraqi war which took place in 2003 (Raunio and Wagner 2016). Since then, the parliamentarisation of the UK's foreign policy has been a part of British Parliamentary politics (Ihalainen and Matikainen 2016).

Whether Parliament can or cannot have an oversight over the executive is still contested; however, the rejection of the government's decision to take part in the Syrian civil war in 2013 and the triple rejection of the Brexit bills in 2019 (Lynch, Whitaker and Cygan 2019) indicate Parliamentary "check and balance" power has increased. These suggest efforts to parliamentarise British foreign affairs. However, Malaysia has a different setting that needs further exploration.

Foreign affairs of a nation can be analysed from the perspectives of the international system, the state, and the leader (Waltz 1979). Kuik Cheng-Chwee examined Malaysia's foreign behaviour from a perspective of alliance politics and explained that Malaysia has reacted to the changing international system, particularly in response to the rapid rise of China, through enacting hedging behaviour (Kuik 2010). Johan Saravanamuttu and Chandran Jeshurun's works, which cover 50 years of Malaysia's foreign policy development, are considered the most comprehensive historical studies of foreign affairs (Jeshurun 2007; Saravanamuttu 2010). Marvin Ott's work shows the hierarchy of decision-making in Malaysia's foreign policy. Ott concludes that foreign policymaking in Malaysia is a cabinet-elite dominated process, coupled with the competition between the Ministry of Foreign Affairs and the Prime Minister's Department (Ott 1972). Anthony Milner's analysis provides an insightful explanation of how the Malay culture has shaped Malaysia's foreign policies (Milner 2015). Shanti Nair claims that Islam, which constitutes the main identity of Malaysia, has played a central role in its foreign policy (Nair 1997). Ott, Milner and Nair provide meaningful analyses from national and cultural perspectives. Dosch (2014) and Dhillon (2009) explain how former PM Mahathir Mohamed's idiosyncratic character shaped Malaysia's foreign policies, pointing to relations between a leader and state. Nonetheless, there has been no specific analysis which has delved into the interactions between foreign affairs and Malaysia's parliament.

Studies on Malaysia's parliament reveal how parliamentarians interact in Malaysia's parliamentary system. Malaysia's political context is different from the UK's due to its multicultural setting and divided society resulting in Parliament being marginalised by bureaucratic and political elites in the policy-making process (Musolf and Springer 1979). Jeshurun (1980) was the first scholar who discussed Malaysia's defence policies in the period between 1963 and 1973, based on official

parliamentary records. However, foreign affairs were not their focus. Another study describes the parliamentary behaviour of opposition parliamentarians concerning foreign affairs, but it only covers a narrow period between 2008 and 2012. It does not differentiate opposition motions according to the lines of substantive or adjournment motions and adjournment speeches (Ariff 2017). Additionally, it mistakes Anwar Ibrahim's adjournment speech as an ordinary motion when dealing with parliamentary debates on Malaysia and Brunei's sovereignty dispute over two oil fields. It also does not address the question of power relations between foreign affairs and the legislature. The lack of in-depth academic studies on this topic prompts the current study to fill the gap.

In investigating whether Dewan Rakyat has a minimalist or moderate effect on matters related to foreign affairs, one has to focus on the power relations between the non-frontbench parliamentarians and Dewan Rakyat. The frontbench and non-frontbench members behave differently. On the one hand, the frontbench members who are from either Dewan Rakyat or Dewan Negara are fused with the executive after having been appointed as government representatives (see Figure 1). Thus, the frontbench members have no information barrier concerning executive matters, and are policy and decision-makers. The backbench members, the opposition and the independents are faced with problems, including a lack of official information, and are unable to make, decide or execute policies. They are at the mercy of the bureaucracy to receive information and can only use parliamentary procedure to hold the bureaucracy to account. The power relations between them and parliament can be categorised into three types – pluralist, elitist or institutional – according to Norton (2004) who drew on the concept of power from Lukes (2005).

