

Are EC's Double 00s really 'On His Majesty's Service'?

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COMMENT Despite the 'Agong-appointed' double 00 status claimed by Election Commission (EC) deputy chief Wan Ahmad Wan Omar, which he says makes him **'bulletproof'** to criticisms from the electoral reform pressure group Bersih, it's a wonder whether the EC - sprung from parliamentary statute - is 'On His Majesty's Service' and truly represents the people's mandate.

Indeed Wan Ahmad (*right*) has used his own 'licence' **to criticise**, to open his mouth and call on Bersih to "respect the constitution" and **accused** the pro-electoral reform group of "spinning issues and playing politics" but when it comes to electoral issues, it is the EC which seems to be dragging its feet and playing ring-around-the-rosy.

Though when it comes to semantics and nit-picks, the EC seems quite reactive and indeed pro-active to boot.

Observe the need to **change its official colour** (yellow) for the next general election to disassociate itself from Bersih whose official colour is the same.

"We will choose a non-aligned colour. Bersih has put the nation in chaos with its yellow colour," said Wan Ahmad at an EC-organised luncheon last week.

One wonders if EC funds, staff and time is better served handling claims of electoral irregularities then changing its official colour over the huff and puff of Bersih.

One can ask: Why should the antics of 'an illegal organisation' worry such an august deputy chief of an exalted 'Agong-appointed' commission?

Staffed by ex-civil servants

It has always been weird for me to read "Dengan Urusan Seri Paduka Baginda" printed on the government agency envelopes, literally "On His Majesty's Service", especially so in the case of so-called 'independent commissions' such as the EC.

For these organisations have been alleged to be no more than birds with clipped wings, that neither represent the Agong's authority nor the legislative mandate to balance out the civil service controlled by the Executive.

Far from the independent creature of statute that reports to Parliament as they should be, most became *de facto* arms of the Executive staffed by ex-civil servants, funded and manned by Executive mandate and mostly the BN-led government's policies instead of being the legislative-invested watchdogs that by right they should be.

Indeed Wan Ahmad himself admitted during an electoral reform forum in Petaling Jaya last July

that the EC has to work within the system and reiterated that it can only submit proposals to the government which then decides on those which will be translated into laws.

"Please understand this is the system and we have no way to go against the system. This is the system in Malaysia... the attorney-general will draft the Bill only when he gets the signal from the government," he stressed.

This, he said, is different to the Election Commission in Australia, which is given a seat in Parliament to present its Bills and views, whilst the Malaysian EC has to depend on the grace and kindness of a federal minister to do so.

"We don't have seats in Parliament to debate our proposals. Definitely they (government) won't allow it because this is our system.

"You are asking too much. You've got to be reasonable here. We are working within the system," pleaded Wan Ahmad.

Add this to his statement to the Malay daily *Sinar Harian* that he is "still a civil servant".

And woe betide dismay, worse still it has been accused that Wan Ahmad and his boss EC chief Abdul Aziz Mohd Yusof themselves may have been, or still are, Umno members.

If true, it would seem that the EC 'double 00s' are the ones who are **disrespecting the Agong** who appointed them and the federal constitution under whose ambit they were created; specifically Article 114 which governs commissions set up by statute and compelling them to disclose political affiliations which neither had done.

Instead of dealing with the perceived breach of constitutional provisions, the top duo of EC are again engaged in their trademark verbal gymnastics to extricate themselves as they always do when explaining away electoral irregularities pointed out by civil society, and Wan Ahmad leading the way with his usual pull-no-punches statements.

Doing a disservice to the king

By and large, as Chief Secretary to the Government Mohd Sidek Hassan once told *Malaysiakini* during an interview, the civil service answers to and implements policy of the government of the day - no two ways about that.

But one can argue that by definition and for moral credence, commissions must and are supposed to be independent of the government of the day, by virtue of they being formed by statute and should be answering to Parliament.

As such, it is questionable if at all, the EC and such 'independent commissions' are commissions per se, or in reality just another government agency hiding behind their official colour and facade.

The independence of and whether or not EC and its ilk are indeed 'On His Majesty's Service' is certainly a valid question in Malaysia and with recent questions raised about its credibility, we cannot be faulted if we are to ask if the EC, who are caretakers of our electoral system for the Agong, are indeed instead 'On the BN's service'.

If that is the case, then as someone posited a while back, the EC by its conduct has shown that it is perhaps a disservice to the Agong and a betrayal of the royal decree and public trust that has been placed upon it.

Though admittedly, I must agree with Wan Ahmad, the rot is in the system itself, as the BN's over 50 years' grip on the Executive has been strengthened by widening its control over the legislature and governance, not to mention removed safeguards from our constitution that give the Agong final say on all laws enacted and other royal privileges.

Leading the charge is none other than the defenders of "agama, bangsa dan negara" and self-professed champions of the Malay rulers, Umno itself, whose supreme council meetings often decide the course to be charted by the BN government.

If this is incontrovertibly the case, it would seem that neither the EC nor the BN-controlled Executive deserve the right to use "Dengan Urusan Seri Paduka Baginda" on their stationery or even claim to be "Agong-appointed".

If they really bow to the authority of the Agong, the rule of the constitution which is the highest law of the land, and the voice of the people, the EC would know what it has to do. If the EC is really "On His Majesty's Service", then it should buck up or step down.