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

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ABSTRACT

Interactions and power relations between the Malaysian Parliament and foreign affairs have long been neglected by academics. This paper is an attempt to fill this gap. Being the highest legislative authority in the nation, the Malaysian Parliament is empowered to enact laws about 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 paper argues that Malaysian parliamentarians' checking power over the executive's foreign authority is minimal due to a weak parliamentary institution compared to its British counterpart. The best parliamentarians could achieve was to induce the government to pay attention to their concerns, while a second option was to make foreign issues the business of parliament through tabling adjournment motions to dictate the debate agenda. There was only one successful instance of a parliamentary intervention in stopping a military asset procurement.

Keywords: parliament; foreign affairs; *Dewan Rakyat*; parliamentary motions, Hansard

INTRODUCTION

Malaysia is a Southeast Asian country that has practised Westminster parliamentary democracy for more than 60 years.¹ 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. Despite Malaysia having practiced parliamentary democracy for some considerable time, the Malaysian 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 scrutinizing process, in 1979. Despite the slow pace of reform *Dewan Rakyat* has followed in strengthening its parliamentary scrutinizing power, this has not deterred parliamentarians from utilising existing parliamentary rules to hold the executive to account.

Because Malaysia is a small state which is still struggling in the process of nation-making (Ongkili, 1985; Cheah Boon Kheng, 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 held that the Parliament was weak in checking the government's decisions, particularly on foreign affairs, which were perceived as the prerogative of the political elites. How true are these conventional claims? How have parliamentarians behaved in *Dewan Rakyat*? How far 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 paper is an attempt to fill this academic gap. By answering these questions, one can not only determine the interactive mechanisms between parliament and the executive but also place parliamentary behaviour 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 paper show that the best efforts the parliamentarians could do were to set a debate agenda. The paper 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 paper will begin with an examination of Malaysia's parliamentary structure. Then, a literature survey will follow aimed at investigating the achievements of existing research and its limitations. A conceptual and research framework will also be explored and determined. Following this, the paper will conduct an empirical study using *Dewan Rakyat's* official reports (Hansard). The final part of the discussion recaps the main findings and ends with a discussion.

LITERATURE SURVEY

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).² According to Bagehot, the English practises no separation of powers between the executive and legislature stating, in essence,

"...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"
(Bagehot, 2001: 11).

Those parliamentarians who are appointed to be the 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 (Tze Vern 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 (M. L. N. Malaysia, 13 Mar 2019). 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 so on.

Given 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 taking a minimalist or moderate approach. Peter Richards' work is one of the earliest attempts to examine the relationship between the British Parliament and foreign affairs, and his observation was that Parliament was limited in debating foreign affairs in the 1960s. Without amending Standing Orders and setting up a Select Committee on Foreign Affairs, the debates on foreign affairs were disappointing, observed Richards (1967). This opinion may be considered minimalist. Dunleavy et al. have claimed that the Prime Minister has paid less attention to the House of Commons. Their assumption was made based on the amount of time spent and the concrete responses given by the Prime Minister when "answering parliamentary questions", "making ministerial statements", "making formal speeches" and "intervening in various impromptu ways in debates". These reflected "a clear declining trend in overall activism" over the period of 1868 to 1990 (Dunleavy et al, 1993: 270, 295). Since the Prime Minister represents the head of the executive, if he or she tends to pay less attention towards Parliament, this means the importance of the institution is declining. One of the factors that contributed to this trend was that whenever a government enjoyed an overwhelming majority, it would tend to marginalise Parliament (Thomas, 2004). Furthermore, the Westminster Parliament lacked the power to disapprove of any international instrument signed by the executive, though Parliament may be allowed to debate the instrument, according to Joanna Harrington. Even when Parliament was 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 was 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. In the first place, a general view was held that one of the factors which contributed to the outbreak of the First World War was a secret foreign agreement. As a result, in 1924, the United Kingdom 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 the 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 United Kingdom 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, as observed by Tapio Raunio and Wolfgang Wagner (2016). Since then, the parliamentarisation of the United Kingdom's foreign policy has been a part of the British Parliamentary politics (Ihalainen and Matikainen, 2016).

Whether Parliament can or cannot check the executive is still a contested idea; however, the defeats of the British government over the 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 its checking power has been increasing. To a great extent, the said outcomes have contributed to the efforts taken to parliamentarise British foreign affairs. However, Malaysia has a different setting that needs to be investigated separately.