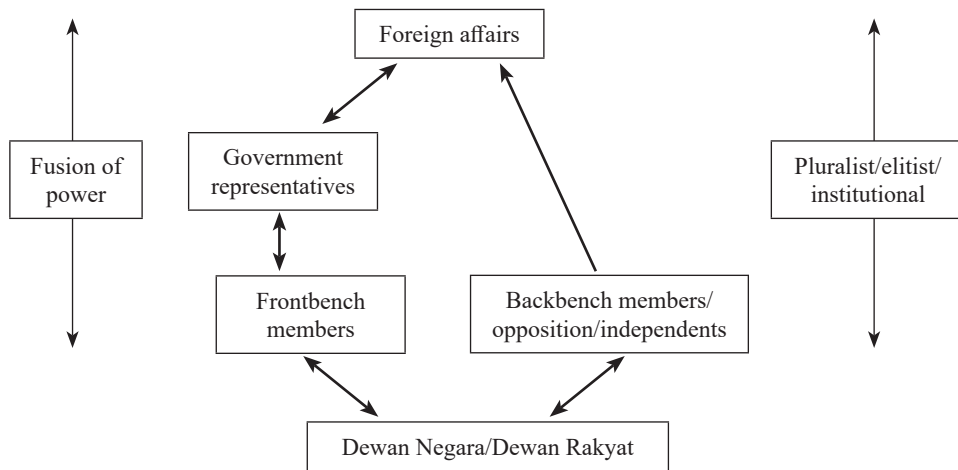


Figure 1 : Power relations between parliamentarians and foreign affairs.

According to the pluralists, power is defined “in terms of the resolution of disputes once an issue has come onto the political agenda. Whoever achieves the outcome they desire has exerted power”, and it is exercised in the form of coercion and persuasion (Norton 2013, 5). Parliamentarians can perform coercive action by voting down a government’s motion or use their persuasive capacity via speeches, motions or meeting with ministers to persuade the government to withdraw its decision. Once the government’s motion or decision is thwarted, then parliamentarians are considered to have exercised their pluralist power. The elitist view is power is about agenda-setting and the authority of “controlling access to the political agenda” (Norton 2013, 6). In Lukes’ term, the agenda control is about “the power to decide what is decided” (Lukes 2005, 111). In the elitist framework, Parliament can prevent or approve particular issues coming onto the parliamentary debate agenda. Unlike the pluralist approach which focuses on the decision-making process, the elitist approach focuses on non-decision-making processes. With regard to the institutional view, power is about “the impact of institutions on shaping outcomes. The focus is not so much the conflict over a particular issue but rather the structures and processes through which the conflict takes place” and “assessing Parliament’s capacity to engage in administrative oversight, and induce ministers and civil servants to act in a way that they would not otherwise” (Norton 2013, 6,144). In the British parliament, the departmental select committees are considered the most appropriate institutional means to shape the behaviour of ministers, followed by debates and question time. Through these institutional means, ministers are not only being induced to act in a way that otherwise they would not but also by being compelled to reveal information that is important “quantitatively and qualitatively” (Norton 2013, 145). When dealing with Brexit, the British parliamentarians had clearly exerted their power in the pluralist term by defeating the government three times. This is in line with the moderate approach. The elitist and institutional approaches, like controlling the debate agenda and inducing government representatives to do what they do not want to do through institutional means, conform to the minimalist approach.

This article uses Norton’s approaches to examine the power relations between parliamentarians and Dewan Rakyat and later to determine the characteristics of the latter. A qualitative approach is employed to collect Dewan Rakyat’s official reports between 1959 and 2019, taken from the Parliament’s official portal ([www.parlimen.gov.my](http://www.parlimen.gov.my)), and interactions between non-frontbench parliamentarians and the government, particularly substantive and adjournment motions, as well as compiled adjournment speeches on foreign affairs.<sup>3</sup> Subsequently, each interaction will be categorised according to the three aforementioned approaches. This is an empirical study using a pluralist approach, followed by the elitist and institutional approaches. However, the summaries will be examined using a qualitative method to determine the validity of these three approaches.

## THE OPPOSITION STOPS ARMS PROCUREMENT

Acknowledging and protecting freedom of speech is an essential part of Westminster parliamentary democracy for parliamentarians. In 1948, when the British colonial government established Malaya's Federal Legislative Council, the British brought in the right of freedom of speech by drafting the Legislative Council (Privileges and Powers) bill and gazette as an ordinance in 1952 (Wan Junaidi 2013). In 1988, the ordinance was revised and renamed Houses of Parliament (Privileges and Powers) Act 1952, and the parliamentary immunity of freedom of speech for parliamentarians was guaranteed under the Act. After gaining independence in 1957, the right of freedom of speech and other privileges were incorporated into Article 63 of the Federal Constitution of Malaya.

On 13 October 2008, the opposition leader at the time, Anwar Ibrahim, raised a suspicious arms procurement issue when debating the 2009 Federal Budget. He said he had received a letter written by Petaling Jaya South UMNO Division Chief Zahar Hashim claiming that there were discrepancies in the procurement of a number of helicopters procured by the Ministry of Defence. At that time, Malaysia decided to buy 12 units of EC-725 helicopters offered at 463.44 million Euro (RM2.32 billion) to replace their obsolete Nuri helicopters. Zahar Hashim was one of the contenders who represented Mentari Services which offered Russian-made Mi-172KF helicopters at USD427.2 million (RM1.45 billion). Anwar claimed the procurement process might involve elements of corruption and it seemed suspicious that the Finance Minister's procurement decision was made so hastily, and wondered whether the Finance Minister himself knew what had happened.<sup>4</sup> "Usually, we choose the higher one because of higher commission," alleged Anwar (Parlimen Malaysia 13 October 2008, 29). Anwar's allegations caused a great deal of controversy in parliament and public and the latter then took the initiative to lodge a police report based on Anwar's allegation (Jimadie 2008).

Had Anwar made the allegation outside of Parliament based solely on the unverified letter, it could have cost him a defamation lawsuit. Making the allegation in Dewan Rakyat gave him constitutional protection and it put the government to shame by creating massive public criticism. Indeed, the embarrassed government could only react passively towards the criticism mounted by the opposition in parliament. First, on 19 October 2008, the then Deputy PM Najib Razak announced that the Cabinet had agreed to allow Dewan Rakyat's Public Accounts Committee to scrutinise the allegation (*The Star* 2008). At the same time, Anwar tabled an adjournment motion to request that Dewan Rakyat discuss forming a Royal Commission of Inquiry immediately (Afffuddin 2008). Secondly, on 28 October, the embarrassed



Premier, Abdullah Badawi, reacted by announcing the government would put the EC-725 helicopter purchase on hold until further instruction (*Bernama* 2008). The Deputy Defence Minister revealed that the decision of deferment was made on 13 October, which was the date Anwar made the allegations at the Economic Action Council meeting (Parlimen Malaysia 30 October 2008: 54).

Samuel Huntington opines that defence policy always intertwines with foreign and domestic policies and they are not mutually exclusive (Huntington 1961, 1). He suggests that foreign and defence policies can be further categorised into crisis policy, strategic policy and structural policy. The crisis policy deals with the imminent national security threat which normally involves military confrontation while the strategic policy deals with the establishments of objectives, principles, essences and planning of foreign policy. The structural policy deals with the allocation and usage of resources, including the formulation of policies about procurement and appropriations (Huntington 1961). The Eurocopter procurement is a structural type foreign policy which the government has prerogative power over. Never had any Cabinet decision on such issues been altered because of parliamentary pressure. The EC-725 procurement was an exception. By using the protection of constitutional rights, Anwar exerted his power to compel the government to change its decision.<sup>5</sup> This reflects a pluralist approach to power.