To examine a particular state's foreign affairs, one can conduct analyses at different levels: namely, analyse the international system, the state and the leader (Waltz, 1979). Among others, Kuik Cheng-Chwee's work, which has investigated Malaysia's foreign behaviour from a perspective of alliance politics, has contributed to the answer of how Malaysia has reacted to the changing international system, particularly in response to the rapid rise of China, through enacting hedging behaviour (Cheng-Chwee, 2010). Johan Saravanamuttu and Chandran Jeshurun's works, which cover fifty years of Malaysia's foreign policy development, are considered the most comprehensive historical studies of local foreign affairs (Jeshurun, 2007; Saravanamuttu, 2010). Marvin Ott's work illustrates the hierarchy of decision-making in Malaysia's foreign policy. Ott concludes that foreign policy-making 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). On the one hand, Anthony Milner's analysis provides an insightful explanation of how Malay culture has shaped Malaysia's foreign policies (Milner, 2015). On the other hand, 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. Jörn Dosch and Karminder Singh Dhillon's work, which unearths how former Prime Minister Mahathir Mohamed's idiosyncratic character shaped Malaysia's foreign policies, has become established research into the relations between a leader and state (Dhillon, 2009; Dosch, 2014). Nonetheless, there has been no specific analysis which has delved into the interactions between foreign affairs and Malaysia's parliament.

In terms of Malaysian parliamentary studies, Lloyd D. Musolf and J. Frederick Springer's work has contributed to revealing how parliamentarians interact in Malaysia's parliamentary system. They believe that, having the background of a multi-cultural and divided society, Malaysia's political context is different from the United Kingdom's and this has resulted in Parliament being marginalised by bureaucratic and political elites in the policy-making process (Musolf and Springer, 1979). Chandran Jeshurun was the first scholar who unearthed Malaysia's defence policies, in the period

between 1963 and 1973, based on official parliamentary records (Jeshurun, 1980). However, foreign affairs was not their focus. Ariff Aizuddin bin Azlan's work does describe the parliamentary behaviour of opposition parliamentarians concerning foreign affairs (Azlan, 2017). But, this work only covers a narrow period between 2008 and 2012, and it does not differentiate opposition motions according to the lines of substantive or adjournment motions and adjournment speeches. Besides, Ariff 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. Moreover, his work does not address the question of power relations between foreign affairs and the legislature. The lack of in-depth academic study prompts the urgency to fill the gap.