## **SETTING THE POLITICAL AGENDA**

Although the non-frontbench parliamentarians find it difficult to alter the government's decision, they still have the opportunity to set the parliamentary debate agenda. Unlike its British equivalent, Dewan Rakyat does not have opposition days, which allow the opposition's business to take precedence over government business for 20 days in each session of proceedings in the British Parliament. As a result, Malaysia's parliamentarians have resorted to existing parliamentary procedures to pursue their political agenda.

The substantive motion is one of the most useful tools. It can compel Dewan Rakyat to debate an issue set in the motion. If the motion is approved, it is binding on Dewan Rakyat. From 1959 to 2019, Dewan Rakyat debated 11 substantive motions related to foreign affairs, with only one being passed (see Table 1). The motion which was passed was tabled by a ruling party member, Ibrahim Abdul Rahman, and it was to praise the then PM Tunku Abdul Rahman for bravely speaking up against the apartheid policy practised by South Africa. Ibrahim Abdul Rahman's motion merely set up an agenda to compliment the government instead of disapproving or restricting the decision of government.

Nine substantive motions related to foreign affairs were rejected, but they managed to turn the parliamentary meeting to debate and decide in accordance with their agenda; for example, on 1 May 1962, Burhanuddin bin Mohd. Noor tabled a substantive motion to compel the PM to negotiate with Indonesia and the Philippines on Malaya's proposal to create Malaysia (Parlimen Malaysia 1 May 1962). However, his motion was criticised heavily by government members. Before Dewan Rakyat proceeded to a vote, Burhanuddin said that he had written, fought and stood by his principles through tabling this motion (Parlimen Malaysia 2 May 1962). Ultimately, although Burhanuddin's motion was negated, his political agenda was served and debated at length.

One substantive motion lapsed eventually. According to the practice of Dewan Rakyat, once a substantive motion is permitted to be debated, but no decision has

Table 1: Substantive motions related to foreign affairs permitted to debate, 1959–2019

Dates	Movers	Descriptions	Results
24 June 1960	Ibrahim Abdul Rahman	Commendation to the PM	Passed
1 December 1960	Zulkiflee Muhammad	Withdrawal of Recognition of the State of Israel	Negated
10 February 1961	S.P. Seenivasagam	Situation in the Congo	Negated
29 April 1961	V. David	Revision and Modification of the Trade Union Ordinance of 1959 to permit the ratification of I.L.O. Convention No. 87	Negated
19 June 1961	V. David	Malayan Troops in the Congo	Negated
1 May 1962	Burhanuddin bin Mohd. Noor	Malaysia (including Indonesia and the Philippines)	Negated
26 June 1962	V. David	Use of Federation of Malaya as a Base by SEATO	Negated
11 March 1963	Burhanuddin bin Mohd. Noor	Federation of Malaya establishes safe and peaceful relations with neighbouring countries	Negated
7 July 1975	Lim Kit Siang	Cambodian GRUNK government/ Provisional Revolutionary Government of the Republic of South Vietnam – Malaysia's Foreign Policy	Lapsed
25 October 1977	Lim Kit Siang	Ratifying 1966 International Covenant on Civil and Political Rights	Negated
10 October 1983	Lim Kit Siang	The Soviet Union shoot down Korean Airline – Condemnation	Negated

Note: Compilation of Dewan Rakyat's official reports, 1959–2019.

been made before the end of particular session of parliamentary meeting, then it shall be deemed lapsed. If the mover wants to debate the same motion again, then they need to move it again in the following parliamentary session. On 7 July 1975, Lim Kit Siang was permitted to move a substantive motion on Malaysia's foreign policy related to Cambodia. Before he finished delivering his opening speech, the Speaker ended the debate session as the Dewan was running out of time (Parlimen Malaysia 7 July 1975, 4,664). Throughout the entire parliamentary session, Lim Kit Siang was not able to continue his motion and it lapsed after the end of the session. No matter the motions were either negatived or lapsed, the movers still managed to set the agenda.