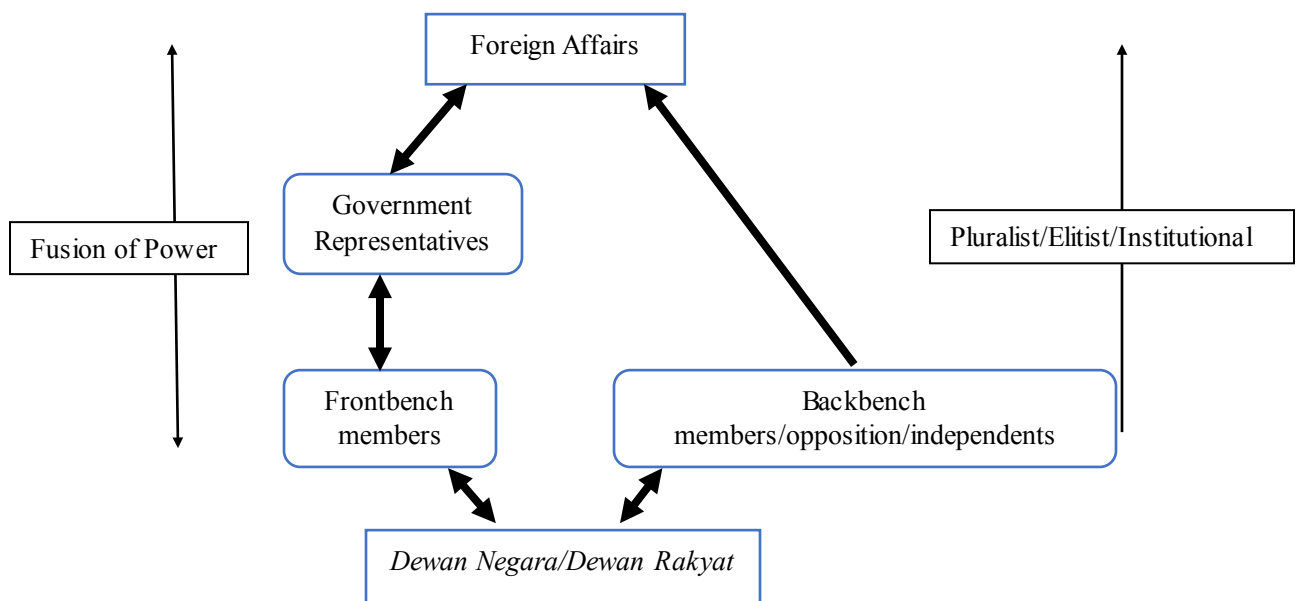


Figure 1: Power Relations between Parliamentarians and Foreign Affairs

To investigate 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 in different ways. 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. On the other hand, 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 Philip

Norton (2004), who drew on the concept of power from Lukes (2005).

In the view of 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 power is exercised in the forms of coercion and persuasion (Philip Norton, 2013: 5). Parliamentarians can perform coercive action by voting down a government’s motion and perform persuasive capacity by making 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 have been considered exercising pluralist power. The elitist view is power is about agenda-setting and the authority of “controlling access to the political agenda” (Philip 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 parliamentary debate agenda. Unlike the pluralist approach which focuses on decision making process, the elitist approach focuses on non-decision making process. 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” (Philip Norton, 2013: 6,144). In the British parliament, the departmental select committees are considered the most appropriate institutional mean 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 being compelled to reveal information that is important “quantitatively and qualitatively” (Philip 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 conforms to 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 paper uses Norton’s approaches to examine the power relations between parliamentarians and *Dewan Rakyat* and then to determine the characteristics of *Dewan Rakyat*. A qualitative approach is employed to collect *Dewan Rakyat*’s official reports for the period 1959 to 2019, taken from the Parliament’s official portal (www.parlimen.gov.my), and interactions between non-frontbench parliamentarians and the government, particularly substantive and adjournment motions, as well as adjournment speeches on foreign affairs are compiled.³ Subsequently, each interaction will be categorised according to the three aforementioned approaches. The paper will provide an empirical study in examining 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 AN 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 (Jaafar, 2013). In 1988, the ordinance was revised and renamed to Houses of Parliament (Privileges and Powers) Act 1952, and the parliamentary immunity of freedom of speech for parliamentarians is guaranteed under the Act. After gaining its 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 conducted by the Ministry of Defence. At the time, Malaysia decided to procure 12 units of EC-725 helicopters offered at 463.44 million Euro (RM 2.32 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 offered at 427.2 million US dollars (RM 1.45 billion). Anwar claimed the procurement process might involve element 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.⁴ "Usually, we chose the higher one because of higher commission," alleged Anwar (P. Malaysia, 13 October 2008: 29). Anwar's allegations caused a great deal of controversy either in parliament or public who then took the initiative lodging a police report based on Anwar's allegation (Othman, 21 October 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 oppositions in parliament. Firstly, on 19 October, the then Deputy Prime Minister, Najib Razak, announced that the Cabinet had agreed to allow *Dewan Rakyat's* Public Accounts Committee to scrutinise the allegation (*Najib: Copter deal open to scrutiny*, 2008). At the same time, Anwar tabled an adjournment motion to request that *Dewan Rakyat* to discuss forming a Royal Commission of Inquiry

immediately (Ishak, 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 (*Eurocopter purchase put on hold - abdullah*, 2008). Despite the government did not attribute the deferment for the helicopter procurement to Anwar's allegations, a Deputy Defence Minister revealed that the decision of deferment was made on 13 October, which was the date Anwar made the allegations in parliament, at Economic Action Council meeting (P. 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 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 can be deemed as 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 had exerted his power to compel the government to change its decision.⁵ This reflects a pluralist approach to power.

SETTING THE POLITICAL AGENDA

Although the non-frontbench parliamentarians found it difficult to alter the government's decision, they still had 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. Then, 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 the content of the motion was to praise the then Prime Minister, Tunku Abdul Rahman, for bravely speaking up against the apartheid policy practiced by South Africa. Ibrahim Abdul

Rahman's motion merely set up an agenda to compliment the government instead of disapproving it nor restricting the decision of government.

There were nine substantive motions related to foreign affairs 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 Prime Minister to negotiate with Indonesia and the Philippines on the proposal of creating Malaysia (P. 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 (P. Malaysia, 2 May 1962). Ultimately, although Burhanuddin's motion was negated, his political agenda had been served and debated at length.

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 Prime Minister	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.