The subsidiary motion is another powerful procedural tool. On 15 December 1964, opposition member Tan Chee Khoo tabled a subsidiary motion under Standing Order 67(7) to amend the 1965 budget bill to cut a token sum of RM1 from the salary of the Minister of External Affairs (concurrently held by the then PM Tunku Abdul Rahman). In his opening speech, Tan said he had decided "to propose this cut in accordance with the usual parliamentary practice to focus attention on the foreign policy of the government, so that we can have a full-scale debate on it..." (Parlimen Malaysia 15 December 1964, 4,661). Tunku Abdul Rahman responded by acknowledging how Tan had taken the opportunity to raise matters of foreign policy and that he was cognisant of Tan's motion. Tan replied: "It is merely a parliamentary device for me to take the floor and have a chance to have a say, otherwise I may not well have a chance to have my say on foreign affairs in this country" (Parlimen Malaysia 16 December 1964, 4,783–4,784). Although Dewan Rakyat voted against Tan's motion eventually, Tan had clearly exercised his parliamentary power to set the agenda.

Given that an adjournment motion needs only the Speaker's permission to proceed, compared with a substantive motion which needs the government's mercy to allot it a special time slot, opposition members opt to use it to set the debate agenda. In the Malaysian setting, once the Speaker has approved an adjournment motion, then Dewan Rakyat would allot one hour for a debate that would not lead to a vote. A total of 23 adjournment motions related to foreign affairs were approved for debate between 1959 and 2019, and they can be categorised as international conflicts, international Islamic issues, neighbouring border issues, international public health and disaster, and terrorism (see Table 2). If one re-categorises four motions related to the wars in Iraq and Afghanistan, the motion related to Southern Thailand terrorism and three motions related to terrorism in Islamic conflicts, then one would have 17 out of 23 motions related to international Islamic conflicts broadly. The reason behind this was the official Islamisation in Malaysia taking place since 1980s (Sundaram and Cheek 1988; Joseph 2004), and the preference of the Muslim parliamentarians and the Speakers.

Table 2: Approved adjournment motions related to foreign affairs, 1959–2019

	Dates	Movers	Descriptions
International conflicts	18 January 1991	Abdul Hadi Awang	Implications of the Gulf War
	10 October 2001	Syed Azman bin Syed Ahmad Nawawi	US and its allies' invasion of Afghanistan
	12 September 2002	Syed Azman bin Syed Ahmad Nawawi	US and the UK's invasion of Iraq
	11 March 2003	Mohd Zin	To urge the government protests the US invasion of Iraq
International Islamic conflicts	4 July 2006	Salahudin Ayub	Israel detained Palestinian ministers
	21 August 2006	Rahman Ismail	Israel occupied Palestinian territory
	19 September 2006	Salahudin Ayub	Pope Benedict XVI offended Islam
	7 November 2006	Rahman Ismail	Israeli troops killed Palestinian civilians
	20 March 2007	Rahman Ismail	Al-Aqsa Mosque – Jewish Zionist evil movement
	25 September 2012	Salahudin Ayub	The film of Innocent of Muslims had offended Muslims
	25 July 2018	Nurul Izzah	Urging the government to respond to the Palestinian issue
	20 November 2019	Takiyuddin Hassan	Condemning Israeli Zionist government's airstrike on Gaza
	25 November 2019	Takiyuddin Hassan	Condemning Israeli Zionist government's launch of airstrike on Gaza
Malaysia and neighbouring countries	4 August 1998	Lim Kit Siang	Malaysia's Tanjong Pagar railway station in Singapore
	23 November 2004	Salahudin Ayub	Muslims killed in Southern Thailand
	22 June 2005	Chong Chieng Jen	Thailand's fishermen intimidated by Sarawak fishermen
	27 May 2015	Gooi Hsiao Leung	Human trafficking camps and mass grave discovered on the border between Malaysia and Thailand
	5 April 2016	Nasrun Mansur	Kidnapping cases at Ligitan Island, Semporna, involving Philippine criminals

(continued on next page)

Table 2: (continued)

International public health and disaster	17 January 2005	Ahmad Shabery Check	Indonesian tsunami – disaster relief
	30 June 2009	Lee Boon Chye	Influenza A (H1N1)
Terrorism	22 October 2002	Mahfuz Omar	United Nations accused Malaysia of involvement in terrorism
	11 July 2005	Salahudin Ayub	Condemnation of London terrorist attack
	18 March 2019	Anwar Ibrahim	Condemnation of Christchurch terrorist shootings

Note: Compilation of Dewan Rakyat's official reports, 1959–2019.

In setting the agenda, the debaters are confined or induced to agree to the scopes mentioned in the adjournment motions like the 17 adjournment motions related to international Islamic conflicts regardless of their party affiliations; for example, on 22 October 2002, the Speaker accepted Mahfuz Omar's adjournment motion to discuss an urgent matter related to Malaysia's Barisan Nasional, Islamic Youth Movement of Malaysia (ABIM), Parti Islam Se-Malaysia (PAS) and so forth were included into a terrorism monitoring report tabled for United Nations Security Council's consideration (Parlimen Malaysia 22 October 2002, 13–14). During the debate, Mohd. Zin bin Mohamed who was a parliamentarian from United Malays National Organization (UMNO), a rival party to PAS which Mahfuz Omar belonged to, agreed that PAS comprised rational members except for some occasional extreme members (Parlimen Malaysia 22 October 2002, 74). When delivering winding-up speech, then Deputy Foreign Minister Leo Michael Toyad said that the Foreign Affairs Ministry had lodged a protest to urge the United Nations to withdraw the particular material which depicted Barisan Nasional, ABIM, PAS and so forth had ideological and political links with the infamous Al-Qaeda terrorist group (Parlimen Malaysia 22 October 2002, 77). Indeed, Mohd. Zin and the Deputy Minister helped PAS clear its affiliation of terrorism. Clearly, this is a result of agenda setting.

## **EXERCISING LEGISLATIVE POWER: GETTING RECORDED**

Given that Dewan Rakyat did not have departmental select committees, parliamentarians resort to other institutional means, such as tabling adjournment motions and delivering adjournment speeches, to influence the behaviour of government. Those approved became a part of Dewan Rakyat's debate agenda, and those disapproved are recorded in official parliamentary reports. Parliamentary

reports between 1959 and 2019 showed that 68 adjournment motions were rejected. According to Standing Order 18, a member who wants to move an adjournment of Dewan Rakyat should hand the Speaker a written notification before the commencement of the sitting. The Speaker will allow the application if he is satisfied that the matter is defined, urgent and of public importance.

If the Speaker does not allow it, then there are two scenarios. First, the Speaker will allow the mover to read out the content of the motion and announce the reasons for refusing it in the sitting. There is a reason for this manoeuvre. On 26 November 2013, a member of parliament for Bukit Katil, Shamsul Iskandar, submitted an adjournment motion related to Edward Snowden, who had revealed the secret mass surveillance programme undertaken by the US, Australia and Singapore. Speaker Pandikar Amin allowed Shamsul Iskandar to read out the entire content of the motion and then announced that Malaysia's Ministry of Foreign Affairs had summoned the US Ambassador to Malaysia and Australia's High Commissioner to Malaysia to explain the incident, and diplomatic protests were issued to convey the message of the "displeasure of Malaysia" on 1 November (Parlimen Malaysia 26 November 2013, 18). Pandikar Amin said that both diplomats had conveyed Malaysia's protests to their respective governments and would provide further explanation in due time. Based on this, he refused the motion as it was deemed as being not urgent enough for debate. Pandikar Amin said that when he had decided to allow a member to read out the motion but then refuse it, it meant the government would need to take the issue raised seriously (Parlimen Malaysia 26 November 2013, 19). By reading out the motions, the movers manage to induce the government to look into the issues which may have, until that point, been ignored.