Apart from being negated and passed, there was one substantive motion lapsed eventually. According to the practice of *Dewan Rakyat*, once a substantive motion is permitted to debate, but if no decision is 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 the mover needs to move it

again in the following parliamentary session. On 7 July 1975, Lim Kit Siang was permitted to move a substantive motion about Malaysia's foreign policy on Cambodian situation. Before he finished delivering his opening speech, the Speaker ended the debate session with the reason of running out of time (P. Malaysia, 7 July 1975: 4664). Throughout the whole parliamentary session, Lim Kit Siang was not able to continue his motion and it became lapsed after the end of the session. No matter the motions were either negated or lapsed, the movers still managed to set 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 RM 1 from the salary of the Minister of External Affairs (concurrently held by the Prime Minister, 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..." (P. Malaysia, 15 December 1964: 4661). 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 that: "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" (P. Malaysia, 16 December 1964: 4783-4784). Although *Dewan Rakyat* voted against Tan's motion eventually, Tan had clearly exercised his parliamentary power to set agenda.

Given that an adjournment motion needs only the Speaker's permission to proceed, compared to 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. Between 1959 and 2019, 23 adjournment motions related to foreign affairs were approved for debate; they can be categorized into 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, to use a broad term. The reasons behind this were the official Islamisation in Malaysia, which had been taking place since the 1980s (Sundaram and Cheek, 1988; Joseph Liow, 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 United Kingdom's invasion of Iraq
	11 March 2003	Mohd Zin	To urge the government protests the US invasion of Iraq
	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
International islamic conflicts	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
Malaysia and neighbouring countries	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
	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

International public health and disaster	17 January 2005	Ahmad Shabery Cheek	Indonesian tsunami – disaster relief
	30 June 2009	Lee Boon Chye	Influenza A (H1N1)
	22 October 2002	Mahfuz Omar	United Nations accused Malaysia of involvement in terrorism
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.

By 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 the United Nations Security Council's consideration (P. 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 consisted of rational members except for some occasional extreme members (P. 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 (P. Malaysia, 22 October 2002: 77). Indeed, Mohd. Zin and the Deputy Minister helped PAS cleared 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 like tabling adjournment motions and delivering adjournment speeches to influence the behaviour of government. Those approved become a part of *Dewan Rakyat's* debate agenda, and those disapproved are recorded in official parliamentary reports. Between 1959 and 2019,

parliamentary reports show that a total of 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 the incident of Edward Snowden, who had revealed the secretive mass surveillance program which had been conducted by the United States, Australia and Singapore. Speaker Pandikar Amin allowed Shamsul Iskandar to read out the whole content of the motion and then announced that Malaysia's Ministry of Foreign Affairs had summoned the U.S. 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 Malaysian" on 1 November (P. 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 (P. 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 official report from recording 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 from being debated. The Speaker would bear the responsibility for marginalizing 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. For instance, on 30 March 1998, Wan Mohd Jamil bin Wan Mahmood tabled an adjournment motion to debate an issue over the deportation of 513 Acehese refugees to Indonesia and he succeeded in reading out the whole motion. The then Deputy Speaker Ong Tee Keat replied that those foreigners who were deported were not refugees but illegal immigrants who had violated Malaysia's immigration regulations and, thus, there was no urgency to debate the issue (P. Malaysia, 30 Mac 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. Then, the Deputy Minister of Home Affairs, Ong Ka Ting, reiterated that those Acehese 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 the pursuance of existing laws (P. Malaysia, 14 Julai 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 are 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

Table 3: Cases Categorised into Norton's Three Approaches, 1959-2019

	Pluralist		Elitist		Institutional			Adjournment Speeches
	Government's Decision Disapproved	Substantive Motions	Adjournment Motions	Subsidiary Motions	Adjournment Motions			
					Read Out	Not Read Out	Partially Read Out	
Cases	1	11	23	1	50	14	4	37

Note: Author's compilation.

The empirical studies show that in only one case did a parliamentarian manage to achieve his desire to stop the government from proceeding: that was the EC-725 helicopter procurement case. In 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 sixty years, a total of 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.

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: namely, an adjournment motion, which needs only the Speaker's discretionary approval, can be more easily realised, and 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 equivalent.

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 paper 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 which are not covered by the paper to discover more regarding 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 a 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 power. 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 systemsubordinated 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 Prime Minister cum Finance Minister Abdullah Badawi swapped with then Deputy Prime Minister 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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