In the second scenario, the Speaker may perceive the motion to be trivial and not allow the mover to read it out, thus preventing the recording of any statement made by the parliamentarians involved. In this case, most of the movers would try to read out the motion but they would be halted by the Speaker. This has several implications for the movers. First, every word the mover reads out in the sitting would be recorded into the official report (Hansard) and became part of public institutional memory. Second, the mover could show to his supporters and constituents that he had raised the issue before parliament. Third, the mover could claim he had tried his best to get the issue debated but it was the Speaker who had blocked the motion. The Speaker would bear the responsibility for marginalising the issue. In such situations, the movers tend to disregard the Speaker's warning and the threat of eviction to read out their motions. Over the past 60 years, among others, 50 motions were read out, 14 motions were not allowed to be read out, and 4 motions were partially read out.

Compared to tabling an adjournment motion or ordinary parliamentary question time, making an adjournment speech has a higher chance of government representatives being induced to debate or reveal more information regarding a particular issue. Standing Order 17 provides that before Dewan Rakyat adjourns, a member is permitted to address the house, and the member of the government with whom responsibility for the matter raised rests may reply, with the duration of the exchange limited to 15 minutes in total. On 30 March 1998, Wan Mohd Jamil bin Wan Mahmood tabled an adjournment motion to debate an issue over the deportation of 513 Acehnese refugees to Indonesia and he succeeded in reading out the whole motion. The then Deputy Speaker Ong Tee Keat replied that those deported were not refugees but illegal immigrants who had violated Malaysia's immigration regulations and, thus, there was no urgency to debate the issue (Parlimen Malaysia 30 March 1998). However, Wan Mohd Jamil was not satisfied and he resorted to conducting an adjournment speech to hold a minister accountable. On 14 July 1998, Wan Mohd Jamil addressed the house on the same issue and managed to get an oral reply from the government. The then Deputy Minister of Home Affairs, Ong Ka Ting, reiterated that those Acehnese were not refugees but illegal immigrants and the government did not have their entry records. Ong added that the government had treated them like any other illegal immigrants in pursuance of existing laws (Parlimen Malaysia 14 July 1998).

An adjournment speech has its limitations in that it can only be conducted during the second session of a parliamentary year with only two members allowed to speak during each sitting day, and it attracts the least attention from the members as well as the government. In 2016, the government reformed Dewan Rakyat by establishing the Special Chamber, which holds sittings concurrently with the former. During every sitting day in a parliamentary year, members are allowed to address the house at the Special Chamber. In total, 37 adjournment speeches related to foreign affairs have been addressed during the period of 1959 to 2019.

## **FINDINGS**

In only one case did a parliamentarian manage to achieve his desire to stop the government from proceeding—the EC-725 helicopter procurement case, and therefore, to a great extent, the pluralist definition of power was fulfilled. This rare case proved that it was difficult for the parliamentarians to stop the government's decision, but setting a debate agenda was relatively easier. Throughout the period from 1959 to 2019, Dewan Rakyat's parliamentarians tabled 11 substantive motions related to foreign affairs, and one motion was passed (see Table 3). Furthermore, one subsidiary motion, tabled by Tan Chee Khoo, and 23 adjournment motions related to foreign affairs were approved for debate. Combined, these motions

which displayed the characteristics of the elitist definition of power managed to compel the government benches to debate foreign affairs in the terms set by them. In terms of the institutional approach, parliamentarians merely strived to have their arguments or statements recorded in official reports or to address the house. Over the span of 60 years, 68 adjournment motions related to foreign affairs were rejected, with 50 of them being read out, 14 motions not being read out, and 4 motions being partially read out. In addition, 37 adjournment speeches related to foreign affairs were recorded. Once their statements were recorded, they became part of public institutional memory.

Table 3: Cases categorised into Norton’s three approaches, 1959–2019

	Pluralist		Elitist		Institutional			
	Government’s decision disapproved	Substantive motions	Adjournment motions	Subsidiary motions	Adjournment motions		Adjournment speeches	
					Read out	Not read out	Partially read out	
Cases	1	11	23	1	50	14	4	37

Note: Author’s compilation.

## CONCLUSION

In dealing with the question of how the non-frontbench parliamentarians behave in Dewan Rakyat, the above findings show that they do take the issue of foreign affairs seriously and tend to table adjournment motions to dictate the agenda of debates rather than table the more powerful substantive motion. There are two reasons for this: first, an adjournment motion, which needs only the Speaker’s discretionary approval, can be more easily realised, and second, the government stopped giving way to non-government substantive motions related to foreign affairs after 1983. These summarise the efforts made to parliamentarise foreign affairs. How successful were the parliamentarians in influencing them? In terms of foreign affairs, the findings suggest that the best things the parliamentarians could do was to induce the government to pay more attention to their concerns and for them to get their statements recorded through reading out motions and speeches. This was achieved by setting the agenda of debate through tabling substantive and adjournment motions. Altering a government’s decision related to foreign affairs through parliamentary means happened only once, in the EC-725 procurement case. In light of the findings, Dewan Rakyat’s performance exhibits a minimalist approach. Despite the findings conforming with conventional wisdom,



they provide systematic research approaches to interpret and explain problems which have long been neglected by academia. Moreover, they suggest that future parliamentary reforms should focus on enhancing the parliamentarians' pluralist power if they want to be on a par with their British counterpart.

Realising its institutional weaknesses, Dewan Rakyat has adopted several reforms since 2019: namely, institutionalising that the Chairman of the Public Accounts Committee must be appointed from the opposition and setting up Special Select Committees in accordance with ministerial functions. Among others, the Special Select Committee on International Relations and Trade was the first to be set up in Malaysia's parliamentary history to scrutinise foreign affairs. This was part of democratising efforts taken by the Pakatan Harapan government when they assumed the office of federal government between May 2018 and February 2020. Recognising the evolution of Dewan Rakyat is closely tied to the overall national democratising process, it would be worth conducting further examination into the interaction between democratisation and the evolution of Dewan Rakyat. This article has shown that interactions between non-frontbench parliamentarians and Dewan Rakyat reflect minimalist characteristics, but that still leaves in question the relations between the government and Dewan Rakyat. Thus, further studies can focus on these two issues not covered by the paper to enhance understanding of Malaysia's parliamentary approach to foreign affairs.

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## **NOTES**

1. Article 44 of Malaysia's Federal Constitution stipulates that the legislative authority of the Federation shall be vested in the Parliament, which shall consist of the King, the Dewan Negara (Senate) and the Dewan Rakyat (House of Representatives). The Federal Constitution is the supreme law of Malaysia and any law which is inconsistent with the constitution shall, to the extent of the inconsistency, be void.
2. Practically, Malaysia does not practice separation of powers. The Federal Constitution provisions stipulate that executive authority is vested in the King and Cabinet while legislative authority is vested in Parliament. In 1988, the government amended the Federal Constitution to remove the judicial power

- which was vested in the Supreme Court resulting in a judiciary system subordinated to Parliament.
3. The first Dewan Rakyat's sitting was held in 1959, while the last government held its last parliamentary meeting in December 2019.
  4. On 23 September 2008, the then Malaysia PM-cum-Finance Minister Abdullah Badawi swapped with then Deputy PM-cum-Defence Minister Najib Razak so that Abdullah Badawi and Najib Razak helmed the defence ministry and finance ministry, respectively.
  5. Anwar Ibrahim was not the first parliamentarian who used the constitutional right of freedom of speech to embarrass the government. In December 1989, Karpal Singh exposed the then Deputy Speaker of Dewan Rakyat D.P. Vijandran's sex scandal in a budgetary debate and ultimately forced Vijandran to resign.

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